



## Volume I

### CHAPTER I

## Preliminary

1.1 For five days in December 1992 (6th to 10th December 1992) and fifteen days in January 1993 (6th to 20th January 1993), Bombay, *urbs prima* of this country, was rocked by riots and violence unprecedented in magnitude and ferocity, as though the forces of Satan were let loose, destroying all human values and civilized behaviour. Neighbour killed neighbour; houses were ransacked, looted and burned, all in the name of religion, as if to vindicate painfully the cynical observation of Karl Marx, "Religion ... is the opium of the people". Those fateful fifteen days saw the people on the streets opiated beyond the call of right and wrong. The bloodshed persuaded the Government of Maharashtra, at the instance of the then Prime Minister, Shri P.V. Narasimha Rao, to constitute a Judicial Commission of Inquiry to inquire into the gruesome incidents of riots and violence.

1.2 By a Notification, Home Department No.FIR-5693/Bombay-1/Appointment/SP-2, dated 25th January 1993, the Government of Maharashtra constituted this Commission of Inquiry with the following Terms of Reference:

- i) The circumstances, events and immediate causes of the incidents which occurred in the Bombay Police Commissionerate 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 other organization, 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.

1.3 After the Commission's office and establishment had been set up, public notices were issued on 15th February 1993 calling upon all persons having knowledge about facts touching the Terms of Reference to come forth and file affidavits before the Commission. The Commission also called upon the Government and the police to file detailed affidavits putting forth their respective versions. Though, initially, the time given was upto 22nd March 1993, the time came to be extended, in response to applications for extension of time made by several prominent citizens, the State Government and the police from time to time, upto 7th June 1993. 2,126 affidavits were filed before the Commission, of which two were by Government, 549 by the police and 1,575 by members of public.

1.4 Recording of evidence commenced on 29th June 1993. As virtually the entire area falling within the Bombay Police Commissionerate had been affected by the inci-

dents of riots and violence, the Commission decided to examine the incidents police station-wise, that too taking up for examination twenty — six police stations where large number of serious incidents had occurred. Evidence was recorded from day-to-day, excepting for short periods of recess requested by the police on the grounds of unusual bandobust and security arrangements.

**1.5** 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 was installed by or about 11th March 1995. Consistent with its public utterances, the Shiv Sena–Bharatiya Janata Party government desired the Commission to go into certain aspects of the serial bomb blasts, which occurred on 12th March 1993 in the city of Bombay. The Terms of Reference were expanded and 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 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.

**1.6** By a Notification, Home Department No.FIR–5696/Mumbai–1/Appointment/JC dated 23rd January 1996, the Commission was disbanded on the ground that it had taken unduly long time to produce its report and that its report, even if produced, was only likely to open old wounds which had healed. As could have been expected, there was a backlash of media and public protests. A group of Writ Petitions were moved before the Bombay High Court challenging the Government’s action of disbanning the Commission. By the time the Writ Petitions were heard and about to be decided, the Government at the Centre changed and Bharatiya Janata Party led coalition assumed power for about two 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 the Notification, Home Department No.FIR–5696/Mumbai–1/Appointment/JC dated 28th May 1996.

**1.7** Time was spent from 28th May 1996 to 24th June 1996 in debating and deciding the scope of the added Terms of Reference. By public notice dated 26th June 1995, the Commission called upon all persons having knowledge of the facts and circumstances pertaining to the added Terms of Reference to file affidavits. In response to the public notice, nine affidavits were filed, of which one was from the Government, six from the police and two from a private citizen.

**1.8** The work of recording of evidence was resumed from 24th June 1996, continued and came to an end on 4th July 1997, during the course of which 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 (about 15,000 pages) and 536 orders were passed.

**1.9** Statements of Case were filed by (1) Lawyers’ Collective, (2) Committee for Protection of Democratic Rights (CPDR), (3) Bombay Bar Association, (4) Communist Party of India (CPI), (5) Jamiat-E-Ulema, (6) Bharatiya Janata Party, (7) Shiv Sena, (8) Indian Human Muslim League, (9) All–India Milli Council and (10) Akhil Bharatiya Hindu Mahasabha. Most of the parties were represented by Counsel who actively participated in the proceedings. The able assistance of all Counsel, including those for the Commission, rendered invaluable help to the Commission in deciding several contentious issues of law and the conduct of the proceedings before it.

**1.10** Since proceedings before it are not adversary proceedings, and considering the enormous amount of time already spent, the Commission called upon the parties before it to file Written Submissions, if any, briefly highlighting their respective stands and their conclusions with regard to the evidence recorded by the Commission.

**1.11** Lawyers’ Legal Aid Committee and All–India Milli Council, Jamiet–E–Ulema, Bharatiya Janata Part and Shiv Sena have filed their Written Submissions, which have been taken on record and considered by the Commission in making this Report.

**1.12** For the sake of brevity and easy readability the Commission has given its conclusions in this Volume and discussed the evidential nuances in the Second Volume of the Report.

**1.13** Communal riots, the bane of this country, are like incurable epileptic seizures, whose symptoms, though dormant over a period of time, manifest themselves over and over again. Measures of various kinds suggested from time to time dealt with symptoms and acted as palliative without effecting a permanent cure of the malaise. This Commission is aware that there are several maladies, which may have no permanent cure, but yet with effective treatment, can be contained within manageable limits. In the view of this Commission, till there is a radical change in social outlook, achieved only by total revamping of social values and widespread education, communal riots must be treated, perhaps, as an

incurable disease whose prognosis calls for suitable measures to contain its evil effects. This Commission has no magical nostrum or panacea to offer, but only age-old wisdom conditioned by newer experiences.

**1.14** The Commission by an order dated 13th September 1993 appointed a Committee of Expert Assessors from the Tata Institute of Social Services under the Chairmanship of Dr. R.K. Hebsur, Professor, Social Sciences, and Head, Department of Research Methodology, Tata Institute of Social Sciences, Deonar, Bombay – 400088, comprising Dr. Jacob A. Aikar a, Professor, Sociology of Education, and Head, Unit for Sociology of Education, Tata Institute of Social Sciences, Deonar, Bombay – 400088 and Dr. Chandan Sengupta, Reader, Unit for Urban Studies, Tata Institute of Social Sciences, Deonar, Bombay–400088 and Mr. S. Siva Raju, Demographer, to study the political, socio-economic, demographic and other factors contributing to the riots. The Committee of Assessors have made a report [Exhibit 2680 (C)] which is elucidating and enlightening and improved the overall perception of the Commission.

**1.15** The Commission also appointed a Committee of Assessors by an order dated 24th June 1993 comprising Mr. K.F. Rustamji, I.P.S. (Retd.), (Former Director General of Police (B.S.F.)), Mr. K.P. Medhekar, I.P.S. (Retd.), (Former Director General of Police, Maharashtra state), Mr. D.S. Soman, I.P.S. Retd.), (Former Director General of Police, Maharashtra State) and Mr. D. Ramchandran, I.P.S. (Retd.), (Former Additional Director General of Police, Maharashtra State) who were called upon to study the policing system in the city and make suitable suggestions to improve its efficacy. By a report dated 23rd June 1994, this Committee has also made valuable suggestions which have been considered by the Commission.

**1.16** Apart from the witnesses examined before it and the reports of the experts, the Commission has also gathered material inputs from a vast body of literature on the subject.

## **2. The build-up**

**2.1** The sense of camaraderie, which existed between the Hindus and the Muslims when they were united in their efforts to throw the British out of this country, appeared to have vaporized and vanished with the "two Nation theory" advocated by

Mohammed Ali Jinnah spawning the political perfidy of partition of the country and leading to the massacre of thousands of innocent citizens on both sides of the border, uprooting and utter ruin of innocent families whose only mistake was that they happened to reside in an area predominantly occupied by the other community. With attainment of freedom and adoption of the Indian Constitution with its inbuilt guaranteed fundamental rights of minorities, apprehensions entertained by the minorities should have subsided. However, it was soon realized that the apprehensions were merely driven deeper into the psyche, to fester there and manifest themselves at periodic intervals. Creation of Special Rights in favour of the minority, though intended for allaying their fears, brought in its wake a resentment against the minorities on the part of the majority i.e. the Hindus. An atmosphere of distrust, and a feeling of "us" and "them" which existed, albeit nebulously, soon after the partition, became thickened by opportunistic politics. Piffling issues become insuperable when the mind is biased and absent the will to reconcile. Right through the Forties, a section of Hindus started the clamour for "liberalization" (liberation) of several mosques, which according to them, were temples oppressively converted into mosques during Muslim reign. The Government at the Centre, instead of addressing itself to an acceptable resolution of the issue, dragged its feet, perhaps with the fond hope that the problem would soon disappear if swept under the carpet.

**2.2** Time and again, the *Hindutvawaadis* (as the Hindu communal parties are popularly called) raised a shrill cry for construction of a temple at Ayodhya at the very place where the Babri Masjid stood, claiming that it was the hallowed place where Lord Shri Ram, the embodiment of all that is Indian, was born. This was, of course, stoutly resisted by the Muslims who refused to give up even an inch.

**2.3** The issue became contentious and landed itself in the lap of courts. Thanks to the inevitable judicial delays, the issue smouldered in courts, till the nineties when the Bharatiya Janata Party revived it to regain lost political mileage. The *Rath Yatra* of Shri L.K. Advani, leader of the Bharatiya Janata Party, refocussed attention on the Ram Janmabhoomi–Babri Masjid dispute. The inevitable clashes and minor cases of rioting, which took place along the route of the *Rath Yatra*, as reported by the newspapers, were the distant thunderclaps portending the storm to come.

**2.4** From or about July 1992, the Bharatiya Janata Party orchestrated its campaign for construction of a temple at Ayodhya by holding *Ram Paduka* processions, *chowk sabhas* and meetings using these occasions for delivering speeches, exhorting the Hindus to become united on the issue. Not only were these occasions used for exhorting Hindus to unite, but some speeches and slogans on such occasions

were down right communal, warning the Muslims that dissent on the Ram Janmabhoomi –Babri Masjid dispute would be an act of treachery for which the Muslims would be banished from the country. Slogans like "*Mandir Vahin Banayenge,*" and "*Is Desh me rahana hoga to Vande Mataram kahana hoga*" rent the air. Though ostensibly religious, the *Ram Paduka* processions had less of religion and more of politics. Under the attractive garb of advocating one's own religion, the *Hindutvawaadis* politicized the issue and tried to pre-empt the issue pending in the court of law, by their strident clamour for construction of Lord Shri Ram's temple at Ayodhya.

**2.5** The vacillating attitude of the Central Government emboldened the sudden installation of the idols of Ram *Lalla* in the disputed structure and spawned the demand for permission to carry out *pooja* therein. The Babri Masjid, a dilapidated structure, which perhaps was not even used as a mosque, suddenly became a rallying point for the Muslims. Vocal sections amongst the Muslims formed the Babri Masjid Protection Committee, which called upon the Government of India to ensure that no harm would befall the Babri Masjid. Hindu religious passions were whipped up by the demand for permission to hold *kar seva* at the disputed spot. The first *kar seva* was sometime in 1991 and, barring minor incidents of rioting and police firing, there was not much serious trouble. Though, *Hindutvawaadis* kept up sustained propaganda that the waters of Sarayu had turned crimson with the blood of innocent martyrs shot down by the police, the issue cooled off. The waning influence of the Congress-I and the waxing popularity of the Bharatiya Janata Party aspiring to capture power at the Centre led to the declaration of a second *kar seva* on 6th December 1992.

**2.6** The period from October 1992 to November 1992 saw hectic preparations on the part of the Bharatiya Janata Party, and its allied parties like V.H.P., Bajrang Dal and R.S.S., for the *kar seva* scheduled on 6th December 1992. The strident clamour of the *Hindutvawaadis* for construction of a temple at the disputed site grew louder every day; so did the resistance of the Muslims who were bent upon opposing the Hindus on any further concessions in the matter of using the disputed structure. Meetings, processions, placards, pamphlets issued on both sides, each fielding its most eloquent speaker to exhort the public that its point of view was right. Speaker after speaker thundered forth at the meetings about the disastrous consequences that would ensue if the Babri Masjid was harmed, or if *kar seva* was stopped. *Hindutvawaadis* roared that not permitting the construction of a temple on the sacred banks of Sarayu at Ayodhya, at the spot where Lord Shri Ram was born, was a blot on the self—respect of every Hindu; Muslim leaders harangued that any concession on the issue would put Islam into "*khatra*" danger). The Hindu majority, with its new-found identity, and the Muslim minority, with its heightened sense of insecurity, flexed muscles and rattled sabres.

**2.7** As preparations for *kar seva* at Ayodhya were in full swing, large numbers of *kar sevaks* were recruited all over the country, expectation being that lakhs of *kar sevaks* would congregate for *kar seva* on 6th December 1992. The Government of India held rounds of unfruitful talks with the representatives of the Babri Masjid Protection Committee and representatives of the *Hindutvawaadis* parties. Neither side was prepared to relent. The Central Government formed a High Powered Committee consisting of the then Defence Minister, Home Secretary and other high officials to monitor the situation at Ayodhya from day to day and to keep the Prime Minister advised. The issue of safety of the Babri Masjid became subjudice before the Supreme Court, as the Babri Masjid Protection Committee apprehended that the Bharatiya Janata Party Government in Uttar Pradesh, led by Shri Kalyan Singh, would show scant regard for its safety. The issue was also raised on the Floor of the Lok Sabha. The then Prime Minister, Shri Narasimha Rao, assured the House that the safety of the Babri Masjid, and all that it represented in a secular democratic polity like India, would be fully safeguarded. A categorical undertaking was given by the Chief Minister of Uttar Pradesh before the Supreme Court that no harm would be allowed to befall the Babri Masjid during the *kar seva*. A categorical assurance to similar effect was also given in the meeting of the National Integration Council.

**2.8** The Central Government deployed a large number of para-military forces around the Babri Masjid from or about the 1st December 1992. Though the situation was growing potentially explosive from minute to minute, as lakhs of *kar sevaks* congregated at Ayodhya, the Central Government was lulled into a false sense of security on account of the undertakings given to the Supreme Court and its deployment of

a large number of military and para-military forces around the disputed structure at Ayodhya. This was the general scenario on the fateful 6th of December 1992.

**2.9** On 6th December 1992, a large number of local policemen, who ringed the Babri Masjid, were attempting to stop the surging multitude of *kar sevaks* from proceeding beyond the barricades built around it. Throngs of frenzied *kar sevaks* kept pushing against the para-military forces and the constabulary. It is alleged that the District Magistrate present at the spot refused to give an order of

firing to the military and para-military forces and that the constabulary declined to fire on the *kar sevaks* whom they considered their own brethren. Hordes of *kar sevaks* broke through the barricades, forcibly entered the Babri Masjid structure and succeeded in demolishing it. Foreign Television media, particularly the British Broadcasting Corporation Television (BBC T.V.), showed the footage of demolition of the Babri Masjid by triumphant *kar sevaks* in its news bulletins hour after hour, from or about 2.30 p.m. on 6th December 1992.

