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## NATURE OF SOCIAL CLASHES AND THE ROLE OF POLICE FOR THE RESTORATION OF NORMALCY IN THE ERSTWHILE MADRAS PRESIDENCY

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### Abstract :

Social clashes are a constant menace to public order because riotous activities often jeopardize the very structure of society. Behind every social clash, a variety of factors, such as emotional currents, hopes and frustrations, vested interests, political, social, religious and economic issues, are often involved. A clash may occur in any area, urban or rural. Every social clash has its own peculiar features and these vary according to the characteristics of that particular area. While some of the violent clashes are spontaneous, some others develop gradually or develop over a period of time.

Several causes contribute to social clashes. One of the causes that contribute to social clashes is caste animosity. Social clashes springing from caste hatred are as frequent in urban India and the break out when the high and the low caste Hindus contend

with each other. Communal antagonism is another cause of a violent clash. Communal clashes in Ramnad District refer chiefly to clashes between the Hindus and the Muslims, professing two different faiths. They are of very serious nature and common in urban areas. Religious animosities can also lead to social clash. Religious clashes refer to intra-Hindu disputes or disputes between various religious groups except the Muslims.

**Key Words:** Social Clash, Police, Dispute, Riot, Rytot, Sepoy, District, Village, Magistrate, Code of Criminal Procedure, Section.

### INTRODUCTION

Disputes over land, which were very common in rural areas, led to violent clashes. Land disputes between the ryots and the land lords contributed to a riot in 1903.<sup>1</sup> The violent rioters attacked the police constables who were posted to protect the lands and some of them received minor injuries. In another incident, riot occurred at Vanathirianpatnam in the Trichinopoly District owing to the disaffection of the ryots of the village who opposed the service of new pattahs, tendered by the Land Lord, according to the Land Act of 1908.<sup>2</sup> The police party, stationed at the spot, was attacked and disarmed. In another incident, a disturbance occurred at Viraperumanallur village in South Arcot District, when the Zamindar of the village attacked the properties of some of his ryots for failure to pay his dues.<sup>3</sup>

Disputes over water led to social clashes between two villages. Such a social clashes occurred in the northern part of Madras Presidency, on the borders between two villages. The cause of the clashes was that the inhabitants of the former village forcibly tried to obtain water from a tank within the limits of the latter



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village, in order to propitiate the village deity, hoping that by that means, they would secure agricultural prosperity for their village.<sup>4</sup> Similarly, a dispute between the residents of two villages in the northern part of Madras Presidency about irrigation from a canal, culminated in a clashes situation.<sup>5</sup>

Various other causes such as cattle-trespass, economic grievances, squabbles, rumours, and sensational reporting of news, also led to social clashes. Some clashes were of a fortuitous nature. In this type of clash, the participants had no concern with the main trend of events but were bent on creating disturbance for its own sake.

Management of police action during festivals may also lead to clash. Such clashes were usually very serious in nature. Kotappakonda in the Guntur District of the Madras Presidency was the scene of such a riot, during the Sivarathri Festival of 18<sup>th</sup> February 1909. Discontentment had been simmering among the large concourse of people (about 50,000) gathered at the spot for the festival owing to the rigorous enforcement of certain sanitary restrictions and other causes and a drunken quarrel between a ryot and a police constable, triggered violence unparalleled in recent history of Southern India. When the violent mob took the upper hand, it completely destroyed all the property of the government, including tents and temporary buildings.<sup>6</sup> The misconduct, lack of resource and cowardice of the police on duty at the festival, very much contributed to the disturbance.

