

CHAPTER -X

FINDINGS

I. The facts and circumstances which led to the incident at Marad Beach, Kozhikode on 2-5-2003 resulting in the death of 9 (Nine) persons, serious injuries to many others and damage to properties?

1). A minor, insignificant incident that occurred at Marad Beach, a communally divided and most sensitive area, during the New year celebrations in the evening of 31-12-2001 and which was almost settled by the elders of the locality, transformed into a major communal riot at Marad Beach on 3/4-1-2002 due to the intervention of the C.P.I.(M), I.U.M.L. and B.J.P./R.S.S. activists for their gains and that resulted in the death of five persons, injuries to several others and damage to property. It is quite unlikely, those activists indulged in that act without the blessings of their respective leaderships, at least at the local level.

2). The communal division that existed in Marad Beach, the communal riot in that area on 3/4-1-2002 resulting in the death of five persons including

Aboobacker, an N.D.F. activist coupled with the divisive activities of the Muslim fundamentalists and other forces also contributed to the massacre at Marad Beach on 2-5-2003.

3) The unjustified delay in the State Government granting sanction for prosecution of the accused involved in the crime cases relating to the incidents on 3/4-1-2002, the consequent delay in prosecuting them and their getting enlarged on bail enabled the fundamentalist elements to ignite the fire of revenge in the mind of the close relatives of the Muslims killed on 3/4-1-2002 which also contributed to the massacre on 2-5-2003. (See Chapter VI)

II Whether, there was involvement of any external/ internal organization or organizations in the planning and execution of the incident (on 2-5-2003)?

1. The massacre at Marad Beach on 2-5-2003 was not merely a revenge for the killing of the three Muslims at Marad Beach on 3/4-1-2002. Instead, that was a one sided attack on the Hindus without any provocation, by the Muslim fundamentalists/ terrorists capitalizing the revenge the close relatives of Aboobacker, Kunhikoya and Yunus who were killed on 3/4-1-2002 had.

2. Apart from the conspiracy reported by the C.B.C.I.D., Kozhikode in its final report in Cr. No. 82/03 of Beypore Police Station (Cr. No.116/CR/03 of C.B.C.I.D), there was a larger conspiracy involving Muslim fundamentalists /terrorists and other forces in the planning and execution of the massacre at Marad Beach on 2-5-2003.

3. There is no sufficient evidence before the Commission to show that any international agency is directly involved in the massacre at Marad Beach on 2-5-2003.

4. The N.D.F. activists are actively involved in the planning and execution of the massacre at Marad Beach on 2-5-2003. It is quite unlikely that the N.D.F. activists were thus involved, without the blessings of their leadership atleast, at the local level.

5. The I.U.M.L. activists are actively involved in the planning and execution of the massacre at Marad Beach on 2-5-2003. It is quite unlikely that the I.U.M.L. activists were thus involved, without the blessings of their leadership atleast, at the local level.

6. Some members of the Mahal Committee of Marad Juma Masjid Mosque (H Party No.) at Marad Beach were involved in that conspiracy or had prior information of that conspiracy which resulted in the massacre at Marad Beach on 2-5-2003.

7. Sri. P. P. Modieen Koya (H party No.2), local leader of the I.U.M.L. is involved in the conspiracy for the massacre at Marad Beach on 2-5-2003. or had prior information about that conspiracy and the impending violence at Marad Beach.

8. There is every reason to think that Sri.Mayin Haji, S/o. Kunhali (H party No.3) Chairman of Calicut Development Authority and leader of the I.U.M.L., had prior information about the conspiracy which resulted in the massacre at Marad Beach on 2-5-2003.

9. The C.B.C.I.D., Kozhikode had not investigated into the larger conspiracy involving other forces, the source of all explosives, large quantity of weapons collected for the massacre and the source of the large funds used in the planning and execution of the massacre at Marad Beach on 2-5-2003. *A Multi Agency consisting of the officers of the Central Intelligence Bureau, the Central Bureau of Investigation and the Directorate of Revenue Intelligence has to investigate into that larger conspiracy and fix liability. (See Chapter VII)*

III. Whether, there was any lapse on the part of the Police or Administrative Machinery in taking timely, preventive and remedial action and in dealing with the situation?

