

REPORT

OF

WORKING GROUP OF

NATIONAL INTEGRATION COUNCIL

TO STUDY REPORTS OF

THE COMMISSIONS OF INQUIRY ON

COMMUNAL RIOTS

2007

MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

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Chapter – I

Introduction

Ministry of Home Affairs constituted a Working Group of the National Integration Council (NIC) to study the reports of the Judicial Commissions and Inquiry Commissions about the anatomy of Communal Riots vide Office Memorandum No. I-19012/24/2005-NI-II dated 17.1.2006 (Annexure-I). The tenure of the Working Group has been extended from time to time and the existing tenure will expire on 31.1.2007. The composition of the Working Group is as under :-

- | | | | |
|-------|--------------------------------|---|-------------|
| (i) | Minister of State (J), MHA | - | Chairperson |
| (ii) | Dr. Amrik Singh | - | Member |
| (iii) | Shri Moosa Raza | - | Member |
| (iv) | Shri J.F. Ribeiro | - | Member |
| (v) | Smt. Justice (Retd) Leila Seth | - | Member |
| (vi) | Shri Asghar Ali Engineer | - | Convenor |

Meetings of the Working Group :-

The Meetings of the Working Group were held on 5th May, 2006 ; 29th & 30th May, 2006; 12th & 13th June, 2006; 27th September, 2006 and 19th January, 2007. The Minutes of the meetings are available from Annexure – II to VI.

Chapter – II

Background

Hon'ble Prime Minister Dr. Manmohan Singh while inaugurating the 13th Meeting of the National Integration Council (NIC) highlighted the inherent resilience of our nation, whereby democracy as a form of government for over a billion people with different cultures, religions and languages remained inviolate despite the worst predictions of the cassetras of catastrophe. The wonderful open-mindedness which enabled all religions of the world to find a place under the Indian sun and the spirit of tolerance which characterized our society for centuries has woven a vast and diverse mosaic into a secular unity. If we are not to fritter away these gains of centuries, for which others yearn all over the world, we must nip in the bud any threat to our secular fabric and nurture jealously our spirit of communal harmony.

2. The Prime Minister's anxieties harked back to the days of the National Integration Conference in 1961 at which Pandit Nehru had expressed deep concern over four evils which threatened the nation, namely communalism, casteism, regionalism, and narrow-mindedness. The Vice-President of India, Dr. Radhakrishnan in his inaugural speech on that occasion had extolled the long unbroken tradition of Indian civilization which had survived the many seemingly impossible historical predicaments through which India had passed. This was possible because of deep conviction among those who dwell within the boundaries of India, that whatever may be their creed, whatever may be their religion, they all belong to this one country. At all times India has been a multi-racial, multi-religious society and there was never any question of saying that this group is the biggest or that is not the biggest. The idea was to accommodate all and not to obliterate any faith but to harmonize all faiths. In the greatest periods of our history when we were able to make a mark, we adopted the attitude of tolerance and goodwill. At other times whenever we surrendered these principles and resorted to rigid fanatical attitudes, our country suffered and declined. He cautioned that the misfortunes of our country tell us that the greatest need which we have is of developing qualities of goodwill and tolerance among the people whom we have in this country.

3. The NIC met a second time in 1968. Prime Minister Smt. Indira Gandhi referring to communalism in her inaugural address, expressed disappointment that after 20 years of Independence when we had thought that the problem was more or less solved, communal clashes had once again become frequent in different parts of the country. She was concerned at the incidents which had blurred the image of India and tarnished the basic values and ideals which had made India great through the ages. She observed that upon surveying the national scene, one feels that there was cause for anxiety and shame that the lives of Indian nationals should be threatened in their homes and in their places of business because of community or religion.

4. Addressing the NIC at its third Meeting in 1980, Prime Minister Smt. Indira Gandhi warned that any civil disturbance would weaken India and that there would be groups who will take advantage of such weaknesses and differences for their own purposes. Most riots were provoked by a handful of persons or perhaps by a single person. She expressed anguish that because of the atmosphere of distrust and prejudice prevailing or because of the persistence of narrow loyalties of caste, religion language, personal quarrels soon get transformed into group clashes and assume a communal colour. She felt that riots were becoming more brutal and lethal. She advised that we should of course diagnose the causes but long exercises and analyses were not always very helpful. Reports of Inquiry Commissions come so long after the riots that they have no utility except in the sense that everyone is supposed to learn from history. She criticized our predicament by comparing it with the field of medicine where cures have been found even before causes were established but in communal matters, she stated that we knew the causes as well as the cure, but it took time to overcome prejudice and the spirit of revenge which lead to outburst.

5. In the meeting of the NIC in 1984 Smt. Indira Gandhi pointed out that with competitive politics, tolerance had become one of the casualties. Religious festivals which used to be observed by all communities were becoming sources of tension and concern in many areas of the country. Laying down the objective of the NIC, she stated that every Indian regardless of caste, religion, language or region, should be able to participate fully in every sphere of national activity in every part of the country.

6. The 1980s unfortunately witnessed considerable change in the dimension of communalism. Events in earlier decades had been sporadic, spontaneous and short-lived. Firm and concerted action on the part of the Government and police invariably brought the situation under control. Citizens were united in their resolve that communal conflict be contained and eradicated. During that decade, however, riots took place in Assam, Maharashtra, Delhi, Uttar Pradesh, and Bihar. There was an under-current of simmering communal discontent. Communal issues increasingly gained political flavour and it appeared that the old value attached to communal harmony was evanescent.

7. The decade of the 1990s will perhaps be regarded as the watershed in the history of communal politics. It began with massive communal mobilization and polarization of an order hitherto unknown. The events leading to and arising from the demolition of Ram Janan Bhoomi - Babri-Masjid Complex even now continue to cast their shadow. Institutions that were expected to uphold the ideals of national integration and communal harmony suffered serious debilitation until their efficacy became suspect in the public mind. In later years there was even evidence of the machinery of State either turning a blind eye to the travails of individuals at the hands of marauding mobs or at its worst it was found to have played a willing handmaid to communal oppressors.

8. This Report traverses the history of communal riots seen through the eyes of Commissions of Inquiry that were appointed from time to time for ascertaining the causes of riots and those responsible, effectiveness of action taken by the administration and recommending remedial measures to prevent their recurrence. The task of the Working Group was to enlist the anatomy of communal riots. The reports of 29 Commissions of Inquiry starting with riots of Jabalpur in Madhya Pradesh during 1961 and ending with riots at Kozikode in Kerala in 2003 have been examined. There may be other Commissions of Inquiry set up by the State Governments which have submitted their reports to the respective State Governments. These reports have neither been accepted nor rejected by the concerned State Governments and as such the same were not made public. Accordingly, these reports have not been taken into account. A gist of these reports has been provided in Chapter III. The consensus that evolved has been cast into a set of recommendations (Chapter-V) to prevent communal conflict and, if possible, eradicate this evil.

9. Before concluding our work, we wish to place on record our appreciation and gratitude for the assistance we have received from Shri N.C.Sharma, Under Secretary and O.P. Mahey, Director (NIC) for providing assistance to the Working Group throughout with whole hearted devotion.

10. We would also like to make a special mention of Shri B.A. Coutinho, Joint Secretary and Shri P.V. Bhide, Additional Secretary for providing assistance and guidance in locating various reports of the Inquiry Commissions and analyzing them.

(Asghar Ali Engineer)
Convenor

(Dr. Amrik Singh)
Member

(Moosa Raza)
Member

(J.F. Ribeiro)
Member

(Smt. Justice (Retd.) Leila Seth)
Member

(Sriprakash Jaiswal)
Chairperson

Place : New Delhi,
Dated the 19th January, 2007

CHAPTER-III**Analysis of Reports of the Communal Riots during 1961 to 2005**

S.No	Period/Year	Place	Name of Inquiry Commission
1.	February, 1961	Jabalpur, Sagar, Damoh and Narsimhapur in Madhya Pradesh	Justice Shiv Dayal Shrivastava
2.	August, 1967	Ranchi & Hatia in Bihar	Justice Raghubar Dayal
3.	September, 1967	Sholapur in Maharashtra	Justice Raghubar Dayal
4.	September, 1967	Ahmednagar in Maharashtra	Justice Raghubar Dayal
5.	September, 1967	Malgaon in Maharashtra	Justice Raghubar Dayal
6.	September, 1967	Jainpur and Suchetpur in Gorakhpur, Uttar Pradesh	Justice Raghubar Dayal
7.	October, 1967	Sursand in Muzaffarpur, Bihar	Justice Raghubar Dayal
8.	September, 1969	Ahmedabad, Gujarat	Justice P.J. Reddy
9.	May, 1970	Bhiwandi, Jalgaon and Mahad in Maharashtra	Justice D.P.Madon
10.	December, 1971	Tellicherry in Kerala	Mr. Justice Joseph Vithayathil
11.	May, 1974	Sadar Bazar, Delhi	Shri R.Prasad
12.	April, 1979	Jamshedpur	Justice Jitendra Narain
13.	September, 1984	Hyderabad	Justice M. Krishna Rao
14.	October, 1984	Bokaro, Chas and Kanpur	Justice Ranganathan Misra
15.	October, 1984	Punjab	Justice G.T. Nanavati
16.	October, 1984	Delhi	Justice G.T. Nanavati
17.	July, 1985	Gujarat	Justice V.S. Dave

18.	May, 1986	Umapur, Beed in Maharashtra	Justice P.S. Malvankar
19.	June, 1988	Kashimbazar, Murshidabad West Bengal	Justice Haridas Das
20.	October, 1989	Bhagalpur riots	Justice Ramanandan Prasad
21.	October, 1990	Jaipur	Justice N.L. Tibrewal
22.	October, 1990	Hyderabad and Ranga Reddy Districts	Shri R.H. Heeraman Singh
23.	December, 1992	Bhopal and Ujjain	Justice K.K. Dubey
24.	January, 1993	Bombay	Justice B.N. Sri Krishna
25.	May, 1993	Manipur	Justice D.M. Sen
26.	February, 1998	Coimbatore	Justice P.R. Gokulakrishnan
27.	March, 1999	Hubli, Karnataka	Justice Murlidhar Rao
28.	December, 1999	Aurangabad, Maharashtra	Justice Anant D Mane
29.	May, 2003	Kozikode, Kerala	Shri Thomas P. Joseph

REPORT OF JUSTICE SHIV DAYAL SHRIVASTAVA
COMMISSION OF INQUIRY

RIOTS AT JABALPUR, SAGAR, DAMOH AND NARSIMHAPUR
DISTRICTS OF MADHYA PRADESH DURING FEBRUARY, 1961

JABALPUR

A Hindu unmarried girl, 18-20 years of age, resided with her parents in Jabalpur. On February 3, 1961 at about 1430 hrs. she committed suicide. It is said that two Muslim young men committed rape on her when she was all alone in her house. Immediately after the rape, she poured kerosene oil over her body and set herself on fire. Her shrieks attracted some neighbours, who removed her to Victoria Hospital. The attending doctor asked her how she got the burns. She told him the cause. Her dying declaration was recorded by doctor because, according to police officers, no Magistrate was available. The unfortunate girl died the same evening at about 20.00 hrs. It is said that two Muslim young men were arrested on the night of the 3rd February, 1961 in connection with the alleged rape.

2. The Yug Dharma, a local Hindi Daily, published the news of the rape incident with banner head-lines: "Hindu girl raped by Muslim scoundrel on point of dagger. Helpless student poured kerosene oil and burnt herself. Accused son of industrialist. Sensation and tense atmosphere in whole city". This newspaper was distributed in the town in the early hours of the 4th February. Other local dailies also published the news but, relatively, not in that sensational strain.

3. On the morning of the 4th February, 1961 about 200 local students took out a procession to condemn the rape incident. They were empty handed; some had bicycles. It marched through the main localities in the heart of the town and took about two hours during which time they were peaceful and did not indulge in any act of violence not even when the accused were shown to them in Lordganj Police Station

4. But a part of the procession branched off towards Anjuman Islamia School and wanted its boys to join them in the condolence meeting. They shouted "SCHOOL BAND KARO". They complained of stones having been hurled on them. Ten or fifteen boys detached themselves from the procession and entered the school compound. Then there was an exchange of missiles between them. It was the peculiarity of the situation that the processionist were Hindus and the Anjuman School is predominantly of Muslims. In that context this particular incident acquired a communal tinge.

5. A Muslim mob about 200 strong armed with lathis, Pharsas, spears and other lethal weapons collected at the Old Tonga stand near the Omti crossing at about 11.30 hrs. It was in an infuriated mood and complained that students had hurled stones at the Rasheedganj mosque which caused resentment. When the news of the Muslim having collected at Old Tonga stand went round, an excited and angry crowd attempted to rush to challenge the Muslim Mob. There was a third mob consisting of Oriyas and Khatiks, about 350 strong, armed with lathis and spears. All the three mobs were defiant and were itching for a clash. In the meantime, an order under section 144, Cr.P.C. was promulgated and a tear gas squad arrived. The fracas came to an end abruptly and the mobs disappeared at about 13.30 hrs.

6. A large number of assault and arson cases occurred in different localities of the town. Military was summoned in aid at about 13.30 hrs. The flag march of the military had a salutary effect and it appeared that all became quiet. But in the meantime, at about 16.30 hrs, a serious riot occurred in Belbagh where two Muslims resorted to firing. Four Hindus were wounded, one of whom died in the hospital the same evening. About the same time one Muslim was done to death on a nearby hillock. On 4th Feb., 1961, thirty-four Muslims and thirty-seven Hindus were assaulted. Two of them died the same day. One of them died on the 10th February, the others survived. Sixty-four Muslim houses and six Hindu houses were damaged.

7. On the 7th February, 28 Muslims and 9 Hindus were assaulted, out of which, nine killed – four due to police firing and four others in rioting. All of them were Muslims. On the 8th February there was great panic and tension due to happenings of the previous night. There were a large number of stray and furtive arson cases. 156 Muslim houses and four Hindu houses were damaged. Seven Muslims were fatally wounded. On the 13th February the situation was quite normal. One Hindu and two Muslim houses were damaged. Here was no case of assault. Curfew hours were from 19.00 hrs. to 06.00 hrs. On the 14th February, and 15th there was no incident.

SAGAR

The news of rape was received with sensation in Sagar. Hindu Muslim relations in Sagar had not been happy. Communal riots took place in 1937, 1941, 1942, 1947 and 1955 and there was communal tension in the years 1936, 1938, 1939, 1940, between 1950 and 1955 and also 1956, 1959 and 1960. Day after day tension was mounting and particularly on the 8th when the news of recrudescence of disturbances of Jabalpur came to Sagar. A hartal was observed on the 9th February. In morning a students' procession was taken out, but the local authorities did not know anything about it. . The news of trouble on the night of the 7th February at Jabalpur which was reported to consist of attacks by Muslims against Hindus and the number of Hindus killed being very large (highly exaggerated). It is horrifying that within a span of about 5 hours a large number of outrages in the form of arson, murder, loot and assault were committed in different localities. The miserable plight in which the Executive authorities were left during that period must have become a source of encouragement to the hooligans, and the disturbances spread like wild fire from one locality to another. It appeared, as if mob rule reigned the city. It was on the arrival of Army and its march through the town coupled with imposition of curfew that the situation could be controlled. The total number of injured was 63, out of which 6 died. Two hundred and twenty-eight houses belonging to Muslims were damaged.

DAMOH

News relating to the incident was received in Damoh through Yug Dharma as early as on the morning of the 4th February and it spread widely in the town. The local authorities noticed some tension and provocation among the citizens. This place had a bad communal history. Communal trouble in Damoh dates back to 1925, and in different localities tense communal situation presented itself at very many times – 1925, 1926, 1934, 1935, 1936, 1940, 1941, 1948, 1955, 1959 and 1960. Generally, the trouble was on the occasions of festivals or about some temple or procession, or music before mosque, or cow slaughter. Having that background in view, the S.P. and the D.M. started taking all possible measures right from the 4th February, 1961. Tension and panic, however, continued and all sorts of rumours were rampant. On the 8th February the town received wild and highly exaggerated rumours about the incidents at Jabalpur of the 7th February night. It was said that 2,000 Hindus had been killed at Jabalpur. On the 9th February there was a sudden eruption of trouble which started in the vegetable market. This was

followed by several incidents of arson and assault in different localities. Muslims and Hindu were wounded by blunt weapons; there were 6 cases of arson and loot.

NARSIMHAPUR

Although news relating to incident as also about communal riots having occurred in Jabalpur on the 4th February came to Narsimhapur that very day, there was no tension. The city was quite peaceful and continued to be so up to the 8th February. This district never had any communal trouble. Social and educational functions were going on. A Divisional meet of sports which was inaugurated on the 6th February was going in which about 5,000 boys and girls participated. The morning of the 9th February was normal. At about 09.00 hrs. a students' procession started and trouble broke out when it reached Chhoti Masjid. Some rumours were set afloat and the students became rowdy. Within an hour as many as nine incidents took place. There were two cases of murder, two of hurt and six of arson. In all cases, sufferers were Muslims. Rural area of the district were also affected. Fifteen cases of assault and 9 cases of arson occurred.

RECOMMENDATIONS:

- (i) Although the news-item published in the Yug Dharma cannot be said to be the cause of the disturbances, yet it appears that its sensational strain must have also contributed. It is a question for consideration whether a self-imposed restraint should be observed by newspapers even if the news be true. It is also a matter for consideration whether there should be a machinery for guiding the Press bearing in mind that the freedom of the Press which is included in the freedom of speech and expression is, like other freedoms, the most precious possession of a free citizen.
- (ii) The Commission records there was no evidence that any influential people of Jabalpur did anything for counteracting rumours or otherwise assisting the local authorities or creating an atmosphere for preventing future recurrence. The local SSP categorically reported that he did not receive any help, not even from members of the peace committee.

- (iii) Students' procession was not a cause of disorder, although it aggravated the situation which existed on the morning of the 4th February in Jabalpur. The charge against students that they are an irresponsible and undisciplined class of society and are not conscientious in their duty may be true to some extent, but there the obligation of introducing suitable reform in the system of education does not end. Constructive & substantial reform to be introduced in the system of education to inculcate high standards of morality and impart knowledge of practical utility.
- (iv) A system ought to be evolved to ensure collection of all material facts and place it before the Court truthfully and faithfully so that the guilty does not escape and the innocent do not suffer.
- (v) Roznamcha books should be printed, maintained and issued.
- (vi) Shortage of man-power in the police was also a cause of the disturbances in Jabalpur because as soon as there was threat of disturbances, it could not be nipped in the bud for want of adequate force. The police were in helpless plight. The most important feature was reported that the police did not command the confidence of straight forward investigation as it should be. It is of paramount importance that police diaries must be always be above every fragment of suspicion.

**REPORT OF JUSTICE RAGHUBAR DAYAL COMMISSION
OF INQUIRY**

**COMMUNAL DISTURBANCES IN RANCHI & HATIA IN BIHAR
DURING 22ND AUGUST- 29TH AUGUST,1967**

The Raghubar Dayal Commission was appointed by the Central Government on 1st November, 1967 to enquire into the causes of occurrence of major communal disturbances since the 1st day of August, 1967 at the following places on or between the dates stipulated alongside. The dates of the reports of the Commission are shown alongside in Column.3. The Commission was also to enquire into the adequacy of the administrative measures to prevent and deal with such disturbances which took place in August – October, 1967 and to recommend steps which could be taken for preventing their recurrence.

<u>Sl.No.</u>	<u>Site of Communal Violence</u>	<u>Date of Report</u>
(1)	(2)	(3)
(i).	Ranchi-Hatia(August 22-29)	17 August 1968
(ii).	Jainpur and Suchetpur (September 24-25)	3 June, 1970
(iii).	Ahmednagar (Sept. 18)	2 March, 1970
(iv).	Sholapur (Sept. 17)	31 July, 1970
(v).	Malegaon (Sept. 24)	---
(vi).	Sursand (Oct.13-15)	19 Nov, 1969

RANCHI-HATIA VIOLENCE

The Commission found that there was a deep feeling of distrust between the Hindus and Muslims attributable to events dating back to the Partition. The Commission found that the number of persons who got involved in the fracas were a small percentage of the aggregate population of Hindus and Muslims in Ranchi-Hatia township. The 1965 India-Pak Conflict had also deepened suspicion about the Muslim community. A number of events took place right since April, 1964. Details of atrocities from the then East Pakistan area were reported by refugees and the suspicion against the

Muslims worsened. The degeneration started in March 1967 after the results of the general elections and the formation of a new Government. There were conflicts between students and taxi drivers and also between students and the police. The State Government was indifferent to the downside in the law and order situation despite messages from the District Magistrate.

2. There was a culture of goondaism in the city of Ranchi with a Hindu gang and a Muslim gang operating in mutually sequestered territories. The final blow came when rumours started spreading on August 22 that on the one hand Muslims had been murdered by Hindus in one part of the city while in another part of the city rumours spread that the Hindus had been murdered by the Muslims. Attacks were reported by communities on each other. Preventive action was not been taken by the police. They allowed the starting of communal riots. Goondas went underground and the situation went out of control.

3. Arising out of these events, the Commission has made certain recommendations of which those based on the 1965 Indo-Pak conflict, have been toned down. The other recommendation are as follows :-

- (i) The Commission considers it to be useful if people of all the communities form a permanent non-official Peace Committee for conducting the necessary propaganda to allay the mistrust between communities.
- (ii) It may be helpful if textbooks in schools contain matters relating to all religions and mythologies, referring to all great men and religious leaders of all the communities. They should be so presented as not to be a propaganda for any particular religion. History of the national struggle against the British should have reference to the contribution and sacrifices of the members of various communities.
- (iii) The Press or the speeches from the politicians should avoid any expression tending to create ill-will between communities. The authorities should try to control rising tension on occasions likely to give rise to communal tension and make adequate arrangements for occasions to pass off peacefully. Prolonged periods free from tension are bound to have a salutary effect.

- (iv) When an agitation is likely to lead to communal trouble, the State Governments should warn the DMs and SPs to be alert and it should itself take steps to settle the matter leading to the agitation. Ministers in the Government should not speak with different voices. They should not express their views about the causes of the disturbance and the manner that it has been dealt with.
- (v) State Ministers should not try to unduly influence the local officers. They may suggest to the Head of the Department what appears to them have been the right way and the Head of the Department should guide his subordinate officers.
- (vi) The State Ministers should not at least openly make any statements which tend to undermine the respect for authorities and tend to demoralize the authorities.
- (vii) Officers should not be transferred on grounds other than genuine exigencies of service. Transfers should not as a rule be made merely on verbal-cum-private complaints. Such complaints should be got substantiated before decision are made.
- (viii) Posting of DMs and SPs to various assignments should be according to the importance of the place and the comparative experience of the officers concerned. Firm legal action should be taken against persons acting in a manner which is likely to create ill-will, hatred etc. between communities. Such cases once sent to courts should not be withdrawn for political reasons.
- (ix) The procedures for calling the military to the aid of State authorities should be clarified to avoid any delay in the response of the Army to the requisition or to avoid any last moment argument between the two authorities and should clearly lay down the respective duties and powers of the Army and the Police so that no confusion arises between the two executive agencies in dealing with disturbances.
- (x) More importance should be given to the Special Branch in its function of gathering information about communal activities and tension. Government may consider notifying under Section 4 of the Arms Act that in specified cities or the areas susceptible to violence in general or communally tense, arms and as daggers, knives, spears and swords etc. shall not be acquired without a licence.

- (xi) The Commission also made a series of recommendations to guide the District Magistrate on action to be taken by in respect of preventive arrests, scotching of rumours and patrolling of narrow lanes. In particular the Commission recommended that arrangements should be made, if possible for a photographer to accompany processions taken out in connection with agitations on controversial matters so that photographs may be taken of any untoward incidents happening during the procession. The photographs can then be used in identifying the culprits.
- (xii) The Commission also felt that political parties should change their attitude in approaching the people for gain, specially during elections. They should not exploit communal or caste feelings for their purposes. No political, economic or cultural issues should be discussed or agitated from a purely communal angle.
- (xiii) The Commission felt that collective fines where large-scale communal disturbances take place should be effective while admitting that a person who has nothing to do with disturbances may also have to suffer. The collective responsibility of the entire society to remain peaceful and the failure of the people to discharge that responsibility justifies such measures.
- (xiv) The Commission also recommended that dependants of a person killed should be paid adequate financial assistance and also some compensation should be paid to victims for losses suffered during the disturbance.
- (xv) There were a series of suggestions made to the Commission such as the formation of separate state out of Muslim pockets, disciplinary action against district and civil authorities and recruitment of Muslims to the police services in greater proportion. The Commission did not support these suggestions with cogent reasons.

REPORT OF JUSTICE RAGHUBAR DAYAL COMMISSION OF INQUIRY

RIOTS IN SHOLAPUR (MAHARASHTRA) - SEPTEMBER, 1967.

The Commission went into the communal events which took place in Sholapur on 17th September, 1967. They found that Sholapur had a communal history and that between 1925 and 17th September, 1967, there had been 155 communal incidents of which in 94 incidents, Muslims were accused and in 61 incidents, Hindus were accused.

2. A major communal confrontation took place on 20th September, 1966 when a Ganapati procession was in progress. The processionists indulged in vandalism. The timely intervention of the police prevented escalation of the incident. The Commission found that the recurrence of communal incidents tend to sustain a sense of ill-feeling between the members of the two communities. In the surcharged atmosphere, even a mild provocation can lead to violent incidents.

3. The Police in Sholapur had controlled the number of torches that were to be carried by the Muslims during the Moharram procession on 2nd May, 1966. This had infuriated the Muslims who refused to take out the procession and instead marched to the Collector's office the next day. There were allegations and counter allegations between the police and the Muslims who finally agreed to take out the procession. Suspicions, however, lingered in the minds of the Muslims who felt that the Hindus were instrumental in reducing the number of torches on which the Police had taken action.

4. Then, on 31.05.1967, a Muslim girl playing with a steel rod with a green wire suffered fatal injuries. It was found that she was playing with an electronic detonator and the explosion was due to frictional heat. Subsequently the shop of a well-known merchant was raided on 09.11.1967 and hidden stacks of unlicensed detonators, gelatin and potassium cyanide etc. were seized. This incident embittered the Muslims against Hindus. The final provocation was the passing of a Ganapati procession in front of DAV School and the Ganapati installation by the Police Department.

5. There was brick-battling and the escalation of communal violence near the mosque where it was found that missiles and brickbats had been stockpiled.

6. The Commission has made its following recommendations based on the above events:-

- (i) The Commission reiterated the need for a more or less permanent Peace Committee as suggested in the case of Ahmednagar.
- (ii) The Commission recommends that there should be searches of mosques when arrangements are made in the area near about mosques. When there is apprehension of breach of peace during festivals and processions, such search should be effective. It should be as close to the time of the passage of the procession as possible. All entrances of the mosques should be watched properly. If necessary some of the entrances may be closed from inside. When the persons who have installed Ganapati belong to a Department of Government, the Ganapati should not be named as the Ganapati of that Department or that service because a department or a Government service can have no Ganapati.
- (iii) Urdu should be taught in all the schools along with Hindi and any other language. Separate schools need not be started for teaching Urdu. It may be good that for a couple of years a student learning Hindi as a regular subject should be taught Urdu as a second language and a student learning Urdu as a regular subject, be taught Hindi as a second language. This is to prevent segregation of Muslim students which has taken place. Young children are thus separated and they grow in an altogether separate atmosphere. There should be common schools for Hindu and Muslim students with a view to create healthy relations.
- (iv) The intelligence system deserves a lot of improvement. It should be capable of getting information of proceedings of secret meetings arranged for or suspected to be utilized for communal purposes. It is an important part of their duty to secure information of secret bodies and associations and to evolve means to secure correct information efficiently and promptly.

