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Sub : Booklet on Communal Riots

Copy of Booklet “Instructions to deal with Communal Riots – Strategy and Approach” written by Shri Z. S. Saiyed, Addl. D.G. of Police (Retd.), Officer on Special Duty is sent herewith to the Officers mentioned below. The book apart from analysing causes of Communal violence deals with Police approach and strategy including deployment of Police force at various stages of communal violence, investigation, redressal of grievance etc.

2 Since limited copies of the book are available, a copy of the book is being sent to all the Commissioners of Police and the Range Inspectors General of Police / Dy. Inspectors General of Police. They are requested to bring the contents to the notice of their District Superintendents of Police and Deputy / Additional / Joint Commissioners for immediate necessary action.

3. Please acknowledge receipt of it.

(K. V. JOSEPH)
Director General & Inspector G
Of Police, Gujarat State, Ahmedabad

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Copy with Compliments to:-

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- For information and necessary action

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CHAPTER I

INTRODUCTION

1. The term “Communal Problem” which could normally be applied to describing situations of tension with or without violence between any two communities, is used primarily to refer to Hindu-Muslim problems in the Indian context. This problem has existed for centuries, and it has many dimensions. Volumes have been written to analyse the problem, to understand the many causes that account for its existence, and to suggest ways of solving the problem. However, as law enforcing agency, our first concern is to recognize and accept that the problem exists, in so far as it erupts from time to time in different places in the State, posing a threat and a challenge to the maintenance of law and order. It, therefore, becomes one of the most important tasks as a force of professionally trained one, can help prevent and contain the occurrence, and not allowing it to escalate, in which human lives are lost and property destroyed.

2. In communal riots, initial aggression is generally minimal, but it is the escalation which becomes a real problem, one leads to another, and that to another and vicious circles continue.

The worst incidents of violence are caused by –

- * desire for revenge created by mass hysteria and mob frenzy.
- * the sense of insecurity and the fear of attacks, and
- * ugly manifestation of prejudice, and intentionally damaging or burning property / business premises / houses of the antagonistic groups communal minded and religious dogmatics, provoking tension between the two communities involving human killing, brutally eliminating women folk, children by arson and presenting inhuman spectre of force and brutalities.

3. Allegations are levelled time and again that the handling of communal riots in recent years by the police administration has been ineffective and tardy. Though, these charges can not be levelled against the authorities in all situations, for some, riots have been handled in an effective manner and promptly, but the failures are too glaring to be ignored as happened in Ahmedabad in the year 1985 and in Surat in 1993.

4. It is felt that (factors) causes leading to communal riots are multiplying and the role of police in controlling these riots specially because of growing public sentiment against the police, the police cannot remain complacent in this regard. A strict and impartial law enforcement round the year on 365 day basis, the vigilance exercised at all

time, and a through professional approach to effectively deal with communal violence can not only control it, in the initial stage, but can also reduce the chances of a prolonged communal riot.

5. In order to effectively deal with any incident of communal violence or a communal riot on large scale, police has to have definite action plan, strategy, definite method and purely professional approach from fully understanding the causes to taking of action during violence and on its conclusion.

6. It is therefore of utmost importance that systematic and planned approach to deal with communal violence is therefore very much necessary for police force in general, and for Gujarat police in particular as communal riots keep occurring at frequent intervals in the State. Charged with the responsibility of maintenance of law and order, the Police has therefore, to be alert and always be in the state of preparedness to deal with it.

CHAPTER – 2

CAUSES OF COMMUNAL RIOTS

Communal riots mostly occur on account of one or more of the following causes.

1. Communal Sectarian and Religious:

- * Music before mosque during prayers,
- * Defilement of place of worship, temple, idol, Dargah, Shrine etc. (Section 295 IPC)
- * Cow slaughter,
- * Rape or molestation, eve-teasing of girl, woman, of either community,
- * Procession passing through the localities of either communities shouting abusive and provocative slogans.
- * Propaganda by communal organizations,
- * Fall out of acts of violence committed on minorities in Pakistan-Bangladesh repercussion of
- * Offering prayers (Namaz) on roads opposition by viz. Shiv Sena, Organizing Artis in protest on road.
- * attempt to stop before Mosque, and playing music fanatics would not agree to change the route.
- * Encroachment by private persons / bodies on burial places (Grave yards).
- * Proselytisation and conversion activities (viz. Minakshipuram (T.N.), considered as an assault of minority on majority community,
- * Opening of the gates (6.10.1996) of “Ram Janma Bhoomi” allowing Hindu devotees entry into temple in Ayodhya, rekindled old animosity between the two communities and consequent demolition of “Babri Masjid” on 6.12.1992 further accentuated it.

- * Influx of Mullahs especially from Bihar, and U.P., preaching fundamentalism amongst muslims.
- * Activity of communal organisations amongst both the communities – Jamat – E Islami, Student Islamic Organization, amongst Muslims Bajrang dal, Shiv Sena, HMS amongst Hindus.
- * Tension generated during Rath Yatra, Ram Janma Bhomi, Ram Shila Processions of the BJP top leaders.

(2) SOCIOLOGICAL CAUSES:

- * Mutual fear and distrust on the part of the two communities.
- * Efforts to preserve its identity by minority community.
- * Muslims being constantly perceived as Pro-Pakistani and fifth columnist whose basic loyalties are suspect; feelings that the Muslims have to give ample proof of their loyalties.
- * Muslims suffer from deep sense of frustration and discrimination.
- * Muslims around backwardness in economic and educational fields.
- * Regressive feelings that the moment Muslims are doing well in business or are economically trying to be well off, are pounced upon. Feelings linked up with what has really happened in Moradabad, Bhiwandi, Ahmedabad, Ranchi, Meerut and other places.

(3) National Level:

- * Propaganda by the BJP, and other parties regarding alleged appeasement of Muslims by Congress.
- * Concessions granted to OBCs and Muslims, opposition by BJP and others.
- * Assassination of top leader (including political leader of major party) repercussions viz. Murder of Mahatma Gandhi, Indira Gandhi and others.
- * Atrocities on minority community in Pakistan, or Bangladesh repercussions of.
- * Activity of All India Babri Masjid Action Committee and Ram Janma Bhommi Committee vicious propaganda by each of them.
- * Irresponsible utterances on the part, of leaders of the national stature of both communities, hindus and muslims.

(4) LOCAL LEVEL:

- * Assault, attempted murder, murder of member belonging to either community, Retaliation by another – either because of long standing dispute or enmity, or on account of sudden provocation – repercussions of

- * Indo-Pak Cricket Matches, opposition by militant parties. Shiv Sena damaging cricket pitch in Bombay. Also, tension generated during One-Day Cricket Matches between India-Pakistan, bursting of fire crackers etc.
- * Rivalry, particularly in Gram/Nagar or Corporation etc. elections, vicious propaganda.
- * Elopement, molestation or rape of a Hindu girl with/by a Muslim boy and vice versa.
- * Repercussions of communal violence in the neighbouring country (Pakistan), City, District or in the State.
- * Riots taking place on account of minority community supporting one of the two hostile groups of majority communities during municipal elections (Veraval Muslims – Supporting Kharwas) against other Hindus.
- * Sprinkling of Gulal (coloured water) on minority persons during religious processions viz. Ganesh Chaturthi, Holi.
- * Throwing of Gulal in front of mosque during religious processions.
- * Inciting feelings of Muslims by taking processions playing music before mosques, the processionists would invariably insist on stopping near mosques and play music. The fanatics would not agree to charge the route.

CHAPTER – 3

Action by Police

(Before commencement of riots)

- (A) (I) Commissioners of Police / District superintendents of Police should undertake close study of the past records of major disturbance of their areas,
- i) Identifying the areas / localities.
 - ii) Nature of violence

- (a) stabbings
- (b) arson – shops, houses
- (c) murder – mass murders

Every district including Police Stn. has to prepare a list of communal minded persons in their jurisdiction. These lists are separately prepared for both the communities. For same includes names of those who are prone to exploit situation by direct participation or by actually acting behind scene, importing weapons, arms, ammunitions or collecting people etc. Immediate action to keep strict surveillance on the communal minded persons should be taken. Their movements including direct contacts of persons or through messengers, group persons / or groups should be kept under constant strict wate. This will also apply to leaders of the organized communal groups and organizations including political parties. For local Intelligence Branch, its primary responsibility is to collect Communal Intelligence and should pay close attention in this regard particularly

during this time. For preparing comprehensive list of goondas and their dossiers to be updated (Instructions in this regard have been issued vide DG's S.O. No. G-1/B-1/1910/Dossier/976/97 dated 13.6.97).

(2) Close Study of Topography (Location of)

(a) Purely Hindu areas

(b) Purely Muslim areas

(c) Mixed localities with

(i) Hindu majority areas

(ii) Muslim majority areas

(iii) Areas with mostly equal population

(a) Isolated houses of Hindus in mostly muslim majority areas.

(b) Isolated houses of Muslims in mostly Hindu majority areas.

Maps of the areas, showing distribution of population community-wise should be available at the district headquarters for all police stations and particularly for those where communal riots have occurred. Information of the location of prominent religious places, temples, mosques, shrines idghas, gurudwaras must also be available.

(B) Mobilising men power and resources :-

- * Officers/men to be kept stand to
- * All leave, except leave on medical ground i.e. only of those hospitalised, to be cancelled.
- * Mobilise officers / men from the district initially.
- * Request range IG/DIG for additional manpower from other districts.
- * State Control (DGP) for additional reserve force depending upon the nature of violence or course violence may take. This can be made on the basis of incidents reported so far, and damage causes etc.
- * Mobilising vehicles requisitioning from other department and from private owners.
- * Assessment of wireless requirements
- * Assessment of arms and ammunitions
- * Assessment of tear-gad requirements
- * Equipments, loudspeakers, banners etc.
- * Making arrangements for accommodation for the force called out for bandobast. Mess arrangements, water, sanitation etc.

(C) Information to other departments

(I) Public Health or Hospital Authorities

- (a) Concerned Medical Officer / Civil Surgeon to be informed to -
- (i) make arrangements for extra rooms / beds for treatment of injured.
 - (ii) casualty ward – extra staff to be provided for treatment
 - (iii) Service of additional doctors for performing emergency operations of those who are injured and are serious.
 - (iv) Arrangements for blood of various groups, medicine, life saving drugs to be made
 - (v) Provision for sufficient stretchers.
 - (vi) More doctors be made available for performing post-mortem examinations.
 - (vii) Mobilising ambulances for shifting injured to the hospitals. If need be, the CP/DM can requisition ambulances from private organizations.

(II) Municipal authorities:

- (a) Fire Department to be alerted to receive SOS calls of arson, extinguishing fire, rescuing persons, equipments to be kept ready for immediate use.
- (b) Arrangements to be made for removing obstruction road blocks if any kept on road by miscreants. Bull dozers, Cranes, trucks etc. should be readily available for removing the debris.
- (c) Extra vehicles to be provided including buses for shifting people to safer places or to rehabilitation centers.
- (d) Arrangements for establishing rehabilitation centers providing facilities, food water, sanitation.
- (e) Intimation to keep close, schools, colleges run by Corporation, private bodies etc. when situation worsens.

