

Précis
on
Crowd Control

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FOREWORD

The Crowd Psychology play important role in crowd control. In an open and democratic society, situation arises in which processions and gatherings need to be regulated while respecting the legitimate right which has always been a challenge for law enforcement officers.

Shri PPS Sidhu has exhaustively dealt with various problems and challenges that arise in controlling of crowd and maintenance of law and order. With 35 years of service and police experience, Shri PPS Sidhu has written this précis on crowd control and same has been handed over to the Bureau and after study by the Training Division in the Bureau, it is felt that same may be shared with States & UTs for its relevance.

Sd/- xx xx xx
(Radhakrishna Kini A)
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Foreword

The catalyst for this book on Crowd Control was Shri Rakesh Jaruhar, IPS, the then I.G. and Director (Training) Bureau of Police Research and Development, who, in, 2007, had literally forced me to take up the project to write an instructional book on Crowd Control in Hindi for trainee Sub-Inspectors of Police based on my lecture notes, later to take the form of a précis, which I has prepared at the S.V.P. National Police Academy in the later 1980's.

The first hurdle to be faced was that of citations. Though I have made the acknowledgments where ever possible, there would be many more which would be missing and should have found place. I do have a bibliography of all the publications which I went through and drew ideas from. These are:

- 1) Public Order Guide to Tactical Options and Related Matters, A U.K. Police publication.
- 2) Notes on Crowd Control by A.K. Ghosh, IP, published by the National Police Academy, Mt. Abu (Now located at Hyderabad).
- 3) The Los Angeles Police Dept. Civil Disturbances Training Manual.
- 4) Unlawful Assembly and Rioting by Mihir Kumar Mukherji.
- 5) Use of Forces to Disperse Unlawful Assemblies by B.N. Mullick, IP.
- 6) Civil Disturbances B.N. Mullick, IP.
- 7) Methods of Training in Crowd Control and Dispersals by M.M. Chudasma.
- 8) Prevention and Control of Mobs and Riots, and F.B.I. publication.
- 9) War Without End by Christopher Dobson and Ronald Payno.
- 10) Kill or Get Killed by Col. Rex Applegate.

Chapters 1,2, and parts of chapter 4 and 7 are based on 'Notes on Crowd Control, the NPA publication, which was the kernel of instruction on the subject of Crowds, Mob Psychology, Use of Force to Control Crowds and Regulated Control of Crowds.

I am indebted to Shri Hakim Rai, Deputy Supdt. of Police (Retd.) who helped in translating the original précis into Hindi and getting it typed and editing it. It was his continuous encouragement to get the work published that I finally did send it to the BPR&D for publication in early 2010.

I am grateful to Shri Rajan Gupta, IPS, DG BPR&D who again set into motion the process to publish this book. I am also grateful to IG & Director (Trg) BPR&D and his team for editing and publishing the book.

And last of all I must acknowledge the patience, forbearance and encouragement to me by my wife Harpeet for the hours I spent giving shape to this work.

Dated: December 2015

(P.P.S. Sidhu), IPS (Retd.)

Chapter 1

CONTROL OF CROWDS

INTRODUCTION

The Preamble to the Police Act of 1861 (Act V of 1861) lays down that the purpose of the Act was to re-organize the police to make it more efficient for the prevention and detection of crime. Apart from prevention and detection of crime, the police in the present times is also responsible for other multitudinous tasks such as maintenance of law and order, ensuring the internal security of the State, and providing security to important persons in particular and the public in general. The police also has the responsibility of security of vital installations, including communications, roads and railway lines.

The term Public Peace and Order is a very wide term and includes all the aspects of policing mentioned above. Every crime committed is not only an infraction of law, but also disturbs public peace and order. If there is a spurt in crime the common man sees it as a deterioration in the law and order situation. Similarly acts affecting the security of the public, important persons, vital installations and the security of the State, also disturb public peace and order. Conversely, every breach of public order and peace will necessarily result in breach of law, and breach of codified law is crime. Though public order and peace, in a wider sense, encompass prevention and detection of crime, the subject is dealt with separately. We will therefore, confine ourselves, in the study of this subject, to all the facets of police work which are related to the orderly behavior of people, methods of handling crowds of various sorts, different types of agitation, common law and order problems, and the law to handle such disturbances. As a police officer however, remember that you cannot have a good state of public order and peace if your prevention and detection of crime is poor, or if you are not able to handle crowds and agitation with the minimum of disturbance. All facets of policing are complementary to one another, and good public order and peace is dependent on each one of them.

Threat to public peace and order arises from the congregation of a large number of persons for a specific purpose. The understanding of crowds and their psychology is therefore, an important prelude to crowd control.

Whenever a large number of people congregate for a specific purpose or otherwise, there is always the probability of some problem arising. Therefore, the essence of maintenance of sound public peace and order means good crowd control. Unattended crowds have the propensity of turning into mobs, the result of which may eventually be a riot.

CROWD PSYCHOLOGY

INTRODUCTION

A crowd has been described as a *“more or less large gathering of individuals in one place in close physical proximity to one another with a tendency to develop psychological interaction.”*¹

The adage *“a stitch in time saves nine”* is very much applicable to the control of crowds. The quantum of force and the effort required to handle a crowd increases progressively with the delay in its handling by the police. Crowd control is a very important aspect of policing, and every police officer must, therefore, be able to understand a crowd and its psychology, and also have the ability to handle a crowd tactfully (but firmly) and disperse it with the minimum use of force. Force, when not used judiciously, apart from making the officer’s action questionable, will also aggravate the situation.

CROWD FORMATION

A crowd gathering upon any incident is usually inquisitive. Curiosity to see what has happened brings people to the spot of incident. If the police removes the object of curiosity and starts an immediate investigation into the facts, along with effective legal action, the crowd is left without an immediate issue upon which to agitate. Such a crowd is amenable to directions by the police and will disperse on command. Delay in police action gives the crowd individuals an opportunity to react and interact. They gradually build up a commonality of purpose and their emotions begin to get heightened. At this juncture they are less likely to obey instructions. Psychological control methods will have to be used to reduce the emotional intensity of the crowd before any effective measures can be used to disperse it. If not tackled effectively even at this stage, the crowd gets aggressive and assumes the dimensions of a mob. At this stage crowd assumes the dimensions of a mob and is not likely to listen to reason and increase the chances of its being tackled through use of force. Failure to contain the crowd at the mob stage will lead, more often than not, to a riot.

For the purpose of this study, ‘*Crowd*’ would denote a collection of individuals gathered for a specific purpose, such as an audience at an entertainment or a match, or for participation in rally, or a collection of people attracted by some incident. In other words, there should be some commonality of purpose. A collection of people in the market, with each individual doing his own work, would not come under the term ‘*crowd*’ in the context of the present study.

¹ ‘*Crowd Control Tactics*’, National Police Academy

RIOT

A riot can be defined as an unlawful assembly of five or more persons who assume a threatening attitude, or act in concert with disorder and violence, determined to accomplish injury to person or property.

Rioting has been defined in section 146 I.P.C. It's essential ingredients are:

- a) Formation of an unlawful assembly within the meaning of section 141 I.P.C.
- b) The use of force or violence by any one, or more than one member, of such assembly.
- c) A common objective of the assembly which has led to the use of force or violence.

CROWD PSYCHOLOGY

Crowd psychology is the study of the collective behavior of human beings when gathered in a mass. It is important for a policeman to understand crowd psychology as it enhances his effectiveness in handling crowds of different kinds.

Crowd behavior always differs from individual behavior. This difference in crowd behavior occurs because an individual's inhibitions are eroded when he forms a part of a crowd. This happens due to the sense of anonymity that develops with the submerging of an individual's identity in a crowd. An individual is strongly governed by social norms in his behavior. Fear of disapproval and ostracism by the community, are strong inhibiting factors governing an individual's actions, refraining him from committing or indulging in socially unacceptable acts. But when he is in a crowd his social inhibitions are loosened and the crowd numbers give him a sense of anonymity which makes him go along with other crowd individuals to commit socially unacceptable acts. It has been aptly stated by one writer that the IQ of a crowd is that of the level of a five year old child. In urban areas these restraints are further eroded because of weaker social links, and the individual is therefore able to merge himself more completely with the crowd.

A crowd builds up a certain level of emotion through psychological interaction. In order to seek a release from its pent up emotions, it will follow any person, or idea, which promises relief. In seeking an outlet for its emotional release during its high state of excitement, it will even attack persons or objects. For an emotionally surcharged crowd, or mob, reason, order and propriety are alien matters. At this stage the crowd is not willing to listen to reason and is susceptible to losing its leadership to hooligans or other violent minded persons.

Psychologists have tried to explain the differences in the behavior of an individual when he is in a state of isolation with his behavior when he forms a part of the crowd. The French writer *Lebon*, advanced the theory of *formation of collective mind* in a crowd which makes

them think and act differently from an individual who is in a state of isolation. *MacDougal*, a British psychologist, came out with the theory of *Group Mind*, which is similar to the collective mind theory. *Sigmund Freud* had evolved the theory of *dormant primitive human instincts* in the sub-conscious mind of an individual, which are stirred up and take control of his behavior when he is in a crowd.

Though psychologists have differed on the reasons leading to differences in the behavior of a person as an individual and when he is a part of a crowd, there is a complete agreement amongst them that these differences do exist.

CROWD CHARACTERISTICS

When individuals gather to form a crowd, certain distinguishing features can be observed. These are found in most crowds to varying degrees, and the intensity of these features is determined by the level of mutual emotional interaction amongst the individuals forming the crowd.

- **Heightened Emotions:** This is a noticeable characteristic in a crowd. The strained attention, feeling of expectancy, sense of climax, tension and then it's release, are either the preliminary to crowd formation or it's accompaniment. The individual in the crowd is stripped of his normal reluctance to show his emotions, and indulges in superficial releases through boisterous laughter, loud shouting, hissing, booing, or cheering. This affects other individual in the crowd who are also drawn into the same state. Football crowds, crowds at a religious revival, or persons gathered on occasion of national rejoicing or even mob violence on the other extreme, are examples of such behavior.²
- **Heightened Suggestibility:** The crowd individual is open to accepting suggestions and actions from within the crowd without critically examining them. These qualities of submission and imitativeness are very close to suggestibility. Lebon has associated this with mass hypnosis. In fact, the idea of mass hypnosis is often referred to when discussing the relationship between the leader and the masses (Hitler and Mussolini). Crowd emotions give rise to a heightened sense suggestibility which makes the crowd individuals believe in and accept any idea associated with the incident attracting the crowd. This heightened sense of suggestibility can lead to sudden panic and violent action. As put by a writer, it can lead to honest men to committing criminal acts and turning cowards into heroes.³
- **Credulousness:** Connected with suggestibility is the extreme credulousness in crowds. Nothing is too improbable for the crowd to accept. It will accept any idea put forth by crowd individuals or crowd leaders, without any attempt at rationalization.

² Ibid

³ Ibid

- **Irresponsibility and Lack of Moral inhibitions:** The sense of responsibility and moral inhibitions, which control an individual's acts in isolation, tend to get eroded in a crowd. Alone, the individual may not set fire to a building or loot a shop, but in a crowd he draws strength from the numbers and irresponsibility from anonymity (or submergence of identity) derived from the crowd. Thus, restraints or inhibitions imposed by fear of public opinion and one's own moral sense are removed.
- **Tendency to Group:** The crowd draws its strength from its numbers and therefore it tends to maintain a grip on crowd individuals, preventing them from leaving the crowd.

TYPES OF CROWD

Though there are various types of crowd, for the police officer it would suffice to classify them into four broad categories:

Casual Crowd: This is a momentary collection of people seeking similar ends, or whose attention is temporarily drawn to a common object, such as a crowd at a railway platform, a crowd at an assembly or a fair, or a crowd at the site of a traffic accident. Such a crowd does not have uniformity of views, organization or a commonly felt purpose, and its members come and go. Because there is no psychological unity in this type of crowd, it can be dispersed on command.

Meeting-cum-Entertainment Crowd: This gathering of people has a central focus and similar ends. This would include a crowd at a sports event supporting their respective teams, or followers of a party assembled at a political rally, or a crowd at a religious gathering, and also a crowd assembled to witness state occasions as on Republic Day and Independence day celebrations. Such crowds are unorganized and generally peaceful. There is, however, the possibility of such a crowd becoming unruly consequent to an incident or provocation. Therefore, on an anticipated gathering of such a crowd, the police should provide adequate regulation and policing.

Expressive Crowd: Such crowds are engaged in some kind of expressive behavior like dancing, singing, or making merry. This can be seen on the occasion of *Holi* or a crowd celebrating national victory in a sports event etc. Feelings and sentiments are expressed freely and the crowd releases its energy through action or movement. Such crowds can be kept peaceful through adequate policing.

Aggressive Crowd: The aggressive crowd is oriented towards violent action and this feature can be observed in political, labour, student and communal demonstrations. This type of crowd is usually animated by a leader, principal or a sentiment. The aggressive or unruly crowd gradually becomes a mob if it is not controlled in the early stages. The dividing line between a crowd and a mob is

often indistinguishable. So long as the crowd is controlled by a show of force it is still considered to be in the crowd stage. But when force has to be used to control it, it is the mob stage.

THE AGGRESSIVE AND DESTRUCTIVE CROWD

The formation of an aggressive and destructive crowd does not take place immediately. It goes through various stages; from the stage of incident to the stage it assumes the dimensions of a mob.

Stage of Initial Incident

The occurrence of an incident is the first step towards the collection of individuals into a crowd. A sufficiently exciting incident will attract some individuals who will mill around the spot. They will gradually start to take sides and identify themselves with one of the parties, irrespective of the merits of the case. In the early stages it is possible for the police officer to isolate the incident by:

- (i) Promptly removing the cause of excitement.
- (ii) A prompt investigation into the facts.
- (iii) Initiating legal action.
- (iv) Preventing curious onlookers from collecting.

How quickly the police officer completes his task is a measure of the extent to which the officer is likely to succeed. By restricting the accumulation of people, the incident can be prevented from being blown up into a law and order problem. If the police officer arrives with delay, or hesitates in taking proper action, the crowd will turn critical and achieve a degree of aggressive unity and excitement through mutual interaction. At this stage it will be difficult for the police officer to isolate the incident and secure the dispersal of the crowd.

Stage of Collective Excitement

The individuals, as they are attracted to the incident, are gradually pressed together and start to interact with each other even though they may be strangers. They will move around the spot communicating the collective excitement of the situation to each other. One person stimulates excitement in another, who in turn stimulates the third and so forth. In the process the first may again be re-stimulated and the cycle continues to go on. In this manner the crowd is stimulated and re-stimulated to a high state of collective excitement. By this circular process tension is built-up in the crowd. As the individual is gripped by crowd emotions he becomes less responsive to outside suggestions and responds only to suggestions from within the group. Thus, a kind of internal rapport is built up which takes the form of something akin to mass hypnosis.

At this stage the police officer will have to resort to psychological control tactics to control the crowds. Where the crowd has already achieved uniformity of purpose it will not be responsive to any suggestions. In such a situation the most effective step is to remove the object of crowd interest and dispersal of the crowd by persuasion. If that fails the most excited individuals in the crowd should be arrested. Their removal will remove the focus of attention of the mob and thereafter make it possible for the dispersal of the less excited individuals. In removing these individuals show of using force can be made without necessarily using it.

Stage of Social Contagion

At this stage the comparatively small original crowd is swollen by the influx of bystanders, who are attracted to the crowd due to curiosity aroused by the sight of a gathering of a large number of excited persons. They are soon brought into a state of collective excitement. In this manner a large section of the population can be affected. It is at this stage that hooligans and anti-social elements join the mob for their own personal ends. At this stage use of force becomes more or less unavoidable.

This is but a step away from the riot where the mob indulges in violence as an emotional release and as a means to achieve its ends. At this stage the composition of a mob can be generally classified into three groups, but so intermingled as to make it difficult to differentiate between them:

- **Leaders**, who may be professional agitators, usually stay at rear of crowds where they can circulate freely and further motivate the crowds.
- **Active participants** who believe in the justice of their cause and the necessity of using violence.
- **Spectators** form the majority of the crowd. They are initially harmless, but are drawn in by the excitement. They can easily become active rioters if they have been sufficiently excited by crowd emotions. They may also, in the event of the police using force, act in self defence if they find there is no avenue for escape.

PSYCHOLOGICAL CONTROL OF CROWDS

Pandit Jawaharlal Nehru had aptly observed that *“a crowd is numerically stronger than the police force. Of course you can frighten it by opening fire or ordering a lathi charge. But these are extreme steps. The reaction of a normal crowd would depend on whether it is tactfully or foolishly tackled.”* Again he has observed *“with rare exceptions mobs grow slowly out of mishandled crowds and there would be fewer mobs if the police would learn to handle crowds on lines of research rather than lines of inspiration.”*⁴

Just as the law in physics, which lays down that the pressure of gas varies directly with its temperature (i.e., the pressure increases with higher temperature and decrease as the temperature goes down), similarly, the greater the crowd’s excitement, the more ebullient (agitated or enthusiastic) it is and also that much more difficult to control. If the crowd is calmed down, it becomes responsive to reasoning and easier to control. Therefore, while controlling crowds, both psychological and physical means have to be used. Again to quote Pandit Jawaharlal Nehru *“ you should tell your policeman never to shout, never to get excited, because the excitement might infect the crowd. In this matter, a study of crowd psychology is helpful.”*⁵

⁴ Ibid

⁵ Ibid

PSYCHOLOGICAL CONTROL METHODS

Some of the methods which can be used to reduce the excitement and tension in a crowd to bring it down to a manageable stage are mentioned below:

1. Persuasive Appeals can be made to a crowd so that the crowd feels that the police is on its side. The technique of successful persuasion depends on the characteristics of the crowd being dealt with. Just as different nationalities have certain characteristics, people of different regions and communities within the same state may respond differently under a similar situation, their responses being governed by characteristics which are peculiar to the community or to the region. Therefore, first of all, a police officer must be aware of the local sentiments and the traits which can sway a crowd.

Crowd emotions change from time to time. The police officer should be able to judge the changing mood of the crowd and adapt his strategy to control it accordingly. A police officer very sincerely trying to put forth good arguments and logical facts may not make much of an impact on a crowd gripped by excitement. In such a situation, an appeal to sentiments rather than to reason may help. An officer seeming to agree with the crowd's emotions is more likely to evoke a response. Mark Antony's oration in '*Julius Caesar*' is a good example of an orator appealing to sentiments rather than to reason.⁶

Lebon, the French writer, has narrated an interesting account of an incident during siege of Paris by the German Forces in 1870. A furious crowd had apprehended a Marshal of the French army, alleging that he was in the process of handing over the plans of the fortifications of Paris to the Germans. As the Marshal had been associated with the construction of the fortifications, the plans of which were available openly with booksellers, Lebon felt that injustice was being done to him. He was surprised to find that a member of the government, instead of speaking in the Marshal's defence, promised instead "*pitiless justice*" and a thorough enquiry during which the "*prisoner*" would be kept in custody. Satisfied, the crowd broke up and dispersed. The Marshal was very shortly thereafter sent home. Logical arguments emphasizing the Marshal's innocence would only have infuriated the mob and resulted in its lynching him.⁷

Sometimes religious sentiments are also exploited to control a mob by showing affinity in order to gain the mob's confidence and make it more amenable to reason. A vivid example of this was demonstrated in a community hypersensitive city of U.P. in 1982. During the Dussehra procession, the processionists attempted to break away from the permitted route. A Brahmin CRPF officer caught the bullock of the leading bullock cart by its horns and turned it back on the permitted route. This immediately caused commotion and the organiser, a well known communal agitator, immediately alleged

⁶ Ibid

⁷ Ibid

that the faith had been defiled. He was immediately cut to size by the ADM City who pointedly told the organiser that the CRPF officer and he (ADM) were higher in the Hindi hierarchy than the organiser and that he should not teach them what religion is. This statement took the steam out of the building situation and the situation was contained.

2. Humorous and Witty Remarks at an early stage of crowd collection often breaks down the mob's hostility. One of the district HQrs. In U.P. was plagued by frequent power break downs. One night a cable fault led to another breakdown. The irate residents of the affected localities mobbed the power sub-station and blocked the traffic on the National Highway and the only other alternate route through the city. The SP and the SE Hydel (Electricity) reached the sub-station where a large and agitated crowd was raising slogans against the electricity staff and blocked the road. Appeals to remove the blockade had no effect. The SP then informed the crowd that he would himself remain there and ensure that the fault was rectified. The crowd insisted that it was not a police matter and the SP should go home and that there would be no violence. The SP insisted and the road blocks were removed, but a large section of the crowd stayed on. Waiting for the resin in the cable joint to set in, the conversation soon switched to the football World Cup series in Mexico. By then the tension in the crowd subsided completely and the crowd dispersed shortly thereafter.

3. Assistance of Persons of Acknowledged influence also helps. Help can be taken of a person of acknowledged influence to diffuse crowd tensions. An appeal to his sentiments and vanity can often prove useful. Police officers must, therefore, cultivate good relations with public personages and local influential persons. Good friendly dealing with such persons is like saving up for a rainy day. In case it is not possible to secure such assistance the next best approach would be to concentrate on the leaders within the crowd itself. If use of force is contemplated to disperse the crowd, remember that the leaders are not always in the front of the crowd.

4. Calm and Silent Attitude of the Police. In successful crowd control, much depends upon the emotional stability of the leader of the police and his ability to stay calm even under the gravest of circumstances, anger and insults. A calm and collected poise exerts a powerful influence not only on the officer's subordinates, but also on the crowd. If an officer has built up a reputation of being fair and firm, he can often succeed in persuading an excited crowd to disperse. On the other hand an officer prone to losing his temper and going into a tirade against the crowd, will not only not be able to use his influence, but will also invariably end up using force.

A leader's excitability also gets communicated to his subordinates and results in frenzied actions leading to panic. A traditional procession on the occasion of the jayanti celebrations of a prominent national figure had been allowed to be taken out in

Aligarh after a gap of four years, following a prolonged spell of communal disturbance. During this period all processions had been banned. The route of the procession had been amended to avoid the sensitive areas. When the procession arrived near the Municipal Office, a section of the processionists insisted on going through the traditional route which lay through the Mahabirganj Bazaar. They jostled with the policemen barring the access to the bazaar, and even threw chappals and other missiles, besides shouting provocative abuses. The senior police officers on the spot maintained their composure and were successful in preventing the force from reacting. After a trying one hour, without any violent incident, the procession moved on.

On the subject of controlled action by policemen, a British manual on Safety in Public Places, stresses that the word fire should never be shouted as it would induce panic amongst the audience. Instead the management should be asked to open the doors and regulate the exit of crowds in a calm way to prevent a stampede. Similarly, police men should do nothing to induce panic in the crowd by nervous shouting or running around excitedly, etc.

5. Writing of Complaint by Excited Persons. Getting excited persons to sit down and write their complaint diverts their mind from violent action and brings down their excitement. Often, when a crowd collects on some issue and demands summary action, the police officer should try to avoid negotiations on the road and should suggest that the aggrieved party should come to the police station to write a complaint to allow the police to act. This helps in removing the excited persons from the spot and breaks down the hostility in the mob.

6. An Unexpected Distraction can often help to save a situation. For instance, an accident occurring at the time of crowd formation can result in the crowd's attention being diverted, and shift its focus of attention to helping the injured. However, the police officer should not try to engineer a diversion as the consequences would be risky if the crowd realises the trick. In August, 1942, a mob of about 10,000 attacked Katras Police Station in Bihar. The police station had only a staff of about 20 odd constables, who were already shaky as a result of injuries sustained by some of them in a previous unsuccessful lathi charge. The District Magistrate, who was on the spot, pulled out his pistol and told the policemen that he would be the first to lay down his life if they were to die. In the meanwhile he spotted an old woman lying in a drain just 50 yards from the mob. He coolly walked out to the woman and lifted her out, and gave her something to eat. It helped considerably in raising the moral of the force and de-escalating the crowd tension to some degree.⁸

⁸ Ibid

7. Making a Crowd Wait. Sometimes the excitement in a mob can be reduced by keeping it waiting for some time. This will make the hangers on leave the scene after some time. The crowd can then be dispersed on command, or by a show of force or use of force if it eventually is required. A large crowd of students incensed by the arrest of some of their colleagues had mobbed a police outpost in Aligarh, demanding the unconditional release of the arrested students. The Superintendent of Police (city) tried to negotiate but the students were unrelenting. As the offence was bailable, it was suggested that the student leaders stand surety for their bail. The hesitancy of the student leaders to stand surety put them in an uncomfortable position with the students. In the intervening period a large contingent of force also arrived. The police officers now hardened their attitude and told the crowd that bail would only be given if the crowd dispersed. Seeing the force and the uncertain attitude of the students, the crowd of students began to break up. Seeing the crowd numbers diminish the agitators readily agreed to the police directions.⁹

8. Use of Public Address System and Movie / Video Camera. This is a tactic successfully used in some U.S. cities. A powerful public address system is used at the outer edge of the crowd, directing the people to break-up and go home. The authoritative tone and the blare of the speakers draw the attention of the individuals in the crowd and tend to neutralize the influence of the crowd excitement. It has also been observed that sometimes the use of a movie or video camera causes the onlookers and casual members of a crowd to break away for fear of later identification and legal action in case of trouble. This helps in reducing the crowd numbers and also provides evidence against individual crowd members for subsequent legal action.

9. Pretence of Including Onlookers in the Investigation. Sometimes an inquisitive crowd will disperse when the police start to note the names of the crowd individuals with the declared objective of utilizing them as witnesses. Most casual observers prefer to disperse.

10. A Confident Police Attitude. On another occasion, there was a threat to gherao a cabinet Minister before he went to the local police lines for the Republic Day Parade. This was nipped in the bud by the casual instructions of the Superintendent of Police to his Circle Officer, in the presence of the leader organizing the gherao, to keep four companies of PAC in readiness with lathis and plastic pellet guns and also station fire tenders with ice cold water at the site of the proposed gherao. At the prospect of a cold and wet reception, the aspiring leader soon lost his appetite for the proposed action and sent back his would be agitators the very same night.

⁹ Ibid

PANIC

While dealing with a crowd or a mob, care must be taken to see that it does not panic. A panic stricken crowd does the worst damage because the individuals forming the crowd are so frightened and intent only on their own safety that they will cause harm, physical or material, in their attempt to escape. This often leads to stampedes with people being crushed to death. Force should therefore, only be used when psychological control methods have failed or the threat to life and property is imminent.

