Chapter II

Background of the Study

History of India between 1885-1914, marked a critical phase in the development of the national movement, which took the country to freedom and self government. It was certainly a period of preparation in which, a country which had been divided and disunited politically, economically, socially, culturally and psychologically. This was a period in which India was struggling hard to get united for a noble cause ahead. Apart from the British sphere of influence and control, there were innumerable princely states, either subject to British hegemony or otherwise. The British introduced English education and western system of administration in the Madras presidency. In the princely states, there prevailed autocratic system of government and in some of these princely states, autocracy was bridled with English system of liberal government.

Economically the state of affairs in the country was most backward and depended largely on agriculture. Land was held by the Zamindars. Their agricultural operations were managed by peasants. The system of land tenures was very much feudalistic. The modern system under which the tiller is the owner of the land and still a dream. Land tax was not uniform. They were with different names in different states. The Zamindar
was the owner of the land and the peasants and the other manual labourers did the works of the landlords. This was in the worst form in South India, particularly in the Madras Presidency.

Socially the country was in a prostrate condition. There was neither equality nor freedom. Every privilege had its social sanction. The Brahmins and the privileged sections stood away from the lower rugs steeped in social exclusiveness and caste inhibitions of untouchability and unseability. In such a state of affairs there was all elements to kindle social tensions leading to riots or uprisings. Education on Western lines was denied to vast majority who stood below in the social ladder. Public institutions were beyond the reach of these lower class. Such a situation cannot continue for long. Therefore riots broke out in several places in the Madras Presidency, leading to violence and breach of peace.

Culturally the country was stagnant and psychologically there was widespread moral trepidation. It seemed that there was no salvation for India. Undaunted by these handicaps, people slowly organized themselves in to different groups. At the beginning there was no common platform for joint action, hence people identified themselves with different caste,

---

religions, economic and political groups. This enabled them to launch riots in all parts of the presidency.

2.1. Nature of riots

Peaceful life is an important basic need of civilized life. It is the basic factor that contributes to the growth of social life. When organized life gets disrupted by a riotous situation, society falls into regression, which no government will tolerate. So all legally constituted governments give top priority, in their agenda to the prevention or suppression of any disturbance organized or unorganized.

It would be quite appropriate to attempt a discussion of what rioting is so as to fix up the contours and limits of actions amounting to riots, the theme of the present study. The Indian Penal Code of 1860 defines the offence of rioting as an act of force or violence committed by an unlawful assembly in pursuit of a common cause of object.\(^2\) The radian also lays down that every member of such assembly is guilty of these offence of riotous.\(^3\) The 'Common Object' must fall into one of the five categories:

a) An action against the government or public employee carrying out the duties of the office,

\(^2\) Hari Rao, P., *The Indian Penal Code* (Act XLV of 1860) Section 146, Madras, 1925, p. 34.
\(^3\) Ibid.
b) resistance to the execution of a law or legal procedures,

c) An act of criminal trespass or mischief,

d) interference with property rights; an act forcing a person to do or not to do that which he is legally bound not to do.⁴

An ‘unlawful assembly’ in the Penal Code Act - implies a group of five or more persons. Sections 141 to 145 of the same code define what an unlawful assembly is and also the terms of punishment to a member for joining or continuing in such an assembly. Under section 147, rioting will be punished with imprisonment for a term which may extend to two years, or with fine, or with both.⁵ Rioting armed with destructive weapons, is punishable under section 148. There are also various other sections of the code from 149 to 158, to deal with riotous situations. Even today, the definition of the word ‘riot’ in the Indian penal code of 1860 states as the basic definition of a riot in India.

A riot is the spontaneous outburst of the people on some casual issues.⁶ Important riots never just happen. It is also true that major riots are not planned or organized, and they often lack leadership. They may be in

⁴ Sara Jane Moore, Rioting in Northern India (Dissertation submitted to Political Science Department), p. 74.
⁵ Hari Rao, P., op. cit., p. 34.
the nature of disputes between two parties of people, or they may be violence of a party of the people on some fortuitous issues. Major riots occur after a period of time during which tensions mount to such an extent that only a small incident is needed to let loose the pent-up furies. There are several factors involved in the development of a riotous situation.

