



**Memorandum of action to be taken (ATR) by Government on the report of the commission of inquiry Appointed for making enquiries into the incidents of communal riots which occurred in the police commissionerate of Mumbai area during December 1992 and January 1993 And serial bomb blasts which occurred on 12th March 1993**

*(Note: In this report, regular (straight type face) letters have been used for observations and recommendations of the Commission while italic letters are used for Government's comments)*

After the demolition of Babri Masjid, at Ayodhya, communal tension and disturbances erupted in Mumbai.

2. For five days in December 1992 (6th to 10th December 1992) and 15 days in January 1993 (6th to 20th January 1993) Mumbai witnessed unprecedented riots, mob violence of great magnitude and ferocity, resulting in the incidents of stabbing, arson causing large-scale loss of lives and damage to properties. Police had resorted to firing to quell the disturbances. Army was also requisitioned to help the police to deal with the serious riots. As the situation was returning to normalcy after the riots were over, the serial bomb blast rocked the city on 12th March 1993.

3. In exercise of powers conferred by Section 3 and Section 5 of the Commission of Inquiry Act, 1952 (60 of 1952), and all other powers enabling it in this behalf, the Government of Maharashtra, by Notification, Home Department No. FIR-5693/Bombay/1/Appointment/Spl-2, dated 25th January 1993 constituted a Commission of Inquiry consisting of Hon. Justice Shri B.N. Srikrishna, a sitting Judge of the High Court of Judicature at Mumbai, for the purpose of making enquiry into the matter with the following terms of reference:

i) The circumstances, events and the immediate cause of the incidents, which occurred in the Bombay Police Commission-erate area in December 1992, on or after the 6th December 1992 and again in January 1993, on or after the 6th January 1993;

ii) Whether any individual or group of individuals or any another organisations were responsible for such events and circumstances;

iii) The adequacy or otherwise of the precautionary and preventive measures, taken by the police preceding the aforesaid incidents;

iv) Whether the steps taken by the police in controlling the riots were adequate and proper and whether the police firing resulting in deaths was justified or not; and,

v) The measures, long and short term, which are required to be taken by the administration to avoid recurrence of such incidents, to secure communal harmony and also to suggest improvements in law and order machinery.

4. 2,126 affidavits were filed before the Commission, of which 02 were by Government, 549 by the police and 1,575 by the members of public. The Commission has recorded the evidence of 502 witnesses, whose depositions run into 9,655 pages and also took on record 2,903 documents as exhibits (15,000 pages) and 536 orders were passed.

5. Congress-I was the party in power in the state when the Notification appointing the Commission was issued, but went out of power in the Assembly elections of 1995. The coalition Government of Shiv Sena-Bharatiya Janata Party came into power on or about 15th March 1995. After the bomb blasts occurred, these parties had demanded that there should be a probe in the link between serial bomb blasts of March 1993 and the communal

riots of December 1992 and January 1993. But this demand was not accepted by the then Congress-I Government. Therefore, when Shiv Sena-Bharatiya Janata Party Government came to power, considering earlier demand, it requested the Commission to go into the background, immediate causes, link as well as common design between December 1992 and January 1993 communal riots and the serial bomb blasts in March 1993. Accordingly, the following additional terms were referred to the Commission:

vi) The circumstances and the immediate cause of the incidents commonly known as the serial bomb-blasts of 12th March 1993, which occurred in the Bombay Police Commissionerate area;

vii) Whether the incidents referred to in term (i) have any common link with the incidents referred to in term (vi) above; and,

viii) Whether the incidents referred to in term (i) and in term (vi) were part of a common design.

6. By Notification of Home Department, No. FIR-596/Mumbai-1/Appointment/JC, dated 23rd January 1996, the Commission was disbanded since the report was likely to take unduly long time and the report even when produced was only likely to open old wounds which had just healed.

7. Government at the Centre changed and Bharatiya Janata Party-led coalition Government assumed power for about 2 weeks. During those two weeks, the then Prime Minister, Shri Atal Behari Vajpayee, addressed a letter to the Chief Minister of Maharashtra, Shri Manohar Joshi, advising him to revive the Commission and the Commission was reconstituted by Notification, Home Department, No. FIR-5696/Mumbai-1/Appointment/JC, dated 28th May 1996. Government had expected that after the Commission was reconstituted and particularly when the Government had given all the co-operation to the Commission in discharging its responsibility, it would take due note of Government's sporting and liberal spirit. But this expectation has been belied.

8. Government had initially given time of 6 months to the Commission for submitting its report. In spite of this, the Government granted extensions to the Commission whenever asked for from time to time and the Commission submitted its report to Government on 16th February 1998.

9. The Commission has submitted its report in two Volumes — Volume-I consists of seven chapters and covers the background leading to the riots of December 1992 and January 1993 and gives its findings and recommendations on terms of Reference Nos. 1 to 8. Volume-II of the Report discusses the "evidential nuances" and detailed narration of events in respect of 26 police stations in the jurisdiction of Mumbai police Commissionerate. In addition, Volume-II contains the analysis of the statements by political leaders, journalists and certain police officers.

#### Background of the riots

10. While analysing the reasons for these communal riots, the Commission has observed that the Hindus and the Muslims were united in the freedom struggle. However, towards the end of the freedom struggle, "Two-Nation Theory" advocated by Mohd. Ali Jinnah led to the partition of the country and heightened the communal tension". The Commission has further observed that "apprehensions entertained by minorities should have subsided with guaranteed fundamental rights of minorities". However, the special privileges given to the minorities contributed to further irritation to the majority community. An atmosphere of mutual distrust and a feeling of "us" and "them" got built up. In addition, the Ram Janmabhoomi-Babri Masjid problem was mishandled since a long time. Had the problem been resolved amicably at an appropriate time, the further complications and consequent demolition of Babri Mosque could have been avoided. The Commission has observed that the kar seva planned in Ayodhya, the Ghantanaad programme and the increasing opposition to these programmes by the Muslims, especially Students Islamic Movement of India and Bombay Muslim Action Committee, led to increasing tension. The demolitions carried out by the Bombay Municipal Corporation further contributed to this tension. Some extremist Muslims and fundamentalists took advantage of this situation to further incite communal feeling among the Muslims.

*The Government broadly agrees with the observations of the Commission about the background of the riots. The Government also feels that the Special Civil Code for the minorities, reversal of decisions in the Shah Bano Case, opposition to the singing of Vande Mataram, use of loudspeakers for Namaaz and the inconvenience caused to the public*

*because of the obstructions on streets created by Namaaz offering mobs, the honorarium granted to Maulvis, the concession granted for Haj pilgrimages also led to further bitterness between Hindus and Muslims. This alienation and mutual distrust is responsible for the occasional occurring riots and the riots started on 6th December 1992 and thereafter and 6th January 1993 and thereafter.*

11. The Government has accepted most of the recommendations made by the Commission in Chapter V, Volume-I. A summary of the conclusions and the action taken thereon is given below.

#### Chapter V, Volume-I of the report

##### Inspection

1.3, 1.4 The discretion of SHOs in registration of offences and in investigations should be used strictly in accordance with law. Senior Police officers need to carry frequent, detailed and stricter investigations.

*Accepted. Appropriate instructions would be given to the Mumbai Police to ensure thorough, detailed and regular investigations are carried out and to see that offences are registered strictly as per law.*

##### Investigation

1.5 Police have classified a large number of offences in "A" summary. It is necessary to re-investigate these classifications made without a proper enquiry.

