

## The Brittle Society

■ Dr. M. N. Buch

The Chambers Twenty-first Century Dictionary defines brittle as “fragile, easily damaged or disrupted”. The question which arises is whether Indian society as a whole has become very brittle, as a result of which one finds riots taking place all over India on absolutely trivial issues. The latest example is from Khirkiya Tehsil of Harda District in Madhya Pradesh. Recently a cow was found dead and without any enquiry into the case of death it was projected as a case of cow slaughter. Without ascertaining who might be responsible for this, and obviously even if it was a case of slaughter it was not as if an entire community made a collective decision to kill a cow, a Hindu mob rampaged through the villages around Khirkiya and in Chhipawad more than forty houses were set on fire. The police was taken unawares and for almost twenty-four hours the mob had a free hand. Of course the administration subsequently came down heavily on the rioters and the situation is now under control, but the cause of violence was specious and had someone cared to report the matter to the police, then under section 429 Indian Penal Code the matter could have been investigated and if the offence could be brought home to particular persons they could have been arrested and prosecuted. That is what happens in a society of laws. That is what obviously does not happen in India. The Muzaffarnagar riots are another example of how a quarrel between three boys, one Muslim and two Jats, resulted in widespread rioting in which almost fifty people have been killed and about fifty thousand people living within a hundred miles of the national capital have become refugees.

How does civilised society behave? There is, of course, the concept of a social contract. In a country which has a Constitution and is democratic the social contract is the one imposed by law, which applies evenhandedly to all and according to which society is required to function. A social contract of laws precludes violence by individuals or by social groups because in such a country the enforcement of law is the responsibility of officials appointed for this purpose and mandated to implement the law by the provisions of the law itself. Violations of law by individuals or groups is an offence and regardless of the cause of such violence call for action. Lynch law cannot apply in a civilised society of laws. Obviously there are serious fault lines in India because every riot is an application of lynch law and an extension of what Hobbes described as a state of nature in which there would be “...continuall fear, and danger of violent death; And the life of man solitary, poore, nasty, brutish and short”. Considering the frequency of riots in India on purely flimsy ground one is left wondering whether India is any longer a society of laws or is a reversal to Hobbes’ state of nature.

The British left us with two significant organs of the State, the Police and the Magistracy. The Code of Criminal Procedure as enacted in 1973 in place of Cr.P.C. of 1898 continues to recognise the role and duty of the Executive Magistrate and the Police to prevent the commission of offences and public nuisance, maintain law and order, disperse unlawful assemblies and ensure that there is public peace and tranquility. In the entire scheme of rule of law in India no role is assigned to politicians, elected representatives or officials other than those specifically empowered by law. In the prevention of offences, in the making of preventive arrests, in issuing prohibitory orders, in commanding unlawful assemblies to disperse and in using adequate effective force to ensure that there is no disturbance of the public peace a District Magistrate, a Superintendent of Police or a Commissioner of Police will not take orders from anyone, including the Chief Minister of the State. In the Muzaffarnagar riots which took place recently

there is clear evidence to indicate that the District Administration did not act independently and stood by whilst the whole of Meerut and Saharanpur Divisions burnt. How important it is for the Executive Magistracy and the Police to act was proved by the riots in Gujarat in 2002. The whole of Gujarat was ruled by the same government of which Narendra Modi was the Chief Minister. In Ahmedabad, Mehsana, Kheda, Panchmahals, Baroda, Bharuch and Surat Districts there was large scale rioting in which Muslims were targeted as an act of revenge against Muslims in Godhra setting alight a railway coach full of Hindu kar savaks. Obviously the district administration did not take effective action in these districts, allegedly under political pressure. But the same government ruled over Sabarkantha and Banaskantha Districts in North Gujarat, as also Patan District, the districts of Saurashtra region and Kutch. Here riots did not take place or if they did the District Magistrate and Superintendent of Police intervened immediately and effectively and things remained absolutely under control. The crucial factor in the maintenance of law and order is not the party in power but the officers mandated with this function.

Why are riots so frequent, why do they take a communal shape so quickly? Where there is the question of Hindu-Muslim relations Indian society certainly is fragile and minor issues can cause tension. In almost every case the cause of rioting is trivial. The authorities view communal riots through a very narrow prism of religion instead of ensuring that those who break the law invite action and those who remain within the law become entitled to protection. Unfortunately as things stand today in India both the Magistrates and the Police have become so used to political interference that they become very uncertain and indecisive when faced with a situation which calls for immediate action. That is what causes riots.

Let me give an example of what happens if officers do their duty. Ujjain with Benares is the oldest continuously inhabited city in the world. It is also one of the holiest cities of the Hindus. In 1965 I was the District Magistrate and that very fine officer, Ramrao Dube, was Superintendent of Police. At about one o' clock in the morning a patrolling constable saw a cow bring slaughtered. He collared the butcher who happened to be Muslim and took him to the nearest police station. Ramrao was immediately informed and he swung into action. Taking me into confidence he had the carcass of the cow removed and a postmortem certificate obtained from the district veterinary surgeon that the cow had died of natural causes. The carcass was quietly buried. Police pickets were posted throughout the city and early next morning we had a meeting with the prominent citizens of Ujjain. In order to scotch rumours the Vet was produced and he confirmed the postmortem report. We maintained peace in the city. If Ramrao Dube had not acted there would have been a major communal riot in Ujjain. When I asked this most pious person why he acted as he did he told me that it was his duty as a police officer to maintain the public peace and if in order to do so he had resorted to subterfuge or told a small lie he did not consider this to be a sin. That is the kind of law enforcement officer that India needs.

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