Often it is an inbuilt defence mechanism which induces panic. In Aligarh a peculiar term 'bhaggi' is used to describe this phenomenon. The main market area in the old city near the Sabzimandi and Abdul Karim crossings is the meeting ground of the two communities. Any incident would immediately lead to a closing of shutters. The sound of a shutter being downed would lead to a chain reaction of other shutters being hurriedly downed, in turn compelling the people to vacate the area. Panics were sometimes ascertaining the facts. On another occasion, 'baggi' was caused by a bear which escaped its handler in the busy area. A set procedure was evolved to tackle this directory of the owners and employees printed, a copy of which was provided to every outpost and officer. All that was done thereafter was that the numbers of the first few shutters to be shut were noted and action taken against the owner or employees. This soon put a stop to this practice. The flight of panic stricken crowds was controlled by pickets preventing any one from running. This had quite a salutary effect.

Chapter-2

RUMOURS

A *rumour* is a specific (or topical) proposition for belief, passed along from person to person, usually by word of mouth, without secure standards of evidence being present.¹⁰

A rumour is distinguished from news in the sense that it does not have any evidence to corroborate it. Everything heard second hand is not necessarily a rumour. If the persons transmitting or spreading the report have seen it, or have had an opportunity to verify it, there may be a great deal of truth in the report. However, in the rumour chain the persons giving the information do not have secure standards of evidence to check or verify it. The belief that there is a kernel of *truth* in every report is not only misleading, but dangerous.¹¹

Though every rumour starts with an observation or inference of some sort, it eventually gets so distorted as to make it difficult to relate it to the original observation. For example, during World War II, a Chinese Professor visiting a small township in U.S.A. on a holiday asked a bye-stander for directions to a hill top which afforded a good scenic view of the country side as given in a tourist brochure. Within a short while, a rumour spread that there was a Japanese spy come to take photographs of military installations.¹²

Rumour is not a current phenomenon. It is as old as society. Emperors of ancient Rome are known to have had rumour wardens whose duty it was to mingle with the public and report what they had heard to the Emperor. The stories circulating in the public were considered a good barometer of popular feeling. A similar system was in vogue in ancient India.

A large part of day to day conversation between people is based hearsay which is also a type of rumour mongering. However, when goodwill between social groups is strained, false reports become more intense. Such virulent rumours spread hatred between the different communities in a nation, thereby affecting its integrity.

ACCEPTABILITY

Different sorts of rumours affect different sections of the public. Financial rumours affect industry and others whose fortunes can be affected by the ups and downs of the market. Rumours about changes in the Income tax rate will be avidly followed by those who have the potential to be affected. Rumours affect individuals differently; some people by habit critically inspect all they hear; suggestible people with a poorly structured mental life or

¹⁰ 'Crowd Control Techniques' Shri S.K. Ghosh, IP (National Police Academy Publication)

¹¹ Ibid

¹² Ibid

having stereotyped complexes are very susceptible to rumours. Generally, this group includes poorly educated and uneducated people. Rumours would also be readily acceptable to those whose own minds are already oriented towards the direction due to their own prejudices; political rumours are accepted readily by those who distrust the administration; hostility rumours circulate among those predisposed to hate the victim of the story. Thus, like propaganda, with which it is closely related, rumour activates and confirms pre-existing attitudes rather than form new ones.¹³

MODE OF RUMOUR TRAVEL

Rumour travels primarily through spontaneous oral discourse. It has also been effectively spread by print; Newspapers, for instance, inadvertently deal in rumours by uncritically relying on reporters whose source of information may be nothing but hearsay. Sometimes these are deliberately slanted to suit the reporter's or editor's bias. It is not uncommon to see a biased headline with a story not supporting the headline to protect the editor. For example, a headline "*Mahbub Khan killed by Vijay Kumar*" as a caption for a simple highway accident is obviously mischievous with an intent to exert force on assimilative minds.¹⁴

CLASSIFICATION OF RUMOURS

These have been broadly classified into four categories:

1. **Fear Rumours** – Excessive figures of our casualties during war, and more recently, those suffered by the I.P.K.F. in Sri Lanka.
2. **Wish Rumours** – Such as the fall of an enemy city during war or that peace is in the offing, as in the closing phases of the last Great War.
3. **Hate Rumours**
4. **Miscellaneous Rumours**

Hate rumours are the most common and are usually directed against different sections of the populace.¹⁵

RUMOURS AND RIOTS

“Communal strife illustrates the close dependence of riot conditions upon rumour.” Rumour cannot be said to be “the sole or original cause of a riot, it always plays an important ancillary role. In fact, the evidence at hand appears to be so convincing that it is often felt by people at large that no riot occurs without rumours to incite, accompany, and intensify the violence.¹⁶

¹³ Ibid

¹⁴ Ibid

¹⁵ Based on classification given the NPA publication ‘Crowd Control Techniques’ by Shri A.K. Ghosh, I.P.

¹⁶ ‘Crowd Control Techniques’ by Shri A.K. Ghosh, I.P.

Three stages generally are discernible:¹⁷

- (a) **Murmurs of unrest** before the outbreak of a riot. These may be in the shape of stories featuring discrimination, insults, and misdeeds ascribed by one community to the other.
- (b) **Viciousness of the stories** grows more acute and circulation is exceeded. Though this will not by itself lead to a riot, it may indicate a pre-riot stage. It is a sort of barometer of the communal or social climate. Danger is also indicated when rumours '*forecasting*' the happening of some incidents connected with the strained social conditions start circulating. It is at this time when riotous outbursts are predicted that the police must mobilise its full strength because such rumours could lead to mobilisation within the party affected by rumours. The opposing party, in turn, would mobilise to counter the '*designs*' of the other community. The genesis of the *Maliana* incident in Meerut in 1987 falls into a very similar pattern. Maliana had hitherto been unaffected by the communal virus. However feeling insecure, the Muslims began to collect with the intention of moving to a safer place. The Hindus falling prey to the rumour that the Muslims were collecting with arms to attack them also began to collect. Soon the tension escalated and first brick-bats and then gun shots were exchanged.
- (c) Often **the spark igniting the power keg** may be an inflammatory rumour. In a number of riots, the starting point has been the exaggerated rumour version of some simple dispute involving two protagonists of opposite races or communities. This has been observed in Negro-White riots in the States and in riots in India:
 - During the 1969 Ahmedabad riots an important point was the circulation of a false rumour of the death of one of the sadhu's assaulted by Muslims;
 - In the post Mrs. Gandhi assassination riots such rumours circulated freely.

Once a riot starts the rumours start flying faster, reflecting the acute fanaticism in the stories of rapes, tortures, murder, etc. Ordinary events are given special interpretations of frightful proportions. A fire engine siren is interpreted as a case of arsoning though it may be a simple accidental fire that the fire engine is responding to; two people seen talking are assumed to be plotting, a religious congregation will be regarded as a meeting of radicals plotting some new move. The same rumours such as poisoning of milk and water supply, molestation of women, hidden transmitters and collection of bombs and other lethal weapons have circulated in the past 40 years during various riots.

¹⁷ Classification as given in the NPA publication 'Crowd Control Techniques' by Shri A.K. Ghosh, I.P.

CONTRADICTION OF RUMOURS

POLICY AND METHOD

One view is that it is better to leave senseless rumours uncontradicted as attempting to repudiate them would result in greater publicity. Contradictions give rise to food for thought and further conjectures.

The Second, and majority view, is that the adoption of this policy of LAISSEZ FAIRE is wrong as even the most senseless rumours take a long time to die, but in the process cause incalculable damage. The danger of leaving rumours uncontradicted is greater than the danger of more publicity. However, selectivity in the contradiction of rumours is essential. During a time of crisis there are so many rumours flying about that it is not possible to contradict all of them. One will have to assess the dangers of a rumour left uncontradicted and then decide accordingly.

Methods of Contradiction

1. Indirect Contradiction

For instance, in Kashmir some time ago there was a problem of a large number of mysterious cases of arson which rumours ascribed to the security forces. Instead of merely contradicting the rumours, the Government handouts emphasized that security personnel were actively helping in the rebuilding of the villages. More recently, the L.T.T.E. and other likeminded Srilankan Tamil propaganda of atrocities by the I.P.K.F. was countered by active aid in the form of relief supplies, medical assistance and restoration of civil amenities in Jaffna and elsewhere by the I.P.K.F. The slant of contradiction is important. If it is something positive, as in the cases above, there need not be any reference to the rumour.¹⁸

2. Direct Contradiction

Contradiction should generally be direct. It also must be specific and emphatic. All efforts must be made to fight the belief that there must be some truth in the rumour. For instance, while contradicting a rumour of poisoning of water supply it must be mentioned that a thorough chemical examination has been made and expert opinion quoted.

A person in whom people of the area have faith could be asked to make personal appeals on radio or in the papers. The person regarding whose death false rumours have

¹⁸ The Indian Peace Keeping Force (IPKF) was active from 1987 to 1990 in Sri Lanka to maintain peace. It was formed in 1987 consequent to the Indo-Srilankan Accord, 1987, with the objective of putting an end to the internal war between the Liberation Tigers of Tamil Elam (LTTE) and the Sri Lankan Forces. When the IPKF intervened the possibility of being drawn into the conflict was not envisaged. However, within a few months the IPKF got drawn into a direct conflict with the LTTE. After the General Elections of 1989, the Prime Minister of India Shri Vishwanath Pratap Singh withdrew the IPKF, with the last unit returning to Indian soil in 1990.

been circulating, could be asked to give a talk on the radio on the T.V. or make a public appearance.

Not all direct contradictions will kill rumours. Occasionally a new slant will be given to counter the contradiction. During World War II a rumour was spread in the U.S. that the Jews were evading military service. When this was refuted by figures it was countered by stating that this may be true but that the community holds all the cushy posts.

NEWS HAND OUTS AND BRIEFS IMPLICATIONS

Another problem is how much of the news should be given out to contradict a rumour, and in what way. If continuous reports are not given out rumours will take their place. Untrue reports will have the effect of distrust in official reports. It is, however, an established principle that press and radio should withhold for some time, or water down reports in public interest, information of which, even if true, may aggravate the situation. As in the case of communal incidents, names of communities are not given or unnecessarily repeated, details of casualties and damage to property should not be in lurid detail with emphasis instead being on constructive aspects like relief measures etc.

Medium of Contradiction

- (a) Press and Radio / T.V. can be effectively used.
- (b) Vehicles fitted with loud speakers though its effectiveness has sometimes been questioned as the message is often garbled and escapes the attention of the public.
- (c) Public address system installed in important places and controlled from one point, as at Aligarh which covers about 30% of the population.
- (d) Public servants such as school teachers etc. for informal dissemination of contradiction in localities of their residence.
- (e) Special telephones could be installed and advertised from which the public could verify rumours. This was done during the 1969 Ahmedabad riots and during the 1965 Indo-Pak war in Delhi.

Often tension builds up over certain incidents such as the discovery of a dead body. The police must in such cases immediately verify the report to the core and if untrue take the reputed leaders of the community to the alleged spot and convince them. If true immediate measures to counter the situation should be taken. Sometimes a counter rumour about the rumour mongers by the C.I.D. also has an impact. But this is limited and generally does not affect those who sincerely believe in the truth of what they are reporting.

DEALING WITH RUMOURS

Rumour mongers can be dealt with under the various sections of law mentioned below:

Section 107 Cr.P.C. Security for keeping peace for one year where a person is likely to commit breach of peace or disturb public tranquillity.

Section 108 Cr. P.C. Security for good behaviour from persons disseminating seditious matters either orally or in writing any matter, publication of which is punishable under section 124 A (sedition), 153 A (promoting enmity between classes) or 295-A (maliciously insulting religion or religious beliefs of any class) of the I.P.C. Action under this is possible only by the order of State Government or the officer empowered on behalf there of Court of the J.M. 1st class is empowered to execute the bond.

Section 151 Cr.P.C. Arrest of prevent commission of cognizable offence.

Section 153-A I.P.C. Promoting enmity between classes (groups) on grounds of religion, race, place of birth, etc., by words spoken or written or visible presentation, or by any act prejudicial to the maintenance of harmony between different groups.

Section 505 (1)(c) I.P.C. – Statements conducing to public mischief – inciting by rumour, report, statement made published or circulated by one community against another.

Section 505 (2) I.P.C. – Statements creating or promoting enmity, hatred, or ill-will between classes in form of reports or statements containing rumour or alarming news.

Chapter-3

UNLAWFUL ASSEMBLIES - LEGAL PROVISIONS

INTRODUCTION

When psychological control methods (discussed in Chapter 1) fail to disperse a crowd or mob, force will invariably have to be used (Discussed in Chapter 4). But before the use of force is discussed it is necessary to know:

- a. The extent of the constitutional right to assemble and take out processions;
- b. What constitutes an unlawful assembly and riot;
- c. The legal provisions restricting and regulating assemblies, and the law relating to unlawful assemblies and riots;
- d. The powers and duties vested in Magistrates and Police Officers to deal with unlawful assemblies.

RIGHT TO ASSEMBLE

Article 19 (1) (b) of the Constitution of India provides that "*all citizens have the right to assemble peaceably and without arms.*" This right includes the right to hold meetings and take out processions, subject to the condition that the assembly is peaceful and unarmed.

However, the individual's right and liberty is preceded by public order. Article 19 (3) provides that "*nothing in sub-clause (b) (Article 19 (1) of the Constitution) shall effect the operation of any existing law in so far as it imposes or prevents the State from making any law imposing, in the interest of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.*" The Government is, therefore, empowered to impose reasonable restrictions on the right to take out processions, or hold meetings, which are likely to lead to a disturbance of public tranquility.

Though the '*reasonable restrictions*' have not been defined in the Constitution, there are a number of laws which do regulate the right to assemble. These are to be found in the Indian Penal Code, the Police Act of 1861, the Maintenance of Public Order Acts of various States, Indian Law Amendment Act of 1908, and the Criminal Procedure Code. The Constitutional right to assemble is therefore subject to the restrictions and regulation contained in these laws.

The determination by legislature of what constitutes a reasonable restriction is not final or conclusive; it is subject to the supervision of the courts¹⁹. In other words, the court has the right to determine in each individual case, whether the restriction imposed was reasonable or otherwise. The expression seeks to strike a balance between the freedom guaranteed in

¹⁹ 52 Cr.L.J. 550 and 610 S.C

Article 19 (1) (b) and the social control permitted by Article 19 (3).²⁰

RELIGIOUS PROCESSIONS - RIGHTS AND LIMITATIONS

Freedom of conscience and religious liberty are guaranteed under Article 25 of the Constitution of India. From these rights emanate the right to take out processions and the right to religious discourses. Article 19 (1) (a), (b) and (c) give the right to assemble peacefully and without arms and the right to form associations or unions. However, these rights are subject to control and regulation by the State in the interest of public order, safety, morality, health and public use of thoroughfares.

Thus short of a blanket ban on processions and assemblies, which would be an abrogation of fundamental rights, the police have a duty to control and regulate processions in the interest of public peace and tranquility. A problem often arises before the police when two contending groups, communal or otherwise, come out in the open to test their strength on the issue of a particular procession or assembly. In such a situation it will be a case of free fight in which neither side can claim any right of private defence.²¹ The police and magistracy have to make an honest attempt to determine the aggressors and disperse them while affording protection to the party attacked. In such a case it would be improper for the police to prosecute both parties without deciding which party was the aggressor and which party was acting in self defence.²² Often communal clashes take place over the right to conduct a religious procession, in a public street, to the accompaniment of music. Because of the constitutional rights mentioned above, it is the bounden duty of the police to protect the processionists going lawfully along a public street. In Abdul Sattar's case,²³ where the Muslims tried to obstruct a procession with music from passing by a mosque along a public street, by throwing stones, brickbats and soda water bottles at the processionists, where by some persons in the procession, including two accompanying police officers, were hurt and as a result of which the police officers had to open fire, it was held that the processionists had a fundamental right under Article 19(1) (b) to take out the procession with music and the Muslims had unlawfully obstructed it and constituted themselves into an unlawful assembly.

UNLAWFUL ASSEMBLY

According to Section 141 of the I.P.C., an assembly of 5 or more persons is designated as an "*unlawful assembly*" if the common object of the persons composing that assembly is:

First To overawe by criminal force, or show of criminal force, the Central or any state Government or Parliament or the Legislature of any State, or any public servant in

²⁰ A.I.R. 1951S.C. 115.

²¹ Gajanand vs. State of U.P. 1954 Cr.L.J. 1748 S.C.

²² Amar Singh vs State 1954 Cr.L.J. 836, Punjab.

²³ re. Abdul Sattar 1961(1) Cr.L.J. 291 (Mysore).

the exercise of the lawful power of such servant; or

Second to resist the execution of any law, or any legal process; or

Third to commit any mischief or criminal trespass, or any other offence; or

Fourth By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right way, or the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation *An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.*

For an assembly to be declared unlawful the essential ingredients of an unlawful assembly have to be fulfilled. These ingredients are:

- i. Assembly of five or more persons.
- ii. There must be a common objective.
- iii. The common objective must be one of the five specifically mentioned in the section.

(Example: Where seven accused were charge-sheeted, of whom two were acquitted by the Sessions Court and one by the High Court, the number became less than five and therefore the character of unlawful assembly became extinct).

RIOT

The element of unlawful assembly is an essential ingredient of rioting. The offence of rioting has been defined under section 146 I.P.C. Its basic ingredient is an unlawful assembly (as defined in section 141 I.P.C.). Every unlawful assembly may not turn into a riot, but every riot at its inception will be an unlawful assembly. Therefore, there cannot be a riot without an unlawful assembly.

Difference between an Unlawful Assembly and Riot

Force or violence used by the members of an unlawful assembly in prosecution of the common objective is a distinguishing factor (see section. 349 I.P.C. for definition of the concept of force).

Violence has not been defined in the I.P.C., but in case law it has been interpreted as force used against persons and inanimate objects.²⁴

²⁴ Case of Samaraddi 40 Cal. 567.

Quantum of Force or Violence

According to section 146 I.P.C., it is force or violence that turns an unlawful assembly into a riot. The degree of force or violence is not important. Force or violence causes motion and as soon as that motion, however so slight and inconsiderable, but sufficient to be appreciable, is produced we have a case of rioting, if other condition have been satisfied. Rioting in its simple form is dealt with in sections 146 and 147 I.P.C while in its more aggravated form it is dealt with in section 148 I.P.C.

Constructive Responsibility

Another important element of rioting is the constructive responsibility of all members of the assembly with regard to an offence committed in the prosecution of a common objective. It would be simple to assign constructive responsibility to the action of a mob which is united, concerted and continuous. But in a spasmodic riot, with lulls of several hours, this principle becomes difficult to apply.

Common Objective

This is the last and most important element of the law of rioting. The common objective must be strictly construed with reference to section 141 I.P.C.:

- Any common objective outside the ambit of the five clauses specified will not be sufficient in law to constitute rioting;
- A sudden quarrel without a premeditated intention or design is not rioting in law;
- Where the common objective was not illegal it would not constitute rioting, even if force was used by any particular member of the assembly.²⁵ Common objective to rescue a person from the unlawful custody of the police will not constitute the assembly as unlawful.²⁶ It is not necessary that there should be a common objective prior to the commencement of the fight. This may even occur afterwards and thus constitute rioting.

Rioting and Affray

An affray may require only two or more persons and can only be committed in a public place. On the other hand, the offence of rioting requires five or more persons and can also be committed on private property. Common objective, which is such a vital ingredient of rioting, has nothing to do with an affray. The evidence of a free fight which has actually disturbed

²⁵ V. Ganu (Ratan 99 of 1875).

²⁶ U.P. vs Niyamat, 1987 SCC p-232.

public peace is sufficient to constitute an affray (section 160 I.P.C.).

HANDLING ASSEMBLIES AND RIOTING – LEGAL PROVISIONS

A number of legal restrictions on lawful and unlawful assembly have been incorporated in various laws. These have been dealt with separately as:

- (a) Legal provisions to control and regulate assemblies.
- (b) Penal provisions available to assist the law enforcing agency in handling unlawful assemblies and riotous mobs, and the individuals composing such assemblies.

LAW RESTRICTING AND REGULATING ASSEMBLIES

1. POLICE ACT OF 1861

The Police Act of 1861 lays down conditions that may be imposed for regulating lawful processions and assemblies to prevent public inconvenience. The regulatory law under the Police Act ranges from regulation of processions and assemblies, maintenance of order on public roads to provisions for the quartering of additional force in disturbed areas and recovery of costs thereof from the local inhabitants, as well as awarding compensation to sufferers of misconduct. Various States are in the process of passing their own Police Acts to replace the Police Act of 1861. Till these are implemented it would be pertinent to discuss the Police Act of 1861.

Section 30 - Regulation and Licensing of Public Assemblies and Processions:

1. The District Superintendent or Assistant District Superintendent of Police, may as the occasion requires, direct the conduct of all assemblies and processions on the public roads, or on the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.
2. He may also, on being satisfied that it is intended by any person or class of persons to convene or collect an assembly on any such road, street, or thoroughfare, or to form a procession which would, in the judgement of the Magistrate of the district, or of the subdivision of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.
3. On such application being made, he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly, or such procession, is to be permitted to take place and otherwise giving effect to this section; provided that no fee shall be charged on the application for, or grant of any such license.
4. He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

Section 30(a) - Powers with regard to assemblies and processions violating conditions of license:

1. Any Magistrate, or District Superintendent of Police, or Assistant District Superintendent of Police, or Inspector of Police, or any police officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section and may order it, or any assembly which violates any such condition as aforesaid, to disperse.
2. Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly.

Section 31-Police to keep order on public road etc : It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats, and landing places and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship and in any case when any road, street, thoroughfare, ghat, or landing place may be thronged or may be liable to be obstructed.

Section 32 - Penalty for disobeying orders issued under last three sections etc.: Every person opposing or disobeying the orders issued under the last three preceding sections or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music or for the conduct of assemblies, and processions, shall be liable, on conviction before a Magistrate to a fine not exceeding two hundred rupees.

The Police Act also contains other provisions which are helpful in the maintenance of public order. They are not regulatory in nature, but are primarily aids to maintaining order.

Section 13 - Additional police officers employed at cost of individual: This contains provisions for deputing of additional police officers by the IGP, AIG of Police or the District SP, at any place in the general police district, subject to the control of the District Magistrate, on an application made by any person showing the necessity thereof, at the cost of individual making the application. The force can be withdrawn on one month's notice by the applicant.

Section 14 - Appointment of additional force in the neighbourhood of railway and other works: This section provides for the deputation of additional force at any public works, manufactory or commercial concerns by the IG P, with the consent of the State Government, upon reasonable apprehension that the behaviour of the persons employed at such place renders such deployment necessary. The cost of the force will be

borne by the concern.

Section 15-Quartering of additional police in disturbed or dangerous districts: This contains provisions for the quartering of additional police in dangerous or disturbed districts. This is done by proclamation, notified in the official gazette, declaring an area disturbed or dangerous or where the conduct of the inhabitants of such area or of any class of them, makes it necessary to post additional police. Thereafter it becomes lawful for the IGP or other authorized officers, with the sanction of the State Government, to employ police force in addition to the ordinary complement of force for the area. The cost of this additional force is borne by the inhabitants of the area, as apportioned by the District Magistrate after due enquiry. The enquiry will determine those who can be exempted (sub-section 5) and the respective means of the inhabitants to pay the costs.

Each proclamation will specify the period for which it is in force. Inhabitants include such persons who own interests in the area even though they may be residing elsewhere.

Section 15(a) - Awarding compensation to sufferers from misconduct of inhabitants or persons interested in land: The section provides for awarding compensation to sufferers from the misconduct of persons. If any death or grievous hurt, or loss of or damage to property has been caused in the area notified as disturbed under section 15 by the acts of the inhabitants of the area, or a section of them, it shall be lawful for an inhabitant of such an area to make a claim for compensation for any injury or loss suffered on account of such misconduct. Such application will be submitted to the DM or SDM.

The DM can, after due enquiry and with the approval of the State Government, irrespective of the fact whether additional police force had been quartered in such area or not:

- (1) Declare the persons, to whom injury has been caused,
- (2) Fix the amount of compensation and the manner of distribution to them, and
- (3) Assess the proportion of the compensation which is to be paid by the inhabitants of the area.

This is subject to the proviso that such compensation is due only if the loss has been suffered in the course of a riot and the person claiming compensation is himself free of blame. An important proviso is that no suit is maintainable for any such award by the DM, and the revision of the order lies with the Commissioner of the Division or the Government.

Section 16 - manner of recovery of the money. (This is in accordance with section 354 (5) and 422 of the Cr.P.C.)

Section 17 - provides for the appointment of residents of a locality as Special Police Officers:

The appointment is by a magistrate upon the report of a police officer not below the rank of an inspector. This is done for the protection of the inhabitants and the security of property in a place where an unlawful assembly, or riot or disturbance of peace has taken place or is reasonably apprehended, and the police force ordinarily employed is not sufficient to maintain order.

2. CRIMINAL PROCEDURE CODE

Section 144 Cr.P.C. empowers a Magistrate to direct any person to abstain from any act which is likely to promote disturbance of public tranquility or a riot or lead to an affray. Violations are punishable under section 188 I.P.C., which is cognizable. Under this section individuals can be prohibited from forming an assembly or a procession if it is felt that it may lead to a disturbance of public tranquility.

LAW RELATING TO UNLAWFUL ASSEMBLIES AND RIOTS

Apart from the legal provisions discussed above, which deal primarily with the regulation of assemblies and processions, the legal provisions in the I.P.C. and other laws, are primarily penal in character.

1. INDIAN PENAL CODE

Section 142: Being a member of unlawful assembly: A member of an unlawful assembly is one who being aware of facts rendering any assembly unlawful, intentionally joins the assembly or continues to be its member. The essential ingredient of section 142 therefore is '*awareness and intention*'. Punishment for being a member of an unlawful assembly is given in section 143.

Sections 144: Joining unlawful assembly armed with deadly weapon: Defines the punishment for joining an unlawful assembly with a deadly weapon. It is not the actual use of the deadly weapon that constitutes the offence, but the fact of being armed with such a weapon. This section therefore penalises evidential premeditated violence. What constitutes a deadly weapon is basically a question of fact, and depends upon the circumstances peculiar to the occasion.

Section 145: penalises the individual who joins or continues as a constituent of an unlawful assembly, knowing that it has been commanded to be dispersed.

Sections 146 to 148: define rioting and rioting with deadly weapon, and prescribes the punishments.