REPORT OF JUSTICE RAGHUBAR DAYAL
COMMISSION OF INQUIRY

RIOTS AT AHMEDNAGAR IN MAHARASHTRA
DURING SEPTEMBER, 1967

The Commission went into the events which took place on 18th September, 1967 at Ahmednagar. They found that the events were a sudden eruption resulting from the disfigurement of the idols at a major temple. Apparently the city of Ahmednagar had a number of mosques, peers and dargahs on the main road which were blocking traffic. Efforts by the Municipality and the citizens to remove them met with limited success. There were incidents where the tempers of Hindus were frayed by acts such as removal of the idol of Maruti, desecration of Hindu temples. The incidents which took place in Sholapur on 17th September, 1967 were the immediate provocation for the communal incident. Eight mosques and dargah of peers were set on fire and 12 were desecrated. The Commission has made its recommendations based on these events.

- (i) The Commission felt that no recommendation is possible to prevent such a situation from happening and that whoever disfigured the idols must have known of the possibility of the consequences. The Commission admits that the administrators would be taken by surprise whenever such incidents occur and it would naturally take some time before they could take control of the situation. The Commission again finds that while in Ahmednagar, the immediate cause happens to be the mosques, and dargahs of peers on the roads, the mistrust between communities dates back to the partition.
- (ii) The Commission recommends establishment of the Peace Committee on a more or less permanent basis. They point out that one such existed at Ahmednagar which came into operation when trouble starts and ceased mostly after the trouble had ended. They suggest that the Peace Committee should consist of people of all communities and should work regularly in educating the people in general, about the demands and requirements for a secular democracy, in propagating a feeling of brotherhood among them

and taking precautionary steps about any matter which is likely to lead to trouble.

- (iii) The Peace Committee should be active during periods of trouble and it should be taken into confidence by the officers and should be fully utilized in checking the spread of rumours.
- (iv) The Commission finds that there is a definite and unambiguous provision of Islam that graves should be respected and should not be disturbed till 30 years. At the end of it, their sanctity comes to an end. Graves of renowned persons or divines are excepted, but in such cases, the identity of the persons buried must be clearly established before their graves can be allowed to remain undisturbed in spite of their interference with traffic or their being against public interest.
- (v) The Commission examined the suggestions about teaching of religion in schools and colleges. While one view suggested compulsory study of basic principles of all the religions, there was a diametrically opposite view that no religious instruction of any type should be permitted in schools. The Commission was of the view that moral instruction based on principles and the common points of agreement in all religions would be of a great help in imparting a sense of ethical values to the rising generation.
- (vi) The Commission has recorded its opinion that political leaders should change their attitude in approaching the people for gains specially at elections. They should not exploit the communal or caste feelings for their purposes.
- (vii) Another interesting suggestion is that a special Sub-Section be inserted in Section 110 Cr.PC to deal with instigations of communal disturbance and tension as it is not possible to take resort to Section 153A of the IPC against inflammatory speeches couched in guarded words.
- (viii) The Commission supported suggestions pertaining to rehabilitation and compensation for victims.

**REPORT OF JUSTICE RAGHUBAR DAYAL COMMISSION
OF INQUIRY**

**COMMUNAL DISTURBANCE IN MALEGAON
DURING SEPTEMBER, 1967.**

The Commission did not record evidence about the details of any incident but confined itself to such details as were considered necessary for determining the causes of the disturbances.

Malgaon is an industrial town having a large number of power looms to manufacture textiles, which provides employment opportunities to a number of persons. This has led to large scale migration mostly of Muslims from Uttar Pradesh, Bhopal and Hyderabad whose living conditions are far from satisfactory.

RECOMMENDATION BY THE COMMISSION.

1) The first and foremost measure suggested by the Commission is the rehabilitation of the slum dwellers which can reduce the tension among communities in the city.

2) The sanctioned quota of cattle for the slaughter of cattle to be considered in relation to the population of the entire city to avoid illegal slaughter.

3) Suggestions for an administration conducive to tackling any situation with potential for communal disturbance:-

i) Residential quarters be provided for all the police staff posted at Malegaon possibly in one colony or be provided Thana wise.

ii) The Executive Magistrates and the Sub-Divisional Magistrate should also have official residence close to the city.

iii) Telephones to be installed at the residences of all police officers and Magistrates.

iv) In addition to the local police, Special Reserve Police should also be posted at Malegoan.

v) Number of transport vehicles with the Police department should be increased so that the police are able to move about more quickly when trouble is apprehended.

vi) Police force should be increased and should be at least equal to the police force necessary at the 'Precautionary Stage' under the emergency Riot Scheme.

vii) Power to declare the 'Precautionary Stage' under operation of Riot Emergency Scheme is vested in the highest police officer present at the place.

REPORT OF JUSTICE RAGHUBAR DAYAL
COMMISSION OF INQUIRY

RIOTS AT SUCHETPUR AND JAINPUR
(GORAKHPUR, UTTAR PRADESH)
DURING SEPTEMBER, 1967.

. In respect of villages of Jainpur and Suchetpur, the Commission went into the causes and found that the authorities should be vigilant in observing the development of disputes, however petty, between the members of the two communities so long as the communal atmosphere remains vitiated. The criterion for selecting a dispute for watch is whether the dispute is of purely a private nature between two individuals who belong to two communities or is of a nature which attracts or has attracted the involvement of most of the people of each community.

2. The recommendations of the Commission are as follows:

- (i) Ample use of preventive Sections of Cr.PC should be made to curb the tendencies of the people to commit breach of peace.
- (ii) There should be more informal contact between the police and sub-Divisional Magistrate so that the latter can have greater knowledge of the background of the preventive proceedings initiated by the Police and to be dealt with by him judicially as a Magistrate, as it is not possible to have a full background in the proceedings in the court.
- (iii) There should be adequate arrangements for the appearance of Public Prosecutor in the courts of Executive Magistrates.
- (iv) In land disputes leading to apprehension of breach of peace between communities, the attempt should be made by the local authorities to settle the matter amicably.
- (v) Officers should be particularly careful in accepting the assurances of the parties in regard to their peaceful intentions. In practice such assurances are given by only a few persons taken to be the representatives of the leaders of their community but it is seldom

that the other members of the community do not respect those assurances. The officers should make their own assessments and take action accordingly.

- (vi) Political leaders should help to develop a dialogue among the masses to view the incidents leading to riots as incidents between individuals and not as between communities. Persons in authority should, in their speech, impress upon the people to maintain law and order whenever suitable occasion offers itself.

REPORT OF JUSTICE RAGHUBAR DAYAL**COMMISSION OF INQUIRY****RIOTS IN SURSAND (MUZAFFARPUR), BIHAR****DURING OCTOBER, 1967.**

The incidents that took place in the morning of 15th Oct., 1967 are :

- (i) the brisk sale of kerosene oil by Muslims and the powdering of dry chillies by the Muslims;
- (ii) the setting on fire to a betal shop of a Muslim . Some Muslims were arrested and taken to Police Station. They were released. The people generally spoke of the Muslim Police Officer who released those arrested persons;
- (iii) the alleged attempt by some Muslim to set fire to a Dharamshala. Some Hindus chased the alleged culprits who were handed over to the Police;
- (iv) a rumour that a house of Hindu has been set on fire.

The events in Sursand on 13-15 October, 1967 do not indicate to the Commission that the political parties were responsible for the adverse attitude depicted usually by the persons of one community attacking the procession of other community and such adverse attitude lead to flare-ups. The other suggestions are repetitive of the findings in Ahmadnagar, Sholpaur and Ranchi-Hatia.

REPORT OF JUSTICE P.J. REDDY
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE AT AHMEDABAD
DURING SEPTEMBER 1969.

Immediate Cause

1. The incident of Urs of Bukhari Saheb's Chilla just near the Jagannath temple when certain cows belonging to the Jagannath temple shied and excited some of the Muslim members in the Urs leading to an altercation in which 'Sadhus' were attacked causing them injuries. This was followed by stone pelting.
2. This incident alongwith the inflammatory speech of Shri Harshadasji aroused communal passions of the Hindus.

Recommendations

- (i) Give the Youth appropriate education in this regard which will develop a broader outlook and tolerance.
- (ii) Fraternalization by one community in the functions of the other will help in creating a feeling of brotherhood among the various communities.
- (iii) There must be constituted strong Mohalla Committees of persons considered to be high minded people and able to influence all sections of the community in that area.
- (iv) Nefarious activities like rumours, patrikas, pamphlets and writings on black boards aggravate situation. These should be countered with the help of loudspeaker vans, newspapers and All India Radio.
- (v) There should be a person charged with the duty of examining periodicals and newspapers in which news or articles which are likely to foment trouble and should reported to the concerned authority.

- (vi) Pre – Censorship of news relating communal matters may be considered as to prevent escalation, rumors, provoking reports in patrikas, newspapers and writing on block boards be firmly checked.
- (vii) The Commission suggests that imposition of a punitive tax having a dual purpose, firstly to deter persons indulging in riots and secondly, to provide fund for compensation of victims.
- (viii) Each State should have a Riot Commissioner of sufficient high calibre whose duty will be to coordinate the efforts of the law enforcing agencies during disturbances.
- (ix) An efficient & effective Special Branch should be developed whose report would immediately reflect the ripples of disharmony.
- (x) There should be an increase in number of police chowkies and police stations having regard to the area.
- (xi) The Commission observes that the police failed in these riots to give effective protection to the citizens. There was lack of firmness on the part of the police in the initial stages when incidents were happening.
- (xii) Police lost the initiative and once the situation got out of control at the very commencement of the riots they were overwhelmed by the situation which confronted them and were unable to effectively control the situation and hoped out of a misplaced view of their ability, to deal with it.
- (xiii) All police station should have an adequate number of firearms with arrangements for their safe custody with sufficient ammunitions. Revolvers should be provided to all officers as well.
- (xiv) Communal minded persons created trouble and spread rumours, and ineffectiveness was witnessed in the manner of counter acting rumour.

REPORT OF JUSTICE D.P.MADON
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE AT BHIWANDI, JALGAON
AND MAHAD ON MAY 8, 1970.

Jalgaon Disturbance

Immediate cause

The impact of the news of the Bhiwandi disturbance and of the wild and exaggerated rumours which circulated about the said disturbances, had influenced the communal passions of the Hindus against the Muslims.

2. A quarrel took place at a 'Pan' shop at the Rath Chowk between a Muslim and some Hindus at about 2.45 pm on May 8, 1970.
3. The display of the boards containing inflammatory writings in different localities by the Jalgaon City Branch of the Jan Sangh and at Rath Chowk in Old Jalgaon by the Shree Ram Tarun Mandal
4. The throwing of stones on the Jumma Mosque situated in Maniyar Wada usually at the time of the night prayers.

RECOMMENDATIONS :-

The measures taken to deal with the said disturbance were inadequate for the following reasons:-

- (i) The Superintendent of Police remained at Pachora inspite of being intimated in the morning of May 8, 1970 about the crash wireless messages received from the DIG and the IGP. When informed at 5.45 pm about the outbreak of the disturbances at Jalgaon, he reached Jalgaon at about 7.45 pm, with the result that during the most crucial hours of the disturbances, he was either at Pachora or in his car on the way to Jalgaon, cut off from all communications.

- (ii) None of the responsible local officers showed any initiative or took any effective steps to control the disturbances in the early stages. The measures taken by them consisted of pushing back some Hindu rioters by making a few lathi charges and of lathi charging the Muslims who had collected in the lanes and the by-lanes of their locality for the purpose of preventing the Hindu mob from entering the said locality, making these Muslims go inside their houses and arresting a Muslim who was throwing stones in self defence at the Hindu Mob. The only result of these measures was to leave a way free for the Hindu rioters to enter the Muslim locality and set fire to the Muslim houses.
- (iii) No attempts were made to check the rioting and arson when 54 Muslim houses were set on fire and the flames could be seen even from a distance of two miles.
- (iv) The police concentrated their energies solely upon clearing the roads where Muslims had collected in self defence, herding them in one place and arresting two Muslims who were keeping at bay Hindu mob attempting to set fire to a Mosque. Once again the only result was to leave the way free for the Hindu rioters to enter the Muslim localities and set fire to the Muslim houses.
- (v) Throughout the worst hours of the disturbances there was no firing by police except once that in the air and not effectively on the mob. Effective fire was opened only after the SP reached Jalgaon by which time the greater part of the disturbances had already taken place.
- (vi) There was no attempt to take stock of the overall position or to coordinate measures for putting down the disturbances. The only officer who could have done so and did so was the SP who was not in Jalgaon for four hours of the disturbances, being busy with a routine inspection, and thereafter in his car on the way to Jalgaon.
- (vii) Some constables though required to be in uniform were in mufti when they came on riot duty.
- (viii) There was failure on the part of police officers and police men as well as failure on their part to take any action against the persons responsible for displaying boards containing inflammatory writings.
- (ix) No attempts was made to obtain any information about the organization, group or person wanting to foment communal tension and provoke communal tension.

(x) The crash wireless message received from the D.I.G about the Bhiwandi disturbances, which was received in Jalgaon, was treated as routine message.

(xi) Though the worst hours of the disturbances no fire was opened

(xii) No search was made by local police of the houses of the accused person or of the said locality.

REPORT OF JUSTICE JOSEPH VITHAYATHIL
COMMISSION OF INQUIRY

DISTURBANCES AT TELlichERRY DURING 1971.

Justice Joseph Vithayathil, Commission of Inquiry was appointed by the Government of Kerala vide Notification G.O. Rt. No. 257/72/Home dated 14th February, 1972 to enquire into the causes of the disturbances in Tellicherry and certain other places in Cannanore district on and after 28.12.1971; and also the adequacy of measures taken by the local authorities, in-charge of law and order to prevent and deal with the said disturbances and to recommend measures which may be adopted for preventing recurrence.

2. The Commission looked into the cases brought before it. There was a perceived feeling in the minds of the Hindus that the Muslim League which was partner in the United Front Government was taking advantage of its position. As a result, there was political agitation and propaganda which had led to communal hatred and tension which led to the disturbances. The Commission records that the first phase of the disturbance was pre-planned by Hindu communalists, the second phase was of the nature of retaliation by Muslims and the third was retaliation by the Hindus. The Commission also records that adequate measures were not taken by the local authorities, in charge of law and order to prevent and to deal with the situation.

3. The Commission particularly noted that it is a matter of grave concern that the cult of violence is taking root in the youth of the country including the students. Problems are sought to be solved not by discussion and dialogue but by the use of force. It suggests that Government and political parties that believe in democracy should take concerted steps to check this tendency.

RECOMMENDATIONS :-

4. The recommendation of the Commission are as follows:

- (i) It is not conducive to the integration of the country and the maintenance of communal harmony and peace that political parties are formed on communal lines whether in form or in substance.

- (ii) Religious communalism is the most serious obstacle in the way of national solidarity which has various facets and conflicting implications but its most dangerous manifestation is the politics based on Hinduism or Islam. While it admits that banning of communal parties may create problems, it suggests for stringent laws for crushing the activities of those parties and their members who have a tendency to create communal hatred and tension.
- (iii) The Commission suggests that more than legislative measures, what is required is the creation of strong public opinion against activities likely to create communal tension and consequent disturbances.
- (iv) Commission expresses its anxiety that communalism has infiltrated into the rank and file of the secular democratic parties also. This is an unwholesome tendency which should be checked by the parties concerned. It suggests that Government and political parties should take the lead in the matter of creating strong public opinion.
- (v) Commission suggests that it is a matter where appropriate steps are to be taken by Government to remove the cause of feeling among the minorities that they are not getting justice; they are discriminated against in the matter of appointment in public service; they are not given equal protection of law and that their religion is in danger. As a result of this, they are provoked to rally round political organizations of their own.
- (vi) The Commission observed that the attitude adopted by the rank and file of the police in Tellicherry during the disturbances showed that they were affected with the virus of communalism and that serious note should be taken in this matter. It urged that it a matter of utmost importance, that in the maintenance of law and order, all sections of the public, particularly the minority have confidence in the impartiality of the police. It also suggests that policemen found guilty of communal hatred or prejudice should be immediately dismissed from service and also that adequate representation should be given while recruiting policemen, to the minorities.

- (vii) The Commission suggests that it is necessary that political parties do not make use of the police to further their party interests and they do not interfere in the police administration. It pointed out that there is no meaning in blaming the police for actions taken by them under pressure from the political parties in power. It urges that the police should have a sense of security and an assurance of freedom to act in the manner best suited for the maintenance of law and order.
- (viii) The Commission suggests formation of permanent peace committees in areas of communal disturbances, consisting of prominent members of the society unattached to the political parties.
- (ix) Finally, the Commission suggests that whatever legislative or executive measures may be adopted, the ultimate solution of the problem is the raising of the standard of morality of the people. People should believe that to whichever community or religion they may belong, they are all brethren and should live together as such.

REPORT OF COMMISSION OF INQUIRY
LED BY SHRI R.PRASAD, FORMER SECRETARY TO THE
GOVERNMENT OF INDIA

DISTURBANCES AT SADAR BAZAR, DELHI
DURING MAY,1974.

There was a dispute between one Hindu and two Muslims over the conduct of the latter which was designed to annoy a lady member of his family. They met the next day and began dispute regarding the incident, which escalated into a fight and then into a riot. There was exchange of stones, soda water bottles and fireballs. The police reached the spot and the situation was brought under control.

RECOMMENDATIONS :-

2. Many of the recommendations of the One-Man Commission are so closely linked with the character of the locality in Delhi that the recommendation would have limited relevance for wider purposes. They are, therefore, not recited in detail.
3. The Commission observes that the recommendations of the Tandon Report regarding Ekta Samiti have not been implemented properly. The Commission suggested that the local committees should be constituted both at the sub-divisional level and at the Thana level bearing in mind the observations of the Tandon Report and the advice given by the Home Minister to States and Union Territories.
4. The Commission also recommended an independent machinery to supervise the investigation and prosecution to be set up under a Director of Prosecution who may be of the rank of a Chief Judicial Magistrate and be appointed in consultation with the High Court. The power to take any decision contrary to the views of the Director of Prosecution should vest only with the authority such as Lt. Governor/Administrator who should record his reasons.
5. Greater efforts have to be made to bring in a larger number of persons of the minority communities into the Delhi police force. Cooperation of the local leaders of the community should be sought and army recruitment method should be studied.

REPORT OF JUSTICE JITENDRA NARAIN
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCES IN AND AROUND JAMESHEDPUR (
BIHAR) DURING APRIL,1979.

Jitendra Narain Commission of Inquiry was constituted by the Government of Bihar vide Notification dated 15th May, 2006 to enquire into communal disturbances in and around Jamshedpur in April, 1979. It was to enquire whether they were pre-planned and if so, the elements responsible for the same. They were to enquire if there was of an apprehension of disturbances and whether administrative measures taken to deal with the said disturbances were adequate.

2. The Commission traced the causes which led to the situation in which riots finally broke out at around 11.45 a.m. on 11th of April, 1979. They found that the local M. L.A. acted in a manner as to defeat all genuine efforts for settlement of issue over the demand for the passage of the Dimna Basti Akhara procession through a disputed route. Even after this problem was resolved, he posed a challenge to the authorities by raising at a critical moment, the impossible demand for the release of certain person who had been taken into judicial custody and thereby blocking the progress of the procession. As a result of holding up the procession, thousands of persons joined it at the appointed hour. This was in keeping with the planned announcement earlier through a leaflet, for forcibly taking out of procession through the disputed route thereby creating an explosive situation.

3. The Dimna Basti Akhara of Mango Police Station was a Ramnavami Akhara set up in the year 1978. The area is inhabited by Adivasis not being Hindus, which was a significant development. When the authorities rejected the request for taking the procession through the disputed route, Writ petition was filed in the High Court which in turn left the decision to the discretion of the concerned administrative authority. Seven incidents occurred in the following days involving acts of violation of law including the issue of leaflet in the name of Shri Ramnavami Kendriya Akhara Samiti. The Commission studied the leaflet and concluded that it constituted a challenge to the authorities, a threat to the minority and incitement to the Hindus. It also urged in the name of religion to force the procession through the disputed route.

RECOMMENDATIONS :-

4. The Commission has based its recommendations on the above facts and are as follows:

(i) Inquiring the relevance to the religious tolerance, the Commission has quoted the book titled “A New Approach To Communal Problem” by Dr. Radha Kumud Mukherji, which reads as follows:

“ In one of famous edicts, Ashoka lays down as the basis of religious toleration, the preliminary recognition of the fundamental fact that there is an essence in every religion as the central truth round which accumulates its external features, its forms and ceremonies, which are no part of its essence, and that all religions have in common this upon which must be built up the common religion of mankind. An attitude of religious toleration starting from this fundamental fact of the unity of all religions in their essential doctrines is to be cultivated on the basis of the following virtues, viz., (i) restraint of speech or of thoughtless criticism, (ii) a comparative study of different religions by which one may become a Bahushruta and (iii) meetings of the exponents of different religions at Parliament of Religions in which they should participate in spirit concord (Samavaya). These principles which Ashoka laid down about 2000 years back hold good even today. Ashoka’s system was the precursor of Akbar’s Din-e-illahi.”

(ii) The Commission recommends that a change of heart is required where a change of attitude, a social atmosphere and conditions have to be created so that it may be possible for the people of both the communities to live in peace.

(iii) The Commission feels that the functionaries for creating and preserving an appropriate climate can be no other than the leaders of the two communities and the politicians. They must avoid all actions and speeches that embitter the relationship between the different communities and disturb further an already disturbed atmosphere. Press reports should not be tendentious or oriented to incite communal passions. Any infringement of this rule should be resisted by stringent legal action and at the same time the administration must provide free access to the Press to material so that the forces behind and the immediate causes of riots can be exposed.

(iv) It is the weight of public opinion and the awareness of the public on these matters that ultimately count. Therefore, foundation has to be laid from the very childhood when at school they can easily imbibe the virtues of good neighbourliness and harmonious living. This may be more difficult to inculcate in grown up people. The right type of textbook must be prepared, both at the level of Government as well as by private publishers. The central themes of the textbook of history and literature should project the concept of integration so that our whole nation comprising people of different faiths, religions and languages may be welded into one.

(v) The task will be greatly facilitated if there is a national consensus asserting the basic fact that national integration is the goal and therein lies the salvation of the nation.

(vi) For maintaining communal harmony, peace committees should be formed at district level as well as Panchayat or block levels on a standing basis. It should comprise of people who command the confidence of both communities and their composition should not be only on the basis of political affiliations. Such committees should be formed even in Mohallas or defined localities. Such committees should meet as often as possible to review the position from time to time and not merely on the eve of important community festivals. When a riot breaks out, the committee should be necessarily active but even during time of peace, it should not lie wholly dormant.

(vii) Most of our people have a tendency of aversion or indifference to understand and apprehend the sentiments and feelings of other communities. Attempt should be made to educate people on the right line so that these weaknesses do not cloud their vision. The peace committees should therefore, arrange for joint celebration of important Hindu and Muslim festivals and arrange for discourses on the essential unity of all religions.

(viii) When there is apprehension of communal tension, listed criminals should be arrested and arms seized. Any police officer failing in this task without excuse should be suitably punished. The intelligence branch in each district should keep a special eye on the activities of communal organizations and maintain complete and updated records of persons connected with communal organizations. Such data should be maintained in each police station.

(ix) Rumour-mongering is an important vehicle on which all communal frenzy travels fast. If rumour is scotched at the very beginning, panic will not grip the mind of the people. The nervous condition caused by panic can lead persons to act blindly and thereby give rise to disturbances even without any apparent cause.

(x) Adequate monetary compensation to the victims for rehabilitation and for repair of their damaged property will provide a psychological balm to the otherwise embittered and outraged feelings.

(xi) The Commission also noted that administrative authority alone cannot always prevent the outbreak of communal riots unless people in general, especially the thinking and the educated people, cooperate with them in maintaining communal harmony and in removing any misunderstanding between the communities that might lead to a communal flare up.

(xii) The Commission also recommends that collective fine should be imposed on localities badly affected during communal riots. They observed that peace-loving persons may no doubt have to suffer but there is the collective responsibility of the entire society to remain peaceful and the violation on their part to discharge their responsibility justifies imposition of collective fines.

REPORT OF JUSTICE M. KRISHNA RAO

COMMISSION OF INQUIRY

DISTURBANCES ON GANESH IMMERSION IN HYDERABAD DISTRICT DURING 1984.

Justice M. Krishna Rao Commission of Inquiry was appointed by the Government of Andhra Pradesh vide Notification dated 10.10.1984 to enquire into the circumstances that led to large scale looting, arson and stabbing on 9th September, 1984 in parts of Hyderabad as well as to examine whether adequate and appropriate arrangements were made by the police for maintenance of law and order in view of the large congregation that was expected.

2. The Commission was to identify, if possible, the persons responsible for creating the disturbances and those who indulged in acts of looting, arson and stabbing. It was also to enquire whether adequate steps were taken to put down the acts of looting, arson and stabbing as they erupted or whether there were any lapses on the part of any authority, person, or persons.

3. Finally the Commission was to indicate measures to be taken to prevent recurrence of such incidents.

4. Facts of the case are that prior to 1980, there used to be several small Ganesha processions but since 1980 they started a system of a centralized procession by inviting several small processions from various localities to assemble at a starting point or to join the main procession at various points and then proceeding as a vast sea of humanity to the place of immersion of the idols. Such confluence of the procession was fraught with dangerous potential affecting public order, peace and tranquility of the city in general.

5. The Commission observed that there is no religious sanction or mandate that the Ganesha idols should merge into one single procession to reach the destination. Apparently, the mammoth procession containing massive idols was intended to demonstrate the might of the Hindu community. Acts of looting, arson and stabbing took place in the commercial area of the city as a result of which 120 business belonging to a particular community became targets of attack causing loss of several lakhs of rupees.

RECOMMENDATIONS :-

6. The Commission has made its recommendations based on the above facts and are as under:-

(i) Centralized procession should not be allowed by Government, and Government should also not interfere with the police authorities in the matter of permitting processions and should prohibit processions which are likely to lead to dangerous consequences.

(ii) Disturbances need not necessarily arise out of communal animosity but they may afford convenient opportunity for anti-social elements to cause disturbances and loot valuable properties either from shops and establishment or from dwelling houses.

(iii) Government should issue a notification that no idol should be prepared which is more than three feet of height. In that event there would be no need to introduce lorries for carrying idols in the procession. The necessity for requisitioning cranes from industrialists and from Government will also be avoided. It is also not proper on the part of the Government to afford cranes to help processionists in the immersion operation. The lorries carry, besides the worshippers, unsocial elements wearing the same dress as that of worshippers, and also conveniently serve as store houses for objectionable materials like stones, knives, combustible materials or other lethal weapons for the use of mischief makers.