1) The Kozhikode District Civil Administration failed in taking timely, preventive and remedial action to prevent the massacre at Marad Beach on 2-5-2003.

2) The Kozhikode City Police Administration failed in taking all effective steps to prevent the massacre at Marad Beach on 2-5-2003.

3) The City Police Administration led by Sri. T.K.Vinod Kumar, the then Commissioner of Police, Kozhikode acted effectively after the massacre at Marad Beach on 2-5-2003 in arresting the culprits who took asylum in the Marad Juma Masjid Mosque, recovering weapons from them and in preventing the spreading of violence. The action taken by the then Commissioner, Sri. T.K.Vinod Kumar in that regard is quite commendable.

4) But, it is quite unfortunate and disturbing that the police were not able to prevent the damaging or removal of household articles or even damaging the houses at Marad Beach following the massacre on 2-5-2003 (See Chapter V)

IV. Such other matters as are incidental to and arising out of the above terms?

1) The lethargic attitude or the policy of appeasement adopted by some political parties has encouraged and emboldened religious fundamentalism and terrorism even involving external forces, which is a reality in this State.

2) The successive Government after 1996 (which alone is taken into consideration here) failed in taking effective steps to prevent the growth of religious fundamentalism and terrorism in this State. That also led to the communal clashes and riots in this State.

3) The State Government, unjustifiably refused to order investigation by the C.B.I. into the unparalleled incident at Marad Beach on 2-5-2003 or at least, about the larger conspiracy involving other forces, source of all explosives, large quantity of other weapons collected and the funding in the planning and execution of that incident.

4) The failure / refusal of the C.B.C.I.D., Kozhikode (which investigated the massacre on 2-5-2003) to investigate into the larger conspiracy involving other forces, source of all weapons and the source of the large funding in

the planning and execution of the massacre at Marad Beach on 2-5-2003 is quite suspicious and disturbing. The State Govt. or other appropriate authority has to enquire into the role played by H. Party No.7, Sri. MaheshKumar Singla, Inspector General of Police (who supervised the investigation by the C.B.C.I.D) in that regard.

5) Sri. T.O.Suraj, the then District Collector (H Party No.4) is also responsible for the failure of the Civil Administration in taking all timely, preventive and remedial action to prevent the massacre at Marad Beach on 2-5-2003. The allegation of ~~corruption~~ raised against Sri. T.O.Suraj cannot be ignored as baseless and is required to be enquired into by the State Govt. or such other Authority as that could have had bearing on the failure of the Civil Administration, referred above.

6) Sri. SanjivKumar Patjoshi, former Commissioner of Police Kozhikode (H Party No.5) is also responsible for the failure of the City Police Administration in taking all effective steps to prevent violence at Marad Beach on 2-5-2003. He did not effectively carryout many of the directions issued to him in that regard by his superior officer. He did not maintain good relationship with the then District Collector, Kozhikode who was also the District Magistrate.

7) The lack of good rapport between Sri. T. O. Suraj and Sri. SanjivKumar Patjoshi, the administrative

heads of the Civil Administration and City Police Administration, Kozhikode and consequent lack of co-ordination between the two departments affected the effective preventive and remedial action by both the departments in preventing violence at Marad Beach on 2-5-2003.

8) Sri.M.Abdul Raheem, the then Asst. Commissioner of Police (South Sub Division), Kozhikode has not discharged his duties in preventing violence at Marad Beach on 2-5-2003 sincerely and responsibly. He had not effectively, sincerely and honestly carried out the directions in that regard, issued by his superiors. His very appointment at Kozhikode South Sub Division is shrouded by suspicious circumstances. The allegation that he had connection with some of the forces behind the massacre at Marad beach on 2-5-2003 cannot be ignored as baseless and hence, is to be enquired by the State Govt. (See Chapter VIII)

V. To suggest suitable measures to avoid such unfortunate incidents in future.

A. IDEOLOGICAL MEASURES

1) The Government should, with consensus among the religious groups and without ofcourse, violating the fundamental rights if any in this regard, ensure that religious instruction is not imparted and religious symbols are not exhibited in educational institutions and at any rate, ensure that the religious instruction (where, it is permissible under law) is imparted beyond the school hours and appropriate changes in that regard is made in the Kerala Education Act and the Rules.