Section 149: Every member of an unlawful assembly guilty of offence committed in

prosecution of a common objective: Every member of an unlawful assembly is guilty of a crime committed in the prosecution of the common objective

Section 150: Hiring, or conniving at hiring of persons to join unlawful assembly: This is a double edged weapon:

- a. First it strikes against those who may be regarded as persons making active preparation for a disturbance (persons hiring, engaging, employing any man, promoting the same to join and become a member of an unlawful assembly).
- b. Secondly it penalises persons who connive at the hiring etc. of men for the above purpose. Persons like these can be held guilty for any offence that may be committed by men so hired.

Section 151: Knowingly joining or continuing in an assembly of five or more after it has been commanded to disperse: The person commanding dispersal must have lawful authority to command the assembly to disperse, as well as reason to order such dispersal.²⁷

Section 152: Assaulting or obstructing public servant when suppressing a riot etc.: Applicable to both riot and affray, where a public servant doing his duty is assaulted.

Section 153: Wantonly giving provocation with intent to cause riot: The section provides for punishment of persons provoking a riot.

Section 153 A: Promoting enmity between different groups on grounds of religion, race, place of birth, residence, etc., and doing acts prejudicial to maintenance of harmony: The section has a wide ambit. It is particularly relevant in cases where rift is sought to be caused between different communities or castes etc.

Section 153 B: Imputations, assertions prejudicial to national integration: It is similar to section 153 A in its scope, except that it is directed against acts prejudicial to national integration.

Section 154: Owner or occupier of land on which an unlawful assembly is held: The owner or the occupier of the land, or any other person claiming any interest therein, is punishable if he or his agent or his manager has failed in his duties. These duties are as below:

- i. Informing the principal police officer at the nearest police station of the likelihood of a riot being committed or an unlawful assembly being held on the land;
- ii. Using all lawful means for the prevention of a riot or an unlawful assembly being held on the land; and
- iii. Using all lawful means to disperse or suppress the riot or unlawful assembly.

²⁷ Kempe Gowda vs. Mysore, AIR 1954 Mys. 58.

Section 155: Liability of persons for whose benefit a riot is committed: The section fixes responsibility in the event of a riot on such persons who have an interest in respect of some land, or dispute, or where they have accepted or derived benefit from such riot.

Section 156: Liability of agent of owner or occupier for whose benefit riot is committed: The blame is apportioned for the riot to agents and managers of persons mentioned in section 155. Three ingredients are essential:

- i. There must be riot.
- ii. The riot should have been on behalf of or for the benefit of the accused.
- iii. The accused had reason to believe that a riot was likely to be committed.

Section 157: Harboursing persons hired for unlawful assembly: Harboursing, receiving or assembling of persons who are likely to be engaged in an unlawful assembly is an offence. But this action must take place in a home or premises in the occupation, charge or control of the accused and be in his knowledge. This section has application on some unlawful assembly in the future, and therefore, harboursing persons who formed an unlawful assembly in the past does not come under this section. This section is preventive in nature.

Section 158: Being hired to take part in an unlawful assembly or riot: It is an offence for a person to be engaged or hired, or to offer or attempt to be hired, or engaged for doing or assisting, in the doing of any of the acts specified in section 141 I.P.C.

The I.P.C. is not content with punishing only the actual rioters. It also provides for penalising those persons who are indirectly involved, or are interested in fomenting a riot or encouraging it, or provoke it or make active preparation for a riot:

Section 186: Obstructing public servant in discharge of his public function: This section provides for imprisonment up to three months and with a fine of Rs. 500/- for any person who voluntarily obstructs any public servant in the discharge of his public functions.

Section 187: Omission to assist public servant when bound by law to give assistance: The section provides for a simple imprisonment of one month or with a fine of Rs.200/- or with both, on any person who being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance. Where such assistance has been demanded of him by a public servant legally empowered to make such demands for the purpose of executing process lawfully issued by the court or for preventing the commission of an offence, suppressing

a riot or affray, or for apprehending a person charged with or guilty of an offence or of having escaped from lawful custody, such person shall be punished with a simple imprisonment for a term of six months or with a fine.

Section 188: Disobedience to order duly promulgated by public servant: Where a person is in the knowledge of an order promulgated by a public servant, empowered to do so, directing a person to abstain from a certain act, or to take certain order with certain property in his possession or under his management, and such person disobeys such direction with the consequence of tending to cause obstruction, annoyance or injury, he shall be punished with imprisonment for one month and with fine. In case such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, the punished is imprisonment up to 6 months and with a fine of up to Rs. 1000/-.

Under the section it is not necessary that the offender should intend to produce harm, or contemplate to produce harm. It is sufficient that he knows of the order which he disobeys and that his disobedience produces or is likely to produce harm.

Section 189: Threat of injury to public servant: Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act or to prevent him from doing any act or delaying any act connected with the exercise of the public functions of such public servant, shall be punished with an imprisonment of up to two years, and with a fine.

Section 190: Threat of injury to induce person to refrain from applying for protection to public servant: Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain from seeking protection against any injury from public servant legally empowered to give such protection, shall be punished with an imprisonment of up to one year and with fine.

The above mentioned sections thus provide for punitive action against those persons who do not assist the public servant when duty bound by law to do so, or obstructs him in the performance of his functions.

THE POWERS AND DUTIES OF THE POLICE AND MAGISTRATES

Police officers and Magistrates have been entrusted with certain powers and duties to deal with unlawful assemblies.

Duties

Section 23 of the Police Act of 1861 lays down that "it shall be the duty of every police officer to prevent the commission of offences and public nuisances; and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist."

Powers

Police officers and magistrates can take action under the following basic categories to control unlawful assemblies and riots:

1. Preventive Action

- a. Section 149 Cr.P.C.** authorises and direct every police officer to interpose for the purpose of preventing any cognizable offence to the best of his ability.
- b. Section 151 Cr.P.C.** gives police officer the power of arresting any person, without orders of warrant from a magistrate, if the police officer knows of a design by such a person to commit a cognizable offence and commission of the offence cannot otherwise be prevented.
- c. Section 152 Cr.P.C.** gives the police officer the authority of interposing to prevent any injury attempted to be committed to any public property, immovable or otherwise, by members of an unlawful assembly.

2. Punitive Action against Individuals

Sections 141 to 190 I.P.C. discussed above, provide a vast array of punitive action against members of unlawful assemblies and riotous mobs, and even in cases where an unlawful assembly is contemplated. Apart from these the following legal provisions are also available to the police officer:

- a. Section 7 Criminal Law Amendment Act (Act XXIII of 1932)** which lays down a punishment of six months imprisonment, with or without fine for molesting a person to the prejudice of employment or business.²⁸

²⁸ Criminal Law Amendment Act of 1932, section 7: Whoever:

- a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes in the use thereof, or
- b) Loiters or does any similar act at or near the place where .a person carries on business, In such away and with intent that any person may thereby be deterred from entering or approaching or dealing at such place, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both

- b. Section 54 Cr.P.C.** empowers any police officer and magistrate to arrest any person concerned in any cognizable offence, or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned.
- c. Sections 46 to 53 Cr.P.C.** lay down the procedure for arrest by a police officer with or without a warrant.

3. **Collective Action Against An Assembly**

Often it is not possible to prevent the formation of an unlawful assembly, or to secure its dispersal through action against the individual members. The law has envisaged such a possibility and has provided for collective preventive and punitive action.

a. Preventive Action is possible under section 144 Cr.P.C. through a general notice prohibiting such an assembly. The section has wide applicability. Curfew orders are also promulgated under this section. The intention is to prevent acts which are likely to give rise to apprehended danger; Curfew orders would specifically prohibit people in specified areas from coming out of their houses. Orders under section 144 can be passed to prohibit an assembly in a more general situation, or limit the assemblage to a specific number, or prohibit the carrying of arms or lathis or an objectionable material, or prohibit any objectionable activity in the interest of maintenance of peace. The Police Act of 1861 and the Maintenance of Public Order Acts also have specific provisions for regulating assemblies and processions.

b. Punitive Action for dispersal of adamant mobs and assemblies has been provided for in the following:

- (i) Section 129 Cr.P.C. empowers a magistrate or a police officer in charge of a police station to command an assembly likely to disturb public peace, to disperse, and to use force to disperse it if it does not pay heed to the order to disperse
- (ii) Section 130 Cr.P.C. empower the magistrate to use the armed forces for the

Explanation Encouragement of indigenous industries or advocacy of temperance without the commission of any acts prohibited..... is not an offence under this section

2. No court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such an offence, made by a police officer no below the rank of officer Incharge of a police station.

Section specifies that the offence under section 7 shall be cognizable and non- bailable

dispersal of unlawful assemblies.

4. DEFENSIVE ACTION

Section 97 I.P.C. read with sections 98 to 106 I.P.C., allows the magistrate and the police to intervene to prevent harm or injury to persons or property from members of an unlawful assembly.

5. AID TO POLICE

- (i) Section 129 Cr.P.C. enables a police officer or a magistrate to call upon any male person to assist in the dispersal of an unlawful assembly by force (except a member of the armed forces).
- (ii) Section 37 Cr.P.C. makes it the duty of every person to assist a magistrate or police officer, inter alia, in the prevention or suppression of breach of peace or damage to public property. Penalty for omitting to do so is given in section 187 I.P.C. The demand of assistance should be 'reasonable', as the law does not intend police officers to have a general power of calling upon the public to join them in work for which they are paid such as tracing out an absconding criminal or collecting evidence to warrant his conviction.²⁹

²⁹ Jyoti Prasad [1920] ALL. 314, 316.

Chapter 4

USE OF FORCE TO DISPERSE UNLAWFUL ASSEMBLIES

INTRODUCTION

Section 129 Cr.P.C. provides for the dispersal of unlawful assemblies and the use of force for this purpose. It authorizes any Executive Magistrate and officer in-charge of a police station, and in the absence of the SHO, any police officer not below the rank of sub inspector, to command the dispersal of any unlawful assembly, or assembly of five or more persons which is likely to cause a disturbance of peace. The section also provides the Magistrate and Police officer so authorized, to take the assistance of members of the public (excluding members of the armed forces). The nature or quantum of force has not been specified in the Code. However, certain rules have been evolved regarding the use of force. It would, however, be pertinent to first examine the scope of the legal provisions relating to the dispersal of unlawful assemblies.

SCOPE OF SECTION 129 Cr.P.C.

This section contemplates two kinds of assemblies:

- An unlawful assembly within the meaning of section 141 I.P.C.
- An assembly of five or more persons likely to cause a disturbance of public peace.

For disobeying the command for dispersal of an unlawful assembly, the punishment is prescribed under section 145 I.P.C. Disobedience of orders for dispersal of assemblies, which are likely to disturb peace, is punishable under section 151 I.P.C.

The unlawful character of the assembly has to be determined with reference to section 141 I.P.C. alone, and the disobedience of a command issued under section 129 Cr.P.C. is not a relevant consideration for that purpose.³⁰

Section 129 (2) envisages two types of situations:

- (a) Where such assembly is commanded to disperse but fails to do so.
- (b) Where such assembly though not commanded to disperse conducts itself in such manner as to show its determination not to disperse.

The powers of a police officer may be exercised by any officer superior in rank to him (Section 36 Cr.P.C.).³¹

³⁰ Hanuman Singh AIR 1969 ALL 130 (1320).

³¹ Tucker 7, Bom. 42 [50].

Even a religious assembly (e.g. Salvation Army³²) congregated in a public street so as to draw crowds of people is likely to cause a disturbance of peace.³³

Section 129 Cr.P.C. gives the power to disperse an unlawful assembly by force to any Executive Magistrate or Officer in charge of a police station, or in the absence of the officer in charge of police station to any police officer not below the rank of sub-inspector. If an officer below the rank of sub-inspector uses force (e.g. fires upon an unlawful assembly to disperse it), his action has no legality, as it is not covered by section 129 Cr.P.C. No government sanction for prosecution is necessary for such acts.³⁴

To get the benefit of section 132 Cr.P.C. the officer has to show that:³⁵

- i. There was an unlawful assembly.
- ii. Such an assembly was commanded to disperse.
- iii. Either the assembly did not disperse on such command, or if no command was given, its conduct had shown determination not to disperse.
- iv. In the circumstances he had used force against the members of such assembly

Bonafide acts of Executive Magistrate, Police Officers, Officers and other members of the armed forces, and persons acting in compliance with requisition made under section 129 or 130 Cr.P.C., are outside the category of offence. The sanction for prosecution when necessary must precede the complaint, and the proceedings on complaint so instituted without prior sanction would be void.³⁶

Officers who do not have the benefit of powers to disperse an assembly under section 129 Cr.P.C. can, however, take action by virtue of the right of private defence given by sections 100 and 103 I.P.C. There is however, a clear distinction here in that such officers can use force to the extent of causing death to save life and property of others and the police party, but not to disperse a mob. They can take action against the assailant or assailants but cannot claim any immunity if they have used force to disperse a mob. Section 197 Cr.P.C.

³² The Salvation Army is an evangelical church committed to social action. The Salvation Army, formed in England in 1865 by William Booth, is as a volunteer organization. In India it is registered as a religious and charitable organization. The Salvation Army is funded through donations from its members, the general public, aid agencies etc.

³³ Tucker, (1882) 7 Bombay 42.

³⁴ Mohd. Yunus 50 Cal. 318 [324].

³⁵ ACR 1964 SC 169.

³⁶ Yesudasan vs.Gurusan (1957) Mad 887; Krishna Pillai vs.Sadashiva Pillai, AIR 1963 Kerala 7.

gives protection to public servants for acts done under the lawful discharge of their duty. The right of private defence, however, should be exercised with utmost caution.

USE OF FORCE TO DISPERSE UNLAWFUL ASSEMBLIES

The use of force to disperse an unlawful assembly would be dictated by the circumstances existing, and can range from a simple arrest to the use of firearms. Force however, should be used with the limited objective of restoring order, preventing crime and arresting offenders. Though the quantum of force to be used in the dispersal of unlawful assemblies has not been defined in any law, the practice and rules that have evolved have followed the following principles:

1. No more force should be used than is necessary;
2. It should not be used as a punitive measure;
3. It must cease immediately the objective is gained.

Rules for the Use of Force

Prior to 1962 the rules regarding the use of force in different states of the Union were not standardized. Though they were similar in principle, they differed in procedure. On the basis of the recommendation of a committee appointed in 1962 by the Conference of Inspectors General of Police, the following rules were evolved.

- 1) The minimum necessary force to achieve the desired objective should be used, which is the dispersal of the unlawful assembly and arrest of some of its members and to prevent or control disturbances. No punitive or repressive considerations should affect this action.
- 2) Any officer in charge of a police station, or a police officer of higher rank, has the power, independent of the Magistrate (i.e. in his absence), to call upon an unlawful assembly to disperse, and use force if necessary to disperse it. In case a Magistrate is present, such assembly will not be commanded to disperse without the order of the Magistrate (this does not apply to Honorary Magistrate). But in case a police gazetted officer is present and no Magistrate having first class powers is present, such officer may act independently. In other circumstances, the officer having the powers of the incharge of a police station shall act on his own responsibility, but will communicate his report to the senior Magistrate accessible. In case an officer lower in rank than the officer in charge of the police station has to deal with an unlawful assembly, he should, if time and circumstances permit, send for an officer empowered to act under section 129 Cr.P.C. If circumstances do not permit the officer to await the arrival of the competent officer, he should take whatever action is necessary to prevent the offence through the requisite use of force. Once a Magistrate has decided that force has to be used to disperse the assembly, the amount of force to be used will be decided by the Police Officer.

- 3) The crowd should, before force is used, be persuaded to disperse. A warning that force will be used to disperse the assembly must be given before force is used.
- 4) Once the order to disperse is defied, or the attitude of the crowd is threatening, force should be used to disperse the crowd.
- 5) The effectiveness of the force depends upon the determination of its use, direction against the most defiant section of the crowd and its absolute control. The manner of force used will depend upon the circumstances, i.e. the strength and attitude of the crowd and the strength of the police party. Cane charge and tear smoke should, as a rule, precede firing.

TEAR SMOKE can be used to advantage in certain circumstances. For its effective use the direction and velocity of wind and the weather conditions are an important consideration.

CANE CHARGE to be effective should be conducted with strength sufficient in relation to the size of the crowd. Cane charge should not be conducted with insufficient force. The charge should be under effective control and should cease as soon as the dispersal of the crowd has been achieved. An armed contingent should always accompany the police contingent equipped with tear smoke and canes for their protection. Plastic pellet firing guns, recently introduced in the police, can be used where heavy brick batting does not allow an effective cane charge. However, it should be remembered that these too can be lethal under 40 yards. During a cane charge, it must be ensured that no blows are struck to the head. It is easier to explain a death in dispersal firing than a death caused by a cane charge.

- 6) **FIREARMS** are used to disperse crowds only in extreme and very exceptional circumstances where there is imminent and extreme danger to life and property. The responsible police officer, whether acting under the orders of the Magistrate or independently, when considering the use of fire arms necessary, shall, unless circumstances make this impossible, warn the crowd to disperse, and only on that failing should fire with live ammunition. Orders for firing should be obtained from a Magistrate if he is present.
- 7) As soon as it appears that the use of firearms may become necessary, a detachment should be put in readiness to take action without loss of time the moment orders are given to open fire.
- 8) The police officer will specify the number of rounds to be fired and will give precise orders to the particular men who are to fire. He shall also specify the target. The officer should ensure proper fire control. Once the decision to fire has been taken, it should be applied with maximum effect. The aim should be kept low (at the legs to avoid injuries) and towards the most threatening part of the crowd. Fire should cease as soon as the crowd disperses.
- 9) The force armed with weapons should not be allowed to go close to the crowd could be overwhelmed and the arms snatched. While accompanying processions the armed force at the

front and rear should move a little distance ahead and be the procession.

- 10) The rounds fired should be sealed immediately and the magistrate and police officer should immediately draw up a full report stating the number of rounds fired, the circumstances under which firing was resorted to, and the number of casualties.
- 11) Those injured in the police action should be given first aid and sent to hospital immediately. Other points that should be kept in mind are:
 - Firing should never be conducted over the head of a mob with live ammunition. This can result in injuries to innocent persons at the end of the bullet's trajectory.
 - It also emboldens the crowd, as it feels that the law enforcing agency is hesitant about inflicting casualty on the crowd.

PROTECTION FOR ACTION BY LAW ENFORCING AGENCY

Section 132 Cr.P.C. gives protection to all Magistrates and Police Officers against prosecution in criminal courts for actions under the lawful discharge of their duties under section 129 Cr.P.C., except when sanction is accorded by the Government specific cases.

MILITARY AID TO CIVIL AUTHORITY

Though the responsibility of enforcing law, protecting life and property and quelling internal disturbances rests with the civil authority, sometimes situations develop where the resources at the command of the civil authority are inadequate for the task. In such cases the civil authority may call in the armed forces for assistance. Sections 130 and 131 of the Cr.P.C cover the use of Armed Forces.

Procedure for Seeking Military Aid

The sanction of the Central Government is necessary for employing the army for maintenance of law and order (internal security duty). But in an emergent situation where time is short, the highest Magistrate of a district may make the requisition direct to the nearest military authority.

Duties Performed in Aid to Civil Authority

- (1) Patrolling of selected areas:
- (2) Protection of vital installations, offices, etc.
- (3) Provision of military pickets and cordoning off areas for search:
- (4) Flag marches through disturbed areas:

- (5) Dispersal of unlawful assemblies. Once the order to disperse an assembly has been given by the Magistrate he will not interfere with the tactical decisions taken by the military commander, i.e. he will not give direction on the quantum or manner of force to be used. A commissioned officer of the Armed Forces can also use his discretion, in the absence of a magistrate, to disperse an assembly to protect life and property. Under section 19 (11) of the Arms Act of 1959, the Central Government can empower the officers of the armed forces to demand production of licence from any person carrying arms or ammunition.

MARTIAL LAW

Military aid to civil authority is not synonymous with martial law. Under the Constitution it is Article 34 which envisages the possibility of the executive proclaiming Martial Law and this power can be construed as vesting in the President.

LEGAL POSITION REGARDING THE UTILISATION OF C.R.P.F. AND B.S.F.

The legal position when the C.R.P.F. or B.S.F. is utilised is the same as in section 130 and 131 of the Cr.P.C. They are inducted on the request of the State Government. If a State Government fails to discharge its constitutional obligation to maintain public order, the Centre can issue a directive under Article 256 of the Constitution and take over the administration and subsequently utilise the forces at its command (C.R.P.F. and B.S.F.) for the maintenance of law and order. But in the absence of a takeover of the administration, or a requisition by the State Government, the Central forces cannot be utilised by the Centre for the maintenance of law and order.³⁷

The Central Government has also notified that officers of the rank of Jamedar (Sub Inspector) and Subedar (Inspector) of the C.R.P.F. are vested with the powers of a Station House Officer for the purpose of dispersal of unlawful assemblies. Similarly, the powers and duties of a police officer as given in sections 47, 51 (1), 52, 54, 58, 74, 149, 150, 151 and 152 Cr.P.C. are also the powers and duties of every members of the Central Reserve Police Force.

PRACTICAL IMPLICATIONS IN THE USE OF FORCE

Through it is a cognizable offence to be a member of an unlawful assembly, the very magnitude of the crowd makes it impossible to proceed against every member of the crowd individually. Before taking action, a proper assessment of the extent of disturbance to public tranquility by the crowd must be made. It must be assessed that in case it is allowed to form and proceed in defiance of orders, whether arrest and dispersal by force may not have more

³⁷ In the build up to the events leading to the demolition of the disputed structure at Ayodhya in December 1992, the U.P. Govt. did not make a request for Central forces. The Central Govt. anticipating that events may require the intervention of central forces did send in the C.R.P.F. but they were quartered in the Faizabad Cantonment and therefore the technicality of prior request from the State was not awaited

serious consequences. A study of riots reveals that a premature arrest or police action to disperse a crowd sets in motion even more bloody events with serious implications. Therefore, the police office must make a cool, calm and very objective assessment of the action to be taken, even in the face of abuse and provocative action by the crowd.

Sometimes preventive action is taken to disperse a crowd in order to prevent breach of peace. But this action may itself inflame public passions and incite them to violent action. In such cases the very purpose of the preventive action is defeated.

Thought it is the mandatory duty of a police officer to prevent the commission of any cognizable crime he should use his discretion in exercising his powers in case it is an offence against public convenience and tranquility. In such cases, the police officer must weigh the nature of the threat to public tranquility and the likely consequences of his action.

If, by trying to prevent the single offence of being a member of an unlawful assembly, more serious riots are let loose, then obviously such action is unwise. But in the case of a riotous assembly, the police officer must interpose at once. Mere disobedience of orders under section 144 Cr.P.C. does not make an assembly unlawful and attract action to disperse it. Police should not use force against an assembly on the plea of self-defence, if there are other means of preventing the anticipated danger to the police party, the people or property.

Chapter 5

TACTICAL PRINCIPLES IN CROWD CONTROL

FUNDAMENTAL PRINCIPLES

There is a similarity between the fundamental tactical principles used in combat, for crowd dispersal and on the sports field. There is however, a basic difference in dispersing a crowd and in routing enemy forces. The crowd is not an enemy to be annihilated, but fellow citizens who have to be dealt with in a manner which brings the least harm to them.

In any type of situation the opponent is overcome by:

1. superior force;
2. attacking him at a weak spot; and
3. demoralising or disorganising him by surprise.

Though the police does have superior fire power than the crowd, it is generally inferior in numbers. But recourse to weapons is generally ruled out, hence the police have to rely on the latter two methods.

In military parlance combat has been classified into four basic parts, i.e. Attack, Pursuit, Defence and Withdrawal.

In its applicability to the police, **attack** would consist of an offensive on the front and the flanks to attain surprise and concentration on a weak spot so as to disorganise the opponent.

Through continuous **pursuit** the crowd is prevented from regrouping till it is not in a position to again attack persons or property.

Defence in its applicability to the police would be a protective cordon, such as around a building to prevent a crowd from gaining entry, or the force placed on the flanks of a procession to protect it.

Withdrawal basically is accomplished by leaving a shell in contact with the opponent, behind which the main body withdraws. This is most commonly used by the police when arrested persons have to be extricated from a crowd which opposes the arrest.

ATTACK

The tactical principles for attacking a crowd, described below, can be quite effectively used against unruly crowds and mobs. The flanks of a crowd and its rear, are its weakest. If the crowd is tackled from these directions it can be dispersed with lesser resistance than a movement directed against the front of a crowd which only hardens its resolve to resist the police psychologically and physically.

The basic operating tactical unit is a section and this can go up to platoon, company or even battalion strength. In India the initial force used to handle any disturbance would be the civil police at a police station. For more serious disturbances, the district armed reserve is used and this generally operates with a strength of one guard, or half section, as its basic unit, though they are often broken down into smaller units also. The para-military forces, both of the

Centre³⁸ and the States³⁹ operate in units of sections, platoons or companies. The formations described below can also be adopted by the civil police and the district armed reserve.

Equipment

At the police station level the force is generally equipped with shields batons and protective clothing. However tear gas and other riot control equipment is available with the district armed reserve with the C.R.P.F. and with some State para-military forces. When ever a law and order situation is apprehended the force deployed must be suitably equipped with canes, body, protectors and shields. An armed contingent and gas contingent must accompany the force. In a section strength two constables with tear gas guns, two armed constables and the rest with canes, shields and protective clothing, would be an ideal mix. Plastic pellet firing guns are also now available for use in situations where an aggressive crowd using brickbats does not allow the police contingent to get close enough for an effective cane charge.

The use of .12 bore gun as delivery weapon for specialised ammunition such as tear gas, pepper shell, rubber baton, rubber pellet, Taser, stun grenades etc are also coming into use for riot control. Police forces in India are yet to induct this equipment (please see the chapter on Non Lethal Weapons for Police Use).

Principles of Organization

The tactics adopted for the dispersal of the crowd would depend upon the size and militancy of the crowd, and the force and the equipment available to handle it.

The force is divided into two parts, the front and the rear ranks. The front rank makes contact with the crowd and is equipped with canes, shields, helmets with visor and body protectors. The section commander places himself immediately behind the front line. The second line, equipped with tear gas and rifles or muskets, will be immediately behind the commander, and act as a reserve. In a platoon strength formation the front line would comprise of two sections, followed by the platoon commander. The third section with tear gas and the armed contingent would be immediately behind the commander. This allows the commander to exercise effective command over the use tear gas and fire arms.

Formations

Formations for mob control are based on standard infantry formations. If the constabulary is well drilled in these formations, no difficulty will be experienced in adapting the small variations required for efficient mob and riot control.