*Accepted. A Committee comprising officers from Home Department, Law and Judiciary Department and Senior Police officers would scrutinise all "A" summary cases. Re-investigations will be undertaken wherever necessary.*

##### Professionalism

1.6 There is a lack of professionalism in documentation of police work and methods of investigation. There is no proper education of the investigating officers in techniques of interrogations.

*Accepted. Refresher courses imparting training in modern techniques of interrogation would be organised to improve the interrogation methods of police.*

##### Corruption

1.7 The canker of corruption has eaten into the entrails of Indian society and police department is no exception. All acts of the police personnel must be fully documented and transparent, leaving no scope for slightest doubt about their integrity. If any police officer is found indulging in corruption, exemplary punishment should strictly follow. Senior Police officers must keep a hawk's eye on the persons at lower level and in the event of slightest doubt regarding integrity, remedial action must surely and swiftly follow.

*Accepted. All necessary steps will be taken to eradicate corruption in the police force.*

##### Punishments

1.8 i) Punishment for corruption, brutality, dereliction of duty and mala fide exercise of authority should be prompt and no less than dismissal from service, apart from prosecution under the criminal law.

ii) There is need to make amendment to Police Act and Service Rules so that punishment for gross violation of duties and corrupt practices is swift and sure. Similarly, honest officers and men who act professionally must be rewarded by out-of-turn increments and promotions based purely on excellence of record.

*Accepted. Necessary changes will be made in the Police Manual and Service Rules.*

##### Freedom from interference

1.9 Frequent transfers of police personnel on grounds other than administrative convenience and nepotism and corruption in the matter of posting, allotment of quarters and even grant of leave, have haunted the police administration for long. Political interference at all levels has aggravated the problem. It is hoped that the Supreme Court, which has evolved a mechanism for insulating the C.B.I. from political interference, would

also lay down guidelines for similar freedom of the police administration from political interference.

*Accepted. Appropriate steps would be taken to reduce political interference in police administration.*

### Leadership

1.10 i) The Commission has noted that senior officers are afraid of leading on account of scrutiny by judicial commissions which are generally set up after any serious incident of communal nature.

ii) The Commission has also noted about the lack of continuous interaction between the senior officers and the officers and men at the junior level and has suggested that this needs to be improved upon with the lead coming from the officers of police.

*Observations will be suitably brought to the notice of all police officers.*

### Trial of cases

1.11 Justice delayed is justice denied. More so, in the case of a criminal trial. Very often the delay is on account of the unpreparedness of the Investigating Officer. It is also noticed that the police are very slow, careless in matters of drawing F.I.R.s, statements of witnesses, *panchnamas*, holding of identification parades and complying with other statutory requirements. Every Investigating Officer must investigate the offence with the object of securing a conviction in a trial. Of course, by fair means. There is cynicism in the minds of the public that the criminal justice administration system is skewed. Innocent people are punished, while the influential and moneyed invariably get away. There is imperative necessity for dispelling (this impression).

*Accepted. Instructions would be issued to the police department to ensure effective and speedy trials.*

### Collection, dissemination and

#### effective utilisation of intelligence

1.12 i) There should be meticulous and effective consideration of intelligence collected for maintenance of law and order and prevention of crime. Records and diaries required to be maintained under Standing Orders were not maintained.

*Accepted. Existing instructions in Police Manual would be reiterated.*

ii) There is a need for ongoing process of training at the hands of Senior Police officers and outside renowned experts.

*Accepted. Government often organises training, refresher courses and seminars for police. However, instructions would be again given for holding such training, seminars and conferences regularly and on a larger scale. Instructions would also be given for improvement of quality in intelligence gathering and its use.*

iii) Frequent transfers of Senior Police Inspectors in charge of police stations prevent them from knowing their areas and good and bad people in their jurisdiction. Transfers of key officers must be done after sufficient long time.

*Accepted. Appropriate instructions would be issued in this regard.*

iv) Police intelligence machinery could not trace communally inciting material, both from the Hindus and the Muslims. Rumour mongers of both the communities were contributing factors leading to communal riots. Police were unable to trace the sources of these rumours even in one case. Acknowledgement of failure is no absolution.

*Observation is noted.*

v) The officers at all levels must realise that the best way of feeling the pulse of the people is by moving with them and not travelling in vehicles with excessive security.

*Observation is noted.*

### Training and Physical Fitness

1.13 i) There is much wanting in the physical fitness of the members of the police force.

ii) Physical fitness in modern times does not require costly equipment or long workouts. An average man can have adequate physical exercise through Yoga, Aerobics etc. at his residence within 30 to 35 minutes. It would be better if the State administration invested some money for building of sports clubs for police officers and the men where facilities are available at nominal or no charge.

iii) Standards of physical fitness should be implemented strictly and followed by officers and men of the police force. If they are not fit, they should be kept away from duty till they attain their physical standards. Not only the top officers but even the police constables must be in shape.

*Necessary steps would be taken to keep the police force trim and fit.*

v) Constant training and newer inputs are necessary for carrying out any job efficiently. The police personnel at all levels need to be given training in policing techniques and new improvements. At the end of each session, there should be a test to see the impact of training methods. This should result in boosting the confidence and morale of the policemen.

*Accepted. Appropriate action will be taken.*

vi) Training sessions should include legal provisions, and subjects like Criminology, Social Behaviour and relations with public. It should be stressed that policemen are friends of the public. Citizens should also be invited for such sessions.

vii) Attendance in training sessions, P.T., parade should be made compulsory.

*Accepted. Steps would be taken to improve training programmes in the light of the Commission's observations.*

Public Relations machinery

and Peace Committees

1.14 i) It is necessary to disseminate authentic and correct information through authorised channel. It is essential to have proper public relations machinery. As a general rule, police officers should not give information to journalists or citizens. Only the Commissioner should have the right to hold the Press Conferences and Press Briefings either by himself or through his nominated officer.

*Accepted. Appropriate instruction would be issued.*

ii) Peace Committees should comprise respectable persons from the locality not connected with the political parties, viz., professionals, merchants or social workers with no political linkage.

*Accepted. However, Government feels that presence of local political leaders in Peace Committees will help in resolving disputed issues.*

Improvements in Weaponry

1.15 i) Weapons available with the police in the police stations were inadequate, both in quality and quantity to meet the contingencies which arose during December 1992 and January 1993.

ii) Fire arms available to police are .303 rifles and .410 muskets. Even these are not available in sufficient numbers; .410 muskets appear to be outdated.

iii) 303 rifle is an adequate weapon to deal with riots. 7.62 SLR is a quality fire-arm with additional advantage that it is self-loading. Adequate arms should be provided to the police so that every policeman can have at least one fire-arm. This will boost the confidence and morale of the police.

iv) Every police officer should be issued a revolver till his retirement.

*Accepted. Regular review would be taken to ensure the adequacy of quality and quantity of police weaponry.*

v) *Lathis* are heavy and cumbersome. Policemen may instead be provided with truncheons. Truncheon can be hooked to the belt and the hands of the policemen are free for better use. Truncheons are better in hand-to-hand fights while lathis can be snatched away.

*Noted.*

vi) Training in use of fire-arms should be given so that investment in fire arms is useful.

*Accepted. Appropriate action would be taken.*

vii) The metal helmets given to the policemen are heavy and cumbersome. Helmets of lighter material and hand-shields, which are strong enough to stop stones and sharp objects, should be provided for protection.

*Accepted. Appropriate action would be taken.*

viii) Bullet-proof vests should be provided to the policemen.

