CHAPTER 13

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Communal violence is inflammatory; it brings about combustible situation which propagates irrational and impulsive aggressiveness. Cultural and ideological factors are given inadequate weight age in the socio-economic setting. 'Communal problems have been biased in favour of religious, economic or political factors. It is very rare in investigating the kind of political and economic framework or background in which the fact of past religious antipathy developed into a force of explosive potentialities. In as much as it is a mystification of reality in a pluralistic society that communalism is caused by differences in religion, caste or other ascriptive categories, implying the historical inevitability of the phenomenon. Mere existence of such segmented groups do not contribute to the genesis of communal violence which spreads like wild fire. Ulterior motives of unscrupulous persons act as a catalyst to accelerate this odious crime. Once communal violence is ignited, it propagates with its despicable, macabre, beastly and atrocious tentacles for disastrous consequences.

Communal Violence erupts when the diverse religious practices leading to provocations such as playing music before mosques, slaughtering of cows, throwing of coloured water during Holi and such issues as conversions, reservations etc., might spark communal rioting. But these incidents are only pretexts for blurring secular, social, economic and political needs, expectations and conflicts.' There is no denial of the fact that communalism, like fascism and racialism masks and blurs the real issues and conflicts of the society. Categorization of communalistic groups such as Hindu communalism, Muslim communalism, Sikh communalism will sharpen and sensitize the communal polarization and will aggravate the communal mobilization. Communalism is
retrogressive whether it is on the basis of minority or majority of religious groups or caste-based fanatic groups or otherwise.

Communalists use religion, caste, region or language as a weapon to cement monoliths. 'Antagonism constitutes a crucial element of communalism and is given the moral garb of religion to perpetrate inhuman acts, such as looting, rioting, arson and killings.'

One of the causative factors for Communal Violence is the fanaticism. Most of the Communalists make use of religion as an instrument as 'religion is believed to take people closer to God who symbolizes divinity, sublimity, virtue and goodness.' Some others try to establish an isomorphic relation between the perception of deprivation or discrimination along religion, caste or other ascriptive group lines and economic development.' The other and important causative factor is strategy adopted by most of the political parties as an electoral encashment as communalism has a social appeal. Communal violence is also fanned by separatists, extremists, criminals, unscrupulous politicians, vested interest groups to attain their ulterior motives and so forth. Media also plays a very important role in bringing out enormous consciousness of the people by giving little importance to the concomitant responsibility to secularism and democracy. If the media illustrates the actual situation of the communal violence, communal riot-torn area without maximising or without divulging from the main contention, the communal violence will not take lead in other areas and can be contained well in time if the law enforcement agency springs into action with the supportive arm of the administration.

The history of Communal Violence has witnessed innumerable incidents in India and elsewhere. Hindu-Muslim, Hindu-Sikh communal riots have taken place before and after independence many a time, with loss of lives of innocents and bloodshed generating hatred and malice.

Unity in diversity can be felt in spirit if only there is communal harmony. 'Communal particularism' should be made to merge with 'Universalistic' character in
order to curb this menace of communal violence which creates hatred, bloodshed, destruction of life and property, malice vengeance and animosity towards each other.

This blood-feud of communal violence can be nipped in the bud by taking adequate preventive measures by the administration, law enforcement agency, religious leaders, political bosses, voluntary social service organizations and all others who can contribute their mite for the communal harmony, catholicity and animosity and profane of religion.

Different forms of violence are focused as under:

1. Primitive collective violence - local communal groups - lynch - mob - violence.
2. Reactionary collective violence, communal groups or loosely organized members.
3. Modern collective violence - well defined objectives - well organized for political or economic, religious, caste-oriented violence.

According to the data available, the incidents of communal riots between various factions such as Hindu-Muslim, Hindu-Sikh, Upper and lower class, casteism etc., are running in thousands. Persons killed and injured are also in manifold in number.

A struggle to overcome communalism and communal violence has to be part of the broader ideological and political struggle against exploitation, human degradation, authorities, sexism and racialism. This struggle should have its desirable end in social justice, democracy and in equality. This is necessary because secularism per se is just one element of a democratic society.

Nationalism in independent India is not substitute for the problems of social inequalities, brutalization and dehumanization of societies, unemployment, corruption, civil liberty etc. People should be mobilized along secular and class lines to fight
against these problems. Only then there can be anti-imperialist stance of Indian nationalists be meaningful.

*The National Police Commission* has dealt with this important aspect of criminal justice administrative and has suggested some recommendations that are listed below.

*Communal Violence*

The examination reveals a pattern in the failures to deal effectively with some of the riots that have taken place recently. Invariably the district administration failed to anticipate the trouble and to make adequate planning on the ground. Either the intelligence of the impending trouble was not available or the administration failed to take notice of all the minor incidents and tensions.

In several instances police forces were deployed without any briefing whatsoever. In some cases, the armed police was collected at very short notice from different units wherever they could be made available from. Such a body not under the command of their own officers cannot be expected to operate in a disciplined and concerted manner. It is recommended that the armed police should move only in proper formation along with full complement of their officers.