(iv) Installation of mushroom idols over night by fanatics on the pavements and roadside and inviting worshippers should be strictly prohibited and all such existing structures should be demolished without the least hesitation.

(v) No platforms or other arrangements should be permitted at important places on the public highway during the time of processions for the purpose of speeches by religious or political leaders. Political leaders should be prohibited from addressing from public platforms during religious processions because inadvertently they digress into political topics.

(vi) Government should introduce proper legislation to regulate religious processions so that those who disobey police directives may be punished under law. Normally, during curfew, police take into custody a number of persons of the localities for rowdy-sheeters. Normally, they are poor and unemployed. Unfortunately, they are used to cause disturbances by political, religious or communal parties. Schemes have to be evolved so that they can make an honorable living without posing as a social hazard. They should also be rehabilitated in a different locality.

(vii) Mosques and temples should be periodically searched, for weapons or other inflammatory material, by police officers without prior notice, and if any such weapon in any place of worship is found, it should be permanently sealed and closed as a measure of punishment.

(viii) Advisory Committees consisting of prominent men of both the communities should periodically meet to settle the modalities about religious festivals and practices and to identify the sources of trouble and devise means for eliminating friction or tension.

(ix) Police officers from Sub-Inspector and below should be periodically transferred to and from mofussil stations to eliminate the influence of vested interests.

(x) Newspapers indulging in the spread of communal hatred should be stopped and action taken. The cases registered during disturbances should be pursued and the offenders punished under law. Prosecution should not be withdrawn at the behest of political leaders in the Government. No religious organizations should permit leaders of political parties to deliver speeches at their places of worship or during the religious processions.

(xi) It has been the practice for leaders of parties to make visits to the disturbed areas or to the hospitals to console the injured persons. Trouble arises when the leaders give Press statements immediately after their visits, making unfounded allegations or loose remarks against other political parties or against police officers without making any investigation into the real facts of the issues. Such practice is wholly undesirable and should be stopped. In fact, after many of these visits, the victims have not received any relief except lip sympathy.

(xii) Members belonging to both communities including children and adults should acquaint themselves with mythological and other ancient/puranic stories pertaining to other community, such as history of Mahabharatha, Ramayana, Life of Lord Krishna, teachings of

Bhagvadgita, teachings of Prophet Mohammad and other well known Muslims saints.

(xiii) The greatest obstacle towards further development of the welfare State is the illogical mixing of politics with various other matters of public life, namely, religion, education and other fields of public welfare.

REPORT OF JUSTICE RANGANATH MISRA COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN BOKARO, CHAS TEHSILS & KANPUR DURING OCTOBER, 1984.

Background

After the assassination of Prime Minister Smt. Indira Gandhi, there were incidents of organized violence in Delhi and disturbances took place in Bokaro Tehsil, Chas Tehsil and Kanpur city. The Commission was set up to inquire into these incidents.

Recommendations:

1. The Commission observed that there was total passivity, callousness and lack of will to take timely action among the Delhi and Kanpur Police to take care of the Sikh people. The police failed to come up to professional standard.
2. There was improper assessment of the situation by the civil administration at all the places of inquiry and inadequate arrangements to face the challenging situation at each place.
3. There was delay on the part of Administration in calling the Army to aid in Delhi and Kanpur. At Kanpur, in fact, there was no necessity for more Army men from outside but the U.P. Government did not pay heed to it.
4. The Commission observed a lack of control over the anti – social elements thus letting them to combine and form riotous groups.
5. The Commission has observed evidence of identification without least justification of the entire Sikh community with the two assassintors of Smt. Indira Gandhi.
6. The Commission recommends that there is need to evolve methods of effective control with the minimum strength of Police.

7. Effective and efficient control of anti – social elements is necessary to keep the community on even keel. Proper attention has to be paid to the people to bring them up as ideal citizens trained to tolerate differences.
8. Ratio of the police personnel to the rising population should be checked. Life in a small community make's the policeman's task easier.
9. The Delhi Police requires both quantitative and qualitative expansion. The functioning of the Delhi Police requires improvement and that change should be by having a metropolitan city set up and not a State set up. Bureaucratic control has to be reduced by accepting a functional approach. Personal responsibility of the Commissioner of Police as the administrative and functional head should be increased. He should not be burdened with protocol duties like attention on dignitaries.
10. The experience of 1984 riots shows that there was almost total lack of communication in many areas. Therefore, a more effective system of communication should be developed.
11. In service training should be insisted upon and its content should be made strict, practical and utility oriented. Acquaintance with modern and up to date gadgets as also handling of new arms should be developed during such training.
12. The police throughout the country are called upon to do a lot of miscellaneous jobs. While maintaining law and order , the police have to be friends and guides of the people. They have to counsel the people for a better and responsible civic life.
13. In places like Delhi and Kanpur, there should be adequate reserves not only of armed police but also para – military forces. Social tensions have increased and every now and then problems of great magnitude occur which if not controlled are likely to have nation – wide repercussions.
14. Beat System should be reintroduced and strengthened. Several offences take place in broad daylight and therefore beat system should be continued even during the day.
15. Police should be free from political interference. The de-linking must take place so that the morale of the service may increase and the policeman may become and remain accountable for discipline to his authorities and to no other agency.

16. At the police control room, a computerized system should be introduced and a set of capable people competent to give instructions and directions must always be available to immediately react to information received from different areas.

17. In the rural areas as also small towns, local residents should organize effective units on their own for maintaining peace in the area. Being the people of the locality, they know the exact sensitive area and very often the local police seek their assistance. It should be a combination of able bodied people drawn from residents of every community inhabiting the area and have some respected people of general acceptance.

18. The Commission felt that 'inculcating social, moral and spiritual values indispensable for making good citizens should be the obligation of the State.' Patriotism should have primacy in the catalogue of spiritual values.

19. Educating the young minds and inculcating social, moral and spiritual values is indispensable for making good citizens. Education, not only at school but at home, among friends & in every social sphere is very necessary for curbing of anti – social thoughts at the tender and impressionable age.

20. A code of conduct acceptable to all religions can be evolved and the same should be the code for Indian society .

21. Press with all its freedom must also remain bound by the code of national conduct and decency.

22. All India Radio to ensure that every item/programme aired by them should have aim of igniting in the listener a burning sense of patriotism as well as for holding the nation together.

REPORT OF JUSTICE G.T.NANAVATI
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN PUNJAB DURING
OCTOBER,1984.

Background

The assassination of Late Prime Minister Mrs. Indira Gandhi sparked off communal violence against the Sikhs in 1984.

Circumstances

1. Progressive deterioration in the situation in Punjab since 1981 where violent activities of the extremist elements in Punjab had increased.
2. Many Hindus were killed by Sikh Extremists.
3. Maneuverings by the Political parties during that period had led to smoldering resentment against the Sikh community.

Recommendations :-

- (i) Need for independent Police force which is free from political influence. Police force be equipped to take quick action.
- (ii) If the Police is not able to control the situation, the Government should thereafter take appropriate steps.
- (iii) Government of India and the State Governments should give adequate compensation & provide rehabilitation to all the affected persons.

REPORT OF JUSTICE G.T.NANAVATI
COMMISSION OF INQUIRY

ANTI- SIKH RIOTS DURING 1984.

Justice Nanavati Commission of Inquiry was appointed on 8th May, 2000 to inquire into :

- (i) the causes and course of the criminal violence and riots targeting members of the Sikh community which took place in Delhi and other parts of the Country on 31st Dec.,1984 and thereafter,
- (ii) the sequence of the events leading to and all the facts relating to such violence and riots;
- (iii) whether these heinous crimes could have been averted and whether there were any lapses or dereliction of duty in this regard on the part of the any of the responsible authority/ individuals;
- (iv) to inquire into the adequacy of the administrative measures taken to prevent and to deal with the said violence and riots;
- (v) to recommend measures which may be adopted to meet the ends of the justice; and
- (vi) to consider such matters as may be found relevant in the course of the Inquiry,

2. The need for appointment of the Nanavati Commission of Inquiry arose out of widespread demand from different sections of society, particularly Sikh community for an inquiry into several aspects of violence, abuse of authority and remissness and apathy of law enforcement agencies. The Ranganath Mishra Commission of Inquiry which was set up earlier to enquire into the same matter had given its report and left a number of matters to another Committee to be set up. It was in this background that the Nanavati Commission was ordered.

RECOMMENDATIONS :-

3. The recommendations of this Commission are as under:

- (i) The Commission agrees with the findings recorded by Justice Mishra Commission as regards delay in calling the army, preventing happenings of such events.
- (ii) There should be an independent police force which is free from political influence and which is well equipped to take immediate and effective action;
- (iii) The Government should take steps at the earliest to see that all complaints are properly recorded and investigated by independent Investigating Officers, if the police is not able to register every offence separately at the time when they are reported,
- (iv) Government of India and the State Governments should see that all the affected persons throughout the country are paid adequate compensation on a uniform basis,
- (v) The Government should consider providing employment to one member of that family, if that family has lost all its earning male members and it has no other sufficient means of livelihood.

REPORT OF JUSTICE V. S. DAVE

COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN GUJARAT IN JULY 1985.

Immediate causes

In the year 1714 communal riots have erupted in Gujarat, that was first recorded communal riot. The riot had taken place near Jama Masjid on the day of Holi. The cause was sprinkling a Gulal on a Mohammedan and provocation was given by divine priests Mohammad Ali and Abdul Azizi, followed by the riots again in 1715 and on Id festival in 1716.

2. In 1750, the Hindus started disturbing the namaz of the Muslims by ringing the bell and blowing conch shells and this infuriated the Muslims who went on rampage and destroyed that temple near Jama Masjid

3. Tension was reduced during the Maratha rule but it again went high in 1857 when the rumours were set afloat that the salt carried from Kutch to Rajputana in bags containing red ochre was defiled by the blood of the holy cows. This created tension in Ahmedabad, Baroda and other towns but timely action prevented any bloodsheds.

4. There after communal riots took place in 1969. Serious riots took place during the Rath Yatra procession on 1st July 1976. Stabbings, assaults, arson, looting broke out in the city.

5. It is evident that people of both communities have been accustomed of carrying communal tension.

Underlying Causes

In 1985, anti reservation agitation was going on, the Muslims in Gujarat were at low profile. Babri Masjid issue and the judgment of the Court declaring it open to Hindus, to believe that it was a spot to be Ram Janam Bhumi had not only widened the gulf between Hindus and Muslims in Ayodhya.

A propaganda was also in circulation that mosques and shrine of Muslims in Ahmedabad were built on Hindu monuments, and Muslims refused to close their shops on the call of bandh on March 18, 1985 which marked the start of communal riots in Ahmedabad.

On 18th July 1985 with the sounding of death- knell, when a small group of boys came to see it, a stone came through Nani Salepari pole and hit a muslim boy which was marked as the beginning of the riots.

Recommendations :-

- (i) The entire press in Gujarat is owned and controlled by the persons belonging to upper class communities and was biased against the leaders of communities belonging to comparatively low caste,
- (ii) Police remained inactive and did not act swiftly to stop the act of violence,
- (iii) Police was totally unaware of the preparation about the agitation,
- (iv) There was no intelligence and if there was one, there was lack of communication between the higher and at the lower level.
- (v) The police did not registered the case, which were reported, and if they reported they were not properly investigated in right earnest with the result that criminal could not be brought to books and punished.

REPORT OF JUSTICE P.S. MALVANKAR
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN UMAPUR (DISTRICT BEED)
DURING MAY, 1986.

Background

The disputes between Hindus & Muslims over Ram Janmabhoomi at Ayodhya was decided by Court in favour of Hindus. This decision upset the Muslims.

2. The Hindus were deciding to take out a procession of Ram Rath to celebrate the occasion through the Muslim localities starting from Wakdi Baraw.

3. Pamphlets were being issued by the Hindus giving details regarding the procession.

4. On 13th April 1986, Ganpati procession was taken out from Ram Kund. While the procession was going along the road through Muslim localities, offensive slogans were shouted such as “Landhyacha Bailal Ho”, “Polcancha Bailala Ho” and “Jisko Chahiya Pakistan Usko Bhejo Kabarasthan”. However, Muslims managed to remain calm.

5. In spite of the prohibitory order, Hindu leaders and 400 / 500 persons committed breach of the prohibitory order which was issued u/s 144 of Cr.P.C. and started to take out the procession from Ram Kund. When the police arrested a few, the mob started pelting stones on the Police.

Immediate Causes

(i) On May 10, 1986 at about 6.30 p.m. when Shiv Sainiks came to Abdul Hamid Chowk, they first garlanded the Ganesh idol and then went to Gulam Gaus who was selling milk at Dudh Katta. They demanded money and he gave them Rs. 20. After some time again, some Hindu people demanded money but he refused. At that time, they assaulted him and Gulam Gaus fell down unconscious.

- (ii) There was a scuffle between Muslims on the one hand and some Shiv Sainiks on the other. In that, Muslims were assaulted and were chased by a Hindu Mob. Immediately after this incident, Hindus & Muslims started pelting stones at each other.

Circumstances of the Communal Incident

- (i) On 14th May, 1983, it is alleged, Shiv Jayanti was celebrated and Shiv Jayanti procession was taken out. When this procession went by Jama Masjid, few people gave abuses to Muslims in a filthy language and 'Gulal' was thrown in front of Masjids. Some of the Muslims requested not to abuse and throw 'Gulal' but the Hindus did not listen.
- (ii) A rumour was spread in the village that the hands of the idol of Goddess in Umarpur were cut off as a result of which there was tension in the village between Hindus and Muslims,
- (iii) Some material was published in the weekly 'Sobat' against Muslims and, therefore, after 11th May, 1984, Muslims had agitated against the publication,
- (iv) There were a number of confrontations like:- Members of Hindu Maha Sabha spoke against Muslims at an open meeting, Muslim and Dalit boys in a cinema theatre 'Rathod' in Majalgaon, outraged the modesty of a Hindu Girl,
- (v) In April, 1986, Shiv Sena had opened its branches in village of Umarpur in Gevrai Taluka creating tension between Hindus & Muslims,
- (vi) On 13th May, 1986, at a Hindu marriage procession, a Muslim boy dashed against one man on his bicycle. This resulted into a communal tension immediately. About 100 Hindus and 100 Muslims had collected on the main road,
- (vii) A few more incidents where Shiv Sainiks abused Muslims, they had removed the wooden poles of the compound of Muslims and had thrown them in the bonfire on account of Holi,
- (viii) On 16th April, 1986 on Ram Navmi day, a procession was taken out by Hindus, which was protested by the Muslims and therefore there was confrontation between the two communities.

Immediate Cause

On 15th May, 1986 a stabbing incident took between one Shaikh Bhasir and Rangayys Bhandari, a member of Gram Panchayat of Umarpur in S.T. Bus over a seat in the bus. Immediately, both these persons were brought to the outpost. Rumours spread out in the village in a distorted manner and mobs collected both at the bus stand and at the Outpost and the riots started.

Recommendations

- (i) Areas which are sensitive should always be equipped with a wireless van, tear gas squad and a section of Armed Police Constables,
- (ii) When firearms are used in case of riots, senior officers concerned should invariably insist on filing reports in prescribed forms within 24 hours,
- (iii) In firing incidents, where deaths had occurred as a result of bullet wounds, the clothes worn by the deceased should also be sent to the Ballistic Expert,
- (iv) Suitable instructions should be issued for investigating these complaints by an independent police agency preferably the agency like the Bombay CID,
- (v) Effective measures should be taken to improve the efficiency of the police officers probably by transferring some of the more experienced officers from other parts of Maharashtra,
- (vi) Collective fines should be imposed where riots had occurred,
- (vii) Appointment of Peace Committee should be compulsory presided over by the Sub – Divisional Magistrate of the area. It should comprise of members from both communities, Hindus & Muslims,
- (viii) Government may consider to create legislation for the following offences like:- any act or omission by any person, likely to generate communal tension; shouting of slogans likely to offend religious feeling of a citizen; and whenever any religious organization or its office bearers are found, directly or indirectly, responsible for the riots,

(ix) Government may issue suitable instructions in that behalf and compliance of such circulars and instructions should be insisted upon at the level of the Superintendent of Police and lower ranks,

(x) Working of the intelligence in all the Districts should be reviewed and collection of intelligence at the Police Station should be placed in hands of trained personnel.

(xi) As regards Administrative measures taken to prevent such disturbances there is no doubt that police had taken preventive measures against some person .

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REPORT OF JUSTICE S.C. DEB
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCES AT KASHIMBAZAR AND
NASHIPUT IN MURSHIDABAD ON 24TH JUNE,1988.

The Deb Commission of Inquiry was appointed by the Government of West Bengal on 10th August 1988 to inquire into the causes and course of communal disturbances which occurred in the District of Murshidabad on 24th June, 1988 and to ascertain the measures taken to prevent and deal with such disturbances as also to recommend measures for preventing recurrence of such disturbances.

2. The facts of the matter are that the Muslims desired to offer namaz in the Katra Mosque and despite appeals by political parties and eminent persons to the people not to participate in the programme of march to Katra Mosque, 50,000 to 1,00,000 Muslims gathered in response to the call of the Indian Muslim League to participate in the programme.

RECOMMENDATIONS :-

3. Based on the above, the Commission has made the following recommendations:

- (i) Strict measures should be taken by the Administration to defuse any situation arising out of any communal tension over any issue well ahead.
- (ii) The District authorities should be instructed to exercise power within the framework of law to regulate and/or stop any programme in the interest of maintenance of law and order, particularly when religious and political issues are simultaneously involved and are likely to aggravate communal tension.
- (iii) Criminal cases started in connection with such incidents should be vigorously proceeded with and the culprits should be brought to book.

REPORT OF JUSTICE RAMANANDAN PRASAD
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE AT BHAGALPUR(BIHAR)
DURING OCT., 1989.

Immediate Cause

The immediate cause of the flareup of the communal disturbance was the attack on the Ramshila procession near the Muslim High School. This had a chain reaction as the Hindus must have had a grievance against the Muslims for the said incident of which the Ramshila procession could not be taken to the Goshala.

Other Causes

- The first rumour that an attack by Muslims criminals was made on the SP near Muslim High School on 24th October 1989 and that he was killed in the incident.
- The second rumour was that about two to three hundred Hindu students (ranging from 200 to 2000 while the total number was only 11 as stated by the Dean of Student Welfare at Bhagalpur University which included even Muslims students) living in the University area were killed by the Muslims. This fuelled the passions and started the riots which quickly spread to the rural areas.
- The third rumour was that after being bombed near Muslim High School , the processionist of Ramshila procession started assaulting the Muslims.
- These rumours gained strength by the coverage given by media.

It has been stated that the administration including police personnel , failed to contain the riots .

RECOMMENDATIONS :-

- (i) The Commission is of the opinion that steps need to be taken to improve the economic status of both the communities,

- (ii) Removal of illiteracy and education of people with respect to communal harmony are urgent requirements,
- (iii) In order to develop modern outlook, education should be given in common schools which generate scientific outlook and Madarsa and Sanskrit too should be discouraged which impart narrow religious instructions,
- (iv) Efforts should be made to have common playground for children of both communities. Use of communal names of teams in cultural activities like the ' Mohammedan Sporting' ' Hindu Club ' etc should be banned,
- (v) The Commission finds that it is necessary to undertake streamlining of Police Force and imposition of unity of command in the police force of every district,
- (vi) Recruitment of the police force should be based on merit exclusively. Intensive training should be imparted thereafter. Orientation course for the police personnel to keep them physically fit and retain their efficiency should be conducted throughout their carrier.
- (vii) Police force should be provided with sufficient equipment.
- (viii) Restoration of the status of the officer in charge in the Thana so that the rule of law prevails and political interference declines. The buildings of Thanas should be restored to the status of decency from the state of dilapidation. Sufficient number of officers should be attached to each Thana.
- (ix) Separate cadre of grade four employees should be created for working as bodyguards of the VIPs.
- (x) Intelligence wing should be made independent of the general police force and should be given professional training for intelligence work .

(xi) Politics should not be allowed in the police force which has to be highly disciplined in nature.

(xii) Political will is important for bringing about reforms.

(xiii) A special task force like the rapid action force should be created in every State preferably consisting of members of retired Army Jawans and Para military forces who retire in the age group of 35-40.

(xiv) Police should conduct vigorous searches whenever there is apprehension of any breach of peace.

(xv) It is suggested to use rubber bullets at the first instance to disperse the crowd . Only upon its failure in dispersal of the mob actual firing be resorted to.

(xvi) Since disputes regarding route generally arise whenever a procession has to pass through a locality which is predominantly Muslim , it should be made a general rule that the route of the procession shall be the main road irrespective of the fact that a part of the road is dominated by only one community. And no route should be denied to any procession simply on the ground that people of a locality on that route have objection to it as it is a legal principle that everybody has a right to pass through a public route subject to traffic regulation and maintenance of law and order.

(xvii) It should be made imperative that no processionist should carry any arm with him. It is advisable that videography of important processions be done especially when there is any apprehension of breach of peace.

(xviii)The Commission feels that specific role of the army, paramilitary and the civil administration should be well defined.

(xix) Transfers of officers, specially senior officials, after the outbreaks of communal riots should be avoided unless there is very strong case for transfer.

(xx) It is suggested that neither the Prime Minister nor any Minister of the Central or State Government or even the Chief Minister should visit the place where riots have taken place until the riot is controlled as it causes great dislocation to the Administration for their security and takes away time from law and order work..

(xxi) Media should exercise self restraint in times of riot. In case of news to be found incorrect, the Press Council of India should take appropriate action against the press or the journalist.

(xxii) Speedy investigation in respect of communal cases should be pursued. Special Courts should be constituted to bring guilty persons to book quickly.

(xxiii) Sentence prescribed u/s 153, 153A, 153B, 296, 297, and 298 of the IPC as also of Section 32 of the Police Act should be suitably enhanced to give them deterrent affect.

(xxiv) It is suggested that no temple or mosque be allowed to be erected within 200 meters of the main markets as that is not the proper place of worship and it is more probable that it might create many complications.

(xxv) The State government should take positive steps to have a uniform civil code for all the citizens of India as enshrined in Article 44 of the Constitution of India.

(xxvi) Media gave wide publicity to rumours which made people to believe the rumours, which ultimately led to valuable lives of hundreds of innocent Muslims.

(xxvii) The police failed to contain the riots though at some places they succeeded in doing so. At many places they miserably failed to do so as there was marked shortage of police personal, equipments like vehicles, firearms.

REPORT OF JUSTICE M.L. TIBREWAL
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN JAIPUR, OCT. 1990.

There was an in-built tension between the two communities in the city after the clashes of 1989. The various happenings and events in the country and in the city thereafter in the year 1990 further aggravated the situation and lastly the Rath Yatra undertaken by Shri L.K.Advani and his arrest before its completion added fuel to the fire and by the evening of 23rd Oct.,1990, the communal atmosphere had become highly charged in the city. A bandh was called in the city and the action of the persons on account of road blockades, forceful stopping of passing vehicles, taking out the passengers from vehicles by force, burning of tyres, shouting inflammatory slogans further vitiated the atmosphere. The wild rumours also further fanned the situation. The Police was not prepared and as such the incidents of arson, loot and damage of property become unavoidable and ultimately led to unfortunate incidents.

There was failure on the part of intelligence wing of the State and as such the Police and District Administration misjudged the situation and made the wrong assessment of the communal situation as well as likelihood of any disturbance during Bandh.

Recommendations

1. Leaders and Propounders of all religions should use religion for constructive and positive blessings to human race.
2. Reason & Rationality should be inculcated in one's thought process.
3. Politicians, in their desire to acquire power, should not act in such a way which is detrimental to the people of this Country.

**REPORT OF SHRI HEERAMAN SINGH (DISTRICT &
SESSION JUDGE) COMMISSION OF INQUIRY**

**COMMUNAL DISTURBANCE IN HYDERABAD AND RANGA
REDDY DISTRICTS – OCTOBER., 1990.**

The Heeraman Singh Commission of Inquiry was appointed by the Government of Andhra Pradesh vide Notification No.316 dated 3.6.1993 to enquire into the communal violence that occurred in the twin cities of Hyderabad and Secunderabad as also in the Ranga Reddy District during October – December, 1990.

2. The cause of the riots was the killing of notorious rowdy sheeter in an encounter with police on the night of 9.10.1990 and the situation became tense marked by violent incidents in some parts of South Zone of city, Bowenpally and Secunderabad where both Muslims and Hindus suffered loss of life and property. Similarly, in the northern part of the city, there was retaliation by the Hindus causing loss of properties.

3. In the second half of October, 1990, the Ramjanam Bhoomi-Babri Masjid issue was causing ferment. The arrest of Shri L.K. Advani in the State of Bihar on 23.10.1990 fanned the communal flames. Provocative pamphlets were distributed by the Muslim organizations calling for Jihad and even the Press and Media (TV) publicized exaggerated news and displayed photos and visuals of dead and the injured persons. The BJP also distributed pamphlets. The communal atmosphere was vitiated.

4. From 23.10.1990, till the end of December, 1990 communal incidents like murders, stabbings, arsons, lootings went on unabated inspite of the police deploying more platoons in the sensitive areas with increased patrolling.

5. The police force was not large enough to combat the massive violent communal mobs with lethal weapons. The arms with police were also antiquated. They countered the situation as a result of the assistance from the army.

RECOMMENDATIONS:-

6. Based on the above incidents, the Commission has made the following recommendations:-

- (i) In old city where there are meandering narrow lanes and roads, actions should be taken to widen the lanes and roads;
- (ii) The most effective way of putting down disturbances which had taken a serious turn is to use 'fire arms' promptly and there should be controlled firing on the rioting mobs. This measures of law enforcement in appropriate cases and circumstances has to be accepted as an inescapable responsibility;
- (iii) Much of the venom fanning the flames of communal tension has its origin in inflammatory speeches and talks in places of worship and places of religious importance were exploited for such purposes. It is the spoken word that has sizable impact on the hearts and minds of the people. This has to be tackled very shrewdly by the Intelligence Wing by employing certain sincere, honest and men of integrity of the police force to note down the speeches both inflammatory and provocative, if made in places of worship and report the same to the higher authorities for appropriate action;
- (iv) Well equipped Control Room should be set up and they should function round the clock in all the places which had been identified as communally prone areas. These Control Rooms should be manned by responsible officers who can properly assess the information and undertake suitable action on the basis of such information. If the Control Room function properly during crisis situation the vast amount of useful information received by it will be of great help to the authorities to control the situation;
- (v) The State Government should initiate action under Prevention of Criminal and Election Amendment Act, 1969 to discourage mischievous reporting in the Press which is likely to affect prejudicial public peace;
- (vi) It is imperative to advocate a Press code providing guidelines for not giving any publicity to any disturbances of communal overtones, as otherwise, such publications will escalate communal tension. The electronic media (TV) is also responsible for increasing communal

tension by showing visual of riots, communal and other disturbances conveying an exaggerated picture of the damage and devastation. The authorities concerned should see to it that they should not display on the electronic media any disturbance of communal nature;

- (vii) For defusing surcharged communal atmosphere formation of peace committees comprising of responsible and respected men of different communities of the affected areas is useful. They have a stabilizing and healing role. Members should be selected very carefully and scrupulously and they should not be communal minded. Peace committees should be presided over either by a respectable elderly gentleman of the locality or by the SP or DCP. It will also be profitable if they meet at least once a month to review the situation in their localities;
- (viii) Circulation of all kinds of baseless and vicious rumours are very common and they tend to build up an atmosphere, surcharged with commotion. Mostly, mischievous elements are behind this rumour mongering. In such a situation, the authorities must act promptly and firmly and use the facilities of radio and other means of mass communications to scotch the rumours and inform the public regarding the correct situation;
- (ix) When there is an indication of communal trouble brewing up, the police must swiftly nab the anti-social elements, who take advantage of the situation and indulge in arson and looting, normally, the professional goondas. During communal riots, these rowdies move about freely and stoke embers of communal discord. This has happened because the records of goondas kept in police stations are hopelessly out of date and before any action is contemplated, the goondas disappear sometimes with the connivance of the subordinate police officers. Senior police officers must always take with a pinch of salt the plea of the subordinate officers that the anti-social elements could not be detected and they had gone underground. However, adequate care should be taken while drawing up the list of anti-socials so that the names of law-abiding citizens do not occur in such lists; and
- (x) It has come to light that politicians and influential people pressurize the Station House Officers of the police station to release a person who has been taken into custody under preventive sections or on clinching evidence of his being involved in communal riots. The SHO should not yield to such demands or commands and do his work without fear

or favour. At time the police officers hesitate to take action against notorious anti-social elements because the latter has political patronage. Nothing destroys the morale and discipline of the police officer more than the interference from extraneous elements.