(III) Revenue Authorities (District Magistrate):

The district magistrate has to be kept informed of all the happenings from the beginning. The approach of the D.M. and D.S.P. should be to unitedly deal with the situation and make sustained efforts to restore normalcy. They must therefore, work in close co-operation and harmony with each other. The District Magistrate should be requested to make available the services of Executive Magistrates for the followings:

- (1) for disposal of unlawful assemblies
- (2) for attending cases u/s 151 Cr. P.C.
- (3) for promulgation of prohibitory orders under Cr. P.C. and B.P. Act
- (4) for recording dying declarations if any, of seriously injured.
- (5) for accompanying armed / para military forces, when called out for duties.

(IV) Other departments may be also suitably informed depending upon the situation and necessity there of.

CHAPTER – 4

STRATEGY

1. Deployment of force

(A) Preventive deployment

(1) Charged with responsibility to protect lives and the properties of the persons, police has to properly plan out its deployment of forces. Efforts should be initially made to localize or diffuse situation by taking immediate preventive and effective actions when any incident of communal nature takes places. This will definitely have salutary effect. However, it is absolutely necessary that police cannot afford to be complacent in this regard. Systematic and planned deployment of forces at strategic places / points has to be done at the earliest to check any fallout's or prevent any repercussions.

(2) Officers in charge of police station and senior officers including the superintendent of police should be fully aware of the topography of the town / city which has communal history. They should be thoroughly acquainted of the roads, lanes by lanes alleys of it. Composition of population as suggested in the beginning, the areas, localities of Hindus, Muslims should be within their knowledge.

(3) Information covering the above points should be readily available, or drawn out in case of exigency for a place which has no communal history.

(B) The CP/DSP should thereafter immediately decide the deployment of forces. Broadly the approach for deployment should be -

(I) For purely Hindu or Muslim localities – no force need be deployed or is necessary. However, to prevent access to outsiders, who may intrude and try to fish in trouble waters, or prevent the insiders to do the same elsewhere in the town / city, strong pickets / nakabandhi at all suitable places should be ordered and forces deployed at once. None be permitted as far as possible to get in or go out of these areas. If need be, prohibitory orders can be issued and strictly enforced.

(II) For mixed localities i.e. Hindu majority and Muslim minority areas and vice versa:

* In situation like above, minority community of the locality be afforded full protection. In Muslim majority areas Hindus should be protected, and Hindu majority

areas Muslim be protected. Lanes, bye-lanes alleys, roads leading to minority areas be fully covered and force deployed preventing entry or exit. Patrolling in lanes, streets, dividing the areas of Hindus / Muslims, preferably should be done by SRP. It should be done al-throughout the day and night.

- * Strategic reserves should be available at nearby places to deal with any situation.
- * Mobile patrolling should be constant and continuous
- * Plain clothes men should be kept to keep constant watch on suspicious, anti-social and communal minded persons in both these areas.
- * Care be taken to protect houses located at the end of these localities which can be easily targeted. They need to be taken special care of.

(B) Areas having cluster of houses of either community or isolated houses, bungalows, flats located in societies or complexes.

Such areas can be protected initially. However, it would be proper for police to advise them to shift to safer places to their friends, relatives. Those having isolated bungalows in societies or colonies, flats, tenements in complexes should be asked to shift immediately. It may be temporary, or till such time situation is controlled and normalcy is restored. However, police should make adequate arrangements to protect their houses and residential premises.

(a) Religious places, temples, mosques, shrines, Gurudawaras be protected by posting armed pickets / guards.

(b) In small towns, in bazaars, and in big cities in the business / commercial areas, shops, showrooms, hotels, restaurant, cabins or minority communities are mostly targeted. They can be segregated and protected. The owners be advised to shift their merchandise, furniture etc. immediately. Police may also advise them to get the same fully insured. The same applies to factories and industrial units in the different industrial estates. Arrangements should also be made to provide police protection to protect their units.

(C) Reserves:

Adequate reserves should be kept at the following places :

- (I) Reserve at the Control Room
- (ii) Reserve at police Stations
- (iii) Strategic reserves to deal with any situation in the areas which are :-
 - a) communally very sensitive

- b) Where incidents or large scale violence, stabbing, arson have taken place,
- c) Where minority groups (Hindus / Muslims) are to be protected
- d) Striking reserves as temporary reinforcement, when occasion arises depending upon the need.
- e) Striking reserves with senior officers (ACP/Dy. SSP and above)

(iv) Reserves be provided to attended processions, funeral processions etc. (Extra force need not be withdrawn when riots have broken out).

(D) Arrangements for Escorts:

(I) Prior arrangements for providing escorts parties of adequate strength be made depending upon the situation. In the beginning, or when riots have not acquired intensity, the strength required may be less, whereas in tense situation and in some areas, the strength required may be more.

(II) The escort parties

- * should be armed
- * should carry enough gas ammunitions
- * should carry helmets body protectors and lathis
- * should carry stretchers, if necessary
- * should be on VHP net work.

(III) Escorts should also be provided :

- * for shifting minority groups to safer areas or rehabilitation centres
- * for shifting injured to hospitals
- * shifting those who are dead to their residence
- * for shifting in emergency, serious cases of ailment, pregnant ladies expecting deliveries in hospitals.
- * escorting passengers from Airports Railway stations Bus stops to their (places), pick up centres be earmarked, and duly protected.
- * escorts for shifting dead bodies from residence to crematorium or Kabarastan (Grave yards) during funeral procession.
- * escorts for VIPs visits to troubled areas
- * arrangements can be suitably made for escorts and protection for those supplying essential services, ambulance, electric supply, pickets at power stations and water supply stations and reservoirs,

(IV) Patrolling.

The town or the city should be divided into convenient number of sectors

covering the entire area. Sectors may be smaller or less extensive if the same requires close attention depending upon the history of communal violence or intensity of it.

The sectors which consist of slum areas, dark and narrow lanes, nallas should be provided with search lights at night so that police has no difficulty in locating miscreants or any suspicious movements under the cover of darkness.

Constant patrolling by police officers and men supported by adequate strength of striking force duly armed carrying enough ammunition, equipments is the most effective weapon to deal with mischief mongers. On receipt of a call, they are the first to approach and deal with mob. Disperse it by using force and effect on the spot arrests of those indulging in violence, arson, loot etc.

- (a) CP/DSP should arrange for mobile patrolling in a town / city depending upon the situation.
 - * More mobiles can be pressed in service, if liits of police station are far and extensive
 - * If more SOS calls are received
- (b) The strength of mobile can be determined on the basis of
 - * area (s) to be covered
 - * time taken to attend call, return back after controlling situation.
 - * number of calls which can be attended to by any mobile on average per day in troubled situation.
 - * Depending upon the intensity of violence at a given time / day.
 - * Requirement during curfew.

It would be, therefore, desirable that provision for adequate manpower be made while providing for strength for mobile patrolling.

(F) Striking forces:

It is obvious that should an incident of not so trifling nature takes place the local pickets or patrol (Foot mobile) may not prove adequate to handle the situation, it is therefore necessary to have striking force at vintage points to give effective support to the pickets and patrols.

- * The number of such forces would depend upon the size of the town.
- * accessibility of roads
- * number of explosive and dangerous communal points (spots).

The intention should be that a striking force is able to reach the spot in its jurisdiction at the quickest possible time.

The striking force should ordinarily consist of one PSI, one HC, 3 Pcs, who should be armed assisted by a gunman and a grenadier of Gas squad the remaining men to carry lathis, helmets and body protectors. They should remain seated inside so that at a

shortest notice they can move out. Should be in touch with the control room to move out and report back after attending the call and inform about the situation to the Control Room.

(G) The Control Room:-

One of the most vital aspect for a riot situation is control room, which should be the first thing to come into operation in any situation.

- * Senior responsible officer should be kept in charge of control Room who should be sufficiently experienced, and is fully acquainted with the town / city, its entire areas and manner of deployment of force.
- * should be able to give clear instructions.
- * should be able to reach the forces in field expeditiously.
- * Control room should have a large map of the city on which the -
 - (a) posting of pickets, striking forces, location of reserves sector / zone wise be available indicating clear cut boundries of police stations, divisions and sectors.
 - (b) Localities having predominance of various communities, majority Hindus, Muslims, mixed and isolated houses of either community, if any, should be clearly indicated on the map.
 - (c) explosives and vulnerable spots should also be marked out.
 - (d) Coloured flags or pins showing the places where incident/s have taken place to give sufficiently clear picture of the whole situation at a glance be shown on the map.
 - (e) The Wireless Station (Control) also the telephone connections should be near and under the control of this officer so that he is kept informed of the situation and developments from time to time.
 - (f) Should be able, in turn to communicate all information of importance to the senior most incharge officer (SP/DIGP/CP) and others.
 - (g) He may seek guidance from senior officer but should be able to take such action himself in directing patrol or reserves including striking force to reach particular spot.
 - (h) should maintain information in a form of a riot diary on a day to day basis, mentioning all information i.e. names of informants, time of information,

nature of information and action taken on it. At the end of each day, summary of important events which have taken place be kept ready for information in the form of report to Government and others.

(H) Duty officer:

- (a) Duty officer should be attached to the control room for distribution of duties, arranging reliefs of policeman, drivers. He should be able to ensure timely supply of food, water and other requirements i.e. accommodation, messing arrangements for the men deployed in the field. He should maintain latest record giving, disposition of the force from time to time, and keep constant touch with, in fact work under general supervision and control of officer in charge of control room.
- (b) Duty officer should be assisted by an officer of motor transport section for supply of fuel, repairs and maintenance of vehicles, arranging for extra vehicles when required.

(I) Blockade Clearance:

As mentioned earlier, the municipal and other authorities have to be informed for making preparation to assist police when a riot is anticipated. People show tendency to create road-blocks to prevent police from approaching to the trouble spot. This is being deliberately done to ensure that police is not able to reach the spots, assist and rescue victims. Policemen assisted by civil defence authorities should be separately earmarked. They should be seated in vans be assigned the job and should be fully acquainted with the same to keep the roads leading to the trouble spots always clear for police reinforcements and the fire brigades to rush to the spot without any loss of time.

(J) Officer in charge of Operation:

The officer in charge of operation in the commissionerate areas is the commissioner of police and in the district, ordinarily the superintendent of police or the DIG/IG of the range, if so directed by the DGP or government.

- (1) He should take full responsibility of the entire operation and actively assist and guide his officers and men for they look to him for advice and guidance.
- (2) He should be readily available to the Control Room officer for consultation either on telephone or wireless, should frequently visit the control room so that he is fully aware of the situation and the developments.