### 3. Impact of the news of

#### demolition of Babri Masjid

**3.1** The demolition of Babri Masjid appears to have caught the state administration and police machinery totally unawares. The intelligence inputs obtained by the state Government through its Intelligence Agencies and the Central Intelligence Agencies neither indicated nor led to the assessment that there could be damage to or demolition of the Babri Masjid. All police officers, who gave evidence before the Commission, and the then Chief Minister, Shri Sudhakarrao Naik, frankly admitted that demolition of Babri Masjid was a wholly unexpected contingency. Surprisingly, most of them learnt of the happening only through television coverage. By the time the news was officially conveyed by the Government of India's Intelligence Agency, it was too late and things had begun to roll.

**3.2** Coming events cast long shadows. Scrutiny of the Log Books of wireless communication maintained by the Police Control Room fairly portends the events to follow. In the view of the Commission, these Log Books, though in illegible and, often, indecipherable hand-writing, provide first hand information about events transpiring in the city during the crucial moments. Being contemporaneous documents, their authenticity is greater than the documents which have come into existence subsequent to appointment of this Commission. Painstaking wading through the entries in the Log Books for 6th December and 7th December 1992 gives an insight into the genesis of trouble during the crucial hours when the communal conflagration was sparked off.

#### 4. 6th December 1992

**4.1** Trouble appears to be brewing in the city even before the demolition of the Babri Masjid and percolation of the news. The chronology of events on that day :

**4.2** 0010 hours — 155 people gather near Ambedkar Garden at Charni Road and there is trouble near Bharat Cafe in Chembur at 0045 hours.

**4.3** 1134 hours — There is trouble reported near Bombay Municipal Corporation Building Dargah, Lohar Chawl, within the jurisdiction of L.T. Marg Police Station.

**4.4** 1100–1200 hours — There are various meetings held by *kar sevaks*, activists of Vishwa Hindu Parishad and Bharatiya Janata Party at different places in the city.

**4.5** 1233 hours — A crowd of 300/400 holds a meeting opposite Shiv Mandir, Dadar.

**4.6** 1400 hours — A crowd is reported near Elphinstone Bridge in Bhoiwada jurisdiction.

**4.7** The Babri Masjid is demolished at about 1230 hours and the news of this event is widely publicized by the electronic media, particularly BBC News.

**4.8** 1640 hours — A cycle rally of 200/300 persons is taken out by the local leaders of Shiv Sena in Dharavi jurisdiction. This rally passes through several communally sensitive and Muslim predominant areas in Dharavi and terminates at Kala Killa where a meeting is held and addressed by the local activists of Shiv Sena. Provocative speeches are made at this meeting.

**4.9** 1952 hours — A crowd collects at Imam Wada, Bhendi Bazar in Pydhonie jurisdiction.

**4.10** 2033 hours — A crowd collects at Nizam Street, Masjid Cross Lane.

**4.11** 2042 hours — A crowd of 50/60 *Hindutvawaadis* collects at Jijamata Lane in Byculla jurisdiction.

**4.12** 2110 hours — There is stone throwing reported at Hanjar Nagar, 'G' Building in Jogeshwari jurisdiction.

**4.13** 2115 hours — Trouble is reported at Kala Killa, Chembur.

**4.14** 2322 hours — 500 people are reported to be indulging in stone throwing near Minara Masjid in Pydhonie jurisdiction. This becomes intensive and police become the target. The police use force and disperse the crowd successfully by 2326 hours.

**4.15** 334 hours — Attempted arson by an irate mob is reported near Mandvi Telephone Exchange, Pydhonie.

**4.16** 2344 hours — The police report having fired only one round near Minara Masjid and that about 200 people had gathered near Mandvi Head Quarters.

**4.17** 2352 hours — Stone throwing and soda-water bottles (throwing) is reported in Bhendi Bazar in Pydhonie jurisdiction.

**4.18** 2350 hours — Stone throwing is also reported near Momin Masjid, Mohammed Ali Road.

**4.19** 2356 hours — Private firing is reported from a building in Bhendi Bazar, Dongri jurisdiction.

**4.20** 2358 hours — Firing and stone throwing incidents are reported in Bhendi Bazar and Dongri jurisdictions.

**4.21** The flames catch on in several parts of the city and the whole of Bombay is aflame from the next day.

## CHAPTER II

### Term No.(I)

The circumstances, events and immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December 1992 on or after 6th December 1992 and, again in January 1993, on or after 6th January 1993

#### 1. Circumstances and Events

**1.1** The period under study can be divided into the following five phases:

- i) Period prior to 6th December 1992;
- ii) 6th December 1992 to 12th December 1992;
- iii) 12th December 1992 to 5th January 1993;
- iv) 6th January 1993 to 20th January 1993; and
- v) The period subsequent to 20th January 1993.

#### 1.2 Period prior to 6th

##### December 1992

**i)** This period saw intense activity on the part of Bharatiya Janata Party and its allied parties (V.H.P, Bajrang Dal and RSS) and Shiv Sena by holding several meetings, *chowk sabhas* and carrying out propaganda in favour of construction of the Ram temple at Ayodhya. *Ghantanaad* programmes organised in various parts of the city to coincide with the *kar seva* at Ayodhya. The Muslim organizations like Students Islamic Movement of India (SIMI) and Bombay Muslim Action Committee also carried on propaganda opposing the construction of a temple at Ayodhya and calling for Babri Masjid being left alone. Some of the speeches made during this period by both sides were likely to incite communal passion. These activities on the part of the rival communities were building up an undercurrent of communal tension, the dangerous implications of which were not fully realized by the police and the state machinery.

**ii)** After the formal announcement of the *kar seva* proposed on 6th December 1992 at Ayodhya, the *Hindutva* parties started recruitment of volunteers for *kar seva* from different parts of the city. They also started *Ram Paduka* processions in different parts of the city.

**iii)** The *Rath Yatra* by the Bharatiya Janata Party in support of its campaign for building of Ram

Temple at Ayodhya further added to communal tension all over the country and Bombay city was no exception.

iv) Against the background of the communal tension in the city came the demolitions of unauthorized structures by the officers of Bombay Municipal Corporation. Though it is not possible to say that they were directed only against Muslims, the fact that the people then affected happened to be Muslims gave a handle for some of the affected Muslim criminal elements to step up a propaganda against the Bombay Municipal Corporation authorities. The incident of alleged desecration of religious objects and books of Muslims was a fall-out of this propaganda. The ongoing action taken by police against the criminals, though it affected both Hindu and Muslim criminal elements equally, in terms of lessening opportunities for crime and choking of finances, became an aggravating factor to some of the underworld Muslims who were also affected by the demolition drive. Some of the Muslim extremists and fundamentalists seized upon this opportunity to canvass that their religious interests were at stake and that Muslims were being subjected to systematic attack. This call to religion found a ready response amongst the Muslim youth. This explosive mixture was ready to be ignited.

### 1.3 6th December 1992 to

#### 12th December 1992

##### A) 6th December 1992

i) News of demolition of Babri Masjid spread by 1430 hours on 6th December 1992. The cry of danger to Islam reverberated in the air. The Muslim fundamentalists seized this opportunity to aggressively propagate that Islam was in imminent danger since proponents of the Hindu nation had been allowed a free hand to destroy, in broad day light, under the very nose of the armed forces, the Babri Masjid, a standing symbol of Islam, despite assurances and undertakings by the Uttar Pradesh state Government and the Government of India that no harm would be permitted to be caused to the Babri Masjid during *kar seva* at Ayodhya on 6th December 1992. The repeated media coverage, particularly on television, of footage of film pictures of previous *kar seva* during which some of the misguided *kar sevaks* were seen dancing on the dome of the Masjid, as well as the latest video shots showing actual demolition of the Babri Masjid, caused a sense of deep resentment, frustration and anger in the Muslims. The ready explosive mixture was ignited by the demolition of Babri Masjid which provided the spark of ignition. The sight of large contingent of armed constabulary and Central and state paramilitary forces standing mutely without raising a finger to protect the mosque being pulled down and the fact that some of them were even seen to be gleeful over the said fact, caused deep hurt and anguish beyond endurance to the Muslims.

ii) The irresponsible act of the *Hindutva* parties in celebrating and gloating over the demolition of Babri structure was like twisting a knife in the wound and heightened the anguished ire of the Muslims. The celebration rally organised by Shiv Sena in Dharavi jurisdiction is an example. The Muslims protested, and protested angrily on the streets. Large number of Muslims congregated near Minara Masjid in Pydhonie jurisdiction at about 2320 hours on 6th December 1992 and came out protesting. Even at this stage, if the mobs had been handled tactfully and with sensitivity by the police and accepted leaders of both communities, the protest would have peacefully blown over. The police mishandled the situation and by their aggressive posture turned the peaceful protests into violent demonstrations, during which the first targets of the anger of the mob became the municipal vans and the constabulary, both visible signs of the establishment.

It is significant that the mobs were not armed, not even with stones and sticks, though they were angry and wanting to vent their spleen against anyone in authority. This situation was misdiagnosed, mishandled and turned messier.

iii) At this juncture the Hindus had nothing to complain and should have left the matter to be dealt with by the police as a problem of law and order. It is unfortunate that even at this stage the activists of Bharatiya Janata Party and Shiv Sena jumped into the fray, and escalated communal passion, as seen from their act of stopping the vehicles on roads in the jurisdiction of V.P. Road Police Station.

iv) In Nirmal Nagar jurisdiction, a Ganesh idol in the Ganesh Mandir on Anant

Kanekar Marg was found decapitated and moved out from its place of installation though the lock on the grill surrounding the *sanctum sanctorum* was found intact. This was noticed at about 2345 hours. Though at the time the incident happened there were no immediate clues as to the identity of the miscreants, it was widely suspected that Muslims fanatics were behind it.

v) In the jurisdiction of Deonar, there was a sharp counter-reaction by Muslims who stoned the house

of a local Bharatiya Janata Party leader. The situation was getting uglier with attacks on Hindu temples in this area. Efforts of the police to control the situation brought forth forceful violent reaction from Muslims against them. Large-scale firing resulted, which perhaps justified to quell the violent riots, was construed as an unwarranted act of suppression by police of what the violent Muslim elements thought was their legitimate protest.

### **B) 7th December 1992**

i) From 7th December 1992 onwards there was a qualitative transformation in the situation. Large mobs of Muslims came on the streets and there was recourse taken to violence without doubt. This time the Muslim mobs appear to have come out with the intention of mounting violent attacks as noticed from their preparedness with weapons of offence. There were violent attacks on the policemen in Muslim dominated areas like Bhandi Bazar and its vicinity. The jurisdictional areas affected were mostly Muslim dominated or mixed localities in which the misguided and irresponsible Hindu youths aggravated the situation by engaging the rioting Muslims, leading to a situation where the police found it difficult to restrain both sections; when the police did it by force, the police came to be attacked by both Hindu and Muslim mobs.

ii) By this time the protest had degenerated into a full-scale communal riot between Hindus and Muslims. Eleven temples in different jurisdictions were damaged, demolished or set on fire. The Hindus did not fall behind and damaged mosques and madrassas in different jurisdictions. BEST buses in the Bombay Central Bus Depot and BEST bus stops became easy targets for the Muslim mobs and were damaged and/or set on fire.

iii) Two Constables in Deonar jurisdiction were killed with choppers and swords by the rampaging Muslims. While one lay on the ground bleeding to death, the body of another was dragged and thrown into the garbage heap from where it was recovered seven days later. One constable was done to death in Byculla jurisdiction. Several police officers and policemen who bravely attempted to stem the tide sustained injuries in mob action.

iv) Jogeshwari area, which has been the hotbed of frequent communal riots saw serious riots at the junction of Pascal Colony and Shankar Wadi. A police officer on duty received a bullet injury in his head and died subsequently, though it cannot be said with certitude that it was a case of private firing. The police recovered large number of iron rods, sickles, choppers, knives and soda water bottles from different jurisdictions indicating that there was intention and preparations to carry on the communal riots.

v) Though the police found their resources stretched, they were unwilling to take the help of army for carrying out operational duties. Army columns were used only to carry out flag marches which had little impact on the, by now hardened and emboldened, rioters. The imposition of curfew from the night of 7th December 1992 also did not appear to deter the clashing mobs in view of its effete enforcement. Police intervention came about by resort to fire on 72 occasions, killing 20 Hindus and 72 Muslims and injuring 131 Muslims and one other.

### **C) 8th December 1992**

i) On 8th December 1992 communal rioting and communal violence spread to 33 jurisdictions, the number of clashes of rioting mobs with police as well as rioting mobs inter se increased alarmingly. Attacks on places of worship also continued.

ii) The police had to resort to firing in 43 cases resulting in the death of 21 Hindus, 31 Muslims and three others. There were several cases of mob violence, stabbing and arson. One temple in Dharavi, four in Deonar, one in Park Site and one in Saki Naka were attacked. Simultaneously, two mosques in Dharavi, one *madrassas* in Mahim and Bhoiwada each and one *dargah* in Dadar were also attacked.

iii) The police firing resulted in the death of a large number of Muslims as compared to Hindus. A clamour went up that the police were deliberately targeting Muslims for attack. Perhaps as a matter of political prudence, the Chief Minister advised the commissioner of police to instruct his officers and men to 'go easy' with the firing. These instructions were conveyed by B.C. Message No.414 dated 8th December 1992, instructing the police to control the rioting mobs by using tear gas and *lathi* charge without resorting to firing.

### **D) 9th December 1992**

i) The situation improved for better and the number of cases of mob violence, stabbing, arson and



rioting showed a downward trend. The number of occasions when the police had to resort to firing dropped to 28. The police firing resulted in deaths of 17 persons (five Hindus and 12 Muslims) while 13 Hindus, 12 Muslims and six others sustained injuries. Thirty-four cases of arson resulting in loss of property and injuries to one Hindu and 10 Muslims were reported from different jurisdictions. Two temples in Ghatkopar, one mosque in Trombay and one *kabrastan* in Jogeshwari were subjected to attack by violent mobs.

#### **E) 10th December 1992**

i) The situation improved further with the number of police stations affected coming down to four, though serious communal riots occurred in Dharavi and Mahim police jurisdictions to control which the police had to fire on three and two occasions respectively. Two Muslims were injured in police firing within the jurisdiction of Mahim.

#### **F) 11th December 1992**

i) On this day there was one case of private firing in Azad Maidan jurisdiction in which one Hindu died and four Hindus were injured. However, there was further improvement in overall situation. There was no occasion for police to resort to firing, though 23 different police stations appear to have been affected in varying degrees.