Riots signify mob participation in collective violence. Literally, 'mob' means tumultuous crowed or promiscuous assemblage of persons or even a gang of criminals or an excitable crowd; and 'violence' stands for unlawful exercise of physical force so as to injure or damage or abuse someone or something. Other words used in connection with violence are 'unnatural', 'undue', 'extreme', and 'vehement'. Practically all these implications are combined in mob violence particularly in communal riots, caste conflicts, sectarian clashes, labour unrest, student disturbances, and political hooliganism as well. The heterogeneous nature of Indian society has made mob violence more devastating the variety of life, the different cults and creeds, customs and cultures, faiths and languages, social groups and social systems, make the ubiquitous threat of mob violence even more destructive. Y.B. Chandrachud, former Chief Justice of India, remarked that violence and threat had not only injured, often irreparably, hundreds of

---

7 Sara Jane Moore, op. cit., pp. 51-52.
thousands of citizens, but had also affected everyone. Agencies such as the executive, the judiciary and the police play a decisive role in aggravating, flaming and stopping all such violent incidents. The basics for all these are the criminal thinking of various groups.

2.2. Sources of Crime

As crime is relatively connected to time and place a short historical and analytical account is essential for its proper understanding. No country in the world is free from the curse of crime. Crime consists of acts that are forbidden and punishable by law. A crime is the transgression of rules by individuals of the various communities. Crime on its widest significance has been said to consists of acts that are forbidden by law, and law forbids those acts that are inimical to the cohesion of society. Crime may be intentional or accidental and is punishable by law. But to constitute a criminal act, the offence must be willful perverse, malicious, the offender then becomes the general enemy to be combated by all law-abiding citizens, through their protectors – the police.

---

12 Edwards, S.M., Crime in India, Bombay, 1924, pp. 150-151.
It may be said that society itself creates crimes that most beset it.\textsuperscript{14} Crimes and criminals have been present in every society and in every age, and every individual to a certain extent, has been drawn to it. Most of the criminal acts of individuals are rage-driven. Criminals who commit acts of violence even for a small pain, employ great brain power and resources to effect an easy escape.\textsuperscript{15}

Tendency to crimes is not uniform everywhere. Despite its glorious culture, the crime ratio in India is different from state to state. Many of the problems of criminating in India have their roots very much deep in history and even further back in the periods before history.\textsuperscript{16} The population of India is an immense, mixed multitude in different stages of material and moral growth, exhibiting an extraordinary variety of people, creeds and manners.\textsuperscript{17} Much of the criminability in India is due to the inability of people to understand the meaning of the term ‘state’ and ‘society’. Therefore it is the duty of the state to educate and enlighten the people. There are indeed few countries in the world in which organized crime could develop so quickly as in India, where most provinces contain large tribes of professional and of illiterate peasants living on the verge of poverty and an

\textsuperscript{14} Ghosh, S.K., \textit{op. cit.}, p. 201.
\textsuperscript{15} Ibid., p. 205.
\textsuperscript{16} Curry, J.C., \textit{The Indian Police}, New Delhi, 1977, p. 164.
\textsuperscript{17} Edwards, S.M., \textit{op. cit.}, p. 149.
upper stratum of well-to-do people, among whose virtues and good qualities physical courage is not always strikingly conspicuous.\textsuperscript{18}

Greed for wealth and possessions, the motion of revenge and jealousy, have even been a fertile ground for crime. Some of the crimes in India originated from religious animosities, music before mosques, cow-slaughter, dispute about land, offences of mischief such as arson, theft, burglary, cattle theft and cattle poisoning, offences of drugging and murder committed for women, money and land. Crimes against public order are also frequent in the country. The rivalry between two mutts or religious establishments, and their respective claim for supremacy over the other, may lead to criminality. One such case that caused considerable sensation occurred near Cumbaconum in Madras in which the priest of one of the mutts was murdered by men of the other mutt.\textsuperscript{19} Fear of losing one’s reputation or caste can also lead to transgression. One such case occurred at Cuddapah, where a Brahmin priest was convicted and hanged for the murder of a woman.\textsuperscript{20} The cause for the crime was that, when the woman had come to the priest’s house, she happened to see a bottle of arrack and some meat on the table. The priest was enraged and he murdered her lest she should spread the news in the region. In the same district a minor

\textsuperscript{18} Edwards, S.M., \textit{op. cit.}, p. 156.


\textsuperscript{20} \textit{Ibid.}, p. 274.
dispute between a man and woman involved neighbouring house in the same street, over the destruction of her vegetable garden by the neighbour's poultry, and that led to the killing of the farmer's son by the latter. Later the woman was convicted of murder of a poor little boy. While some of these crimes were spontaneous, others were willful acts perpetrated in the heat of the moment. The nature and distribution of these crimes varied according to the economic and social development of the region concerned. These would, on the other hand, pose a serious threat to the society.