Superstitions and customs also contributed to clashes. A disturbance in Godavari seashore of the Madras Presidency was caused by some fishermen, who carried off the boats of some fishermen of the French Settlement of Yenam, on the grounds that the latter, contrary to custom, were fishing over the common fishing ground on a festival day.<sup>7</sup> In another instance, superstition was responsible for a clashes in Kurnool District of the Madras Presidency where the people of the village were enraged at a man who was supposed to leave, after killing his brother by means of witchcraft.<sup>8</sup>

Dispute over property also developed into clash. Such a clash broke out at Tumala village in Anantapur District, where a wealthy Reddy died without an issue but had bequeathed all his property to his wife and authorized her to adopt a child. The genuineness of the will was questioned, and two months after the death, the interested parties met at a place where the property was located and they indulged in a free fight.<sup>9</sup>

Disputes between workers and employers occasionally contributed to clashes. Such a serious clash occurred in the Railway Workshop at Perambur near Madras in December 1913. The causes of the riot were the disaffection among the workmen owing to the introduction of a new agreement which they were required to sign and which they resented on the grounds that its clauses were entirely in favour of the company and its advantages not reciprocal. For example, the new rule insisted that a cooly, who attended his work five minutes late in the morning, should forfeit one eighth of a day's wages.<sup>10</sup>

Sometimes, minor issues such as disputes over temple or temple property, looting of paddy from granaries, drunken broil, petty quarrel, and molestation of a woman also triggered violence. Ill feelings between the sepoys and the police flared up friction between them. Such a disturbance broke out at Washermanpet near Madras in 1891, in which the sepoys were the aggressors.<sup>11</sup> A similar clashes t broke out at Ootacamund, in which the local police were attacked by the sepoys.<sup>12</sup> The cause of the clashes was that two Sepoys had insulted a young girl in the market, upon which the policemen interfered.

In a clashes situation, the police were quite often the target of the rioters. Such a clashes occurred in the Sellampathi village in the Nilakkottai Division of Madurai District on the 16<sup>th</sup> May 1904.<sup>13</sup> The Police Inspector, who went there to arrest a gang of unlawful, was attacked by a violent mob. In 1909, in another incident, when a police party went to a village in the Madurai District and recovered some stolen bulls, they were overpowered and surrounded by a crowd of Kallars who carried off the weapons, which, however, were subsequently seized.<sup>14</sup> In another incident in Manaparai village of Trichinapoly District, during the search of the house of the principal accused in a case of burglary, all the Karambas and Ambalagars in the village attacked the police party, set fire to the house and made away with two stolen property that they had seized.<sup>15</sup> In Ganjam, a police party, deputed to

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arrest a District Munsiff's *amin*, were attacked by the villagers.<sup>16</sup> In Vizagapattanam District, a party of police officers, who went to a village to search the house of certain persons in connection with burglary, were brutally attacked and beaten up by a number of villagers.<sup>17</sup>

### Restoration of Normalcy and Law and Order

The police force is the legally constituted body that has to maintain order in any society.<sup>18</sup> They are the custodians of the State's internal safety and security and they are the preservers of peace through the maintenance of law and order.<sup>19</sup> The police is the primary constitutional force for the protection of the individual in the enjoyment of his legal rights, designed to stand between the powerful and the weak to prevent oppression, and crime and to uphold law and order at all times and in all places.<sup>20</sup>

However, the police carry out their responsibilities under various limitations. It is to be remembered that from the distant past, the active participation of the public was sought for but never obtained for the prevention of crime. In India, the situation is not very much different. The public take little or no interest in detecting apprehending offenders who involved in social clashes. Much of the evidence gets lost as a result. To a certain extent, the evidences produced in the offences, become fraudulent or untrue because of difficulties of obtaining true evidences. Added to this, the ordinary Indian feels that it is the duty of the rulers to seize and punish the offenders. This tendency has also increased the difficulties of the police. Further, the people easily forget that the police force function as the responsible guardians of law. Tortures are inflicted on suspects in social clashes. The rude behaviour and abusive attitude of the policemen showed towards those who involved in social clashes created tense situations.

The preamble, to the Police Act XXIV of 1859, in the Madras Presidency stated that the Police Force must be an efficient instrument, at the disposal of the Magistrate, for the "Prevention" as well as for the "detection" of crime.<sup>21</sup> The duties of the police are clearly defined in Section 23 of the Police Act and in Chapters IV to XIV of the Code of Criminal Procedure of 1898. According to it, "it is the duty of every police officer promptly to obey and execute all orders and warrants, lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace; to prevent commission of offences of public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorized to apprehend, for whose apprehension sufficient grounds exist, to investigate cognizable cases and send up offenders to competent courts for trial and to maintain public order in streets, thorough fares and other public places".<sup>22</sup>