REPORT OF JUSTICE K.K. DUBEY
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN BHOPAL AND UJJAIN –
DEC.,1992.

Recommendations

1. Participation in riot should be an offence , which should be brought under the definition of 'sedition'. The definition of offence of sedition , therefore , be enlarged to encompass communal riot. If done so, those attempting to incite would also be liable in the same manner as those abetting an offence. This should be a deterrent to those engaged in rioting.
2. Inculcate deeper feelings of fellow beings in the boys and girls irrespective of their religion.
3. Prohibitory orders U/s 144 Cr.P.C. must be liberally imposed whenever a threatened communal situation is anticipated. This should be practiced more as a rule rather than an exception.
4. Internal Security system should be strengthened so as to meet the worst kind of riot. Strict enforcement of the preventive measures would go a long way to prevent ugly occurrences.
5. While dispersing the crowd, it becomes important that damage to public and private property be prevented. The police pickets must also have necessary powers and instructions to open fire at the crowd when such a crowd is violent and is threatening to do damage to the public/private property and life.
6. Rehabilitation of those who have suffered total loss of business , may be possible by grant of loan on low interest which would be realizable within four to five years. Those suffering partial loss may be suitably helped to recover the loss including grant of loan on short term on market interest. As regards poor victims, they may be fully compensated.

7. Machinery created for gathering intelligence relating to communal matters will have to be improved. Intelligence obtained must be carefully analyzed looking to the history of the area. Failure of intelligence would be as bad as failure of the essential function of the police. Posting of the police pockets must serve some useful purpose. The pockets must have instructions and powers to deal with the mob as they deem fit including firing. They must be provided with modern weapons so that they can control larger crowd.

8. The two officers that are primarily responsible for law and order situation are the District Magistrate and the Superintendent of Police. The Commission recommends that in hyper sensitive areas, it would be incumbent on the Collector to consult the Home Secretary whether or not a prohibitory order u/s 144 C.P.C. should be imposed. The availability of adequate police force is an essential requirement. There must be an assessment of the requirement of the police force and the decision should be approved by the Home Ministry well before hand. Since the Internal Security Scheme, that has been approved by the higher authority, it would be incumbent on the District Magistrate and the Supdt. of Police to work according to it.

9. Whenever the police had taken recourse to slow reacting drill while dealing with the mob in as much as they first warned the crowd to disperse, then used tear gas and then ordered lathi charge and lastly opening fire. While ordering firing in air in the first instance effective firing was ordered. The rioters did considerable damage and it was only when the crowd attacked the police, effective firing was ordered. In cases where the assembly is unlawful and there is violation of prohibitory orders, it would be necessary to take strong measures to prevent loss of life and damage to property. In such cases, it is not necessary to take recourse to tear gas or lathi charge and firing should be ordered. If the strength of the force is sufficient, an attempt must be made to apprehend as many persons as possible.

REPORT OF JUSTICE B.N.SRIKRISHNA
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE IN MUMBAI DURING DEC. 1992
AND JAN. 1993.

The Srikrishna Commission of Inquiry was appointed vide Notification of Home Department No.FIR-5693/Bombay-1/Appointment/SPL-2 dated 25th January, 1993 with the following terms of reference:

- (i) the circumstances, events and immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December, 1992 on or after the 6th December 1992 and, again in January, 1993, on or after the 6th January, 1993;
- (ii) whether any individual or group of individuals or any other organization, were responsible for such events and circumstances;
- (iii) the adequacy or otherwise of the precautionary and preventive measures, taken by the Police preceding the aforesaid incidents;
- (iv) whether the steps taken by the Police in controlling the riots were adequate and proper and whether the police firing resulting in deaths was justified or not; and
- (v) the measures, long and short term, which are required to be taken by the administration to avoid recurrence or such incidents, to secure communal harmony and also to suggest improvements in law and order machinery.

2. Subsequently, the Commission was disbanded, reconstituted and the terms of reference were broadened.

3. The facts of the case indicate that there was a build up of communal fervour amongst Hindus and Muslims in the weeks proceeding in the demolition of the Ram Janam Bhoomi - Babri Masjid structure at Ayodhya on December 6th, 1992. As the news of the demolition spread in the city of Mumbai and its suburbs, communal events began to take place in different parts. There was an increase in the number of communal riots on 7th and 8th

of December. The situation came progressively under control until only stray cases were reported on 12th December, 1992.

4. Between 12th December, 1992 and 5th January, 1993, there were stray incidents. The assault of mathadi workers led to a fresh start of communal riots and from 6th January, 1993 to 20th January, 1993, there was widespread rioting in the city and its suburbs. The final tally of casualty figures for December, 1992 and January 1993 is as under:

Dead **900** (575 Muslims, 275 Hindus, 45 unknown and 5 others).

Causes The causes for the deaths are police firing (356), stabbing (347), arson (91), mob action (80), private firing (22) and other causes (4).

Injured **2036** (1105 Muslims, 893 Hindus and 38 others)

5. The Commission of Inquiry appointed a Committee of Expert Assessors from the Tata Institute of Social Sciences to study the political, socio-economic, demographic and other factors contributing to the riots. The report of the Committee improved the overall perception of the Commission. In the socio-economic, demographic and political factors, the Commission has referred to (a) Class Conflict, (b) Economic Competition, (c) Decline of Employment in organized sector, (d) Density of Population and (e) Changing Political Discourse. The Commission does not believe that the communal riots in Bombay were due to the Muslims comparing themselves with affluent Hindus or because of their feeling of being exploited by Hindus. They also do not find evidence to suggest that riots on such a large-scale could have been engineered by builders or land grabbers. They, however, conceded that land grabbing may have occurred on certain occasions as a consequence of riots.

6. The Commission does not find that any factors of economic competition between the ethnic groups and ethnic divisions of labour caused the riots. The city has not witnessed any rising Muslim bourgeoisie competing with Hindu bourgeoisie. The Muslim community in Bombay has not produced sufficiently large number of educated youth to compete with educated Hindu youth for white collared jobs.

7. There is no material to show that Hindus felt any threat of displacement from their usual economic enterprise. On the other hand, large migration of

Muslims during riot periods affected garment industry in which there is economic inter-dependence of Hindus and Muslims.

8. Economic decline led to fall in employment in the organized sector during the '70s and '80s. This could have generated frustration among unemployed youth and poorer sections. The Commission also feels that de-industrialization of Bombay has led to unemployment in the organized sector, combined with loss of purchasing power due to inflation for those holding jobs also. Such factors could have contributed towards making the city vulnerable to communal violence.

9. Employment in the informal sector constitutes more than half of the employed population. With its lawless, cruel, harsh exploitation, workers could have been drawn towards communalization and it is probable that they are easily susceptible to be drawn to communal riots.

10. The frustration-aggression syndrome in the minds of slum dwellers and foot-path dwellers, which have increased three-fold since 1961, is also considered by the Commission to be a relevant factor facilitating ethnic violence.

11. According to the Commission, the increased density of population has generally affected life in Bombay. The concentration of minority community in pockets has probably led to exclusivist tendencies among its members.

12. The Commission finds that the political discourse which dominated the earlier decades has given way to communal discourse with aggravating factors like decline of organized sector employment, growth of informal sector, vocal Hindutva parties and increasing assertion of Muslim ethnic identity. Issues on both sides such as reversal of Shah Bano decision, singing of Vande Mataram, the alleged appeasement of Muslims, increased acceptance of Hindutva among Hindus and consequent increased exclusivism among Muslims. Based on all the above factors, the Commission believes that the atmosphere widened the cleavages between the ethnic groups, functioning as proximate contributory causes for riots and violence in Bombay.

13. The Commission concludes that the events linked to December 06, 1992 were more spontaneous and a result of the reaction of lawless and incensed Muslim mobs beginning with peaceful protests and culminating with riots.

14. The Commission finds that the events of January, 1993 were a result of communally-inciting propaganda unleashed by Hindu communal organizations and writings in newspapers like Saamna and Navakal. The Commission does not find any material on record to show Muslim individuals or organizations responsible for the riots.

15. The Commission finds that the precautionary and preventive measures taken were inadequate. The intelligence machinery did not give information in good time; the intelligence apparatus failed to gather careful intelligence about closed door meetings and they did not have persons knowing Urdu to interact with Muslims and feel the pulse of the Muslim community.

16. The Maha Aartis were erroneously treated as purely religious activity, despite inciting speeches and acts of attacking, damaging and looting of Muslim establishments. The police were overawed by numbers. Prohibitive orders were flouted with impunity. The police force was hopelessly inadequate and their arms and equipment at police stations were inadequate qualitatively and quantitatively to deal with riot situations. Their transport facilities were woefully inadequate. Their wireless equipment was not fool-proof. It was easy to break into and transmit conflicting and confusing talk when accurate communication was imperative. No police station had a list of communal goondas and in that context, the issue of instructions to round-up communal goondas created further confusion.

17. The army was not effectively used. There were no combing operations even where private firing was suspected.

18. The response of the police to calls from desperate victims, particularly Muslims was indifferent. The police pickets were not alert. Police officers and men particularly at the junior level appeared to be biased against Muslims. As a result, the treatment given to them was harsh and brutal and on occasions bordering on inhuman.

19. Adverse criticism of the police led to demoralization of the force. Knee-jerk instructions from higher levels caused confusion among police ranks. The police appeared by their own conduct to have lost moral authority over the citizens and appeared to evoke no fear even in the minds of criminal elements. Police firing appeared to be unjustified on two occasions leading to the killing of innocent citizens.

20. The statement of the then Chief Minister that "Bombay would burn" if leaders of Shiv Sena were arrested, showed the predicament of the police.

Though the police did take action in some cases against newspapers under Section 153A of the IPC, such cases remained pending for want of sanction of the State Government.

RECOMMENDATIONS

The Commission has recommended measures, both long and short term required to be taken by the administration to avoid recurrence of such incidents and to secure communal harmony and towards improvement in the law and order machinery.

2. At the very outset, the Commission has commented on the image of the policeman. The Commission feels that the average policeman is seen as a bloated bumbling comic figure holding a lathi in one hand and holding the other palm extended. It recommends that steps be taken to substitute this image with image of a professional policeman, sensitive to the problems of the law abiding public yet hardened to deal with crooks and criminals.

3. In the short term measures, the Commission recommends more frequent and strict inspection by senior police officers so as to ensure that the discretion to register and investigate offences, exercisable by the Station House Officer is used strictly in accordance with law and to safeguard the safety and liberty of the citizens.

4. The Commission has observed that investigations appear to be arbitrary and that crime reports are written routinely without any serious investigation efforts. Standard excuses like 'no witness is available', 'none is willing to talk' and 'wanted accused is not seen' are put forward to avoid serious investigation. The Commission believes that it must be impressed upon the investigating officer that every classification of a registered offence "A" summary which can only be done by the court is a certificate of failure and admission of inefficiency. Figures of such classification in "A" summary must count for the demerit rating of investigating officer.

5. Every police officer and policeman must be made to realize that however meager the compensation from society for his role, the dignity, the status, the power and authority attached to his office are the compensation and if he seeks anything else, exemplary punishment would swiftly follow.

6. Punishment for corruption, brutality, dereliction of duty and mala fide exercise of authority should be prompt and no less than dismissal from service, apart from prosecution under the Criminal law.
7. There is imperative need to make amendments to the Police Act and Service Rules so that punishment for gross violation of duties and corrupt practices is swift and sure. Similarly, honest officers and men who act purely professionally must be rewarded by accelerated increments and out of turn promotions based purely on excellence of record.
8. There is urgent necessity of insulating the police from political interference in the day-to-day administration.
9. It is noticed often that senior police officers are hesitant to lead for fear of consequences. There is absurd talk that appointment of Judicial Commission to X-ray police functioning would demoralize the force.
10. There is lack of continuous interaction between the senior officers and the officers and men at the junior level. Instead of shying away from Judicial Commissions of Inquiry, they must ensure truthful documentation of all their activities both outside and before such Commissions. The lead must come from the top officers of the police.
11. It should be impressed upon all police officers that it is part of their discipline and duty to cooperate with courts to ensure that the wheels of criminal justice administration move swiftly. Every investigation officer must investigate the offence with the object of securing a conviction in a trial, of course by fair means.
12. There should be meticulous documentation of inputs so that their analysis and assessment is true and effective. Records like individual firing report and personal diaries required to be maintained under the Standing Orders, should be maintained. In fact, honest maintenance of such records would enable a Commission of Inquiry to segregate the guilty from the honest; the incompetent from the competent and the shoddy from the meticulous.
13. There is need for weekly seminars, discussions and instructions on police intelligence methods, from the senior police officers and also outsiders who are experts in the job.

14. The cultivation of sources of intelligence, short term and long term, appears to be ineffective and failing at crucial times. Frequent transfers of senior police inspectors in charge of the police station give them hardly enough time to gain knowledge of the topography, rate, pattern and methods of crime and identification of the reputable and disreputable members of public within the jurisdiction. Transfers of such key officers must only be done on extremely good grounds after sufficiently long time.

15. There is much wanting in the physical fitness of the members of the police force. Standards of physical fitness must be rigidly enforced and any deviation beyond acceptable limits must disqualify the officer or man from further duty until he regains the prescribed physical standards.

16. Refresher courses have to be devised and attendance at them must be made compulsory at the end of which there should be a test undertaken to appraise the absorption of the training methods, which should ultimately reflect in the confidential records and count for the merit rating of the personnel.

17. In the training sessions, they should also be trained in the existing legal provisions which affect policing and also subjects like criminology, sociological behavior and interaction with citizens. It should be constantly impressed upon them that a policeman is a friend of the public. There should also be interactive courses with members of public so that the public impression that they should avoid anything to do with the police, is removed. Attendance at training sessions, P.T. parades should be made compulsory.

18. It is essential to have a proper public relations machinery which can be approached by media persons and public for getting the latest authentic information. As a general rule, the information to be disseminated to the public and the media should be channelised through the established public relations officer subject to the Commissioner's right of holding press conferences and press briefings either by himself or through his nominated officer.

19. Peace Committees should consist only of reputable persons from the locally unconnected with any political party, viz., professionals, merchants, social workers with no political linkings or even members of working class. It is only such a Peace Committee which can endeavor to bring peace.

20. The Commission recommends that, apart from sufficient supplies of better quality fire-arms, the policemen and officers must be put through

rigorous training in handling them without which the investment in fire-arms would be useless.

21. It is recommended that helmets and shields of suitable lighter material be provided which are strong enough to withstand the impact of stones and sharp objects thrown at them.

22. While dealing with mobs which are suspected to indulging in private firing, there should be sufficient number of bullet-proof vests made available to the police personnel.

23. Things like rubber bullets or electric shot guns and water cannons are freely resorted to in advanced countries to avoid loss of life when carrying out riot control. Their efficacy needs to be studied carefully.

24. Greater vigilance is required to be exercised in this area to ensure that the secret codes of police channels are known only to authorized personnel. In today's technological advancement, it is possible to establish identity of the caller or the set from which the call on the wireless is given. Such equipment needs to be installed to avoid repetition of the type of incidents which attracted notoriety in international media and caused considerable embarrassment.

25. Computers, electronic alphanumeric pagers and cellular phones, which can be inter-linked with each other, should be utilised.

26. The maintenance of computerized database would go a long way in generating the required tags on accused of different categories, particularly in the context of offences relating to communal riots. It would further facilitate instantaneous recording of factual data and simultaneous retrieval and analysis of vital inputs and their statistical implications by the policy-making officers of the top brass. The Control Room records need to be maintained in better form.

27. The Commission suggests that the audio cassettes be duplicated and one set be maintained as permanent record of the Control Room with another set for re-circulation.

28. In order to have effective policing in slums, it would be necessary to have a police station attached to the slum, or to have more than one where the slum is sufficiently big, so that officers and men attached to that police station are intimately familiar with the terrain, topography and type of people.

29. In a slum in which different communities live, a Mohalla Committee comprised of equal representatives of different sections must be made to work in close collaboration with the local police officers so that two way of exchange of information and ideas is possible.

30. To facilitate greater accessibility and prevention of attacks in isolated corners, cases of eve teasing and molestation, which have the potentiality for starting riots, it is necessary to have proper illumination in the lanes and by-lanes criss-crossing the slum.

31. The lot of an average constable is pathetic. He is poorly paid and overly worked. It is high time that the Government look into the matter of raising finances for recruiting necessary police personnel to reduce their working hours as suggested.

32. It is recommended that instead of "police security" being used as a status symbol, it should only be given after proper appraisal of security risk. If this is done, a large number of police personnel would be free for regular duties. If it is not possible to do so, it may be considered if charges can be recovered in such cases.

33. There should be stricter control enforced in the matter of religious processions and a security deposit of not less than Rs.5000 should be taken from the organizers of religious processions who should also be called upon to execute a guarantee for the peaceful conduct of procession. If there is any disturbance by the processionists, the deposit should be forfeited and action taken against the organizers of the procession. The organizers should be made to pay the charges for deployment of police, leaving the number of policemen to be determined by the Senior Police Inspector of the respective police station.

34. Religious observances, whether by Hindus or Muslims or any other, in open public places so as to cause obstruction, annoyance or inconvenience to the citizens at large must be strictly discouraged and action taken against those who defy the instructions of police. Such orders must be strictly enforced and any defiance should result in rounding up of the offenders.

35. Political interference in police work was evident during the riot periods. Ministers and politicians of different shades descended upon the police stations to browbeat or pressurize the officers in charge to release arrested persons who according to them were innocent.

36. Visits to police stations while the riot is in progress and their questioning of the officers in charge about arrests and insisting upon interviews with the arrested persons is highly demoralizing and amounts to interference in the work of police. This must be avoided at all cost and any information which such Ministers and dignitaries desire must be routed through the Commissioner of Police with whom only they should interact. Once a prosecution has been launched against a person for rioting or other communal offence, it should under no circumstances be withdrawn. Not even on repeated grounds of public interest should prosecution of communal offences be withdrawn. It is not only demoralizing to police, but also sends wrong signals to the offenders that they can somehow get away with it.
37. The top officers of the State administration should not treat the calling of the Army or any other such force as *infra dig* or as a blow to their pride. In a contingency, where it is required, after honest and self-searching appraisal, the Army authorities should at once be moved for operational duties for dispersal of unlawful assemblies.
38. Instructions with regard to the procedure for taking operational assistance of Army authorities by the civil authorities must be laid down in clear terms and a manual on this must be circulated to the officers of the level of inspectors who must be well trained in this subject and in the law applicable.
39. When the army is called out there must be greater cooperation between the police and army without each trying to upstage the other.
40. Police stations must be established as soon as the crime figures necessitate it. Whenever new housing complexes are established it should be made obligatory for the builders and/or societies to provide accommodation for a police station inside depending upon the number of houses and/or residents.
41. The Commission suggests that in some measure at least there has been polarization in the police force on communal lines. While communal thinking in an ordinary citizen, however, objectionable, may not produce immediately visible pernicious results, communalization of a policeman has that effect. It is therefore, necessary to exorcise the police force of this evil.

42. Top officers must keep a vigilant eye in the matter of posting, promotions and transfers to ensure that communal influences are not at work. Regular weekly parades, at which attendance should be compulsory, must be held at which briefings are given on ideal behavior on the part of police personnel.

REPORT OF JUSTICE D.M. SEN
COMMISSION OF INQUIRY

INCIDENTS OF THE GROUP CLASHES IN MANIPUR
DURING MAY,1993.

Justice D.M. Sen Commission of Inquiry was appointed by the Government of Manipur on 30th September,1993 to enquire into the causes and circumstances leading to the incidents on 3.5.1993 in Imphal and some of its neighbouring areas resulting in the death of nearly 100 persons; to ascertain the persons/parties responsible for the incidents or killing of innocent persons and destruction of properties. The Commission was also to point out if there was any deficiency in the arrangement made for handling the situation and then recommend the corrective measures and remedies to prevent recurrence.

2. Manipur has seen rapid growth of Muslim population in the recent decades. In 1960-61, its Muslim population was as low as 48,588. The Muslim population has increased as a result of annual growth and also due to the influx of migrants from Bangladesh . As a result of this influx, the Muslims were termed 'Pangal'.

3. In recent years, there were incidents which highlighted the tension between the Meiteis – a major ethnic group of Manipur – and the Muslims.

4. Three such incidents have been studied by the Commission. It is apparent therefrom that areas considered sacred by the Meiteis were encroached by the Muslims for various purposes. There was also an incident of the burning of a sacred banyan tree of which event the anti-social elements sought to take advantage. Finally, on 3.5.1993, direct confrontation took place between the two communities, tension escalated rapidly and police had to open fire in 31 places. Curfew was declared and the situation brought under control.

RECOMMENDATIONS :-

5. Based on the above incidents, the Commission has made recommendations as follows:

- (i) The Commission found that the state of complacency arising out of the peace, amity and friendship between Meeteis and Pangal during several centuries was misplaced. There is no limit to the liability of a semi literate population to be influenced by the assurances and suggestions of religious fanatics or political agitators or to be disturbed by interference with its prejudices and beliefs.
- (ii) The Commission has recommended that there must be a competent and efficient intelligence cell in the police administration in Manipur, with effective liaison with BSF, CRPF and Army and also with Narcotics and Customs Divisions. There should be periodic meetings between these various agencies and a concerted plan of action to discover and guard against the illegal activities of all anti-social and anti-national groups should be formulated. The police force should be properly and adequately equipped to meet the challenges.
- (iii) The Commission has recommended that the Police Department must have a 'Blueprint' ready so that it can take immediate action according to it, whenever any large scale disturbances takes place. Such a 'Blueprint' should be revised from time to time. It should also have a chart identifying sensitive and highly sensitive areas, prone to communal disturbances. Some Model exercise may also be held to keep the police on their toes.
- (iv) The Commission has recommended that certain preventive powers exercisable under the Cr.P.C. such as power to impose prohibitory orders under section 144 may be conferred on the police at the level of DSP and above on the lines of the Metropolitan police of Calcutta, Delhi and Mumbai. Magistrates may not always be available on the spot and for the police to wait for a Magistrate for promulgation of prohibitory orders, may rob it of valuable time.
- (v) The Commission felt that ex-gratia compensation paid to the victims is only Rs.20,000 in case of death and Rs.5,000 in case of damage to property was creating a feeling among the victims that they are being treated as less than citizens of India. The Commission

recommended that the compensation amount may be suitably revised upwards. It also recommended that suitable rehabilitation measures may also be devised, so that the victims of property damage or injury as also the dependents of those who died can earn their living as self-reliant persons.

- (vi) The Commission recommended that one next-of-kin of any deceased victim who has been in service with the State Government, Public Sector Units, or like Institution should be absorbed in suitable employment by the concerned authorities.
- (vii) The Commission also recommended that a special Police Prosecution Cell may be set up, headed by an officer of the rank of SP or Addl. SP in order to expedite investigation of the FIRs registered at various police stations and to bring the offenders to speedy justice. The State Government may also consider appointing a Special Judge with prior consent of the High Court, to try the cases of all such offenders. Justice not unduly delayed, will greatly help in reducing tension and creating confidence in the minority community.

**REPORT OF JUSTICE P.R. GOKULAKRISHNAN COMMISSION
OF INQUIRY**

**INCIDENTS OF COMMUNAL VIOLENCE IN COIMBATORE,
TAMIL NADU DURING FEBRUARY, 1998.**

The Government of Tamil Nadu had appointed Justice P.R. Gokulakrishnan, retired Judge of the High Court of Gujarat to inquire into the circumstances, leading to the bomb blasts in Coimbatore City and its suburbs on 14th February, 1998 and thereafter and subsequent law and order disturbances, including damages caused to the public and private properties.

In the year, 1991 an activist of Hindu front was murdered by Muslim. In 1994, one elderly Muslim and a social worker was murdered by one Muslim for the reason that he criticized the fanatical activities of Al-Umma. In 1995, one bakery owner was murdered by Hindu activist as sequel to the bomb blast in Hindu Mannani Office at Chennai. Subsequently, in the year 1997, six murders had occurred due to communal violence as a sequel to the murder of Palani Baba. Apart from the above said murders which were due to communal reasons, it is on record that the officials of Al-Umma had indulged in violence in the aftermath of demolition of Babri Masjid on 6th December, 1992. The police raids had resulted in recovering arsenal and also pamphlets showing the objectives of Al Umma. The objective of these pamphlets was to unite all Muslims under the forum to react violently whenever Islam is humiliated, to destroy Hindu temples during the first anniversary of Babri Masjid demolition and to kill Hindus and Hindu fanatics and to create terror amongst Hindus thereby adversely thronging haywire, communal harmony.

CAUSES:-

The Muslim fundamentalist groups, more especially the members belonging to Al Umma made use of the youngsters by rousing their fanaticism through their instructions and by exhibiting the photographs and video tapes showing the gruesome pictures of the dead bodies of the Muslims who were killed in the police firing, conspired and planted bombs on 14th February, 1998 as a retaliatory action for the killing of Muslims in Police firing on 30th November and 1st and 2nd December, 1997 and also for the huge loss of property the Muslim community suffered in the riot that occurred subsequent to the murder of Police Constable Thiru Selvaraj. These are all the causes and circumstances leading to the bomb blasts in Coimbatore City and its suburbs on the on the 14th February, 1998, resulting in the death of

more than 50 persons and subsequent law and order disturbances including damages caused to the public and private properties.