2.3. Classification and Causes of Crimes

The crimes can be classified into the following categories according to the Indian Penal Code VII. Rioting, offences against public tranquility, kidnapping and abduction are deemed to be offences. Affecting human body and murder are considered to be offences of serious nature. Cheating is an offence against property. Counterfeiting is a general offence against the government. Breach of trust is regarded as offence.

---

21 Indian Penal Code, Chapter VIII, Section 146.
22 Ibid., Section 300.
23 Ibid., Chapter II, XII and XVIII.
24 Ibid., Chapter II, XII and XVIII.
against property. House breaking is dealt with as an offence against property. Theft also falls under this category. Robbery and dacoity also comes under this category. This classification of crime is common in all the geographical and political divisions of the Madras presidency. Some of these crimes were caused due to poverty, natural calamity and British economic and industrial policies in the Madras presidency.

The various political and economic restrictions imposed by the British caused deep-rooted discontent and unrest in the Madras Presidency. During their long rule they kept the natives in subjugation. In government service important posts were reserved for the English. Selection to the military service too restricted to those who were willing to serve in foreign countries. Natives were looked down upon. By chance if natives get selected, they were arrested and punished even on flimsy grounds. Further the British mercantile policy sounded the death-knell of Indian traditional industries. Cultivation of cash crops diminished and the production of food grains caused the shortage of food. Many discriminatory laws were passed by the British, which wounded the sentiments of Indians. Added to this,

25 Indian Penal Code, Chapter II, XII and XVIII.
26 Ibid., Section 445.
27 Ibid., Section 378.
many of the oppressive taxes that were imposed increased the burden of the people. These factors largely contributed to the increase of crime and riot in the Madras presidency since 1885.

The other causes that were responsible for the increase of crime in various parts of the Madras presidency were personal jealousy, religious antagonism, economic backwardness and disputes, illiteracy, inadequacy of criminal laws, unsatisfactory police equipment and strength and the spirit of vindictive retaliation.

2.4. The State of Crime in the Madras Presidency – 1885-1895

The statistical data available for the present study shows an increase of crime in the Madras presidency during the period under study. For a random examination, the years 1885 and 1884 have been taken. In the year 1885 there was an increase of crime as compared to that in 1884. The total number of crimes registered in 1885 was 1,90,720 as against 1,79,611 in

---

29 Lord Canning was the Governor General of India (1856-1858). During his period, passed the General Service Enlistment Act on July 25, 1856 by which recruitment in the army was restricted to those who were willing to serve not only in India but also outside. Those who has scruples in crossing the sea and serving beyond their country would not be accepted for recruitment. Sathunathaiyer, Political and Cultural History of India, Vol. III, Madras, 1952, p. 411.
1884. This represented an increase of 6.19 percent in 1885, as is shown in
the following table.\textsuperscript{30}

The state of crime in 1895 shows that there was an upward trend in
the ratio of offences during the year 1895, over that of the previous years.
The increase was mainly due to numerous prosecution proceedings under
the Madras City Police Act and special and local laws. The total number of
offences repeated in the year was 320,298 as against 312,003 in 1894.\textsuperscript{31}
The total number of offences proved as true continued to increase since
1886. The increase in the total number of true offences was 306,966 i.e., 3
percent more than in 1894. The increase of different types of offences was
as follows:\textsuperscript{32}

The decrease rates were as follows:

Cases of murder (from 394 to 385)

\begin{tabular}{|l|c|c|c|c|c|c|}
\hline
Offences under the & 1884 & 119,743 & 11,699 & 16,025 & 89,859 & 87,669 & 227,123 \\
Indian Penal code & 1885 & 120,743 & 12,059 & 12,189 & 96,495 & 89,187 & 227,897 \\
& 1884 & 91,519 & 1,156 & 1,593 & 89,752 & 88,673 & 107,130 \\
Offences under & 1885 & 95,914 & 708 & 971 & 94,235 & 93,264 & 114,119 \\
special & 1884 & 241,262 & 12,855 & 17,618 & 179,611 & 176,342 & 334,253 \\
strains & 1885 & 238,675 & 12,767 & 13,160 & 190,730 & 182,451 & 343,016 \\
Total & & & & & & \\
\hline
\end{tabular}

Report on the Administration of Criminal Justice in the Presidency of Madras,
1885, p. 7.