*Accepted. Appropriate action would be taken.*

ix) Riot control methods used in Western countries should be considered. The standard equipment issued to the policemen in those countries may be studied and implemented. Rubber bullets, electric shotgun and water cannons are freely used for controlling communal riots.

*Accepted. Appropriate action would be taken.*

x) The study of riot controlling techniques in advanced countries should not be used merely as an excuse for foreign jaunts. It should be used for effective implementation of a useful technique in indigenous conditions

*Noted.*

#### Improvements in communication systems

1.16 i) Phone must be picked up within the third ring. A responsible police personnel, while answering the phone, should also note the incoming call and enter it in a register which would form part of the Police Station's Record. If necessary, more telephone lines or EPABX equipment must be sanctioned.

*Accepted. Appropriate action would be taken.*

ii) During the riot periods, it was found that unauthorised messages were given and police frequencies were sometimes used for vituperative and conflicting message. Greater vigilance is required in this. Secret codes of channels should be known only to authorised persons. Outsiders should not be able to use them.

*Observations are noted. Radio Trunking System has been sanctioned to the Mumbai Police for preventing intrusion into wireless network.*

iii) Alpha-numeric pagers, cellular telephones and computers which can be inter-linked has made communication easy. These equipment need to be provided to the Mumbai Police.

*Accepted. Necessary steps have been taken to provide computers to every police station with networking to the Main Frame.*

#### Maintenance of Records with reference to Communal Riots

1.17 i) It is necessary that the police stations maintain an accurate updated list of communal *goondas*. There has been scant attention paid to this. This is one of the weaknesses of the present riot-control scheme.

*Observations are noted. Necessary instructions in this regard will be issued.*

ii) Interrogatory sheets maintained under the present system are significantly silent on some vital issues. These need to be revised and updated.

*Accepted. Appropriate action would be taken.*

iii) There is a lack of information about the political or other affiliation of the accused. This information would help the police to easily zero in on the accused for future preventive actions.

*Observations are noted.*

iv) Police should revamp the proforma of interrogatory sheets and devise a special proforma for the accused in communal offences. This would facilitate availability of necessary information and identification of possible associations and connections of the accused.

*Observations are noted.*

v) The Commission strongly recommends that the State Government set aside sufficient finances to overcome the problem of lack or inadequacy of stationery in the police stations.

*Accepted. Necessary steps would be taken to provide adequate funds to make available required stationery to the police.*

vi) Each police station must be provided with computers and should be linked with Headquarters and other police stations with computer network so that there is a fast exchange of vital inputs.

*Accepted. Appropriate action would be taken.*

vii) The Control Room records need to be maintained in better form. Control Room has a system of simultaneously audio recording of wireless messages, so that a Log Book can be prepared on the basis of such audio records. It was further noticed that there is insufficient supply of audio-cassettes in Control Room. Utmost care must be taken to maintain such equipment by providing stand-byes for emergencies.

*Accepted. Steps will be taken to provide adequate number of audio-cassettes. Mumbai Police would be instructed to duplicate the records and keep audio-cassettes as permanent records.*

viii) Control Room should maintain a Log Book comprising the following information:

- a) Name and address of the spot where trouble took place;
- b) Date and time of incident, when controlling operation started and ended.
- c) The nature of operation, in case of firing, number of rounds fired, number of deaths, number of injured, how many persons arrested, number of persons sent to hospitals — with the name of hospitals; and
- d) Any other relevant information.

*Accepted. Steps will be taken for properly maintaining Log Books in the Control room with relevant information.*

ix) Maintenance of riot diaries, though suggested by several Commissions, seems to have been ignored. This needs to be done with immediate effect.

*Accepted. Instructions would be issued to the police for strict compliance with the recommendations.*

## **Policing of Slums**

1.18 i) It is very necessary to have effective policing of slums. Every slum should have a police station or a self-sufficient Out-Post, so that officers and men attached to the police station have a good knowledge of the area.

*Accepted. Appropriate action would be taken.*

ii) *Mohalla Samitees* should have equal representation of different communities living in the slums. *Mohalla Samitees* should be made to work in close contact with the local police so that an exchange of information and ideas is possible.

*Accepted. Appropriate action would be taken.*

iii) Officers with a thorough knowledge of slums and slums dwellers should be posted to the slums. These officers should not only know respectable citizens but also undesirable elements and establishments, such as liquor joints, etc.

*Accepted. Appropriate action would be taken.*

iv) Proper lighting should be provided in the lanes and bye-lanes.

*Accepted. Necessary steps will be taken to comply with the recommendation*

#### **Rapid Action Squads**

1.19 i) Four Rapid Action Squads having high mobility and striking power must be established and stationed at strategic locations so that their help is readily available. Minimum 7 Companies (6 active and 1 reserve) may be given training in riot control methods. Four of them should be located at strategic locations as Rapid Action Squads.

*Accepted. Necessary steps will be taken to create Rapid Action Squads in Maharashtra Police.*

ii) Each Rapid Action Squad should be fully equipped with vehicles in top condition, communication equipment, gas-guns, tear-gas, helmets, truncheons and shields of good quality and in adequate quantity.

*Accepted. Appropriate action will be taken.*

#### **Conditions of Work**

1.20 i) Manpower available with the police is extremely inadequate and as a result an average policeman is required to work for at least 12 hours. These constables are poorly paid and over-worked. It is imperative that the number of personnel should be increased so that every police officer/policemen will be able to go home after normal duty. It is high time that Government looked into the matters of finances regarding the reduction of working hours for police personnel.

*Accepted. Appropriate action would be taken.*

ii) Instead of viewing police security as status symbol, it should be given only to persons who need security. Charges may be recovered from these persons who demand security from the police.

*Accepted. Appropriate action will be taken.*

1.21 i) There is an acute shortage of houses for lower functionaries in the police department. Wherever police quarters are available, they are insufficient and there are long waiting lists which lead to corruption in allotment of houses. This matter should be urgently tackled.

*Accepted. Steps are being taken to build more houses for the police to augment the housing stock.*

1.22 During December 1992 and January 1993 a fault was noticed in the system that adequate Reserve Force was not available to deal with the riot. At a given time, at least five groups should be in reserve.

*Accepted. Appropriate action will be taken.*

#### **Religious processions, meetings**

##### **and use of loudspeakers**

1.23 i) Religious activities in congested areas led to communal flare-up. Similarly, announcements on loudspeakers and religious observances in public places led to avoidable tension among different communities.

ii) There should be a strict control in the matter of religious processions and a deposit of Rs. 5,000 should be taken from the processionists. They should give a written guarantee that they will conduct the procession in a peaceful manner. In case of any trouble, deposit should be forfeited and action taken against them.



iii) The number of policemen required to accompany the procession should be determined by the Senior Police Inspector of the Police Station.

iv) Religious observances by Hindus, Muslims or any other communities which cause an annoyance or obstruction to the citizens should be handled firmly by the police. Action should be taken against persons who defy orders of the police.

*Noted.*

**Curfew orders and ban**

**against assembly**

1.24 i) Such orders should be strictly enforced and any defiance should result in penalty. The police must take into confidence the political leaders and other organisers and inform them about the strict enforcement of the order. The public should be informed of such orders and repeated announcements should be made on T.V.

*Accepted. Appropriate action would be taken.*

1.25 i) Politicians should be prohibited from visiting Police Station and interfering in the police work. It is noticed that communal goondas get entry into the police station and they try to browbeat the police officers. This should be stopped at all costs. Any information required by the Ministers and dignitaries should be routed through the Police Commissioner and they should contact only this officer.

ii) Prosecution launched against rioting persons or for communal offences should not be withdrawn. Senior officers have the responsibility to ensure that police are not pressurised into registering the offences, not registering offences, arresting or not arresting the person related to communal riot. Honest and bona-fide action taken by the police should be backed by the top officers.