2) Secularism, moral values, communal amity and religious tolerance should be taught in the educational institutions. Morality and value clubs should be started in schools. Constitutional provisions, ethical principles and human rights laws required for communal amity should be part of the curriculum for T.T.C.B.Ed., M.Ed. Courses and in the inservice courses for teachers.

3) The Government should, by appropriate measures, ensure that religious instruction wherever given is transparent did not in any way violate or tend to violate public order, health and morality.

4) The Govt. should ensure by consensus among various religious groups that persons engaged in giving religious instruction are equipped with modern education so that, they could give instruction regarding public order, morality, religious tolerance and secularism which in turn, would prevent the growth of religious fanaticism, fundamentalism and terrorism.

5) Films, serials etc, promoting religious co-existence are to be encouraged. Those creating chaos and disharmony are to be banned. If necessary, appropriate changes in that regard should be made in the law relating to censorship.

6) Non-Governmental organizations should be encouraged to promote religious and communal harmony. Such organizations should act in co-operation with the police authorities in this regard.

7) There should be reasonable restrictions without affecting fundamental rights if any, in the matter of taking out processions on the basis of caste/religion etc., along public place/road. There must be a code of conduct evolved among the religious/caste leaders in this regard, bearing in mind that any fundamental right to propagate religion is subject to public safety and order. Sufficient security deposits should be taken from the organizers of the religious festivals and processions along public places/roads. They should execute guarantee for the peaceful conduct of the processions/festivals in public roads/places. In case of disturbance by the processionists, the deposit should be forfeited and action should be taken against the organizers of the festival / procession.

8) Religious processions should be accompanied by sufficient police force to prevent disturbances. Organizers should be held liable to pay the charges for deployment of sufficient policemen.

9) Religious observances by any community in open, public places so as to cause obstruction, annoyance or inconvenience to the people at large should be discouraged and action should be taken against those who defied the instruction of the police in that regard.

10) The provisions in the Manual of Guidelines to Prevent and Control Communal Disturbances and to Promote Communal Harmony regarding conduct of religious festivals/processions and religious observances should be modified as above, given statutory force and enforced strictly.

11) Religions must teach communal amity, religious tolerance and humanity. Any religion crossing the limits should be disciplined by the arms of law.

12) There should be constant dialogues between different religions/communities which will enable clear misunderstandings.

B. POLITICAL MEASURES.

1. Religion must be separated from State matters, politics and education. There should if necessary, be a special enactment separating religion from State matters, politics and education.

2. Government and political parties should be strictly secular, not merely in words but also in deeds. They should desist from appeasing and /or aligning with communal forces. Registration of political parties promoting or helping in any manner, riots, religious illwill, etc. should be cancelled.

3. Government should conduct deep study into the causative, developmental, control, reduction and preventive aspects of communal clashes, the growth and activities of the religious fundamentalists/terrorists in the State, identify such elements and organizations and take steps to prevent such activities.

4. Government should implement the recommendations made in this regard by the Judi. Inquiry Commissions which went into cases of communal riots.

5. Government should study the inflow of foreign funds and unaccounted money into the State, its use by fundamentalist/terrorist groups or non-governmental organizations and take necessary steps in that regard.

6. Government should ensure the economic sustainability of people living in the coastal areas. Steps should be taken to improve and diversify the peoples' means of subsistence. Kudumbasree projects must be started in the coastal areas. Government should adopt measures for poverty alleviation and diversification of strategies of income and its generation in the coastal areas (specially for Marad, a fishing harbour may be established, apart from immediately enforcing and carrying out the Marad Package).

7. Government should ~~take~~ appropriate and necessary action ~~step by step~~, to reduce the density of population in the coastal areas by rehabilitation in other areas which will avoid/reduce problems due to scarcity of land, economic and natural resources.

8. Since eve teasing and molestations (I found some Intelligence reports about eve teasing at Marad Beach before 2-5-2003) have the potentiality for starting riots, there should be proper illumination in the lanes and bye-lanes of such riot prone areas.