- (3) If his presence is otherwise required in case of serious situation, he should himself proceed to deal with the situation on the spot rather than be tied down to his office or control room. This is equally applicable to officers of the levels of Dy. /Addl./Jt/ Commissioners of police in commissionerate areas.
- (4) Tendency to come forward with specious plea or excuses that they were otherwise required else where should be deprecated. In suitable cases thorough inquiries be instituted and guilty punished severely. This, is particularly because of the fact that lower subordinate ranks are either hesitant or reluctant to take action resulting in situations inaptly dealt with, or they use excessive force at times killing more persons including innocent ones. The disorders are best handled when senior officer remains in the street as far as possible to take decision on the spot and to exercise direct supervision.
- (5) As the same time, he need not lose contact with control room, should try to remain in constant touch so that he keep himself abreast with the latest developments.
- (6) It is noticed that the senior most officers are not available when required either by Government/ Director General of Police. There are cases of few, who have either deliberately avoided and kept themselves away, and are not in know of the real situation, or they do not bring factual information to the notice of the DGP/Govt resulting in embarrassing situations for Govt./DGP. It is, therefore, enjoined upon the senior most officer to be always available and to keep the Govt./DGP informed about the factual situations and intimate developments at frequent intervals to Govt./DGP.
- (7) Detail report regarding events that have occurred and police action taken, should be prepared daily and communicated. Information of alarming and vital nature may be communicated on telephone or wireless.

(K) Briefing:

- (1) As soon as it is decided to deal with riot in an impending stage, or where it is imminent, the scheme drawn should be put into operation. The officers for various duties should be earmarked and informed about their duties. As far as possible, officers who have done the communal riot duties, or were either deployed in emergency, or during the rehearsals should be allotted the same duties so that they can work with greater confidence.
- (2) It is most essential that officers and men are conversant with their duties. The senior most officers in charge of operation must brief his subordinate officers and make sure that they have no doubts left to the policy, the

manner and the approach to be adopted or the tactics to be under taken indealing with violence.

- (3) These offices in turn should brief the rank and file under them.
- (4) Once briefed, they need not be asked to attend frequent meeting. In fact, their presence on field is more necessary, unless in case of serious disorders, it may be necessary to brief the officers more than once.
- (5) Briefing has to be thorough and proper. No one should entertain any doubt on that count.

(L) Army Aid:

In case, the police force including para military force fall short of requirements to control violence, or the situation is such that the drastic action is required to be taken that what has been taken, or police has failed, or is incapable of taking action, the DM/CP, can get in touch with the Area Commander and requisition army assistance for quelling riots. Government has to be approached / informed of such action whenever, wherever it is necessary.

CHAPTER 5

PREVENTIVE ACTION

1. As soon as tension develops, the DM should be requested to issue orders u/s 144 Cr. P.C, prohibiting people from assembling in more than four numbers. This can be applied in cases of the localities from where mischief mongers or criminal and anti-social elements may go in other localities to create trouble. Entry of such undesirable persons in a city / town can be prevented under section 144 Cr. P.C.
2. Suitable orders u/s 37 (1), 37 (3) of the B.P. Act can be promulgated prohibiting people from carrying fire arms, weapons, missiles, corrosive or explosive substance material.
3. Period of notifications of the above orders if need can be extended by the competent authorities including State Government.
4. Temporary possession or closure of the houses / buildings / which is / are used for hurling missiles, explosives or incendiary including burning rags or used for storing lethal weapons which may be used for on intended to be used during communal riots, the

Commissioner of Police or the Superintendent of Police can take action as per Sec. 39 (3) of the Bombay Police Act, 1951.

5. Strict watch should be kept on places of worship viz. mosques, temples, gurudwras etc. to see that the same are not being used for the purposes laid down as per section 3 of Religious Institutions (Prevention of Misuse) Act, 1988. The offence is cognisable and non-bailable as per section 7 of the Act, and punishment for violation of the law extends to five years imprisonment.

6. Recourse to “Board writing” and “Board Bulletins” play havoc in smaller town, villages. Provocative, deliberate and malicious writing to outrage feelings of any class of person or community requires to be checked effectively. The Board should be seized and action can be taken u/s 153-A 295-A, 505 IPC. Efforts should be made to trace the source writer. Similar action be taken in case of pamphlets leaflets and hand-outs.

- (i) News papers having communal leanings, try to arouse feelings by publishing exaggerated, and maliciously false news with vicious communal feelings of enmity and hatred, and outrage religious feelings.
- (ii) Strict action against Publishers, Editors and those responsible for the news must be taken. Detail instructions regarding action to be taken are mentioned in Rule 53 (D) of G.P.M. Volume-III. Action as suggested therein should be taken wherever/ whenever necessary.
- (iii) Action under Prevention of Objectionable matter Act, 1976 should also be taken in suitable cases.

Bad characters and trouble makers:-

1. A carefully prepared and updated list of communal trouble makers / and their activities should be kept ready in every district and in every Police station. This list should cover not only those who take part, or are likely to take part in creating trouble but also who guide and finance such elements.

2. Simultaneously while taking action as suggested earlier, (a) rabid communalists (b) bad characters, viz. goondas, mawalis anti-socials, who indulge in assault, instigation, arsons, looting should be rounded up at the earliest.

- (a) List of such persons should always be kept ready with updated information about their activities recorded from time to time
- (b) Decision regarding whatever action has to be taken against whom, to be taken at what stage, is most important and very often plays crucial role in

maintenance of law and order hence the decision be taken at the earliest at fairly senior level.

- (c) Local petty goondas, criminals can be rounded up at police station level at the earliest.
- (d) Action can be taken u/s 151 Cr.PC in suitable cases. Interim bonds for heavy amount can be got executed. Separate staff at police station level, or division / zonal level in cities can be earmarked for this work.
- (e) Cases of detention under PASA/NASA be decided at fairly higher of highest level. The proposals should be thorough and no legal lacunae or procedural defects be left out. For any premature release of these persons may further aggravate the situation.
- (f) It is emphasised that there should be no hesitation in arresting goondas at the earliest apprehension of a disturbance of communal nature, or otherwise as a measure of preventive action; or else they, in all probabilities are prone to take advantage of any communal trouble for their own nefarious purposes like looting property, molesting women, settling personal score (revenge) spreading terror amongst neighbours or others with a view to extort money.

(C) Rumours:-

Quite often riots are preceded by circulation of all kinds of baseless mischievous and vicious rumours which builds up tension in a charged atmosphere. This is being deliberately done to incite both the communities to resort to violence, arson and killings etc. Rumours mongering is one of the worst evils which easily misleads unsuspecting public and hence must be given immediate and due attention. Due to rumours and the panic that it creates, the minority pockets (both of Hindus and Muslims start evacuation by themselves. This results into chain reaction. It leads to further rumours and panic. It is therefore, necessary to dissuade these people from leaving their houses. Due assurance of complete safety should be given. However, the rumours should be immediately countered and vigorously contradicted by making extensive use of loud speakers moving in the city / town and information given to people about stark falsehood of the rumours. Thorough use of mass communication facilities, media, radio, TV, press bulletins issued at regular intervals to squash rumours be made. Efficient information service in the special branch should be developed to trace the sources of, and persons responsible for creating and spreading rumours. The mischief mongers should be strictly dealt with.

(D) Freezing of arms and ammunitions:-

Invoking of Section 4 of the Arms Act, 1959 in suitable emergent cases: If the past experience on the violence creates any apprehension that arms and ammunition with the authorized dealers or of the licensees might be handed over to the rioters or

surreptitiously used, it would be expedient to freeze the stock and prevent, the dealers from selling and illegally distributing the same, or even their falling into unauthorised hands of rioters or otherwise. The DM may be requested to issue an orders u/s 144 Cr. PC to that effect. Even licencees of the fire arms may be asked to deposit their arms. Care should be taken to ensure that the minorities in the respective areas are afforded full protection, or else they would be otherwise, rendered helpless even to defend themselves.

CHAPTER – 6

ACTION DURING ACTUAL VIOLENCE

1. (i) It should be impressed upon those entrusted with the task of maintaining law and order that there should be no sense of complacency anywhere, and that utmost vigilance should be continued so far as communal incidents are concerned. The CP/Superintendent of police and their subordinate staff should exercise maximum vigilance within their jurisdiction. All officers concerned should pay personal attention to the smallest incident of a communal nature that may come to their notice or reported to them, so that timely action could be taken to nip the trouble in bud effectively in its inception.

(ii) In respect of communal activities, or actual communal disturbances, there should be no hesitation to take the most stringent action necessary from the very beginning and to take recourse to the powers provided under the law. It is imperative that the authorities concerned should eschew any tendency towards slackness at the very early stages of developing tensions or trouble and they should take adequate preventive measures at the earliest stage instead of waiting for actual flare up.

2. (i) Immediate inquiry should be made by a responsible officer even in respect of minor incidents having a communal aspect so that precautionary measures can be adopted and suitable action taken against the mischievous elements.

(ii) Special vigilance should be exercised in respect of villages or towns having a communal history, or where in the recent past, incidents of communal nature have taken place.

(iii) Efforts should be made to localize the incident without allowing it to spread in the surrounding areas or have its repercussions. This can be done.

(a) by prompt and impartial investigation and bringing the wrong doers to book quickly without any loss of time.

(b) by resorting to preventive arrest of communal minded persons, mischief mongers, goondas and others.

- (c) by affording protection to the communities which may be subjected to harassment.
- (d) by making efforts to settle compromise on the differences / disputes between the communities through their leaders, or by enlisting support of respectable and reliable citizens and the members of the peace committee for maintenance or restoration of peace, prevention of riots and maintaining harmony between the two communities.
- (e) For composition and functions of integration (Peace) committees and Mohalla Committees reference is invited to Rule 54 of Gujarat police Manual, Volume – III.
- (f) While dealing with communal disturbances, the safety of life and property of every citizen or person must be ensured at all costs. The government officials and particularly the police officers at all levels should take strong, determined and effective action against communal trouble without hesitation or fear. All police officers down to the rank of Police Sub Inspector should understand this clearly, that while dealing with any communal disturbances any failure or hesitation to take such action will be punished as a grave dereliction of duty.

3. (a) FIRING

In dealing with communal disturbances, the degree of restraint prescribed in the dispersal of unlawful assemblies is dispensed with. The approach to general law and order situation is to deal the same with tact and conscious restraint, that use of force should be avoided as far as possible, and when recourse to it becomes unavoidable only the minimum force that is necessary should be used. The use of fire-arms should be resorted only when other remedies including use of tear-gas or lathi-charge have failed to produce the desired effect and, there is a clear and imminent danger to human life, or threat of serious damage to property. Such an approach prescribed under Government Resolution dated 15.4.1963 is essentially sound in dealing with agitations and demonstrations by political parties, students agitation, labour demonstrations or any other agitation excepting communal disturbances. However, in dealing with communal disturbances, it is for the police, at both Government of India and State Government levels, and it has been emphasized that at the earliest indication of communal violence there should be no hesitation to open effective fire to break-up riotous mobs, or those intend on a communal violence and that any failure or hesitation to take such action should be punished as grave dereliction of duty on the part of officers concerned. Communal disturbances, if not firmly put down at the start, spread rapidly, causing heavy loss to innocent lives and properties, brutalization of the population involved, and destruction of the values of civilized life, leaving behind mutual hatred and bitterness, and their repercussions being for wide and lasting.