Of all the duties which the police have to perform, there is nothing more important than the prevention of clashes.<sup>23</sup> The Code of Criminal Procedure lays down certain powers and responsibilities of the police for the purpose of prevention of offences. It confers on the police extensive powers of arrest. Under section 54, any police officer can arrest any person, without an order from a Magistrate and without a warrant.<sup>24</sup> According to section 61, such arrested person will be produced, as soon as possible, before a Magistrate, within a period not exceeding 24 hours, without the special order of a Magistrate. Sections 127 and 128 deal with unlawful assemblies. Section 127 gives authority to any Magistrate or officer-in-charge of a police station, to disperse an unlawful assembly. Under section 128, any Magistrate or officer in charge of a police station, may use force, to disperse such assemblies for public security. Section 144 empowers a District Magistrate to issue orders at once in urgent cases of apprehended danger. Under section 151, a police officer can make preventive arrests of any person, likely designed to commit and cognizable offence. It is an offence for which a police officer may arrest any person without a warrant.<sup>25</sup> Sub-section (I) of section 30 and section 31 of the Police Act, 1861 give powers to a District Superintendent or Assistant or Deputy Superintendent of Police to regulate and license assemblies or processions on the public road or in the public streets of thorough passes because it may lead to a breach of peace or it may cause an obstruction to the public.<sup>26</sup>

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The Criminal Procedure Code also lays down the powers and duties of the public. According to it, anybody is bound to assist a magistrate or police officer reasonably demanding his aid, in the taking or preventing the escape of any other person who such Magistrate or police officer is authorized to arrest.<sup>27</sup> The punishment for failure to give information in such offences is laid down in Section 202 of the Penal Code. In the event of offences against public peace or threat to the security of an individual, or destruction of property, the police can play an important role. All high officers, including the District Magistrate, the Commissioner, and the Inspector General of Police, are constantly kept transformed of the occurrence of clashes and of all events of importance.<sup>28</sup> On certain matters, immediate report has to be sent to the Government. These reports include social clashes which involve a serious breach of public peace, particulars regarding the origin or cause of the riot, the persons who began it, how it terminated or was suppressed, whether cartridges were used by the police and whether military force was used, the condition of the place and the feeling of the population on the termination of the riot, whether further disturbances are expected and whether adequate precautions have been taken.<sup>29</sup> Hence the duties of the policemen, in their action against the law-breakers and antisocial elements, are enormous. Effective police action may defuse tension and prevent a minor incident developing into a major social clash.

The rate of social clashes in India is huge and hence the police have to shoulder the responsibilities either to prevent or contain it. Most of the violent clashes, such as social clashes can be prevented, if the Government is alert in detecting them at an early stage and preventing them immediately. Every clashes is preceded by a long period of increasing tension between two caste groups or communal groups or religious groups or political groups. In such a situation of tension, a small incident is enough to cause a social clash or violence.

Though the dimension of clashes varies according to the circumstances, the methods adopted for the suppression of these clashes are practically the same. The control and suppression of clash activity by the police involves basically four objectives. They are: (1) Prompt evaluation and determination, that the initial incident is of clashing proportions or may escalate into a social clash, (2) Rapid mobilization and assembly of sufficient manpower and equipment to suppress. (3) Utilization of clash –control techniques to contain the area of the clash, disperse the mob and clear and secure the area of the riot, and (4) Establishment of a security plan, to provide sufficient patrol coverage of the clash prone area to suppress the riot and maintain law and order.<sup>30</sup>

The police on clash -control duty, by all means, must have a clear idea of the composition of the situation itself. Collection of intelligence is essential to defeat the causes and to prevent and control the clash. Every bit of intelligence report should be adequately analysed, by which the police officer in charge of the situation gets an opportunity to acquaint himself with the riot situation. Facilities for easy communication regarding confidential matters by telegrams, etc. should be established and all such information should be sent to government direct. Policemen should be properly trained before being deployed on social clash control duties. This enables them to communicate immediately to authorities on every aspect of the incident. The police cannot remain idle spectators to tension when it mounts. Hence it is the duty of the police to do, whatever is possible, to defuse the tension and thus prevent isolated clash between two persons or groups or any other minor incidents developing into a violent clash. In all such situations of surcharged tension, the police, with the permission of the Magistrate, can make appropriate investigation into them and arrest suspected individuals or groups under Section 151 of the Criminal Procedure Code. Another method to prevent a disturbance from developing into clash situation is the immediate deployment of adequate number of well trained and well disciplined policemen to all such places. Before and during a clash situation, the police must act intelligently.