\textsuperscript{30} Ibid., p. 2.

\textsuperscript{31} Ibid.

\textsuperscript{32} Ibid.
Cases of theft (decreased by 594)
Offences against public tranquility (2,406 to 2,271)
Offences of criminal force and assault (27,929 to 26,961) and
Cases under the Forest Act (by 439). The following table shows the
upward and downward trend of crimes.\(^{33}\)

The number of affecting the life, and those relating to coin and
government stamps, was practically the same as in 1894.

The total number of cases returned as true under the Indian Penal
Code (110,665 or 97.15 percent) and special and local laws (188,337 or
97.56 percent) and brought to trial, shows that the percentage was almost
the same as in 1894. Regarding the numbers of persons tried in 1895
(470,471) as against (462,003) in 1894, there was a slightly higher
percentage than in 1894. The percentage of conviction in cases of
compoundable nature increased from 11.73 to 12.50 in cases of defamation,
and decreased from 8.98 to 7.98 in cases of criminal force and assault, and

\[^{33}\textbf{Nature of offence} \]

<table>
<thead>
<tr>
<th>Nature of offence</th>
<th>1885</th>
<th>1895</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Offences under Indian Penal Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cases of culpable homicide</td>
<td>111</td>
<td>119</td>
</tr>
<tr>
<td>3. Robberies</td>
<td>387</td>
<td>447</td>
</tr>
<tr>
<td>4. Decoilies</td>
<td>297</td>
<td>388</td>
</tr>
<tr>
<td>5. Forgery</td>
<td>192</td>
<td>210</td>
</tr>
<tr>
<td>6. Offences affecting public health, safety And</td>
<td></td>
<td></td>
</tr>
<tr>
<td>convenience</td>
<td>14,722</td>
<td>14,828</td>
</tr>
<tr>
<td>7. Cases of hurt</td>
<td>16,870</td>
<td>17,611</td>
</tr>
<tr>
<td>8. Criminal intimidation, insult, annoyance</td>
<td>5,685</td>
<td>6,482</td>
</tr>
<tr>
<td>9. Mischief</td>
<td>6,170</td>
<td>6,295</td>
</tr>
<tr>
<td>10. Cases under Dist. Municipalities Act</td>
<td></td>
<td>1,447</td>
</tr>
</tbody>
</table>

from 10.08 to 9.46 in cases of criminal intimidation. As regards the cases of offences effecting public health and contempts of lawful authority of public servants, there was an increase, lest there was a decrease in percentage in offences relating to coin and government stamps, weights and measures and receiving stolen property. There was an increase of percentage of convictions in heinous crimes such as offence affecting life, rape, kidnapping and causing miscarriage. The main reasons for that was that during 1895 are: a decrease in the number of village magistrates who tried cases; a very large increase in the institutions under the Madras City Police Act; an increase in offenses under the Towns Nuisances Act and District Municipalities Act; a light decrease in offences under the Salt, Abkari and Forest Act; and a large preposition of conviction of offences of a heinous nature. The criminals form groups to protect themselves from law. On associations, these criminal groups that gathering or crowd creates a tense situation true or false for riot.

In order to understand the nature and characteristics of uprisings or riots, it is necessary to examine the features of crowds and mobs, which take part in riotous actions. A crowd is an assemblage of persons without order and uniformity, responding to a tense situation to overcome an

---

expressed grievance. Generally the crowd is more accidental and little organized and has no preparatory programme. Crowds can be classified into

1. the casual crowd,
2. the conventionalized crowd,
3. the acting crowd and
4. the expressive crowd.\(^{35}\)

The character and structure of each of these groups is different. The casual crowd has no uniform interest or motive and is more spontaneous. The conventional crowd is motivated by conventional rules. The acting crowd has a common definite object, and the expressive crowd acts without a definite goal and act even for a small cause. The most striking peculiarity of a crowd acts without a definite goal and act for or against whoever be the individuals that compose it, and however different be the mode of life, their occupations, their character or their intelligence, they show considerable homogeneity in their thought and action.\(^{36}\)

The mob is different from a crowd though it is closely connected. The mob is a promiscuous assemblage of people or a tumultuous crowd. Mobs develop special characteristics under social conditions in which


\(^{36}\) *Ibid.*
conflicting interests, ideals and controls are prevalent.\textsuperscript{37} Factors such as the close co-existence of different communities, religious groups, opposite gangs, etc. are especially conducive to the presence of the mob spirit and action. Those factors stimulate communal clash and religious animosities and hatred. And every case of mob violence is always preceded by a long-studying conflict between two groups. During those excited situations, the anti-social elements usually made capital out of the situation.