#### **G) 12th December 1992**

i) The situation showed further improvement and the number of police stations affected came down to 14, though there also the occurrences were stray. There were three instances of police firing, one each in Ghatkopar, Bhandup and Dindoshi in which one Hindu and one Muslim were injured. Mob violence took the toll of one Hindu's life. There were six cases of stabbing in which seven Hindus and two Muslims died and two Hindus and one Muslim sustained injuries. There were eight stray cases of arson.

1.4 December phase of the rioting petered out by 12th December 1992. The police appeared to have regained grip on the law and order situation and peace appeared to have returned. However, behind the surface there was simmering discontent and seething anger amongst the Muslims that unduly excessive police firing had resulted in large number of Muslim casualties. Media had criticized the police for having used unnecessary and excessive fire-power, going so far as to suggest that Muslims were intentionally targeted and selectively killed. This refrain was repeated by political leaders and ministers, past and current. The explanation of the commissioner of police that the aggressive and violent mobs in the initial stages comprised Muslims and,

herefore, Muslim casualties were higher, does not appear to be as far fetched as it has been made out by Muslims, nor can it be dismissed offhand. Despite standing instructions to police that the firing should be effective and directed below the waist, there were number of cases in which the victims, mostly Muslims, appear to have sustained injuries above the waist, leading to death. This per se is not suggestive of deliberate firing and wanton killing on the part of police.

The explanation of police is two-fold. Firstly, that rioters in a mob are moving targets and second, firing under attack from a frenzied mob, unlike target practice, is fraught with errors of judgment. Even a fractional error in the angle of ejection could mean drastic change in the trajectory of the projectile and wide variance in the point of impact. This explanation is not so improbable as to be rejected outright. The possibility of some of the rioters ducking to escape becoming targets and in the bargain taking the bullets in the upper regions of their body is not too remote for consideration.

1.5 Considering it from all aspects, the Commission is not inclined to give serious credence to the theory that disproportionately large number of Muslim deaths in December 1992 was necessarily indicative of an attempt on the part of the police to target and liquidate Muslims because of bias.

1.6 The Commission is of the view that there is evidence of police bias against Muslims which has manifested itself in other ways like the harsh treatment given to them, failure to register even cognizable offences by Muslim complainants and the indecent haste shown in classifying offences registered in "A" summary in cases where Muslim complainants had specifically indicated the names and even addresses of the miscreants. That there was a general bias against the Muslims in the minds of the average policemen which was evident in the way they dealt with the Muslims, is accepted by the officer of the rank of Additional Commissioner, V.N. Deshmukh. This general police bias against Muslims crystallizes itself in action during January 1993.

#### **1.7 12th December 1992 to**

**5th January 1993**

i) On 20th December 1992 two Muslims were locked inside a room and the room was set on fire in Goregaon jurisdiction as a result of which they suffered severe burns resulting in the death of one.

ii) On 24th/25th December 1992 one Mathadi worker was killed in Dongri area. Though subsequent investigation by police resulted in arrest of the accused who was an alcoholic and whose motive was far from communal, at the material time the immediate reaction was that the killing was done by a Muslim.

iii) The fires under the simmering cauldron were continuously stoked by communal activities even after the active phase of the December 1992 riots was over. There was a sudden spurt in attendance at Friday *namaaz* in mosques, which was interpreted by the Hindu fanatics as ominous and evidencing intent to seek revenge on the part of Muslims. The Hindus replied with their ingenious *Mahaartis*, ostensibly to protest against the *namaaz* on streets and calling of *azaans* from mosques, though both were going on for years and were, perhaps, no more than minor irritants. The *Mahaartis* were started from 26th December 1992 and kept adding to the communal tension and endangering the fragile peace which had been established. Some of the *Mahaartis* were later used as occasions for delivering communally inciting speeches and the crowds dispersing from the *Mahaarti* indulged in damage, looting and arson of Muslim establishments in the vicinity and on their way. The *Mahaartis* continued unabated throughout January 1993 and came to an end only by or about the first week of February 1993.

iv) The last week of December 1992 and first week of January 1993, particularly between 1st to 5th, saw a series of stabbing incidents in which both Hindus and Muslims were victims, though the majority of such incidents took place in Muslim dominated areas of South Bombay and a majority of victims were Hindus. The stabbings appeared to be executed with professional accuracy intended to kill the victims. The killers had not been then identified in several cases, though it was presumed, at least in the cases where the Hindus were victims, that the killers were Muslims. The motive for the stabbings appears to have been to whip up communal frenzy between Hindus and Muslims.

Some of the Muslim criminal elements operating in South Bombay, like Salim Rampuri and Firoz Konkani, have been identified as the brains behind the stabbing incidents. That they were criminals was underplayed by Hindus; that they were Muslims was all that mattered, and a cry went up that the Muslims were bent upon a second round of riots.

v) On 1st January 1993 there was an article in *Saamna* under the caption "*Hindunni Akramak Vhayala Have*", openly inciting Hindus to violence.

vi) On 2nd January 1993 a number of Muslim hutments in M.P. Mill Compound in Tardeo jurisdiction were set on fire. On the same day there was an incident in Dharavi jurisdiction in which two Muslims were assaulted with iron rods by Hindus.

vii) On 3rd January 1993 there was an attack on a Muslim in Dharavi jurisdiction with a knife. On the same day, several persons claiming to be officials of MHADA, and alleged to be Shiv Sainiks, went around Pratiksha Nagar in Antop Hill jurisdiction surveying the residences of Muslims there.

viii) On 4th January 1993 a big mob of Hindus led by Shri Gajanan Kirtikar, Shri Ramesh More and other Shiv Sena activists took a morcha to the Jogeshwari Police Station complaining of lack of security for Hindus. Some of the people in the morcha attacked Chacha Nagar Masjid and the Muslims in the vicinity and injured them. Several Muslim huts in Magdum Nagar in Mahim jurisdiction were set on fire by Hindus.

ix) On the night of 5th January 1993 a Mathadi worker employed in the godown of Vijay Transport Company who was sleeping in the godown went to the street to relieve himself. Suddenly, he was set upon by miscreants who stabbed him to death. Three more Mathadi workers who came out of the godown to help him were also stabbed to death. The murders of the Mathadi workers created tremendous tension in the area. The Mathadi workers' Union called for a Bandh. Huge meetings were held which were addressed by leaders of Mathadi Unions. Speeches were made during this meeting to condemn the police and Government for their ineffectiveness with exhortations that Hindus might have to pick up swords to defend themselves if the police failed to protect them. At the time when these murders of Mathadi workers took place, neither the police, nor the public, had a clue as to the identity of the killers, which came to be established much later. Nonetheless, the Hindus spearheaded by the Shiv Sena kicked up a furore that the murders had been committed by Muslims, virtually giving a call for arms. On 5th/6th 1993 the Mathadi workers gave a call for bandh of wholesale markets, which also gave immense publicity to the murders of the mathadis allegedly by Muslims.

## 1.8 6th January 1993 to 20th

### January 1993

i) On 6th January 1993 there were several cases of stabbing in Dongri, Pydhonie, V.P. Road and Nagpada jurisdictions in which the victims were innocent pedestrians who were stabbed after ascertaining their identity. Rumours of imminent attacks by Muslims swept the city and the police were unable to scotch them. Despite repeated denials of such rumours by the police, the public did not believe them. Cases of stabbing, arson, mob violence and attacks on private and Government properties occurred in Don

gri, Pydhonie, V.P. Road, Nagpada, Tardeo, Mahim, Dharavi, Nirmal Nagar, Chembur and Kherwadi police stations. Most of the stabbing cases occurred in isolated lanes and bye-lanes and by the time police arrived on the scene, the miscreants would vanish. In all, 18 cases of stabbing were reported by the evening of this day of which eight were from Pydhonie, two from Dharavi, two from V.P. Road, two from Nagpada and one each from Nirmal Nagar, Kherwadi and Andheri. These stabbing cases resulted in one Hindu, one Muslim and two others being killed and 13 Hindus, one Muslim and one other being injured. Mob violence accounted for the deaths of seven Hindus and one Muslim and injuries to nine Hindus and eight Muslims.

ii) The situation in Mahim went out of control at 2100 hours. Hindus attacked Muslims in Muslim pockets in Mahim area led by Shiv Sena Corporator, Milind Vaidya, and a police constable, Sanjay Gawade, openly carrying a sword. There were serious riots in which frenzied mobs of Hindus and Muslims attacked each other.

1.9 Curtains went up for the second phase of the riots in the city.

### 1.10 7th January 1993

i) The violence and riots spread to several parts of the city. There were more deaths and more stabbings and 16 police station areas (Pydhonie, Dongri, Agripada, Gamdevi, V.P. Road, Byculla, Bhoiwada, Nagpada, Kherwadi, Nehru Nagar, Kurla, Deonar, Trombay, Bandra, Vakola and Jogeshwari) were affected by serious riots. The stabbing incidents resulted in deaths of 16 Hindus and four Muslims and injured 41 Hindus and twelve Muslims. Eleven cases of mob violence occurred in different jurisdictional areas, killing two Hindus and injuring ten Hindus and two Muslims. Seven cases of arson were reported on that day in which, apart from huge property loss, two Hindus were killed; five Hindus and two Muslims were injured. A *dargah* in Pydhonie jurisdiction and another *dargah* in V.P.Road jurisdiction were attacked by Hindu mobs. The police resorted to firing on four occasions, resulting in injuries to 6 Hindus and 5 Muslims. Violent mobs of Hindus and Muslims kept attacking each other and the police when they tried to intervene. The mobs also created roadblocks to prevent the police and fire-brigade from reaching the sites of incidents for rendering assistance. A taxi in which two Muslims were travelling was set on fire in Pratiksha Nagar, Antop Hill jurisdiction resulting in the two Muslims being burnt alive.

### 1.11 8th January 1993

i) During the wee hours of 8th January 1993, at about 0030 hours, some of the Hindu residences in a *chawl* popularly known as Radhabai Chawl in Jogeshwari jurisdiction were locked from outside and set on fire by miscreants. One male and five 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. This incident was sensationalized by the media by giving exaggerated and provoking reports.

ii) The Hindu 'backlash' commenced. The communal riots spread to the jurisdictions of Pydhonie, Dongri, Jogeshwari, M.R.A. Marg, L.T. Marg, V.P. Road, D.B. Marg, Gamdevi, Nagpada, Agripada, Byculla, Kala Chowki, N.M. Joshi Marg, Worli, Bhoiwada, Dadar, Mahim, Dharavi, Kurla, Nehru Nagar, Trombay, Chembur, Bandra, Nirmal Nagar, Ghatkopar, Vikhroli, Parksite, Vakola, Oshiwara, D.N. Nagar, Jogeshwari and Aarey sub-police stations. Sixty-six stabbing cases were reported from different jurisdictions, in which 11 Hindus, 15 Muslims and two others were killed and injuries caused to several Hindus and Muslims. Forty-eight cases of mob violence occurred in which six Muslims were killed and 11 Hindus and 17 Muslims and one other received injuries. Thirty-one cases of arson were reported which, apart from causing loss of property, resulted in deaths of six Hindus and two Muslims and injuries to five Muslims and two Hindus. A *dargah* and mosque in Pydhonie jurisdiction, a *kabrastan* and a *madrassa* in Jogeshwari jurisdiction and a temple in Byculla jurisdiction were attacked and damaged. Police resorted to firing on 31 occasions in different jurisdictions resulting in the killing of nine Hindus and 18 Muslims and injuries to 20 Hindus and 24

Muslims and one other. Several raids conducted by the police resulted in seizure of weapons of offence like broken tube lights, swords, petrol bombs and daggers.

iii) That the rioters had become defiant and the authority of the police was considerably eroded, appeared clear when a crude bomb was hurled at the police commissioner's car from one of the buildings in Pydhonie jurisdiction and exploded on the road. The commissioner of police and his staff had a lucky escape, though the severity of the explosion caused a big dent on the road. Eleven army columns were deployed by the police to do Flag March in different areas. Curfew was imposed in areas where it was considered necessary.

### 1.12 9th January 1993

i) The riots continued unabated in 43 police station jurisdictions. Fifty-seven cases of stabbing resulting in death of eight Hindus and 18 Muslims and injuries to 27 Hindus, 33 Muslims and one other, were reported. Ninety-seven cases of mob violence occurred in various parts of the city resulting in the death of one Hindu and six Muslims and injures to 19 Hindus and 24 Muslims. Seventy-three cases of arson were reported from different jurisdictions which caused loss of property, death of three Hindus and six Muslims and injures to four Hindus and six Muslims.

ii) The Shiv Sainiks mobilised themselves for retaliating against the Muslims. The *shakhas* in different jurisdictional areas turned into centres of local commands. The attacks on Muslims by the Shiv Sainiks were mounted with military precision, with list of establishments and voter's lists in hand.

iii) Police suspected terrorists to be holed up on the terrace of Suleman Usman Bakery in Pydhonie jurisdiction. Operation launched against the alleged terrorists by the Special Operation Squad (SOS) under the direction of joint commissioner of police, R.D. Tyagi, and extensive firing by the SOS resulted in deaths of nine Muslims. The police failed to apprehend even a single so-called terrorist, nor did they seize any fire-arms, sophisticated or otherwise, from which firing was done at them, as claimed.

iv) Fifty-two cases of police firing occurred in different jurisdictions, killing 15 Hindus, 22 Muslims and one other. Police combing operations resulted in seizure of stocks of swords, iron bars, choppers, kerosene cans, acid bulbs and soda water bottles from different areas.

### 1.13 10th January 1993

i) Twenty-six army columns were deployed for carrying out flag marches and for the first time the Government issued instructions to the commissioner of police that the army personnel may be directed to do operational duties by resorting to firing after taking control of a situation. Fifty-one police stations were affected by the riots. Eighty-one cases of stabbing occurred in different jurisdictions resulting in deaths of 10 Hindus and 39 Muslims and injuries to 24 Hindus and 42 Muslims. One hundred and eight cases of arson occurred in which there was property loss, death of one Hindu, five Muslims and two others, while one Hindu, one Muslim and one other were injured. Attempts of the fire brigade to reach the places of fire were frustrated by the rioters who not only blocked the streets but also threatened the fire brigade staff and resorted to stone throwing against the fire brigade vehicles. Fires blazed uncontrolled.

Mob violence was reported from 25 jurisdictions causing deaths of two Hindus, nine Muslims, while 13 Hindus, 27 Muslims and two others were injured.

ii) The police were given orders to fire by B.C. Message No.454 dated 10th January 1993 at about 1140 hours and resorted to firing on 82 occasions, resulting in deaths of 22 Hindus, 23 Muslims and one other, while injuries were caused to 77 Hindus, 27 Muslims and two others. Police seized large number of swords, choppers, tube lights, fire balls, soda water bottles, iron bars, *guptis* and also one country made revolver. The situation was very grave in several jurisdictional areas. Even normally law-abiding citizens seemed gripped by the communal frenzy and were seen attacking members of the rival community. Peace committee members, politicians and other social workers were conspicuous by their absence. Communal hatred and fear psychosis appeared to have overtaken the citizens of Bombay making tolerance and reason prime casualties. Rumours about attacks from rival community swept the city.