(B) In a disturbed communal situation, there is need to act with a sense of greater urgency and decisiveness in dealing with crowds / mobs that might attempt to attack the persons or properties of the minority communities and, therefore, decision to resort to firing, whenever necessary should be taken at the highest stage. Senior police officer /Magistrate present on the spot should decide the stage at which firing should be opened, after due and proper consideration, whether the situation would legally justify firing. Firing should be resorted to only after due and sufficient clear warning is given for dispersal and desisting from committing violence or offences, should be strictly controlled, effective, not excessive under any circumstances and aimed at the most mischievous part of the mob particularly those instigating and inciting violence. Magistrate / Police officer ordering firing should also indicate the number of rounds which should be fired at any particular time.

(C) Firing in air should not be resorted to during communal violence. However, in dealing with other forms of violence, firing in air may be resorted to or not in any situations, should be decided by the senior most police officer present on the spot, who should have his decision based on the prevailing circumstances, nature and temper of the mob, place and other relevant circumstances, Firing in air should not be resorted to in crowded or residential localities where innocent persons are likely to be affected by such firing.

(D) Whatever may be the nature of force used, children, old, women and infirm persons should be scrupulously avoided from being targeted. A solitary case of death due to use of force or firing will in all probability give further excuse in the hands of agitators or mob to intensify agitation and may resort to more violence. It also puts police in an embarrassing situation. Good work of police and sacrifice rendered, is apt to be forgotten. Bad elements therefore, has to be the target of police, innocent persons, children and woman are to be spared.

Requisitioning troops for quelling disturbances.

Maintenance of law and order is the function of the civil authority which should be done by utilizing the local resources and reinforcement obtained from Central armed forces. However, even with their assistance, the violence continues unabated, and the authorities are of the definite opinion that the situation would be beyond the control of the police and other forces, calling of the troops would be justified.

The following principles should, however, be borne in mind when the troops / army is called out

1. Even when the troops are called out for suppression of riots, the control remains with the civil authority and does not imply any temporary suspension or abrogation of civil authority.
2. The local police or police force do not also come under the authority or under the orders of the officer commanding troops. The myth that 'army has taken over' or "handed over to army" has no relevance at all.

3. Civil authorities however, will not interfere in any way with the formation or details of the force, the army officer being himself held responsible for the success of any operation to be undertaken, he alone can judge in what manner the troops can achieve object indicated by the civil authority.
4. The civil authority, when asking for military aid will indicate to the Divisional Headquarter the nature of the duties which are likely to be required and place at which the aid is required. He should, however, refrain from making any suggestion regarding the strength and composition of the troops.
5. The troops should under no circumstances be brought into such close contact with a hostile mob which greatly outnumber them as to lead to the risk of their being committed to hand to hand struggle.
6. They need not be employed to cordon or hold the mob. This duty should be performed by the local police. They may be employed as reserve and located at such a place to facilitate safe withdrawal of local police if firing becomes necessary before extreme measures are adopted.
7. Flag march by the troops in the violence affected areas have salutary effect as show of force of the troops and flag march has a deterrent affect on mischievous elements.
8. It should be ensured that with every para military or army formation, services of Executive Magistrates is invariably provided.
9. For detail instructions regarding requisitioning of troop and military assistance in aid of civil power reference is invited to Government of India "Instruction on aid to the civil authorities by the Armed forces, 1970". circulated to all commissioners of police, District Magistrates and Superintendents of Police.

5. Curfew :

1. During communal riots imposition of curfew is often resorted to without adequate thought and preparation. Curfew should be enforced only when the situation demands it, and it has become absolutely necessary to curtail the movement of people in some areas where unabated incidents of violence or arson are taking place or likely to take place in all probabilities if curfew is not clamped.
2. It should, however, be borne in mind that once curfew is clamped, it should be enforced strictly without any reservations.
3. Unnecessarily prolonging of curfew, once normalcy is restored is not desirable, as it causes inconvenience to law abiding citizens, and invites undue criticism against police and administration.
4. When curfew is imposed, it should be given wide publicity so that law abiding citizens obey the orders and do not stay out of their houses.
5. Passes or permits should be issued by a responsible officer and be restricted to few persons as far as possible. All those, who are connected with essential services viz. Doctors, Municipal Health authorities,

Hospitals, Electric, Water Supply be issued. Indiscriminate issue of permits is hazardous.

6. Relaxation of curfew should be gradual, depending upon the situation. Initially few hours relaxation be provided to women to buy essential goods and service for daily sustenance. However, during relaxation, care should be taken to ensure that no incident of violence takes place.
7. During relaxation, the force should be augmented in the curfew bound areas. Patrolling should be intensified and adequate reserves at strategic points should be provided to deal with any eventuality.
8. Curfew orders are issued under u/s 144 Cr. P.C. The orders under normal circumstances remain valid for two months, unless for definite reasons provided u/s 144 (4) of Cr. P.C., the State Government can extend the period of notification for six months.

6. Funeral Processions :-

Deaths occur during violence on account of stabbing, and arson when dwelling houses or chawls, or jhopadpatis are set ablaze. Deaths occur on account of police firing too. Relatives, friends and acquaintants insist on taking out funeral processions of the dead. Funeral processions are generally permitted in cases of ordinary violence. However, special care has to be taken when such processions are to be taken out in case of large scale communal or caste violence. The police authorities should refuse permission to take out funeral procession during curfew and make arrangements to get the dead body shifted to crematorium or grave yard accompanied by nearest relatives under heavy security. Care has to be taken to ensure, in case, permission is granted that the procession is not take out through the areas or localities of the opposite caste / community. In one of the communal riots which took place in Vijapur (Mehsana) in October 1983, the dead body was taken out in procession from Vijapur town to the native village of the deceased. When the procession was about to reach the outskirts of Vijapur town, the processionists abruptly turned and moved in the locality of minority community, shouting provocative and abusive slogans, attacking members of minority, setting house and galas on fire. Police had to resort to firing. Such situations are required to be strictly avoided. In such cases, heavy deployment should be made preferably at the beginning or the entrance of the locality to prevent recurrence of similar situations.

Police should make adequate arrangements when permission to take out procession is granted. All sensitive points enroute should be adequately covered. Deployment including of plain clothes personnel alongwith the procession, should be made. In-charge of the police arrangements of the procession should be a senior officer. It should be properly escorted accompanied by striking force seated in vehicles. They must carry necessary gas, ammunitions, and should be armed. The arrangements should not terminate or come to end with the cremation or burial of a dead body. The same should be continued till the mourners return back. In fact, it should continue till the mourners individually go back to their respective houses. It is likely that with tempers running high, the mourners may resort to violence or plan out offensive again.

CHAPTER – 7

Investigation

1. In order to contain or control communal riots there is heavy deployment of police force althroughout a town or a city, as such there is an automatic check on the offences that normally take place. But during the riots, because of large scale violence and disorder many specific offences may be taking place. It becomes rather difficult or can be well high impossible to prosecute each individual for breaches imposed u/s 144 Cr. P.C. or similar provisions of law i.e. 37 (1) or 37 (3) of B.P. Act, when such breaches are on large scale. The registration and investigation of such offences are, therefore, out of question, may be except in few selected cases with may be made out against the leaders, and in a given situation administratively important.
2. There are however, more serious offences like murder, arson, dacoity or mass murders when persons are burnt in a chawl as happened in Amraiwadi (Ahmedabad City), in the year 1969, where more than hundred persons were burnt to death. Such offences are committed during large scale violence. The communal hatred, mass hysteria and frenzy result in mob and large scale violence, resulting in more violent and heinous crime being committed. This requires immediate registration and expeditious investigation in the interest of not only of the cases, but from maintenance of law and order too. Though the usual fate met by these cases in the courts in mostly acquittal, it is common experience that these cases fail not so much for want of evidence for witnesses in cases of communal violence are always forthcoming in most of the cases, but the cases fail mostly due to initial delays in the registration of offence and carrying out preliminaries such as inspecting the scene of offence, seizing certain articles, collecting evidence. It is, therefore, equally desirable that the investigation should proceed simultaneously with the maintenance of law and order.
3. The officers entrusted with the job of dealing with mob can hardly find time and even have peace of mind as is required for conducting investigation of serious offences. It is therefore, absolutely necessary that the Districts / Cities or towns which are communally hyper sensitive, and where riots frequently occur, should have separate teams of competent, capable investigating officers with supporting staff specially selected to assist these teams can be marked out on permanent basis.
4. Apart from local police station staff, separate arrangements be made, if need be, or separate teams be formed under a senior officers to
 - * register complaints immediately
 - * to arrest accused, those whoare involved in the commission of the offences without any delay.
 - * Separate teams to investigate cases of

- * murder including attempt,
 - * stabbing,
 - * arson,
 - * loot or dacoities,
 - * forcible house trespass or other forms of serious violence including rapes.
- Can be thought of at times when number of above offences occur during full and large scale violence.
- * Separate supporting staff be assigned to each team for calling witnesses, inquiring about the accused, effecting their arrests, recovery of property, producing them before courts etc.
 - * Separate teams to be formed to shift the injured to hospitals. At hospitals, separate staff be provided to get the dying declarations or statements of the injured recorded, holding inquest, obtaining Post-mortem notes and certificates of injuries of injured.

5. Separate team at the apex (City-Crime) branch be formed to investigate sensational cases. Offences of mass murders, large scale violence or cases of exceptional importance or real public clamour which call for through and sustained efforts and require exceptional skill, these teams which should comprise of real sleuths having exceptional investigating abilities should be entrusted to investigate such cases.

- * (1) It is equally necessary to review and monitor the progress of investigation of the cases registered and investigated during communal violence on day to day basis. Apart from prompt registration of complaints, the arrest of the accused involved in riot cases in time has great salutary effect on the law and order. The timely or prompt arrests of those responsible for violence, apart from removing the arrested from scenes of likely violence or affording any more opportunity to commit more violence as perpetrators; make the others to be on the run and there by reduce to a great extent the violence which these person would have otherwise resorted to. Such reviews can be done for each Zone / Sector and for important sensational cases by the senior most officer of the Crime Branch.
- * Day to day review and monitoring progress of investigation by a senior officer will reduce considerably any scope for malpractice, mischief, irregularities or illegalities committed particularly at the lower levels. Allegations of communal bias or predilections towards the members of a particular community by officers of either community, are not uncommon or are at times truly made. False implication of accused or framing anyone, despite no evidence, are common place accusations. For such reviews will not only reduce any scope for mischief at lower levels, but will also reflect administraton's genuine concern for impartial approach towards all, and by holding, even senior level officers accountable for

similar aberrations, if need be, Government can establish its credibility and its fairness.