RECOMMENDATIONS:-

- i) Like Al Umma and Jihad Committee, there are other organizations which are in the habit of taking law in their hands even for the slightest infraction. These organizations, the functioning of which are not in the best interest of the nation, should be identified and proscribed.
- ii) Police administration, which has its intelligence wing should strictly monitor the speeches made by members of organizations and associations belonging to fundamentalist groups. Prompt action should be taken against these speakers of such fundamentalist organizations whenever it comes to the notice of the authorities that such speeches contained anti-national, anti-social and anti-religious utterances which will definitely wound the feelings of the religious and secular minded persons.. Such action will not only create a fear complex in the minds of anti-social elements but also infuse confidence in the minds of law abiding citizens and the general public.
- iii) Apart from strengthening of police force and establishment of new police stations, police personnel should be given modern equipments replacing obsolete ones as well as training in investigation on scientific methods.
- iv) Strict vigilance and supervision on the part of the Police will yield better results if only the public co-operate and furnish information regarding the nefarious activities of the anti-social elements. If only the public had in the interest of nation and in the interest of human safety, kept vigil and furnished information to the police, regarding the activities of the anti-social elements and terrorist groups storing such large quantity of bombs, weapons, etc., the activities of terrorist groups in bursting bombs on 14th February, 1998 could have been avoided.
- v) There must be some method of evaluating the feed back given by the lower level police officials in order to rule out any possibility of lethargy, complacency or slackness. There is a saying that Ceasor's wife should be above suspicions. We have numerous code of conduct for the police personnel from the level of Constable to the top most level. Such code of conduct is followed more in the breach than in observance. Therefore, the code of conduct should be observed strictly.

- vi) There is a need to rehabilitate the misguided youths, which will also solve the problem of unemployed, uneducated and anti-social elements in the age group of 18-25 years to get some facility to engage them in a vocation.
- vii) To infuse confidence in the minds of various religious groups and the public, Police administration should see that the Police is not packed with a particular religious group or caste group or linguistic group. This will definitely infuse confidence and respect for Police among the public.
- viii) It is necessary and a must that schools and colleges allocate more time and funds for sports and cultural activities and also for imparting moral education to younger generation.
- ix) It is necessary that check posts are erected, both to check infiltration of anti-social elements in Coimbatore as also the movement of arms and ammunition.
- x) Communally very sensitive areas should be permanently watched by Special Wing of the Intelligence Department of the State so as to gather information regarding the activities of the fundamentalist groups and anti social elements.
- xi) Religious and caste processions have to be properly regulated and the police must have absolute discretion in chalking out the routes and timing of such processions.
- xii) A separate intelligence wing to deal with the communal intelligence may be constituted so as to keep the communal forces under total control.

REPORT OF JUSTICE MURLIDHAR RAO
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE AT HUBLI
ON 3RD MARCH 1999.

Brief History

On 21st March,1995, Holi procession ended peacefully at 11.45 a.m. The shouting and yelling of a group of boys provoked the inmates of the Mullan Oni mosque. On the basis of an assumption that the boys were coming to the mosque and they can be attacked, a far fetched and baseless imagination ,the inmates started pelting stones and one of them Abdullah Quadi, Quran Preacher came out with an iron rod and rushed towards the crowd of Hindus and was assaulted.

This led to violence in different parts of the city.

Recommendations

- Firing was inevitable and it was used as the last resort to disperse the mob
- The violence erupted was spontaneous and developed at the spur of the moment.
- Preventive measures were taken, suspected persons were arrested and criminal cases are filed against them.

REPORT OF JUSTICE A.D. MANE
COMMISSION OF INQUIRY

COMMUNAL DISTURBANCE AT AURANGABAD IN
MAHARASHTRA DURING DECEMBER, 1999.

The Justice Mane Commission Inquiry was appointed by the Government of Maharashtra on 10th December, 1999 to enquire into and make a report on the background of the incidents, chain of events leading to use of force and lathi-charge by police on 6th December, 1999 and whether police had taken adequate precautions to deal with the agitation.

- (i) The Commission was to look into whether the said agitation and subsequent events were pre-planned and who was responsible for the agitation and the consequent police lathi-charge.
- (ii) It was also to examine whether the steps taken by the police to keep the situation under control and restore peace were adequate and in accordance with the established procedures and whether lathi-charge made by police was essential and to the extent warranted by the situation or whether it was more than required and also whether the allegation that the press persons and photographers were targeted and assaulted by police is based on facts and if so, the nature of the assaults and whether it was necessary.
- (iii) The Commission was to fix responsibility for lapses, if any, in the above and persons responsible for that and they were also to recommend measures and precautions which are required to be taken by police and the administration to avoid recurrence of such incidents.

2. The facts of the case are that two different agitations were organized on December 6, 1999. The programme of Jail Bharo Andolan was arranged by SP from 10.30 a.m. from 12.30 p.m. and that of the MAC was arranged at 2.30 p.m. onwards. An equal number of agitators from the two organizations, about 900 in number participated in the Andolan.

3. The Commissioner of Police had selected a sports stadium for detaining the agitators. This venue had basic requirements of drinking water, sanitary facility. Constables were kept for noting down names of agitators who court arrested. Apparently listing of their names was a matter of prestige for the agitators.

4. The agitators were taken in police vans and ST buses. A synthetic tank of 1000 litres capacity, full of water was made available for drinking purposes. The water supply ran out after sometime and the weather being hot, the slogan shouting rendered them thirsty.

5. The agitators tried to move into the police premises to avail of facilities there but were stopped by the police. There was a skirmish and the police resorted to lathi-charge indiscriminately leading to severe injuries to the agitators, of which one succumbed in the hospital. The causes of the riot appears to be fairly straight-forward and attributable to the non-availability of drinking water supply and the refusal of the police to let the agitators use the facilities available in the Crime Branch office.

RECOMMENDATIONS :-

6. Based on the above facts, the Commission made the following recommendations:

- (i) There should be specialized intelligence units to provide warning of potential riots.
- (ii) There should be a contingency plan in place.
- (iii) Necessary equipments should be installed and in proper working condition.
- (iv) The procedure for mobilizing off-duty officers should be pre-established.
- (v) In case of demonstration involving a large number of agitators, small groups should be formed and office bearers of the organization should be entrusted with the responsibility to ensure that his group maintains peace.

- (vi) Tear gas should be used so that permanent physical harm is avoided.
- (vii) There should be improvement in the communication system. In the instant case, the public address system failed and the agitators as well as the police could not hear the command given by the officers in charge of crowd control.

**REPORT OF SHRI THOMAS P. JOSEPH COMMISSION OF
INQUIRY**

**COMMUNAL DISTURBANCE AT MARAD BEACH, KOZHIKODE,
KERALA ON 2.5.2003.**

Government of Kerala vide Notification No.24507/SS.A2/03/Home dated the 23.8.2003 had appointed Shri Thomas P. Joseph, District Judge to enquire into the incidents that occurred at Marad Beach, Kozhikode, Kerala on 2.5.2003.

CAUSES :-

Late in the evening of May 2003, a group of about 50 Muslims armed with swords, knives etc attacked a group of fisherman belonging to Hindu Community resulting in the death of 9 persons and injuries to 13 persons. It is understood that the immediate cause of the incident was an altercation between Muslims from nearly Marad Juma Masjid and Hindu fisherman who were resting on beach after the days work. The Hindus reportedly reacted to the provocative comments of Muslims, who attacked the unarmed Hindus with swords etc concealed in their attire.

RECOMMENDATIONS :-

A IDEOLOGICAL MEASURES

1. The Government should, with consensus among the religious groups and without of course, violating the fundamental rights, if any, in this regard, ensure that religious instruction is not imparted and religious symbols are not exhibited in educational institutions and at any rate, ensure that the religious instruction (where, it is permissible under law) is imparted beyond the school hours and appropriate changes in that regard is made in the Kerala Education Act and the Rules.

2. Secularism, moral values, communal amity and religious tolerance should be taught in the educational institutions. Morality and value clubs should be started in schools. Constitutional provisions, ethical principles and human rights laws required for communal amity should be part of the

curriculum for T.T.C., B.Ed., M. Ed. courses and in-service courses for teachers.

3. The Government should ensure by consensus among various religious instruction, wherever given, is transparent, did not in any way violate or tend to violate public order, health and morality.

4. The Government should ensure by consensus among various religious groups that persons engaged in giving religious instruction are equipped with modern education so that, they could give instructions regarding public order, morality, religious tolerance and secularism which in turn, would prevent the growth of religious fanaticism, fundamentalism and terrorism.

5. Films, serials etc. promoting religious co-existence are to be encouraged. Those creating chaos and disharmony are to be banned. If necessary, appropriate changes in that regard should be made in the law relating to censorship.

6. Non-Governmental organizations should be encouraged to promote religious and communal harmony. Such organizations should act in co-operation with the police authorities in this regard.

7. There should be reasonable restrictions without affecting fundamental rights, if any, in the matter of taking out processions on the basis of caste/religion etc. along public place/road. There must be a code of conduct evolved among the religious/caste leaders in this regard, bearing in mind that any fundamental right to propagate religion is subject to public safety and order. Sufficient security deposits should be taken from the organizers of the religious festivals and processions along public places/roads. They should execute guarantee for the peaceful conduct of the processions/festivals in public roads/places. In case of disturbance by the processionists, the deposit should be forfeited and action should be taken against organizers of the festival/procession.

8. Religious processions should be accompanied by sufficient police to prevent disturbances. Organizers should be held liable to pay the charges for deployment of sufficient policemen.

9. Religious observances by any community in open, public places so as to cause obstruction, annoyance or inconvenience to the people at large should be discouraged and action should be taken against those who defied the instruction of the police in that regard.

10. The provisions in the Manual of Guidelines to Prevent and Control Communal Disturbances and to Promote Communal Harmony regarding conduct of religious festivals/processions and religious observances should be modified as above, given statutory force and enforced strictly.

11. Religions must teach communal amity, religious tolerance and humanity. Any religion crossing the limits should be disciplined by the arms of law.

12. There should be constant dialogues between different religions/communities which will enable clear misunderstandings.

B POLITICAL MEASURES

1. Religion must be separated from State matters, politics and education. There should, if necessary, be a special enactment separating religion from State matters, politics and education.

2. Government and political parties should be strictly secular, not merely in words but also in deeds. They should desist from appeasing and/or aligning with communal forces. Registration of political parties promoting or helping in any manner, riots, religious ill will etc. should be cancelled.

3. Government should conduct deep study into the causative, developmental, control, reduction and preventive aspects of communal clashes, the growth and activities of the religious fundamentalists/terrorists in the State, identify such elements and organisations and take steps to prevent such activities.

4. Government should study the inflow of foreign funds and unaccounted money into the State, its use by fundamentalists/terrorist groups or non-governmental organisations and take necessary steps in that regard.

5. Government should ensure that economic sustainability of people living in the coastal areas. Steps should be taken to improve and diversify the peoples measures of subsistence. Kudumbasree project must be started in the coastal areas. Government should adopt measures for poverty alleviation and diversification or strategies of income and its generation in the coastal areas (specially for Marad, a fishing harbour may be established)

6. Government should take appropriate and necessary action step by step, to reduce the density of population in the coastal areas by rehabilitation in other areas which will avoid/reduce problems due to scarcity of land, economic and natural resources.
7. Since eve teasing and molestations have the potentiality for starting riots, there should be proper illumination in the lanes and bye-lanes of such riot prone areas.
8. Government should provide facility in coastal areas for psychiatric counseling and treatment. Attached to every Medical Colleges and District Government Hospitals at least, crisis intervention centers consisting of psychiatrists and specially trained staff should be opened as a permanent arrangement. The police should provide psychiatric help when major incidents which are likely to create psychic problems to the perpetrators of violence, victims and witness to such incidents.
9. Government should set up Coastal Security Guard in the Coastal areas of the State to prevent smuggling and transportation of narcotic drugs, unauthorised and unaccounted money, arms etc. through the sea.
10. Secular bodies should be formed in coastal areas, such bodies should have the poor people of the village as its members. Such bodies can be used for resolution of conflicts in the conventional form.
11. The Government should ensure that officials appointed in key posts in riot prone areas and districts are persons capable of acquiring the confidence of different communities.
12. Permanent Peace Committees should be set up at appropriate levels. Such committees should consist of non controversial and respected persons of the locality belonging to all communities, professionals and social workers. The members of the Peace Committee shall not have political affiliations. Such Peace Committees should endeavor to bring peace in times of conflicts.

C LEGAL MEASURES

Special enactment should be made to stringently deal with communal clashes/riots. Such special enactment should provide for special rules regarding the burden of proof and acceptability of statements of accused/witnesses recorded before the Judicial Magistrates.

2. The provisions of the Religious Institutions (Prevention of Misuse) Act, 1988 should be strictly enforced. The concerned authorities should periodically call for information from the concerned persons about storage of weapons/use of funds etc as stated therein and reports regarding that must be placed in the meetings of Communal Harmony Committee, periodically. Police should, when found necessary, search such places for tracing weapons.

3. The notification under Section 4 of the Arms Act should be issued in respect of all sensitive, politically and communally riot prone areas and strict action should be taken against the violators.

4. A State Bureau of Investigation at the State level and Crime Investigation units under it at the district level separate from the law and order maintenance wing must be established. Persons having skill, intelligence and aptitude for intelligence collection, crime detection and investigation should be posted in that Bureau and Units strictly on merit basis, after conducting aptitude test, personality and intelligence test. Cases involving major crimes should be investigated by the State Bureau of Investigation and the Units under it. Modern equipments for investigation (for e.g., narco analysis, finger printing etc.) should be made available for the investigation units.

5. Special Rules must be framed for the posting and transfer of officers of the State Bureau of Investigation, District Crime Investigation units and Intelligence Wings. An Officer investigating the case shall not be transferred during the course of that investigation except for very compelling reasons. Transfer of key officers must be done only on extremely good grounds after sufficiently long time.

6. Just as some other States no specified officers of the Intelligence Wing should be given operational power to search places, arrest the accused, seize the material objects and even register the case. This would help

speedy action and prevent incorrect information being given by the Intelligence Wing.

7. Intelligence Officers should undergo professional training under the Central Agencies periodically, to equip themselves with new methods collection and dissemination of intelligence.

8. Separate fund should be provided for the Intelligence Wings to be operated by certain designated officers. Modern equipments must be made available for collection and dissemination of intelligence.

9. Special cells at the State and lower levels must be formed under Senior Police Officers of proven integrity and ability, to collect information and detect communal, fundamentalist and terrorist activities in the State. Those Units should monitor potentially riot prone areas and take immediate action. Under such Units, there should be special operation wings with officers having secular, impartial credentials and they should be given special training to deal with communal violence. Such Units must have a riot control scheme.

10. A pre-planned scheme should be made in advance for communally/politically riot prone areas, earmarking places, men, officers etc. with respect to their duties and action to be performed in the event of a communal incident. They should have periodical simulative exercises to ensure that the system is foolproof.

11. Modern riot control equipments must be provided in the Control Rooms with reserve force consisting at least two platoons, available in the Control Rooms round the clock. The strength of the police in the communally sensitive and notified areas should be sufficiently increased by creating new posts.

12. There should be strict and effective policing of the riot prone areas. Police picket posts/patrolling teams should necessarily have sufficient number of local Police Constables for efficient policing while using the Reserve police men for reinforcement. There should be an effective checking system of the personnel detailed in the field, day and night, with a system for cross checking. Any irregularity when noticed in the field duty or checking must be strictly dealt with.

13. Units of Rapid Action Force with high mobility, striking power, fully trained to handle communal riots and equipped with appropriate weapons,

equipments for communication and vehicles in top condition must be established in all the three Ranges in the State.

14. Police Control Rooms should be equipped with computers which should contain all relevant information including intelligence information regarding riot prone areas, fundamentalist/terrorist elements etc. so that the succeeding officers could collect such information and initiate action. There should be meticulous documentation of the inputs for its effective analysis, assessment and follow-up action.

15. The lethargy, indiscipline and unaccountability in police force has to be removed by strict, intense and constant training. Strict standards of physical fitness should be prescribed and enforced. Training should be given in existing legal provisions which affect policing and also subjects like criminology, sociological behaviour and interaction with the people.

16. The Government should ensure that the Police force is non political and communally neutral. The political affiliation of the police should be stopped. The Government should consider whether, police Associations should continue, at any rate in the present form affecting its discipline and accountability.

17. Provisions in the Kerala Police (Amendment) Act regarding conduct of training in weapons by organizations/persons should be strictly implemented.

18. The Government shall not permit withdrawal from prosecution of communal offences which results in demoralization of the police and gave wrong signal to the offenders that they can somehow, escape the arms of law.

19. There must be proper interaction and co-ordination between the Civil/Police Administrations at district level. The Special Branch Dy. S.P./Assistant Commissioner, can be posted as Liaison Officer to the District Administration, for the purpose.

20. Guidelines issued by Government regarding communal harmony should be strictly followed. Participation of all members of the Committee in its meetings must be strictly ensured. State level officers should conscientiously examine the minutes of the meeting of Communal Harmony and ensure that the meetings are not an empty formality.

21. Police should have public relations machinery at appropriate levels through which, authentic versions and information regarding incidents or such other matters connected with the investigation should be revealed to the media. This is required to prevent publication of rumours and contradictory statements. Investigating Police Officers should be prevented from making public statements or inform the media on incidents or matter under investigation.

22. There must be appropriate restraint on the media against publishing unauthenticated information regarding incidents which tend to promote violence.

23. Special Courts must be set up for speedy trial of cases arising from communal clashes/riots. There must be a time frame for the investigation, trial and completion of such cases. Law officers with integrity, impartiality, efficiency and knowledge of law should be appointed in the Special Courts to conduct the prosecution of cases.

CHAPTER - IV**GIST OF INCIDENTS THAT GENERALLY LEAD TO COMMUNAL DISTURBANCES.**

Invariably, a communal disturbance is sparked off by some trivial incidents, which often go unnoticed and generally ignored by the authorities. Some of such incidents could be classified under the following broad heads:

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1. RELIGIOUS :

- (i) Playing of music before mosque/ temple especially during prayer or festivals,
- (ii) Claim on religious place by different communities,
- (iii) Desecration of a place of worship,
- (iv) Alleged killing of a cow or an animal held sacred by Hindus, by a member of other community, or vice versa
- (v) Desecration of a religious congregation by some loitering animals abhorred by a community,
- (vi) Construction of new mosques/temples,

2. PERSONAL:

- (i) The alleged molestation or rape of a woman of one community by a member of the other community,
- (ii) The assault on a member of one community by a member of the other community, though the assault might itself be due to some private affairs,
- (iii) Quarrel between a tenant of one community with a landlord of the other community,
- (iv) Commercial rivalry

- (v) Road accidents involving the members of the two communities,
- (vi) Fight among the youth of the two communities,
- (vii) Land disputes involving Hindus and Muslims,
- (vii) Clashes between criminal elements of the two communities acquiring communal colour.
- (viii) Provocative anti-Hindu or anti-Muslim posters/newspapers articles/pamphlets,
- (ix) Inflammatory speeches by religious/political leaders,
- (x) Forcing migration of a particular community from an area dominated by another.

3. REACTIVE:

- (i) A reaction to a situation which happens elsewhere in the Country;
- (ii) A reaction generally by Muslims to some incidents outside the Country.

4. RITUALS:

- (i) Taking out of customary processions by the Hindus during Durga Puja, Ganapati and other festivals and by Muslims on the occasion of Moharram,
- (ii) The disputes over the procession routes,
- (iii) Throwing of Gulal, coloured water on Muslims during Holi festivals,

- (iv) The raising of slogans by both communities on such occasions which are considered provocative and abusive by the other community.

5. GENERAL:

(i) Mistrust :- There is a feeling of mistrust among the minorities created by perceived feelings of bias on the part of police as well as administration against them not only during communal riots but also in matters relating to general well-being like employment opportunities, education, bank - loans etc. The economic condition of persons belonging to minorities is also a major factor of alienation. Consequently, they fall easy prey to rumour mongering which are known to play a major role in escalation of communal violence.

(ii): Dispute over shrines: Campaigns of the Hindu organisations with respect to the three disputed shrines at Ayodhya, Kashi and Mathura as well as at some other places like Datta Peetha in Karnataka, Bhojshala in Dhar in Madhya Pradesh etc

In addition to the above Ms Zenab Banu in her book titled “ Politics of Communalism “ has listed the cause of various riots since 1713, which may be seen at Annexure II.

NOTE:

It has been observed that communal incidents occur mainly in localities which are under-developed and the level of education is low. Affluent areas are less prone to communal tensions.

Another trend that is discernible of late in cities and towns is that Muslims and Hindus are concentrating in separate enclaves with a view to reduce communal clashes as also for better safety of their lives and properties during such tensions. But this may ultimately lead to permanent division between the two communities and can prove very harmful for the country in the long run.

RECOMMENDATIONS**A. Intelligence**

The Commissions of Inquiry have observed that it is necessary to improve the intelligence inputs, both in terms of quality and timely availability. The “Guidelines for Communal Harmony” a document issued by the Government of India in the Ministry of Home Affairs in the year 1998 stressed this requirement (Annexure-I). So far organizational sources have been the main sources of intelligence. There are limitations inherent in such an approach. It is advisable that the District Magistrates and Superintendent of Police develop their own sources so as to improve intelligence inputs. Since the seeds of the communal problem are local, gathering of intelligence should also be efficacious at the grassroots.

2. Traditional intelligence-gathering mechanisms may not keep pace with rapid changes – methods of internal communication have undergone transformation. The intelligentsia may have to pool their resources to cope with the situation. It may be useful to develop joint intelligence machinery at the District and at the State level bringing together the officers of the Revenue Department, the police and also the Departments of the Central Government such as Customs, Post and Telegraphs, Telecommunications, etc. This would enable surveillance over the movement of funds, commodities, explosives, mail and even frequency of telephonic messages.

3. Some Commissions of Inquiry have suggested the creation of a separate cadre for collection of intelligence. They have commented about the reluctance of officers to work in the Intelligence Wing. Experiments with the creation of a separate cadre do not appear to have shown positive results. More recent experience with inbuilt incentives for good intelligence work has shown some degree of success. It may be advisable to strengthen the reward system so as to draw out the best officers towards intelligence work.

4. Intelligence units require to be modernized to keep pace with advancements in the field of electronics, communications and computers. Major strides have also been taken in the area of forensic science and cyber crime detection. As a beginning, it would be necessary to provide appropriate

hardware with matching training for personnel. Databases need to be reinforced by profiling anti-social elements and communal offenders.

B. Police

5. Commissions of Inquiry have recommended that the “beat constable” system be revived. Owing to his peripatetic duty, the “beat constable” develops a network of personal contacts with local people and their trust. He gains knowledge of local circumstances in fairly greater detail which becomes useful in times of communal tension.

6. In the past, since the communal situations were based upon local issues, any skirmishes were brought under control rapidly through dialogue. A system for debriefing after the incident has not evolved as was not warranted. It would be advisable in future that a debriefing takes places not only at District but also at the State level. Cases of failure of intelligence, any delays in responding to calls, cases of escape of undesirable elements and of situations going out of control require to be reviewed to identify causes and to prevent them in future occurrences.

7. Commissions of Inquiry have pointed out that police stations did not possess up-to-date list of communal goondas. In one incident, the instructions from the Chief to arrest communal goondas added to the confusion in the Department. Such a list not only of communal goondas but also of anti-social elements and underworld operators would help in keeping a watch on criminal activity with communal potential. A certificate from the Station House Officer (SHO) that the list is verified so as to weed out the dead and to bring in new offenders may be considered.

8. Commissions of Inquiry have observed that on occasion, police stations have encountered problems due to their not being conversant with the language spoken by segments of the population, particularly in metropolitan areas. It has been recommended that in such cases, where police stations are located in slums, they should be suitably staffed.

9. Routes of processions such as Ganesh Chaturthi and Durga Puja and on the other hand processions such as Moharram have been fixed when density of population and traffic were lower. As a result, such processions cause traffic bottlenecks. They pass through gallis and by-lanes where police find it difficult to reduce the possibility of provocation by observers. Wherever possibility exists, it may be advisable to negotiate change in the route of the procession so as to pass through safer areas with less inconvenience to traffic.

10. It has been found that communal situations flare up very rapidly and that provocation comes at times from anti-social elements. Continuous videography and strategically positioned still-photographers can prevent such incidents and in the event of their occurrence, help identify the offenders. Public awareness that such videography is in progress would deter many who would normally avoid attracting attention of the police. The film also becomes evidence for the prosecution at a later stage.

11. The Working Group suggests a programme for training of personnel with secularism as a principal input. After several years in service, the personnel may benefit from a retraining. Commissions of Inquiry have suggested to put the security force personnel through rigorous physical and manual training to cope with rapidly changing circumstances.

12. A new phenomenon in urban areas is the sudden springing up of new places of worship in locations. It is suggested that a regulatory mechanism be set up whereby in rural areas, a place of religious worship requires registration with the revenue administration and in urban areas, with the local bodies. Absence of such registration should enable the local administration to remove the place of worship.

13. It is necessary to strengthen the prosecution of offenders. During communal riots, it is difficult to apprehend offenders and collect eyewitness accounts. Witnesses also, at times, turn hostile under pressure or inducement from the accused after the prosecution starts. Sometimes, the charge-sheet is drawn up in a perfunctory manner, leading to serious lacunae and consequent acquittal of the accused. A review of the number of cases registered and the number of persons convicted from time to time at the State level, particularly in communal matters, would lead to an improvement in the record of prosecution.

14. One of the Inquiry Commissions has recommended that the Organisers of the procession bear the charges of the deployment of Police as well as furnish security deposits and execute a guarantee for its peaceful conduct.

C. Administrative

15. At present, Peace Committees are aimed at resolving communal issues during troubled times. Commissions of Inquiry have suggested that the Peace Committees should be institutionalized at the district level and it should meet from time to time to review the situation even when there is no communal tension. The women should be given more representation in these Peace Committees. In this context, it has been suggested that the Peace Committee could promote awareness of the essential oneness of the people by popularizing the participation of all communities in each other's festivals.

16. The area/ Mohalla Committee has attracted recognition as a means of community participation. It is set up at the police station level and springs up at the initiative of local people. The local Executive Magistrates and Police Officers could encourage the growth of such area/ Mohalla Committees through gestures such as attending their religious celebrations, accepting invitations to their programmes and responding to their requests for special visits to resolve local issues. All the means available for nurturing the development of these committees would merit consideration.

17. Outstanding contribution by police officers in the area of communal harmony should invariably become an important input while considering them for award of medals. Commissions of Inquiry have noted that problems arise when the Peace Committee becomes a channel of political patronage. Therefore, they understand the need for constituting peace committees in a broad based manner representing all possible interests and in particular the people whose opinion is held in regard by the general public.

18. The use of loudspeakers for religious purposes has, in more than one case been found to be the cause of communal tension. Some Commissions of Inquiry have suggested that its use be regulated. Others have suggested the imposition of a ban. In either case, it appears to be advisable that the Peace Committee concern itself with this problem so that the use of loudspeakers be regulated in a manner acceptable to all communities.

19. In recent communal riots, a large number of persons have been found to be displaced. Their property has either been destroyed or due to fear they are not able to return to their normal habitation. Many of them are daily-wage labourers. In such cases, it is necessary to make adequate arrangements for their shelter and cater to their food requirements until conditions return to

normalcy. It is important to emphasize that the administration should aim at restoring to complete normalcy so that the displaced persons are able to return to their original places and resume their earlier style of life.