A crowd becomes a mob when it loses the common fear of the rule of law and all meaning of individual responsibility. The leader is a decisive factor in determining the attitude of the crowd. Inefficient leaders who had a crowd would soon transform it into a mob. Most of the members of the crowd are law-abiding citizens, but are instigated to use violence to achieve their goal. Most of the crowds are innocuous and do not demand police interference or control because they lack courage and unity of purpose. While controlling the crowd the police are required to use the minimum force, since it can often be regulated by pressure.

The guiding principles of police regarding crowd control are: "Trying a crowd into an assembly and not inflame it into a mob; maximizing the operational power; minimizing the numerical opposition

from the opponents; and flying crowds in such a manner as not to allow a 
reassemblage”.

After each occurrence it is essential to evaluate the structure as well 
as the methods and intentions of the mob. Though the character, aims and 
methods of the individuals constituting the mob are different, they very 
soon lose their separate identities when a mob becomes aggressive, which 
is very difficult for the police to control. Every policeman must be 
adequately trained to nip in the bud the basic causes of the trouble. The use 
of force must be the last resort in controlling the mob violence. The use of 
force was also guided by the causes and nature of the assemblage or riots.

2.5. Causes and nature of Riots

Riots are a constant menace to public order because riotous activities 
often jeopardize the very structure of society. Behind every riot, a variety 
of factors, such as emotional currents, hopes and frustrations, vested 
interests, political, social, religious and economic issues, are often involved. 
A rioting occur in any area, urban or rural. Every riot has its own peculiar 
features and these vary according to the characteristics of that particular 
area. While some of the riots are spontaneous, some others develop 
gradually or develop over a period of time.

38 Ghosh, S.K., Police Administration – Organisation and Procedure, Calcutta, 
1973, p. 197.
Several causes contribute to riots. One of the causes that contribute to riot is caste animosity. Riots springing from caste hatred as frequent in urban India and are those in which the high and the low caste Hindus contend with each other. Communal antagonism is another cause of a riot. Communal riots in India refer chiefly to clashes between the Hindus and the Muslims professing two faiths. They are of very serious nature and common in urban areas. Religious animosities can also lead to riots. Religious riots refer to intra-Hindu dispute or disputes between various religious groups except the Muslims.

Disputes over land which were very common in rural areas led to serious riots. Land disputes between the riots and the zamindar of Challapalli, in Vakkaligudda in Krishna District, contributed to a riot in 1903.39 The violent rioters attacked the police constables, who were posted to protect the lands and some of them received minor injuries. In another incident riot occurred at Vanathirianpatnam in the Trichinopoly district owing to the disaffection of the riots of the village who opposed the service of new pattahs tendered by the Zamindar according to the Land Act, of 1908.40 The police party stationed at the spot was attacked and disarmed. In another incident a disturbance occurred at Virapercemanallur village in

---

South Arcot District, when the Zamindar of the village attacked the properties of some of his ryots for failure to pay his dues, developed into a riot near Paranjervalli village in Dharapuram taluk in the Coimbatore District.41

Disputes over water led to a riot between two villages. Such a riot occurred in the Alur division of the Bellary district on the borders between Chintakauta and Kamanahal villages. The cause of the riot was that the inhabitants of the former village forcibly tried to obtain water from a tank within the limits of the latter village in order to propitiate the village deity, hoping that by that means they would secure agricultural prosperity for their village.42 Similarly, a dispute between the residents of two villages in Godavari district about irrigation from a canal culminated in a fight.43

Various other causes such as cattle-trespass, economic grievances, altercation between labour union, squabbles, rumours, sensational reporting of news, scarcity and rising prices of food, major calamities, student indiscipline, also developed into riots. Some riots were of a fortuitous nature. In this type of riots, the participants had no concern with the main trend of events, but were bent creating disturbance for its own sake.