9. Government should provide facility in coastal areas for psychiatric counselling and treatment.

10. Attached to every Medical Colleges and District Govt. Hospitals at least, crisis intervention centers consisting

of psychiatrists and specially trained staff should be opened as a permanent arrangement. The police should provide psychiatric help when major incidents which are likely to create psychic problems to the perpetrators of violence, victims and witness to such incidents occurred.

11. Government should set up Coastal Security Guard in the coastal areas of the State to prevent smuggling and transportation of narcotic drugs, unauthorized and unaccounted money, arms etc. through the sea.

12. Secular bodies should be formed in coastal areas—such bodies should have the poor people of the village as its members. Such bodies can be used for resolution of conflicts in the conventional form (like the Kadalkodathi formed at Marad).

13. The Govt. should ensure that officials appointed in key posts in riot prone areas and districts are persons capable of acquiring the confidence of different communities.

14. Permanent Peace Committees should be set up at appropriate levels. Such committees should consist of non-controversial and respected persons of the locality belonging to all communities, professionals and social workers. The members of the Peace Committee shall not have political affiliations. Such Peace Committees should endeavour to bring peace in times of conflicts.

C. LEGAL MEASURES

1. Special enactment should be made to stringently deal with communal clashes/riots. Such special enactment should provide for special rules regarding the burden of

proof and acceptability of statements of accused/witnesses recorded before the Judl. Magistrates.

2. The provisions of the Religious Institutions (Prevention of Misuse) Act, 1988 should be strictly enforced. The concerned authorities should periodically call for information from the concerned persons about storage of weapons / use of funds etc. as stated therein and reports regarding that must be placed in the meetings of Communal Harmony Committee, periodically. Police should, when found necessary, search such places for tracing weapons.

3. The notification under S.4 of the Arms Act should be issued in respect of all sensitive, politically and communally riot prone areas and strict action should be taken against the violators.

4. A State Bureau of Investigation at the State level and Crime Investigation Units under it at the district level separated from the law and order maintenance wing must be established. Persons having skill, intelligence and aptitude for intelligence collection, crime detection and investigation should be posted in that Bureau and Units strictly on merit basis, after conducting aptitude test, personality and intelligence test. Cases involving major crimes should be investigated by the State Bureau of Investigation and the Units under it. Modern equipments for investigation (for eg., narco analysis, brain finger printing etc.) should be made available for the investigation units.

5. Special Rules must be framed for the posting and transfer of officers of the State Bureau of Investigation, District Crime Investigation Units and Intelligence Wings. An officer investigating the case shall not be transferred during

the course of that investigation except for very compelling reasons. Transfer of key officers must be done only on extremely good grounds after sufficiently long time.

6. Just as some other States now have, specified officers of the Intelligence Wing should be given operational power to search places, arrest the accused, seize the material objects and even register the case. This would help speedy action and prevent incorrect information being given by the Intelligence Wing.

7. Intelligence Officers should undergo professional training under the Central Agencies periodically, to equip themselves with new methods collection and dissemination of intelligence.

8. Separate fund should be provided for the Intelligence Wings to be operated by certain designated officers. Modern equipments must be made available for collection and dissemination of intelligence.

9. Special cells at the State and lower levels must be formed under Senior Police officers of proven integrity and ability, to collect information and detect communal, fundamentalist and terrorist activities in the State. Those Units should monitor potentially riot prone areas and take immediate action. Under such Units, there should be special operation wings with officers having secular, impartial credentials and they should be given special training to deal with communal violence. Such Units must have a riot control scheme.

10. A pre-planned scheme should be made in advance for communally/politically riot prone areas earmarking places, men, officers etc. with respect to their duties and action to be performed in the event of a communal incident. They should have periodical simulative exercises to ensure that the system is fool-proof.

11. Modern riot control equipments must be provided in the Control Rooms with reserve force consisting at least two platoons, available in the Control Rooms round the clock. The strength of the police in the communally sensitive and notified areas should be sufficiently increased by creating new posts.