20. It is now an accepted principle that the State should bear responsibility for payment of compensation to citizens who have suffered loss of life or damage to property owing to communal situations. In respect of such compensation, however, it is complained that compensation varies from case to case. It may be necessary to evolve a set of guidelines so that compensation is equal in respect of comparable situations for loss of life/damage to property. The second aspect refers to delay in payment of compensation. There have been serious criticisms in this regard. It is, therefore, necessary to prescribe a time frame within which the administration should disburse compensation to the claimant.

21. In several communal situations, it has been found that coordination between the State police and armed forces of the Union including the Central paramilitary forces requires to improve. The State police fear that they have not come up to expectation since the army is called out or Central forces are deployed. The deployed forces on the other hand have a serious disadvantage since they do not know the local area. It may be necessary to have a plan of action prepared in advance, particularly in hypersensitive areas so that the transition from the State police to a combined operation of police plus Central forces is smooth and effective.

22. Shortcomings that have been highlighted by several Commissions of Inquiry over the inadequacy of preventive action by the administration. It is not possible to foresee and stipulate all the steps that a District Magistrate and Superintendent of Police may have to take to counter a communal situation. It may be useful to draw up a plan of action by prioritizing the steps to be taken such as rounding up of goondas, seizure and deposit of arms, banning of processions and finally, if necessary, the promulgation of section 144, Cr.P.C. The preparedness of the district to activate these measures with back up of sufficient force if reviewed periodically would lead to better results.

D. General

23. The Working Group discussed at length, the suggestion in the Commission to review the working of the Constitution with regard to the electoral process. The present electoral system declares the candidate a winner if he is “first past the post”. He is required to record the highest number of votes among the candidates. With low percentage of voting and large number of candidates, the victory is determined by allegiance of vote banks based on caste, religion and similar sectarian factors. The alternative system of declaring the candidate who gains “50% plus one” of the votes polled would constrain the candidates to carry a larger segment of the voter population with them, thereby eliminating fragmentation of the constituency on communal lines. The Working Group acknowledges that this measure may require extensive national debate to create awareness of its beneficent efforts and its efficacy in eradicating the pernicious symptoms that threaten to undermine the polity.

24. There is a belief that political advantage accrues to those who play a visible role in communal riots. Conversely, the agitators tend to believe that the presence of an important person would save them from the consequences of wrongful acts. One of the suggestions is that persons against whom charges are framed by the Courts of Law should be disqualified from filing nominations under the Representation of Peoples Act, 1951. The Working Group endorses this suggestion.

25. Any election campaigning on the basis of caste or religion and any attempt to spread caste and communal hatred during the elections should be punishable with mandatory imprisonment. If such acts are done at the instance of the candidate or by his election agents, these would be punishable with disqualification.

E. Education

It has been observed in recent times that there has been a marked deterioration in social attitudes towards communal issues. The fabric of communal harmony and amity that used to prevail earlier seems to have frayed considerably, especially in some States. The spirit of tolerance, understanding, and acceptance of religious differences has come under heavy strain of late. It is, therefore, essential for Government institutions and civil society to make special efforts to restore the secular atmosphere that used to prevail earlier.

26. The Working Group dwelt at length on the need for a review of the educational system. Firstly, educational institutions for minority communities appear to be quite apart vis-à-vis the public educational institutions. Madrasas cater to the education of a section of minorities. Its students have limited possibility of mingling with children of other communities. Some Commissions of Inquiry have suggested teaching of Hindi in Madrasas and the teaching of Urdu along with Hindi in other schools. It has also been suggested that single schools may be encouraged where students of all communities can attend. The Madrasas which provide food and shelter as well as academic instruction have been found to be quite attractive to students. It needs to be explored whether comparable facilities offered in such single schools would make them equally effective.

27. Another area that requires serious attention is the course content of Indian history as a subject taught to all students. The Working Group felt that there has been an identification, albeit inadvertent, of certain communities with historical invasions of India, thereby creating negative stereo-types in the public mind. On the contrary, the role played by them in the freedom struggle has not received primacy. It is, therefore, necessary to review the educational curriculum with particular reference to history as a subject of study.

28. It has been said that secularism is a positive concept and not merely the denial of religion but the promotion of awareness about the good points of all religions. A system of beliefs needs to be taught and inculcated into our value system at a formative age so as to become second nature.

F. Media

29. Recent incidents have highlighted the inherent maturity of the people which needs to be reinforced. Prolonged period of communal peace and harmony would nurture mental trust. This would enable citizens to bring social pressure to bear on contentious issues. As observed by the Commissions of Inquiry, differences arise very often due to misgivings in the minds of people. Programmes on the media showing the good aspects of all religions would help in changing the mindset and preventing a social divide.

30. Word of mouth was our traditional medium for conveying news before the advent of newspapers, radio and television. At present, the same is a source of great hardship to the police through rumour mongering. On several occasions, riots have spread on faulty beliefs engendered by rumours. Commissions of Inquiry have suggested intensive use of media by special radio bulletins, if necessary, to counter rumours. In the final analysis, rumor

mongering can be countered on a permanent basis only by eliminating the deep seeded suspicion among communities. A positive effort through production of suitable television serials, radio skits and the holding of public seminars would bring communities together and minimize the credibility of rumor-mongers.

31. The role of media has come up for criticism in times of communal stress. Repeated requests have been made by politician and administrator alike urging the media not to sensationalize communal incidents and instead to help in assuaging hurt sentiments. Media may consider evolving a code of conduct in this regard. The Press Council of India may also evolve norms which would guide media about coverage of communal incidents.

32. Courts and Commissions of Inquiry should ensure that Communal Riot cases are dealt with expeditiously preferably within a fixed tenure so that the need for extension of tenure is avoided. The State Government must take steps to make all the facilities available to this end and also ensure speedy implementation of the Court's/Commission's Orders/Recommendations.

Chapter -VI

Epilogue:

The dispute of Babri Masjid – Ram Temple is described as The Never Ending Story, but there are good guide-lines to find solution to the dispute and in this context it is useful to remember what Dr. Babasaheb Ambedkar said in his last speech before the Constituent Assembly on November 25th, 1949, when he said that—

”On 26th January, 1950, India will be an independent country. What would happen to her independence? Will she maintain her independence or will she lose it again? This is the first thought that comes to mind. It is not that India was never an independent country. The point is that she once lost the independence she had. Will she lose it a second time? It is this thought which makes me most anxious for the future”. He further elaborated that—

Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have political parties with diverse and opposing political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost for ever.”

While giving sound advise to the Indian in this connection Dr. Ambedkar has further said in his speech that—

“The second thing we are wanting in is recognition of the principle of fraternity. What does fraternity mean? Fraternity means a sense of common brotherhood of all Indians—of Indians being one people. It is the principle which gives unity and solidarity to social life. It is a difficult thing to achieve”.

Thereafter, Dr. Ambedkar narrated the story of James Bryce with reference to USA:

”Some years ago the American Protestant Episcopal Church was occupied at its triennial convention in revising its liturgy. It was thought desirable to introduce among the short sentence prayers, a prayer for the whole people, and an eminent New England Divine proposed the words ‘O Lord, bless our Nation’. Accepted one afternoon on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word ‘Nation’s’ importing too definite a recognition of national unity, that it was dropped, and instead there were adopted the words ‘O Lord, bless these United States’.”

Continuing the discussion on the subject, Dr. Ambedkar further says that—

“There was so little solidarity in the USA at the time when this incident occurred that the people of America did not think that they were a Nation I am of the opinion that in believing that we are a nation, we are cherishing a great delusion. How can people divided into several thousands of castes be a Nation? The sooner we realize that we are not as yet a nation in the social and psychological sense of the word, the better for us. For then only we shall realize the necessity of becoming a Nation and seriously think of ways and means of realizing the goal. The realization of this goal is going to be very difficult—far more difficult than it has been in the United States. The United States has no caste problem. In India there are caste. The castes are anti-National. In the first place because they bring about separation in social life. They are anti-National also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a Nation in reality. For fraternity can be a fact only when there is a Nation. Without fraternity, equality and liberty will be no deeper than coats of paint.”

CHAPTER VII**THUS SPOKE OUR FOUNDING FATHERS****A. Father of the Nation:**

There is nothing in either religion(Hinduism or Islam) to keep the two apart.

2. I write in the name and for the sake of the heart-unity which I want to see established among the people of this land professing different faiths. In nature, there is a fundamental unity running through all the diversities. Religions are no exception to the natural law. They are given to mankind so as to accelerate the process of realisation of fundamental unity.

3. As I was studying Christianity, Hinduism and other great faiths of the world, I saw that there was a fundamental unity moving amidst the endless variety that we see in all religions, viz., truth and innocence.

4. If religion is allowed to be as it is, a personal concern and a matter between God and man, there are many dominating common factors between the two which will compel common life and common action. Religions are not for separating men from one another, they are meant to bind them. It is a misfortunate that, today, they are so distorted that they have become a potent cause of strife and mutual slaughter.

5. Some principal religions are still extant. After a study of those religions to the extent it was possible for me, I have come to the conclusion that, if it is proper and necessary to discover an underlying unity among all religions, a master key is needed. The master key is that of truth and non- violence.

6. When I unlock the chest of a religion with this master key, I do not find it difficult to discover its likeness with other religions. When you look at these religions as so many leaves of a tree they seem so different, but at the trunk they are one. Unless and until we realize this fundamental unity, wars in the name of religion will not cease. These are not confined to Hindus and Musalmans alone. The pages of the world history are soiled with the bloody accounts of these religious wars.

7. Religion can be defended only by the purity of its adherents and their good deeds, never by their quarrels with those of other faiths.

B. Pandit Jawaharlal Nehru Prime Minister of India (while addressing a public meeting at Patna on 6th November, 1946)

You should realize that you have by your conduct reached the stage of animality when nothing but the primal instinct of preserving one's life works to the exclusion of the rest. No, but you are even worse than animals as animals at least do not attack in a herd. This is not the standard of a civilized nation. If any Hindu or Muslim thinks that he is saving his religion by all these communal riots, let him make himself happy. But it all appears very low by the yardstick of civilized behaviour. By no standard of civilized conduct can acts of lawlessness and killing of neighbours be justified. There can be no justification for stooping to bestiality, simply because some of your fellowmen have lost their heads elsewhere.

C. Sardar Vallabhbhai Patel, Deputy Prime Minister (while addressing Osmania University, Hyderabad on 27th February, 1949).

If we had all synthesized our various cultures in our own hearts, as this University has done, the shape of things in India could have been different. To those who have been educated here and who are receiving their degrees today, I would respectfully submit that a great duty devolves upon them. They have publicly pledged themselves today to try to make themselves deserving of their degrees and continue to do so all their lives. If so many young people truly make such an effort, I am confident India's future will be bright.

2. Let us drop the curtain on the past. Our future is now in our own hands. God alone knows how we will shape it. But the forty million of His creatures who call themselves Mussalmans and the 300 million others who are also His creatures have to live together. India future- and let, me say that future of Pakistan too - is to be shaped by the people who were born on this earth, will live on this earth and will merge into this earth again. As Gandhiji taught us, we must imbibe all that is best in all religions. All religions are good. We have only to filter out the many evils which we have introduced into religions, knowingly or unknowingly. In all humility, we should seek out our role and our duty in this land of our birth and education.

We should seek God's grace to rid us of mistakes such as we have committed in the past. We will deserve our degrees if we learn to live as brothers and true citizens of India, doing deeds which rebound to India's credit.

D. Dr. S. Radhakrishnan, Vice-President of India (while addressing the first meeting of the NIC on 2nd June, 1962).

The long, unbroken tradition of Indian civilization which had survived many seemingly impossible historical predicaments through which India had passed. What was the strange staying power of our country? There are many factors. Among them the first was geographical, the other historical, and the third was the pursuit of certain definite objectives. Geographically, India was described long ago as the country which is enclosed by the Himalayas in the north and the seas in the south. "tam varsam bharatam nama bharati yatra samtatih". Those who dwell within these areas, whatever may be their religion, all belong to this one country. Even in early times, there was this sense of unity in the country. If you look into the Mahabharata, you will find there that almost all the representatives from the north and the extreme south are said to have been present at the Kurukshetra war.

2. When you look at the historical side, at all times it was a multi-racial, multi-lingual, multi-religious society, and there was never any question of saying that this group is the biggest or that is not the biggest. The idea was to accommodate all, and not to obliterate any faith but to harmonise all faiths. Even a very conservative legislator like Manu tells us that all the people should learn their own particular traditions. We never believed in our being the chosen race or the custodians of a chosen religion or a chosen tribe. The historical traditions of each race, of each community, of each tribe, were preserved and taught to them. It was this attitude of acknowledging every path, rejecting none, trying to find something of value in each tribe and in each community, that has been the tradition which governed the history of our country. It is an attitude born of spiritual perception and intellectual generosity. You find something similar in the Koran. There it is said: "O, mankind, we created you from a single pair of a male and a female and made you into nations and tribes that you may know each other, not that you may despise each other". So, it was a question of what may be regarded as "Sarva-mata-(Dharma)-samanvaya"—integration of all religions or faiths.

3. In the greatest periods of our history, when we were able to make a mark, we adopted this attitude of toleration and goodwill. Ashoka sent missionaries to far countries. He cut out his great principle in rock:

“Samavaya eva Sadhuh”—concord alone is meritorious. In the next great empire of the country, the Golden Age of the Guptas, Fa Hien, a Chinese traveler who spent ten years in India, was impressed by the toleration of the people. He testifies that he was allowed to go and do whatever he wanted, for the obvious reason that they never believed in the superiority of their own particular religion. Harsha Vardhana also adopted the religion of freedom.

4. About the great Akbar, it is said: “He established principles of the widest toleration of opinion; of justice to all, irrespective of caste and creed; of alleviating the burdens of the children of the soil; of welding together the interests of all classes of the community—of the Rajput princes, of the Uzbek and Moghul nobles, of the settlers of Afghan origin, of the indigenous inhabitants.”

5. But whenever we surrendered these principles and resorted to rigid, fanatical attitudes our country suffered and declined. If the misfortunes of our country tell us anything, it is this: the greatest need which we have is of developing qualities of goodwill and toleration among the people whom we have in this country.

6. We may adopt secularism, but religion is there, rooted in the nature of man. Man’s impulse is to grow upward, to surpass himself, to know more and to love more, to create beauty. But we never said that it is only one particular religion that could help us to reach this conclusion.

7. Today, when our country extends from Kashmir to Kanyakumari, from Kutch to Assam, we are again adopting the same principles of toleration. Every religion is at liberty to practice its tenets, to follow its own principles, so long as those principles do not outrage the moral conscience of men or endanger the security of the country. We do not want religious principles and political beliefs to be mixed up. This has caused ruin to the country times without number and we are anxious to avoid this as much as possible. The code of conduct of the unity of the human race and that all men are brothers, was embodied in what is called the Code of Dharma. What is Dharma? Dharma is which holds the Society together. Whatever divides society, disintegrates society, creates sects and coteries that is adharma.

8. National integration cannot be built by brick and mortar, by chisel and hammer. It has to grow silently in the minds and hearts of men. The only process is the process of education. This may be a slow process, but it is a steady and permanent one.

9. We never had linguistic jealousies in the past, nor did we have any prejudice against foreigners or foreign languages.

10. We are entering into one of the most important periods of history. Barriers are breaking down everywhere and we are trying to develop a kind of international world community. Whenever we want to change, there is always tremendous resistance. All periods of transition are periods of tragedy, tragedy because we have to give up something which we hold dear. But that pain has to be faced by us and we have to get over that in order to make this country into a truly civilized and democratic State.

11. History is the interplay of great leadership, of historical circumstances and opportunities; and if we have all these, there is no reason why we should not become a greater nation than we were ever before. With the consciousness of having worked together for achieving great things, including the freedom of India, and the will to work together for achieving still greater things in the future, we shall succeed.

Annexure – I

No.I-19012/24/2005-NI-II
 Government of India/Bharat Sarkar
 Ministry of Home Affairs /Grih Mantralaya

Lok Nayak Bhavan, Khan Market,
 New Delhi, dated the 17th January, 2006

OFFICE MEMORANDUM

Subject:- **Constitution of a Working Group of National Integration Council (NIC) to Study the reports of the Judicial Commissions and Inquiry Commissions about the anatomy of Communal Riots.**

It has been decided to constitute a Working Group of National Integration Council (NIC) to Study the reports of the Judicial Commissions and Inquiry Commissions about the anatomy of Communal Riots.

2. The composition of the Working Group will be as follows:-

- | | | | |
|-------|--------------------------------|---|-------------|
| (i) | Minister of State (J), MHA | - | Chairperson |
| (ii) | Dr. Amrik Singh | - | Member |
| (iii) | Shri Moosa Raza | - | Member |
| (iv) | Shri J.F. Ribeiro | - | Member |
| (v) | Justice (Retd) Smt. Leila Seth | - | Member |
| (vi) | Shri Asghar Ali Engineer | - | Convenor |

The Terms of Reference of the Working Group:-

- (i) To study the reports of the Judicial Commissions and Inquiry Commissions about the anatomy of Communal Riots.

Terms & Conditions

- (i) The Office of the Working Group would be in New Delhi
 (ii) The term of the Working Group is six months.
 (iii) The meetings of the Working Group would be convened by the Chairperson as and when required

Secretarial Assistance

The Secretarial assistance, etc to the Working Group will be provided by the Ministry of Home Affairs.

TA/DA

The Members of the Working Group would be entitled to TA/DA as admissible to non-official members of High Powered Committee as provided under Appendix-2 to FR/SR Part-II.

Sd/-

(B.A. Coutinho)

Joint Secretary to the Govt. of India.

Tel: 24615818

To

1. Minister of State (J) in the Ministry of Home Affairs, North Block, New Delhi.
2. Dr. Amrik Singh, 2/26 Sarvapriya Vihar, New Delhi - 110 016.
3. Shri Moosa Raza, 5-A, Atmaram House, 5th Floor, 1, Tolstoy Marg, New Delhi-110001.
4. Shri J.F. Ribeiro, Beelam Centre, B- Wing, Building No.1, Hind Cycle Lane, Worli, Mumbai – 400 025.
5. Justice (Retd) Smt. Leila Seth, 309-B, Sector –15-A, Noida - 20130
6. Shri Asghar Ali Engineer, 9/B, Himalay Apartment, 1st Floor, 6th Road, Santacruz (East), Mumbai – 400 055.

Annexure – II**Minutes of the first Meeting of the Working Group of National Integration Council to study the reports of the Judicial Commissions and Inquiry Commissions about the anatomy of communal riots.**

First meeting of the above mentioned Working Group was held on 5.5.2006 under the Chairmanship of MOS (J) in his chamber at 11.00 A.M. A list of the participants is enclosed.

2. The working Group decided as under :-

- (i) The report of the Working Group may tentatively contain the following topics :-
 - (a) Basic causes of riots,
 - (b) Role of Police
 - (c) Role of Civil Administration
 - (d) Role of Judiciary, and
 - (e) Recommendations.

(ii) The Members of the Working Group may comment on various aspects of the report and in particular as under :-

I. Shri J.F. Ribeiro may kindly, inter-alia, comment upon the role of police with special reference to the following :-

- (a) Gathering of intelligence, its analysis, forecasting, etc. for prevention and suppression of riots,
- (b) Reaction time and mobilization,
- (c) Management of law and order situation in the field,
- (d) Debriefing and recording of lessons for future and
- (e) Any other item.

II. Shri Moosa Raza may kindly, inter-alia, comment upon the role of civil administration with special reference to the following :-

- (a) The role of civil administration
- (b) Coordination with police on intelligence matters,
- (c) Efforts at defusing issues having explosive potential to create riots,

- (d) Programme for improving inter-community relations by joint celebrations of festivals, etc.
- (e) Reaction time and mobilization,
- (f) Presence of magistrate on riot scene,
- (g) Debriefing and recording of lessons for future, and
- (h) Any other item.

III. Justice (Retd.) Smt. Leila Seth may kindly, inter-alia, comment upon the role of Judiciary with special reference to the following :-

- (a) Possibility of Distt. Attorney system in India for strengthening of prosecution,
- (b) Measures for reducing time gap between incidents and recording of witness evidence to prevent witnesses turning hostile, and
- (c) Any other item.

3. The next meeting of the Working Group will be held at Pune on 29th and 30th May, 2006.

4. The meeting ended with a vote of thanks to the Chair.

ATTENDANCE

- | | | | |
|----|---------------------------------|---|--|
| 1. | MOS (J) | - | Chairman |
| 2. | Shri Asghar Ali Engineer | - | Convenor |
| 3. | Dr. Amrik Singh | - | Member |
| 4. | Shri Moosa Raza | - | Member (could not attend due to preoccupation) |
| 5. | Shri J.F. Ribeiro | - | Member -do- |
| 6. | Justice (Retd.) Smt. Leila Seth | - | Member -do- |

**MINUTES OF THE SECOND MEETING OF THE SUB COMMITTEE
CONSTITUTED FOR STUDYING THE ANATOMY OF RIOTS HELD
AT PUNE ON 29th – 30th MAY, 2006.**

A list of participants is enclosed as Annexure.

Shri Asghar Ali Engineer mentioned that out of the 27 reports of various communal riots in the country, the report of Bhiwandi Riots, Mahajan Commission, Reddy Commission and Sri Krishna Commission are excellent and needs to be pursued. He also mentioned that in case of reports of the other Commissions, the recommendations are very weak.

2. Highlighting the role of police, Shri Engineer mentioned that the strength of police is inadequate in number to cope with the situation and they have out dated equipments to tackle the situation. Even basic infrastructure like telephone on police stations is not available. He was of the view that the officers and constables are not secular and their attitude is anti-Muslim. He mentioned that one of the Constable mentioned to him that Muslims are criminal as they eat everything. On being questioned by him that Hindus also eat meat, the Constable was of the view that their religion is not cruel. He also mentioned that the propaganda, especially in Gujarat is that the Muslims have large families.

3. Shri Engineer mentioned that he had conducted workshops for the police and the response was good as it was possible to dispel mis-information. Therefore, he mentioned that there is a need to have secular agenda introduced in the syllabus of the police training courses. Secularism should be on the syllabus of police training colleges wherein refresher courses for officers are conducted. It was mentioned that IPS officers understand secularism but the Sub Inspectors and Constables need it most. He was also of the view that teachers of these courses should be secular and their credentials should be above board. After RJB-BM events, polarization have become acute and no action is taken against any newspaper, especially the local and regional newspapers who write and provoke the anti minority feelings. Thus there is a need to initiate action against media under Section 153 A of IPC. Upto 70s, HMS and Jamait-e-Islami, Majlis-e-Mussarat, Jansangh and RSS were responsible for provoking actions. After 80s, BJP-RSS and such Muslim organizations have been provoking communal hatred.

He mentioned that leaflets in number of places showing one Muslim, 4 wives and 25 children had been in circulation. Earlier, RSS was a urban phenomena. Today all the villages have RSS organization.

4. He mentioned that in 1987 riots at Meerut 37, Muslims were killed by PAC in order to spread fear among the Muslim community. Police believe that Muslims are the cause of riots. In Gujarat also there was feeling that Muslims should be taught a lesson.

5. He mentioned that provocative speeches and articles are not only in newspapers but also through leaflets, blackboards, particularly during tense times. He was of the view that parties believe in secularism but they do not speak out perhaps because the matters are delicate. In Gujarat the number of villages have indicated on blackboards that the village is part of Hindu Rashtra and such indications have been found since Congress was in power in the State. Since 1969 riots, BJP and RSS have become stronger. Shri Solanki, Chief Minister had to resign after 1-1/2 years of communal riots as no police officer was listening to him. Vadodara riots could not be controlled in the absence of a firm stand. Bombay riots could not come under control because of the wishy-washy stand. In 1985, Bhivandi riots, it was mentioned by Shri Asghar Ali Engineer that the then Police Commissioner, Shri Rebeiro had issued a circular that if the riots are not controlled, stern action will be taken against the officer in-charge. Shri Engineer mentioned that Shri Vinod Malli, Addl. Commissioner of Police undertook visit in his area and he was transferred. Transfer of Jayanti Ravi, SP from Godhra shows that upright officers can be transferred out of a place of riot ,if found inconvenient. West Bengal was a tincher box until Left came to power. In 1993, at Sitamarhi, Shri Lalu Prasad Yadav ensured that communal clashes did not take place. Thus it requires only political will.

6. Shri Suresh Kopde ensured in 1992-93 that Bhiwandi ,a place notorious for communal riots, did not erupt even when Mumbai was experiencing communal riots. It is evident that if politicians are neutral, the behaviour of the police can make all the difference.

7. Shri J.F. Rebeiro reacting to the remarks of Shri Engineer pointed out that there are lecturers on secularism at the recruitment training centres and police training colleges. They are taught to be impartial. Shri Rebeiro also pointed that it is the slum dwellers who kill and get killed. Those who instigate the slum dwellers remained safe behind the scene. Shri Rebeiro felt that we must get the Hindu and Muslim youth from the slums to meet and know each other.

8. Shri Rebeiro felt that the riots in Mumbai the Police have got communalised since the recruits belonged earlier to a political organisation. After his return from Bhiwandi in 1992-93 he had the distinct impression that Muslims were feeling extremely alienated. Shri Sharad Pawar took interest. He wanted to initiate a dialogue with their leaders. However, Shri Khandwani has got the extent of expressing complete loss of faith. The next dialogue took place. The tales of the Muslim women were heart rending. Reacting to the remarks of Shri Engineer that his circular brought about order, Shri Reberio remarked that Police fiat has limited success. Real attainment lies in civil society working towards coming together. He also pointed out that his organisation needs funds perhaps Rs.5,000/- or Rs.10,000/- and not more. The aim to get people together to understand each other to understand the Police and the Police to understand the people. They try to make it clear to the Police that the Policemen also suffer when communal riot takes place. They are on the streets, away from their families and in danger. After the Godhra riots there was tension in Mumbai as well but Shri Rebeiro's organisation got the women together who swore that they would not let the men fight. In fact there was no communal riot in Mumbai. However, Shri Rebeiro felt that this needs to be institutionalised. He quoted the example of 'Cricket for Peace' where all 81 Police Stations are required to provide a team in which the minority has at least four members with one member from the Police. He also quoted the instance of exchange of Rakhis.

9. He also pointed out that the control of riots was a result of arrest in one swoop on Sakha Pramukhs and underworld leaders. Shri Rebeiro said that communal riots are a political problem and the solution lies with politicians. He quoted the instance of his becoming DGP in Gujarat in 1985 where the Prime Minister made it clear to him that he would have a free hand. He pointed out that the real culprits have to be identified and nabbed.

10. Shri Rebeiro also felt that the attitude of the Police needs to be addressed. They should be involved in bringing people together. People have to be taught that the message of all religions is the same. Muslims constitute a big community. Without their cooperation Police cannot do work effectively.