42 Ibid., 1901, p. 7.
43 Ibid., 1912, p. 19.
Management of police action during festivals may also lead to riots. Such riots were usually very serious in nature. Kotappakonda in the Guntur district was the scene of such a riot, during the Sivarathri festival of 18th February 1909. Discontentment had been simmering among the large concourse of people (about 50,000) gathered at the spot for the festival owing to the rigorous enforcement of certain sanitary restrictions and other causes and a drunken quarrel between a ryot and a police constable become the cause for violence unparalleled in recent history of Southern India. When the mob took the upper hand completely destroyed all the property of the government, including tents and temporary bending which they could lay hands on. The misconduct, lack of resource and cowardice of the police on duty at the festival very much contributed to the disturbance.

Superstitions and customs also contributed to riots. A disturbance in Godavari seashore out of the action of some fishermen of Balusuthippa village, who carried off the boats of some fishermen of the French settlement of Yenam on the ground that the latter, contrary to custom were fishing over the common fishing ground on a festival day. In another instance, superstition was responsible for a riot in Kurnool district, where

45 Ibid., p. 16.
the people of the village were enraged at a man who was supposed to leave after killing his brother by means of witchcraft.\footnote{Report on the Administration of the Police of Madras Presidency, 1920, p. 17.}

Dispute over property also developed into riots. Such a riot broke out at Tumala villae in Anantapur district, where a wealthy Reddy died without an issue, but had bequeathed all his property to his wife and authorized her to adopt a child. The genuineness of the will was questioned, and two months after the death, the interested parties met at a place where the property was kept and indulged in a free fight.\footnote{Ibid., 1912, p. 19.}

Disputes between workers and employers occasionally contributed to riots. Such a serious riot occurred in the Railway Workshop at Perambur near Madras in December 1913. The causes of the riot were the disaffection among the workmen owing to the introduction of a new agreement which they were required to sign and which they resented on the ground that its clauses were entirely in favour of the company and its advantages not reciprocal, the reduction of the time allowed for admission to the works and the enforcement of a rule that a cooly who attended his work five minutes late in the morning should forfeit one-eight of the days wages.\footnote{Ibid., 1913, p. 13.}
Sometimes minor issues such as disputes over temple or temple property looting of paddy from granaries, drunken broil, petty quarrel, and molestation of a woman also triggered off violence. It feelings between sepoys and the police flared up in friction between them. Such a disturbance broke out at Washermanpet near Madras in 1891, in which the repays were the aggressors. A similar riot broke out at Ootacamund, in which the local police were attacked by the repays. The cause of the riot was that two sepoys had insulted a young girl in the market, upon which the policemen interfered.

In a riotous incident the police quite often was the target of the rioters. Such a riot occurred in the Sellampathi village in the Nilakkottai division of Madurai district on the 16th May 1904. The police inspector who went there to arrest a gang of criminals was attacked by the mob. In 1909, in another incident, when a police party went to a village in the Madurai district and recovered some stolen bulls, they were overpowered and surrounded by a crowd of Kallars who carried off the events which however, were subsequently seized. In another incident in Manaparai village of Trichinapoly district, during the search of the house of the

51 Ibid., 1904, p. 8.
52 Ibid., 1909, p. 16.
principal accused in a case of burglary, all the Karambass and Ambalagars in the village attacked the police party, set fire to the house and made away with two stolen property that they had seized. In Ganjam, a police party was deputed to arrest a District Munisiff's amin in the execution of orders was assembled by the villagers. In Vizagapatnam district, a party of police officers who went to a village to search the house of certain persons in connection with burglary were brutally attacked and beaten up by a number of villagers.

2.6. Role of the police in maintenance of law and order

The police force is the legally constituted body that has to maintain order in any society. They are the custodians of the states internal safety and security and are the preservers of peace through the maintenance of law and order. The police is the primary constitutional force for the protection of the individual in the enjoyment of his legal rights, designed to stand between the powerful and the weak to prevent oppression, disasters and

54 Ibid., 1909, p. 16.
55 Ibid.
crime and to represent the case of law and order at all times and in all places.\textsuperscript{58}

However, the police carry out their responsibilities under various limitations. It is to be remembered that, from the distant past, the active participation of the public was sought for but never obtained the prevention of crime. In India the situation is not very much different. The public take little of no interest in detecting crimes and apprehending offenders. Much of the evidence get lost as a result. To a certain extent the evidences produced in the criminal offenders become fraudulent or untrue because of difficulties of obtaining true evidences. Added to this, the ordinary Indian feels that it is the duty of the rulers to seize and punish the offenders; this has also increased the difficulties of the police. Further, are easily forgets that the police force serves as responsible guardians of law as the judiciary is. In a way the tortures inflicted on suspects, the rude behaviour and abusive attitude of the police-men towards the public have instituted from coming forward to lend their helping hand.