- * A Legal Cell should be established to assist investigating officers in the investigation of offence viz. for securing the accused on remand, to oppose anticipatory or regular bail applications in respect of those arrested during communal violence, for different offences. The cell will also suitably advise the investigating officers in the final disposal of cases, chargesheeting the accused or otherwise releasing them u/s 169 Cr. P.C. depending upon the evidence collected during the course of investigation.
6. Investigation should be promptly conducted on day to day basis. All efforts should be made to collect all evidence against the accused. The investigation should be done to its logical conclusion, and chargesheeted or finalized only after all efforts to collect necessary evidence against the accused/s had failed.
 7. As far as possible, investigation of cases be assigned to officer of appropriate seniority, if need be, depending upon the nature of offence/s. At times, a Prob. PSI, who is yet to be placed in independent charge of Police Station, is asked to register / and investigate a double murder case of a particular community during communal violence. And an experienced senior Police Inspector, investigates a simple murder case of a member of the other community. The first offence is not properly investigated at all, while in the second case, the investigation is very well done resulting in conviction of the accused for life sentence. For, such an apparent varied approach, surely questions the impartial credentials of the police force. A politician, is not aware of, or knows, who investigates which case, or knows the intricacies of investigation, it is the members of the force, who by such questionable approach, expose and make themselves vulnerable to such allegations.
 8. Framing up of innocent persons falsely, in heinous crime during communal violence, is not a new thing. Personal scores are settled during communal violence. The adversaries are eliminated during riots, so also, they are framed up during investigation. In such cases, it is equally desirable that police should make thorough and deep investigation. Accused/s plea of false implication should be thoroughly investigated and sustained deep investigation undertaken. All out efforts be made to findout independent and reliable evidence in such cases. Police should keep itself away from implicating innocent persons as happened in Bhiwandi (Maharashtra) during communal violence in the year 1969-70, where a Dy. Supdt. of police investigating cases falsely implicated innocent persons at the instance of certain person and party. Serious strictures in this regard were passed by Justice Madan Commission inquiring into Bhiwandi riots against the Dy SP and other Police officers.

CHAPTER – 8

GRIEVANCES AGAINST POLICE

1. An essential factor in ensuring communal peace, is the impartiality of police. In all serious law and order situations, there are two fighting parties. If the police is infected with communal bias in favour of one and, against other, surely, it becomes a blunt instrument.

All police officer, therefore, should keep in mind that the police are not partisan in their approach to deal with any affairs relating to communal violence. Their roll should be to ease tension, not to create them, or try to take any punitive action themselves. Even, when they have to act, they should act with decency and decorum without hurting the religious sentiments of various communities. Their approach should be thoroughly fair, and impartial.

2. It is not common that during the communal violence, allegations of partisan bias, prejudice, high handedness and atrocities committed in dealing with the members of either communities are mostly received against police officer of both the communities. Sometimes, these allegations may not be true and are not well founded. At times, they are, not only true, but police officers even rank and file approach is also questionable. Such an approach is not only reprehensible, but calls for strict action against those who are responsible.

The members of the police force should therefore eschew all such tendencies, and should instill confidence in the minds of general public about its impartiality, through professional approach without any reservations predilections or fear, would result in the force's reputation of strict impartiality enhanced considerably.

3. The following types of allegations are generally leveled against police.

- * that the police was totally unaware of the preparation of communal violence, or deliberately remained ignorant.
- * that the police was inactive, and did not act to stop/control violence.
- * that, they did not come to the aid of people when the police personnel were requested to approach to come to their rescue.
- * that the police resorted to burking or/and either did not register their complaints or minimized the gravity or seriousness of the actual happenings and registered complaints under minor sections to treated them as mere non-cognizable.
- * that, the police did not assign full value of the property damaged or destroyed, or that, they delayed drawing of panchnamas for some obvious reasons.
- * that the complaints were not properly investigated as a result of which the offenders could not be brought to book and punished.

- * there are allegations leveled against several police officers for committing atrocities, excesses and that their behaviour was inhuman and indecent and unbecoming of police officer. Some even go to the extent of misbehaving, maltreating the women folk.
- * that the police resorted to firing without any justifiable reasons upon the members of a particular community, and killed innocent persons.
- * there were allegations from both the communities that police was not impartial and was on the side of Muslims as alleged by Hindus, and vice versa.
- * In short, police is often accused of acting in a partisan manner during communal violence, is a matter of grave concern and makes a departure from excellent tradition of neutrality of the Indian police.

4. Though, the responsibility to see that the policemen act in neutral manner, lies with the senior officers in command to instill confidence in the minds of rank and file by setting personal examples of neutrality and impartiality. Cases of serious dereliction of duties in this regard can not be overlooked and required to be dealt with seriously. It is, therefore, necessary that grievance cells at appropriate levels should be established simultaneously to look into complaints against police Officers and men during this period. Appropriate Committees can be set up under the orders of the Government/D.G. of Police to look into such complaints and take immediate necessary action. Cases of serious nature which calls for thorough inquiry, can be entrusted to specialised agencies with direction to send their reports within prescribed time.

CHAPTER – 9

ACTION AFTER RIOTS

1. As soon as the riots are controlled and normalcy is restored, police need not get relaxed and softened its approach. Police vigilance should be continued to see that the peace is not a lull before the storm. On the contrary, police action should be continued as was before, to ensure that there is no recurrence of the riot.
2. Cases pending investigation, and arrested required to be made should be vigorously pursued. All efforts should be made to find out the absconding accused and secure their presence. Prosecution launched against the culprits involved in such disturbances should be pursued promptly and effectively.
3. If during the course of investigations new facts emerge relating to conspiracy to cause communal riots, its perpetration, participants and their involvement at various stages, police should make all endeavour to trace it, ascertain and unearth conspiracy, and take immediate legal action. In suitable cases, immediate proposals for their detentions should be made out. Police, however should be prepared to deal with any situation arising

out of these detentions viz. processions, call of bandhs or agitation given, if any, should be firmly dealt with by making simultaneously, adequate police arrangements.

4. Police should get special prosecutors appointed for conducting prosecution of important cases relating to communal violence. Request for maximum enhanced punishment should be made in the deserving cases.
5. Government should be requested to establish special courts to try cases relating to communal violence. The trial should proceed on day-to-day basis and completed as expeditiously as possible and judgements delivered within two months.
6. Police should play positive role in the removal of any cause (s) which was/were responsible for the communal flare up. Assistance of respectable members of both these communities can be taken, and administration whole heartedly making sincere efforts in settling the disputes and affecting compromise amicably. Equally, it should make best efforts in bringing the communities together. Better understanding and communication can be established. This can be done by developing better social commitment and political will. Social prejudices have to be removed. Fraternisation of community in each other functions and joint participation and celebrations of festivals, Muslims greeted on 'ID', Hindus embraced on 'New Year' with all frankness, humility and sublimation with an approach of "malice towards none" will help considerably in removing ill-feelings prejudice and hatred towards each other and thereby creating feelings of brotherhood. Evolution of right kind of approach, cosmopolite secular attitude in family, school and society can be the long term action for removing this.
7. A Committee as provided in rule 55 (3) (b), Gujarat Police Manual, Part-III, should be invariably set up to analyse all the major incidents of communal disturbances / riots, regardless of police firing taking place in their respective jurisdiction. The committees should submit analytical report to the Director General of police, who will issue general directions in the light of experience gained after evaluation of such reports, wherever necessary.
8. Commissioners of Police and District Superintendents of Police will have to undertake thorough exercise to review and revise the riot schemes in view of new facts known and experiences gained in dealing with communal riots. New areas, localities, which were hitherto not concerned, or where no disturbances had taken place or, where from no incident was reported in the past, may have become communally sensitive, hyper sensitive or areas from where incidents of large scale violence were reported, shall have to be assigned more importance, and deployment in these areas will have to be revised and strengthened for further actions. Similarly new information and facts would emerge for persons, parties, organization which were not known to police so far, and were responsible in inciting, assisting, actively participating, organizing and even financing the violence. Lists of such persons, parties and organizations shall have to be revised and appropriate notes recorded about their activities so that they can be strictly watched and action taken against them.

9. Cases of officers and men including Govt. employees who rendered prompt and valuable services in dealing or preventing riots, in maintaining peace and communal harmony without any incident of violence to occur in their areas, or in effectively dealing with or immediately controlling communal violence, should be suitably reported to the Government for recognizing their services. The State Government have issued detail instruction for recognition of services of police officer including Government servants. Police officer, Executive magistrates who fail to prevent or control riots should be transferred and cases of grave dereliction should be suitably inquired into and punished. They should be replaced by experienced, competent and impartial officers.

10. Continuous training in riot drill shall have to be imparted in the Headquarters the Commissioner of Police / District Superintendent of Police can suitably select young energetic officers and men, put them to intensive training in riot drill. They can create separate force or units on the lines of Rapid Action Force in their respective Headquarters. At the State level, a battalion or two can be created on similar lines.

11. Proposals for imposing punitive police on the residents of the areas in which large scale violence had taken place or upon a definite class of people responsible for the violence should be sent to the Government in suitable cases as per section 51 (1) of the Bombay Police Act. However, before sending such proposals the areas should be got declared as "disturbed areas". Detail instructions for sending proposals and information to be furnished to the Government alongwith the proposals are as per appendix-

12. Experience has shown that no records are available in various offices of this department pertaining to communal violence. Notes regarding riots which have occurred are not available, or in case the same is available, they lack in sufficient material and important details. Brief and cryptic notes or remarks are made. Reasons assigned are vague viz. enmity, internal or previous quarrel etc. The officer reading or examining the notes does not get sufficient data or material which can be helpful to him in dealing with violence of this nature. It is, therefore, imperative that full notes containing cause/s, course of riot, number of incidents reported, loss of lives, damage to property, destruction, the manner in which it was dealt with or should have been dealt, clearly indicating shortcomings, weakness or stronger points should be recorded in the confidential records by the officers of various level. This should be done well in time after the riots, or else important details are likely to be forgotten. This would not only enable the officers at various levels to be fully aware of the facts about riots, but will also be helpful to the successor, who will come to know the factual aspect of the riots and will help him accordingly in reviewing the scheme or deployment plan for future action.

13. The Commissioner of Police / District Superintendent of Police should maintain separate register in respect of offences of communal nature in the usual crime register form in order to oversee the progress of investigation, disposal by police / Courts, disposal on appeal or revision etc. Similarly, separate register for preventive action taken in connection with communal violence should be maintained. The same should contain full details of action taken against various persons, gangs, under various preventive sections of different laws. These registers should be kept in the Special / LIB branches of

the commissionerates, and in Districts, as these branches are primarily responsible for paying close attention to, and collection of intelligence on communal matters.

14. Separate records should be kept in respect of reports sent to the Director General of Police / Government in connection with the communal disturbances. The same may prove very useful in case any Magisterial inquiry, or Judicial commission is appointed by the Government.

CHAPTER – 10

COMMUNAL VIOLENCE IN RURAL AREAS

Though communal violence is by and large an urban phenomenon, where sizable members of Muslim community live, the virus has of late spread to the rural areas. Gujarat witnessed unprecedented violence initially in the year 1974 in Sabarkantha district, and again in the year 1987 in Kheda district where incidents of large scale violence had taken place. The feelings were again aroused, when the BJP and its groups, gave calls for Ram Shilla, Ram Jyoti, programme. Tension was generated in the rural areas all over the state, and Police had tough time to prevent, contain and control violence.