There are four basic formations that are used for riot control:

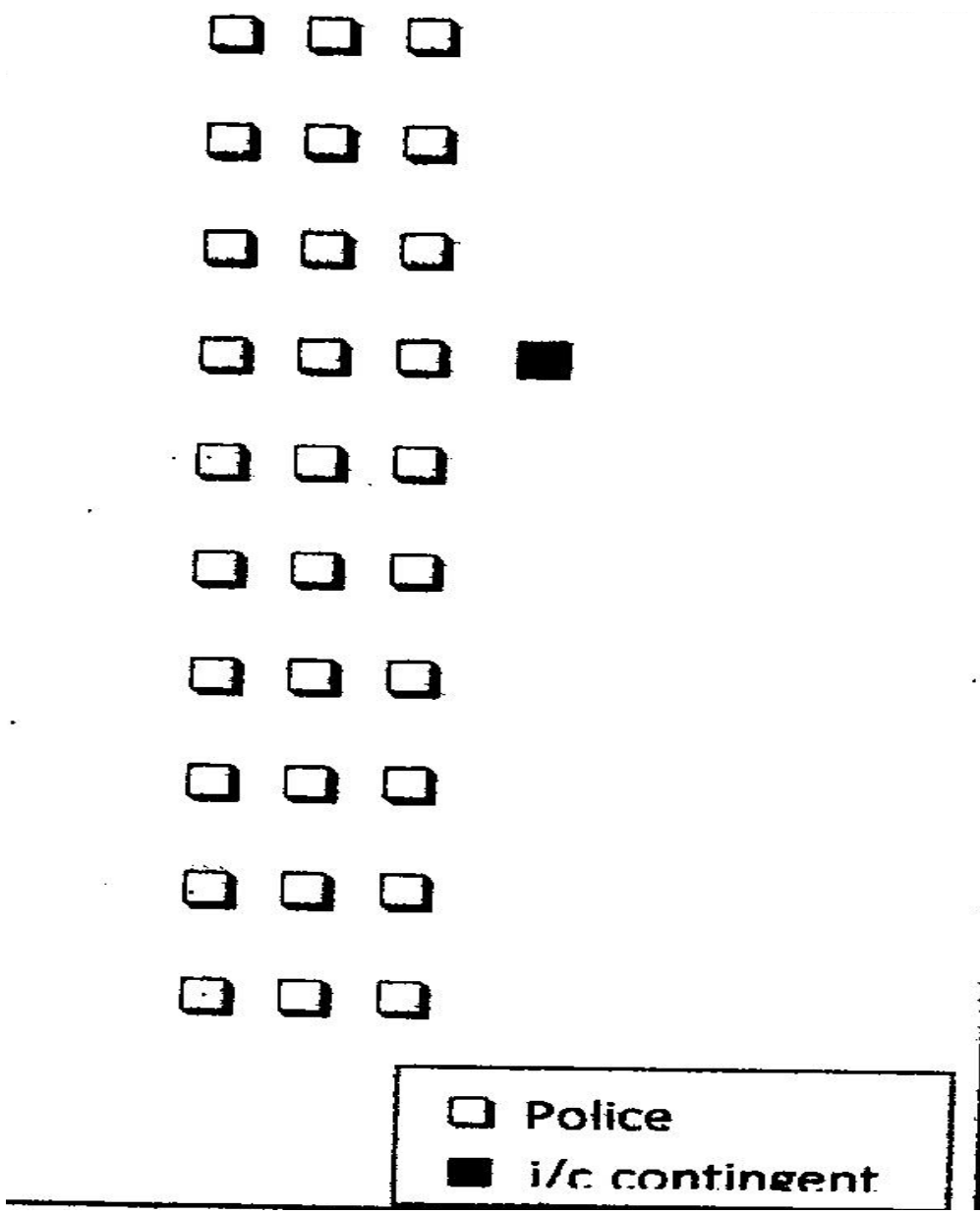
Column formation - This is used for movement from one point to another. The riot area is generally approached in this formation. The movement of the force, when comes into

³⁸ Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo Tibetan Border Police (ITBP), Seema Suraksha Bal (SSB) and Railway Protection Force (RPF). The Rapid Action Force (RAF), a specialised riot control force with its distinctive blue uniform, is a part of the CRPF and specially equipped and trained to handle riots and has a distinct structure.

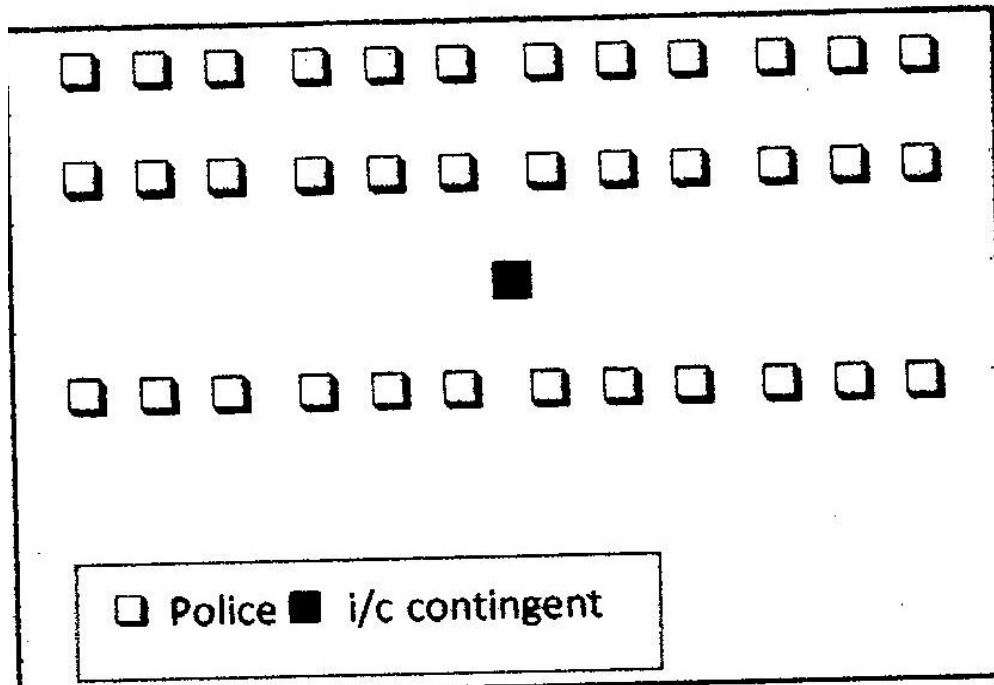
³⁹ States – Pradeshik Armed Constabulary (PAC – Uttar Pradesh), Special Armed Force (SPF – Madhya Pradesh), Punjab Armed Police (PAP – Punjab), Delhi Armed Police (DAP- Delhi), Haryana Armed Police (HAP – Haryana), Bihar Military Police (BMP – Bihar) etc.

view of the rioters, should be in *daudh chaal*. The change of formation should also be in the same tempo. The faster tempo has a psychological impact on the mob, apart from allowing formation change much more quickly.

Column Formation



Line formation - This formation is used for blocking a mob's movement, or for a show of force. This formation is ideally suited for use of tear gas and also allows for quick change over to other formations.



Wedge formation - This formation is ideally suited for clearing streets and splitting up a mob. In case direction is to be changed or if withdrawal is to be effected, it can easily be formed into a triangle with the reserve forming the base.

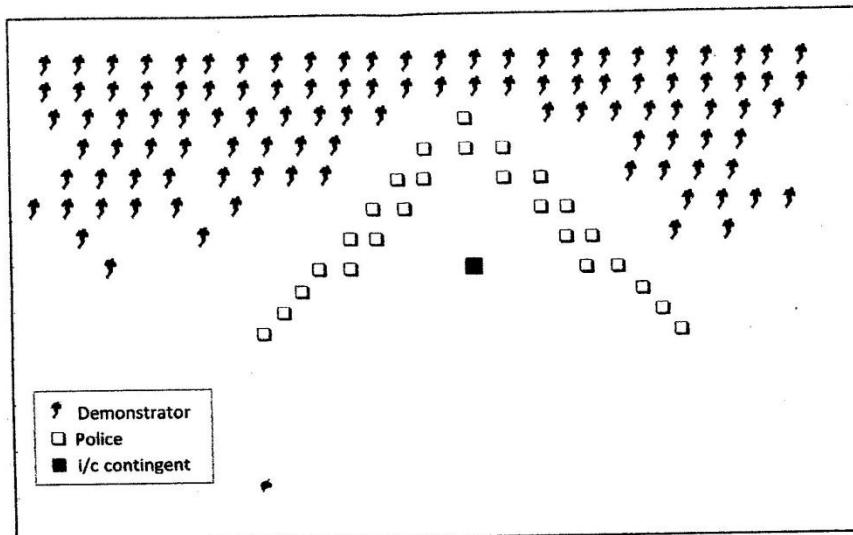


Figure 3 – Wedge Formation

Diagonal formation (left or right Inclined) - This is well suited for the dispersal of a crowd in a particular direction. It can be effectively used for clearing a playing field or a street.

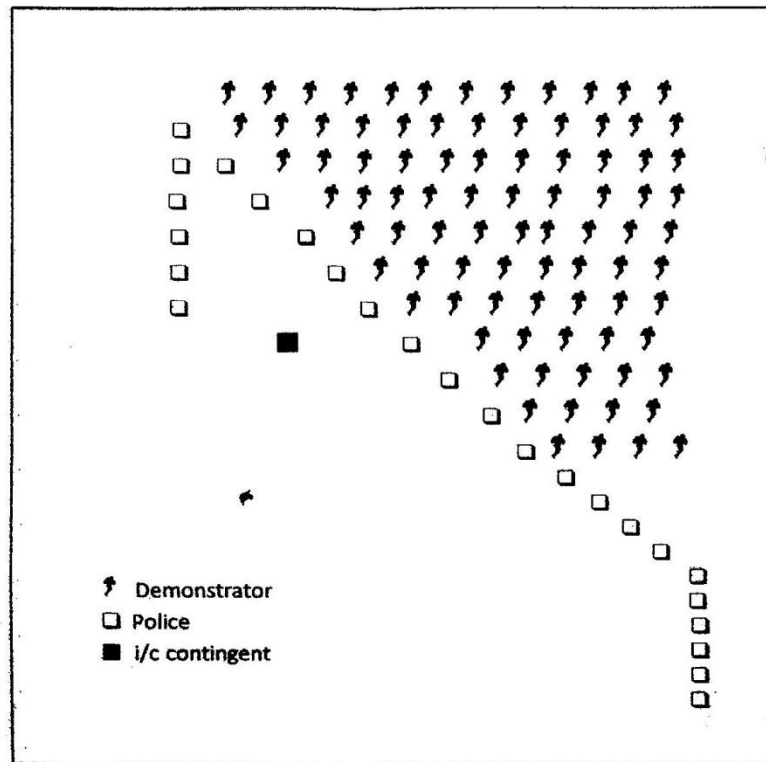


Figure 4 - Echelon (right inclined Diagonal)

TACTICS

Tactical principles can be put to good use to disorganise crowds and mobs and reduce their psychological levels of organised resistance. The sort of formation used will be dictated by the topography and the strength of the force vis a vis the crowd.

Envelopment-This is done by a line extending beyond the flank of the crowd, and around it. Apart from exerting pressure at the rear, which is psychologically not as well prepared for facing the police, a sense of being enveloped disorients the crowd. Take the example of crowd gathered in a city square determined to take out a procession in defiance of prohibitory orders

(Figure 5 below). Attacking the crowd in the front will meet with stiff organised resistance and the crowd will have the advantage of numerical superiority. The best tactic here would be to block the crowd's route by a line formation extending around one of its flanks. Force to disperse the crowd would be used on the flank of the crowd. This will cause the less determined members of the crowd, who are generally to be found at the rear, to disperse. Apart from reducing the crowd numbers, it builds up a psychological urge in the others also to flee, and reduces the resolve in the more determined members to put up a resistance. Avenue for the crowd to disperse must be left open otherwise even the tamer sections of the crowd will be impelled by their sense of self preservation to resist the police.

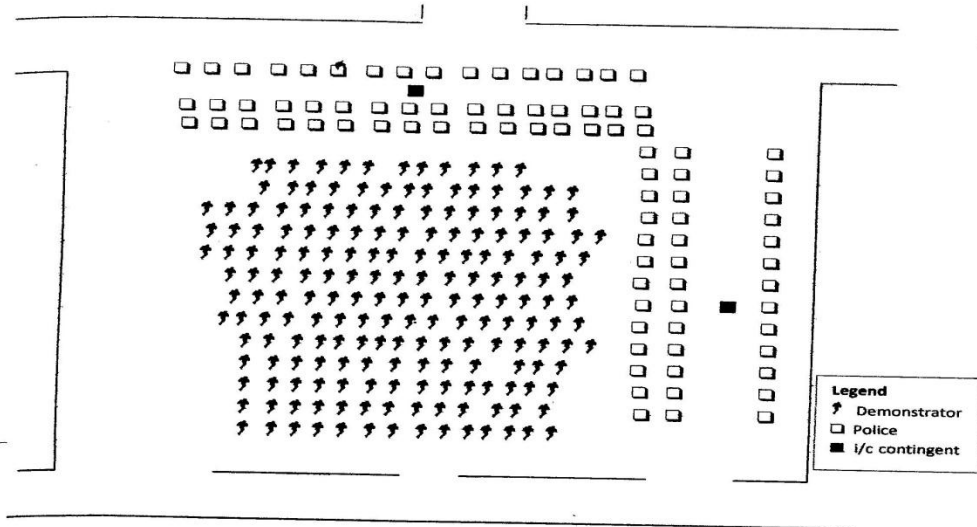


Figure 5 - Envelopment

Turning Movement - This is very similar to envelopment except that the line on the flanks may not be continuous. This can be used to advantage through bye-lanes against a determined crowd proceeding down the main road.

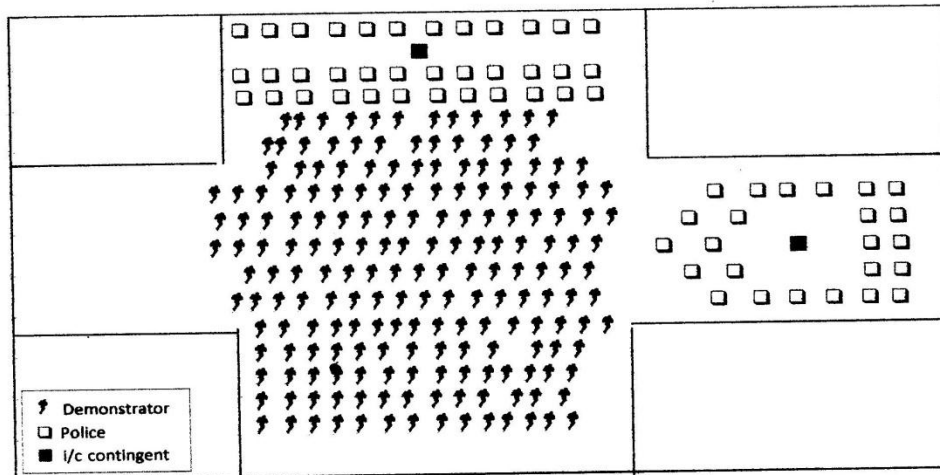
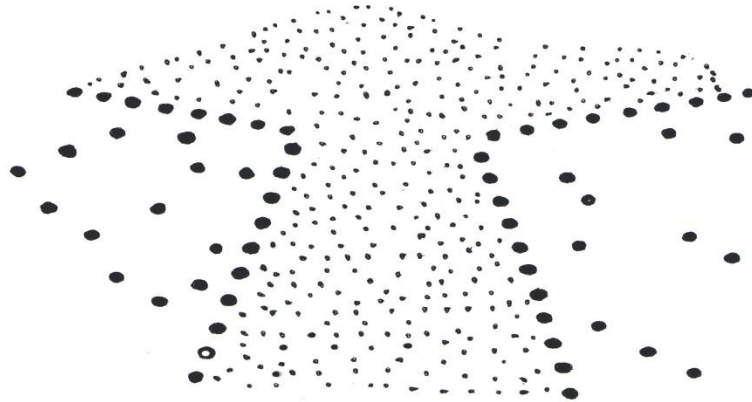


Figure 6 Turning Movement

Encirclement - This is the standard practice of the Kidotai, the Japanese riot police. Here the crowd is attacked simultaneously from two flanks while the head of the crowd is firmly blocked by a strong contingent.

Pincer Movement - This utilises two wedge formations attacking a crowd in diagonal movement on its two flanks. This is particularly suited for splitting apart two opposing factions or for separating the ring leaders from the rest of the crowd as shown in Figure 7 below.



Diagonal Movement: As described above this is particularly suited for clearing a crowd from a street or a playing field into a particular direction.

While dispersing crowds, the aim should be to provide avenues for escape to open areas. If avenues for escape are not allowed even the casual on-lookers will be forced to 'defend' themselves, thus increasing the physical resistance of the mob. In such a situation, there is also the danger of excessive injuries to the crowd individuals.

Often crowds have to be cleared from narrow lanes. No force should be sent in without proper appraisal as the police force would not be able to use tactical methods to advantage and would be at a serious disadvantage in case of brick-battling from roof tops. In such situations shields can be used to gain access to safe areas by sudden rushes till the whole road is occupied. Simultaneously, separate parties should gain access to roof tops to clear the rioters hurling missiles.

Certain guide lines must be kept in mind while using formations for the dispersal of unlawful assemblies.

- a) Movement must always be as a unit. The strength of the police unit lies in its formation rather than the individual prowess of its men.
- b) The unit should be drilled to respond to whistle commands also because in the noise and confusion verbal commands are not likely to be heard.
- c) Each formation must have a reserve to meet the demands of a situation such as reinforcing the line in contact with the crowd, evacuating injured personnel, handling persons arrested, firing tear gas and using fire arms.
- d) The officer commanding the unit must always be to the rear of the line in contact with the crowd so that he can observe the action better and take decisions and implement them effectively without loss of time.
- e) The formation and tactics should be such that no member of the mob can get at it's rear. If such a situation does arise, the formation should withdraw.
- f) If retreat does become essential, the retreat must be made in formation, slowly and with the face towards the crowd. A precipitous withdrawal will only serve to make the crowd more aggressive.
- g) It is not advisable to commit a small formation too deeply into a mob or a crowd, it will lose its manoeuvrability and control and also have it's avenues of retreat cut off.

PURSUIT

Pursuit is a very important factor which is often ignored. Once the mob has been pushed back and dispersed by the police force It must not be given the opportunity of regrouping. Often a retreating crowd indulges in vandalism and violence when there is no police force pursuing it. Crowds should therefore be pursued and pickets set up at strategic places to deny the crowd the opportunity of regrouping. The incident at village Jalda, near Rourkela in Orissa in March 1964, illustrates the consequences of not pursuing a mob. A mixed crowd of Adivasis and Hindus had attacked the Muslim area of the village. A police party led by the Addl. Superintendent of Police and Sub-

Divisional Police officer dispersed the mob by firing. The police thinking that they had saved the situation left the village. The mauled mob regrouped and again attacked the village with greater ferocity leaving 400 dead. Had the police ensured complete dispersal of the mob, this tragedy could have been averted. Pursuit should preferably be made by a fresh force if available, to prevent excessive use of force in retaliation. The force should be adequate in strength so that the crowd is not emboldened to attack it and thereby force it to fire in self defence.

DEFENCE

The tactical method of defence as practiced by the army is:

- Cordon defence
- Mobile Defence.

Policemen, for a long time, have been using the method of cordon defence by posting men around a particular building or place into which the crowds are to be denied entry. Similarly mobile defence is provided to processions to guard against attack by posting moving pickets of police men at the front, rear and along both the flanks. Trans- border raiding gangs and extremist gangs infiltrating across borders are also countered by a series of mutually supporting points and reserves along the affected area, something that the B.S.F. is engaged in doing on our western frontier.

WITHDRAWAL

This is accomplished by leaving a small covering party in contact with the opponents while the main body withdraws. The extrication of an accused while a police party keeps a crowd opposing the arrest at bay, is an example of a tactical withdrawal.⁴⁰

⁴⁰ Contents of this chapter have been extensively sourced from Crowd Control Techniques by Shri A,K, Ghosh. IP and published by the National Police Acedemy.

Chapter 6

INTELLIGENCE

INTRODUCTION

Gathering intelligence is one of the world's, oldest professions Ancient Indian literature and holy books like the Mahabharata and the Ramayana about with references to the 'guptachar,' while the Bible contains a reference about Moses being instructed by the Lord to send agents *"to spy out the land of Canaan.* Agents have been used through the ages to spy and report upon enemies, both external and internal. Intelligence is basically the search for information which is required for taking a decision and initiating action. This intelligence process, instinctive or conscious is common to almost every level of human activity. Take the case of the housewife making an enquiry from her husband regarding the reason for his coming home late and his explanation that he was delayed in the office. This is the commencement of an intelligence process.

According to the Herbert Hoover Commission (1955) *"Intelligence deals with all things which should be known in advance of initiating a course of action.* "The Dictionary of U.S. Military terms has described it as *"the product resulting from the collection; evaluation; analysis; integration; and interpretation of all available information which concerns one or more aspects of criminal activity which is immediately or potentially significant to police planning."*

Though this intelligence process on the one hand, is so common to every day human life, secret intelligence has generally been regarded as *"a field of human activity in which clarity appears to be, and often is, engulfed in obscurity."* Many police men feel that intelligence is the panacea to all their problems while others feel that it is a costly luxury.

Very simply put Intelligence is the fore-knowledge of events gathered by collecting direct information, or by deducing the probable course of events through an analysis of available information. Sun Tzu, a minister in the Chinese Court, while answering his Emperor as to the necessity of gathering intelligence, is reported to have said that the reason why *"the enlightened Prince and his wise generals conquer the enemy when they move, is fore-knowledge."* Similarly, governments and their departments require fore-knowledge for the formulation of policies or proper working, particularly with regard to criminals, subversive and violent elements and foreign aggressors. Intelligence pertaining to foreign aggressors is dealt with by the military whereas that pertaining to internal security is dealt with by the civil authority (police).

POLICE INTELLIGENCE

Police intelligence is the sum total of information or news, rumours, gossip etc. In other words, intelligence would mean the sum total of all such areas which can provide fore-knowledge about any problems. To successfully tackle any problem it is necessary to know the complete facts regarding it's origin, causes, development, stage, consequences and likely reactions to the course of action contemplated.

More often than not, the police administrator is required to take major decisions based on inadequate information. The function of the intelligence machinery is to fill the void that often exists in police decision making. It may therefore be compared to the investigative pr survey wing in a planning department or project. Intelligence also has a preventive aspect as it provides closer focus on various criminal activities affecting security and crime. Good intelligence will lead to effective counter-measures to prevent the crime or subversive activity. Intelligence no doubt is secretive, but most police intelligence is basically hard work involving gathering of intelligence and filtering the mass of information to get at the relevant information.

OBJECTIVES OF INTELLIGENCE

- To narrow down the gulf between probability and possibility. Adequate data can enable a more accurate assessment of the probability of a happening.
- To fill the void in police decision making.
- To plan and improvise police operations to meet law and order challenge.
- To prevent tensions from escalating into civil disorders.
- To enable economy of manpower, time and finance.
- To formulate effective security measures for persons and installations.

CHARACTERISTICS OF INTELLIGENCE

- Communicated information.
- Processed by specialists.
- Confidential in nature.

NEED FOR INTELLIGENCE

The necessity for intelligence collection at the various levels (National/State/District) is dictated by the factors mentioned below:

National Level

- Safe guarding the sovereignty and integrity of the State;
- To know the subversive and aggressive designs of the enemy;
- Internal security; and
- Counter intelligence and counter-espionage.

State Level and District Level

- Communal or subversive groups;
- Law and order problems;
- Matters related to crime and criminals;
- Internal security and counter intelligence.

INTELLIGENCE TARGETS

There are many types of intelligence targets and they include:

- Military;
- Topographical, etc. (general);
- Diplomatic;
- Economic;
- Revenue;
- Communication and transport;
- Social and international crimes;
- Intelligence organisations.

INTELLIGENCE MACHINERIES

States have separate intelligence machineries to collect intelligence of different types. While some countries may use the same agency for collecting different kind of information, in other countries this task might be performed by independent agencies or different departments within the same organisation.

United Kingdom

Counter Intelligence by the MI 5 is under the Home Secretary while foreign intelligence by the MI 6 is under the Foreign Secretary.

U.S.S.R.

The K.G.B. (Komitet Gosundarstvennoe Bezopasnosti), is the principal agency with different branches handling intelligence of different types,

U.S. A.

It has one co-ordinating body, the U.S. Intelligence Board, and various agencies which handle intelligence in various spheres;

- The National Security Council;
- C.I.A.;
- F.B.I.;
- Defence Intelligence Agency;
- Atomic Energy;

- Department of Treasury;
- Bureau of Intelligence and Residual matters;
- National Security Agency.

Israel

The Mossad, literally meaning 'The Agency' is short for *HaMossad leModi'in uleTafkidim Meyuhadim* or "Institute for Intelligence and Special Operations" is the main intelligence agency of Israel, along with Aman (military intelligence) and Shin Bet (internal security).

China

MSS – Ministry of State Security

Pakistan

ISI – Inter-Services Intelligence

India

In India different types of intelligence is collected by different agencies. Military intelligence is concerned with intelligence pertaining to foreign military establishments their lines of communications, strategic industry', etc. (external security).

The Department of Revenue Intelligence gathers intelligence regarding currency violations, taxes, while the Customs and Narcotic departments have their own agencies. Matters effecting internal security are handled at various levels:

State Level

Each state has a C.I.D. handling criminal investigation and intelligence. In most states this has been bifurcated, with the intelligence work being conducted by the Special Branch or Intelligence Department, and the criminal investigative work by the Crime Branch. All police intelligence agencies are coordinated by the I.B. under the M.H.A.

District Level

The District Intelligence Branch (D.I.B.) or Local Intelligence Unit (L.I.U.), which is generally under the dual control of the S.P. and the Special Branch.

TYPES OF INTELLIGENCE

Strategic Intelligence

This has long term value and may not be of immediate use. Most of this information is descriptive such as details of political parties, their ideologies, party members, cadres, etc.

Line Intelligence

This includes intelligence that, after due sifting and processing, would be of immediate **use to** the authorities for planning and operations.

Counter Intelligence

This is basically collection of intelligence to counter the activities of foreign agents who may have penetrated the security establishments to secure intelligence of military value and against agents indulging in acts leading to the destabilisation of the country.