The preamble to the Police Act XXIV of 1859 in force in the Madras Presidency states that the Police Force must be an efficient instrument at the disposal of the Magistrate for the “Prevention” as well as for the

\textsuperscript{58} Prachand, S.L.M., \textit{op. cit.}, p. 24.
"detection" of crime.\(^59\) The duties of the police are clearly defined in Section 23 of the Police Act, and in Chapters IV to XIV of the code of criminal procedure of 1898. According to it, it is the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent commission of offences of public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized to apprehend, for whose apprehension sufficient grounds exist; to investigate cognizable cases and send up offenders to competent courts for trial; and to maintain public order in streets, thorough fares and other public places.\(^60\)

Of all the duties which the police have to form there is nothing more important than the prevention of crime.\(^61\) The code of criminal procedure lays down certain powers and responsibilities of the police for the purpose of prevention of offences. It confers on the police extensive powers of arrest. Under section 54 any police officer can arrest any person without an order from a Magistrate, and without a warrant.\(^62\) According to section 61, such arrested person will be produced as soon as possible before a

\(^{59}\) Statement of the Police Committee on the Administration of the District police in the Madras President, 1902.

\(^{60}\) Ghosh, S.K., Police Administration - Organization and Procedure, p. 31.


\(^{62}\) Sir Edmund C. Cox, op. cit., p. 104.
Magistrate, within a period not excluding 24 hours, without the special order of a Magistrate. Section 127 and 128 deal with unlawful assemblies. Section 127 gives authority to any Magistrate or officer-in-charge of a police station to disperse an unlawful assembly under section 128, any Magistrate or officer in charge of a police station may use force to disperse such assemblies for public security. Section 144 empowers a District Magistrate to issue orders at once in urgent cases of nuisance of apprehended danger. Under section 151, a police officer can make preventive arrests of any person designed to commit and cognizable offence. It is an offence for which a police officer may arrest any person without a warrant. Sub-section (1) of section 30 and section 31 of the Police Act, 1861 give powers to a District Superintendent or Assistant or Deputy Superintendent of Police to regulate and license assemblies or processions on the public road or in the publics treets of thorough passes because it may lead to a breach of peace or it may cause an obstruction to the public.

The criminal procedure code also lays down the powers and duties of the public. According to it every power is banned to assert a magistrate or police officer reasonably demanding his aid, in the taking or presenting

---

the escape of any other person who such Magistrate or police officer is authorized to assert". The punishment for failure to give information in such offences is laid down in diction 202 of the penal code.

In the event of offences against public peace, or threat to the security of an individual, or destruction of property, the police can play an important role. All high officers, including the District Magistrate, the commissioner, and the Inspector General of Police, are constantly kept informed of the occurrence of crime and of all events of importance. On certain matters, immediate reports have to be sent to the government. These include riots which involve a serious breach of public peace, particulars are being given of the origin or cause of the riot, the persons who began it, how it terminated or was suppressed, whether cartridges were used by the police, and whether military force was used, the condition of the place and the feeling of the population on the termination of the riot; whether further disturbances are expected, and whether adequate precautions have been taken. Hence the duties of the policemen in their action against the law-breakers and criminals are enormous. Effective police action may decrease tension and prevent minor incidents developing into major mob violence.

---

Crime ratio in India is large. So the police have to shoulder the responsibilities either to prevent or contain it. Most of the violent incidents such as riots can be prevented, if the government is alert in detecting them at an early stage and defining them timely. Every riot is preceded by a long period of increasing tension between two caste groups or communal groups or religious groups or political groups. In such a situation of tension; a chance incident is enough to cause a riot or violence.

Though the dimension of riots is varying according to the circumstances, the methods adopted for the suppression of these riots are practically the same. "The control and suppression of riotous activity by the police involves basically for objectives. They are: (1) Prompt evaluation and determination, that the initial incident is of ritous proportions or may escalate into a riot, (2) Rapid mobilization and assembly of sufficient manpower and equipped to suppress. (3) Utilization of riot-control techniques to contain the area of the riot, disperse the mob and clear and secure the area of the riot, and Establishment security plan to provide sufficient patrol coverage of the riotous prone area to suppress the riot of Maintain aw and order."