### 1.14 11th January 1993

i) The situation continued to be serious. Fifty-two police stations were affected by communal violence in varying degrees. Eighty-six cases of stabbing occurred in different jurisdictions resulting in the

death of 11 Hindus, 44 Muslims and one other; 23 Hindus, 58 Muslims and one other were injured. Four Hindus, 19 Muslims and two others were killed in 129 incidents of mob violence in different jurisdictions. Ninety-three cases of arson in different jurisdictions resulted in the death of two Hindus and 12 Muslims and injuries to seven Muslims. Police firing on 67 occasions caused to deaths of 19 Hindus and seven Muslims and injuries to 45 Hindus, 21 Muslims and two others. The army column was used for operational duty in Dadar jurisdiction where it fired on a riotous mob of Hindus without causing any injuries.

ii) Police raids unearthed several swords, knives, choppers, kerosene bottles, acid bulbs, tube lights, one country made revolver and live cartridges.

### 1.15 12th January 1993

i) A gruesome incident occurs in Devipada in Kasturba Marg jurisdiction. A Hindu mob surrounds, strips and assaults two Muslim women. The older woman manages to run away. The uncle of the younger woman who comes to rescue the young girl of 19, and that girl, are beaten and burnt alive by the violent mob. The names of the miscreants are disclosed to police by a Hindu lady in the locality. (Though the miscreants were arrested and tried by the Sessions Court at Bombay, later on they were all acquitted on the ground that the *panchanamas* were defective and that the eye-witnesses were not produced).

ii) Police resorted to firing on 31 occasions in different jurisdictions resulting in the deaths of four Hindus and six Muslims and injuries to 23 Hindus and seven Muslims. Fifty-six cases of stabbing occurred in different areas resulting in the deaths of three Hindus, 27 Muslims and injuries to 11 Hindus and 41 Muslims. Seventy-one cases of mob violence in different areas occurred in which one Hindu and six Muslims were killed; nine Hindus and 21 Muslims were injured. Seventy cases of arson were reported from different police stations, in which two Muslims were killed and one Muslim was injured.

iii) The army column, detailed to rescue a group of besieged Muslims in Antop Hill jurisdiction is attacked by a violent Hindu mob, resorts to firing to disperse the mob. Army column resorts to firing within the jurisdiction of Trombay jurisdiction against another rioting mob of Hindus killing one Hindu and injury to one.

### 1.16 13th January 1993

i) The situation improves slightly in several areas; the number of affected police stations comes down to 48; stabbing cases to 36; mob violence to 67 and arson to 51. The police resort to firing on 24 occasions resulting in the killing of one Hindu and two Muslims and injuries to six Hindus and four Muslims. Mob violence takes a toll of the lives of three Muslims and injures eight Hindus and 18 Muslims. Stabbings cause the death of one Hindu and 16 Muslims, while eight Hindus and 10 Muslims and one other are injured. Arson kills five Muslims and two others and causes injuries to four Muslims, apart from destruction of property.

### 1.17 14th January 1993

i) The situation shows substantial improvement. The number of affected police stations comes down to 40, the number of arson cases drops to 39, in which one Hindu and five Muslims were killed apart from loss to property; mob violence is reported only in 34 cases in which one Muslim and three others are killed and seven Muslims are injured; the police resort to firing only on four occasions in which no one is killed and two Hindus are injured. Stabbing cases resulted in death of four Hindus and 12 Muslims and three others, while seven Hindus, 12 Muslims and one other are injured. The deployment of army columns is increased to 35.

### 1.18 15th January 1993

i) There is further improvement in the situation; the number of police stations affected comes down to 29; mob violence occurs only in 24 cases resulting in death of two Muslims and four Hindus and injuries to eight Muslims. The number of stabbing cases comes down to 12 in which one Hindu and 11 Muslims are killed and three Hindus and five Muslims are injured; the number of arson cases comes down to 25 in which there was only loss of property without death or injury to anyone. The police resort to firing only on two occasions which result in killing of three Muslims, one Hindu and injuries to 14 Muslims. Army column deployed at Nirmal Nagar resorts to firing to quell a riotous mob.

ii) The Prime Minister of India, Shri Narsimha Rao, makes a quick tour of the riot affected areas amidst heavy security arrangements.

**1.19 16th January 1993**

i) The situation shows further improvement. Only 15 stray cases of stabbing are reported in which 12 Muslims are killed and injuries caused to eight Hindus and seven Muslims. Seven mob violence cases occur resulting in injury to one Muslim; 23 stray cases of arson are reported in different areas in which there is only property loss. Police firing comes down to two cases in which none is injured.

**1.20 17th January 1993**

i) The situation seems to be improving for the better. There is no occasion for the police to resort to firing. Three cases of stabbing are reported from different areas in which one Hindu and two Muslims were injured; three minor cases of mob violence occur causing injuries to five Hindus and thirteen Muslims; and six minor cases of arson reported in which, apart from loss of property, one Muslim is killed and one Hindu is injured.

**1.21 18th January 1993**

i) There was no occasion on which police resorted to firing on this day. There was one case of stabbing resulting in the killing of one Muslim, three minor cases of mob violence in which none was injured; five stray minor cases of arson were reported in which none was injured.

**1.22 19th January 1993**

i) The city appears to be limping back to normalcy. Five stray cases of stabbing are reported in which one Muslim was killed and two Hindus and two Muslims were injured. Though nine stray cases of arson are reported, there was no loss of life or injury.

**1.23 The period subsequent to****20th January 1993**

i) From 20th January 1993 onwards

there was no major communal incident despite a few stray cases being reported. The rumour mills worked overtime and rumours about imminent attacks and explosions likely to occur were thick. Call was given out by Imam of Jama Masjid that Muslims should boycott the Republic Day and hoist black flags on their establishments and houses. Police maintained continued vigil along with the army and para-military forces.

ii) On 25th January 1993, there is a minor riot in Dharavi jurisdiction which is quickly controlled by police firing without any death or injury.

iii) 26th January 1993 passed off peacefully in all jurisdictions except Dindoshi where the police resorted to firing in which two Muslims were killed and three Muslims were injured; mob violence caused injuries to two policemen and two Muslims.

iv) During the subsequent period in January the situation in the city slowly comes back to normalcy.

**1.24** The final tally of casualty figures for December 1992 and January 1993 are as under :

*Dead* — 900(575 Muslims, 275 Hindus, 45 unknown and 5 others). The causes for the deaths are police firing (356), stabbing (347), arson (91), mob action (80), private firing (22) and other causes (4).

*Injured* — 2,036 (1105 Muslims, 893 Hindus, and 38 others).

**1.25 Immediate Causes :*****Socio-Economic, Demographic and Political Factors***

i) A communal riot has several causes, some are political, some socio-economical and others demographic. Since it was impossible for the Commission itself to undertake a study of these factors it appointed a committee of experts from Tata Institute of Social Sciences, to undertake an analysis of the causative factors for the December 1992 and January 1993 riots from these perspectives.

ii) The expert panel submitted a report giving various theoretical formulations for analysing communal riots as a social phenomenon. It also collected and analysed the data available to examine how far different factors were responsible for the riots of December 1992 and January 1993 and presented its conclusions tersely in Chapter—III of the report. After studying the conclusions of the

expert panel, the Commission is inclined to accept the report and conclusions drawn by the panel of experts from TISS. Class conflict, economic competition, decline in employment opportunities and changing political discourse are some of the immediate causes for urban riots in different studies undertaken by sociologists. How far they are relevant or they are responsible for the riots of December 1992 and January 1993 in Bombay city is discussed below:

#### **A) Class Conflict**

i) The theories of class conflict, viz. class stratification coinciding with religious cleavages or the dominant property group trying to raise bogie of (Hindu) communalism in order to mute or deflect the rising demands of the (Muslim) under-privileged are hardly applicable to Bombay. Muslim communalism in Bombay is not due to their comparing themselves with affluent Hindus or because of their feeling of being exploited by Hindus.

ii) There is also no evidence to suggest that the riots on such large scale could have been engineered by builders or land-grabbers, though land-grabbing may have occurred on certain occasions as a consequence of riots.

#### **B) Economic Competition**

i) There is no adequate data to conclude that factors of economic competition between the ethnic groups and the ethnic division of labour caused the riots. The city has not witnessed any rising Muslim bourgeoisie competing with Hindu bourgeoisie. The Muslim community in Bombay has hardly produced sufficiently large number of educated youth to compete with educated Hindu youth for the white collared jobs. There is also no evidence that Hindus had encroached upon the traditional economic activities and businesses like bakery, poultry, leather, goods, timber etc. in which Muslim businessmen have sizeable share. There is no material to show that Hindus felt any threat of displacement from their usual economic enterprises. On the other hand, large exodus of Muslims during the riot periods affected garment industries in which there is economic interdependence of Hindus and Muslims.

#### **C) Decline of Employment in**

##### ***Organised Sector and Growth of Informal Sector***

i) The employment in organised sector which provides stable jobs and hence is coveted has declined since 1971 in the city and the decline has been quite sharp between 1981 to 1990. There is also decline in employment in large factories over the same period. This economic decline could have generated frustrations mainly among unemployed youth and poorer sections. De-industrialisation of Bombay has generated unemployment in organised sectors while inflation has hit hard even those in jobs. This is another powerful source of frustration which could have contributed to make the city vulnerable to communal violence.

ii) More than half of the employed people in Bombay are employed in the informal sector — the sector which has no legal existence and is not accountable to any one. The world of informal sector is lawless, cruel and harsh with rank exploitation of workers. There is neither protection of any labour laws, nor job security in this sector. It is possible that informal sector workers are likely to be first victims of communal aggression and, conversely, it is also probable that they are easily susceptible to be drawn into communal riots.

iii) There has been almost a three-fold increase in the slum population as compared to 1961. The number of footpath dwellers and dwellers in slums, has also sizably increased. Though not necessarily under the poverty line, life under such conditions involves misery and lack of civic amenities. This is likely to produce in them frustration-aggression syndrome. Thus, the relative deprivation in regard to economic situation in Bombay is also a relevant factor facilitating ethnic violence.

#### **D) Density of Population**

i) Increasing density of population of the city is a factor which has generally affected life in Bombay. The average number of occupants for one room tenement is higher in Bombay than the other metropolises. Though there is no concrete proof of ghettoisation, the concentration of minority community in distinct pockets has probably led to withdrawal and exclusivist tendency among its members. Given the historical antecedents, national contexts and peculiar economic and political situation in Bombay, such demographical changes might have created the potential for communal mobilization. All over the world such tendencies draw the ire of the majority community.

#### **E) Changing Political Discourse**

i) The political discourse has changed over the decades throughout the country. During the early years the themes of parliamentary democracy, respective merits of public versus private sectors used to dominate political discourse. Suddenly, all this has yielded place to communal discourse. Bombay is no exception. On the other hand, it has other aggravating factors like decline of organised sector employment, phenomenal growth of informal sector, presence of vocal *Hindutva* parties and increasing assertion of Muslim ethnic identity and the like.

ii) Originally confined to the forward caste the middle class in Bombay, *Hindutva*

has recently gained currency and fashionableness and its appeal cuts across economic strata and linguistic divisions. Issues like reversal of Shah Bano decision and singing of *Vande Mataram* and the aborted co-operative endeavour between Bharatiya Vidya Bhavan and Anjuman-e-Islam and the alleged appeasement of Muslims have increasingly helped the acceptance of *Hindutva* among the Hindus. The Muslims on their part have been driven more and more to assert their identity and become increasingly exclusive.

iii) Unlike elsewhere in the country, the Muslims have not acquired sufficient political clout, nor have they been able to increase their representation in Bombay Municipal Corporation or in the Legislative Assembly. This has contributed to the *Hindutva* idiom gaining ground.

iv) Thus, over the years various social, political, economic and demographic factors prepared the ground for communal violence and riots. The socio-economic and demographic factors contributed to development of a situation conducive to ethnic violence. The political factors aggravated the cleavages between the ethnic groups, functioning as proximate contributory cause for riots and violence in Bombay.

### 1.26 December 1992

i) The immediate causes of the communal riots on 6th December 1992 were: (a) the demolition of Babri Masjid, (b) the aggravation of Muslim sentiments by the Hindus with their celebration rallies and (c) the insensitive and harsh approach of the police while handling the protesting mobs which initially were not violent.

### 1.27 January 1993

i) As far as the causes for January 1993 phase of the rioting is concerned, the Commission does not accept the theory that it was merely a backlash of the Hindus because of the stabbings, Mathadi murders incidents and the Radhabai Chawl incident.

ii) The events which took place between the period 12th December 1992 and 15th January 1993 indicate that there were attacks going on against the Muslims and their properties in different areas; there were also several stabbing incidents carried out by professional criminals in different areas of the city, with the intention of whipping up communal frenzy, in which the majority of the victims happened to be Hindus (two of the notorious Muslim criminals Salim Rampuri and Feroz Kokani were subsequently identified to be behind the Hindu stabbings); the communal passions of the Hindus were aroused to fever pitch by the inciting writings in print media, particularly *Saamna* and *Navaakal* which gave exaggerated accounts of the Mathadi murders and the Radhabai Chawl incident; rumours were floated that there were imminent attacks by Muslims using sophisticated arms. These factors impelled some of the irresponsible and hot-headed Hindu elements to take to violence. From 8th January 1993 at least there is no doubt that the Shiv Sena and Shiv Sainiks took the lead in organizing attacks on Muslims and their properties under the guidance of several leaders of the Shiv Sena from the level of *Shakha Pramukh* to the Shiv Sena *Pramukh* Bal Thackeray who, like a veteran General, commanded his loyal Shiv Sainiks to retaliate by organised attacks against Muslims. The communal violence and rioting triggered off by the Shiv Sena was hijacked by local criminal elements who saw in it an opportunity to make quick gains. By the time the Shiv Sena realized that enough had been done by way of "retaliation", the violence and rioting was beyond the control of its leaders who had to issue an appeal to put an end to it.

1.28 Effete political leadership, vacillation for political reasons and conflicting orders issued to the commissioner of police and percolated downwards created a general sense of confusion in the lower ranks of the police, resulting in the dilemma, 'to shoot, or not to shoot'. Four precious days were lost for the Chief Minister to consider and issue orders as to effective use of army for controlling the riots.

1.29 The built-in bias of the police force against Muslims became more pronounced with murderous attacks on the constabulary and officers and manifested in their reluctance to firmly put down incidents of violence, looting and arson which went on unchecked.



