

The Lessons of Muzaffarnagar

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Muzaffarnagar is a district of Uttar Pradesh, the headquarters of which is about a hundred miles from Delhi on the main highway leading to Roorkee, Dehradun and beyond. The district is very largely canal irrigated and is known as the sugarcane capital of India. It is, therefore, a prosperous district. Its population is divided between different castes and religions, but the Muslims form about 18.5 percent of the population and there is also a sizeable number of Jats. When Chaudhary Charan Singh was the dominant leader in U.P. he had an electoral alliance in western U.P. between Jats and Muslims and by and large these communities co-existed without much friction. Unfortunately since then the politics of U.P. has become highly divisive. The Samajwadi Party goes out of its way to woo Muslims voters, but on an appeal which is highly religious, communal and based on creating a sense of fear amongst the minorities about possible domination by the majority community. The Congress also woos the same Muslim community, tries to reach out to the scheduled castes and makes some overtures to the upper caste Hindus. BJP's main strength is the upper caste Hindus and it is reaching out to the Jats for their support. VHP has scheduled caste support and Mayawati has been able to make some inroads into upper caste Hindu votes and a small segment of the Muslim votes. Politics in U.P has nothing to do with ideology, programmes, or a development agenda. Divisive politics has wrecked the U.P. administration almost completely.

Constitutionally it is the duty of government to promote an environment in which people can expect justice, liberty, equality and fraternity. All this can only happen in a county where there is law and order and internal peace, as also security from external aggression. Parliament may legislate on the defence of India, the maintenance of armed forces and deployment of armed forces of the Union in aid of civil power. It is within the jurisdiction of the State Legislature to legislate on all matters relating to public order and for the maintenance of a police force. Both Parliament and the State Legislature can legislate on all matters relating to criminal law and criminal procedure. Not only is the State duty bound by the Constitution to maintain public order, but it has the legislative competence to enact laws in this behalf. Amongst other laws is the Police Act which governs the whole of India and other Police Acts which apply to specific areas, such as the Delhi Police Act. The Code of Criminal Procedure provides for the creation of an executive magistracy which, together with the police, is charged with the duty of maintaining public order. For this both preventive and coercive powers vest in the Magistrates and the police. Members of the public are required to assist Magistrates and the police in maintaining order and preventing crime. The scheme of law, therefore, is that whereas the State has to provide the legal wherewithals for the executive magistracy and the police to function, it is for the Magistrate and the police to exercise legal powers and to maintain public order. Nowhere in the Code of Criminal Procedure is it provided that any politician, any officer other than a superior Magistrate or police officer, any minister, any government functionary, can direct the District Magistrate and other Executive Magistrates, the Superintendent of Police, the Station Officers and other members of the police to take certain action or refrain from taking action in any matter relating to law and order. In the matter of maintenance of public order the District Magistrate is King and the Superintendent of Police is both Prime Minister and Commander-in-Chief. That is how the system functioned when I was a young District Magistrate. Neither my

S.P. nor I sought any orders from government, nor did government give us any directions in any matter which related to the maintenance of public order. We took our duty seriously, the police took preventive action whenever trouble was brewing, we issued prohibitory orders where necessary, we intervened at the earliest juncture when we sensed that the situation merited it and we had no hesitation in using necessary effective force to ensure that no rioting or public disturbance took place. As a result of this whenever an ugly situation developed the local authorities took immediate action and by and large public order was maintained.

The situation rapidly changed in the seventies of the last century and politicians began to take over the micro management of law and order. In West Bengal the Left Front government ordered that the police would not intervene in industrial disputes, despite the fact that workers were physically restraining the management's freedom of movement and that this amounted to the offence of illegal restraint and intimidation. The West Bengal Police soon gave up any initiative in dealing with any law and order problem and on all issues it sought political clearance. That was the end of effective policing in the State and ushered in an era of lawlessness which was exploited first by Left Front workers and now by the Trinamool Congress workers. Once the police stopped functioning independently the virus of lawlessness assumed a dirty and virulent communal form.

I remember that in the early eighties when Meerut and Western U.P. had constant riots, including the infamous Malana massacre, I asked the D.M. and S.P. of Meerut why they could not control communal violence. The D.M.'s answer was a classic. He said, "For 364 days in the year the S.P. and I are summoned before visiting ministers and the local goondas who have political influence lounge around on sofas while we stand and are expected to be respectful. On the 365th day when the same political goondas foment a riot we are expected to take firm action against the very people before whom we earlier cringed. Give us a free hand I guarantee that there will be no riots".

In Muzaffarnagar and other districts of Western U.P. the district administration stands emasculated. Had it been strong it would have reacted very quickly and forcefully when the very first incident took place in which a Muslim boy and two Jat boys were killed. Obviously they could not because the government was wooing Muslims and Jats were extremely resentful of this. Something which could have been contained in the first one hour burst into flames and engulfed large parts of Meerut and Saharanpur Divisions. Today we have the disgraceful situation of more than fifty thousand people being refugees within a hundred miles of Delhi and they call this a government! The Central Government's response is weak and indecisive. The Home Minister should have visited Muzaffarnagar on the very second day of the riot and warned the D.M. and S.P. that if within twelve hours the situation was not controlled the Central Government would intervene directly and dismiss them without an enquiry under Article 311 (2) (b) and (c). Let two officers be dismissed and I will bet my last rupee that no D.M. or S.P. in India will look to the State Government when dealing with a law and order situation. I hope the Prime Minister is listening.