Controlling an incident of communal violence in a village is not difficult. It may be an isolated one, sudden or spontaneous. It may be an incident involving members of both the community. Police takes usual steps to arrest the accused, chargesheet and send him/them for trial. In suitable cases, the parties are bound over for keeping peace and good behaviour. A police picket or a guard is posted for sometime. Later on the compromise is affected at the intervention of local leaders. Officers including Police Officers at times play key role in settling compromise. However, the real role police is required to play is when there is an upsurge of communal violence although out in major HQ City / Towns of district. Police has not only to prevent any fallout or repercussions of the violence in the rural areas, but has to also take immediate steps to protect the lives and properties of the minority community in particular and affording general protection to all in the villages.

It is, therefore, necessary that the police should deal with this problem in a systematic and professional manner.

1. Classification of Villages

- * Survey should be immediately undertaken on the basis of the district census and revenue records to classify:
 - a) Villages with exclusive Hindu population and vice versa
 - b) Muslim majority villages with Hindus in minority.

- c) Hindu majority villages with Muslims in minorities.
- d) By and large having equal Hindu / Muslim composition,
- e) Scattered or isolated Hindu/Muslim (houses) families in Muslim/Hindu villages.

In fact, hardly any vigilance in respect of villages falling in category (a) is necessary or is required. Police however, will have to be extremely careful in respect of any communal activity, communal incident or a dispute of communal nature between the two communities in other villages.

(2) **I.** In the above categorization, villages with distinct communal composition, on account of past history of communal violence, should be segregated as hypersensitive/sensitive villages requiring close attention.

- II. Village visitation of these villages should remain distinct in the programme of village visitations.
- III. These villages should be entered in RED INK, whereas the other villages which are entered in BLUE INK in the tour programme.
- IV. Police Sub-Inspector/Police Inspector in charge of Police Station and Beat/Out Post Head Constables should ensure that village visitation/patrolling of such villages is done every month without fail,
- V. SDPO/CPI, scrutinizing the performance of PI/PSI of HCs in respect of village visitation should make it a point to see that all these villages to be covered in monthly village visitation and patrolling, have been visited without fail.

In case of actual violence:

Despite preventive deployment of armed parties for protection, and even after taking suitable preventive action, if the situation is likely to develop into actual violence, the senior most officer available in the village should immediately make arrangements to inform the PSI/SDPO/DSP. He should under no circumstances, leave the spot/village. For this purpose, he can depute some other policeman, and

- (I) request for additional reinforcement and presence of a senior officer, if necessary,
- (II) should try to ensure that men are not allowed to collect and form mobs.
 - a) Should disperse them by persuasion, if need be, in the initial stages,

- b) Should disperse them by using force and resort to firing without any hesitation, if the mob or individuals in the mob are indulging in arson, loot or committing murderous assault on any member of minority community of the village. Firing being effective and minimum,
- c) Should clearly recognize and identify the miscreants involved or participating in violence and should be able to describe clearly part played by each one in the violence,
- d) Should file complaint either by himself, or take the complaint/s of the victim, who have suffered and the willing to give their complaints,
- e) Should be able to apprehend and arrest the accused on the spot with the help and assistance of the other members of the police present in the village and keep them confined to safe place until they are handed over to police for further legal action,

By and large, this would be the situation occurring in a village in rural areas. However, when large scale violence is actually taking place in the limits of one or more police stations and more number of villages are affected on account of unabated incidents of violence, murders or destruction of residential houses, properties etc., a systematic strategic approach should be necessarily required for police to deal with the same.

- a) Identify the villages affected with violence in case, they are in close vicinity, apart from usual bandobast provided, adequate strategic reserves shall have to be provided at the appropriate places, preferably not too far from the affected villages to rush as striking force to deal with the violence. Provision for enough vehicles for quick movements of the forces shall have to be made.
- b) Experience has shown that road blocks or blockades are erected on road. Even trees are cut and thrown across the roads, highways preventing police from approaching the villages. Prior arrangements with, or immediate information to the concerned departments viz. P.W.D., Forest or Revenue authorities shall have to be given to make arrangements for immediate removal of the blockades and the obstacles on way and on the approach roads to the villages.
- c) Arrangements for day and night patrolling by PSIs and other senior officers shall have to be made. Based on classification of the villages, and those affected by the violence constant patrolling at regular and irregular intervals shall have to arranged. These officers should also take with them adequate striking force to deal with the rioters and miscreants, and if need be to arrest them on the spot. The officers should be in contact not only the main Control Room of the district but should be in constant touch with the

senior officer in charge of the district and also with the incharge of strategic reserves and individual patrolling parties too.

- d) Mounted patrolling shall have to be immediately organized for the protection of those living in the (Sim) fields or farm houses and for crop protection including harvested crop, if any in the harvest grounds.
- e) Situation reports shall have to be called from in charge deployed in the Village/Villages at regular intervals. Control should, therefore ensure that communication is maintained althroughout without fail.
- f) As suggested earlier, preventive arrests of communal minded persons, hard core criminals and antisocials, likely to indulge in violence, arson, looting of property should be immediately resorted to. This task may be assigned to some responsible, experienced officer assisted by equally efficient and experienced staff in this regard.
- g) Investigation of cases relating to communal violence shall have to be persued vigourously. Immediate arrests of those involved should be resorted without any delay. Such arrests will have deterrent effect upon the potential mischief mongers, the effect which is more pronounced particularly in the rural areas.
- h) The peculiar phenomenon and consequences in communal/caste violence in the rural areas, is migration by the minority caste or community. They leave keeping behind in the villages, their houses, cattle properties etc. At times, the migration may be quite real, based on the threat perception of actual violence witnessed, or may be politically motivated. Whatever may be the reason, it is of utmost importance for police not only to protect lives and properties of the minority community/caste, but to ensure that the protection is continuously provided to them infuture too. Strict legal action should be taken against those who are responsible in harassing the minority groups. If need be, additional police (Punitive Police) should be imposed in the village/s at the cost of community or group/s of persons responsible for such harassment.
- i) Action suggested for various stages in the foregoing chapters shall have to be simultaneously taken by police to control the violence and to restore normalcy.

CHAPTER – 11

SOME SUGGESTIONS

After having discussed in the foregoing chapters the strategy and approach to deal with the communal situations, the following remedial measures are suggested. These measures are however, not exhaustive, but they can be supplemented depending upon varying local conditions.

1. Very often, a communal riot is sparked off by some trivial incident. The heat and tension may get accentuated by many small incidents which often go unnoticed and sometimes are ignored by the authorities. It is therefore, of utmost importance that any incident, may be a smaller one occurring between the two communities particularly between Hindus and Muslims should unreservedly receive due importance from police. Any incident of a communal nature though non-cognizable or cognizable in nature should be invariably visited by a senior officers including DSP. During the visit, the cause/s may be deeply inquired, likely effect or impact of the incident in the village, its assessment should properly made and police action planned accordingly. This will certainly have salutary effect on the local situation.
2. Large scale preventive measures should be taken on a mere possibility of communal riot.
3. Legal action should be initiated against communal minded people and against those indulging in communal activities.
4. Anti-Social elements should be rounded up immediately without any delay.
5. False, mischievous and exaggerated rumours should be contradicted by mass media, and rumours mongers firmly dealt with.
6. City, Mohalla Peace Committees should be formed, and their functions properly coordinated.
7. Intelligence agencies to be properly activated and streamlined to keep constant watch on communal situation.
8. Politicians and party workers should be restrained from coming out with prevaricating statements during communal disturbances, as the same create problems and difficulties for local officers.
9. Officers should not be transferred during disturbances on verbal complaints and mere impressions. Complaints against them have to be fully substantiated before any action is taken.

10. Citizens committees comprising of respectable citizens, members of both the communities and officials should be set up to ensure prompt and adequate relief to riot victims.
11. Pre-censorship of news relating to communal matters and communal disturbances should be particularly ensured during communal violence to check unrestricted articulate publication of exaggerated, false, malicious and mischievous news or news likely to foment or accentuate hostile and bitter feelings. If necessary, the entry and distribution of any such news papers should be strictly prohibited.
12. Special Task Force should be provided for in the communally sensitive areas of the district or cities. This force should undergo periodical training courses in riot control.
13. The riots scheme should be prepared for each City/District and communally sensitive areas/police stations and periodical rehearsal should be carried out, if necessary in co-ordination with para-military forces and Army.
14. As far as possible the V.I.Ps. should be discouraged from visiting the communally disturbed areas. Communal minded leaders of the communities be prohibited from visiting the disturbed areas by invoking Sec. 144 Cr. P.C. in suitable areas.
15. The VIP/s should be requested to hold press conference/s only after proper briefing and consultations with the officers incharge of law and order.
16. As suggested, special Riot Investigation Units should be established. If need be, special prosecution wing be created to prosecute cases related to communal violence.
17. Special courts should be set up to promptly try communal cases.
18. Withdrawal of cases relating to communal violence should not be permitted without adequate justifiable reasons to be recorded in writing. In fact, should not be permitted. The Courts should, in fact, need not consent to such withdrawl.
19. Police officers responsible for maintenance of law and order, powers to promulgate prohibitory order u/s 144 Cr. PC should be conferred on them. Officers of the rank of police officers who are Gazetted officers should be vested with such powers.
20. The Superintendent of Police/Commissioner of Police should personally brief the press at regular intervals releasing the official version. They should therefore, be not only prepared but expected to be thoroughly acquainted with all the facts and figures.

21. Warnings or information relating to likely violence given by respectable citizens to the administration, should receive prompt and thorough attention followed by deep probe into the same. In no case, the administration need to ignore it, and the same should not go unattended.
22. All material record and objective evidence relating to communal incidents and violence should be systematically prepared, collected and preserved it may be very helpful during judicial inquires.
23. State Government may consider creation of the post of Riot Control Commissioner to co-ordinate the efforts of law enforcing agencies during the disturbances.
24. State Government may suitably enact Riot Control Act to deal with large scale disturbances including communal disturbance.
25. Very often, members belonging to any minority community, caste or group in a village or locality, feel unsafe and insecure after the violence. They, therefore, want to leave the village/s or a locality/ies and try to dispose of their houses, land including agricultural land at low or throw away price. The Government should suitably enact law to prohibit any sale of immovable properties of the residents belonging to any minority community, caste or group of a village or a locality in which communal violence has taken place in the recent past. The enactment of such law should be on permanent basis.
26. Officers from Sub-Inspector to Superintendent of Police should not be reposted to the same police station or the district or to any communally sensitive police station or the district, when they had either failed to prevent or control communal violence or a riot. Cases of dereliction of duties in this regard should be seriously viewed and suitably punished and the fact should be clearly and categorically recorded in their confidential reports. Such officers in deserving cases be retired or should not be allowed promotions.
27. Recruitment of members of the minority communities in lower levels in the police force should be done and be given adequate and proper representation.
28. District Magistrates and Superintendents of police at time take a plea and put forth theory of sudden outburst of a communal riot. In fact, no riot takes place without any simmering discontent or acrimony. Such pleas taken if any, be thoroughly got inquired into and, if necessary the State Government/Director General of police may call for reports from two separate agencies to ascertain the real facts. Such theory is mostly put for as a self defence, or failure of intelligence, even more likely the failure of district officers to assess the intelligence and to act on it. In almost majority of cases the police machinery is inefficient or not adequately prepared and, is therefore, not able to detect the following important indicators of impending volcano in time.