12. There should be strict and effective policing of the riot prone areas. Police picket posts/Patrolling teams should necessarily have sufficient number of local Police Constables for efficient policing while using the Reserve Police men for reinforcement. There should be an effective checking system of the personnel detailed in the field day and night, with a system for cross checking. Any irregularity when noticed in the field duty or checking must be strictly dealt with.

13. Units of Rapid Action Force with high mobility, striking power, fully trained to handle communal riots and equipped with appropriate weapons, equipments for communication and vehicles in top condition must be established in all the three Ranges in the State.

14. Police Control Rooms should be equipped with computers (if it is not already there), which should contain all relevant informations including intelligence information regarding riot prone areas, fundamentalist / terrorist

elements etc. so that, the succeeding officers could collect such information and initiate action. There should be meticulous documentation of the inputs for its effective analysis, assessment and follow-up action.

15. The lethargy, indiscipline and unaccountability in police force has to be removed by strict, intense and constant training. Strict standards of physical fitness should be prescribed and enforced. Training should be given in existing legal provisions which affect policing and also subjects like criminology, sociological behavior and interaction with the people.

16. The Government should ensure that the Police force is non-political and communally neutral. The political affiliation of the police should be stopped. The Government should consider whether, Police Associations should continue, at any rate in the present form affecting its discipline and accountability.

17. Provisions in the Kerala Police (Amendment)Act regarding conduct of training in weapons by organizations/ persons should be strictly implemented. Violation of the provision must be made a non-bailable offence.

18. The Government shall not permit withdrawal from prosecution of communal offences which results in demoralization of the police and gave wrong signal to the offenders that they can somehow, escape the arms of law.

19. There must be proper interaction and co-ordination between the Civil/Police Administrations at district level. The Special Branch Dy.S.P./Asst. Commissioner, can be posted as Liaison Officer to the District Administration, for the purpose.

20. Guidelines issued by Government regarding communal harmony should be strictly followed. Participation of all members of the Committee in its meetings must be strictly ensured. State level officers should conscientiously examine the minutes of the meeting on Communal Harmony and ensure that the meetings are not an empty formality.

21. Police should have public relations machinery (if it is not already there) at appropriate levels through which, authentic versions and informations regarding incidents or such other matters connected with the investigation should be revealed to the media. This is required to prevent publication of rumours and contradictory statements. Investigating Police Officers should be prevented from making public statements or informing the media on incidents or matters under investigation.

22. There must be appropriate restraint on the media against publishing unauthenticated information regarding incidents which tend to promote violence.

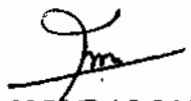
23. Special Courts must be set up for speedy trial of cases arising from communal clashes/riots. There must be a time frame for the investigation, trial and completion of such cases. Law officers with integrity, impartiality, efficiency and knowledge of law should be appointed in the Special Courts to conduct the prosecution of cases (See Chapter IX).



THOMAS P. JOSEPH
COMMISSION OF INQUIRY

DELAY STATEMENT

Government as per Notification No.24507/SS.A2/03/Home dated 23.08.2003 have appointed Shri. Thomas.P.Joseph, District Judge to enquire into the incidents that occurred at Marad beach, Kozhikode on 02.05.2003 in which 9 persons were killed and many other injured, directing to complete the enquiry and submit report within 6 months from 23.08.2003. The Commission submitted its report on 20.02.2006. Government have examined the report in detail. The findings and suggestions of the Commission have been generally accepted by the Council of Ministers on 08.09.2006. The report could not be placed before the Legislative Assembly within 6 months from the date of its receipt. The delay caused in placing the report before the Legislative Assembly is due to administrative reasons. Hence it is requested that the delay may be condoned.



K.K.RAMANI

Additional Secretary to Government
Home Department

Action taken Memorandum on the findings of Shri Thomas P. Joseph Commission of Inquiry to inquire into the incidents that occurred at Marad beach, Kozhikode on 2.5.2003.