## CHAPTER III

### Term No. (II)

Whether any individual or group of individuals, or any other organization, were responsible for such events and circumstances

#### 1.1 December 1992

i) As far as the December 1992 phase of the rioting by the Muslims is concerned, there is no material to show that it was anything other than a spontaneous reaction of leaderless and incensed Muslim mobs, which commenced as peaceful protest, but soon degenerated into riots. The Hindus must share a part of the blame in provoking the Muslims by their celebration rallies, inciting slogans and *rasta rokos* which were all organised mostly by Shiv Sainiks, and to a marginal extent by BJP activists.

#### 1.2 January 1993

i) Turning to the events of January 1993, the Commission's view is that though several incidents of violence took place during the period from 15th December 1992 to 5th January 1993, large-scale rioting and violence was commenced from 6th January 1993 by the Hindus brought to fever pitch by communally inciting propaganda unleashed by Hindu communal organizations and writings in newspapers like *Saamna* and *Navaakal*. It was taken over by Shiv Sena and its leaders who continued to whip up communal frenzy by their statements and acts and writings and directives issued by the Shiv Sena *Pramukh* Bal Thackeray. The attitude of Shiv Sena as reflected in the *Time* magazine interview given by Bal Thackeray and its doctrine of 'retaliation', as expounded by Shri Sarpotdar and Shri Manohar Joshi, together with the thinking of Shiv Sainiks that 'Shiv Sena's terror was the true guarantee of the safety of citizens', were responsible for the vigilantism of Shiv Sainiks. Because some criminal Muslims killed innocent Hindus in one corner of the city, the Shiv Sainiks 'retaliated' against several innocent Muslims in other corners of the city.

ii) There is no material on record suggesting that even during this phase any known Muslim individuals or organizations were responsible for the riots, though a number of individual Muslims and Muslim criminal elements appear to have indulged in violence, looting, arson and rioting.

## CHAPTER IV

### Term Nos.(III) and (IV)

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

1.1 The precautionary and preventive measures taken by the police preceding the aforesaid incidents were inadequate. The intelligence machinery of police did not give information in good time about the possible damage to Babri Masjid, nor was an accurate assessment made of the situation if such a contingency arose. The intelligence apparatus failed to gather crucial intelligence about the closed-door meetings held by Bombay Muslim Action Committee on 2nd December 1992 in Madanpura and by Shiv Sena at Sena Bhavan on 29th December 1992. On several occasions police station concerned did not even have persons knowing Urdu to interact with Muslims and feel the pulse of Muslim community or even to read and understand Urdu writings. This also led to their inability to keep themselves apprised of the communal Urdu writings circulating in the city.

*Mahaartis* were erroneously treated as purely religious activity and given full freedom, despite evidence that they were being used for political purposes, that communally inciting speeches were being made and the dispersing crowds after the *Mahaartis* had indulged in attacking, damaging and looting establishments of Muslims in the nearby areas. Though the responsibility for dealing with such assemblies on public streets is of the police, the police left it to the political judgment of the then Chief Minister who failed to act promptly and effectively and give clear cut directives.

**1.3** The enforcement of the curfew and ban against assembly of five or more persons turned into a farce. The police appear to have been totally overawed by numbers and such orders were flouted with impunity. No seriousness appears to have been shown towards the utility of such orders to control communal situations.

**1.4** The police were hopelessly outnumbered as the strength of the police staff was inadequate by about 30% to 35% even to handle day-to-day problems. A *fortiori*, it was hopelessly inadequate to handle extraordinary situations which arose during December 1992 and January 1993.

**1.5** The arms and equipment held by police stations were inadequate, qualitatively and quantitatively, to deal with the riot situations.

**1.6** The transport facilities for quick movements of police contingents were woefully inadequate.

**1.7** The wireless communication equipment were not foolproof. This enabled communally affected policemen to successfully break into and intrude upon the police channel and transmit abusive,

conflicting and confusing talk on the police wireless channels during the height of the communal riots when accurate communication on wireless channel was imperative.

**1.8** Despite the clear cut guideline in the "Guidelines for controlling communal disturbances", no police station appears to have maintained the 'list of communal *goondas*'. Consequently, when the commissioner of police instructed the police stations to round up 'communal *goondas*', there was wholesale confusion in understanding the import of the message, each senior Police Inspector interpreting it in his own fashion. The preventive rounding up was, therefore, confined only to known criminals and bad characters on the list of the respective police stations.

**1.9** Though the army was alerted on 6th December 1992 itself, there was utter confusion in making effective utilization of the army columns. Both in December 1992 and January 1993 the army could have been given operational role which could have swiftly and decisively put an end to the communal riots. The police over-estimated their ability to control the communal riots, or were reluctant to requisition the aid of army to disperse unlawful assemblies when it was apparent to the local police officers that the situation was slipping out of their hands. This has led to avoidable loss of lives, limbs and property.

**1.10** There was no serious combing operations carried out even in cases where private firing was suspected. The excuse was that soon after the occurrence of the suspected private firing the number of police personnel on hand was small and by the time their strength had been augmented and combing was carried out it was too late to apprehend miscreants or unearth fire-arms. Consequently, though the police claim that there were so many instances of private firing, some even from sophisticated fire arms, they have not been able to seize any but one country made pistol.

**1.11** The response of police to appeals from desperate victims, particularly Muslims, was cynical and utterly indifferent. On occasions, the response was that they were unable to leave the appointed post; on others, the attitude was that one Muslim killed, was one Muslim less.

**1.12** The alertness of police pickets left much to be desired. Several arson incidents, stabbing and violence occurred within the eye-sight and earshot of the police pickets without any action by them. In one case, a bakery situated within the very compound in which the police station (Jogeshwari) is located was attacked, looted and burnt in broad daylight without the police lifting a finger.

**1.13** Police officers and men, particularly at the junior level, appeared to have an in-built bias against the Muslims which was evident in their treatment of the suspected Muslims and Muslim victims of riots. The treatment given was harsh and brutal and, on occasions, bordering on inhuman, hardly doing credit to the police. The bias of policemen was seen in the active connivance of police constables with the rioting Hindu mobs on occasions, with their adopting the role of passive on-lookers on occasions, and finally, in their lack of enthusiasm in registering offences against Hindus even when the accused were clearly identified and post haste classifying the cases in "A" summary.

**1.14** Even the registered riot-related offences were most unsatisfactorily investigated. The investigations showed lack of enthusiasm, lackadaisical approach and utter cynicism. Despite clear clues the miscreants were not pursued, arrested and interrogated, particularly when the suspected accused happened to be Hindus with connections to Shiv Sena or were Shiv Sainiks. This general apathy appears to be the outcome of the built-in prejudice in the mind of an average policeman that every Muslim is prone to crime.

**1.15** The degeneration of the protests, which were initially not violent, in Minara Masjid area on 6th

December 1992 and Dharavi area on 7th December 1992 into violent riots was partly on account of insensitive handling of the rioters by police. The police should have realized that the Muslim community felt betrayed, hurt, humiliated and distrustful of the authorities on account of the demolition of the Babri Masjid inspite of the assurances and promises at the highest level and that too in the presence of armed police and para-military forces. Though there was some marginal violence like stone-throwing, it should have been controlled by use of persuasion and minimal force.

**1.16** The adverse criticism of the police in handling the December 1992 phase of the rioting, which was aired in the media and from platforms by political leaders caused considerable demoralization of the force. Apart from demoralizing the force, it also induced a knee-jerk reaction from the government at the political level with the Chief Minister instructing the police that his officers and men should "go slow". A specific broadcast message was issued on 8.12.1992 instructing the men not to fire while dealing with communal mobs. This order was very much in existence till countermanded by B.C. Message No.457 on 10th January 1993. This order caused immense confusion amongst the police ranks since, in the interregnum, the officers and men were not sure how to handle the mobs. Consequently, some of them continued to fire, but large number of officers did not fire, resulting in prolongation of the violent incidents.

**1.17** Notwithstanding Sections 130 and 131 of the Criminal Procedure Code, the government did not take active aid of the army when such use was imperative. Political dithering delayed a clear-cut order to the commissioner of police on using the army for operational purpose. The flag marches by the army columns had no psychological effect on the rioting mobs.

**1.18** The police, by their own conduct, appeared to have lost moral authority over the citizens and appeared to evoke no fear even in the minds of the criminal elements. The criminal elements were emboldened to hurl a crude bomb at the commissioner of police and hack constables to death without fear. The police developed a psychological fear about attacks on them. *Lathi* charge by the police was ineffective and useless as it mostly consisted of brandishing *lathis* from a safe distance.

**1.19** The police firing was, on several occasions, ineffective and large number of rounds are said to have been fired without producing any visible effect. The police firing at least on two occasions appears to be unjustified, excessive and resulted in killing innocent citizens, one in the Suleman Bakery incident in Pydhone jurisdiction and the other in the Hilal (Hari) Masjid in RAK Marg jurisdiction. The ensuing deaths on these two occasions were not justified at all.

**1.20** Even after it became apparent that the leaders of Shiv Sena were active in stoking the fires of communal riots, the police dragged their feet on the facile and exaggerated assumption that if such leaders were arrested the communal situation would further flare up, or, to put it in the words of the then Chief Minister, Sudhakar Rao Naik, "Bombay would burn"; not that Bombay did not burn even otherwise.

**1.21** Though the police did take action in some cases against newspapers by registering offences under section 153A of Indian Penal Code, such cases

were kept pending for inordinately long time for want of sanction by the government. A large number of vituperative and communally inciting writings in newspapers was ignored by police, emboldening the writers of such material to greater heights of abuse, incitement and calumny.

**1.22** Despite knowledge of the fact that the force had been infected by communal virus, no effective curative steps were taken over a large period of time. As a result of this, communal violence became chronic and its virulent symptoms showed up during the two riot periods.

## CHAPTER V

### Term No. (V)

**The measures, long and short term, which are required to be taken by the government to bring about communal harmony and also to suggest improvements in law and order machinery**

**1.1** The Commission has received valuable inputs from several senior police officers and political leaders examined before it. The Commission has also studied the report of the Rustamji Panel of Assessors as well as that of the Panel of Assessors headed by Dr. R.K. Hebsur, making invaluable suggestions. There appears to be near unanimity amongst the witnesses that there is imperative need

for restoring the authority of law and refurbishing the image of the police.

## 1.2 Image of the policeman

i) The common man on the street has the image of an average policeman as a bloated, bumbling, comic figure holding a *lathi* in one hand with the other palm extended. Perhaps, Hollywood by its *Keystone Cops* and Bollywood by its *Pandu Hawaldar* caricatures helped perpetuate this image. But truth is stranger than fiction! This image needs to be substituted with the image of a professional policeman who is sensitive to the problems of the law-abiding public, but hardened enough to deal with crooks and criminals. The goal must be to project the image of the Bobby in London, Mounty in Canada or NYPD Officer in U.S.A., albeit translated into Indian idiom.

ii) The evidence on record clearly brings out that the authority of the keeper of law was flouted with impunity again and again. Curfew orders and ban orders were flouted with the knowledge that no serious consequences would entail. Preaching of communal hatred and incitement to violence continued unabated with the realization that the law and order machinery was either unwilling or incapable of checking it. Exaggerated notions of the consequences of interdicting people who were openly preaching violence, paralysed the administration. The will to prosecute failed against the contemplated consequences of what would happen if action was taken against leaders of certain party. There cannot be 'holy cows' in policing.

iii) There is imperative need to dispel this impression and refurbish the sagging image of the Bombay police. The suggestions made towards achieving this goal are as comprehensive as possible and they can be implemented as short-term or long-term measures depending on their financial implications and the resources of the State Government. The Commission has noted from news reports that some of its recommendations have been anticipated and implemented by the State Government.

iv) On the basis of the inputs gathered from several of the above sources, the Commission makes the following recommendations which, if implemented, would go a long way to help the administration avoid recurrence of such incidents, secure communal harmony and also restore the cutting edge of professionalism in the law and order machinery.

## 1.3 Short Term measures

### (A) Inspection

There should be more frequent and stricter inspection by the senior police officers to ensure that the discretion to register and investigate offences exercisable by the station house officer (SHO) is used strictly in accordance with law and to safe-guard the safety and liberty of the citizens. The Commission has noticed several lapses on the part of the senior Police Inspector and assistant commissioners of police in doing this. The result is arbitrariness and indifference in the functioning of the police station, which contributes to the declining credibility of the police system itself.

## 1.4 Registration of Crime

The registration of offences appears to be almost arbitrary and based solely on the caprice or external influences brought upon the SHOs. This results in giving an unduly rosy picture of absence of serious crimes to the senior officers and affects their judgment in formulating policies. It also builds up cynicism against the police in the minds of the public. It has come to the notice of the Commission that even in cases where the offences warrant registration of a cognizable crime, the police officers insist on registering a non-cognizable offence, perhaps with a view to avoid lengthy investigations. This tendency needs to be strongly discouraged.

## 1.5 Investigations

i) The investigations appear to be lackadaisical, arbitrary and crime reports are written routinely without any serious investigative efforts being put in. Standard excuses like 'no witness is available', 'none is willing to talk' and 'wanted accused is not seen' are put forward to avoid serious investigation. The police have no authority to classify offences in "A" summary under the provisions of the Criminal Procedure Code and such an order can only be made by the court. Classification of offences is being used as a major tool by the police to short-circuit investigations. In the statistics given by the Government to the Supreme Court, as many as 55 to 60 per cent of the riot-related cases appeared to have been classified in "A" summary, meaning "True, but undetected".

ii) It must be impressed upon the investigating officers that every classification of a registered offence in "A" summary (which can only be done by the court) is a certificate of failure and admission of

inefficiency. Figures of such classification in "A" summary must count for the demerit rating of investigating officers.

### **1.6 Professionalism**

There is singular lack of professionalism noticed when it comes to proper documentation of police work, drawing on information available and methods of investigation of crime. The interrogations of accused in the riot-related offences are routinely done and large number of interrogatory sheets merely indicate that the accused denied his participation in the incident. Going at least by the interrogatory statements of such accused, it would appear that there is no proper education of the investigating officers in techniques of interrogation — which, of course, do not include third degree methods.

### **1.7 Corruption**

i) The cancer of corruption has eaten into the entrails of Indian society, and the police department is no exception. If at all, the cancer is very much openly in evidence here. The lame excuse that corruption is a global phenomenon and policeman being part of the society in which they live cannot be expected to be free from corruption is an excuse of escapism. Considering the enormous authority wielded by policemen, even at lower levels, all acts of the police personnel must be fully documented and transparent, leaving no scope whatsoever for the slightest doubt about their integrity. Association with persons of dubious character and lavish style of life disproportionate to earnings have become the order of the day. It cannot be gainsaid that a person joins the police department, not for making money, but for rendering service to society, even if it is the only job available. So it is no excuse to say that the job of a policeman is underpaid to justify corruption. Every police officer and man must be made to realize that however meagre the compensation from society for his role, the dignity, status, power and authority attached to his office are the compensation and if he seeks anything else, exemplary punishment would swiftly follow. The senior officers must keep a hawk's eye on the personnel at lower levels and in the event of slightest doubt regarding integrity, remedial action must surely and swiftly follow.