It is noticed with concern the growing tendency on part of the district authorities to seek instructions from higher quarters, where none are necessary.

There is a tendency among the officers to avoid taking responsibility for dealing with communal situations. They either avoid to go to the trouble spot or when they happen to be present there they try not to order the use of force when the situation so demands or better still slip away from the scene leaving the force leaderless.

It is unfortunate that after such riots, it is only those officer who had taken some action in dealing with the situation, are accused of all sorts of allegations and they have to face harassment and humiliations in the inquiries that follow.
The officer, who allows the situations to deteriorate by not taking firm action in the initial stages to control the situation, manages to go scot-free. The force gets the impression that their senior officers are not going to give any order for their protection and they go on helplessly watching the beating of their colleagues. The demoralised force, lacking confidence in their senior officers, often retaliates in anger and fear to settle score with the rioters.

The failure of the leadership coupled with the low morale of the force leads to many serious allegations of highhandedness and other atrocities including on of women etc. from the force. The training of police force leaves much to be desired.

There are frequent instances of friction between armed forces and the district administration in a communal situation. The aim and objective in a communal situation should be to strengthen the hands of the local administration and they should refrain from any dissemination of news to the media to give the impression that they have replaced the local administration.

Data pertaining to an area should be collected with great care. It should also be constantly updated. Changes in population and the distribution of population in the various towns and other significant areas in the district should be carefully observed and the reasons for such migration should be ascertained and analysed.

Records maintained at district and village level should be properly maintained by the police authorities in charge of districts and police stations. It is also desirable to maintain such records at the State level.

A separate cell in the intelligence agencies available at the district level and at the State level should be earmarked whose only function should be to look for significant data which would indicate an imbalance in any particular area. The State level agency should interpret this data on a total basis for the whole State.
A strict vigilance is to be kept on day to day living problems as well as on the problems creating tension between the two communities. Whenever stresses are observed in any given area the police and the administration should identify them quickly and take prompt steps to defuse them.

Dependence on the intelligence collected by the plain-clothed staff alone is not desirable. Collection of intelligence by uniformed units needs to be reactivated.

There should be rehearsals to coordinate the law and order arrangements with the army and the para military forces during the peacetime as well so that there is no misunderstanding or lack or lack of coordination with the army and para-military forces when they come to the aid of the civil authorities during riot situations.

Preventive action is not restricted to arrest and launching of cases under section 107 Cr. P.C. Prevention can be brought about by regulation, restraint constraint and control. In place where there normal tasks such as beat patrols which they send out during peak hours, the usual regulation of crowds, the normal control and direction traffic etc. normalcy is not only kept in the area but is also seen and felt by the people. Normalcy always acts as an anti-dote to tension and hence prevents it from growing beyond breaking point. Even if there is some risk in the relaxation of restrictive measures, for the restoration of normalcy. The risk is worth taking.

Restraint can be brought out by increasing police presence and by arresting those who are likely to indulge in acts prejudicial to public order. But restraint has to be imposed only upon those who are potential lawbreakers.

It is very important for the police to have an up to date and correct list of anti-social elements and to be able to identify and arrest them in a moment of crisis.

Mere identification of the mischief-makers will not be enough. There is need for constant vigilance and action against such persons even at times other than curing the communal riots.
A developing situation can be defused effectively by enlisting public cooperation. The role of Peace Committees in this regard has been stressed by several Commissions in the past. It should be ensured that important public men and who are acceptable to both the communities because of their proven impartiality are included as members of these committees.

In a riot situation the administration should, take steps to disseminate correct and proper information to the public through all available means. In this connection we would emphasise the use of the radio and loudspeakers as an effective communication media. If correct and frank reports of the authority are broadcast frequently, the morale of the people would be kept high and this itself allay feelings for fear and insecurity in the population.

In the case of mischievous reporting in the press which is likely to be prejudicial to national integration and public order the State Government and local administrations should act impartially and use every weapon in their legal armory to fight obnoxious propaganda which may be prejudicial to the maintenance of communal harmony.

Even a small quarrel or a minor incident involving members of the two communities should be attended to and dealt with by a responsible senior police officer and the dispute nipped in the bud so that it does not escalate into a major riot. The quality, quantum and timing of police response in such situations are important.