Types of Intelligence

Intelligence operations are basically of two types :

- Overt or open intelligence, the essence of which is awareness of the spoken or printed word, activity taking place or rumoured to have taken place, and the problems, opinions and beliefs of the people.
- Covert or secret intelligence is gathered by putting an agent or device in close proximity to the object or persons without arousing their suspicion. Collection of covert intelligence is a difficult task calling for extreme patience, ingenuity, hard work and dedication.

STAGES OF INTELLIGENCE WORK

There are five stages of intelligence work from the stage of raw information to the final estimate or intelligence product:

COLLECTION > COLLATION > ANALYSIS > ASSESSMENT > ESTIMATE The estimate must be *accurate* and *correct*.

DISSEMINATION OF INFORMATION

Data collection is time consuming and costly. Most of the information collected would be strategic or long term. But for its proper evaluation it has to be graded to determine its reliability. Credibility usually depends upon the source from which the information is derived. The grading used is something like this:

SOURCE INFORMATION

Highly reliable	Confirmed
Usually reliable	Probably true
Fairly reliable	
Unreliable	

Another point to be kept in mind is the 'pertinancy rating' of the information should be applicable to the issues and not remote and off tangent.

Use of Data

Access to intelligence products is one of the most important issues that faces any organization. In fact the issue 'who should know takes precedence over a number of other consideration and should depend upon:

- Need to know on the part of the recipient
- Clearance by the authorised authority.

APPLICABILITY TO MAINTENANCE OF PUBLIC PEACE AND ORDER

In all serious disturbances, particularly in communal disturbances, the importance of a full, correct and timely intelligence for planning the police strategy cannot be under rated. Good intelligence will facilitate the most effective posting of the man power resource and equipment at the places which require them the most. It works like a force multiplier. Good intelligence helps maximise police effectiveness. Good intelligence is not the end all. For good intelligence to be effective it must be properly appreciated, and assessed so as to form the basis for subsequent formulation plans. A good amount of intelligence can be gleaned from press reports of happenings in neighbouring countries, states and districts. A police officer who is able to make a proper appreciation of such reports and correctly assess the situation in his district will be able to forestall serious troubles in his jurisdiction. Real intelligence comes into play when information of secret meetings and general feelings of resentment amongst the people are intercepted. An officer who is able to effectively use his intelligence machinery is placed at a decisive advantage.

INTELLIGENCE MACHINERY AT DISTRICT LEVEL

An intelligence organisation cannot be set up over night. It must be permanently on the ground, particularly in areas sensitive to disturbances. Intelligence reports should not be shunned as alarmist or uncorroborated, but should be checked and assessed immediately. Every S.P. has access to two immediate agencies, the police station staff and his district intelligence branch, apart from central intelligence agencies, to corroborate and verify reports

received. In rural areas it is the police station staff which has to bear the brunt of collecting information through chowkidars and the beat patrols, as the district intelligence branch is generally not in sufficient strength to adequately cover these areas, and can in no way supplant the intelligence that can be gathered by the police station.

Apart from these sources, every Supdt. of Police must have his own sources of information. These are essential so that the S.P. can corroborate and analyze information received. Information by the S.P. is gleaned not only from reports of his regular sources, but also from visitors and complainants to his office, through public contact while on tour in his jurisdiction, interrogation and interview of suspects and witnesses, newspapers and periodicals and through social contacts at clubs, public and social functions and otherwise. If the S.P. has a good intelligence system he is able to handle potentially serious incidents without visible deployment of extra manpower. When the intelligence system fails and the S.P. is unable to put his finger on the exact cause of trouble he usually responds by deploying extra force. There is no laid down charter but anything reflecting on law and order becomes the responsibility of the district police and should come within the ambit of intelligence collection.

DUTIES OF THE DISTRICT INTELLIGENCE BRANCH

The D.I.B. (District Intelligence Branch) or the LI.U. (Local Intelligence Unit), or District Special Branch, as it is known in some states, is responsible for gathering all information regarding activities which can have a bearing on law and order, and consequently the following are given particular attention:

- activities of political parties, religious groups, and communal groups and organizations,
- agrarian, labour and student unrest,
- influx of foreigners particularly Pakistani and Bangladesh!,
- reaction to government policies,
- locating leakage of sensitive information to political agencies,
- activities of extremist and radical parties,
- examining newspapers, books, printed matter and speeches or activities prejudicial to the communal harmony or the integrity of the country,
- security is another very vital feature of the intelligence set up. It may be defined as an effective precaution against espionage, activities of subversive elements and threats to persons due to various reasons (V.V.I.P. security). In the present day context of extremist activity and violent methods, security of persons under threat and that of vital installations has become an important function of the intelligence agencies. On the external plane, security would imply counter measures to deny the enemy the means to collect intelligence.

The D.I.B is also responsible for other functions such as:

- Verification of personnel
- Registration of foreigners. The district S.P is the F.R.O or Foreigners Registration Officer with three main regulatory acts:
 - i) Passport (Entry In India) Act 1950
 - ii) Registration of Foreigners Act and
 - iii) Rules 1939, Foreigners Act 1940, rules and orders basis of contacts, surveillance, interception (censor of mail or otherwise) printed matter etc. without the knowledge of the subject.
 - iv) Various schemes dealing with internal security such as the district riot schemes and internal security schemes are to be kept updated.
 - v) Communal cell in the D.I.B keeps records of all communal issues past and present in the district and handles all literature and propaganda by communal parties and individuals. A communal information register with locality wise record of communal disturbances, detailing the sequence of events and police response provides an invaluable insight into the historical chronology of a issue. A district festival register is also maintained by the cell.

Chapter 7

CONTROL OF CROWDS BY PLANNED REGULATION

INTRODUCTION

A police officer will have to handle two basic types of crowds, viz. spontaneous crowds as a result of some immediate incident or happening, or crowds on the occasion of some religious festival or mela (fair) , procession, sports meet, political demonstration or other agitation's, public meetings etc. for which there is adequate fore-warning. This forewarning is in the shape of intelligence reports or advertisement by the organisers of the event through posters, press inserts, loudspeakers and even wall graffiti. Organisers are required to take prior permission from authorities before organising an event⁴¹. Such information gives the police officer sufficient time to plan police strategy and make plans for:

1. Preventing disorder through provocation by opposing factions;
2. Any untoward incident;
3. Regulating the movement of crowds through physical barriers where mammoth gatherings are expected;
4. Regulating crowds at public meetings or processions in which a V.V.I.P. is present; and
5. Making arrangements for other processions and meetings.

NECESSITY FOR PLANNED REGULATION OF CROWDS

Planned regulation of crowds cuts down the risk of stampede which can result in colossal disasters leading to hundreds of deaths. Planned arrangements are also required to provide security against disorder during various types of protests, religious processions and meetings. Recently there has been an upsurge in terrorism in the context of which contingency planning for large gatherings at sports stadiums, fairs, rail/metro/bus stations, multiplex/malls, markets and other large gatherings is an essential requirement, both for preventing a terrorist act and containing its resultant repercussions has become a necessity.

INTELLIGENCE

There must be highly accurate intelligence regarding the event pertaining to:

- (1) Type of event and its purpose;
- (2) Time, date and duration of the event;
- (3) Estimated strength of the crowd;
- (4) Attitude of the organisers and their ability to control crowds;

⁴¹ Section 30, Police Act 1861.

- (5) Mode by which the participants will be reaching the assembly points and dispersing;
- (6) Extent of militancy in the crowd;
- (7) Likely disorder that may occur at the meeting or on the route of the processions;
- (8) Possible public reaction and likelihood of conflict;
- (9) Route of procession, alternate route in case of trouble and vulnerable buildings;
- (10) personal security of eminent persons participating;
- (11) Likelihood of deliberate disruption of public order or traffic;
- (12) Attitudes and intention of organisers towards unwanted part in the demonstration;
- (13) Other counter demonstrations, attractions or events taking same area.

PLANNED REGULATION OF DIFFERENT TYPES OF CROWDS

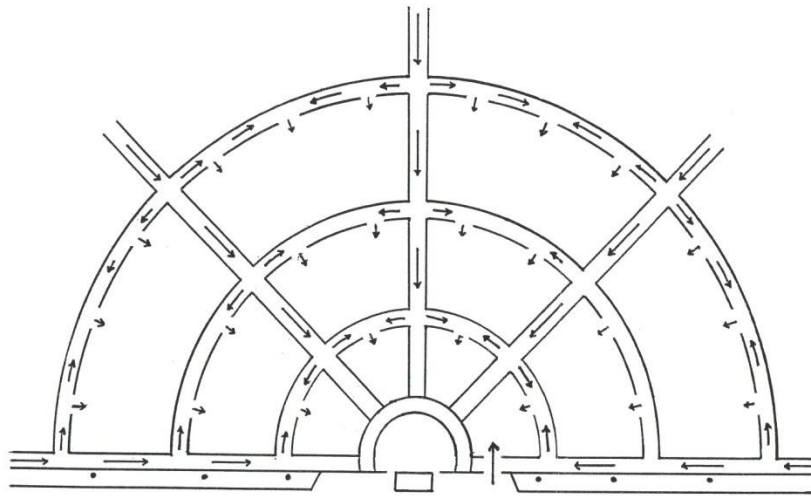
Methods for regulation of crowds vary and depend upon the purpose for which the crowd is likely to gather. It also means that such events are known before hand and therefore a strategy can be planned to eliminate stampedes and have an orderly distribution and movement of crowds, and also take requisite steps to ensure adequate arrangements at the venue to prevent breach of peace and provide proper security. This is all the more important, in view of the proliferation of terrorism and the delicate communal environment which have aggravated the propensity for trouble on such occasions.

PUBLIC MEETINGS

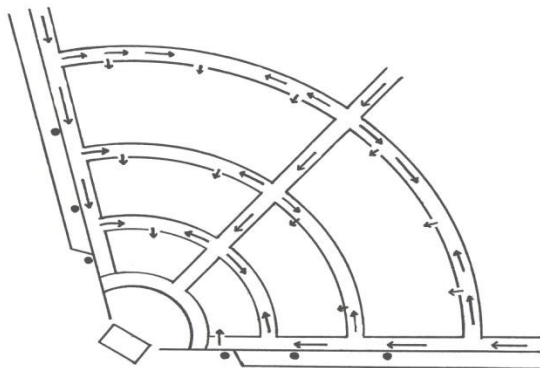
The arrangements at a public meeting are made with a view to:

- ⇒ allow easy distribution of the crowds;
- ⇒ enable the spectators to have a good view of the speakers; and
- ⇒ to provide suitable security barriers to handle a disturbance, if any.

The area is compartmentalized to prevent crowd pressures from building up at any one point. At a V.V.I.P.'s. public meeting the arrangements are made in the shape of a horse-shoe with the rostrum at the centre of the base. The area is divided into sectors by concentric barricades, access to which is provided through radial and semi circular gangways. Access to the sectors is from the rear through the semi-circular (The police force stationed in the gangways controls the movement of the crowd and prevents over-crowding in any one sector. An isolation cordon is provided by placing plain clothes policemen in the semi-circular gangway nearest the rostrum. Adequate reserves are kept at the rear of the meeting, from where a disturbance usually starts, and near the rostrum (but out of sight) to handle any contingency near the V. V. I. P. Similar arrangements can be made for a variety of shows or functions of a similar nature (Figure 8).



It must be remembered that crowds should gain access through radial gangways from the rear of the meeting, and then move along the semi-circulars to gain access to the sector. If semi-circular barricading is not done there will be a heavy pressure by the crowd towards the front which would be difficult to control. In case the area is constricted the semi-circle can be reduced to the shape of a cone with only three or even two sectors in each row, in accordance with the same basic principle described above. Figure 9 shows the diagram of the layout of a meeting in a **restricted space**.



Other Requirements

There will be the same requirement for detailed gathering of intelligence and pre-planning tailored to suit the anticipated situation, as listed above.

When there is apprehension or possibility of opposition-to the meeting or function being organized, it is essential that the organizers and participants are able to get to the meeting, but the opposing groups are so vetted that they are unable to get within contact distance-

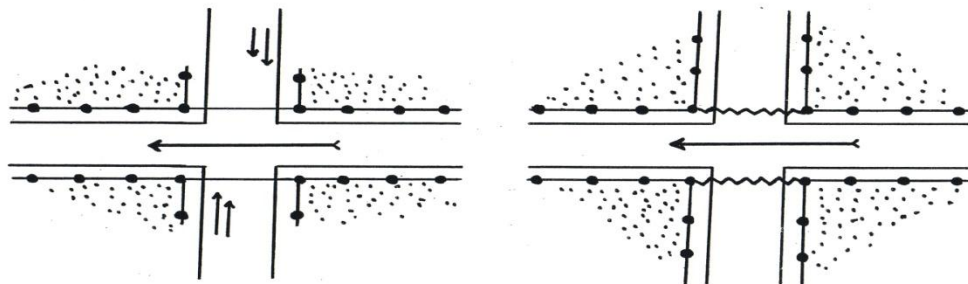
In order to deal with hecklers and black flag demonstrators, plain clothes men should act as spotters of persons likely to cause disturbance. Such men can be quietly removed from the scene. This can be effectively done by the force detailed in the gangways. It is always prudent to detail men in plain clothes in groups of twos or threes in various sectors to handle any hecklers or persons causing disturbance.

PROCESSIONS

Two types of arrangements are required here:

- Control of spectators;
- Control of precisionists

Control of Spectators - Spectators are controlled along the route by route lining of constables. In places where heavy crowds are expected barricading at intersections is done. Barricades can be of two types. Normally corners of intersections are barricaded, but if the pressure of traffic and crowds on intersecting roads is expected to be heavy, these should be barricaded with movable barricades which can be put in place a short while before the procession approaches. One way traffic should be allowed.



During the passage of a V.V.I.P. fleet, the barricading should be erected along areas where substantial crowds are expected to gather. Constables on route must face away from the road as the trouble or threat will come from the buildings and areas along the road. Constables also must be posted in lanes and roads emerging on to the road, as groups of people or demonstrators can gather on the road as the fleet approaches.

Control of Processions

Processions are taken out on various occasions to register protests, celebrate victory (as after elections), on religious occasions and festivals, or to press for demands. A procession has to be properly escorted as its propensity for breach of peace and violence is great. Because the route of such processions is generally through the market and other congested areas, the possibility of some processionists damaging or looting property or attacking or maligning others is quite high. High risk processions such as on religious occasions, or processions of a communal nature, or procession by parties expounding communalism, must always be properly escorted.

Advance notice of the procession is usually available in the form of advertisements on the walls and in papers and posters, through applications for permission to take out a procession, and through the intelligence gathering machinery. POLICE MUST IMMEDIATELY hold discussions with the organizers for arrangements of mutual benefit. The police can learn about the proposed route, strength of the processionists, area from which the processionists are expected, the assembly and terminating points. This would give the police enough time to make the requisite arrangements for policing the route, make traffic arrangements to provide escort for the procession and also check the route (for sensitivity and suitability) and get it changed if necessary (Sec. 30 Police Act)

Routing - The route of a procession should be discussed with the organizers before hand. In the case of traditional processions, the traditional routes should be enforced. In the case of others, the routes should be studied and amendments made if law and order considerations dictate so. In both cases, a written order specifying the route should be issued (as envisaged by section 30, Police Act. 1861). An alternate route must also be kept on the contingency plan to be used in case of trouble on the main route.

The procession should be made to move on one side of the road. In case of roads with a single lane, one side of the road can be utilised by the procession leaving the other free for traffic. In other cases, it is better to divert traffic through alternate routes.

In the case of processions by demonstrators, who intend handing in petitions on the way, it would be advisable to ensure the presence of a representative to receive the petition. The police should ensure this by advance liaison. This is often the case with agitations by

students, traders, labour union, government employees and political parties.

Police Strategy and Tactics

Often processions carry a high risk potential for large scale disorders. In such cases police will have fore-knowledge and therefore there is always opportunity for contingency planning and orders to be drawn up. It will also permit a review of the procession whether it should be permitted or not.

The principal aim of pre-planning is to minimise the police problem by the proper utilisation of force at the points requiring it.

Intelligence

Refer to the paragraph on intelligence at the beginning of the chapter. The same points will apply here.

General Considerations White planning for the event, police strategy and deployment should provide for

- containment of trouble; and
- dispersal of the crowd.

In demonstrations of a political nature the police may have to adopt a low profile, with force stationed at strategic spots to be called in as and when required, and also at assembly and dispersal points.

The police operation should contain flexibility and mobility and should be planned and based on an objective assessment.

Special vigilance should be directed towards preventing armed persons arriving at the scene of demonstration.

All personnel engaged in the operation should clearly understand their duties. For this purpose the orders issued must be clear. Use the **IIMAC**⁴² method answering the three fundamental questions:

- what is the event?
- why are we involved? and
- how are we to do our job?

Information: This should cover the time, day, date, place and nature of the event in concise terms.

⁴² Public Order Guide to Tactical Options and Related Matters (A U.K. Police Publication)

Intention: Aims and objectives should be clearly defined. Officers and subordinates must know why the operation is being and what is expected of them.

Method: Identify the organisational structure with a summary of the police manpower, clearly indicating various duties and the job requirement skills.

Administration: Transport, refreshment, uniform, traffic, maps and plans

Communication: Wireless and telephone communications, control room, briefing of personnel to be deployed for duty and debriefing at the end

Opposition to Procession

Opposition to processions of a political nature, or those taken out by student or labour organisations can come from opposing factions. Religious processions which are opposed by the other community require even more attention. This opposition can take the form of:

- sporadic attacks along the route;
- knots of opposers may appear at various stretches of the route in the case of communal processions, this would be in pockets other than those dominated by the community taking out the procession);
- concerted attacks in strength (in communal cases the opposing community would make such attacks in areas dominated by them); and
- there could be a converging procession by an opposing group or community which may have been taken out in defiance of orders.
- Attack by processionists on opponents while passing by their houses.

In March 1977 a Shia procession was taken out in the Saadatganj area of Lucknow on the occasion of Nauroz. While passing the houses of some Sunni Muslims, some persons from the rear of the crowd attacked one of the houses setting it afire along with a 16year old girl.

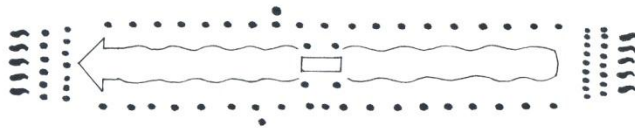
The riot in Colonelgunj town of district Gonda in U.P. in October 1990 during Dussehra vividly illustrates this. A Dussehra procession passing through a Muslim dominated locality was allegedly brick batted on provocation. The processionists also reacted and the riot that was let loose claimed over 40 lives. This occurred in the backdrop of heightening tensions over the shilanayas of the Ram Temple in Ayodhya proposed for October 30th 1990.

Tactics

The tactics given below can be adopted to deal with such problems:

- a. Such processions should be heavily policed. Strong police parties should be detailed at the head and tail of the procession. The flanks should be provided with security through flanking cordons. In the case of religious processions each float (rath or jhanki) should be detailed a separate escort party. Mounted Police, if available, should be detailed at the head and at the rear of the procession. The tear gas squad should be detailed both in the front and at the rear of the procession.
- b. A mobile party under a responsible officer should move some distance ahead of the procession to clear the route and scout for any likely disturbance.
- c. Pickets of police reserve should be detailed at strategic spots along the road. In case of paucity of man power more areas can be covered by leap-frogging the reserves.
- d. Police pickets should be detailed at sensitive spots inside bye-lanes (to forestall knots of persons opposing the procession from gathering), and on roof tops to prevent brick-batting. Where ever prior intelligence regarding the collection of missiles is available these should be got cleared.

It has often been observed that on some minor provocation a section of the procession vents its vengeance on the other faction. Often it is at the tail of the procession that this kind of trouble takes place. Consequently, there must be adequate reserves at the tail of the procession. There must be a radio link between the scout, front and rear parties, as well as at the flanks (Figure 11 below).



REGULATING MOVING CROWDS AT MELAS

Melas such as those held during Kumbh and Ardh Kumbh at Haridwar and Allahabad, where huge crowds of people congregate to bathe at a particular auspicious time, makes it necessary to make special arrangements to handle the large volume of the crowd. This is possible by one way movement of crowds through a series of check points along predetermined and well barricaded lanes. This regulation starts a long distance away from the main spot. The Kumbh Mela at Allahabad and Haridwar are classic examples of this regulation where over 90 lakhs of devotees congregate.

India has witnessed many serious incidents of stampedes, some of which are mentioned below.

- (1) In 1954, more than 500 people perished in a stampede at Allahabad during the Kumbh Mela.
- (2) In 1985 during the Kumbh Mela at Haridwar in about 50 persons died in a stampede when the barricading gave way.
- (3) 300 pilgrims died in a stampede at Mendher Devi Temple at Wai, Sitara District, Maharashtra on 25 January 2005 when some pilgrims slipped on the stairs wet with coconut water from offerings at the temple.
- (4) 162 persons lost their lives in stampede triggered by heavy rain during pilgrimage to Naina Devi Temple in Himachal Pradesh on 3 August 2008
- (5) 249 persons lost their lives in a stampede at the Chamunda Devi Temple, Jodhpur on 30 September 2008.
- (6) 106 people died in stampede at Sabrimala Temple in Kerala on 14 January 2011 on the occasion of Jyothi Divas, when a jeep overturned. Prior to this in 1999 on the same occasion 52 pilgrims had lost their lives.
- (7) 115 killed during a stampede at the Ratangarh Mata Temple in Datia District of Madhya Pradesh on 13 October 2013.
- (8) 39 persons lost their lives in stampede at Allahabad railway station on 10 February 2013 when the railing on a footbridge gave way during the Kumbh Mela.

Foreign countries to have a long list of disasters during stampedes on religious occasions or festivals – at the Yahiko Shrine at Yahiko Japan on 1-1-1956 (124 deaths), at the Al-Ma'aisim Tunnel at Mecca on 2-7-1990 (1426 deaths), at the Mexican Chalma Sanctuary on 13-2-1991 (42 dead), at the Jamarat Bridge Mecca on 23-5-1994 (270 dead) and on 9-4-1998 (118 dead), at Mihong Park, Beijing on 4-2-2004 during Lantern Festival (37 dead), at Jamarat Bridge, Mecca on 12-1-2006 (345 dead), at the Water Festival in Phnom Penh, Cambodia on 22-11-2010 (347 dead)

The problem on the peak days is the handling of the enormous crowds journeying to and fro from the small bathing area at the *Sangam* or the confluence of the Ganges and Yamuna. The principal ingredients of the system are:

- The incoming crowds are controlled from the very beginning at the outskirts of the city and brought into the Mela area by specially assigned barricaded routes. Over bridges are constructed at two or three points to prevent the streams of pedestrians from crossing each other
- Along the entire route are hold-ups and diversion schemes. In case a hold up occurs enroute or at the *Sangam*, the crowd is diverted into the diversion and taken by a circuitous route till the hold up is cleared. This is done because a moving crowd cannot be stopped. As many as nine such emergency schemes are used.
- An elaborate system of watch towers along the entire route is erected, with each tower linked to the mela control tower through wireless and a telephone network. Loudspeakers are installed for guiding the crowds. CCTV is also used to monitor the crowds.
- To ensure uninterrupted access for the administrative machinery, special barricaded lanes are provided connecting the *Sangam* with the Police lines. This allows reserves to be rushed to pressure points.
- Complete one way traffic is imposed for all incoming and outgoing traffic (vehicular) in the city and mela areas. Fast and slow segregated.

SPORTS STADIUM

A stadium usually has a sloping seating arrangement to prevent people from crowding to the front. The area is segregated into small enclosures and entry restricted according to its capacity and anticipated crowd pressure. The design should be such as to allow for quick unhampered exit of crowds from the stadia. In 1988 some 78 persons were killed in a stampede at a foot ball match in Kathmandu when a hail storm stampeded the crowds. Britain has had a history of disasters at sports ground such as the Bolton Wanderers Football ground disaster in 1946 when 33 spectators were killed after the collapse of a railing due to crowd pressure, or the Ibrox disaster of 1971 in which 66 people were crushed to death when supporters of a losing side leaving the stadium suddenly turned back into the stadium when their team scored a goal. This resulted in extreme pressure building up at one of the exits and the barriers gave way. Spectators fell and were trampled down. In a stampede in 1989 at Sheffield Stadium 96 persons were crushed to death when police allowed entry of fans into enclosures already overcrowded.

It was found that in a fairly steep ramp or staircase, where movement of the crowd is downwards, the pressure will be the greatest a short distance from the ground. Any obstacle near the bottom caused by a stumbling child or person will cause those nearest it to bend forward, lose balance and fall. This danger can be reduced by reduction of the slope, short

flights with wide landings and with wider steps at the bottom than at the top. After these disasters, in Britain doors of stadium are supposed to open outwards as per law so that on crowd pressure the doors can easily pushed open from inside. Sufficient publicity should be given to educate the public on the arrangement made so that they know what is to be done.

Pedestrian and Traffic Control

At matches, where a large turnout is expected fore-thought has also to be given to traffic and pedestrian control outside the stadium. Separate parking spaces for separate enclosures and barricades to regulate movement of crowds are necessary. A traffic flow plan should be devised for a smooth movement of vehicles and pedestrian; (See Traffic Flow Plan).

HOOLIGANISM

Another problem of late is that of hooliganism in sports fields particularly football. A serious riot at the Hysel Stadium in Brussels, Belgium, by British fan led to 39 persons being killed in violence and the resultant stampede. In 1988 again there was rioting between British and Continental fans in Germany. Lima, the capital of Peru has the dubious distinction of seeing the worst football disaster in 1964 when 301 spectators were killed in rioting. Such trouble is now also seen in India.

Intelligence regarding likelihood of crowd disturbance should be obtained before hand and interpreted through experience and common sense. Some likely aspects of this intelligence are:

- (1) History and past conduct of the home and away team supporters
- (2) Estimated size of crowd including supporters of the team;
- (3) History of previous trouble between supporters;
- (4) Intelligence from police and other sources. Other factors which would come into consideration are importance of the result of the match to the sides, other matches in the area, press and media reports.

Strategy

- As far as possible supporters of the two teams should be seated in separate enclosures. Their vehicular parking areas should also be separate.
- Special attention needs to be given to public houses, restaurants, and parks and other likely assembly points or collecting points which may lie on routes leading to the stadium.
- Individuals should be searched at the entrance to the stadium for concealed weapons. This is essential also in the context of terrorist activity.
- During the match, terraces and stands should be filled to capacity in order to reduce lateral movement of spectators. All gangways should be kept clear and police squads

positioned in sectors to prevent trouble.