*Observations are noted.*

**Interaction with Army, Central Reserve Police Force (CRPF) and other Central Agencies**

1.26 i) It was noticed during the riots that police failed to make effective use of army columns. The army columns were only sent for flag marches and rioters were not afraid of army in spite of clear-cut provisions in law and Army Manual. There was no co-ordination between the police and army authorities.

*Government does not accept that there was lack of co-ordination between police and army authorities. However, necessary instructions would be issued for more effective co-ordination.*

ii) The top officers should not feel below their dignity to seek the assistance of the army during the riots. Army columns should immediately be given operational duties.

*Observations are noted.*

iii) Instructions regarding the procedure of seeking army assistance by civil authorities should be clearly issued and these must be circulated right up to the level of inspectors. They must be well trained in the subject and the relevant law.

*Accepted. Appropriate action will be taken*

iv) Better co-ordination is necessary between the police and the army after army is requisitioned.

*Observations are noted.*

**Police stations**

1.27 i) Police stations must be established taking into account the crime figures. Whenever housing complexes are established, it should be obligatory for the builders, societies to provide accommodation for police station.

*Observations are noted.*

**De-communalisation of**

the police force

1.28 i) The evidence before the Commission suggests that there is polarisation in the police force on communal lines in some measure.

*Barring stray exceptions, the police force in Mumbai, by and large, is secular and non-communal. Efforts will be made to weed out communal elements to enhance the secular character of the police force.*

ii) Communal thinking by common citizens may not produce visible and harmful results. Communal thinking by the police is dangerous. It is necessary to exorcise the police force of this evil and to inoculate it against it.

*Accepted. Appropriate action will be taken.*

iii) Continuous process of education will ensure that members of the police force attain maturity and become secular. They should not be affected by communal thinking by coming into contact with such literature or communal talks. Highly motivated social workers should communicate with the police to combat communalism. The officers at the level of Deputy Commissioner of Police, Assistant Commissioner of Police and Senior Police Inspector, should regularly interact and deliver talk to combat communalism. Deviant conduct on the part of police personnel must be brought to the notice of the seniors. Such persons should be first counselled and if the communal behaviour persists, suitable action may be taken.

*Accepted. Appropriate action will be taken.*

iv) Top officers must keep a vigilant eye on the postings, promotions and transfers to ensure that communalism is not at work.

*Government is taking precautions to insulate postings, promotions and transfers from communalism. However, instructions for greater vigilance will be issued.*

v) Regular weekly parades and attendance should be made compulsory.

*Accepted. Necessary instructions will be issued.*

#### Riot Control Scheme

1.29 i) This scheme needs to be revamped in the light of experience gained during the riots of December 1992 and January 1993. The deficiencies thrown in countering rumours which spread like wild fire, and the inability of the system to identify the source, need to be remedied.

*Accepted. Appropriate improvements would be carried out.*

ii) Control Room organisation needs modernisation with boards and charts etc. so that information is readily available. The officer-in-charge should be senior and experienced.

*Necessary process for computerisation of records and control room is already on.*

iii) Control Room should have a computer for a quick analysis. There is sufficient technology available in our country for this purpose.

*Accepted. Appropriate action would be taken.*

#### Delinquency of police personnel

1.30 The evidence before the Commission indicates that some police indulged in arson, looting and actual participation in the riots. The Commission recommends strict action against such persons.

*The Commission has indicated some officers and policemen in Mumbai Police for their delinquency in the handling of riots. A Committee under the Director General of Police and consisting of representatives of Home Department, Law and Judiciary Department and Director of Prosecution will examine the cases for taking appropriate action.*

12. In addition, the Commission has (Para 1.25, Chapter II) observed that rising unemployment, insecurity of jobs, rapid growth of slums, huge population, changing political discourse and polarisation of communities led to a psychology of frustration and aggressive behaviour among people which further caused riots and violence in Mumbai.

*Government generally agrees with this conclusion. However, Government would also like to add that activities of criminal gangs in Mumbai, the role of ISI of Pakistan in instigating riots and increasing fundamentalism are also important factors for causing communal riots in December 1992 and January 1993 and also for the series of bomb blasts.*

13. Similarly, the Commission has observed (Para 1.28, Chapter II, Volume 1) that the effete political leadership, vacillation for political reasons and the confusion caused by conflicting orders given to the police were also important reasons for spreading of the riots.

*Government agrees with these observations. In addition, in Government's view, one of the important reasons for the riots flaring up was the efforts of one-upmanship over the other between the then Congress Chief Minister, Shri Sudhakar Rao Naik and the then Defence Minister, Shri Sharad Pawar. Because of the differences between these two, the administration of the Maharashtra Government was not only weakened but it also lost its reputation and the riots which should have been brought under control immediately, continued for weeks and weeks. Once again the psyche of both the communities got divided causing on the whole incalculable loss. Mumbai metropolis which was famous for its communal harmony, suffered a blot for all time to come.*

*The above discussion would show that the Government has accepted, as they are, a majority of the recommendations made by the Commission. The Government has also decided to take action on the recommendation and in some cases, action has already started. [For example: Increase in the constabulary, increase in the number of police stations, improvement in Wireless System (Radio Trouncing System), computerisation of work, provision of modern weapons and vehicles, creation of new Regions (North-East, North-West and Central Region and appointment of Additional Commissioners of Police)].*

#### Chapter I to IV from Volume I

#### Conclusion of the Commission and comments of the Government

14. However, Government does not agree with many conclusions of the Commission recorded in chapters I to IV, Volume 1, for the following reasons:

1. The Commission has observed (Para.2.4, Chapter 1, Volume I) that slogans like “Mandir vahin banayenge” and “Is desh me rahna hoga to Vande Mataram kahna hoga” are communal and there was less of religion and more of politics in these activities.

*Government feels that a demand for construction of a temple cannot be communal because such a demand can be made under Fundamental Right guaranteed by the Constitution of India. “Vande Mataram” has been given the status equal to the National anthem and, therefore, Government does not find anything objectionable in the slogan. “Is Desh me rahna hoga to Vande Mataram kahna hoga”.*

2. The Commission observes (Para.1.1, Chapter III, Volume I) that the demolition of the Babri Mosque caused a spontaneous reaction of Muslims and this led to outburst of riots. The Commission observes that “The December 1992 phase of the rioting was a spontaneous reaction of leaderless and incensed Muslim mobs. This commenced as a peaceful protest but soon degenerated into riots”.

*The Government does not agree with the opinion that the riots in December 1992 were a spontaneous reaction of the Muslim mobs as fully explained in sub-para 7 below.*

3. The Commission observes (Para 4.2, Chapter 1, Volume I) that a mob had gathered near Ambedkar Garden near Charni Road around midnight on 6th December 1993.

*After ascertaining the facts, it was noticed that the said Ambedkar garden is not at Charni Road but at Chembur. The gathered crowd had not collected for any communal reason but to commemorate the Mahaparinirvan day of Dr. B.R. Ambedkar which falls on 6th December, every year.*

4. Similarly, in the same sub-para, the Commission observes that there was trouble near Bharat Cafe in Chembur at 00-45 hours.