In dealing with processions likely to generate communal trouble there is such greater scope for the police to be prepared in advance. The police should to the extent possible, collect information about the mood and intentions of the precisionists and the attitude and preparedness of those who oppose the processions. Trouble spots should be identified and places of worship should be protected and cordoned off. Processions which likely to generate tensions and riotous situations should be properly regulated and controlled under the law. In extreme cases, if the situation so demands, such processions should even be prohibited under the law.
While no hard and fast rules can be laid down for the regulations of procession, the senior
most officer present and in charge of arrangements must apprehend the local problems
and after applying his mind lay out the arrangements in such a way as to demonstrate to
the local population that the police would act impartially, effectively and firmly.
As recommended by the Raghubar Dayal commission the place of worship should be
searched by the police to find out if brickbats or other offensive materials are stored in
these places. In doing so, the police should go strictly by the intelligence available to
them and not at the behest of one group or the other.
The authorities in dealing with communal riots should not be inhibited, by any
consideration, to adopt luke-warm measures at the early stages of any communal trouble
which may push the situation beyond a point of no return. A communal riot is different
form any other law and order situation because it has its origin in deep seated passions
and jealousies. The authorities should recognise the distinction and should show extreme
firmness form the very beginning.
Immediate and exemplary action should be taken against the officers who willfully fail to
go to the trouble spot or slip away form there after trouble has erupted. Officers who
have successfully controlled the situation at the in initial stages with firm action should
be suitable rewarded.
Only Specially selected experienced offices with an image of impartiality and fair play
should be posted to the communally sensitive districts. They should not normally be
transferred before the completion of their officers should not be transferred at the same
time.
There should be a control room at least in all those place which have been identified as
prone to communal trouble. These control rooms should function on an on going basis
and should be kept under the charge of officers who are polite and responsive and who
are also professionally competent to assess to be taken on such information.
The control room should have an adequate team of well-briefed police offices who can be expeditiously dispatched to a scene of trouble and who can be expected to deal with it effectively.

Most riot schemes are prepared in a routine manner and they are said they are said to be impracticable because they are designed for a given area in total isolation the surrounding areas. Many schemes cannot be implemented because the man-power contemplated in these schemes is not worked out in a realistic basis.

The riot schemes may be rehearsed from time to time and in this connection. “Sand model” exercises could be useful.

The imposition of curfew in any area should be resorted to after careful thought any in such a manner that least amount of inconvenience in caused to law abiding citizens.

Curfew should be restricted to those areas where curtailment of the movement of the people is absolutely necessary for the purpose of suppression of large scale illegal activity. Once a curfew is imposed, it should be enforced very strictly. Even before the imposition of the curfew or immediately thereafter, adequate police and security forces should be moved into the area bound by the curfew. Anybody found violating the curfew should be arrested and prosecuted.

The police party dealing with riots should be accompanied by ambulance and first aid services.

Unless crimes committed during the riots are registered, investigated and the criminal identified and prosecuted, police would not have completely fulfilled its role as a law enforcement agency. This important legal function is presently being given a low priority by the police. If stringent judicial action is taken against a criminal and well publicized, it would impose a high degree of restraint upon others from indulging in criminal activities. In a riot situation registration of offences becomes major casualty. It is futile to expect the victim of a crime to reach a police station risking his own life and report a crime to the police. The police should open several reporting centers at different points in a riot torn
Special investigation squads should be set up to investigate crimes committed in course of serious riots. Such squads should be set up under the state-investigating agency State CID (Crime) to investigate all crimes committed in the course of a riot.

The investigation of reported crimes in serious riot situations should be done thoroughly, competently, quickly and impartially by special teams of competent officers working under the supervision of senior officers. Any interference in this process by any group, however, powerful it may be and whatever may be the reasons should be strongly condemned.

Special courts with special procedure prescribed in the Disturbed Areas (Criminal Law Amendment) Act as recommended in the Third report would be useful in the investigation and prosecution of offences committed during violent public disorder situations.

In a major riot it is the duty of the administration to compensate the unfortunate sufferers for the loss and suffering undergone by them and to assist them in their rehabilitation.

The police should play a very active and positive role in the rehabilitation of the people affected in the riots. They should record the extent of damage in the course of their investigations and enquiries in the cases reports to them and furnish copies of these documents to the appropriate authorities.

It is not desirable to reserve any fixed percentage as such among the vacancies in the police for the minority groups since that would go against the fundamentals of police philosophy that the police as a system has to function impartially as an agent of the law and cannot have any caste or communal approach to the problem dealt with by it.

The police forces of the various States in the country should truly represent the social structure in the respective states. Such a situation should be brought about by a competitive, fair, impartial recruitment and training process and not by a protective
process like the reservation of vacancies of members of the minority communities, in this sensitive wing of Government administration.

It is recommended that whenever allegations of personal aggrandisement are made, such allegations should be carefully examined and if specific instances of misbehavior on the part of any policemen are found to be true, such policemen should be punished in an exemplary manner so that the credibility of the police organization, as such, with the people, is not impaired.

The availability and capability of home guards in districts should be fully made use of by the police. In an emergent situation the local authorities themselves should be requisition the services of home guards, by framing appropriate rules for this purpose.

Thus the NPC has dealt with this subject in as extensive manner and should these measures be taken, then there is no doubt that this problem can be effectively dealt with. It has been truly said that the general population is not communal minded. The Hindus and Muslim don’t share a mutual feeling of hatred. This has to be kept in mind by the law enforcement officers. It is also true that one cannot allow lawlessness on the one hand and try to crush communal riots on the other. A very strict law and order has to be maintained in which no lawbreaker will be spared. In a lax lawless state all will suffer and the weaker will definitely suffer most. Moral lectures are needed to calm tempers down but most of the times effective firing may become necessary. Political interference should be reduced to the minimum if communal violence is to be controlled.