- During dispersal policemen should take up position near the exit points to prevent sudden stampedes or pushing. Police observation posts should be set up so that crowds can be properly observed through binoculars. Contact should be maintained through wireless. Police watchtowers manned by officers can be erected just behind the stands.
- Persons ejected from the ground and supporters who have failed to gain entry should be properly policed. Such persons often attempt to gain entry at half time or just before the conclusion of the match and cause a confrontation situation.
- Remote controlled closed circuit television coverage of the stadium stands and area outside the stadium to monitor the situation from a police control room in the stadium.

Other aspects which have to be borne in mind are:

- (1) Movement of spectators from ends of stadium should be discouraged ;
- (2) Upon the outbreak of trouble the affected terraces should be immediately cordoned off by a double line of policemen from the rear and the sides of the point at which the disturbance has taken place;
- (3) Pitch incursions by spectators should be prevented and cleared immediately by sweeping by foot police;
- (4) Police should be deployed outside the gates in suitable strength to prevent a *lock in* by supporters left outside;
- (5) Emergency evacuation procedure must be practiced and all policemen made familiar with the drill.
- (6) Spectators who failed to gain entry should not be allowed to congregate at the gates as it is likely that they may force their way in (Sheffield - 1989).

TRAFFIC FLOW PLAN

This is required for large gatherings to prevent traffic jams, such as the one that occurred at the Tilpat Range near Delhi in 1954. Vehicles of those coming out after the conclusion of the display got ensnarled on the narrow road with vehicles of those still coming in. The lessons learnt from this experience were that the main carriage way should be dual, or even four lane; additional link roads for diversion should be available, slow moving and fast moving traffic should be segregated, cross traffic should not be allowed; different parking lots to handle regulated dispersal should be ensured: availability of break down vans for removing vehicles that have broken down; proper policing with R/T communication and proper selection of site be ensured.

During the Commonwealth at Delhi in 2010, dedicated traffic lanes were marked for participating contingents and technical official and organisers. An IT driven Intelligent Traffic

System (ITS), was put in place to help smoothen traffic flows before, during and after the event. Major features of the system include installation of intelligent video cameras at major traffic intersections, communication of live video images from traffic intersections through the cyber highway to the central command and control centre allowing for immediate decisions for smooth traffic flow.

ARRANGEMENTS AT FAIRS AND EXHIBITIONS

The volume of moving crowds is much less at fairs and exhibition hence barriers only at the entrance and exit may be required, it is preferable to have the fair laid out on rectangular lines with static posts at intersections and mobile patrolling in the lanes. Towers at vantage points should be set up if the volume of crowd is expected to be large. This will allow for better visibility and control by the Police. The anticipated volume of the crowd will dictate the extent of arrangements. In larger fairs CCT coverage with live input to the control room should invariably be a part of the arrangements.

Chapter - 8

CORRECT POLICE ATTITUDES IN DEALING WITH DIFFERENT CLASSES OF AGITATORS

There are many types of agitators that the police have to handle. Each type of agitator requires a different approach. Some of the different types of crowds or agitators are:

- a) Political agitators;
- b) Students;
- c) Labour;
- d) Agricultural or peasant
- e) Communal.

Agitations by these groups can be in the form of meetings or processions. They can degenerate into rowdyism if not properly handled.

POLITICAL AGITATIONS

A political agitation can be conducted by many means, through the press, wearing black bands or badges, non-cooperation, demonstrations which could be in the form of a meeting, processions or a strike.

Political parties often express their disapproval of certain Government measures by demonstrations. Demonstrations are generally well publicised in order to garner public support and increase the gathering. Such demonstrations are also organised by traders and other such associations against Income Tax/Sales Tax or other authorities, and by government /private employees for projecting their demands.

As has already been pointed out in earlier chapters, citizens have a Constitutional right to assemble peacefully but without arms (Article 19 (1) (b) of the Constitution), and therefore normally, such meetings and processions should be allowed. Suppression of such legitimate method of protest can only result in the protesters adopting more violent methods later on.

Rallies, meetings, and processions, even though peaceful, should be given proper police escort under a responsible officer. Often opponents of the party which is protesting, may oppose the march or disrupt a meeting by creating a commotion or showing black flags. Unless there is a proper police escort such demonstrations can lead to violence.

Usually advance notice is available for meetings and processions. On the basis of assessment derived from intelligence reports it should be possible to plan in advance and draw up operational orders. The steps mentioned in planning for marches and meetings in earlier chapters can be put into use here.

A usual feature of political demonstrations is a strike or *hartal* during which a *bandh* may be organised with the objective of showing to the government the extent of public support behind strike.

Normally when a call for a strike is given, the party giving the call may resort to intimidation and even violence to impose its will on the public. Such strikes require to be handled with care. If the demonstrators are not handled carefully they interfere with the liberty of other individuals. But if the police does interfere, it often results in a clash with the demonstrators leading to police criticism. The proper course to adopt during a strike or call for a *bandh* is as mentioned below:

- deploy police in adequate numbers at strategic spots, in markets, or near government offices, as the case may be,
- intensify patrolling by supervisory officers in affected areas,
- maintain strong reserves to handle contingencies such as strikers forcibly effecting closure of establishments during a *bandh*, or resorting to violence such as brick batting and obstructing moving traffic, which are cognisable offence,
- The police should normally not interfere till the strikers resort to intimidation, and even in such cases the objective of the police should be to contain the trouble without giving cause for repercussions. It is always useful to contact the organisers before hand and seek an assurance that no groups will be moving about forcibly affecting the closure shops and establishments.

The easiest way to disrupt life in a big city is to disrupt the transport services. Consequently, during a strike the bus services are the first target of attack. Sometimes the government may decide to run the services with police escort. This may eventually lead to a clash because it is not possible to adequately guard every bus and the demonstrators could have their way in hit and run attacks. A clash between the police and the demonstrators could lead to disturbances and the service would be closed down the service in any case. It is thus tactically proper to close down the services. Logically, it may appear to be helping the demonstrators but practically it is the best course. Thus, in any situation the ultimate gain and loss has to be weighed. Where life and property is not endangered and public inconvenience is likely, the authorities should refrain from action. Also, most shopkeepers down shutters fearing damage from hooligans enforcing closure, or as a result of disturbance during a clash between the demonstrators and the police. Moreover, on such an occasion they are also not likely to transact much business as the average buyer will keep away. Letting the strike I run its normal course will result in it's petering out by the afternoon. A police clash with protesters taking a violent turn, on the other hand, may keep the issue burning for several days.

However, if it is apprehended that strikers will resort to violence during the *hartal* and it has been decided to take firm action, the leaders should be picked up early to disrupt their

ranks. In such cases known rowdies and goondas should also be arrested under section 151 Cr.P.C. and under such substantive offences as may be made out. Later, when there is no further apprehension, those arrested can be released.

STUDENT UNREST

Student unrest can take place due to a number of factors:

- (1) Over increase in school/college fees or transport charges
- (2) Politicising issues related to the institution such as transfer or dismissal of a teacher or Headmaster /Principal
- (3) Disputes in buses over purchase of tickets
- (4) Disputes in cinema halls over concessions
- (5) Over demand for increase in educational facilities and a variety of other reasons

Handling students is the most difficult task. They are unreasonable and will readily indulge in minor acts of looting (usually eatables fruits, etc.) and vandalism on the slightest provocation. Severe action against them by the police only leads to public sympathy for the students. This is so because of the involvement of a large cross section of the public with them as the students are regarded as immature children. The handling of the anti-Mandal Commission agitation by the Delhi students in September 1990 is a classic illustration. The press and the public vehemently criticised the police for the *repressive* way in which the students were handled. On one occasion government employees from the offices adjacent to the Delhi Police H.Q. openly resisted the police force which was dispersing the violent student mob agitating against the way the police had handled the anti-reservationists.⁴³

Patience and forbearance are the keys to the successful handling of student disturbances. Police should act with utmost restraint and should maintain composure even in the face of a few brickbats or abusive language and use method of persuasion and parleys. Use of force against students should generally not be resorted to even when legally justified. Force should be used only if students resort to violence against life and property.

There are often teachers or principals who have some influence on the students and they could be used to tackle to the students. This recourse is normally not available as teachers are often unwilling to help in such situations. But it will help in removing the sting from public criticism.

In the case of a road block (chakka jam) by students it is better to wait out the situation unless they resort to violence. Public opinion may force them to relent. Sometimes it may be necessary to get the traffic moving. In such situations, those blocking the road can be arrested

⁴³ Similar criticism of the police was also witnessed during the anti quota stir by medical students all over the country, protesting the Central Government's decision to impose quota in professional institutions in 2006.

under section **341 I.P.C. and the Criminal Law Amendment Act (section 7)**. Such action should be taken with an overwhelming show of force to overawe the students, otherwise the students are likely to retaliate. Whenever force is used it must be used with restraint.

Often hooligans will take advantage of the situation and join up with students with an eye for looting. Student leaders can be made aware of such dangers.

Sometimes the students go on a rampage on linguistic, communal or caste issues and indulge in violence. The Anti-Mandal Commission agitation all over the country in September and October 1990 vividly illustrates how serious student agitations can be with the curfew being imposed and the army being called out in a number of towns to handle the violence. In such cases no weakness should be shown because inaction can lead to grave consequences. General directions in handling communal disturbances will apply here.

LABOUR AGITATIONS

Industrial agitations are generally due to real or imaginary economic grievances of workers, and generally follow after the failure of negotiations. Other factors which often spark off such agitations are disciplinary action against a worker, demand for better working conditions, and political considerations such as a tussle between two unions to gain the support of workers. These take the form of rallies and demonstrations to popularise the call and enlist support for a strike or cessation of work. The object is to pressurise the management. Often the strikers will picket the gates to prevent entry of loyal workers, prevent raw material from entering the factory or finished goods from leaving, or cause damage industrial property,

FORMS OF AGITATIONS AND POLICE ATTITUDES

Industrial agitations can take various forms depending upon the intensity of the agitation. Strikes have been recognized as legitimate methods of collective bargaining and are actually permitted under certain conditions (Industrial Disputes Act, 1947).

1. In the initial stages, the workers may resort to wearing black badges to register their protest or go on a go slow or work to rule agitation. In such a situation violence or breach of peace is not likely. Police should adopt a neutral attitude and give its assistance in working out a rapprochement between the management and workers
2. Upon the failure at the initial stage in resolving the dead lock the workers will resort to rallies and demonstrations to enlist popular support and air their grievances. In such rallies and demonstrations, there should be adequate police present at a discreet distance to contain any untoward incident.

Normally such rallies are not held inside industrial complexes. The police attitude should be of complete impartiality and they have just to see that there

is no breach of peace. It is often at this stage that hooligans of a rival union, or those employed by the management, may try to create a disturbance.

3. The next stage could be picketing of gates. The police should still maintain a neutral attitude but in order to make policing easier it should undertake the following steps:
 - a. The picket should not be allowed to be established near the gate and it should be some distance away. If necessary prohibitory orders under section 144 Cr.P.C. prohibiting assembly of persons within 100 meters or more from the gate, should be got issued by the magistrate. This will allow for easier movement of men and material through the gates and reduced chances of friction.
 - b. The area of possible confrontation should be kept clear of parked vehicles.
 - c. In the event of large demonstrations connected with picket it may be necessary to place cordons to create a sterile area (to reduce chances of conflict) allowing ingress only to demonstrators, and to facilitate traffic diversion.
 - d. Police should continue to endeavor to have both sides reach an agreement and maintain strict vigil to prevent breach of peace.
4. 'Gherao' is a tactic which is now being increasingly used, during which members of the establishment or administration are surrounded by the agitators and not allowed to move away. Utmost patience by the management and the police is required. Whilst the police should be ready to intervene without any loss of time, they should withhold action for as long as possible to facilitate direct talks between the management and workers. Often talking with workers will assuage their feelings. In some cases workers may gain entry into the premises and pose a danger to the plant. In this case, as well as in *gheraos* intervention is necessitated, the workers should be evicted firmly but gently. Risk of force having to be used in some cases will have to be taken. In both cases it is advisable for the police to come in on the call of the management, unless violence has already broken out, or it appears to be imminent.
5. Sometimes violence erupts during a labour agitation during the course of which irresponsible workers may damage industrial installations and attack workers not toeing their line. In such a situation cases the police will have to protect industrial property as well as those workers who are not agitating. A number of units have set up their own security wings for the security of their plants. In the public sector undertaking this task is being performed by the C.I.S.F. (Central Industrial Security Force)
6. In the case of essential undertakings such as water, electricity, sewage etc. even a temporary dislocation can cause great hardship. Normally such undertakings are excluded from strike calls but if it does come the strike has to be handled resolutely

and the supplies and services maintained. Support of influential persons and trade union leaders can be taken in resolving the issue. Volunteer bodies, home police and even the army can be used for the maintenance of these supplies. Damage to installation should be prevented by posting guards. Normally, strikes in such undertakings are devoid of public support and if the administration fails to take proper action it will lead to criticism.

The **Essential Services Maintenance Act, 1981 (Act 40 of 1981)** was promulgated to provide for the maintenance of certain essential services for the community. Its important features are:

- Certain services have been declared essential in Section 2 of the Act.
- Section 3 of the Act empowers the Central Government to prohibit strikes in certain employments, by a general or special order which will have force for six months.
- A penalty of dismissal from service and other penal provisions have been fixed vide section 4 for commencing, participating or instigating a strike declared illegal under the Act.
- The Act also empowers the Government to prohibit lockouts and lay off in establishments essential to public service.
- All the offences under this Act will be tried summarily.

Apart from the Essential Services Maintenance Act the **National Security Act** can also be used for preventive detention of persons acting in any manner prejudicial to the maintenance of supplies and services essential to the community. (Sec. 3 (2) National Security Act).

AGRARIAN AGITATORS

The country has witnessed a number of agrarian agitations. In the past there have been agitations on a large scale in Champarari and Bardoli, and more recently in Karnataka, Maharashtra, Gujarat, and U.P., to name a few states, have witnessed such agitations. Though the abolition of the Zamindari system, has to a considerable degree, toned down the propensity for such trouble, the delay in the implementation of land reforms has led to a delicate situation in certain states. A more recent phenomenon is that of organised agitation against the government on the issue of taxes, electricity rates and pricing of agricultural produce.

Basically the agrarian agitators can be classed into two groups:

- Against land owners.
- Against the government.

Against the Land Owners - With the abolition of the Zamindari system and the implementation of land ceiling laws, this problem is gradually dying out. However, the spectre of violence raises its ugly head now and then due to the tardy implementation of land reforms. In such cases, extremist elements amongst the leftist have tried to capitalise on the situation, as in Bihar, Andhra Pradesh, by organising the landless and the tribals against the landlords, which has led to bloody clashes. Often these have been along caste lines. The Maoist have also found this to be an opportune environment to mobilise their cadres and locals for an armed struggle in the guise of redressing the oppression against the rural poor and are active in Bihar, Jharkhand, Andhra Pradesh, Chhatisgarh and eastern Uttar Pradesh.

After abolition of Zamindari system work has been carried out on consolidation of fragmented holdings, allotment of surplus land to the landless, carving out of village roads and drains. Existing possessors resist change of possession and often land owners prevent the allottees from taking possession of surplus land allotted to them, or grab such land back. This leads to breach in tranquility. However, such matters can be effectively handled by immediate action under preventive sections of law and the laws framed for the abolition of the Zamindari system and implementation of land reforms.

Sometimes a peculiar problem arises in riverine areas due to the changing course of rivers. After some years a river may change its course sub-merging new areas and leaving dry other areas. This leads to clashes over the right of usage of land has emerged. The police should be vigilant and resort to preventive measures and bring the matter to the notice of the revenue authorities for the settlement of the dispute.

Disputes can also arise between the land owner and the labour wages or over share cropping. However, these problems are generally localised and can be easily handled provided they are given immediate attention.

Trouble generally brews for some time before peace is breached. If the S.H.O is vigilant he should be able to detect the trouble and take timely action. Preventive action can be taken under section 107/116/151 Cr.P.C. and any substantive offences that are made out.

AGAINST THE GOVERNMENT

Agitations against the government are usually in the form of protests against the high tariff rates for power and water, low procurement prices for crops and other farm products, and demand for land reforms. Sometimes, these are exploited by political parties, but are often apolitical in nature. These agitations have assumed vast proportions on many occasions. The last 40 years have witnessed such agitations in a number of states.

1. Karnataka saw one of the earliest of such agitations, that by the Kagadu **Sathyagraha** in the 1950s demanding the peasants' right to land, during which the socialist leader Ram Manohar Lohia was arrested. Later in the '60s and 70s peasant movements centred around the demand for land reforms, and occupations right for tenant farmers and share croppers. In the 1980s the farmers movement assumed a new militancy with the **Malaprabha** irrigation project agitation in the Malaprabha Irrig. Area in North Karnataka against high water cess, and culminated in the Navalgund riots in 1982. Simultaneously, the **Karnataka Rajya Rytha Sangha** (Karnataka state Farmers Association) resisted the forcible recovery of cooperative dues 1982. The Sangha is still active against the alleged anti-farmers policy of the state government. The Sangha has also entered the political arena in the form of the Kannada Desha Party.
2. In Maharashtra, the Shetkari Sanghatana launched by Sharad Joshi in 1982 agitated for remunerative procurement rates for onions (Nasik), tobacco (Nipani) Sugar cane (W.Maharashtra), and cotton. Over six lakh farmers are said to have participated in the cotton agitation during the course of which clothes made of synthetic fibre were burnt and rail roko and gaon bandhi (rail and village blockade) was resorted to. As a result the farmers got higher prices and the agitation was called off in March 1987. About fifty thousand farmers participated in the rail blockade phase of the agitation.
3. Gujarat saw the start of the farmers movement in 1986. Though initial a political cal in nature political parties soon muscelled in, leading to splits in the movement. The farmers lobby controlled by the Patels agitated for lower electricity rates and its regular supply. In 1986 the **Bharatiya Kissan Sangh (B.K.S.)** started its agitation for cheaper electricity, remunerative prices for agricultural produce, crop insurance, and dept write off due to the drought etc. It started its agitation with a rally by one lakh farmers in Gandhinagar (October 1986) and six lakh farmers at Vijapur. In February 1987, the K.S.S was formed and Jjoined hands with the B.K.S. A subsequent assembly gherao by both organisations led to police firing in which 10 farmers lost their lives.
4. In Uttar Pradesh, the **Bharatiya Kisan Union (B.K.U.)** led by Mahendra Singh Tikait is agitating against the hike in power rates and better prices for farm produce. The agitation has been quite militant and led to violent scenes in 1987. The police had to fire and killed two farmers when a large crowd attempted to set fire to the Sharnii power station and killed a Platoon Commander of the P.A.C. Their gherao of the Meerut Divisional Commissioner's Office and rasta roko in February, 1988 again resulted in serious law and order situation on a mass scale in western U.P. culminating in police firing. This agitation has not achieved state wide dimension largely because it is Jat based and other castes have not come to their support on these issues. However, the B.K.U. has managed to wrest some concessions from the U.P. Government.

Such agitations on varying scales have taken place in other States also. They have eventually ended with a political solution. Some have fizzled out because the organisers failed to carry their supporters for an extended length of time. Such agitations on a mass scale need handling with extreme tact. As far as possible, no steps should be taken which can result in violent reactions. In the case of a 'Rasta Roko Agitation' on a large scale, the propensity for trouble increases, but can be often handled by waiting the situation out with adequate precaution, or by mass arrests as the agitators may often be willing to go to jail. Steps can also be taken to unobtrusively prevent a large gathering. One district police chief, during Sharad Joshi's agitation in Maharashtra, used the unusual method of obstructing road travel by having the P.W.D. 'repair' some roads, thus preventing farmers travelling by tractor trolley from reaching their rendezvous points and reducing strength of the crowd at the site of roadblocks-

Another problem that is now emerging is that of grabbing of government land, usually in the forests. Often parties like the Communist Party sponsor agitations with forest plantations being uprooted or other land encroached upon. Normally, evictions from such land elicits adverse propaganda, but if arrangements for the resettlement of those dislodged are made elsewhere, this can be avoided. There may be occasions when landless persons will deliberately occupy public land in the hope of being resettled. Extra precaution should be taken to see that there is no injury caused or misbehavior on the part of the police during such forcible evictions..

HANDLING MASS AGITATIONS

Mass agitations by their very magnitude create peculiar problems for the police in their handling. The agitationists usually belong to one particular group, whether it is labour, student, peasant or a particular ethnic or caste group. A mass agitation affects a large area and is usually not limited to one district only. It often affects the whole state. These agitations can be violent or non-violent.

During the 1980s, the country has gone through a number of mass agitations. We have had on the one side, mass agitations in various states by farmers, and on the other extreme, mass agitations which have been communal in nature such as in eastern India and Darjeeling. These agitations can also be political in nature, such as the Akali agitation of 1981 and 1982 which has now got submerged in extremism. Mass strikes by railway and other government employees, students and labour also come under this category.

The very magnitude of numbers dictates that the agitators have to be dealt with very carefully. Use of force, even of the slightest nature, can result in serious and violent repercussions. In such agitations, local dialogue may not help as the issues will have larger ramifications and eventually a political solution at the government level will have to be found. But dialogue does help in maintaining contact and can result in the evolution of a via-media

for handling the situation.

Mass agitations can take the form of a blockade of a road or rail communications, dharnas (sit in's), and gheraos. In such cases, it is better for the police to adopt a wait and watch attitude with sufficient force deployed at sensitive points for Immediate Intervention. Often mass agitationists are willing to court arrest in which case arrangements have to be made for their transportation to jail. For the jail too, special arrangements will have to be made to accommodate the large numbers. Some may have to be shifted to other Jails. In such cases it always pays dividends to maintain a continuous dialogue with the leaders even though the issue cannot be resolved on the spot. Dialogue can also help in evolving an understanding between the agitators and the police on the modalities of the agitation and avoid bloody clashes,

Sometimes certain factors may compel the police to adopt a hard line. In such cases the police will have to go in for:

- Arresting the first and second line leaders in simultaneous raids so as to create a feeling of uncertainty and loss of direction amongst the agitator
- Marshalling adequate police reserves and posting them at strategic points for an effective show of strength to deter violence.
- Taking precautions and measures at each and every level to prevent the agitators from gathering at one particular point.
- Dispersal of crowds by use of force. But this can result in greater violence by the crowd if it proves ineffective. To handle such agitations the police must be in sufficient strength. Often failure of such methods has resulted in police firings at the end. Therefore, at every stage each step should be carefully considered with its likely repercussions and counter-measure taken into account. Nothing should be left to chance.

HANDLING COMMUNAL AGITATORS

Communalism has been described as differences on the basis of religion , race , caste, language, place of birth, residence, etc. (see section 153(a) IPC). Riots on the basis of communal difference have occurred both before and after independence. One of the first recorded incidents of a riot is that of Ahmedabad in the 18th century. The frequency of riots due to communal differences has been increasing from day-to-day particularly since the turn of the century. A study has revealed that from 188 riots in 1977 the figure has shot up to 525 riots in 1985, 589 in 1988 (this excludes -figures for 18 states and Union Territories), 6154 in 2001, 4530 in 2008 and 4285 in 2011⁴⁴.

⁴⁴ Figures from 2001 to 2011 from NCRB 'Crime In India Statistics 2011'

Apart from the known evil of Hindu-Muslim differences, differences between Hindus and Sikhs and between Hindus and Christians have also taken root in different parts of the country. The divide within the Hindu community on the basis of caste and language has gradually been widening and is reflected in the caste tensions and the violent incidents in Bihar, U.P., A.P., Gujarat, Maharashtra, and Tamilnadu, just to name a few. Similarly, there are disputes between Shias and Sunnis within the Muslim community and between Sikhs and Nirankaris, which have led to serious communal disturbances. The resort to communal issues by the political parties has also resulted in the resurgence of fundamentalism and militancy amongst various communities. Issues which in the past remained local, have now started assuming national proportions because of the communalisation, of, politics (Rameeza Bee case, Ram Janambhoomi Babri Masjid issue).

Causes of Communal Tensions and Riots Some of the causes of tensions and riots are:

1. Personal disputes between individuals or parties which may be of a civil or criminal nature;
2. Encroachment on places of worship or on land adjoining such places.
3. Music before a mosque;
4. On the occasion of processions by one community passing through the majority area of the other community or by a place of worship;
5. Conversions;
6. Teasing of girls ;
7. Inter-community marriages;
8. Cow slaughter;
9. Throwing of colour during holi;
10. Extraneous factors such as issues pertaining to other districts, states or even countries.

Some Common Perceptible Features

- (1) Areas which have a population containing 22-40% Muslims are generally more prone to communal trouble. The situation is compounded further if this area has a large percentage of refugees from Pakistan.
- (2) On a few occasions, interested parties may plan an incident or disturbance in advance due to political or economic reason. But sometimes, these disturbances are spontaneous which are exploited by interested and motivated persons seeking to capitalise on the incident.

- (3) During a disturbance police often equates the aggressor and the aggrieved while handling the disturbance.
- (4) In most cases of riot, the accused are not successfully prosecuted because of their large numbers and because of lack of proper evidence. Thus, violators are able to escape the clutches of law to disturb peace time and again.
- (5) Sometimes law enforcers themselves are accused of a partisan attitude towards one community. The other community then generally demands outside (other than state) forces to help safeguard their interests.
- (6) A small dispute whether civil or criminal in nature, has often been the genesis of trouble. When the matter is not attended to promptly by the police, interested persons jump into the fray and take sides, according to their communal affinities. They then try to bring pressure upon the administration to decide the issue in their favour and thereby aggravate the communal tension.
- (7) Rumours go hand in hand with communal trouble and play an important part in whipping up communal feeling.

Now-a-days issues have started assuming national proportions with incidents in one part of the country resulting in a clash in other parts of the country, which may be quite distant. A good illustration is that of the theft of the Holi Relic from the Hazratbal Mosque in Srinagar in 1963. Pakistan's propaganda attributed the misdeed to a Hindu, even though it was the handiwork of a Muslim. This inflamed passions and led to disturbances in Jessore and Khulna districts of present Bangladesh. This in turn started a chain reaction in the 24 Parganas, Nadia and Calcutta in adjoining West Bengal. These riots unleashed a second wave of rioting in Narayanganj and Dakha, and led to the exodus of minorities from this area. A large number of these refugees went to the tribal areas of Bihar, and Orissa, (Ranchi and Sundergarh). The horrifying tales told by these refugees triggered off another round of riots in this area.