*The said Bharat Cafe is not at Chembur but at Ghatkopar. The Police Mobile visited the place and found that there was no trouble there as reported.*

5. Similarly, the Commission notes in Para 4.3, Chapter I, Volume-I that there was trouble reported near Bombay Municipal Corporation Building Dargah, Lohar Chawl, within the jurisdiction of L.T. Marg Police Station, at 11-34 hours.

*After ascertaining the facts, no such trouble seems to have occurred.*

6. The Commission further notes (Para 4.8, Chapter I, Volume I) that in Dharavi jurisdiction, local leaders of Shiv-Sena took out a cycle rally of 200-300 persons through several congested and predominantly Muslim areas. Several provocative speeches were made at this meeting.

*After ascertaining the facts, it was found that the said rally was not to celebrate demolition of Babri Mosque but it was a pre-scheduled rally for construction of Ram Temple.*

7. In addition, the Commission observes (Paras 4.9 to 4.13, Chapter I, Volume-I) that there was trouble at Imam Wada, Bhendi Bazar, Masjid Cross lane, Hazrat Nagar, Jogeshwari and Kala Killa. The Commission further observes, “500 people are reported to be indulging in stone throwing at 23-22 hours near Minara Masjid in Pydhonie jurisdiction.” This becomes intensive and police becomes the target. The police use force and disperse the crowd successfully by 23-26 hours (Para.4.14, Chapter I, Volume I). While discussing this event in detail (Para. 1.3 A (ii), Chapter II, Volume-I), the Commission observes, “even at this stage, if the mobs had been handled tactfully and with sensitivity by the police, the protests would have peacefully blown over. The police mishandled the situation and by their aggressive posture turned the peaceful protests into violent demonstrations”.

*The Muslim mob had gathered at Minara Masjid around 23-22 hours. The Commission has also noted that the Babri Masjid was demolished around 12-30 hours. Thus, gathering of a mob around midnight cannot be said to be a spontaneous reaction of the Muslims. On the contrary, the mob seems to have come prepared for the protest after 10 to 12 hours. The Commission has also called this mob as leaderless and agitated but protesting peacefully. Here it must be said that damaging the municipal van and pelting stones on the police are not signs of peaceful protests. Moreover, the Commission has itself observed earlier that the police used force and successfully controlled the trouble which started at 23-22 hours within 4 minutes by 23-26 hours.*

*The Government cannot, therefore, agree that police misdiagnosed and mishandled the situation.*

8. The Commission has also observed that in the beginning of January 1993 some people posing as officers of MHADA went around surveying the houses owned by Muslims in Pratiksha Nagar in Antop Hill Police Station jurisdiction. These could have been Shiv Sainiks (Para 1.7(vii), Chapter II, Volume I).

*Government cannot agree with this observation of the Commission since the Commission has commented in Para. 2.6, Chapter I, Volume-I that this was a motley group of youths in the age group of 18-25 years. They have not been referred to as Shiv Sainiks. Government cannot understand how “group of youths” in Volume-II can become “Shiv Sainiks” in Volume-I”.*

9) Commission has also observed that Shiv Sainiks launched attacks with military precision with list of Muslim establishments and voters’ lists in hands.

*Government cannot at all agree with this conclusion as no strong and reliable evidence has been presented before the Commission which warrants such a conclusion.*

15. The Commission itself observes (Para. 1.3(D), Chapter II, Volume -I) that the situation started improving from the 9<sup>th</sup> December 1992 and law and order was under control and peace was restored by the 12<sup>th</sup> December 1992.

#### Second Phase of Riots

16. While drawing its conclusion about the second phase of riots, the Commission does not accept (Para. 1.27, Chapter II, Volume-I) that the murders of Mathadi workers and Radhabai Chawl incident were reasons for outburst of riots in January 1993. According to the Commission, Muslims and their properties were being attacked from 12<sup>th</sup> December 1992 to 15<sup>th</sup> January 1993. Professional criminals carried out several stabbing incidents in different areas of the city for instigating communal riots. The Commission has also concluded that provocative writings in newspapers, in particular in *Saamna* and *Navakaal* exaggerated reports of the murders of Mathadi workers and the Radhabai

Chawl incident and incited the communal passion. The Commission, in addition, blames the Hindutvawaadi organisations and leaders for the second phase of riots.

*Government cannot agree with these conclusions of the Commission. The Commission has itself noted that there were a large number of stabbing incidents and all these stabbing incidents were mostly in Muslim areas, such as Dongri, Pydhonie, Nagpada, V.P. Road and also majority of the victims were Hindus (Para 1.7) (iv), Chapter II, Volume-I). The Commission accepts in the same sub-para that the stabbings were carried out by Muslims with noted goondas Salim Rampuri and Firoz Konkani in the lead. It is worth noting that all these incidents took place before the inhuman incidents at Radhabai Chawl and the gory murders of the Mathadi workers. In addition, the Commission also accepts that the stabbing incidents were carried out with a view to instigate communal riots. The Government is certain that all these attacks were well planned and carried out with full preparation. Similarly, the Commission itself notes that the attacks were carried out with a motive to whip up communal frenzy. Hence, the conclusions of the Commission, "that the killers were criminals was under-played by the Hindus; that they were Muslims was all that mattered," and the Hindus gave a communal colour to these incidents are, according to the Government, contradictory and erroneous.*

17. On the night of 5<sup>th</sup> January 1993, a Mathadi worker employed in the godown of Vijay Transport Company was suddenly stabbed to death and three more Mathadi workers who came to help him were also stabbed to death. According to the Commission, this incident is not responsible for the January 1993 riots.

*Government cannot accept this observation of the Commission. The Commission itself accepts that the Mathadis were asleep, that one of them had gone to relieve himself at night. He was suddenly done to death and three more Mathadi workers who went to help him were also stabbed to death. The said Mathadi workers were Hindus and they worked with Vijay Transport Company owned by a Hindu. The murders took place with full knowledge of these facts. The Government feels that the Commission is unjustified in making a comment that "Hindus kicked up a furore that the murders had been committed by Muslims". Government is of the view that the murders of innocent and sleeping Mathadis in this fashion was a provocative act inciting communal riots.*

18. The Commission has also observed that from 8<sup>th</sup> January 1993, the Shiv Sena and Shiv Sainiks carried out organised attacks on Muslims and their properties under the leadership of Shiv Sena chief Bal Thackeray who acted like a veteran general.

*The Government totally disagrees with these distorted statements of the Commission as no concrete evidence has been presented before the Commission which can warrant such an inference, let alone conclusion. On the contrary, anti-national Muslim forces, within and outside the country, instigated these communal riots, continued them for a long period and carried out serial bomb blasts on 12<sup>th</sup> March 1993, in which 257 people died and 713 were injured. These were mostly Hindus. Property worth Rs. 27 crore was destroyed. Government notes with distress and surprise that the Commission has not even cared to take serious note of these incidents.*

#### **Radhabai Chawl**

19. The Commission observes that during the wee hours of 8<sup>th</sup> January 1993, at about 00-30 hours, some of the Hindu residents in a Chawl, called Radhabai Chawl were locked from outside and set on fire by miscreants. One male and 5 female members of a Hindu family (Bane) and their neighbours were charred to death and three other Hindus sustained serious burn injuries. One of the victims was a handicapped girl (Para. 1.11 (i), Chapter II, Volume-I). The Commission dismisses this highly horrifying, beastly and grisly incident by making a distorted comment, "This incident was sensationalised by the media by giving exaggerated and provocative reports".