- * There are signs of tension between the two communities involving even a small scale migration of the population. Members of both the communities, who live in isolated pockets, start shifting to localities populated by their communities.

- * preparation for storing of articles like, bombs, knives, swords, spears, acid bulbs, brickbats, missiles are undertaken quietly. Subsequent raids by police and recovery of huge quantity of such articles conclusively establish that the preparation for violence were being made before the actual outburst occurred.

- * There are even small incidents of cognizable or non-cognizable in nature, though may not find place in police record, but have actually occurred. This may be either to suppress the same for fear of fallouts or for keeping a good statistical record of crime.

- * Though few respectable persons gave sufficient warning, but the same were unheeded by the administration.

Appendix – I

THE GUJARAT GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

(VOL. XXX) FRIDAY, JANUARY 27, 1989/MAGHA 7, 1910

Separate paging is given to this Part in order that it may be filed as a separate
Compilation

PART VI

Acts of Parliament and Ordinances promulgated by the President.

GOVERNMENT OF GUJARAT

LEGAL DEPARTMENT

Sachivalaya, Gandhinagar, Datd the 27th January, 1989.

No. RP/103/88/41-43/88/Research- The following Acts of Parliament are re-published for general information

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 2nd September, 1988/Bhadra 11, 1910 (Saka)

The following Acts of Parliament received the assent of the President on the 1st September, 1988 and are hereby published for general information :-

3-1

VI- Extra – 3 –1

3-2 GUJARAT GOVT. GAZETTE, EX., 27-1-1989 (PART VI
THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE)
ACT – 1988

(ACT No. 41 of 1988)
1988)

(1st SEPTEMBER,

AN ACT

to prevent the misuse of religious institutions for political and other purposes.

Short title,
Extent and

Be it enacted by Parliament in the Thirty-ninth Year
of the Republic of India as follows :-

Commencement

- 1.(1) This Act may be called the Religious Institutions (Prevention of Misuse)Act, - 1988
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall be deemed to have come into force on the 26th day of May, 1988.

2. In this act, unless the context otherwise requires :-

- (a) “ammunition” shall have the same meaning as in clause (b) of sub-section (1) of section 2 of the Arms Act, 1959.
- (b) “arms” shall have the same meaning as in clause (c) of the sub-section (1) of section 2 of the Arms act, 1959.
- (c) “manager”, in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the same time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties.

(d) “political activity” includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of political nature by organising meetings, demonstrations, processions or decrees, or by any other means, and includes such activity by or on behalf of a person seeking election as a candidate for any election to parliament, any State Legislature or any local authority.

(e) “political party” means an association or body of persons.

I. (i) which is, or is deemed to be, registered, with the Election Commission of India as a political party, under the Election Symbols (Reservation and Allotment) order, 1968, as in force for the time being; or

II. Which has set up candidates for election to any legislature but is not registered, or is deemed to be registered, as a political party, under the Election Symbols (Reservation and Allotment) Order, 1968; or

III. Organised to carry on any political activity or to acquire or exercise political power through election or otherwise;

(f) “religious institution” means an institution for the promotion of any religion or persuasion, and includes any place or premises used as a place of public religious worship, by whatever name or designation known.

3. No religious institutions or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution-

- (a) for the promotion or propagation of any political activity; or
- (b) for the harbouring of any person accused or convicted of an offence under any law for the time being in force; or
- (c) for the storing of any arms or ammunition; or
- (d) for keeping any goods or articles in contravention of any law for the time being in force; or

- (e) for erection or putting up of any construction or fortification, including basements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or
- (f) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court; or
- (g) for the doing of any act which promotes or attempts to promote disharmony or feelings of enmity, hatred to ill-will between different religious, racial, language or regional groups or castes or communities. Or
- (h) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India; or
- (i) for the doing of any act in contravention of the provisions of the Prevention of Insults of National Honour Act, 1971.

4. No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution:

Provided that nothing in this section shall apply to –

- (a) the wearing and carrying of a kirpan by any person professing the Sikh religion; or
- (b) any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.

5. No religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to or under the control of institution for the benefit of any political party or for the purpose of political activity or for the purpose of political activity or for the commission of any act which is punishable as offence under any law.

6. No religious institution or manager thereof shall allow any ceremony festival, congregation, procession or assembly Organised or held under its auspices to be used for any political activity.

7. Where any religious institution or manager thereof contravenes the provisions of section 3, section 4, section 5 or section 6, the manager and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to five years and with fine which extend to ten thousand rupees.

8. (1) Any manager or other employee of a religious institution shall, upon conviction for an offence under this Act, stand removed from his office or post and shall, notwithstanding anything to the contrary contained in any other law, be disqualified for appointment in any religious institution as manager or in any other capacity for a period of six years from the date of his conviction.

2) Where any manager or other employee of a religious institution is accused of an offence under this Act and a charge-sheet for the prosecution of such persons is filed in

any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a prima facie case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial.

(3) Where any manager or other employee has been removed under sub-section (1), or restrained under sub-section (2), the vacancy arising out of such removal or restrains may be filled in the manager provided in the law applicable to the said religious institution.

9. Every manager or other employee of a religious institution shall be bound to give information to the officer incharge of the police station within whose local jurisdiction the religious institution is situated if any contravention or any impending contravention of the provisions of this Act and any failure to do so shall be punishable under section 176 of the Indian Penal Code.

10. (1) The Religious Institutions (prevention of Misuse Ordinance, 1988 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Appendix – II

THE GAZETTEE OF INDIA

EXTRAORDINARY

PART-II – SECTION –I

PUBLISHED BY AUTHORITY

No. 55 NEW DELHI, THURSDAY, SEPTEMBER 19, 1991. BHADRA 28,
Separate paging is given to this part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

New Delhi, the 19th September, 1991 / Bhadra 28, 1913 (Saka)

The following Act of Parliament received the assent of President on the 18th
September, 1991, and is hereby published for general information :-

THE PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT 1991
NO. 42 OF 1991

(18th September, 1991)

An Act prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August, 1947, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty Second Year of the Republic of India as follows:-

1. (1) This Act may be called the Places of Worship (Special Provisions) Act, 1991.
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) The Provisions of sections 3, 6 and 8 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 11th day of July, 1991.
2. In this Act, unless the context otherwise requires :-
 - (a) "Commencement of this Act" means the commencement of this Act on the 11th day of July, 1991.
 - (b) "Conversion" with its grammatical variations, includes alteration or change of whatever nature.
 - (c) "Places of Worship" means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof by whatever name called.
3. 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.
4. (1) It is hereby declared that the religious character of a place of worship existing on the 15th day of August, 1947, shall continue to be the same as it existed on that day.
(2) If, on the commencement, of this Act, any suit, appeal or other proceeding with respect to the conversion of the religious character or any place of worship, existing on the 15th day of August, 1947, is pending before any court, tribunal or other authority, the same shall abate, and no suit, appeal or other proceedings with respect to any such matter shall lie on or after such commencement in any court, tribunal or other authority.

Provided that if any suit, appeal or other proceedings, instituted or filed on the ground that conversion has taken place in the religious character of any such place after the 15th day of August, 1947, is pending on the commencement of this Act, such suit,

appeal or other proceeding shall not so abate and every such suit, appeal or other proceeding shall be disposed of in accordance with the provisions of sub-section (1)

3. Nothing contained in sub-section (1) and sub-section (2) shall apply to :-

(a) any place of worship referred to in the said sub-sections which is an ancient and historical monument or an archaeological site or remains covered by the Ancient Monuments and archaeological Sites and Remains Act, 1958 or any other law for the time being in force.

(b) any suit, appeal or other proceeding, with respect to any matter referred to in subsection (2) finally decided, settled or disposed of by a court, tribunal or other authority before the commencement of this Act.

(c) any dispute with respect to any such matter settled by the parties amongst themselves before such commencement.

(d) any conversion of any such place effected before such commencement by acquiescence.

(e) any conversion of any such place effected before such commencement which is not liable to be challenged in any court, tribunal or other authority being barred by limitation under any law for the time being in force.

5. Nothing contained in this Act shall apply to the place or place of worship commonly known as Ram-Janma Bhumi-Babri Masjid situated in Ayodhya in the State of Uttar-Pradesh and to any suit, appeal or other proceeding relating to the said place or place of worship.

6. (1) Whoever contravenes the provisions of Section 3 shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever attempts to commit any offence punishable under sub-section (1) or to cause such offence to be committed and in such attempt does any act towards the commission of the offence shall be punishable with the punishment provided for the offence.

(3) Whoever abets, or is a party to a criminal conspiracy to commit, an offence punishable under sub-section (1) shall, whether such offence be or be not committed in consequence of such abatement or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

8. In section 8 of the Representation of the People Act, 1951, in sub-section (1):-
(a) in clause (I), the word “o” shall be inserted at the end;
(b) after clause (I), as so amended, the following clause shall be inserted, namely:-
“(j)section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991.”.

Appendix – III

FORM – A

Information to be furnished to Government while submitting proposal for employment of additional Police under section 50(1) of Bombay Police act, 1951.

1. Date and time of incident.
2. Strength of mob at the time of incident.
3. Nature of incident/s (Details in respect of each incident should be given).
4. Is it correct that on account of the incident, the law and order situation is likely to be endangered?
5. Persons affected on account of the incident/s (Dead/injured. Number, Name, Caste/Community, Age, Occupation and other details)
6. Property damage on account of the incident/s (Estimated damage in terms of rupees) Public – Private properties, details to be separately furnished.
7. Offence registered by Police in respect of incident/s Action taken. Details viz. Police Station CR No., Section of law, against whom, number of persons, names of main accused.
8. Number of accused, Names, Caste or community.
9. Population of the village in which incident/s occurred, Caste/Community-wise, No. of houses/community or Caste-wise.
10. Strength of police to be provided or provided as per section 50(1) of the Bombay Police Act, 1951.
11. For how much period the police is to be provided.
12. Expenditure on additional police provided (Pay and allowances). Expenditure to government and amount involved. Details month-wise.
13. Punitive tax to be collected from community/ individuals, extent of instalments, amount of tax to be collected in proposals of Details to be furnished.
14. Strength of Police force provided or deployed at the time of the incident, the strength of present police force. Details to be furnished rank-wise.
15. Causes for the occurrence of the situation.
16. Law and order situation, deterioration since when? Number of incidents occurred. Is it correct that the situation is not peaceful or insecure?
17. Action taken to restore situation to normalcy (Prohibitory/Preventive action included).
18. Did the police resort to use for force to control the situation? (Nature of force used, when, and extent thereof).