### **1.8 Punishments**

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 prosecutions under criminal law.

ii) There is imperative need to make amendments to the 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 purely professionally must be rewarded by accelerated increments and out-of-turn promotions based purely on excellence of record. This would isolate and sideline dishonest elements in the police force whose only aim is to seek personal gains and make way for honest, competent and efficient officers and men to discharge their duties earnestly, restoring public faith in police machinery.

### **1.9 Freedom from interference**

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. If policeman were seen as lackeys by the British masters during the Raj, their status today appears no better, though the masters may be different. Ability to stand up and be counted, without being mutinous, is a quality that would be greatly appreciated in policemen. Bend, they must, only before the majesty and authority of law. There is urgent necessity of insulating the police from political interference in the day-to-day administration. 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, in a matter which it is already seized of.

### **1.10 Leadership**

i) It is noticed often that senior police officers are hesitant to lead for fear of consequences. There is absurd talk that appointment of Judicial Commissions to X-ray police functioning would demoralize the force. An X-ray merely brings to light what is hidden and does not create the disorder; so is it with the findings of a Judicial Commission of Inquiry. As has been pointed out by earlier Commissions, the risk of judicial scrutiny of all actions of a policeman must be treated as a part of his professional hazards, as much as stopping a bullet in his chest. Both are unavoidable and incidental

hazards of his profession.

(ii) There is lack of continuous interaction between the senior officers and the officers and men at the junior level. There is no sense of belonging or loyalty to the officer in command; the officers at lower levels carry an impression that the top brass consist merely of theoreticians far removed from ground realities. Instead of shying away from judicial commissions of inquiry, they must ensure truthful documentation of all their activities, both outside and before such Commissions. The lead must come from the top officers of the police.

### 1.11 Trial of cases

i) 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 officers instructing their counsel in court. An attitude of indifference is demonstrated towards orders issued by courts and there have been occasions when the courts have had to issue warrants against police officers for securing their presence in courts. This hardly does credit to a state officer who is himself charged with the duty of enforcing law and order. It should be impressed upon all police officers that it is part of their discipline and duty to co-operate with courts to ensure that the wheels of criminal justice administration move swiftly. Apart from unpreparedness in matters of criminal trials, it is also noticed that the police are very slovenly in dealing with the preliminary steps, which get scrutinised under microscope by the court at a later stage. In matters of drawing up FIRs, statements of witnesses, *panchanamas*, holding of identification parades and complying with other statutory requirements, there is lack of care bestowed at the preliminary stages which results in a large number of acquittals. Every investigation officer must investigate the offence with the object of securing a conviction in a trial, of course by fair means. The number of failed prosecutions must count for de-merit in the investigating officer. There is continuing 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 off. There is imperative necessity for dispelling this impression, not by mere propaganda but effective steps taken at the police station level.

### 1.12 Collection dissemination and effective utilisation of intelligence

i) The police appeared to be out of touch with the pulse of the public. Crucial intelligence inputs do not seem to have reached the police in time. This leads to errors in assessment of situations. There should be meticulous documentation of inputs so that their analysis and assessment is true and effective. The provisions in the Police Manual and the Standing Orders appear to have been observed more in breach. Records like individual firing report and personal dairies required to be maintained under the Standing Orders, were never maintained. In fact, honest maintenance of such records would enable a Commission of Inquiry to segregate the guilty from the honest; the incompetent from the competent and the shoddy from the meticulous.

ii) The policemen and officers are trained only once before recruitment and there does not appear to be an ongoing process of training of policeman on the job. There is need for weekly seminars, discussions and instructions on police intelligence methods, at the hands of the senior police officers and also outsiders who are experts in the job. Currently, there seems to be no method of cross-checking and appraising the intelligence input gathered from the functionary at the lowest level. It must be remembered that the intelligence input given by the lowest functionary in the police force is the raw material on which assessments are made and policy decisions taken and conveyed by the top brass to the State Government. An error at the lowest level has the compounding effect of flawing the decisions of the senior most police officers.

iii) The cultivation of sources, short-term and long-term, appears to be ineffective, failing at crucial times. Frequent transfers of the senior Police Inspectors in charge of a police station give them hardly enough time to gain knowledge of the topography, rate, pattern and methods of crime and identification of the reputable and disreputable members of public within the jurisdiction. This leads to the officer relying more and more on the judgment of his subordinates as he, as a senior Police Inspector, is a foreigner. Transfers of such key officers must only be done on extremely good grounds after sufficiently long time.

iv) It is a poor reflection on the police intelligence machinery that despite circulation of communally inciting materials in print — both from Hindus and Muslims - and the persistent rumour-mongering, both contributory factors to communal riots, the police were unable to trace the source of such inciting material or the rumours, even in one case. The standard answer given was that they were unable to identify the source from which such communally poisonous material emanated despite best efforts. This repeated acknowledgement of failure gives no absolution and requires intensified measures for close interaction with the public to identify such potential dangers.

v) The officers at all levels must realize that the best way of feeling the pulse of the people is by moving with them and not travelling in vehicles with excessive security. Officers must continuously get an input of the judgment of the public of their role and keep constantly correcting themselves and their subordinates to ensure that there is no deviation from acceptable standards.

### 1.13 Training and Physical Fitness

i) There is much wanting in the physical fitness of the members of the police force. In fact, the Commission recalls that when it visited Kasaiwada Hill in Nehru Nagar jurisdiction, an officer of the rank of assistant commissioner of police accompanying the Commission was endowed with such huge physical proportions that he attempted his best to dissuade the Commission from climbing atop the hill to reach the Kasaiwada settlement. Ultimately, the Commission advised him to stay at the bottom of the hill and undertook the journey on foot and completed it successfully, much to his surprise.

ii) The Commission has queried a number of police officers on the aspect of physical fitness and their reaction was that long and arduous working hours and lack of off-time leaves them no time for physical exercises. This is an unacceptable excuse. Physical fitness in modern times does not require costly equipment or long work-outs, which may be necessary for gymnasts, sportsman and weight-lifters. For an average man, there are sufficient physical exercises, like yoga, aerobics and the like, which can be performed in the privacy of home in a span to 30 to 45 minutes. It would, of course, be better if the state administration spent some money and built sports clubs for the exclusive use of the officers and the men where health and sports facilities are available at nominal or no charge.

iii) As done in the armed forces and airline industry, standards of physical fitness must be rigidly enforced and any deviation beyond acceptable limits must disqualify the officer or man from further duty until he regains the prescribed physical standards. It is not sufficient only for top officers to be in shape. This must percolate down to the level of the policeman pounding the beat. In fact, physical fitness is the first thing that impacts the public eye and immediately colours its judgment of the policeman.

iv) Enforcing strict standards of physical fitness would also reduce medical bills and long periods of absence on medical leave.

v) Currently it appears that no policeman or officer, particularly at junior level, is required to attend any training once he passes out of the police academy. It hardly needs to be emphasized that no job can be efficiently carried on without constant training and newer inputs. It is much more so in the case of the police force. Police personnel at all levels need to be given training in policing techniques as more and more advances are made. Refresher courses have to be devised and attendance at them must be made compulsory at the end of which there should be a test undertaken to appraise the absorption of the training methods, which should ultimately reflect in the confidential records and count for the merit rating of the personnel.

vi) In the training sessions, they should also be trained in the existing legal

provisions which affect policing and also subjects like criminology, sociological behaviour and interaction with citizens. They should be constantly impressed upon that a policeman is a friend of the public. There should also be interactive courses at which members of the public are invited to attend, so that the impression that the public carry, that they should avoid anything to do with the police, must be removed.

vii) Attendance at training sessions, P.T. parades should be made compulsory.

### 1.14 Public Relations machinery and Peace Committees

i) It is seen that police officers, particularly at the top level, are fond of shooting off their mouths even on matters pending investigation, perhaps solely motivated by the wide publicity and high profile it brings them. There are also conflicting statements made by police officers at senior level which confuses not only the public but also the officers and men at subordinate level. Particularly, in the context of a communal riot, it is necessary to disseminate authenticated and correct information through authorized channels. This information must also be disseminated contemporaneously to scotch rumours. It is, therefore, essential to have a proper public relations machinery which can be approached by media persons and public for getting the latest authentic information. Conversely, a strict ban must be imposed on police officers talking to media persons or the public and the provisions of the Conduct Rules must be invoked to punish officers flouting such instructions. As a general rule, the information to be disseminated to the public and the media should be channelized through the

established public relations officer subject to the commissioner's right of holding press conferences and press briefings either by himself or through his nominated officer. A plethora of media reports were produced before the Commission which suggested that the present machinery is deficient and results in conflicting reports.

ii) The peace committees consisted of warring factions and acted more as battle grounds. Peace committees should consist only of reputable persons from the locality unconnected with any political party, viz. professionals, merchants or social workers with no political linkings, or even members of the working class. It is only such a peace committee which can endeavour to bring peace in times of conflict. The material before the Commission suggests that each of the peace committees attached to the police stations was faction-ridden with the representative of each section (Hindu or Muslim) trying to upstage the other instead of working conjointly to establish peace. In order to ensure that the peace committee is constituted with proper persons, the senior Police Inspector of the local area, the assistant commissioner of police of the region and the Deputy Commissioner of Police must have thorough knowledge of the proper persons who can be nominated on such peace committees. It should be considered as serious disqualification if the senior officer has no knowledge of the prominent citizens within his jurisdictional area and has no rapport with student groups, trades, associations, labour unions and the like. Such officers would never be able to contribute anything to the efforts of the peace committee.

### 1.15 Improvements in Weaponry

i) Practically every police officer examined before the Commission made the grievance that the weapons available in the police station were hopelessly inadequate, both in quality and quantity, to meet the contingencies which arose during December 1992 and January 1993.

ii) The fire-arms that are presently available with the police stations to handle riot situations are the .303 rifles and the .410 muskets. Even these are not available in sufficient numbers so that each policeman can be armed in times of emergency. The .410 muskets appeared to be outdated and their deterrent affect on the rioters appeared to be nil. As the police personnel examined by the Commission put it, when a .410 musket is fired, the bullet may emerge from the barrel or may not; even if it emerges, it may hit the target at which it was not aimed. The reason given was that .410 muskets were created by reboring the obsolete and surplus fire-arms of Second World War vintage. The reboring resulted in the grooves of the barrel being eliminated, which causes a gyrating effect in the bullet since it has no angular velocity when it is ejected from the barrel. Consequently, the trajectory of the bullet is uncertain with no guarantee of hitting the intended target. This knowledge appears to have percolated to the rioting public also who were, therefore, emboldened to defy the policeman carrying such obsolete and ineffective fire-arms.

iii) .303 rifle is an adequate weapon to deal with a riot as it is sufficiently deterrent and has sufficiently long range. Its accuracy of fire is also quite high. It is not necessary to go in for sophisticated fire-arms with automatic firing capacity like AK-47 as it might have the potential of producing large casualties if wielded by wrong hands. Subsequent to the constitution of the Commission, it is understood that the Government has taken a decision to go in for 7.62 SLRs. This is also a high quality fire-arm with the additional advantage that it is self-loading. However, apart from improving the quality of fire-arms, sufficient quantities must be held by the police station so that there is at least one fire-arm for each police constable in the field. The experience in the recent riots has shown that the policemen have become easy targets of attack by mobs, in open confrontation as well as in isolated pickets. Consequently, policemen are afraid of picket duty in isolated areas for fear of attacks against them. Possession of an efficient fire-arm would give them the confidence and boost their morale even if they are in isolated pickets.

iv) As far as the officers are concerned, they are equipped with .38 revolvers and a few 9 mm pistols. Their number, however, is short, resulting in two or more officers sharing one revolver. The Commission recommends that each officer be issued one revolver for which he is responsible throughout his career.

v) Apart from fire-arms, the policemen today carry cumbersome and unwieldy *lathis* which keep one hand engaged even when the *lathi* is not required to be used. It is suggested that truncheons of suitable material (as carried by the policeman in U.K. or U.S.A.), which could be hooked on to a buckle in the belt be carried by them so that both their hands are free for better purpose when the truncheon is not in use. The efficacy of a truncheon in hand-to-hand combat is much more than a *lathi* which is easily snatched away.

vi) The Commission recommends that, apart from sufficient supplies of better quality fire-arms, the policemen and officers must be put through rigorous training in handling them without which the



investment in fire-arms would be useless.

vii) The standard riot equipment issued to the police personnel to combat riots is a heavy metal helmet and a hand-held shield to deflect stones and other articles thrown at them. The metal helmets are heavy and cumbersome, particularly taking into consideration the hot weather in Bombay. It is recommended that helmets and shields of suitable lighter material, strong enough to withstand the impact of stones and sharp objects thrown at them, should be issued.

viii) While dealing with mobs which are suspected to indulging in private firing, there should be sufficient number of bullet-proof vests made available to the police personnel.

ix) Though Commissioner Bapat was very skeptical about riot control by using other riot control methods as used in Western countries, the Commission feels that there is an imperative necessity to consider such riot control weapons also. For example, race riots have been effectively handled in U.K., in U.S.A. and by the Japanese police. The standard equipment issued to po

licemen in those countries needs to be studied in greater depth and, to the extent possible, implemented here. Things like rubber bullets or electric shot guns and water canons are freely resorted to in advanced countries to avoid loss of life when carrying out riot control. Their efficacy needs to be studied carefully.

x) The study of riot controlling techniques in advanced countries should not serve merely as an excuse for a foreign junket, but for absorption of useful knowledge to be translated into local conditions for effective implementation here.

### 1.16 Improvements in communication systems

i) Communication can either be on the wire or on the wireless. Both are found to be inadequate in the present system. As to telephone communication, the number of lines sanctioned appear to be inadequate as a result of which a citizen in distress hardly ever gets through to the police station when in need. There must be a method of ensuring that when the line gets connected it is picked up within the third ring and answered by a responsible police personnel at the other end who contemporaneously makes a note of the incoming call and the information given in a register which must be maintained as a part of the record of the police station. If necessary, more number of telephone lines or EPABX equipment must be sanctioned.

ii) The frequency of the channel on which wireless communications takes place does not appear to be impregnable. During the riot periods it was found that there was unauthorized intrusion into it and dissemination of communally vituperative, confusing and conflicting outputs on the police channel. That it was done unauthorisedly by police personnel does not take away the enormity of the issue, namely, that even a constable at a lower level gets to know of the secret frequency of the police channel which is allotted by a central agency. Greater vigilance is required to be exercised in this area to ensure that the secret codes of police channels are known only to authorized personnel. In today's technological advancement, it is possible to establish identity of the caller or the set from which the call on the wireless is given. Such equipment needs to be installed to avoid repetition of the type of incidents which attracted notoriety in international media and caused considerable embarrassment.

iii) Computers, electronic alpha numeric pagers and cellular phones, which can be inter-linked with each other, have made communication an easy task in the world. The Bombay police, perhaps for no fault of theirs, are decades behind in utilizing and garnering the benefits of modern technology. The Commission is informed by no less an officer than a joint commissioner of police, on oath, that the bills sent to the Government for purchase of cellular phones have yet not been passed after about four years. This needs urgent looking into by the State administrative machinery who must accord to it the same priority as they would accord for purchase, maintenance and renovation of articles and equipment supplied to ministers.