*Government feels that the above actions were highly provocative, pre-planned and carried out with full preparation. This was such a horrifying, cruel and gruesome incident that even an ordinary person would have got highly excited and would have lost his mental balance. Government is surprised as to how the Commission does not acknowledge this incident with adequate gravity and, on the contrary, blames some parties for inciting religious frenzy and alleges that some Marathi newspapers gave exaggerated reports and sensationalised the issue. Government cannot accept these conclusions because the news items were indeed based on facts.*

20. A series of stabbings and these two incidents worried the Hindus about their future

*and a spontaneous reaction for self-protection started. The Commission has not even acknowledged the communally-inciting, exaggerated, provoking and vituperative writing in Urdu newspapers which was totally contrary to facts and even asked for "Jehad" (For example, there is a ban on reading of Koran, Muslims are being butchered and Muslim women are being outraged, etc). This propaganda was totally false and misleading. When the Urdu newspapers were giving provocative, totally unfounded and false news, Government does not deem it appropriate to blame only certain Marathi newspapers.*

*21. In addition, the Commission, while referring to the incidents of 7th January 1993, observes that, "the stabbing incidents resulted in death of 16 Hindus and 4 Muslims and injured 41 Hindus and 12 Muslims (Para. 1.10(i), Chapter II, Volume-I). The analysis of these events made by the Commission leads to the conclusion that even the January 1993 riots were caused because of the aggressive behaviour of Muslims and not of the Hindus.*

*22. One more example of the aggressive behaviour of the misguided Muslims is that, during December 1992 and January 1993 when a large number of policemen were on duty at sensitive and highly sensitive spots and the army was patrolling trouble spots, 57 Hindu places of prayer were attacked. Similarly, both the riots continued for more than a week. It is thus clear that the Muslims carried out the riots in pre-meditated, well planned and organised manner. The target of riots was especially police, which is the visible symbol of Government's authority. Attacks on police are nothing but attack on the Government. It is necessary to note this; this cannot be dismissed as an ordinary matter. Government, therefore, cannot agree with the conclusion of the Commission blaming the Hindus for inciting the Muslims and starting the second phase of the riots.*

*23. When action and reaction are taking place rapidly, it is difficult to investigate as to where they started. To say that the Hindus started the riots is to ignore the facts. The Commission has referred to Shri Balasaheb Thackeray and his interview in the Time magazine. Shri Balasaheb Thackeray has denied the statement attributed to him in the interview. Anita Pratap, who published the interview, could not even produce the simple tape of the interview before the Commission. Since no other supporting evidence is available, the denial of Shri Balasaheb stands.*

*24. The Government has also noticed that provocative statements made by many Muslim leaders were ignored by the Commission. Some of these leaders had called for a boycott of Republic Day and had given a call for wearing black ribbons and black flags. It is improper to blame only one group during such surcharged atmosphere when leaders from both the communities were hurling invectives at each other.*

*25. There is a substantial population of Muslims in cities such as Delhi, Madras, Bangalore and Calcutta. The Government wants to highlight that large-scale and prolonged riots occurred only in Mumbai. Therefore, riots in Mumbai must be clearly understood. Mumbai is the economic and commercial capital of the country and hence inimical forces were at work, both inside and outside the country, had planned to destroy the economic base of the country by fomenting trouble. This line of reasoning is amply borne out by the subsequent events of March 1993. The government feels that the Commission did not fully understand the implication of these factors.*

*26. The Government would also like to bring to the notice that several organised, cruel and violent criminal gangs are operating in the city and some of their leaders are located outside the country. Such gangs received help, encouragement and incitement from the I.S.I.; they took full advantage of this to foment communal strike. Young boys were recruited and sent to Pakistan for training and they came back to indulge in war-like operations in their own motherland.*

*27. The "theory of retaliation" attributed to S/Shri Madhukar Sarpotdar and Manohar Joshi, adversely commented upon by the commission, is explained by Shri Joshi in his deposition before the Commission. He says that the word "retaliation" has been used to mean "Pratikriya (reaction)" in Marathi. It denotes a spontaneous and natural reaction for the actions which were taking place. The use of the word "retaliation" in the statement was not*

*intended to denote "aggression" but "self-protection". Asking the people to take care for self-protection cannot be termed as improper. Even the legal provisions allow the right of private defence when one's life or property is seriously threatened. Hence, the call given by S/Shri Sarpotdar and Joshi for self-protection was proper and justified. The Commission has made elaborate comments on the "retaliation principle", but it has not even cared to take note of the call of "Jehad" given by the Muslims. The call to Jihad was clearly an act of sedition. This contributed to whipping up of the religious frenzy amongst the Muslims*

*which continued unabated during both the phase of riots.*

*28. The Government is of the opinion that the large number of stabbing incidents of Hindus, ghastly murders of Mathadi workers and blood-curdling and horrifying incident of Radhabai Chawl led to a spontaneous reaction of Hindus and to the second phase of riots. In the government's view, the stabbing incidents, murders of Mathadi workers and the terrifying incidents at Radhabai Chawl were carried out by the aggressive Muslim leadership in a pre-planned manner. Government feels that a leaderless mob alone could not have sustained such horrifying, rancorous and prolonged riots. The Government is surprised and shocked that the Commission could not identify its main leaders steering the riots from behind the curtain. The Government does not agree with the conclusions given by the Commission on term of reference No. (ii): "Whether any individual or group of individuals or any other organisation, were responsible for such events and circumstances" which blames the Hindus for inciting the Muslims. In the light of the above appraisal, the government feels that the above conclusions are one-sided, reached without considering all the facets and against the principles of natural justice.*

#### Chapter IV, Volume I

#### Conclusions of the Commission and comments of the Government

*29. In chapter IV, the Commission has discussed the term of reference III: "The adequacy or otherwise of the precautionary and preventive measures, taken by the police preceding the aforesaid incidence"; and term of reference IV: "Whether the steps taken by the police in controlling the riots were adequate and proper and whether the police firing resulting in deaths was justified or not". The Commission has observed that the precautionary and preventive measures taken by the police before the above incidents were inadequate. The intelligence machinery did not give information in good time about the possible damage to Babri Masjid and no accurate assessment of the situation arising out of such a contingency was made. The police failed to get crucial intelligence about the closed-door meetings held by the Bombay Muslim Action Committee on 2nd December 1992 at Madanpura and by Shiv Sena at Sena Bhavan on 29th December 1992. On several occasions, the police stations did not have Urdu-knowing persons who could interact with Muslims, feel the pulse of Muslim community or even read and understand Urdu writing. They, therefore, failed to keep themselves abreast of the communal Urdu writing circulating in the city.*

*The Government does not agree with the above conclusions of the Commission. The Government wants to say firmly that the State administration and the police machinery was fully geared to deal with the situation arising out of the proposed kar seva at Ayodhya on 6th December 1992. The Government and Mumbai Police had taken several meetings with their officers. There was a close watch on the movements and meetings of certain groups. Even before 6th December 1992 a large number of preventive arrests, numbering 1,298 persons were made.*

*30. The Commission has itself noted (Para. 1.3 Chapter II, Volume I) that the situation started improving within three days in the December 1992 riots because of effective handling by the police. The police were successful in bringing the situation fully under control by 12th December 1992.*

*31. The first armed attacks were on the police and even the Commission accepts that the police were the first targets, in the first phase of riots on 6th December 1992. The Government feels that the police had left no inadequacy in collection of intelligence, combing operations and preventive arrests either before or during the riots. On the contrary, the Commission itself accepts that police acted firmly. Although there was shortage of manpower by 30-35 percent, the weapons and equipment were obsolete, and their vehicles and communication systems were inadequate, the police could control both the riots in short periods. The Government feels that the Commission should have also taken note of the physical and mental tension which came to the lot of the police for a long period of two months of these riots.*