19. Area/Locality suggested for imposing tax u/s 50(1) Bombay Police Act, the Municipal jurisdiction.

Form 'B'

Information to be furnished to Government for issuing notification under section 51(1) of the Bombay Police Act, 1951.

1. Date and time of incident.
2. Strength of crowd/mob at the time of incident.
3. With what intention, persons initially gathered in the crowd?
4. Which was the common object as provided u/s 141 of the I.P.C. for which the unlawful assembly had collected? The common object alongwith the activities of the assembly be clearly described in brief.
5. Nature of incident, Number of persons involved (Information in respect of each incident be given) including date, time place of occurrence etc.
6. Nature of situation (Law and Order) which has emerged. Reasons for such situations having emerged.
7. Since, when law and order situation has deteriorated? and whether the same is not secure (feelings of insecurity, if any). If so, on what basis such an opinion about feeling of insecurity is based? Reasons should be clearly shown.
8. Action taken to restore normalcy. Prohibitory/Preventive action included.
9. Did the Police use force to control the situation, and preventing it from deteriorating? Nature of force used, when, extent thereof.
10. Persons affected on account of the incident (Injured/dead). Number of persons, names, Caste/Community, age to be given.
11. Extent of damage on account of the incident (Estimated damage in terms of rupees, separately for Public and Private property to be given).
12. Damage suffered mainly by which community, and extent thereof.
13. Compensation to be given for such damage, proposed.
14. Punitive tax to be collected from Community/individuals extent of instalments, amount of tax to be collected proposals of. Details to be furnished.
15. Number of offences registered in connection with the incident/s, details of each crime to be furnished including number of accused, Names, Caste/Community etc.
16. Population of village (Caste/Community-wise), Number of houses Community-wise.
17. Proposed area/locality, In which Municipal area it falls?

Appendix - IV

RIOTS ; INVESTIGATION OF

1. 1. The Law-Rioting is a serious crime. The genesis of a rioting can be traced to

the formation of an unlawful assembly, a concept defined in section 141, IPC. The punishment for being a member of an unlawful assembly is laid down in Sec. 143, IPC. Rioting itself is punishment under sec. 147 or Sec. 148, IPC., according as the assembly is unarmed or armed. In connection with the offence of rioting, Sec. 149 IPC., introducing the principle of joint liability, is relevant.

2. 2. It is not necessary to go into any great legal details relating to the offence of rioting, except as may be called for by the context, Briefly stated, the offence of rioting consists in the use of force or violence by an unlawful assembly. The violence contemplated in the offence of rioting need not be directed towards any particular persons. It includes violence towards inanimate objects as well. The unlawful assembly must be acting in furtherance of their common objects and its members must number five or more.

3. 3. Special features – There are certain special features about riots which need to be borne in mind during investigation :

- a) The accused in a case rioting are rarely, if ever, unknown. Some of them are always named in the F.I.R. (except in some cases of dacoity where rioting is incidental to the main offense) and the names of others can usually be had from witnesses.
- b) Most cases of rioting involve both case and counter making it necessary to discover who was in the right, and who was in the wrong.
- c) The underlying causes and motives behind certain riots often lead to the naming of innocent persons as accused.
- d) The sheer numbers engaged and the confused action involved makes it difficult to pinpoint the exact part played by each accused on one side or the other, in the affair.

The quality of investigation therefore consists not so much in detection as in ascertaining the true facts in detail and steering clear of pitfall, legal or otherwise.

4. THE FIRST INFORMATION REPORT – As full and thorough a First Information Report as possible should be promptly drawn up by the senior most officer present on the spot. A complainant should not be asked to submit a written report. Instead, the first information report should be recorded after he has been thoroughly questioned on the points mentioned further on. An explanation from the complainant for any delay in reporting is imperative as such delays are viewed with particular suspicion in case of rioting. Explanations, plausible or otherwise, must be verified at the earliest possible opportunity.

5. Names of accused person should be clearly and carefully noted along with their parentage, for there may be two persons having the same name in the village. It may happen that the complainant does not know one or description should be taken for an eventual test identification parade. It is important to note the part played by each in the affair, that is, whether he was assaulting the opponents, or adding or encouraging other rioters.

6. The complainant, and later the victims and other witnesses, should be asked to describe, as far as possible, who assaulted whom and on what part of the body, for then alone will it be possible to ascribe injuries, or at any rate the more serious ones, to individual offenders. It is also necessary to find out what weapon each of the rioters wielded, for upon that will hinge his liability under Sec. 147 or Sec. 148, IPC.
7. The proximate objects of the riot must be ascertained e.g. mere assaults, to forcibly taken possession of land, to over-ride a rival union or redress an alleged grievance, On this depends the common object of the unlawful assembly.
8. In cases a free fight, it should be ascertained whether any of the accused sustained in-juries. If so, details should be taken, This would be the best evidence of the accused's participation, and in any case would destroy a possible plea of alibi. It wakens the prosecution case if the injuries on the accused persons remain unexplained.
9. The place of occurrence should be clearly indicated in the first information report. This is of the utmost importance, particularly where there is a counter case of rioting. Confusion as to the place of occurrence during a trial may lead to an undeserved acquittal.
10. The list of witnesses recorded in the first information report should be as complete as possible.
11. Counter Cases :- It takes two to make a quarrel and in a riot, as is only to be expected, the versions of each side may have to be investigated as case and counter. A counter case is one in which the alleged accused or aggressors in a case become the complainants or aggrieved in a counter-complaint relating to the same transaction. Some intelligent persons accused in a riot manoeuvre to get chowkidar or other seemingly unconnected person to report the counter case to avoid the appearance of animus and make his case look like an independent one. Special care is called for in dealing with such cases.
12. Apart from the general principles summarized earlier relating to drawing up the first information report in a riot case, the best plan in counter cases is to get from each complainant an exhaustive list of witnesses other than those who are injured or who are interested in the complainant. The testimony of such witnesses is best relied on for a faithful account of what happened.
13. Investigation:- There may be a number of common witnesses with but one version to give of the occurrence whose statements are relevant in both case and counter. It is not necessary to record their statements in full in both case diaries. It is difficult to do so only in one case diary and to refer to them in the other case diary as follows :-

“Examined X, s/o Y, of village P, district S. His full statement in this connection is recorded in the case diary of the counter case. (Abu. P.S., Case No. 3 (5) 1961 u/s 147/324 IPC.)”

14. Barring the case of a free fight in which there is no question of a private defence on either side but to only a case of side measuring their strength against the other, one party is usually the aggressor and the other aggrieved. It is for the intelligent Investigation Officer in such cases to obtain evidence to show which version is true and which practice of charging both cases and leaving it to the court to decide should be strongly discouraged. It is not only embarrassing but downright wrong for the police to attempt to support two opposing versions of the same transaction. If the other party is dissatisfied, it can move the court to take its own version on file.

15. But this decision should not be taken lightly. All aspects of the matter must be considered after a thorough inquiry into both complaints and a decision take, if necessary, by supervising officers. If, as in the case of a free fight, it is necessary to charge both sides, it is useful to prepare an identification chart so as to be able to decide more easily which of the accused is to be charged in each case. This will be explained more fully later. Persons injured in the riot are naturally the best witnesses to say as to who beat them. Injury reports should describe the injuries consistent with the First Information Report or Statement under section 161 Cr. P.C.

16. Detailed statements of witnesses should be taken. The narration of each witness should be a self-contained whole bringing out as clear a picture as possible of the case as he has seen it. The following are some of the more important points to be clarified during interrogation.

- a) The occasion for the riot and the manner in which it first started is the first point to be cleared up.
- b) The exact actual place at which the riot took place must be fixed.
- c) The actual part played by each participant, whether directly joining in the fray or indirectly by encouragement or advice.

The action of each participant, particularly in regard to injuries given or sustained and the manner of doing so. These points are important in themselves and in helping to support/rebut a plea of private defense of property or person.

- e) A description of the accused persons whose names are not known should be taken with a view to holding a Test identification parade eventually.
- f) Efforts should be made to verify the statements of the witnesses, especially those regarding identification.
- g) Statements of occurrence :- The Investigation Officer should draw a rough sketch of the scene of occurrence. In more serious cases a trained.

17. The scene of occurrence:- The Investigation Officer should draw sketch of the scene of occurrence. In more serious cases a trained surveyor may be requisitioned to draw a plan to scale. Only symbols or reference letters or numbers should be entered on the plan. The explanatory notes must be on a separate piece of paper countersigned by the Investigating Officer, as these may amount to statements under section 162 Cr. P.C.

18. The Investigation Officer should look for trampling and other marks of fray or damage near the place of occurrence. Blood-stained earth, weapons or clothes should be seized and sent to the Chemical Examiner. Other material objects such as brick-bats, weapons or other property belonging to the rioters or victims may be seized after their position at the place has been noted in the seizure list with a view to establish the actual place of occurrence. It is quite common for the aggressor party to seek to change the scene of offence either to deny the aggrieved the plea of self-defence or to provide themselves with such a defence. The Investigation Officer must bear this in mind when seeking to establish the actual place of occurrence. The line of approach or retreat should also be looked for. If the place of occurrence is a disputed field, then both oral and documentary evidence of ownership or possession such as rent receipts, title deeds or revenue documents should be collected for filing them during trial.

19. The accused should be promptly arrested and their houses searched for blood-stained weapons so clothes. Where property has been stolen, any item found on any of the accused or in the house is good evidence of his participation. Their persons should be examined for injuries also.

20. Should any victim die, it becomes a case of murder also. Similarly, theft of property would add the ingredients of dacoity unless it can be shown that the motive for the violence was not theft. In either case, the full procedure for investigation of murder or dacoity (and perhaps both) will have to be followed.

21. The Test Identification parade should be expedited and, if necessary, action under section 87 and 88 Cr. P.C. should be taken to secure the appearance of absconding accused.

22. Indiscriminate arrests should be avoided, as it means, an unnecessary diversion of time and energy during investigation, especially if there are cases and counter. Further, too many persons figuring as accused may only confuse the issue against the ring leaders and cause the case to drag on unnecessarily in court. Sometimes motive could also be attributed to the Investigating Officer making such arrests.

23. In case the time of occurrence is such that visibility is doubtful, the source and nature of light in which identification was started to have been made should be indicated and brought on record.

24. Identification Chart :- An identification chart is helpful where there are a large number of accused persons, as in cases of rioting and dacoity. This chart helps superior officers and the prosecuting officers to assess at a glance the evidence against each of the

accused persons. It enables the former to pass orders in regard to who shall be included in the charge-sheet and the latter to conduct the case properly in court.

25. The names of the accused persons, whether named or identified at a Test Identification parade, indicating the manner of identification are given in the horizontal column of the chart. The serial number and names of the witnesses (including that of the complainant) and their capacity as witnesses are mentioned in the first three vertical columns.

26. Which witness identified which accused, how he did so and what weapon the accused was carrying is noted in the relevant space by suitable symbols.

27. Cases of rioting require supervision by Inspectors and Sub-Divisional Police Officers and serious cases by the Superintendents of Police. The usefulness of such supervision is lost unless it is done soon after the occurrence.