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

i) It cannot be gainsaid that effective handling of riot-related offences, particularly in the context of communal riots, requires inputs to identify the connection of the accused to communal organizations. Though in the Communal Riot Scheme of 1986, and the 'Guidelines' there has been identification of the communal organizations in Maharashtra, and it is required that the police stations maintain an accurate and updated list of communal goondas, there has been scant attention paid to these. That is one of the weaknesses in the present Riot Control Scheme, which, though envisioned as efficacious, failed in practice.

**ii)** In order to get an accurate input about the connections of an accused with communal organizations, it is necessary that he be interrogated specifically on this aspect. The interrogatory sheets maintained under the present system require all manner of information (including the name of the brother-in-law of the accused), but are significantly silent on the vital issue. When pointedly queried by the Commission on this aspect, Commissioner Bapat gave a laconic reply that this is not a significant part of the investigations of an offence, since the affiliation of an accused neither resulted in greater, nor lesser punishment, if convicted; and was irrelevant, if acquitted. The Commission is surprised that such a reply should come from the executive head of the police department as it displays lack of awareness of the ground realities in tackling communal riot-related offences.

**iii)** It is true that the political or other affiliation of an accused does not alter the quantum of punishment to be imposed on him in case he is found guilty. It certainly identifies and tags him so that the next time an opportunity arises for preventive or detective action, the police can easily zero in on the tagged accused as well as his associates from the identified communal organization. This awareness seems to have escaped the top brass of the police department and the Commission hopes that it was only inadvertence and nothing more.

**iv)** Another significant aspect which the Commission noticed was that every investigating officer gave a standard reply that he had interrogated the accused in the riot-related offence on his affiliations, but got a negative reply which was not reflected in the records because it was not standard practice to record negative replies. This assertion appears to be the result of confusion in not laying down a standard practice. The Commission did notice that there were several interrogatory sheets of accused interrogated by the DCB- CID which record even negative replies. That seems to be the standard practice in the districts too. In the light of this experience, the Commission recommends that the top brass of the police should revamp the proforma of interrogatory sheet and devise a special proforma for interrogation of accused in communal offences so that the necessary inputs become readily available and identification of the possible associates and connections is facilitated.

**v)** The Commission has noticed that the police stations are not supplied with adequate number of printed proforma registers and proforma sheets which results in wrong proforma registers being used. For example, bail registers are used as record of *muddemal* or as records in the armoury, making the entries suspect and less than tamper proof. The Commission strongly suggests that State Government set aside sufficient finances to overcome the problem of lack or inadequate supply of requisite stationery.

**vi)** The maintenance of computerized data base would go a long way in generating the required tags on accused of different categories, particularly in the context of offences relating to communal riots. It would further facilitate instantaneous recording of factual data and simultaneous retrieval and analysis of vital inputs and their statistical implications by the policy making officers of the top brass. Each police station must be made capable of being linked to another and to the high command by a computer network so that there is fast exchange of vital inputs, of course only to authorized personnel.

**vii)** The Control Room records need to be maintained in better form. It is understandable that in a situation in which incidents develop with alarming frequency, it would be impossible for the officers in the Control Room to note them down contemporaneously with sufficient precision. The Control Room has, therefore, adopted the method of simultaneous audio recording of the wireless messages so that a Log Book can be later prepared on the basis of such audio records. One deficiency noticed here is that there is insufficient supply of audio cassettes as a result of which the audio cassettes are erased even within short time. In fact, the Commission was surprised that the audio cassettes for December 1992 were not available,

though the Commission itself was constituted in the third week of January 1993. The Commission suggests that the audio cassettes be duplicated and one set be maintained as permanent record of the Control Room with another set for re-circulation. As the recent experience of the Justice Gundewar Commission shows, police transmission equipment has the annoying habit of failing at crucial moments. Utmost priority must be given to keeping such equipment functional, by providing standbys for emergency.

**viii)** The Control Room should also maintain a log book in which information must be recorded with sufficient clarity as to: (a) the name or indication of the spot where the trouble has taken place; (b) date and time of incident; the time at which the control operation started and ended; (c) the nature of operation, in case of firing, the number of rounds fired, number of casualties — death or injured —, number of persons arrested, if any, number of persons referred to the hospitals with the names of the hospitals and (d) any other information which the officer in-charge might consider important. The advantage of such systematic recording of events would enable the maintenance of a police station

diary and the contemporaneous record of how the situation was handled. If this information is maintained contemporaneously on a computer data base and log book, there would be sufficient material available which can be scrutinised at all levels of official hierarchy — police, bureaucratic, ministerial, or even by a judicial commission of inquiry. Maintenance of such occurrence records would enable the blame to be pinned on the erring officers and avoid general tarring of the reputation of the entire police force, as happens frequently.

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

### **1.18 Policing of Slums**

**i)** Slums have their peculiar problems such as lack of motorable roads, congested lanes and bye-lanes and irregular structures which make policing difficult. In order to have effective policing in slums, it would be necessary to have a police station, or self-sufficient extension of it, attached to the slum, or to have more than one where the slum is sufficiently big, so that officers and men attached to that police station are intimately familiar with the terrain, topography and type of people.

**ii)** Slums have a tendency of magnifying small issues and minor irritants into full-blown communal riots. In a slum in which different communities live, a Mohalla Committee comprising of equal representatives of different sections must be made to work in close collaboration with the local police officers so that a two-way of exchange of information and ideas is possible.

**iii)** The beat system, though good in theory, has not been effectively operated. The beat officers do not appear to be familiar with the people and places falling within their beat. In the slum the beat officers must be appointed only on the basis of their intimate knowledge of the slum and the people residing therein. The beat officers must be thoroughly familiar with not only with the respectable citizens in the beat but also with the disreputable elements and establishments like liquor joints, cat houses, whether run overtly or covertly. Presently, if there is such knowledge, it appears to be used only for extracting money and nothing else.

**iv)** To facilitate greater accessibility and prevention of attacks in isolated corners, cases of eve-teasing and molestation, which have the potentiality for starting riots, it is necessary to have proper illumination in the lanes and bye-lanes criss-crossing the slum.

### **1.19 Rapid Action Squads**

**i)** At least four Rapid Action Squads with high mobility and striking power, fully trained to handle communal riots and equipped with appropriate equipment, must be established and stationed at four strategic locations so that any spot in the city is promptly accessible. It is learnt that the government has already sanctioned one battalion of SRPF for deployment in Bombay. Since the SRPF battalion consists of seven companies (six active and one training/reserve) all the seven companies should be given training in riot control methods and four of them should be posted at strategic locations to work as Rapid Action Squads.

**ii)** Each Rapid Action Squad should be fully equipped with vehicles in top condition, communication equipment, from gas-guns, tear-gas shells, rifles, truncheons, helmets and shields of the required quality and must be self-sufficient.

### **1.20 Conditions of Work**

**i)** The constant refrain heard by the Commission was that oppressive conditions of service make it impossible for the police personnel to undergo training, physical exercises and sports activities. This appears to be a legitimate grievance. Because of under-staffing, almost to the extent 30 to 35%, at any given time, after deducting personnel on leave and personnel required to be posted for security bandobast, the manpower available is extremely limited. As a result, the existing men are required to work almost 12 hours even during normal working hours. This not only takes toll of their efficiency and health, but also breeds indifference towards work. The lot of an average constable is pathetic. He is poorly paid and over worked. If this be the result of under-staffing, then it is imperative that the number of personnel should be increased so as to enable each police officer/man to have eight hours duty schedule after which he would be entitled to go off duty. In fact, this is the policing pattern in all advanced countries where there is efficient police administration. It is high time that the government looked into the matter of raising finances for recruiting necessary police personnel to reduce their working hours as suggested.

**ii)** Presently, it is seen that large contingents of police are required for round-the-clock protection of

popular representatives of people. It is recommended that instead of police security being used as a status symbol, it should only be given after proper appraisal of security risk. If this is done, a large number of police personnel would be freed for regular duties. If it is not possible to do so, it may be considered if charges can be recovered in such cases.

### **1.21 Housing**

i) There is inadequate housing made available to the lower level functionaries in the police department. Taken in conjunction with the problem of travelling long distances in the city and the low pay and emoluments drawn by police constables, their dependence on slum lords and anti-social elements to obtain cheap housing corrupts them. Whatever police quarters are available are insufficient and there are long waiting lists which lead to further corruption in the matter of allotment of the houses. A policeman who is required to bribe or use political influence to get an allotment of quarters in his favour would hardly be immune to such influences in the discharge of his duties. This is a matter which needs to be tackled urgently.

### **1.22 Reserves**

i) The situation during December 1992 and January 1993 showed up the flaw in the system in not having uncommitted reserves. At any given time at least five battalions of committed reserves should be maintained in barracks and any drop of the reserves below this figure should automatically set off an alarm in the minds of top officials who should then strive to maintain the figure of uncommitted reserves.

### **1.23 Religious processions, meet- ings and use of loudspeakers**

i) It has been noticed that so-called religious activities indulged in by large number of people flare up into communal riots, particularly in congested areas where people of different communities live side by side. Similarly, announcements on loudspeakers and religious observances in public places have also led to avoidable friction amongst different communities which have the potential for communal disturbances.

ii) It is recommended that there should be stricter control enforced in the matter of religious processions and a security deposit of not less than Rs.5,000 should be taken from the organizers of religious processions who should also be called upon to execute a guarantee for the peaceful conduct of procession. If there is any disturbance by the processionists, the deposit should be forfeited and action taken against the organizers of the processions.

iii) Every religious procession is required to be accompanied by police to ensure that there is no disturbance by attacks upon the processionists or by them. It is suggested that the organizers should be made to pay the charges for deployment of police leaving the number of policemen to be determined by the senior Police Inspector of the respective police station.

iv) Religious observances, whether by Hindus or Muslims or any other, in open public places so as to cause obstruction, annoyance or inconvenience to the citizens at large must be strictly discouraged and action taken against those who defy the instructions of police.

### **1.24 Curfew orders and ban**

#### **against assembly**

Such orders must be strictly enforced and any defiance should result in rounding up of the offenders. The police must take into confidence the leaders of political or other organizations and inform them of the strict enforcement of such orders, isolating the law-breakers from the law abiding citizens. The public must be kept informed of such orders by repeated announcements in the media, including television.

### **1.25 Political interference**

#### **in police work**

i) Political interference in police work was evident during the riot periods. Ministers and politicians of different shades descended upon the police stations to browbeat or pressurize the officers in-charge to release arrested persons who according to them were innocent. While it may be legitimate for ministers and elected representatives of public to tour their constituencies or area under their charge for effective supervision of riot control and rehabilitation measures, they should be strictly prohibited from visiting police stations and interfering with policing including searches, seizures and combing.

Visits to police stations while the riot is in progress and their questioning the officers in-charge about arrests and insisting upon interviews with the arrested persons is highly demoralizing and amounts to interference in the work of police. Communal *goondas* and mischievous elements get vocal representation inside the police station which interrogates and arraigns the arresting officer, as if he is on trial. This must be avoided at all costs and any information which such ministers and dignitaries desire must be routed through the Commissioner of Police with only whom they should interact.

ii) Once a prosecution has been launched against a person for rioting or other communal offence, it should under *no circumstances* be withdrawn. Not even the oft-repeated ground of "public interest" should permit prosecutions of communal offences to be withdrawn. It is not only demoralizing to police, but also sends wrong signals to the offenders that they can somehow get away with it.

iii) The senior officers have a responsibility to ensure that the sectional police are not pressurized into registering offences, not registering offences, arresting or not arresting people in connection with communal riots. Honest and bona fide actions taken by the sectional police should be backed up by the top officers who must not only stand up to the politicians but commend their subordinates doing so.

## **1.26 Interaction with army,**

### **CRPF and other**

#### **Central Agencies**

i) The experience during the two riot periods has shown that though the police claim that the riots were almost impossible to handle on one hand, on the other hand, they failed to make effective use of army columns. The army columns were merely sent on flag marches when the rioters were long past the stage of psychological fear. Consequently, there was no impact of the flag marches on the rioters who not only continued their nefarious activities, but even became bold enough to attack army columns. It was also noticed that there was no co-ordination between the police and army authorities despite clear cut provisions of law and Army Manual on the subject of army assistance in aid of civil authorities.

ii) The top officers and the State administration should not treat the calling out of the army or any other such force as *infra dig* or as a blow to their pride. In a contingency where it is required, after honest and self-searching appraisal, the army authorities should at once be moved for operational duties for dispersal of unlawful assemblies.

iii) Instructions with regard to the procedures for taking operational assistance of army authorities by the civil authorities must be laid down in clear terms and a manual on this must be circulated to the officers of the level of inspectors who must be well-trained in this subject and the law applicable.

iv) When the army is called out, there must be greater co-operation between the police and the army without each trying to upstage the other.

## **1.27 Police stations**

The sanctioning and location of police stations appears to be ignored at the cost of seriously eroding police administration. Police stations must be established as soon as the crime figures necessitate such a situation. Whenever new housing complexes are established it should be made obligatory for the builders and/or societies to provide accommodation for a police station inside depending upon the number of houses and/or residents.