11. Reacting to the remarks made by Shri Engineer that Police arrive late at the scene of crime Shri Rebeiro pointed out that it takes time for mobilising the Police forces. It is not that they arrive late at the scene of crime deliberately. It is essential to launch propaganda in this direction not by

Government but by civil society. Damages done by media, particularly a Marathi newspaper which writes crudely about Muslims. It should be dealt with severely. Marathi leaders who indulge in inflammatory speeches have never been punished. Shri Rebeiro felt that section 196 of the Cr.P.C. which blocks the operation of Section 153-A of the IPC should be reviewed. Further, withdrawal of prosecution against offenders under 153-A should be made impossible.

12. Shri Rebeiro made specific suggestions that under Chapter VIII “Security for keeping the peace and good behaviour” of the Code for Criminal Procedure, 1973, the offenders should be made to obtain security from the opposite community. He also suggested that there should be area-wise, group-wise insurance, for example auto rikshaw class to provide for restoration after communal riots. He would be submitting a note on this subject at the next meeting. He also suggested that he should involve Civil Defence organisation in rehabilitation work even in communal riots.

13. Shri Moosa Raza mentioned that in 1969 riots in Ahmedabad affected 17 of the 18 districts of Gujarat. Similarly, 1984 Sikh riots covered most of the Northern States. Subsequently, after demolition of Babari Masjid in 1992 riots took place. Similarly, 2002 riots of Godhra in Gujarat as well as above mentioned riots need to be examined in order to study its anatomy.

14. In 1969 Ahmedabad riots, the State Government and all the political parties were not involved. However, the State Government was weak and as such was not able to control the riots merely by omissions and negligence. During 1984 Sikh riots, local political leadership was involved and some police officers were also directly involved. Thus, there was active involvement of police administration. In 1992 riots in Gujarat and Bombay at political level there was no will to control and even at the police level support was given to Shiv Sena. During Gujarat riots of 2002, Shri Moosa Raza quoted the observation of the Supreme Court of the negligence of the State Government and the observation of various independent agencies, about active involvement of the State administration in the riots. Law and order machinery succumbed to political pressures. Therefore, he was of the view that it was essential to insulate the law and order machinery from political influence.

15. He was of the view that perhaps there is need to have a Central Riot Commission on the pattern of the Election Commission. This Commission should be entrusted with handling of communal riots in the country or on the occurrence of communal riots. The Central Government may send an

observer (on the pattern of the Election Observer) to monitor the situation being handled by District Magistrate and Superintendent of Police and send a report to the State and Central Government as to whether the district administration was handling the situation according to the Constitution and the laws.

16. Dr. Amrik Singh mentioned that Police Act of 1861 is quite old and there is a need to amend the Police Act. Since the riots are politically motivated, the Police Officers are not able to act independently. If adverse remarks are passed against them, it will affect their career and they will be forced to act independently.

17. Shri Moosa Raza mentioned that we have National Integration Council but there is no State level Integration Council. State Integration Council should also be constituted and they should meet at least four times a year in order to keep watch over the communal situation in the State. Celebration of festivals jointly by the members of all communities should be encouraged by the State Governments. Shri Ribeiro, however, did not agree to the suggestion of joint celebration of festivals funded by the State Governments. Similarly, Asghar Ali Engineer remarked that apart from National festivals celebrations should not be funded by the State Government. Thereafter, Shri Raza mentioned that the political parties should jointly celebrate various festivals of different religions in order to promote communal harmony. Dr. Amrik Singh mentioned that it is unconstitutional to celebrate jointly religious festivals at State expenses. He, further, mentioned that we should device a policy specific to the communally sensitive areas, riot prone areas should be dealt with in a special way. To such areas Officers of proven secular credentials should be sent.

18. Dr. Amrik Singh mentioned that there should be judicial reform providing for massive intervention and cooperation of the Bar Council. First we have to agree what needs to be done. He suggested that Government of India invest Rs.8,000/- to 10,000/- crores on judicial reform. The State Governments will go in for rehabilitation if they get money. Further, the courts at lower level also have to be reformed. We may have a double shift court with the cooperation of Bar Council. Population has increased but not the courts and so the proportion between the number of courts, population involved and the number of judges. In the Communal Harmony Bill, the rehabilitation work will succeed if some funding is provided. But the earlier part will not succeed. Law and maintaining order is one point concept. We are not able to convict the accused on account of delay in the courts involving prolonged arguments and poor prosecution skill.

19. Shri Rebeiro said that this should be accepted as fast track courts. Commission of Inquiry Act should be amended to provide a statutory time limit and there should be no power vested in any agency to extend the term.
20. Shri Asghar Ali Engineer said that investigation should be undertaken in a time bound manner and in the court the time should be fixed by amending the Act to ensure that the Commission of Inquiry give its finding.
21. Shri Moosa Raza mentioned that Commissions of Inquiry . have become vested interests involving delay and extension of the tenure of the Commission. By amending the Commission of Inquiry Act the statutory time limit should be fixed and no Commission should be permitted extension.
22. Shri Asghar Ali Engineer mentioned that the findings of the Commission of Inquiry are not binding on the Government. They are only recommendatory. They should be made binding. He mentioned that Hasimpura riot case of 1987 is yet to start.
23. Shri Moosa Raza said that all reports of Commission of Inquiry needs to be submitted along with action taken reports in six months to the concerned Assembly. This also should be done statutorily.
24. Dr. Amrik Singh said that a copy of the report submitted should be made available to the NIC at every meeting.
25. Shri Rebeiro said that investigation supervision should be acceptable to all. Victims' own advocates to be allowed to present the case to see that justice is done.
26. Shri Moosa Raza said that 250 Mosques and Darghas and some temples were demolished in Gujarat. One year later some NRIs and other Indian businessmen offered to get these places repaired and reconstructed . The Government of Gujarat did not accaord requisite permission for this. He wondered whether the Government of India was not in a position to intervene even in so sensitive matter.
27. Shri J. F Rebeiro mentioned that religious places are built on Government land and Government funded land. This should be stopped. Many of them are patronized by criminals. No illegality should be permitted.

28. Shri Moosa Raza mentioned that due to pluralism, democracy and secularism since many years terrorism had not come to India. However, once this fabric is broken then frustrated youth be driven towards terrorism and radicals would take advantage to fish in troubled waters.

29. Shri Asghar Ali Engineer referred to Rakesh Sharma's movie "Final Solution" in which they have depicted the interview with a child of 4-5 years. He pointed out that Indians are only carriers of RDX etc. Supporters are from abroad. He reported that in the Ghatkopar blast highly educated boys were arrested while the truth came up later. He, however, felt that the damage done to siblings would be permanent.

30. Shri Moosa Raza suggested that we should make anti-communalism an issue. He pointed out that while the communalists work with zest, the work of the secularist lack passion and commitment. In this direction the Central and State Governments would have to take initiatives, and actually encourage secular institutions.

31. Shri J.F. Rebeiro pointed out that education is all important and pointed that as a result of education a number of advantages have emerged in Kerala and Tamil Nadu. He also reported that education of the girl child is particularly important. Separately he has instituted training classes in computers where there was initial reluctance among girls. However, with passage of time they have become motivated to learn the handling of computers.

32. Shri Moosa Raza felt that education is a long-term solution while the situation demands short-term and medium-term measures.

33. Shri Asghar Ali Engineer pointed out that textbooks need reforms. At present the textbooks project the negative effect of medieval history. They do not reflect the role played by the Muslims in the Freedom Movement led by Congress. It was not the Muslim League that attracted the majority of the Muslims. Pakistan is considered to be a result of Muslim demand and therefore Muslims are considered suspect. It is, therefore, necessary to bring out educational reforms. The measures taken should be concrete in the short and medium-term. He pointed out that education is a concurrent subject and that States have a bigger role. The Centre has limited scope in bringing out educational reforms. He particularly pointed out the increasing number of attacks on Christians. He said that the decoys are sent and if the Priest agrees to convert the decoy then the Priest is charged with conversion by fraud/inducement. Shri Engineer made the following suggestion:

“In the short-term lot more emphasis is required on secularism in the syllabus of police training institutions. We must project pluralism and the rich composite culture of India. Constables must be taught as to how religion is being exploited. It must be pointed out that even among Muslims there is a rich diversity among Muslims. They are not, as popularly believed, homogenous and united. He pointed out that people are not communal but they are mis-informed. This will help the Constables to perform their duties impartially”.

He pointed out that conduct of such training should be done by people known for secularism and integrity. He offered to prepare the course material, if so desired. He pointed out an action plan should be prepared for Police to follow when riots start. In the long-term he suggested that implementation of the 5th Police Commission Report. Transfers of Police officers should be done by a panel. Arbitrary transfers should be avoided as they harm the district administration.

In respect of media, particularly vernacular media, he pointed out that they write crudely and openly against Muslims. Action should be taken under 153-A, IPC. He also suggested deletion of section 196 of the Cr.P.C., which requires sanction of the State Government to prosecute the offenders. He said that there might be a risk of abuse of 153-A but that risk needs to be taken. He also felt that the provision for withdrawing of prosecution should be done away with. He also pointed out that politicians who speak in a communal manner should also be made accountable.

34. Shri Moosa Raza pointed out need for reforms of textbooks. He also pointed out that in the Madrasas small children learn to read Qoran. The general impression in the media is that they are taught anti-national activities. There are similar schools run by other organisations where the feeling is that communal teaching are given and Government should come out with a white paper on what is taught in all such schools and how to regulate them. He felt that we should devise a mechanism to control arbitrary transfer of officers.

35. Shri Asghar Ali Engineer made a suggestion, casteism and communalism is increasing because of British system of elections instead of “First Past the Post” principle. We should adopt either proportional vote or

minimum 50 per cent of the total votes cast. If this is done the politicians will not dare to manipulate minorities. In short he desired that we should have indigenous election system.

36. The meeting ended with a vote of thanks to Chair.

ANNEXURE

1. MOS (J)	In chair.
2. Shri Moosa Raza	Member
3. Shri J.F Rebeiro	Member
4. Dr. Amrik Singh	Member
5. Shri Asghar Ali Engineer	Convener

MINUTES OF THE THIRD MEETING OF THE WORKING GROUP OF NIC HELD AT BANGALORE ON 12th - 13th JUNE, 2006.

A list of participants is enclosed (Annexure).

2. Shri Julio Ribeiro presented his recommendations (Annexure-II) for inclusion in the report of the Working Group. His recommendations were discussed point by point in the meeting. He has stated that Mohalla Committee should be set up in every communally sensitive police station. These committees should be encouraged to organise group activities and sports to bring together youth of all communities. These committees may conduct awareness programmes for the women of all communities to prepare them to prevent their men folk from involving themselves in riots. AS (CS) supported this view and stated that mahila samitis in Uttar Pradesh used to play a very effective role in this regard in the past but now these samitis are not so effective. He cited an example of women in Charminar area of Hyderabad who prevented their men from involving themselves in communal riots by creating standing together to block the way.

3. Shri Ribeiro insisted that the preventive arrest of instigators must be carried out to avoid communal riots. He stated that arrest of Shiv Sena Shakha Pramukhs brought an end to the communal riots in the Maharashtra. AS (CS) stated that preventive arrest should be effected without delay when communal riots are expected to be provoked by activities or speeches of certain persons. Mr. Ribeiro opined that only low rank people are arrested and the main instigators go scot free. No big criminals or politicians are arrested. Shri Asghar Ali Engineer said that politicians are not in favour of preventive arrest. AS (CS) said that many officers look for the political direction to effect preventive arrest. In this process, the situations go out of control. Therefore, the officers should not wait for the direction from above and they should do whatever is necessary to prevent the communal riots without delay. Shri Ribeiro supported the views of AS (CS) and said that Shakha Pramukhs of Shiv Sena were arrested despite resistance from the top political leaders in 1984 to curb the communal riots in Maharashtra.

4. Shri Asghar Ali Engineer stated that the transfer policy is also not favorable to the officers who work honestly in order to prevent riots. AS (CS) said that it is the responsibility of the District Administration to maintain communal harmony in the district without coming under any pressure or fear

of transfer. It was agreed with the view that officers should be mentally ready to take strong action to curb riots without any delay. Shri Asghar Ali Engineer stated that no transfer should be effected on a telephonic direction from the Ministers/Higher officers. This will embolden the honest officers to take suitable action to maintain communal harmony. Shri Ribeiro stated that nobody in power is going to listen to this suggestion. He stated that the officers who took action against rioters in Gujarat were not allowed to continue. AS (CS) stated that in any case, it must be exhorted that the right action must be taken to curb riots. It is not easy to resort to firing to curb riots these days. AS (CS) said that officers who take stringent action should be supported. Shri Amrik Singh stated that preventive arrest and control measures are not enough. Judiciary can help a lot if justice is done to the victims of riots and severe penalties are awarded to the culprits at the earliest. The Working Group should make well documented recommendations and clear cut suggestions for the action to be taken by authorities concerned.

5. Shri Asghar Ali Engineer said that the judiciary is not answerable to the people and it is also not free from corruption. Politicians are the main players in society and they are responsible to society. They cannot be ignored. Politicians and the Administration play main role to maintain communal harmony in society. Judiciary is not free from communalization also as observed by the Supreme Court in case of Gujarat riots. But it cannot be denied that judiciary has a role to play. Shri Amrik Singh stated that the judiciary should not be third option and instead its role must be of equal importance.

6. Shri Ribeiro suggested that an independent investigation wing should be created and this wing should not be associated with maintenance of law and order. Separate wing for investigation created in Maharashtra police has helped a lot not only in curbing the communal riots but check other crimes also. He further stated that the prosecution of all communal riot cases should be done by specialized members of the Bar with good reputation and ability. They should be specially appointed at such times.

7. Shri Ribeiro stated that Shiv Sena has installed black boards at all corners in Mumbai and its members write very provocative material against the minority on these blackboards. These must be removed for the sake of the communal harmony. AS (CS) stated that these black boards are installed near the Shakhnas conducted by the Shiv Sena functionaries. They may run the shakhnas but they cannot use blackboards for writing anything provocative, and they should be arrested for instigating peoples into communal

disharmony. Shri Ribeiro stated that no action is being taken against such activities.

8. Shri Ribeiro stated that use of loudspeakers in front of Mosques at times of Namaaz should be made an offence. Mr. Ribeiro said that the use of loudspeakers has increased over the last 10 years. Shri Asghar Ali Engineer also said that the use of loudspeaker by mosques creates nuisance. AS (CS) stated that even temples are not lagging behind in creating such nuisance by using loudspeakers at the time of aarti/bhajans. Shri Engineer suggested that action should be taken against mosques and temples at the same time for creating nuisance. People may pray in the way of their choice without loudspeakers. Shri Engineer suggested that use of loudspeakers in temple/mosques or any place of worship must be stopped.

9. Communal Riots are generally provoked at times of festivals. Some people use force to involve unwilling persons. If people have good sense at the time of festivals, there will be no riots. AS (CS) and Shri Asghar Ali Engineer supported this view and cited some examples of celebrating festivals by Hindus and Muslims together.

10. AS (CS) suggested that the work of registering of F.I.R. could be outsourced to the reputed computer service providers. Shri Ribeiro stated that such a step will help the people to get F.I.R. registered and complaints in this regard will reduce. The F.I.R. must be registered in Police Stations whether police personnel do it or it is got done by other Agency.

11. Shri Ribeiro raised the issue of religious buildings erected on the roads and other public places which create a lot of traffic problems. AS (CS) stated that religious buildings are erected with an intention to grab the public land. Anti social elements are involved in such activities to grab the public land. Shri Ribeiro stated that there is a big problem of old temples, mosques and monuments like Darghas, which obstruct traffic on roads, which need to be widened. All parties should be called and their consent be taken to shift these temples, mosques and monuments irrespective of community.

12. Shri Ribeiro stated that many schools are run for the particular community and these schools impart education on the basis of religion and language. This system of education segregates children from the mainstream. Shri Engineer said that that children of poor Muslims have no option but to go to Madrasas for education, as mainstream schools are very few and far away from the minority areas. He suggested that these madrasas are required to be upgraded by appointing trained teachers to teach other subjects like

maths, science, social sciences etc. Where ever possible, new Government schools may be opened to include the children of minority in the mainstream education system. The Government Schools have been opened in such areas in U.P. but they are not effective, as the teachers are more than the students. Shri Ribeiro stated that even the poor parents do not wish to send their children to Government schools as the teachers in such school do not want to teach. AS (CS) suggested that our recommendation should be to augment the madrasa to become secular and also to open new schools in the area where poor people reside. NGOs might be involved to implement the above suggestion. AS (CS) stated that the NGOs also misuse the funds to run their private schools. Shri Ribeiro stated that such misappropriation of funds could be kept in check by involving the local/mohalla population.

13. Shri Ribeiro stated that the objective of the communal rioters is to cause economic loss to the targeted communities. A good compensation/rehabilitation package should be there in place to foil the nefarious objective of the communalists. Even a mechanism of community punishment could be evolved to check the communal riots. AS (CS) stated that these aspects are being dealt in the Ministry as part of Human Rights issue. The community punishment is difficult in these days.

14. Shri Asghar Ali Engineer suggested that sensitisation programme should be included in the syllabus for police training. All Members agreed that such programme should be included in the syllabus for the training at all levels. Shri Engineer stated that there are some misconceptions about Muslim communities, which are required to be dispelled. The lower functionaries of police force are found influenced by the distortions of medieval history. They are not aware of the contributions of Muslims towards nation building. Many people are surprised to know the facts about the contribution of Muslims and they change their negative thinking once they know the facts. Shri Asghar Ali Engineer emphasized that the role played by Muslim Community in the freedom struggle should be highlighted.

15. AS (CS) stated that a mob psychology works when riots erupt and people go on rampage indiscriminately even against the police/paramilitary forces. Shri Asghar Ali Engineer stated that some politicians spread rumors for the sake of their political gains. AS (CS) stated that the politicians work according to their party ideology and do such things, which go against Communal Harmony. Their political compulsions sometimes do not allow them to come forward in support of communal harmony.

16. Shri Asghar Ali Engineer stated that he has developed a programme for sensitising the police force. Teachers, police trainees and youths from the civil society should be put together under such programmes to prepare them to take active part to maintain communal harmony in society. He also emphasised the need for conducting value- based programmes by inviting specialised teachers, at least one day in a week in the schools. He suggested that otherwise history should not be taught in the schools up to 10th class. AS(CS) stated that this idea cannot be implemented as it has so many ramifications. However the suggestion could be implemented by improving history books in regard to the Medieval Period and Freedom Struggle.

17. Shri Asghar Ali Engineer suggested that use of POTA- like Acts create a favourable situation for miscreants to spread hatred against the Government among the youth of minority community. Alternative measures should be adopted to prevent people from involving themselves in communal riots. He cited the example of Bhivandi, where religious processions were banned for 10 years after occurrence of a riot in 1971. When restarted people themselves took care that communal harmony is not disturbed by processions, because they fear that the ban will be clamped again if the procession causes any disturbance.

18. Shri Amrik Singh stated that minorities are neglected from the point of view of education. Education of minorities is necessary to keep riots in check. One opinion was that riots take place in Kerala also despite high literacy among all the communities. Shri Asghar Ali Engineer said that literacy empowers the women who play an important role towards family planning. He said that the family planning rate in Kerala is 65%, in Pondichery it is 84%, whereas it is 23% only in U.P. This reflects that education brings important changes in society. Shri Amrik Singh stated that 8-9% of the population of the States like Maharastra and Karnataka consist of Muslims and the importance of education for such a large proportion of the society cannot be ignored. "The Education for All programme" will solve problems relating to the education of Minority although it is not an easy task. Shri Asghar Ali Engineer suggested that all political parties should come together and have a consensus on the issue of the minority education. It was agreed that at least it should be a matter of discussion at national level. AS (CS) suggested that this point should be one of the recommendations of the Working Group.

19. Comments made by Shri Moosa Raza in the previous meeting (held on 29th – 30th May, 2006 at Pune) were discussed. AS (CS) stated that the suggestion of Shri Moosa Raza to allow the NRIs to reconstruct the old

religious structures is not good NRIs from all communities will ask for the permission to rebuild the old structures pertaining to their religion and such demands may lead to communal tension. However the local people may be allowed to reconstruct old structures if there is a consensus.

20. Shri Amrik Singh stated that the Article 355 of the Constitution has provision for framing rules to empower the Central Government to take preventative action to check the communal riots. He said that the statement made by MOS (J) during his visit was also the decision of the Central Government to call army in Vadodara, brought the riot under control. AS (CS) stated that law and order is a State subject. Central Government has a restricted role to play. Central Government can intervene only on the request for help from the State. Shri Asghar Ali Engineer stated that Article 355 of the Constitution empowers the Central Government to give clear direction to the State Government to prevent communal riots. AS (CS) stated that in the wake of the Babri Masjid incident, Central Government thought of legislating under Article 355 but it has not been easy to move on this front. Shri Amrik Singh stated that Central Government intervenes in the matters of States in USA. AS (CS) stated that there is a clear cut provision in the federal Constitution of USA to intervene in the matters of States whenever the circumstances demand. Shri Asghar Ali Engineer stated that this Group should make suggestion in its report for the legislation under the Article 355 of the Constitution. AS (CS) reiterated that a lot of debate has taken place but it has not been possible to move forward on this issue. The situation changes with the change of Governments at the Center and the State. Shri Ribeiro stated that any move on this front may lead to tension between Centre and States.

21. Shri Asghar Ali Engineer proposed that the final report of the Group should be prepared as follows:

<u>Suggestions</u>	<u>What Community can do</u>	<u>What Government can do</u>

22. AS (CS) suggested that the Report should be prepared and circulated to the Members. Shri Ribeiro said that the Members may like to make suggestions for incorporation in the final report to be prepared after last meeting.

23. Shri Ribeiro said that no political interference should be allowed in the functioning of the law enforcing agencies. AS (CS) stated that the officer on duty should not accept the orders, which are likely to go against Communal

Harmony. Shri Asghar Ali Engineer stated that the practice to give order on the telephone for transfer should be discontinued. AS (CS) suggested that better coordination between the Civil Administration and Police/Paramilitary forces is desirable. He stated that the districts are being categorised according to the degree of communal sensitivity.

24. Shri Asghar Ali Engineer suggested that UGC could provide fund to the universities to conduct courses communal harmony on line of western universities. AS (CS) stated that such courses are not job oriented and therefore these courses do not attract students. He stated that no response was received for a Ph.D course proposed by Ministry of Home Affairs through the auspices of the National Foundation of Communal Harmony. However if Mr. Asghar Ali gives a concrete proposal on this issue the same may be forwarded to Ministry of Human Resources Development.

25. Shri Asghar Ali stated that communal forces work 365 days a year whereas administration swings into action at time of riots only. Shri Ribeiro said that the administration should also work 365 days a year on this front. AS (CS) suggested that reserve forces should be raised to check communal riots. Shri Asghar Ali Engineer said that Police/Paramilitary forces are busy in doing jobs related to elections/parliament session/festivals etc. They are not granted leave for long periods and they perform duty under stressful conditions. Shri Ribeiro suggested that the Police/Paramilitary forces should not be deputed for VVIP security. Security agencies could be engaged for this purpose and the VIP concerned may be asked to pay for the security provided to him. The security agencies could work under the supervision of police station concerned.

26. The Chairman suggested that the next meeting will be held at Mumbai on the 6th July, 2006 (Thursday) if all the members find it convenient.

27. The meeting ended with a vote of thanks to the Chair.

List of participants

- | | | |
|----|--------------------------|----------|
| 1. | MOS(J) | In Chair |
| 2. | Shri J.F.Reberio | Member |
| 3. | Dr Amrik Singh | Member |
| 4. | Shri Asghar Ali Engineer | Convenor |

MINUTES OF THE FOURTH MEETING OF THE WORKING GROUP OF NIC HELD AT NEW DELHI ON 27th SEPTEMBER, 2006

Fourth meeting of the Working Group of NIC was held on 27th September, 2006 in New Delhi to discuss the recommendations of the Working Group. These recommendations were accordingly compiled and the draft report of the Working Group was circulated to all the Members. The suggestions of the members were incorporated in the draft report. The list of participants is as under :-

List of participants

- | | | |
|----|--------------------------|----------|
| 1. | MOS(J) | In Chair |
| 2. | Shri J.F.Reberio | Member |
| 3. | Dr Amrik Singh | Member |
| 4. | Shri Moosa Raza | Member |
| 5. | Smt. Leila Seth | Member |
| 6. | Shri Asghar Ali Engineer | Convenor |

Annexure – VI**MINUTES OF THE FIFTH MEETING OF THE WORKING GROUP
OF NIC HELD AT NEW DELHI ON 19TH JANUARY, 2007**

Fifth meeting of the Working Group of NIC was held on 19th January, 2007 in New Delhi to finalise the report of the Working Group

The Working Group finalised the report and signed the same. The list of participants is as under :-

List of participants

1.	MOS(J)	In Chair
2.	Shri J.F.Reberio	Member
3.	Dr Amrik Singh	Member
4.	Shri Moosa Raza	Member
5.	Smt. Leila Seth	Member
6.	Shri Asghar Ali Engineer	Convenor

GUIDELINES
TO
PROMOTE
COMMUNAL HARMONY

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

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D.O No.9/42/96-CHC
HOME MINISTER
INDIA

NEW DELHI-110001

INDRAJIT GUPTA

22ND October 1997

Dear Shri

Please refer to the former Home Minister's d.o letter No.5/3/90-CHC dated 23rd April 1990 forwarding therewith guidelines to promote communal harmony.

2. The changing face of communal tension/riots, and particularly the use of illegal lethal weapons by the rioters, has necessitated a reappraisal of the present system of dealing with communal situations. For this purpose, my Ministry convened a meeting of a few District Magistrates and Superintendents of Police to gather first hand knowledge of the level of implementation of the guidelines. During the discussions, the contemporary scenario which emerged is as under:-

- (a) Most internal security situations, today have an external angle to them. Subversive elements infiltrating through our borders work on frustrated elements in minority communities, which results in acts of communal terrorism. The majority community reacts by branding the entire minority community as violent and communal instead of accepting these incidents as acts of misguided individuals. This, in turn, further heightens the tensions between the two communities.
- (b) Minority communities often have their own perceptions of injustice done to them by the Governmental agencies, particularly the state police force.
- (c) There is a certain amount of growth of competitive communalism visible in the manner of celebration of religious festivals.
- (d) Despite the presence of Central enactments against misuse of places of worship and against changing their religious character, there are occasional attempts to misuse them for subversive purposes and attempts by one religious community to reclaim a Place of Worship belonging to another. In this background, it has become imperative for the administration to gather timely intelligence, interpret the developments and be in a position to react in time.

3. Some of the points raised by the participants as mentioned below need attention of State Governments:-

- (a) Gathering of intelligence by uniformed services has its own limitations. Therefore, DMs need to develop, their independent sources of intelligence. Such sources will have higher credibility. In this context, most participants felt that the DM should have a separate fund for this purpose.
- (b) There must be a periodic (most monthly than quarterly) meeting for review of the communal situation at the district level. However, for this, it is not necessary to add one more meeting to the already existing long list. States can decide whether it can be clubbed with the monthly Crime Review Meeting or any similar meeting. The point to be stressed is that apart from routine matters, the communal situation must be discussed in the light of intelligence reports with a view to take preventive action.
- (c) Strong sentiments were voiced by most participants against the practice of routine transfers of DM's and SPs by most State Govts. after a communal riot/tension. They felt that it amounts to declaring the officers guilty before trial. Similarly, wherever a judicial enquiry is commissioned to look into any incident or riot, its proceedings become a personal harassment and that in all such cases, the State Govt. should bear the expenses of the officers involved in explaining their official conduct before the Commission.