Another instance that can be mentioned here is the air crash resulting in the death of the Pakistan's President Zia-ul-Rehman, early in August, 1988 which led to Shia-Sunni riots in parts of Pakistan and in Srinagar. Even a sports encounter between Pakistan and India has resulted in rioting in different parts of the country.

Nature of Disturbances

Communal disturbances may take the following shape:

1. Assaults and murders;
2. Arsoning;
3. Looting;
4. Defilement of places of worship;

5. Rape and abduction of women.

This may be due to mob action or by individuals with an intention to take revenge or inflame passions.

It is the duty of police officers to take timely preventive action, to prevent breach of peace and order, and to take immediate and effective measures to handle the out break of trouble.

Handling of Communal Trouble

Prevention is always better than cure. Here preventive measures would entail all those steps which the district administration should adopt to maintain a healthy communal atmosphere.

1. The police must adopt a secular and unbiased approach and a will for effective action.
2. It should respond immediately to all situations which have a communal implication. In criminal cases proper legal action such as the prompt arrest of the accused and investigation should take place. In civil disputes, though the police cannot legally settle the disputes they must counsel both the parties to refrain from taking the law into their own hands and seek adjudication from the proper court of law. The police has to enforce status quo and if necessary action under sections 107/116/151 Cr.P.C. can be taken. Similarly, in any dispute regarding possession of immoveable property, action should be taken u/s 151 Cr.P.C. In cases where the persons have been forcibly dispossessed of their property, action is possible u/s 145(iv) Cr.P.C. for restoration of quo.
3. Healthy interaction between all the communities should be maintained by frequent peace committee meetings and functions on various occasions.
4. Rumours, like incidents, have to be immediately attended to and nipped in the bud.
5. The intelligence wing has to maintain a continuous watch to assess and analyse the incidents and their reactions so that the police is in a position to respond immediately and effectively. This pertains to happenings not only within the district but also outside. A record of all those persons who indulge in communal utterances and publications should be maintained for action under available laws.
6. Frequent press briefings by the district administration to prevent publications of distorted news.
7. Routes of processions should be surveyed well in advance and necessary steps taken to ensure smooth passage. All differences between the communities should be smoothed out before any major festival. Licences under section 30 Police Act should explicitly spell out the routes, timings and other aspects.

8. A record of all incidents in communally sensitive areas should be maintained at police stations and district headquarters in a 'communal information register' which would be useful in giving a comprehensive picture of the communal situation in areas which are communally sensitive.
9. Preparation of lists of goondas, communal agitators and other anti-social elements.
10. A riot scheme or contingency plan for dealing with communal trouble must be ready and continuously updated. It should include :
 - a. Response by various police personnel and desired action;
 - b. Mobilisation of personnel and other resources to meet the situation;
 - c. Operational deployment of police, para-military and home guards;
 - d. Command and control-areas of responsibility and organisational arrangements should be clearly spelled out;
 - e. Administrative arrangements;
 - f. Welfare and catering;
 - g. Strategy such as action against criminal, anti-social and communal elements, protective arrangements for sensitive and vulnerable **areas** and points.

The riot scheme must be rehearsed so that all personnel from constables to officers know the task they have to perform. Every person must be informed about the duty that he is to perform (this is often neglected). Every rehearsal must be followed by a debriefing.

The chapter on Riot Scheme in the precis on Police Supervision (Paper II) for Phase II may be seen for greater details on riot scheme.

Pointers to a Deteriorating Situation

There are certain pointers, which to any observant police officer, will indicate that the communal situation is deteriorating:

1. Normal healthy interaction, socially and otherwise, dampens or dies down. This will be due to distrust between the communities because of some issue or situation ;
2. Murmurs within the communities alleging misdeeds or insults to the other community ;
3. Stories (rumours) become more vicious and start circulating with greater rapidity. Condemnation of the other community through press and other forums is also stepped up. Public agitation may also follow;
4. Areas such as market places, which are normally crowded, thin out with a marked absence of women and children ;
5. Heavy purchase of provisions and migration of families from insecure areas; and

6. Outbreak of actual violence.

Action during Disturbances

When disturbances actually break out the following measures should be taken:

- Implement the riot or contingency scheme in the affected area. Police patrols and pickets should be deployed in strength at sensitive and vulnerable areas.
- Magistrate to issue prohibitory orders under section 144 Cr.P.C. In case the situation warrants curfew should be declared.
- Sector-wise division of affected areas, each under a gazetted police officer and magistrate for intensive supervision of police duties and patrolling for handling of law and order.
- The issue resulting in the trouble should be promptly Identified and tackled.
- Requisition additional police reserves from other districts through range DIG of Police. Home guards should be mobilised from within the districts.
- In case it is difficult to handle the disturbance, or if there is apprehension of wider disturbances, curfew should be clamped and roads cleared of crowds. This will give the police time for arrests, searches and planning its strategy.
- Arrests, of anti-socials, searches for illicit weapons, brick-bats and other objectionable material should be carried out.
- Licences of arms issued to undesirable persons should be suspended.
- Arms and ammunition shops should be sealed and guarded. Similarly, stocks of acid and explosive materials should be sealed. Shops of fireworks manufacturers should be sealed.
- Duties should also be detailed at hospitals and mortuaries in order to maintain law and order and also to prevent emotionally surcharged crowds from taking away the body of a deceased person. In 1978, the body of Bhura Pehalwan was taken away by force in a procession, by an agitated crowd from the district hospital in Aligarh through the majority area of other community which resulted in a riot shortly thereafter.
- Suitable residents of a locality may be appointed as Special Police officers under section 17 of the Police Act. Action can also be taken to have the riot affected locality or town declared as a disturbed area under section 15 of the police act in which case the residents of the disturbed area would be liable to pay the cost of additional force quartered there.
- Special squads for quick investigation of riot cases should be set up. Bringing the guilty to book is a major step in handling disturbances.
- Peace Committees should be established and dialogue between the communities opened to bridge the gulf.
- All places of worship must be immediately placed under watch/guard to prevent mischief,
- Rumours should be promptly attended to and controlled by:
-

- a. Prompt verification and proper follow up measures if found true;
- b. Contradiction of false rumours and legal action against mongers;
- Watch on railway station, bus stands, sarais, dharmasalas, and hotels should be maintained for movement of suspicious, characters.
- All points of ingress in the affected area should guarded and suspicious characters checked for objectionable articles and weapons.
- Superiors should be kept informed about developments.
- In case of a dispute over a particular place, a guard should be detailed at the spot pending an order by the Court. Recourse may be taken to having the property attached under section 145 Cr.P.C.

Use of Force to Disperse Mobs

It is the clear and absolute responsibility of the police to enforce laws and maintain peace, and for this the police may have to use force at times. In situations of public disorder, the police is bound to protect life and property and to do so it may use of force to the degree necessitated by circumstances. When a crowd has passed over the mob stage it is in a hysterical stage. Attempts to reduce it's anger by patience and parleying will generally be unsuccessful and use of force at the very beginning may be essential. Use of force should be according to the principles and steps mentioned in the chapter dealing with the use of force to disperse assemblies.

Once a mob has been dispersed, the dispersing sections of the crowd must be pursued and completely broken up. The use of force must be swift, deliberate and adequate to instill fear in the minds of mischief makers.

Legal Provisions

- | | |
|-------------------------|--|
| Sec. 153 I.P.C | Wantonly giving provocation with intent to cause riot. |
| Sec. 153A I.P.C | Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc and doing acts prejudicial to maintenance of harmony |
| Sec. 295 I.P.C | Injuring or defiling place of worship with intent insult the religion of any class. |
| Sec. 295A I.P.C. | Deliberate and malicious acts intended to outrage religious feelings of any class, by insulting its religion or religious beliefs. |
| Sec. 296 I.P.C. | Disturbing religious assembly for worship or ceremonies is punishable by upto one year imprisonment with fine. |

- Sec.297 I.P.C.** Trespass on burial place, place of worship, place of sepulture etc with intention of insulting religion or wounding feelings of any person is punishable with upto one year's imprisonment with fine.
- Sec. 298 I.P.C.** Uttering words or sound within or makes any gesture or places any object in sight of persons with intention of wounding his religious feelings is punishable with an imprisonment with fine.
- Sec. 505 I.P.C.** Statement conducing to public mischief through statement, publication or circulation of statement, rumour or report with intent to incite, or which is likely to incite any class or community of persons to commit any offence against any other class or community.
- Sec. 108(1)(I) Cr.P.C.** Provides for security for good behaviour from persons disseminating any matter orally or in writing, or publication of any matter which is punishable under section 153A and 295A of the I.P.C.

The Damages to Public Property Act was promulgated in 1984. Public property has been defined as any moveable or immovable property owned by being in the possession of or in the control of the central or state government local authority corporation (public sector), company or institution (financed partially or wholly by state or central governments).

Mischief causing damage to public property attracts an imprisonment of upto five years with fine. If fire or explosive material is used the punishment can range from imprisonment from one year to ten years and with fine.

Chapter 9

COUNSELLING AND MEDIATION

Counseling and mediation play an important role in the maintenance of peace and order. The role of counselor and mediator has often to be played by the police officer. In most cases people approach the police in the first instance, even though the police may have no authority to take action as it may be purely civil in nature. But as the implications often have a bearing on law and order, it is in the interest of the police that such cases are amicably sorted out failing which the parties are quite likely to resort to extra legal methods which would result in breach of peace. This is where the role of the police officer as a counselor and mediator comes into effect even though the result may have no legal validity in the Court of Law. Some of the cases where a police officer is called upon to mediate or counsel between two parties include:

- Dispute between landlord and tenant where the police interest would be to preserve the status quo and prevent the parties from taking law into their own hands. In case it is not possible to work out a compromise between the parties with the help of local persons or panchayats, they can be counseled to seek help from the courts.
- Disputes over possession of land or building Initially the police should try to mediate and work out a solution failing which they could take recourse to preventive sections of law.
- Often cases pertaining to marriage will come up. In some cases it could be one of the two spouses with a complaint against the other, or the wife seeking maintenance in a case of estrangement. In such cases the police would attempt to mediate or counsel proper legal action. In dowry cases, or where the wife is harassed the police should take recourse to legal action under substantive law.

Often mediation between two parties, which could develop into a law and order situation and breach of law, can lead to a lasting compromise. More important, as the police is aware of a developing situation, it is able to take the necessary preventive measures in time if required.

The police have basically to play the role of a mediator or counselor between parties where they have no power to take action. Their intention should be to work out a compromise, or counsel preservation of status quo and recourse to legal adjudication between the parties instead of their taking the law into their own hands. Parties which do not follow counsel can be proceeded against under preventive sections of law for prevention of cognisable offences, or got bound down to maintain good behaviour, and the matter sent upto the relevant court.

Most state governments have passed law providing for free legal aid to the needy. The police have a very positive role to play in such matters. They can counsel the needy persons as to the legal aid available to them and help them in securing it. Often there are cases where a woman, deserted by her husband, will approach the police officer to help her get maintenance from her husband. Though the police can do nothing directly in such matters, the police officer can certainly help the destitute woman by helping her secure the legal remedies. This will go a long way in building up the police image.

During labour agitations too, the police plays the role of a mediator to help the management and labour reach an agreement. Recourse to other methods is resorted to only on the breakdown of talks. Even in crowd control counseling and mediation plays an important role. Many a times crowds will collect on a certain issue demanding a particular course of action. The police officer talks to them advising them not to take the law into their own hands but to take recourse to legal remedies. Effective counseling and mediation can also help to disperse crowds once they are advised about the proper course of action.

Though a compromise worked out by the police has no force in the court of law in civil matters, it does have a moral binding as it is worked out by associating the local elders and influential persons with the agreement. Such agreements often obviate lengthy and expensive litigation or criminal cases, and have the added advantage of removing, or keeping to the minimum, the estrangement between parties. The police interest is to clear up the distrust and animosity between the parties before it vitiates the atmosphere to the extent of affecting the peace and order. If the parties fail to reach a compromise, the police can advise the parties to maintain the status quo till the matter is decided by Court. Where one, or both the parties are intransigent, action can be taken under section 107 and 116 Cr.P.C., and if need be also under sections 151 and 145 Cr.P.C. In the case of nuisance or obstruction of right of way, action can be taken under section 133 Cr.P.C.

Chapter 10

HANDLING COMMON LAW AND ORDER PROBLEMS

In the previous chapters we have dealt with the more serious problem of handling agitations by political parties, students, labour and agriculturists, and also law and order problems resulting from communal and caste based issues. Apart from these major law and order problems, there are other day to day law and order problems of smaller magnitude which the police are called upon to attend to frequently. If left unattended in the initial stages, they usually end up with one, or both the parties, taking the law into their own hands. This will invariably result in a serious law and order situation, or a serious crime being perpetrated in the process. Such problems are very frequent in both the rural and urban areas. Some of these problems are discussed below:

1. PROPERTY DISPUTES

These are common to both urban and rural areas. In the urban areas these are primarily related to disputes regarding houses or vacant plots. In the rural areas these also relate to agricultural land as well as houses. These disputes can be further categorised into the following:

- a. Disputes over title/possession of land or dwellings/ structures.
- b. Eviction of tenants.
- c. Disputes over right to crops.

All these cases are basically of a civil nature, outside the purview of the police, except where force has been used to dispossess a party. In the latter case, criminal cases under section 447 or 448 I.P.C. are made out. The police can also give a report under section 145(4) to the executive magistrate for restoration of status quo. The action under section 145(4) Cr.P.C. can have a salutary effect, but it is often not resorted to by the police due to negligence or ignorance. Action under 145 (4) Cr. P.C. is very effective in the matter of eviction of tenants by landlords by force.

In other cases where the possession of a party is established and a dispute to the title of such property arises, the police cannot determine the legal ownership. But to ensure that no party takes the law into its hands to enforce its own right, the police should take the necessary steps to preserve the status quo, and the parties should be directed to secure a court decision regarding their rival claims. The police can resort to action under section 151/107/116 Cr.P.C, to prevent the occurrence of a cognizable offence, if the situation so warrants.

In certain cases it is not possible for the police to determine in whose possession the property lies. In such cases the police should make out a report under section 145 Cr.P.C. to the executive magistrate (S.D.M.) for attachment of property till such time as the magistrate can establish the rightful possessee of the property.

As a rule of the thumb, the correct attitude for the police is to preserve the existing situation, preventing any party from taking steps which might breach the peace. The legal remedy to establish title lies in the court. Disputed right to crops in the rural areas is quite common during harvest. The police should take the steps mentioned above. However, in such cases, as crops are liable to damage due to the vagaries of nature, the police report should seek direction from the court on entrusting the responsibility of the crop to a third party.

Often unscrupulous policemen, under extraneous influence, or for a consideration, will side with one of the parties. Such instances lead to injustice and short circuiting of law. Such cases are quite common and must be given the proper legal remedy whenever they come to notice and the unscrupulous police' personnel dealt with suitably. Sometimes officers make the mistake of protecting their subordinates in the interest of 'moral' of the force which is not the right attitude and is the cause for encouraging further unscrupulous acts.

2. RIGHT OF EASEMENT

The right of easement is a right established by usage over a period of time. This includes right to use a particular way, drawing of water from wells, taking water for irrigation and drainage of water. Most disputes arise because some of these rights may be through the property of another individual. The problem arises when this individual puts the property to use such as cultivating it or constructing a building. These cases are, technically speaking, within the purview of revenue authorities. In case of such a dispute arising the police should bring it to the notice of the revenue authorities and simultaneously take the steps mentioned above to ensure that neither of the parties uses force to establish its own right.

Disputes regarding drainage of water are very common during the rains. Often this is because of some construction or development along the natural course of water flow. It is only when rain water accumulates that such a situation arises: Though it is for the revenue authorities to provide the solution, the police should not ignore the issue and should ensure there is no violence.

3. CATTLE GRAZING

As fields in the villages are unfenced, grazing cattle sometimes damage crops. Here a criminal case could be made out depending upon the facts of the case. However such issues can be resolved quickly by the immediate intervention of the police.

4. NUISANCE

Often a serious situation develops due to nuisance arising from the actions of one party such as dumping of rubbish, draining out of dirty water or other such actions which affect the environment. The executive magistrate is empowered to take action in such matters under section 133 Cr.P.C. on a complaint made to him.

5. ENCROACHMENT ON PUBLIC PROPERTY

Often people will encroach on public land and make a construction. A very common practice is to construct a place of worship on the side of road to prevent future resumption of land on the side at the road by the authorities. There are very clear government instructions prohibiting the construction of any place of worship on government land, including in police stations. Such constructions sometime generate a lot of heat and vitiate the atmosphere.

In the urban areas encroachments may include construction or expansion of shops or squatters occupying government or private land. Removing encroachers is a major problem and often leads to repercussions. The best remedy is to prevent encroachments.

6. BEHAVIOUR OF POLICEMEN

Sometimes serious law and order problems are created when prompt legal action is not taken on criminal action by policemen on the mistaken notion that it will demoralize the force. Suitable departmental action or criminal action must follow any serious breach of conduct or law.

During the 80s an incident occurred on the Sitapur-Lucknow highway in the area of PS Sidhali. A police party detailed for anti road-holdup duty on a jeep, stopped at a roadside dhaba for tea at about midnight. To make place to sit a constable tried to wake up a truck driver sleeping on cot under a bed sheet, by nudging him with the muzzle of his rifle, during the course of which the rifle went off, hitting the toe of the man. The S.H.O. of the police station was out on patrol and the head constable writer did not write the report against the constable. Seeing the inaction at the police station, other truck drivers parked their trucks on the road and jammed it. Early next day getting information of the traffic jam, the district S.P. reached the spot and with great difficulty got the road reopened and a case registered against the constable. If proper action had been taken at the initial stage at the police station the situation would not have arisen. Police personnel are responsible for public order and any action on their part relating to their behavior, negligence or illegal actions should be handled with the seriousness they deserve and legal or departmental action, as the case may be, should be taken.

7. NON-COGNIZABLE REPORTS

The police have been empowered to investigate only cognizable crimes. In other crimes the proper course of action is to secure the permission of the court for investigation of cases. The tendency therefore is to register cases in such a manner that a non-cognizable report is

made out so that the police does not have to take action in such cases. The complainant feels that the police is colluding with the other party and therefore sometimes takes the law into his own hands. Often the aggressor feels emboldened and becomes even more aggressive. The police must always enquire into the report and take any of the actions listed below:-

- Counsel the aggressor to restrain himself. If it appears that he will not pay heed, action under sections 107/116/151 Cr.P.C. should be taken.
- Request the court to give permission for investigation. Most states have passed orders that all non-cognizable reports against scheduled castes and tribes have to be investigated after due permission from courts. Even in other cases where it is felt that criminal action should follow, permission for investigation can be sought from the Court.

The law does not prevent the police from looking into or enquiring into a non-cognizable report and taking preventive action or counseling the two parties. It only prohibits the police from taking cognizance and starting an investigation without the permission of the court. Some states like Uttar Pradesh have made certain non-cognizable cases cognizable.

8. Other Matters

There are many other cases where, legally, the police cannot intervene and try to evade taking action in such matters. Police is the first responder in law enforcement and commonly, the aggrieved persons will first approach the police. The public is not aware of the police empowerment to act or not act under cognizable and non-cognizable cases. If the police avoids taking any action in such matters, the complainant forms an impression the police is not taking action due to its self interest or influence of the opposing party. Disappointment in securing redress makes them take the law into their own hands which then become a police matter. If the police had given proper directions in the initial stages and taken effective preventive action, perhaps the law would not have been contravened. In such matters the police can play a meaningful role and give proper counsel, as explained in the previous chapter.

9. Hired Goondas (Goons)

The inclination to hire goondas to overawe opponents is on the increase, whether it is for communal purposes, criminal extortion, property usurpation or political objectives. This has far reaching consequences because criminal goons make the law and administration ineffective by intimidating witnesses and help interested persons in cornering influential public posts to secure lucrative contracts. Organised criminal gangs use goondas for:

- Extortion of money through blackmail or protection money.
- Securing lucrative contracts such as liquor, P.W.D., railway contracts etc.

- Settling disputes illegally by taking money.
- Organised gambling, betting etc.
- Running prostitution dens.
- Sale of intoxicants, spurious medicines and illicit liquor.

Other areas where public order is affected by use of goonda are:

- To sabotage processions and public meeting or opponents (political or religious).
- For protection of own processions or meetings against intimidation by opponents.
- For intimidation of voters and agents of opposing candidates during elections.
- For attacking persons of other community during communal disturbances. In such situations goondas acquire the status of protectors and any action against them results in opposition from their community.

In urban areas, goondas are frequently used to usurp property or evict persons from property. Their activities can be classified as under:

- a. Evicting tenants from a property for consideration from the landlord.
- b. Purchasing property at less than market value from a landlord facing difficulty from tenants, thereafter getting the property vacated and selling it at market price.
- c. Forcibly occupying unoccupied property.

10. HANDLING HIRED GOONDAS

The hiring of goondas by vested interests is a phenomenon which is being resorted to with increasing frequency, whether it is for fomenting communal violence and riots on the one hand, or for extortion by mafia gangs and safe guarding personal interest, politic, or otherwise, of interested parties. The effects of this are far reaching for the vested interests are able, through goonda terror, to subvert the criminal Justice system by terrorising witnesses, to subvert normal administration by cornering nominated and elective posts (unopposed elections) and lucrative contracts. Goondas are also used for running organised crime rackets which include:

- extortion of money through blackmail or in the form of 'protection money,'
- securing lucrative contracts such as liquor, with the P.W.D. or Irrigation department etc. by intimidating other bidders,
- effecting illegal settlement of issues for a consideration,
- running gambling dens,

- prostitution,
- sale of drugs, spurious medicines and liquor etc,

The other aspects which have a direct bearing on public peace and order is the hiring of goondas for their muscle power to:

- either subvert an opponent's (religious or political) procession or meeting or to break a strike (labour), or
- for 'protection' in the event of trouble while taking out a procession or conducting a meeting in the face of opposition, or
- intimidate voters and opponents agents during elections. This phenomenon can be observed in elections from the college level and local bodies right up to elections for the Parliament, or
- attack or intimidate members of the other community in times of communal trouble. Communal goondas have come to enjoy the status of 'community guardians,' and consequently action against them is not without resistance from members of their community. This has become all the more acute with the extremely sensitive communal climate existing in the country. Mass clash are not so frequent these days, rather there will be a spate of stabbings always by the communal goondas.

Goondas, particularly in the urban areas, are also often involved in cases related to possession over property. Here their modus operandi comes under the following categories:

- a. eviction of tenants on payment of consideration by landlord;
- b. buying a property where the landlord is having difficulty with his tenant , at a price far below the market value and then reselling the property at a higher after eviction of tenant; and
- c. forcibly occupying property lying vacant.

Tackling the Goonda

A goonda thrives on his notoriety. Often subordinate police officers do not take action in petty matters because of the nuisance created by the goonda's benefactor. Another problem faced by the police is that evidence against goondas is generally not tendered not in court by witnesses on account of fear. Consequently every incident or crime which has either been ignored by the police, or which falls through on account of lack of evidence bolsters up the feeling that the goonda is beyond the reach of law.

The first step in the control of goondas is to take immediate legal steps on every infringement of law. Even his patrons will not be able to support him in clear cut cases. It will mean ensuring the security of witnesses to make certain that they testify in cc

Where a goonda has many criminal acts to his credit, externment orders can be sought from the district magistrate under the Goonda Act (U.P.) or other similar externment acts in other states. A goonda can be externed for a period of about six months.

In the more serious cases, particularly in the case of communal goondas, they can be detained under the National Security Act for a period of one year. No evidence from witnesses is required though the police has to put up documentary evidence for the subjective satisfaction of the detaining authority (district magistrates and police commissioners have been delegated this function by the state governments).

In property cases immediate action under sections 447 and 448 I.P.C. should be taken, along with action under section 145 (4) Cr.P.C. where the executive magistrate has the authority, on his satisfaction, to restore status quo ante where ever possession has been taken illegally. Preventive action against goondas can also be taken under section 107/116 Cr.P.C. and order secured from the executive magistrate binding the offender down for good behaviour. Another section which can be put to good use is section 110 Cr.P.C. in specific areas of crime.

Every police station maintains a list of goondas. under various heads such as political, criminal, communal, student etc. These lists must be constantly reviewed (in some states this is done every six months by the S.D.P.O. / Circle Officer) and the goonda's activities placed under surveillance. This is useful for collection of material for preventive actions mentioned above.

Chapter 11

MOBILISATION, COMMAND AND CONTROL OF POLICE FORCE

MOBILISATION

Mobilisation means the collection of manpower from various sources for any emergent duty at a particular point. Such mobilisation would, therefore, involve the collection of officers of various ranks and the constabulary at some focal point, such as the Reserve Police Lines or a police station. They can be drawn from various branches of the district police such as the Police Office, various cells or branches such as the D.C.R.S. (District Crime Records Section or Bureau), Special Investigative Squad, the Senior Prosecuting Officer's office, the Police lines and police stations, etc.

NECESSITY FOR MOBILISATION

The need for mobilisation arises when the requirement of manpower exceeds the spot availability to cope with an emergent situation, or to make police bandobast for some occasion. Often such need will arise when:

1. there is a V. V. 1. P. visit involving route arrangements and arrangements at a public meeting for the security of the V.V.I.P. and for regulating the crowds;
2. police arrangements are required during a fair or mela attracting large crowds;
3. police arrangements are required for escorting processions which have a potential for trouble;
4. additional manpower is required to cope with law and order problems and for police arrangements during festivals;
5. manpower is required to cope with a disaster;
6. force is required to be sent to some other district on requisition by the range D.I.G. or D.G.P.

Obviously the resources of any one police station will never be sufficient to cope with the requirement of force for any of the above eventualities. The force at the police station will have to be augmented by additional force drawn from other places in the district, and often, as in the case of V.V.I.P. visits and serious communal trouble, with force from other districts or the state reserve police.

IMPLICATIONS

While mobilising manpower the following points must be kept in mind:

- a) The force being mobilised from a particular source should be readily available and in a position to reach on time.
- b) As far as possible, force from distant points with poor means of communication and transport should not be mobilised as the men may not reach in time, and even if they do they may be too weary to perform their duty well.
- c) The problems which may demand use of manpower at the source should be taken into account. For instance, a particular police station may be facing a law and order problem, in which case the mobilisation from this police station may be reduced or not resorted to.
- d) Factors like leave, sickness, etc. at source of supply along with commitments to routine duty should be considered.
- e) Always call up 15-20 percent extra personnel to absorb shortfalls due to unforeseen circumstances.