The police on riot-control duty, by all means, must have a clear idea of the composition of the situation itself. Collection of intelligence is

---

68 Shalon Endleman, op. cit., p. 374.
essential to detest the causes and to prevent and control the riot. Every bit of intelligence report should be adequately analysed, by which the police officer in charge of the situation gets an opportunity to acquaint himself with the riot. Facilities for easy communication regarding result and confidential matters by telegrams, etc. should be established and all such information should be sent to government direct. Policemen should be properly trained before being deployed on riot control duties. This enables them to communicate immediately to authorities on every aspect of the incident. The police cannot remain idle spectators to tension when it mounts. Hence, it is the duty of the police to do whatever is possible to defuse tension and thus prevent isolated conflicts between two persons or groups or any other minor incidents developing into a riot. In all such situations of surcharged tension, the police, with the permission of the Magistrate, can make appropriate investigation into them and assert suspected individuals or groups under section 151 of the criminal procedure code. Another method to prevent a disturbance from developing into riotous situation is the immediate deployment of adequate number of well-trained and well-disciplined policemen to all such places.

Before and during a riotous situation, the police must act intelligently. An unwise step could worsen the situation. Prompt actions at the beginning can prevent a riot from spreading. Under a tense situation,
the police are required to counteract seem ours by supplying correct information and sensitive irritants before they develop in the explosive situations. Preventive arrests of criminals and hooligans under section 151 of criminal procedure code may help considerably in controlling the situation from worsening into looting and arson.

There are other factors also which help prompt handling of riotous situations. A clear briefing of the situation to the policemen deployed on riot-duty will make them more effective in dealing with riots. Riot-control operations include destruction of mob organizations, breaking their will to resent and prevent a regrouping. The numerical strength of the police force can make an impression on the rioters. When the police force is insufficient they can use force to disperse the mob. Lathes or batons are generally the first effective weapons used to disperse them. Only after trying all conceivable methods to break the backs of tumultuous crowds, that order is given for firing. However, the aim always is to use the minimum amount of force in order to control any such situation effectively.

When the police force fail to restore law and order, the assistance of the army can be called for as the last resort. Under sections 129, 120 and 131 of the criminal procedure code, the assistance of the military can be used to aid the civil authority for maintenance of order. Section 129

---

empowers the Magistrate of the highest rank present, to use troops to disperse an unlawful assembly. The duties of the officer commanding troops, are defined in section 130. The powers to be exercised by the commissioned officer of the army to disperse such assembly are provided in section 131. "If the civil authority has reason to believe that a disturbance is likely to occur, which will be beyond the power of the police to control, that authority may call for assistance of the armed forces under the following circumstances:

1. as a preventive measure;
2. to deal with disturbances which have already broken out; or
3. for the restoration or maintenance of law and order even after the disturbances have been quelled.70

During a riotous situation, the military and the police must work in concert with each other. Once the riot has been quelled, the next step is the withdrawal of the troops. From the point of view of police action, the last stage of a riot can be identified as a well-planned, methodical dispersal operation and security.71 Section 17 of Act V of 1861 also provides for the employment of special constables and the quartering of additional police. The cost of the additional force is to be met by the people of the area. The

71 Shalon Endlemann, op. cit., p. 377.
repetition of riots can be prevented to a large extent by inflicting immediate punishments on the offenders. Jans should be enforced impartially not only to ensure a prompt return to normalcy but also to prevent a recurrence in future. A post-modern analysis of a riot is important because it will give an idea about the structure and composition of the mob as well as their aims and motives. Similarly, enquiring into the police conduct, after every incident, will help not only to find out the causes of the riots but also to take prompt preventive measures. From the very beginning strict steps must be taken to suppress the disturbances. Otherwise, the situation would worsen and the subsequent control would become more difficult. The success of the police in controlling mob violence must be ultimately judged not by the speech with which a riot is quelled, but by the manner in which explosive situations are detected in the embryo and averted. Control, however, is the second step and is necessary only when there is a breakdown of law and order.\footnote{Ghosh, S.K., Riots – Prevention and Control, pp. xii – xiii.}

When a crime occurred it is the duty of the concerned officials to bring things under control. For that only many legislations have been passed. Criminal codes were enacted. But the question is whether, the protectors of law have employed to regulations under their purview for the use of the people. When one group is satisfied the other group protests
against that. In course of time this erupts into a bigger violence, that the caste groups, jumps into the fray and act. This creates fury and may get affected. Many castes consequently the caste groups enter into rioting.