4. Based on the past experience and the shortcomings noticed in the execution of contingency plans dealing with communal situations, the guidelines for tackling such situations have been reappraised and a copy thereof is enclosed for urgent action. These guidelines are by no means exhaustive. Additional action points may be included based on the situation.

5. I shall be grateful, if I am also kept informed regularly, of the operational effectiveness of these guidelines.

With regards,

Yours sincerely,

**Sd/-
(INDRAJIT GUPTA)**

To all The Chief Ministers of States/UT Administration.

GUIDELINES TO PROMOTE COMMUNAL HARMONY

INTELLIGENCE

1. Preventing a communal riot is far more important and effective than containing a raging one. It is, therefore, essential for the administration to anticipate the developments and make advance preparations for preventing it.
2. Intelligence is the eyes and ears of administration. The organisational aspect of intelligence, with special reference to its adequacy, scope and efficacy, both at the State level and in the Districts/Towns/Areas identified as sensitive/hyper-sensitive should be thoroughly reviewed on a priority basis.
3. Gathering of intelligence by uniformed services has its own limitations. Therefore, DMs need to develop their independent sources of intelligence.
4. Emphasis should be laid on the setting up of special intelligence units for tackling communal problems. Special training should be imparted to the personnel manning these units so as to ensure a proper, systematic and timely feed-back of the requisite information to the concerned authorities. The staff of this special branch should be fanned out among various thanas, particularly in the sensitive pockets. This would plug the chances of breakdown of the mechanism of communication between village authorities and the police.
5. Matters arising out of inter-communal issues, religious processions etc., should be priority in the matter of collection of intelligence.
6. Data pertaining to sensitive areas should be carefully collected and changes in population and distribution of population in the various towns and other significant areas in the district should be carefully observed and the reasons for such migration should be ascertained and analysed.
7. This should be made an integral part of the assessment exercise which would be beneficial to the District Authorities while making contingency plans especially when major festivals are round the corner. Organisations collecting intelligence/information should keep a close watch on the activities of the organised communal groups with special reference to their propaganda and publications.
8. There is an urgent need to make use of the intelligence feed-back so gleaned from the ground level. To ensure this, there must be at least a monthly review of intelligence at the District level by the District Magistrate, Superintendent of Police and the Head of district Intelligence. Such reviews must not get 'routinised'. A monthly report of the review should be sent to the State Government.

PERIODICAL REVIEW OF COMMUNAL SITUATION AT DISTRICT LEVEL AND STATE LEVEL :

9. It is necessary to periodically review the communal situation at all levels in the State so that appropriate steps may be taken to promote peace and communal harmony. Administration should comprehensively review the communal situation on monthly basis and send report of the review to the Home Secretary of the State. Similarly communal situation in the State as a whole should be reviewed by Home Secretary on quarterly basis and report of such review should be sent to the Ministry of Home Affairs by end of January, April, July and October every year.

10. The working of the District Communal Harmony Committee/Zila Quami Ekta Samiti should be activated. Their working should be closely monitored by the District Magistrate. Deliberations of these meetings should be communicated at least once a month to the State Government. Similarly, the state level integration committees headed by the Chief Minister should review the situation at least once a quarter and keep the Central Government informed. Every town identified as communally sensitive should have Peace Committee consisting of prominent citizens of all communities, representatives of political parties, Public representative, Office bearers of prominent associations/union. Communal forces and anti social elements should not be included in the committee. At the time of apprehension of communal tension, meetings of the Peace Committee should always be called to discuss all matter relating to the communal tension. Efforts should be made to enlist the support of the members of the Committee for persuading the members of difference communities to find an amicable settlement of the cause of tension and to defuse the situation.

11. Women are the most affected group in communal tensions or riots. They can be effective in helping to defuse the communal tension and to prevent riots. As such they should get fair representation in the membership of the Peace Committees/Integration Committee/Tripartite Committees.

12. Peace Committee shall also :-

(a) assist the administration in identifying children rendered orphans or widows becoming helpless in communal riots/clashes for recommendation of financial relief by the National Foundation for Communal Harmony ;

(b) recommend to the District Administration names of those individuals who, belonging to one community, have come forward to protect lives and properties of members of another community, in case of a communal riot or clash.. The District Administration may consider such recommendation for proposing these individuals for award of Kabir Puraskar by the Government of India.

13. Industrial areas may be prone to the communal flare-ups. Tripartite Committees comprising representatives of State Government, employers and the labour should be set up. The composition of these Committees should take into account the communal mix.

14. The police, the local intelligence and the local bodies best know the elements, who have the capacity to create possible communal rifts, directly or indirectly. An update of these persons should be readily available in all police stations and the District Headquarters. Whenever a festival, religious procession etc., is about to occur, the District administration should take timely advance action to immobilise these elements through preventive arrests.

15. At the first sign of trouble, immediate steps have to be taken to isolate elements having a non-secular outlook. Effective will needs to be displayed by the District Authorities in the management of such situations so that ugly incidents do not occur. Provisions of section 153(A), 153(B), 295 to 298 and 505 of IPC and any other Law should be freely used to deal with individuals promoting communal enmity.

16. Activities of communal organisations fomenting communal trouble, should be under constant watch of intelligence/police authorities. Prompt action should be taken against them at the first sign of trouble.

17. Processions have been the single largest cause of communal conflagrations. A tendency has also developed among the communal organisations to organise procession on religious occasions as part of competitive communalism. As far as possible, no new processions, as did not exist before 1.1.1990 should be allowed. Only traditional religious processions should be permitted in sensitive areas. Care must be taken that the conduct of processions is not left to any informal understanding or verbal promise of good behaviour by the organisers. These should be accompanied by adequately armed Police "Bandobust" commensurate with the estimated strength of the participants. Only traditional slogans should be permitted and in the event that slogans offensive to other communities are shouted, the organisers of the procession should be proceeded against under relevant law. In any case, organisers should be asked to guarantee good behaviour, a breach of which should attract a collective fine, heavy enough to be deterrent. Action under relevant laws should also be taken against erring persons. If the procession of one religious community has to pass through a route on which any important place of worship belonging to another religious community is situated, an undertaking should be obtained from the organisers of the procession that nothing will be done by the processionists to offend the religious sanctity of such place of worship.

18. A common Code of Conduct should be evolved in consultation with the leaders of different communities for the observance of their festivals. This Code should be for every festival and festive occasion. The Common Code of Conduct should be widely publicised so that everybody knows about it.
19. Advance warning should be given that strict action will be taken against those who violate the norms of good behaviour while celebrating festivals.
20. Areas may be demarcated and allotted to prominent persons, members of Peace/Integration Committees and voluntary organisations of the area, who should ensure that the festivals are observed in an amicable atmosphere without causing any annoyance to any other persons.
21. Mohalla Committees consisting of members of all religious communities should be constituted for the observance of festivals. This will greatly help in ensuring peace and observance of the festival with usual gaiety.
22. Loud-speakers are a very potent instrument for exciting passions among the crowd or groups of persons. Police Act or similar local legislations should be effectively used while granting permission for use of loud-speaker.
23. Care should generally be taken not to permit use of loudspeakers between 11-00 p.m. and 6-00 a.m.
24. Any construction of religious place should be made only with the prior approval of the District Authorities and at the earmarked place. Cases of construction of unauthorised religious places should be dealt with severely under existing laws. Negligence on the part of the District Administration in implementing this direction should be seriously viewed and the guilty dealt with.

STRINGENT IMPLEMENTATION OF ACTS RELATING TO RELIGIOUS PLACES.

25. The Religious Institutions (Prevention of Misuse) Act, 1988

This Act has been enacted with a view to maintain sanctity of religious places and to prevent their misuse for political, criminal, subversive or communal purposes. It, inter-alia, casts responsibility on the manager to inform the police in the event of misuse of the place of worship. The Act also, inter-alia, prohibits storage of arms and ammunition inside any place of worship.

26. The places of Worship (Special Provisions) Act, 1991.

This Act provides that no person shall convert any place of worship of any religious denomination or any section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof. The Act also provides that the religious character of a place of worship existing on the 15th day of August, 1947 shall continue to be the same as existed on that day.

27 Both the above Acts provide for punishment of imprisonment as well as fine for violating the provisions of the said Acts. There is need for strict enforcement of the penal provisions of these Acts and this will greatly help in maintenance of Communal harmony.

REMOVAL OF IRRITANTS, OBJECTIONABLE ACTS

28. Slaughtering of animals in public and near places of worship should be avoided.

29. Religious slogans should not be inscribed on the walls of Government buildings and there should be no religious places of worship inside Government buildings.

PRESS

30. It is the responsibility of the press to report incidents factually without imparting a communal colour to them. It should not sensationalize the prevalent situation and should only publish the facts after checking their veracity. There should be a co-ordinated interaction between the magistracy, the police and the publicity set-up at the District level for the proper use of the media to create public opinion against such incidents.

31. Reporters, editors, printers and publishers should be advised to discourage tendentious reporting. Action should be taken against writers and publishers of objectionable and inflammatory material aimed at inciting communal tension.

ADMINISTRATIVE MEASURES

32. Communally sensitive places should be identified in the riot-prone areas for making necessary administrative arrangements. Manpower requirements for these areas should be realistically assessed. It should be ensured that all vacancies are filled up and manned. Police Stations/Posts should be set up in the sensitive/trouble-prone areas. These should be provided with adequate personnel, weaponry, communication links, equipment including videographs, vehicles etc. These administrative measures should be constantly reviewed.

33. Having identified communally sensitive places/pockets, it should be ensured that a Control Room at the District level is set up permanently, which should be adequately manned by competent personnel.

34. At the slightest indication of communal trouble, the contingency plans should be put to use without the least hesitation.

35. As soon as a communal incident occurs, a report should be sent thereon to the Ministry of Home Affairs immediately which should be followed with a detailed report, mentioning inter-alia the grant of awards for good work or punishments for showing laxity to the district officers connected with the incidents.

36. In the case of serious communal disturbance special Public Prosecutors, preferably from outside the district concerned or in any event from outside the affected area should be appointed.

37. District level Screening Committees should be set up with District Magistrate as its Chairman. These would review all arrests and detentions-both preventive and in the wake of communal riots-to ensure that the elements responsible for instigation and committing violence do not go scot free. These Committees should have representation of prominent and fair-minded citizens known for their integrity and communal impartiality.

MEDICAL RELIEF

38. It should be ensured that proper medical care units exist in all the sensitive places/pockets, which can handle emergencies.

39. The police party dealing with riots should be accompanied by ambulance and first-aid service.

ILLEGAL POSSESSION OF ARMS

40. It has been observed that illegal lethal weapons are used quite widely in communal riots. A campaign to detect and unearth such arms, raid places of manufacture and initiate action, should be launched by the District Authorities immediately. A special review of arms licenses issued should be done and in the case of inadequate justification, licenses should be cancelled.

THE ROLE OF POLICE

41. Police is the chief image-maker of any District Administration. Great care and attention should be paid towards providing proper leadership and suitable motivation to the police force. The emphasis should be on keeping their morale high.

42. There should be a review of the training programmes for the police forces with a view to inculcating in them the attitudes of secularism and communal harmony.

43. There is need for specialized training to the local police in gathering and sharing of intelligence.

44. It has been commonly observed that the presence of minority community members in the police force deployed in communally sensitive areas goes a long way in winning the confidence of the minority communities. This is of vital importance. The following steps which were recommended from time to time, should be taken earnestly:-

- (a) Launching of Special Campaigns to recruit more members of minorities in the State Police Force.
- (b) Creation of composite battalions of armed police which should include members of all religious communities including SCs/STs for exclusive use in maintaining communal peace and amity in the sensitive areas.
- (c) Starting of special training /orientation programmes for State Police Force with a view to maintaining communal harmony.

45. The positioning and placement of the armed police should be done in such a manner as to ensure their quick and easy movement to trouble spots. In case the armed police is deployed to assist the civil police, at no time should it remain leaderless. Steps should also be taken to ensure smooth functioning between the civil administration and the Army.

46. The availability and capability of Home Guards should be fully made use of by the Police.

ESSENTIAL SERVICES MANAGEMENT

47. In many riot situations people suffer on account of delayed/Non-provision of essential supplies such as food, milk, water, electricity and medicines. By ensuring their timely provision, the District Administration would be removing a major irritant.

PUNITIVE ACTION

48. Laws relating to collective fines should be used without fear or favour, whenever the situation warrants.

49. Crimes committed during riots should be registered, investigated and the criminals identified and prosecuted. If stringent judicial action is taken against a criminal and well publicised it would impose a high degree of constraint upon others from indulging in criminal activities.

SPECIAL COURTS

50. Special Courts should be set up for the expeditious trial and disposal of communal riot cases. When a communal riot takes place and an Enquiry Committee/Commission is set up, it should be given a time-specific mandate for completion of its inquiry. The State Governments should give priority to providing all manner of logistic support required by the Committee/Commission to enable it to submit its report on time. Its recommendations should be expeditiously implemented, say within 3 months and the Central Government should be kept informed.

PERSONNEL POLICY

51. In areas which are identified as communally sensitive and riot prone, police and administrative officials of proven integrity, efficiency, impartiality and non-partisan outlook should alone be posted. Good work in this regard should be rewarded and severe action taken against officials found to be instigating communal tension or taking part in communal violence.

52. The District magistrate and the Superintendent of Police will be responsible for maintaining Communal Harmony in the District.

53. A mention should be made in the ACRs of DMs/SPs which should reflect their capability in managing law and order situation, especially their handling of communal situation.

54. Due recognition needs to be given to the services rendered by the personnel in preventing and dealing with communal disturbances. A Scheme of granting suitable awards in the form of promotions/commendation certificates/cash awards should be considered. A similar system of award can be envisaged for the public also.

RELIEF AND REHABILITATION

55. A lot of resentment is generated on account of non-payment of timely relief/ex-gratia to the riot victims. A system of expeditious disbursement of the relief should therefore, be devised. Though the State Governments are competent to decide the quantum of ex-gratia, it would be desirable that all the State Governments pay ex-gratia at a uniform scale as suggested by the Central Government in the guidelines issued from time to time as, indicated below:-

In the case of	(in Rupees)
(i) Death	1,00,000
(ii) Permanent incapacitation	50,000
(iii) Pension to the widow of the Victim of riots belonging to Low income group	500 (per month)

DOCUMENTATION

56. The documentation of information, in its entirety, should be completed in the minimum period of time at the cessation of every communal riot.

ROLE OF MINISTERS/OFFICE BEARERS OF POLITICAL PARTIES

57. Ministers and office bearers of political Parties should exercise maximum restraint and self-discipline in making public utterances on any issue concerning the communal disturbances.

58. No Minister or an office bearer of any political party should participate in a function or a meeting or a procession, which may have a bearing on religious or communal issues. It should be best if the District Magistrate is consulted before participating therein.

Annexure-VIII**Extracts from book “POLITICS OF COMMUNALISM” by Ms Zenab Banu
Appendix IV, page 175-193**

Historical Survey of some major communal riots.

Year	Place	Immediate Cause
1713 AD	Ahmedabad	Opposition to solemnize the Holi festival on the one side and the cow slaughter on the other side between the neighbors of the two opposite communities
1719-20	Kashmir	Vendetta of a Muslim gentleman of position against the Hindus
1729	Delhi	The murder of a Mussalman by a Hindu for reason not known
Dec.1782	Sylhet, Assam	The Muslims (having 2/3 majority) demanded the Hindus to discontinue their religious ceremonies during the Muharram. Hindus refused to comply with this and petitioned Jinday (officer In charge of the Distt) for redressal.
Sept.1786	Balpur & other places in Berar	Muslim committed armed attack on the Hindus who were busy in their prayers.
1809	Banaras	The attempted construction of a building by Hindus on the ventrog construction ground between the Mosque (built by Aurangzeb) and the present temple of Bisheshwas.
1840	Moradabad	(no cause was given)
1851	Bombay	Publication of some thing undesirable against prophet Mohammed by a Parsi in Gujrati paper.
1857	Moradabad, Bijnaur	(after mutiny, no cause given)
1871	Bareilly	Moharram and Ramnavmi festivals fall on the same day
1874	Bombay	A book in Gujrati published by a RH Jalbhoy “Great Prohets of the World”
1873-84	Mopala riots near Calicut	Intense provocation given to the Mopalas by the action of Raman who married a Muslim woman and soon after marriage reverted to Hinduism.
Oct.1886	Etawah & Delhi	The simultaneous occurrence of two religious festivals, Ramlila of Hindus and Moharram of Muslims.
1887	Bareilly	Moharram and Ramnavmi festivals.
1889	Delhi	Conversion of a Hindu to Islam
1890	Aligarh	Obstruction of places of worship-A pot of flesh was thrown at night in a Mosque then beef was hung into two Hindu wells.

May 1891	Calcutta	Friction between the parties over the building of a mosque
1891	Polokhand in Salur District	Religious Hindu procession attacked by Muslims
July 1892	Prabhaspatan	Moharram festivals
Aug 1893	Bombay	Muslims gathered an impression that they needed special protection and that the European system of administration tended to increase the influence of the Hindus at their expense.
Sept 1893	Kolab dist.	--do--
1893	Ballia in UP	A reaction to the cow protection movement
1894	Madras	Vidaya Dasnisday-Muslim pelted the idol and the processionists with cow dung.
Feb. 1894	Yeola in Nasik	Obstruction of Moharram (Tazia) by Hindus
July 1895	Porbunder	Muslim procession passing through Hindu quarter.
1895	Dhulia	Ganpati procession attacked by Muslims
1907	Morghat	Partition of Bengal
1907	Memonsingh	The reasons were partly the growing irritation of the Muslims with the Swadeshi agitation and the boycott of European goods, engineered by the Hindus
1910	Peshawar	Holi and Muslim festival Bara Wafat were on the same day
1912	Ayodhya, Faizabad	Over the sacrifice of cows by the Muslims on the occasion of Bakri Id
1913	Nellore	Construction and demolition of a mosque
1913	Kanpur	Muslims resentment over the demolition of a lavatory attached to a mosque in connection with Municipal improvements.
1916	Patna	On Bakri-Id Hindus mob tried to prevent Muslims for performance of sacrifice.
1918	Gaya & Shahabad	Hindus terrorized the Muslims and prevented them from performing the sacrifice
1921	Malegaon	Indian Council Act of 1919
1921	Bangalore	Resentment of non-cooperation movement
1922	Multan	--do--
1923	Amritsar, Lahore, Saharanpur in UP	All over India 15-20 severe riots took place due to Shudhi movement originated by Raja Ram Mohan Roy
1924	Allahabad, Calcutta, and many other cities	Id festival and growing influence of Shidhi movement
1925	Calcutta	(no reason given)
1926	Calcutta	Music before the mosque
1926	Delhi, Patna, Rawalpindi, Allahabad, Dacca	Deep-rooted hatred and animosity engineered the riots with a minor incident
Jan. 1927	Paluakhali and	A quarrel between two persons of opposite

	Poonabalia	communities
Feb. 1927	Larkana, Lahore	--do--
June, 1927	Dinapur, Multan, Bettiah, Comila	Suspicion and deep rooted hatred engineered the riot.
Sept. 1927	Nagpur	Muslim procession molesting a Hindu passerby
Sept. 1927	Ahmedabad	Muslim prayer in Mosque and Hindu song in temple coming into conflict.
Sept. 1927	Dehradun	Ram Lila procession
Nov. 1927	Delhi	The procession of a Muslim dead body
1928	Bangalore, Surat, Nasik, Hyderabad	Bakri-Id
1929	Bombay	Some labour dispute engineered riot
1930	Dacca	In reaction of civil disobedience movement
1931	Banaras	--do--
1932	Bombay	--do--
1932	Alwar	--do--
1933	Alwar	--do--
1933	Calcutta	--do--
1934	Bharanga	--do--
1935	Hazaribagh	Ram Navami and Moharram on the same day
1935	Firozabad	Burnt a house with 11 persons including 3 children in continuance of above chain
1935	Champanan	--do--
1935	Shikandarabad	--do--
1935	Lahore	Out of some old vendetta
1935	Dudhial	Lahore reaction
1936	Poona-Khanapur	--do--
1936	Byculla	Temple-Mosque dispute
1937	UP	Cattle fair
1939	Asansol	Demolition of a holy book Ramayana by an opposite community person
1939	Delhi	Quarrel between two persons
1939	Gawanpore	An attack by Muslims on Hindu marriage party
1939	Of dists. In UP and Calcutta	Holi festivals
1939	Gaya	Music before a mosque
1939	Kanpur	Processionists attacked by opposite community persons.
1939	Meerut	Reaction to it
1939	Sindhi	--do--
1939	Sukkar	---do--
1941	Calcutta	Occasion of Moharram
1941	Ahmedabad	Muslims set fire to Maneckchowk Bazaar, predominance of Hindus
1946	Ahmedabad, Calcutta, Bombay, Noakhali, Patna, Dacca, et al	Muslim league gave a call for liberation week

1948	Udaipur	Quarrell between two groups belonging to two opposite communities
1949	Secundrabad, Hyderabad, Saharanpur, Hambal	Started round tonga which was suspected to be carrying beef through a Hindu locality
1949	Akola	Slaughter of a cow in a muslim household
1950	Calcutta, Delhi, Pilibhit, Aligarh, Dhubri, Bombay, et al	Hindu militant group RSS tried to frustrate Indian Muslims to leave India
1951	Mangrol	--do--
1952	Banaras	Hindus tried to carry out repairs to a place of worship of theirs adjacent to a mosque sanctioned by the city Magistrate.
1953	Viramgaom	Holi festival
1953	Bhopal	Stone throwing by some miscreants at a procession taken by the Hindu Mahasabha to protest against cow slaughter
1953	Gauhati	Angry crowd tried to prevent a Muslim family from sacrificing cow
1953	Ahmedabad	---do--
Sept.1953	Poona	Arson bid in Poona
1953	Sholapur	Ganpati immersion day playing music before a mosque
1953	Jamnagar	A boy stabbing a cow near a hotel
1954	Ghaziabad	Slaughter of a stolen cow
1954	Aligarh	Over the price of a melon between a hawker and a customer
1954	Nizamabad	Some persons hoisted the Pakistani flag on the statue of Mahatma Gandhi
1954	Mathura	Some persons broke the idol of Krishna which was installed for worship in a temple near Idghah mosque
1954	Gulbarga, Mannila, Fatepur	Pakistani flag was hoisted over a temple of Ganesh
1956	Bhopal	Holi Festival-Muslims threw bones in the Holi fire and an idol in a temple was defiled.
1956	Many parts of UP	A publication of the Bhartiya Vidya Bhavan alleging insulting reference on prophet Mohammed
1956	Jabalpur	Forcibly closing down of shops in protest against damage to an idol of Ganapati
1956	Khamgaon	Attack on a Ganapati procession before a mosque by a crowd
1957	Hazaribagh	A clash between students in Moharram Procession
1958	Belgaun	A procession of Hindus with music before a mosque
1958	Dulhia	Unauthorized cow slaughter
1958	Yeola	Muslims objecting a procession of Ganpati Idol

1958	Bagalkot	A procession of Hindus with music before a mosque
1959	Lucknow	Sprinkling of colour on Muslim on Holi festival by a Hindu
1959	Bhopal	--do--
1959	Sitamarhi	Spreading of a rumor that a cow was slaughtered
1960	Hubli	Idol of Maruti disfigured by someone
1960	Firozabad	Ramlila procession
1960	Saharanpur	Ramlila procession
1961	Jabalpur, Sangore	Effort to molest a Hindu girl
1961	Narsinghpur, Damoh Palanpur	Discovery of animal bones in the palace of worship
1961	Many cities in UP	Aligarh University hostel boy when misbehaved with hostel girl
1961	Bhopal	Meeting of Jana Sangh Dist. Committee
1961	Vidisha, Bhopal	Hindu procession being disturbed by Muslims
1962	Sikundra	Slaughter of a cow
1962	Malda in West Bengal	A week's agitation against the publication of a picture of Mohammed
1962	Agra	A quarrel between two persons belonging to opposite communities
1962	Mandsaur	A dispute over a business transaction
1962	Bareilly	Throwing of stones on a procession of Hindus passing through Muslim residential area
1962	Ratanagiri	Ganpati Procession attacked by Muslim
1963	Junagarh	Criminal assault by two Muslims youths on a Hindu girl
1963	Islampur	Muslim participants of Moharram procession attacked by the police with lathi
1963	Akola	Ganpati idol was attacked by stones
1963	Nadia, Calcutta	Hair of Mohammed from Hazrathbal mosque were stolen
1963	Srinagar	--do--
1964	Bihar, Orissa	Train carrying refugees of East Pakistan
1965	Udaipur	Scuffle between the two neighbours of opposite community
1967	Ranchi	Brick batting on the Urdu agitators procession
1967	Srinagar	Religious conversion and marriage of a girl of the Pandi community to a Muslim youth
1968	Meerut	A conference organized by the Jamaat-e-Islami in a college and a procession crossed by Jan Sangh
1968	Karimganj	Scuffle between two boys of opposite community on a cow of a Muslim
1968	Vizhinjam	Clash between Muslims and Christians when Muslims embarked on aggressive violent acts against catholics
1968	Allahabad	Holy reveler threw water color on a Muslim who pulled out a pistol

1968	Auditanda	Ramnavmi procession
1968	Aurangabad	A Muslim bakery servants attack on a cow with a knife
1968	Nagpur	Scuffle between a Muslim barber and a Neo Budha
1968	Parbhani	A Hindu college student stabbed by one Muslim Rikshaw puller
1968	Mabajogi	Scuffle among students
1968	Pupri	Durga procession passed through a Muslim inhabited area
1968	Gumdum	A Hindu procession
1968	Cuttack	Music in front of Mosque
1969	Kendrapa	Music near a mosque
1969	Calcutta	Muslim demonstration before the office of the "Statesman"
1969	Anjar	A clash between two persons of opposite community
1969	Hubli	Muslims objected to throwing of colored water on them on Holi
1969	Mau in UP	Beating of a Hindu boy by Muslim boys
1969	Anjar	An armed mob of Muslims attacked Hindus
1969	Gujarat	Mutual suspicion and animosity between two communities
1969	Ahmedabad	Attack on Jaganath temple by Muslims
1969	Other cities in Guj	Repercussions of above
1970	Chaibasa	Ram Navmi procession
1970	Bhiwandi and other parts of Maharashtra	Beginning with a quarrel between two persons of opposite communities
1972	Tonk	Bakri Id
1972	Banaras	Bakri Id
1973	Delhi	Two groups of miscreants clashed at Bara Hindu Rao area
1974	Jugeshwari	Anti-Muslim feeling injected by Shiv Sena workers in the minds of people, quarreling of two persons belonging to two opposite communities
1975	Jogeshwari	Militant action of Shiv Sena volunteers
1977	Chittorgarh	Id festivals
1977	Banaras	Durga procession