An unwise step could worsen the situation. Prompt actions, at the beginning, can prevent a clash from spreading. Under a tense situation, the police are required to counteract by supplying correct information and arresting sensitive irritants before they develop into an explosive social clashes. Preventive arrests of anti-social element and those who were causing injurious to social and communal harmony, under Section 151 of Criminal Procedure Code, may help considerably in controlling the situation from worsening into looting and arson.

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There are other factors which help prompt handling of clashes situations. A clear briefing of the situation, to the policemen deployed on clashes duty, will make them more effective in dealing with riots. Clash control operations include destruction of mob organizations, breaking their will to resist and prevent a regrouping.<sup>31</sup> The numerical strength of the police force can make an impression on the anti-social elements. When the police force is insufficient they can use force to disperse the violent mob. Batons generally the first effective weapons used to disperse them. Only after trying all conceivable methods to break the backs of tumultuous crowds, order is given for firing.

However, the aim should always be to use the minimum amount of force in order to control any such situation effectively.

When the police force fail to bring the situation to normalcy, the assistance of the army can be called for as the last resort. Under Sections 129, 120 and 131 of the Criminal Procedure Code, the assistance of the military can be enlisted to aid the civil authority for maintenance of order. Section 129 empowers the Magistrate of the highest rank present, to use troops to disperse an unlawful assembly. The duties of the officer commanding troops, are defined in section 130. The powers to be exercised by the commissioned officer of the army, to disperse such a mob assembly are provided in section 131. "If the civil authority has reason to believe that a disturbance is likely to occur, which will be beyond the power of the police to control, that authority may call for assistance of the armed forces under the following circumstances: 1. as a preventive measure; 2. to deal with disturbances which have already broken out; or 3. for the restoration or maintenance of law and order even after the disturbances have been quelled".<sup>32</sup>

During a social clash situation, the military and the police must work in concert with each other. Once the riot has been quelled, the next step is the withdrawal of the troops. From the point of view of police action, the last stage of a clashes can be identified as a well-planned, methodical dispersal operation and security.<sup>33</sup> Section 17 of Act V of 1861 also provides for the employment of special constables and the quartering of additional police. The cost of the additional force is to be met by the people of the area. The repetition of clashes can be prevented to a large extent by inflicting immediate punishments on the offenders. Laws should be enforced impartially not only to ensure a prompt return to normalcy but also to prevent a recurrence in future. A post-mortem analysis of a social clashes is important because it will give an idea about the structure and composition of the violent mob as well as their aims and motives.

Similarly, enquiring into the police conduct, after every incident, will help not only to find out the causes of the social clashes but also to take prompt preventive measures. From the very beginning, strict steps must be taken to suppress the disturbances. Otherwise, the situation would worsen and the subsequent control would become more difficult. The success of the police, in controlling social clashes, must be ultimately judged not by the force with which a clash is quelled but by the manner in which explosive situations are detected in the embryo and averted. Clash-control, however, is the second step and it is necessary only when there is a breakdown of law and order.<sup>34</sup>

To conclude, when a social clash occurs it is the duty of the officials concerned, to bring things under control. Criminal Codes were enacted for this purpose. But the question is, whether the protectors of law have employed the regulations, under their purview, for the use of the people. When one group is satisfied, the other group is protesting against that. In course of time, this erupts into a bigger social clash. The social clashes involves killing, of people, animals, and damage to the moveable and immovable properties. Above all, it disturbs communal peace and tranquility. A social clashes ends in violence and it leads to another one and it becomes an endless nature. It outbursts sudden in many cases but the reasons are mounting. A spark might lead to social clashes and the authority might be in a stage of spectator and to such a level the magnitude of social clash would be mighty one.

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