## **1.28 De-communalisation**

### **of the police force**

i) The evidence before the Commission suggests that in some measure at least there has been polarization in the police force on communal lines. Though Commissioner Bapat loftily declared that, once a policeman dons the uniform, he is neither Hindu nor a Muslim nor a Sikh nor anything but a policeman, his lofty ideal was not followed by at least some of his men and officers.

ii) It is true that the policeman is a constituent of society and cannot avoid being impressed by the communal influences in the society in which he lives. While communal thinking in an ordinary citizen, however objectionable, may not produce immediately visible pernicious results, communalisation of a policeman has that effect. It is, therefore, necessary to exorcise the police force of this evil and to inoculate it against it.

iii) Large sections of policemen, for want of living quarters, live in slums where they are susceptible to indoctrination among communal lines. Communal propaganda unleashed in newspapers, periodicals and printed literature also affects their thinking. While it may not be possible to prohibit them from reading such literature as they like, there must be continuous and ongoing process of education so that the members of the police force attain a maturity where they can retain their rational thinking irrespective of reading communally motivated literature or

being subjected to such talks. Highly motivated social workers of impeccable credentials and top level officers of the police force, who command the love, affection and respect of the police personnel, must periodically interact with policemen and officers in different jurisdictions, individually as well as collectively, to combat the evil of communalism. The officers at the level of deputy commissioner of police, assistant commissioner of police and senior Police Inspector must give periodical talks at short intervals to propagate the concept of secularism and (the need for) apolitical behaviour on the part of police force. Deviant conduct on the part of police personnel must be brought to the notice of senior officers immediately, who may counsel them in the first instance; if communal behaviour persists, suitable action under the law should be taken.

iv) Another factor which strongly motivates communal thinking is the deleterious effect of some people gaining advantage in posting, promotions etc. because of their strong communal leanings. This disturbs the equilibrium and sends wrong signals that while ideal behaviour is not rewarded, errant behaviour is instantaneously rewarded. Top officers must keep a vigilant eye in the matter of posting, promotions and transfers to ensure that communal influences are not at work.

v) Regular weekly parades, at which attendance should be compulsory, must be held at which briefings are given on ideal behaviour on the part of police personnel.

### 1.29 Riot Control Scheme

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 up in countering rumours which spread like wild fire, and the inability of the system to identify the source, need to be remedied.

ii) The Control Room organization needs modernization with boards and charts indicating all information inputs which are well-documented so that the officer in command is enabled to deploy the forces at short notice as required. The officer in-charge of the Control Room must be of sufficient seniority and experience who knows the city inside out and is well aware of the working of the system.

iii) Ideally, the Control Room should have a computer into which all information is fed so that in an instant the inputs are analysed according to such sequential orders or in such classifications as desired. There is sufficient technology available in our country to devise appropriate software. That recourse to modern technology would cost money, cannot be the excuse, for the loss in terms of human lives, limbs and properties in communal conflagrations of the type witnessed during December 1992 and January 1993 can hardly be quantified in terms of money.

### 1.30 Delinquency of police

#### personnel

The evidence before the Commission indicates that the police personnel were found actively participating in riots, communal incidents or incidents of looting arson and so on. The Commission strongly recommends that Government take strict action against the following persons :

**A) Colaba :** S.I. (Sub-Inspector), Vasant Madhukar More, A.P.I. (Assistant Police Inspector ) Sahebrao Hari Jadhav, Police Constable, PC-3181 Suresh Pandurang Ithape, PN-985 Shivaji Govindrao Kashid, PN-2238 Hanumant Pandurang Chavan and HC-3649 Gopichand Shaitram Borase. These police personnel were responsible for allowing the violent mob to hack to death one Abdul Razak alias Aba Kalshekar (C.R.No.13 of 1993).

**B) Agripada :** PC-23960 of LA-IV Ashok Naik and Rajaram K.Bhoir were arrested while indulging in rioting and violent activities (C.R.No.98 of 1993). Ashok Naik was arrested by N.M. Joshi Marg Police.

**C) Byculla :** Sr.PI (Senior Police Inspector ) Patankar , P.I.(Police Inspector ) Wahule and S.I. Ramdesai. Their conduct during the riots was extremely communal. They refused to record complaints in which Hindus were the accused and harassed and ill-treated Muslims. Their conduct indicated attempt to shield miscreants belonging to Shiv Sena (C.R.No.591 of 1992). The Government should also institute an impartial inquiry into the cold-blooded murder of one young boy, Shahnawaz

Hassanmiya Wagle. The inquiry conducted by Deputy Commissioner of Police, Surinder Kumar is just an eyewash.

**D) Dongri :** Joint Commissioner of Police R.D.Tyagi, Assistant Police Inspector Deshmukh and Police Inspector Lahane of the Special Operation Squad are guilty of excessive and unnecessary firing resulting in the death of nine Muslims in the Suleman Bakery incident (C.R.No.46 of 1993).

**E) Mahim :** Police constable Sanjay Laxman Gawade was openly indulging in riots and violent activities while carrying a naked sword along with Shiv Sena activist Milind Vaidya. Though the constable was placed under suspension and the sanction of the government was sought for his prosecution, the sanction has not yet been granted. The Commission recommends that such sanction should be granted.

**F) L.T. Marg :** Assistant Police Inspector Kamath, for utter dereliction of duty by not acting against the miscreants in the Diamond Jubilee Compound incident (C.R.No.25 of 1993).

**G) M.R.A. Marg :** PC-24242 Vidyadhar Raghunath Shelar, Police Inspector Salvi, Police Sub-Inspector (PSI) More. Babu Abdul Shaikh had been taken into custody by them. But because of their conduct he was attacked and murdered by Hindu miscreants (C.R.No.579 of 1992). Though the accused, all active Shiv Sainiks, have been arrested, the conduct of the police personnel is not beyond reproof.

**H) Nagpada :** Police Inspector Dhavale over-reacted by firing at a mob of 10-12 miscreants throwing stones, resulting in injury to a two year old child. Constable Sanjay Bhosale was part of the miscreant mob which broke open and looted articles from the shop 'Cat's collections'.

**I) Tardeo :** PC-7783 Shrirang Pathade, popularly known as "Richard Hawaldar" was openly collaborating with the Shiv Sainiks in looting and violent activities.

**J) RAK Marg :** Police Sub-Inspector N.K. Kapse's act of unprovoked firing at Hilal Masjid killed seven Muslims (C.R.No.17 of 1993).

**K) Antop Hill :** Inspector B.B. Shinge, Sub-Inspector Shivgonda Patil and constables A.M. Ghadi, A.Y. Kamble, P.S. Dukare, D.R. Phadtare, S.P. Patil and B.K. Gaikwad failed to protect the lives and properties of the Muslim victims.

## CHAPTER VI

### Terms (VI, VII, VIII)

1.1 By Notification No. FIR 5695/Bombay-1/ Appointment/J.C. dated 24th May 1995, the original Terms of Reference were expanded by including the following terms :

**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.

1.2 After the above Terms were added to its Reference, the Commission by an order dated 22nd January 1997 directed the Government of Maharashtra to disclose the material available with it, upon consideration of which the above terms were added. By an affidavit of the additional chief secretary (Home), dated 5th February 1997 the Commission was informed that all the material which the government was in possession of had been disclosed in the affidavits of Mr. Amarjit Singh Samra dated 25th August 1995, Vasant Narsingrao Deshmukh 25th September 1995, Mahesh Narainsingh dated 25th September 1995, Satish Sawhney dated 25th September 1995, Shivajirao K. Babar dated 25th September 1995 and Rakesh Maria dated 25th September 1995 and that there was no other material besides this.

1.3 The Commission issued a public notice in newspapers calling upon all members of public to disclose by an affidavit any information they may have in connection with the above Terms of Reference. The only affidavit filed pursuant to the notice was an affidavit dated 2nd August 1995 by

Prabhakar V. Pradhan, advocate.

## **Term No. (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**

i) Affidavit of Shri Prabhakar V. Pradhan appears to be based on rumours and does not really indicate any concrete material which would be of use to the Commission. All that he says is that he had casually bumped into someone who claimed that the serial bomb blasts were the handiwork of Central Intelligence Agency of U.S.A. and not the outcome of revenge of Muslims because of the demolition of Babri Masjid or the riots of December 1992 and January 1993. After having perused the affidavit of Shri Pradhan, the Commission was not impressed that there was any important material for serious consideration which could be elicited from Shri Pradhan and, therefore, the Commission did not summon Shri Pradhan to give evidence before it. The Commission feels that the contents of the affidavit appear to be sheerly speculative.

ii) A cumulative reading of the affidavits of the police officers referred to above leads to the following:

As a result of the demolition of Babri Masjid and the riots which took place in Bombay during December 1992 and January 1993, there was communal cleavage in Bombay. The Muslims felt a feeling of insecurity, tension and anger on account of their suffering during the two riot periods and they were inclined to blame the State Government and police for their misery. The Muslims perhaps felt that the Government and police, instead protecting their interests, had actually acted against their interests by joining hands with communal elements which took a lead in the riots. A large number of Muslim youths came to entertain this firm belief. This body of angry young men was exploited by anti-national elements, who were desirous of de-stabilizing the situation in this country. Certain anti-national elements aided and abetted by ISI of Pakistan recruited some of the angry young men by brainwashing them that they should take revenge for the humiliation and misery heaped upon them. A grand conspiracy was hatched at the instance of the notorious smuggler, Dawood Ibrahim Kaskar, operating from Dubai, to recruit and train young Muslims to vent their anger and wreak revenge by exploding bombs near vital installations and also in Hindu dominated areas so as to engineer a fresh bout of communal riots.

iii) Pursuant to this conspiracy certain brainwashed Muslim youngsters were recruited and taken to Pakistan for intensive training in the handling of sophisticated weapons and explosives. As a part of this conspiracy, Dawood Ibrahim and smugglers like Mohd. Dossa, aided and abetted by several criminal or similar elements in Bombay, smuggled large consignments of AK-56 rifles, hand grenades, and sophisticated explosives known as RDX. Some of these were landed clandestinely on the coast of Raigad district and some on the coast of Gujarat state. These were then clandestinely transported to be stored at convenient places within and outside Bombay, awaiting the signal for their use.

iv) The conspiracy was actually implemented when a series of blasts occurred on 12th March 1992 in Bombay, almost simultaneously, at several places. The serial bomb blasts resulted in loss of life of 257 persons and injuries to 713 persons and caused damage to properties worth about Rs 27 crore. The first of the bomb blasts occurred at about 1330 hours near the Bombay Stock Exchange Building, the next within a few minutes near the Air India building. In all there were ten such explosions at different places, viz. Stock Exchange Building at Fort, Air India Building at Nariman Point, Zaveri Bazar, Katha Bazar, Century Bazar at Worli, Sena Bhavan at Dadar, Hotel Sea Rock at Bandra, Hotel Centaur at Juhu and Hotel Centaur at Santacruz Airport. Apart from these ten explosions, explosives were also set to explode at Naigaum Cross Road, Dhanji Street and Shaikh Memon Street, but the explosives fortunately did not explode. Simultaneously, there was an attack on the Hindu Machhimar colony at Mahim with hand grenades which caused the death of three Hindus and injuries to many. An incipient communal riot at Machhimar colony was immediately put down by police. A similar attack was also launched at the Sahar International Airport where a hand grenade was lobbed towards a parked aircraft. The investigations disclosed that the explosive devices were planted in cars and scooters in specially made cavities.

v) Investigations revealed the wide ramifications of the conspiracy. Twenty seven different cases filed



within the respective jurisdictions where offences were committed, were all transferred for investigations to DCB-CID. The DCB-CID, acted promptly, and it is a matter of gratification that within 24 hours they were able to get clues to the heinous offences and the conspiracy. Considering the national security implications, the Government of India in the Home Ministry by an order dated 5th August 1993 constituted a special Task Force comprising officers from Bombay Police, CBI, IB and RAW under the convenorship of Mahendra Narain Singh, Joint Commissioner of Police, (Crime and Administration) to pursue further investigations. The investigations resulted in arrest of 151 accused who have been charge-sheeted, while 44 are still absconding. The role of one Tiger Memon and his relatives came to particular notice during the investigations. It appeared that Tiger Memon was the prime accused co-ordinating the smuggling activities and supervising the implementation of the conspiracy from Bombay. The accused have been charged under the provisions of TADA Act and are standing trial in the designated court at Bombay.

vi) Since the charges against the accused are pending trial before the designated court at Bombay, the Commission does not deem it proper to deal with the details of the accusations against the different accused who are standing trial before the designated court at Bombay. Suffice it to say that all the accused, except two or three, 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.

### **Term No. (VII)**

**Whether the incidents referred to  
in term (I), have any common link  
with the incidents referred to  
in term (VI) above**

i) One common link between the riots of December 1992 and January 1993 and bomb blasts of 12th March 1993 appear to be that the former appear to have been a causative factor for the latter. There does appear to be a cause and effect relationship between the two riots and the serial bomb blasts.

ii) Another common link is that some of the accused who were involved in substantive riot-related offences were also accused in the serial bomb blasts case, though their number is only three or four.

iii) Tiger Memon, the key figure in the serial bomb blasts case and his family had suffered extensively during the riots and therefore can be said to have had deep rooted motive for revenge. It would appear that one of his trusted accomplices, Javed Dawood Tailor alias Javed Chikna, had also 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 amorphous body of angry frustrated and desperate Muslims keen to seek revenge for the perceived injustice done to and atrocities perpetrated on them or to others of their community and it is this sense of revenge which spawned the conspiracy of the serial blasts. This body of angry frustrated and desperate Muslims provided the material upon which the anti-national and criminal elements succeeded in building up their conspiracy for the serial bomb blasts.

### **Term No. (VIII)**

**Whether the incidents referred to in term (I) and in term (VI) were  
part of a common design**

There is no material placed before the Commission indicating that the riots during December 1992 and January 1993 and the serial blasts were part of a common design. In fact, this situation has been accepted by Mahesh Narain Singh who was heading the team of investigators who investigated into the serial bomb blasts case. He also emphasises that the serial bomb blasts were a reaction to the totality of events at Ayodhya and Bombay in December 1992 and January 1993 and the Commission is inclined to agree with him.

## **CHAPTER VII**

### **Epilogue**

The voluminous evidence produced before the Commission strikingly brings home the stark reality that the beast in man keeps straining at the leash to jump out; frictions, irritations and disputes based on colour, race and religion are but excuses.

The Commission has noticed that most of the violent communal riots during December 1992 and January 1993 took place in areas called Prem Nagar, Shanti Nagar, Gandhi Nagar and so on. That vicious communal violence on such scale should occur in the land of *Ahimsa Paramo Dharmah* and Mahatma Gandhi only shows that the message of love and brotherhood preached by apostles is not internalized. Unless that is done, the spectre of communal violence would haunt the city again and again.

The Commission sincerely hopes that the calamitous events of December 1992, January 1993 and March 1993 would serve as eye-openers and lead to introspection and that all concerned attain the maturity to accept constructive criticism and mend their ways. For, in the immortal words of Ramayana :

*Sulabhaah purushaa rajan satatam priya vaadinah*

*Apriyasya cha pathhyasya vakta shrota cha durlabah*

(Persons pleasing in speech are easy to find; it is difficult to find one who speaks or listens to the bitter, but wholesome, truth).

The Commission would like to end its report with grateful appreciation of the assistance rendered by counsel and the administrative, secretarial and ministerial staff which made its onerous task easier.

Finally, before parting, the Commission would reiterate the ringing exhortation of Shankaracharya :

*Tvayi Mayi chaanyatraiko Vishnuh*

*Vyartham Kupyasi mayyasahishnuh*

(The same God resides in you and me; why then be needlessly angry with me!!).

**Mumbai**  
**Dated 16th February 1998**  
**Justice B. N. Srikrishna**