*32. The Commission has observed that the police were biased against the Muslims. The Government cannot accept these conclusions of the Commission. The Commission has itself accepted the explanation given by the Commissioner of Police and has further written that (Para. 1.4, Chapter II, Volume I), "the aggressive and violent mobs in the initial stages comprised Muslims and, therefore, Muslim casualties were higher." The Commission itself dismisses the theory (Para.1.5, Chapter II, Volume I) that disproportionately large number of Muslim deaths indicate that police had targeted and liquidated Muslims because of bias. The Muslims took a greater part in the riots and violence by the mob. Therefore, larger number of Muslim deaths took place. The Commission itself says that "the explanation of*

*the Commissioner of Police that the aggressive and violent mobs in the initial stages comprised Muslims and, therefore, Muslim casualties were higher does not appear to be as far-fetched as it has been made out by Muslims” (Para. 1.4, Chapter II, Volume I).*

*33. Although it is true that the number of dead in the December 1992 and January 1993 riots was 900, 347 of these deaths were due to stabbing. 91 in arson, 80 because of violence by mobs, 22 by private firing and 4 because of other reasons. It is worth noting that the majority of victims in stabbing incidents were Hindus.*

*34. The commission blames the police for not having been able to control the riots effectively. However, the Government feels that although the police suffered from the paucity of number and resources, they brought the riots under control in minimum time and handled the riots effectively. The police opened fire 153 times in the first phase of riots during December 1992. In this, 30 Hindus, 133 Muslims and 11 others died and 93 Hindus, 189 Muslims and 10 others were injured. In the second phase, police opened fire 308 times, i.e., double the number of the first phase. In this, 80 Hindus, 90 Muslims and 1 other died and 326 Hindus, 146 Muslims and 5 others were injured. If the number of dead and injured from both the communities is seen and the leadership and the role of the two communities in the riots is considered, the actions taken by the police does not show any bias against any community. Barring some exceptions, the Government cannot agree with the conclusion of the Commission that police assumed the role of mute spectators during the riots or that they even took part in the riots or that they had lost moral authority to control the riots. On the contrary, while controlling the riots, two police officers and 5 policemen were killed and 184 police officers and 312 policemen were injured. This shows that police sincerely tried to control the mobs firmly and impartially with complete disregard to the grave dangers to their lives.*

*35. The Government feels that barring some stray exceptions, the police force is, by and large, secular, impartial and free from bias. The Government cannot accept the conclusion of the Commission based on stray evidence of one or two officers that the entire police force of Mumbai was communalised or polarised. The Government feels that such a statement could be the personal opinion of that police officer. The impartial way in which Mumbai police have handled these or other communal riots for the last many years, have adequately proved their secular and impartial character.*

*36. The Commission also observes (Para 1.2, Chapter IV, Volume 1) that the Mahaartis were used for political purposes, communally-inciting speeches were made in them and the dispersing crowds after the Mahaartis indulged in attacking, damaging and looting Muslim establishments. The Commission says that Mahaartis were erroneously treated as purely religious activity and given full freedom in spite of the above evidence. The responsibility for dealing with such assemblies on the public street is of the police but the police could not handle it promptly and effectively and could not give clear-cut directions.*

*The Government cannot accept the above conclusion. While discussing the background of the riots, the Commission has itself noted that the special privileges given to the Muslims irritated the Hindus and a feeling of mutual distrust grew between the Hindus and the Muslims. Moreover, even before the riots, the crowds gathering for the Friday Namaaz swelled in numbers, came on streets and created obstruction in traffic. The Mahaartis started as a spontaneous and natural reaction of the Hindus who were inconvenienced and irritated because of the action of Muslims to read Namaaz on streets. Thus Muslims were reading Namaaz and the Hindus were singing Mahaartis, both spilling on streets. In such a surcharged atmosphere, to ban only Mahaartis, both spilling on streets. In such a surcharged atmosphere, to ban only Mahaartis would have been one-sided and provocative and would have further heightened the tension. Moreover, barring some exceptions, there were no major violent incidents after Mahaartis. Such a general conclusion by the Commission is not supported even by the report of the Commission.*

*37. The Commission has observed (Para.1.9, Chapter IV, Volume I) that the police did not use the army properly and on time. Police were reluctant to take aid of army to disperse unlawful assembly and this led to avoidable loss of life, limb and property.*

*Government cannot agree with this conclusion of the Commission. As elaborately explained earlier in Para. 15, the police could bring under control the riots started on 6th December 1992 by 9th December 1992, and 12th December 1992, the police were successful in stopping the riots altogether. Hence, it must be said that the action taken by the police was effective and the flag march by the army helped in preventing the riots. Government, therefore, holds a view that the presence of army was definitely useful in controlling the riots. During the*



*second phase of riots in January 1993, when the police realised that help from the army had become essential for successfully controlling the rioters, they effectively used the army. While taking all these actions, police carried out preventive arrests of people from both the communities during December 1992 and January 1993. In these were 5,103 Hindus, 3,456 Muslims and 414 others. This shows that the police brought the riots under control according to the Guidelines for controlling communal riots. They took all measures, including use of army, for quelling violence.*

38. The Commission has observed (Para. 1.19, Chapter IV, Volume I) that the police firings, one in the Suleman Bakery incident in Pydhonie jurisdiction and the other Hilal (Hari) Masjid in R.A.K. Marg jurisdiction were not justified and resulted in killing of innocent citizens.

*As stated in the Para 48 of this memorandum, appropriate enquiry would be made in these incidents.*

39. *For the above reasons, Government cannot accept conclusions of the Commission that the precautionary and preventive measures taken by the police were inadequate and the steps taken by the police in controlling the riots were inadequate. Government would like to reiterate that police had taken all possible steps in gathering of intelligence and taking precautionary and preventive measures. As said earlier, although the police had paucity of manpower, weapons and equipment, they could control the riots within a short period by taking effective help from army, wherever necessary.*

#### Chapter VI: Terms of reference

#### Nos. VI, VII and VIII

#### Conclusions of the Commission and comments of the Government

40 The Commission has discussed terms Nos.VI, VII and VIII in Chapter VI. The terms are as under:

vi) The circumstances and the immediate cause of the incidents commonly known as the serial bomb-blasts of the 12th March 1993, which occurred in the Bombay Police Commissionerate area;

vii) Whether the incidents referred to in term (i) have any common link with the incidents referred to in term (vi) above, and,

viii) Whether the incidents referred to in term (i) and in term (vi) were part of a common design.