ADMINISTRATIVE ARRANGEMENTS

Whenever a large body of troops or personnel are collected at a particular point, the under mentioned arrangements have to be made:

1. Proper arrangements for accommodation and messing;
2. Proper movement order should be issued to all such personnel specifying time and place where they are to report. The fact of their reporting must be entered on record such as the general diary;
3. They must be made responsible to someone so that they may be properly detailed on duty, such as the Station House Officer. A proper duty register should be maintained;
4. A record must be maintained of all personnel mobilised and their subsequent movement;
5. While detailing duties, particularly for para-military forces, it should be ensured that they are given a composite area for duty. As far as possible, duty at a particular point should be entrusted to the same battalion, company or platoon so that there is no difficulty in relief supervision.
6. The duty hours should be reasonable so that the personnel are able to perform well.

While mobilising personnel it is sometimes possible to pull out more personnel by:

- a) Personally checking on duties detailed, particularly from the reserve police lines. Unessential duties such as at the canteen, ration shop, clothing store, motor transport section (cleaners) etc. can be pulled out. Handicapped personnel can be

detailed for duty at the telephone. Often personnel deployed on unauthorised duty sapping strength of district reserve will be detected on such scrutiny.

b) Home guards can be detailed for such duty as runners.

Some States have home guards trained for armed duty. Such home guards can be mixed with armed guards on not very sensitive points. This will enable trained constables to be pulled out for more sensitive duties.

COMMAND AND CONTROL

When a large body of personnel is collected at a particular point, problems of command and control will arise unless proper thought has been given. The points to keep in the mind are:

1. While giving the movement order the personnel should be placed under the charge of the senior most policeman.
2. At the mobilisation point, the command over the personnel must be assigned to a specific officer who will be responsible for detailing them for duty.
3. When detailed to specific police stations or out posts, the S.H.O. of the police station is responsible and the personnel will function under his command.
4. For outside forces the command vests with their own officers. The force however, will function under the directions and control of the district officers (for more details regarding command and control over para-military and military forces see the next chapter).

Chapter 12

DEPLOYMENT OF HOME GUARDS, PARAMILITARY, AND MILITARY.

Often situations arise where the district police force has to be augmented with additional forces such as the military, home guards, and para-military forces. Such situations may arise out of emergent situations caused by natural disasters, grave law and order situations or arrangements involving large-scale deployment of man power. This is necessitated because:

- a. The district police may be inadequate in strength to deal with the situation;
- b. The law and order situation maybe so grave that the district police is unable on its own to control it;
- c. The situation may require special equipment and skilled personnel to meet a particular challenge (such as during disaster relief or insurgency, etc.).

BROAD PRINCIPLES OF DEPLOYMENT

There are basic differences in the tasks that can be undertaken by the home guards, the para-military and the military. Consequently the principles involved in their deployment will differ.

HOME GUARDS

Home guards are most commonly used for police duties such as :

1. Traffic control;
2. Patrolling in urban areas

Runners or messengers

3. Guides, etc.;
4. Police bandobast duties.

Some home guards have been trained in the use of firearms. Such home guards can be used to advantage by inducting them into static guards which are not of a very sensitive nature. However, it must be ensured that the main constituent of such guards must comprise of trained constables. This will relieve a small percentage of trained constables for other duties.

Home guards are not trained in crowd dispersal and should therefore not be used for such duties. They may however be used to augment patrolling parties and police arrangements for planned control of crowds. The basic principle to be kept in mind is that the home guards should never be used in isolation and should always be detailed along with constables. The advantage of utilising home guards is:

- No camping facilities are generally required as the home guards are usually locals.
- They have a good knowledge of the area.
- They can be deployed in any number
- They can be called up by the D.M./S.P. or through the D.I.G. Range, depending upon the procedure in the different States, from the district itself.

PARA MILITARY

Para military forces include State Reserve Police (B.M.P./P.A.P/S.A.F./P.A.C. etc. as it is known in various states), and the Central Police Organisations (CPOs) such as the C.R.P.F., B.S.F., I.T.B.P., S.S.B., C..S.F. etc. Of the C.P.O.s. the C.R.P.F. is the most commonly used for law and order duties. The B.S.F. is called upon to perform I.S. (internal security) duties quite often but it's role is limited .The other C.P.Os are very rarely used except in exceptional circumstances, when their role is limited to guarding banks, vital installations etc.

STATE PARA MILITARY

The state para military forces are the first to be called upon to aid the district police in police duties. They assist in regulating crowds during large congregations, security duty along route or place of stay during V.I.P. or V.V.I.P. visit, law and order and crowd control, cordoning for search, guard duties and anti-dacoity operations.

However, such forces should not be used for routine police duties, as it blunts their effectiveness. Such force is usually detailed in company or platoon strength. The Company Commander is of the rank of Inspector. Platoons are commanded by a subedar (equivalent to a Sub Inspector of Police). They are under the operational command of the local district police officers. This force can be, and is, used in strengths as small as 1/2 sections (1 head constable and 4 constables). However, due to logistical problem some states like U.P. do not permit separate camping for strength under 1 1/2 sections P.A.C.

While detailing such force for duty it must be ensured that as far as possible the unit is not dispersed over a wide area to ensure proper command and control by their supervisory officers. They should also be accompanied by a local S.I., H.C., or a constable, depending upon the nature of duties to be performed, as they are generally unaware of local conditions.

B.S.F.

The pamphlet on '*Instructions For The Use of Border Security Force on Internal Security Duties*' issued by the Ministry of Home Affairs lists the duties which can be performed by the B.S.F. in aid of civil authority as :

- Maintenance of law and order, and
- Guarding vital installations.

The use of the B.S.F. for normal police duties is not permitted and highly undesirable. They should be used only in cases of serious break down, or apprehension of breakdown of law and order. The B.S.F. is not equipped with lathis and hence their role in crowd dispersal is limited to the use of fire arms. They however do carry tear gas equipment.

Operationally, while aiding civil authority the B.S.F. functions under the direction and control of the District Superintendent of Police, though it's officers retain command of the force at all levels. The B.S.F. normally does not deploy under platoon strength, though it may deploy in section strength in exceptional circumstances and with prior approval of their headquarters.

Coordination is maintained by frequent meetings between the officer commanding the B.S.F. unit and district police officers. The tasks entrusted to the B.S.F. must be clearly enumerated and precise orders issued. It goes without saying that proper interest must be taken in providing suitable accommodation for the force and other welfare considerations to elicit proper response during performance of duties.

C.R.P.F.

Instructions regarding the aid to civil authority are contained in the **C.R.P. Act 1949**, the **C.R.P. Rules**, 1955 and the **C.R.P. Force Manual Annexure XVIII**. Some of the important provisions are:

1. The powers and duties imposed on a police officer by sections 100(1) to (B), 129(1) and 129(2) of the Cr.P.C. shall be the powers and duties of every Subedar and Jamedar of the C.R.P.F. The powers and duties of a police officer under sections 47(1), 47(2), 47(3), 51(1), 52, 41(1), 48, 74, 149, 150, 151 and 152 Cr.P.C. are the powers of every member of the C.R.P.F.
2. Orders for their movement of the C.R.P.F. are issued by the Ministry of Home Affairs, Government of India, through the D.G., C.R.P.F.
3. Upon arrival the officer commanding the C.R.P.F. unit obtains instructions from the Dist. Supdt. of Police regarding the duties to be performed but he can exercise discretion in the manner of execution of tasks allotted to him.
4. Sections 129 to 132 are also applicable to the C. P.P. P. with Jamedars and Subedars of the C.R.P.F. being vested with the powers of a Station House Officer for the purpose of dispersal of unlawful assemblies (*C.R.P. Manual Notification No. 145 Page No. 216*).

The C.R.P.F. deploys upto section strength but in disturbed conditions will deploy in platoon strength. It can be used for:

- Security duties of V.V.I.P. visits;
- Controlled regulation of crowds
- Cordoning for search;
- Crowd dispersal and other law & order duties;
- Anti-insurgency operations;
- Elections.

The C.R.P.F. will, however, not be used for routine police duties.

MILITARY

Military aid can be sought in the following circumstances:

1. **Maintenance of Essential Services** - Under the provisions of the *Armed Forces (emergency Duties) Act, 1947*, troops can be employed in the maintenance of an essential Service if that service is so declared by a notification issued by the Central Government.
2. **Assistance during Natural Calamities** - Such as in the case of earth quakes, floods, famines, fires and other calamities.
3. **For maintenance of Law and Order** - During grave crisis due to communal or other disturbances.

In each case the sanction of the Central Government is necessary. However, if time is short the highest Magistrate of a district may make a requisition direct to the nearest military authority.

For maintenance of law and order troops Can be used for the following duties:

1. Aid in dispersal of unlawful assemblies as covered by the Cr.P.C.
2. Flag marches as a precautionary measure through disturbed areas;
3. Patrolling selected areas
4. As a standby for emergent duty:
5. Protection of vital installations, offices etc.
6. Pickets and cordons.

PROBLEMS CONNECTED WITH USE OF CENTRAL POLICE ORGANISTATIONS AND THE MILITARY

Sometimes practical problems arise whenever the central forces, whether the C.R.P.F.,B.S.F. or the military, come to the aid of civil authority.

1. Inadequate knowledge of own and each other's role under the rules, regulation and law, and inadequate appreciation of difficulties,

2. Delay in response to requisitions;
3. Aiding unit's desire to exercise direction and control over operations.
4. Lack of knowledge of the other's organisational or command structure, methods of working and background,
5. Lack of anticipation, planning and preparation on the part of civil authorities and outside forces.
6. Lack of clear cut duties for the outside force,
7. Improper coordination, cooperation and liaison;
8. Diverse commands;
9. Insufficient local knowledge on the part of outside forces.
10. Inter-personal difficulties due to rank consciousness, inter-service rivalries and other reasons.

METHODS OF COORDINATION & CONTROL. RELATED TO OUTSIDE FORCES

1. Before deploying a para-military or military force it must be ensured that the duties detailed are in accordance with the rules governing their deployment for internal security (I.S.) duties and their suitability to the task.
 2. While alerting the military or para-military for aid, or requesting assistance, approximate strength of forces required should be intimated in advance, telephonically if possible, and followed up by a written communication.
 3. Para-military and military units sent to assist the civil authorities must be clearly explained their sphere of duties. Assistance does not mean the takeover of civil authority. **The army pamphlet on aid to civil authority** states clearly *“even when troops have been requisitioned for the suppression of disturbances, the control of the measures remains in the hands of the civil authority. When the troops are called in to assist the civil authorities in maintaining law and order, the usual terms “handing over the control” or “taking over the area” only mean the assigning of the task of restoring the disturbed state of law and order to a state of near normalcy. These terms by no means imply an abrogation or temporary suspension of the civil authority.”*
- “When the troops are called in to maintain law and order or for prevention of breach of peace, the local police officers and the police force do not also come under the orders of the officer commanding the troops”.* (Para 30 of the Army pamphlet).
4. Problems arising out of ignorance of each other ranks, command structures, and rules and regulations can be sorted out by proper liaison and frequent contact between the civil

authorities and assisting force. This will also remove any inter-personal difficulties that may arise between leaders of various levels on both sides.

5. When outside forces are inducted in, the civil authorities are already hard pressed by the problems at hand and often neglect to attend to basic considerations such as:

- Proper camping facilities with running water and electricity;
- Built up accommodation for units without tentage;
- Proper transport arrangements. Heavy and light vehicles in good condition can be got requisitioned through the D.M.
- Telephone facility, wherever possible, for the commandant.
- Detailing a liaison officer to ensure proper arrangements and to attend to and sort out any administrative difficulties that the unit may be facing.
- Welfare considerations of the assisting force.

6. Clear cut orders must be given so that there is no confusion about the sphere and nature of duties. The officers accompanying the para-military or military force must be regularly briefed.

7. The outside forces must never be deployed without a guide as they are strangers to the local topography and conditions and have no knowledge of the people of the area.

In short proper coordination is possible with a proper understanding of the role of the assisting force, its limitations, clear cut orders, and effective liaison at all levels. Frequent operational meetings should be held to sort out difficulties.

COOPERATION

The extent of cooperation that can be elicited from the para-military will depend upon the cooperation extended to them. Participation in their functions and smoothening out difficulties being experienced by them will result in similar reciprocation.

Chapter 13

MAINTAINING PEACE DURING ELECTIONS

Even though the system of voting by secret ballot has been adopted in India with the object of protecting the voter, elections have been marred by violent incidents affecting both the voters and candidates. It is also well known that elections to local bodies or panchayats are more prone to violence than those to the Assembly or the Parliament. This is because local issues come into play with greater force. The Panchayat elections or the elections of the Gram Pradhans in recent years have left behind a legacy of enmities, which have been, and still are, the cause of many serious breaches of peace.

Ordinarily, the policeman is not concerned with the elections. However, in order to ensure free and fair ballots, a climate of peace and absence of pressure is necessary. It is, here that the police have an important role to play. Considering the level of violence which has been seen during elections, a fair outcome will really depend upon the efficiency and effectiveness of the police arrangements.

The various duties which the police is expected to perform during elections can safely be divided into three phases:

- Pre-election
- During election
- Post election

PRE-ELECTION PHASE

During elections, a number of social and economic factors come into play. Much before polling time various aspiring candidates and parties begin their propaganda and canvassing with appeals to the electorate being made on the basis of caste, language, religion, ethnic affinity, etc. This raises passions even in normally peace loving citizens. Apart from this, political aspirants often hold roadside meetings, demonstrations, strikes, etc. to project their difficulties and grouses. This often leads to breach of peace when people object to issues by their opponents and take the law into their own hands. Another factor that is now emerging is that of communal extremism with various parties adopting communally rigid stances to attract votes en-mass, and in the process endangering communal harmony (Ramajanam Bhoomi Babri Masjid issue). The election duties that the police have to perform must take into account all these factors:

- a) Maintenance of order at public meetings and processions.
- b) Protecting candidates and V.I.Ps visiting their constituencies.

- c) Quick redress of grievances and complaints made to the police to prevent issues from being escalated.
- d) Collecting intelligence related to political activities in order to thwart any illegal or prejudicial activities. This should not be at the cost of criminal intelligence, for more often than not, criminals are also utilised by unscrupulous parties to capture booths and intimidate the voter. Intelligence collection should be by both the special branch and the police station staff.
- e) Preventive action should be initiated under sections 107/116 Cr.P.C. and 151 Cr.P.C. where ever necessary to maintain peace. Lists of bad characters and bullies should be drawn up. It must be ensured that these lists are not manipulated and misused by interested parties to harass opponents with the connivance of unscrupulous police officers.
- f) Lists of arms licencees should be updated. Temporary seizure can be recommended to forestall misuse of weapons. In case there is tension, the D.M. should be advised to issue prohibitory orders, though care should be taken to see that these do not interfere with legitimate electioneering activity.
- g) Assessing the sensitivity of the various polling stations through feed back by police stations, intelligence staff, revenue department as well as dialogue with political parties.

DRAWING OF ORDERS FOR POLICE ARRANGEMENTS

This is an extremely complex task and has to be completed well in time. The police arrangements must keep two ends in view:

- ❑ A free and fair poll;
- ❑ Firm maintenance of law & order.

Before the election orders are drafted, the following steps are essential:

- a) The polling stations to be set up should be confirmed well in time from the election office. Sometimes certain situation such as collapse of building or other factors may necessitate shifting of the polling station to an alternate site. These must be checked out for their suitability for polling stations. Each polling station must include the number of booths and voter strength. Senior officers, both police and revenue, must visit trouble spots to take care of issues.
- b) The route to polling stations should be checked to ensure that it is negotiable by truck, otherwise the polling party may not be able to reach in time and security of polling material and ballot boxes could be threatened.
- c) Communication should be worked out as it would not be possible to arrange for R/T sets at every booth. Telephone communications in certain rural area are still quite poor. This is done by a system of:

- Mobile police parties on bicycles covering a certain number of polling stations.
 - Sector magistrates and escort on vehicles patrolling in sector.
 - Zonal magistrate and police G.Os. patrolling in zones. Zonal police officers and very sensitive polling stations should have wireless sets.
 - Through mobile phones, though on election day heavy traffic or security issues may make this ineffective.
- d) Mobilisation in manpower. Complete manpower is withdrawn leaving a skeleton staff for police station work. This may be supplemented by home guards. Leave should be cancelled.
- e) Deployment should be worked out well in advance with polling stations divided into three categories according to sensitivity. Scale of duties for each should be worked out keeping in mind constraints of resources. Apart from polling stations, the police force should also be earmarked for:
- Ballot box security at district headquarters. A strong room should be earmarked for this purpose.
 - Ballot box armed escort duty (this can be done through force detailed at polling stations).
 - Escort for sector magistrates (a minimum of two constables).
 - Zonal reserves.
 - Police station reserves.
 - Sufficient reserves at the police lines with transport.
- f) Transport requirement should be properly assessed.
- g) Requirement of additional force, complete mobilisation of home guards, village chowkidars etc. should be done at district level. Requirement of armed duty will have to be met from district resources and state armed police or para-military forces which will be made available by the Range D.I.G.P. Requirements should be sent well in time. It is advisable to detail the para-military on static guard duties and relieve district force for duty with flexibility.
- h) Place where ballot boxes are to be stored should be checked well in time for security effectiveness. Any repairs or modifications should be done well in time.
- i) Arrangements for counting should include barricading by wooden poles and adequate force within the counting areas, as well as at the periphery to control area.
- j) Briefing the force about the nature of duties and code of conduct for policemen prior to their dispatch for duty.
- k) Establishment of control room, which apart from maintaining a watch on law and order developments, the disposition and movement of forces, will also follow up upon complaints connected with elections and maintain a record of the same.

CODE OF CONDUCT FOR POLICEMEN

The code of conduct for policemen during elections has been evolved to ensure complete impartiality;

- A government servant should not canvass for any party or carry any symbol on his vehicle or influence voters by any action:
- The police force should maintain a strictly impartial attitude and their action also should convey this impartiality:
- While granting or withholding permission for an election meeting at a public place, no discrimination should be made between political parties.
- All complaints related to election should be expeditiously and impartially handled.

ARRANGEMENTS DURING ELECTIONS

During elections, while making police arrangements, the following points must be attended to:

- a) Duties should be detailed in accordance with the directions of the Election Commission.
- b) All polling stations, to be manned for maintaining order. Police parties for polling stations are generally sent along with the polling party.
- c) Security of ballot boxes and ballot before, during polling and on the way to.
- d) The place where the ballot boxes are being collected as well as the rooms where they are to be stored after polling, should be secure and sealed.
- e) Constant patrolling and show of force to keep mischief mongers under check.
- f) At the polling stations police parties should assist the polling station in-charge to regulate the entry of voters and enforce the election law as well as directions of the Election Commission.
- g) Protection to be provided to polling officers, sector and zonal Magistrates. Reserves should be maintained at police stations, zonal headquarters and at the police lines.
- h) Proper arrangements for counting to keep unauthorised persons outside the counting premises and maintenance of order during counting. Proper crowd control should be ensured outside.
- i) Liquor shops are closed on the day of polling and 12 hours preceding it.
- j) Canvassing is suspended 48 hrs. before polling.
- k) The control room should be prompt. Police party should be swift to respond to all reports of booth capturing and violence.

POST ELECTION ARRANGEMENTS

While the counting process is on, crowds begin to collect. There may be a clash between the supporters of various contenders in case any dispute in counting crops up. Such a clash may even be precipitated by one section of the crowd taunting the other. Often when a particular candidate has secured a good lead his supporters start collecting with fanfare in anticipation of a victory. This situation also needs careful watch by the police.

The police should also have sufficient force earmarked to escort victory processions which will be taken out immediately upon the declaration of result. If unescorted these could lead to clashes.

Chapter-14

Less Than Lethal Weapons

Until the development of non-lethal weapons, police officers around the world had very few options for riot control. Some of the more common methods were psychological methods of crowd control (see chapter-5), use of batons (lathi) and tear gas to disperse unruly mobs. Fire engines with high pressure hoses were also deployed as an early precursor to the water canon. Another effective method to disperse mobs was the use of mounted police on horses and equipped with batons. Rubber bullets and tear gas fired from the gas gun and plastic pellets fired from the riot gun have been extensively used in India to disperse violent mobs where a cane/baton charge was not practical. A detailed procedure for the use of force in a graduated manner was recommended by a committee set up by the Conference of Inspectors Generals of Police in 1962 (see chapter 4)

In India the water canon was developed by the DRDO and one of the first ones to produce was deployed in Ayodhya in the aftermath of the destruction of the Babri Masjid.

A combination of a high pressure water jet from the water canon with petroleum jelly spread on the road was one of the most effective methods to disperse mobs in the early 1990's. The water canon is even today an effective method to disperse demonstrators. The only drawback is that these may not be available for every situation in the smaller towns and districts.

During the 1990s and early 2000s interest in various other forms of less-than-lethal weapons for military and police use rose and various kinds of less than lethal weapons were developed:

Active Denial System

In the U.S. and some other countries police and military vehicles for use in areas of civil unrest are now being the Active Denial System. A dish on the vehicle projects electromagnetic radiation just powerful enough to penetrate human skin and make the nervous system think the victim is on fire although no physical damage is done.

Ammunition

Non-lethal rounds are Cartridge designed to wound to wound a target. The rounds rely on the transfer of kinetic energy and blunt trauma to accomplish this incapacitation. Rubber bullets, wax bullets, plastic bullets and bean bag rounds, Ring Airfoil Projectiles (Kinetic and tear gas) and electroshock weapons such as Taser are less lethal than conventional metal bullets, and are also propelled at lower speed by using less propellant. "Bean bag" type bullets are sometimes referred to as flexible baton round

Explosives

Hand grenades come in several less-lethal varieties, such as flashbang "stun" grenade, sting grenades with rubber shrapnel, and grenades designed to release chemical irritants.

In 1972 stun grenades were used to capture the hijacked Israeli Sabena Flight 571, allowing the Israeli forces to storm the plane and take it over within 10 minutes while capturing two terrorists and killing Ali Taha, the leader of the terrorist group and his aide and rescuing all passengers.

Water Canon

Water Canon are commonly used in crowd and riot control, for dispersal or to prevent movement on a particular position.

Scent-based weapons

Malodorants produce smells so horrible they cause people to leave the affected area. In 2008, the Israeli Defence Forces began using Skunk Weapon for crowd control. It is a form of mist sprayed from a water cannon, which leaves a terrible odour of rot or sewage on whatever it touches, and does not wash off easily.

Pepper spray

The active ingredient in pepper spray is oleoresin capsicum (OC), an acrid irritant chemical derived from Cayenne Pepper plants. This is delivered through a cartridge (paintball) which explodes on impact. For it to be effective it must come in contact with the eye, nose or lips causing the same effect as chillies.

Mace

Mace Spray is a spray of various formulations, that may include tear gas, pepper spray, and Phenacyl Chloride.

Sleep Gas

During the 2002 Moscow Theater hostage crisis an unsuccessful attempt to use an unknown gas - thought to be fentanyl, for inducing sleep in the terrorists and hostages - caused the deaths of many hostages, some from choking on their vomit, others from an overdose, while many of the Chechen terrorists survived using gas masks and were able to fight the Russian forces. Sleeping gas has not been used since then.

Electroshock Weapons

Electroshock weapons are incapacitant weapons used for subduing a person by administering electric shock by disrupting superficial muscle functions. One type is a conductive energy device (CED), an electroshock gun is popularly known by the brand name Taser. The taser can be fired from a .12 bore gun in which fires projectile administers a shock for few seconds. Special taser guns have the advantage of firing a projectile attached with thin flexible wires and the firer can control the duration of the shock to immobilize an opponent. It is ideal for arresting violent criminals. Other electroshock weapons such as stun guns, stun batons, and electroshock belts administer an electric shock by direct contact.

Directed energy weapons

Directed energy weapons are weapons that emit energy in an aimed direction without the means of a projectile. They are non-lethal and can immobilize people as well as machines (e.g. vehicles). Directed energy weapons include Electromagnetic Weapon laser weapon, Particle beam weapon and Sonic weapon.

R.I.P. cartridge

The R.I.P. cartridge (Round Irritant Personnel) 12-gauge ammunition comprises cartridges filled with a mixture of micronized CS gas, an inert powder to add weight and a non toxic powder which, on compression and friction, produces a large amount carbon dioxide gas can be fired from existing .12 bore shotgun.

These specialist rounds are used in situations such as hostage rescue, where a less than lethal approach is required in order to resolve an incident.

Persons subject to the dispersed contents of an R.I.P. round will be incapacitated for a given amount of time, depending on the precise content of the round.

The Scream

This has been developed by the Israelis for use against demonstrators. The Scream fitted on military vehicles emits a blast of sound and within seconds, protestors begin falling to their knees, unable to maintain their balance. The sound pulses create nausea and dizziness. The technology is believed to be similar to the LRAD — Long-Range Acoustic Device — used by U.S. forces in Iraq as a means of crowd control.

Weapons

The .12 bore shot gun is emerging as a multi-purpose delivery weapon. The pump action shot gun with a magazine holding 4 to 12 cartridges, is emerging as a favoured weapon for a less than lethal approach to crowd control. It can fire a variety of rounds – tear gas, pepper bags, bean bag (which has the impact of baton hit) and even rubber baton rounds. The Round Irritant Personnel (R.I.P. cartridge) 12-gauge ammunition which comprises cartridges filled with a mixture of micronized CS gas and a non toxic powder produces a large amount carbon dioxide gas on compression and friction. This can also be fired from an existing .12 bore shotgun. Special ammunition includes shot to break open locks or even fire incendiary rounds. This has yet to be introduced in India but is being inducted by police forces in some other countries.

The wide and versatile range of ammunition which can be fired from a .12 bore shot gun makes it an ideal delivery weapon for a less than lethal approach to crowd control.

Plastic Bullets

Plastic bullets have been developed by the DRDO for use with .303 rifle, 7.62 mm SLR and the 9 mm pistol being used by police forces in India. The bullet has less velocity and is not quite as accurate as a normal bullet. The advantage is that police force deployed in urban areas can use their existing weapons in case the need to fire arises. It is not non-lethal and can be dangerous under 40 metres. However the damage caused will be much less than normal ammunition. Weapons using the plastic bullet have to be manually cocked as the gas pressure is too low for automatic cocking. Some police forces in India have reportedly inducted plastic bullets. Their effectiveness in mob control has yet to be assessed practically.