41. *Government agrees with the conclusion of the Commission that the circumstances and the immediate cause of the serial bomb blasts of 12th March 1993, arose from the riots in December 1992 and January 1993. 257 people were killed, 713 were injured and property worth Rs. 27 crore was damaged, during the serial bomb blasts. Out of these, 203 Hindus, 17 Muslims and 37 others died and 643 Hindus, 45 Muslims and 25 others were injured. It is, therefore, evident that the serial bomb blasts were carried out with an objective of wreaking vengeance and was part of a conspiracy to liquidate Hindus. The Commission has itself taken note of this fact. Anti-national elements made use of the angry and frustrated youths with evil objective of destabilising the country. Some anti-national elements, encouraged by ISI, inflamed the enraged youth to take revenge for the alleged insults and miseries heaped upon them. A huge conspiracy was hatched in collusion with some Muslim youths to carry out bomb blasts at important places and Hindu-dominated areas. They were given appropriate training and appointed for undertaking a vendetta.*

42. *After hatching of this conspiracy, some frustrated and angry Muslim youths were taken to Pakistan for training in sophisticated weapons and explosives. As a part of this conspiracy, smugglers like Dawood Ibrahim and Mohd. Dosa smuggled a huge stock of AK-56 rifles, hand grenades and sophisticated explosives called RDX into India with the help of some criminals and similar elements in Mumbai. Some stocks were unloaded secretly on the coast of Raigad District and some others on the coast of Gujarat. The said goods were secretly transported to Mumbai and also out of Mumbai. They were stocked at convenient locations, waiting for the signal for their use.*

43. The Commission has itself observed that the serial bomb blasts (Para. 1.3 (iv), Chapter VI, Volume I) were carried out at highly sensitive and economically and otherwise important places in a pre-determined manner. These included Air India building, Stock Exchange building at Fort, Century Bazaar at Worli, Sena Bhavan at Dadar, Hotel Centaur

at Juhu and Sahar International airport. A hand grenade was also thrown towards a parked aircraft.

44. The Commission has observed that the enquiry revealed a special role played by Tiger Memon and his family. Tiger Memon was a kingpin of smuggling activities and he was the chief accused for supervision of the implementation of the conspiracy from Mumbai. The Commission further says that “all the accused, except 2 or 3 are Muslims and there is no doubt that the major role in the conspiracy, at the Indian end as well as foreign end, was played by Muslims”.

45. The Commission itself accepts (Term No. VII, Para 1) that “there was one common link between the riots of December 1992 and January 1993 and bomb blasts of 12<sup>th</sup> March 1993. Three or four accused involved in riot cases are also accused in the serial bomb blasts”. Another common link is also acknowledged by the Commission when it further says that the chief plotter of serial bomb blasts, Tiger Memon and his family, had suffered extensively during

the riots and, therefore, had deep-rooted motive for revenge. A trusted accomplice of Tiger Memon, Javed Dawood tailor alias Javed Chikana, had suffered a bullet injury during the riots and, therefore, he also had a motive for revenge. Apart from these two specific cases, there was a large body of angry, frustrated and desperate Muslims, keen to seek revenge for the perceived injustice done and atrocities perpetrated on them and some others of their community. It is this sense of revenge which spawned the conspiracy of the serial bomb blasts.

46. *In term No. (vii), the Commission accepts the common link between the riots of December 1992 and January 1993 and the serial bomb blasts. However, in spite of such an overwhelming evidence, the Commission does not accept that this was a part of a common design. Government can never agree with this conclusion of the Commission. In fact, the Government is taken aback that the Commission has not given adequate importance to the serial bomb blasts although 257 innocent people were killed in a dastardly manner, 713 were injured and a huge loss of Rs 27 crore was caused. It is strange that the Commission did not take adequate note of such unprecedented, horrifying and totally opprobrious and barbarous incidents.. The Commission has devoted 600–650 pages of the original Report for detailed analysis, minute examination, prolonged discussion and sharp observations about the riots. Government is surprised that the Commission has chosen to dispose of terms of reference Nos.VI, VII, and VIII within 3 to 4 pages in a frivolous and cursory manner.*

47. *The Commission itself accepts that the serial bomb blast was a part of a pre-determined conspiracy. Hence, Government is of the opinion that a treacherous conspiracy was hatched after the communal riots of December 1992, and January 1993 with the sole objective of destroying Mumbai, the economic power house of the country. This was the sole objective of the serial bomb-blasts in March 1993.*

48. *Finally, all the lapses/inadequacies as observed by the Commission will be brought to the notice of the Director General and Inspector General of Police, Maharashtra State, Mumbai and others concerned. They will be directed to take necessary action in the matter.*

## Epilogue

49. *From January 1993 to February 1998, Hon’ble Justice Shri B.N. Srikrishna has taken pains to go through a plethora of records and taken evidence of a large number of deponents. The Government of Maharashtra is indeed grateful to him for undertaking this enormous, complicated and difficult exercise of going through this evidence with dedication and patience.*

50. *The persistence of communal riots is indeed a very serious problem and has defied an enduring solution. (That) the communal riots that first surfaced over a century ago should still continue to plague us even in the Golden Jubilee Celebration Year of Independence is a matter of deep concern not only for the State of Maharashtra but for the country as a whole. One of the main objectives before the Government while constituting the Srikrishna Commission was that it will bring out certain basic and fundamental concepts and ideas with recommendations for preventing and controlling riots and Government gave all co-operation to the Commission. The Government was hoping that the conclusions and recommendations made by the Commission would be useful like a beacon not only for the*

*present but would help safeguard our future. Earlier, too, a number of serious and violent communal riots had taken place in Maharashtra. We have not still forgotten the 1967 riots of Malegaon, 1970 riots which engulfed Bhiwandi, Jalgaon and Mahad and 1984 communal riots of Mumbai. Against this background it was expected that the Commission would come out with suitable directions on the violent and unprecedented riots and serial bomb blasts of 1992–93. It is, however, regretfully noted that the Commission did not fulfil this expectation. It is indeed unfortunate that the Commission while making observations and recommendations did not take a comprehensive view of all the facets and elements responsible for the riots and this has led to one-sided conclusions. One community and its leadership has been held responsible while the other has been more or less absolved. The difficulties of the police, the exceptional mental stress and physical strain which the entire force underwent over the prolonged period of 3 months, braving brutal and violent attacks on them has not merited the attention that it deserved. Numerous individual instances of bravery and gallantry by policemen do not find any mention. The entire force has been tainted without taking into account that it was working beyond its functional capabilities and physical endurance. Instead, based on the evidence of one or two police officers, the Commission has come to the unacceptable conclusion that the entire Mumbai Police is biased. The Commission has not even considered the tremendous adverse impact it will have on the morale of police and the common public. The Government has accepted most of the recommendations of the Commission relating to police administration and effective controlling of riots. But Government is of the view that some of the conclusions are one-sided, biased and arrived at with a view to indict a particular person or community. Therefore, the Government rightly fears that after 5 years, the wounds, instead of getting healed, will be reopened again and may start festering. The Government, therefore, reiterates that on account of the reasons given above, it cannot agree with the conclusions of the Commission recorded in Chapters I to IV of Volume I of the Report.*

*51. The Indian culture having a glorious and uninterrupted tradition of thousands of years commends tolerance towards different faiths, recognising that even if the religions are different, our culture is one. Our Constitution itself is based on liberty, fraternity and dignity of the individual which are the eternal principles of human existence and the common man is still hopeful that injustice, atrocity, intolerance and slavery which distort human life, will come to an end in the near foreseeable future. This Government has always given priority to reducing religious differences, communal riots and tension. It is significant to note that there has been no large-scale communal riot in the State in the last 3 years. Although there could be differences with the Commission about certain conclusions, the Government would like to assure that it is committed to creating an atmosphere of friendship, goodwill and harmony between different religions. The Government is of the view that discord in any form is not going to serve any purpose. On the contrary, all the disputes can be resolved by following the principles of universal brotherhood, understanding and love. This is precisely what the famous Marathi poet Kusumagraj has highlighted in his poem 'Prem Yog':*

*Prem Ahe Mansachya Sanskruticha Saransh*

*Tyachya Itihasacha Nishkarsh*

*Ani Bhavishyakalatil*

*Tyachya Abhyudayachi Aasha*

*Ekmev!*

*(Love is the epitome of human culture,*

*It is the conclusion of history*

*And it is the only hope*

*Of his future).*