<p align="center">Findings/Recommendations (Vide Terms of Reference No. III & IV)</p>	<p align="center">Action Taken</p>
<p>(1) The State Government, unjustifiably refused to order investigation by the C.B.I. into the unparalleled incident at Marad Beach on 2.5.2003 or at least, about the larger conspiracy involving other forces, source of all explosives, large quantity of other weapons collected and the funding in the planning and execution of that incident.</p>	<p>(1) Government of India has been requested to conduct CBI Enquiry (Govt. Lr. No. 53182/SSA2/06/ Home dated 12.9.2006).</p>
<p>(2). Shri T.O. Suraj, the then District Collector (H Party No.4) is also responsible for the failure of the Civil Administration in taking all timely, preventive and remedial action to prevent the massacre at Marad Beach on 2.5.2003.</p>	<p>(2) & (3) Action is being taken against these officers under the provisions of All India Service (Discipline and Appeal Rules, 1969).</p>
<p>(3). Shri Sanjiv Kumar Patjoshi, former Commissioner of Police, Kozhikode (H Party No.5) is also responsible for the failure of the City Police Administration in taking all effective steps to prevent violence at Marad Beach on 2.5.2003.</p>	

(4) Shri M. Abdul Raheem, the then Assistant Commissioner of Police (South Sub Division), Kozhikode has not discharged his duties in preventing violence at Marad Beach on 2.5.2003 sincerely and responsibly. He had not effectively, sincerely and honestly carried out the directions in that regard, issued by his superiors.

(5) Sri. Mahesh Kumar Singla IPS, the then Inspector General of Police may be removed from the post of I G P (Crimes) and an enquiry conducted into the role played by him by ADGP (Intelligence).

(4) Action is being taken against him under the provisions of Kerala Police Departmental Enquiries and Punishment and Appeal Rules, 1958.

(5) Action is being taken to remove him from the post of IGP (Crimes) and to conduct an enquiry into the role played by him by Additional Director General of Police (Intelligence).

<p style="text-align: center;">Recommendations</p> <p>Vide Terms of Reference No. V</p>	<p style="text-align: center;">Action Taken</p>
<p>A: IDEOLOGICAL MEASURES</p> <p>1) The Government should, with consensus among the religious groups and without of course, violating the fundamental rights if any in this regard, ensure that religious instruction is not imparted and religious symbols are not exhibited in educational institutions and at any rate, ensure that the religious instruction (where, it is permissible under law) is imparted beyond the school hours and appropriate changes in that regard is made in the Kerala Education Act and the Rules.</p> <p>2) Secularism, moral values, communal amity and religious tolerance should be taught in the educational institutions. Morality and value clubs should be started in schools. Constitutional provisions, ethical principles and human rights laws required for communal amity should be part of the curriculum for T.T.C., B.Ed., M.Ed. Courses and in the service courses for teachers.</p>	<p>(1) & (2)</p> <p>It has been decided to refer these recommendations to the Education Department for detailed examination and further action.</p>
<p>3) The Government should ensure by consensus among various religious instruction wherever given is transparent did not in any way violate or tend to violate public order, health and morality.</p> <p>4) The Govt. should ensure by consensus among various religious groups that persons engaged in</p>	<p>(3) & (4)</p> <p>Not practically feasible.</p> <p>However Government will be constantly vigilant and take</p>

<p>giving religious instruction are equipped with modern education so that, they could give instruction regarding public order, morality, religious tolerance and secularism which in turn, would prevent the growth of religious fanaticism, fundamentalism and terrorism.</p>	<p>necessary measures to prevent the growth of religious fanaticism, fundamentalism and terrorism as required from time to time.</p>
<p>5) Films, serials etc, promoting religious co-existence are to be encouraged. Those creating chaos and disharmony are to be banned. If necessary, appropriate changes in that regard should be made in the law relating to censorship.</p>	<p>(5) Action has to be taken by Government of India. This recommendation will be brought to the notice of Central Government for consideration.</p>
<p>6) Non-Governmental organizations should be encouraged to promote religious and communal harmony. Such organizations should act in co-operation with the police authorities in this regard.</p>	<p>(6) Such practices are even now going on. Further necessary action will be taken as required.</p>
<p>7) There should be reasonable restrictions without affecting fundamental rights if any, in the matter of taking out processions on the basis of caste/religion etc., along public place/road. There must be a code of conduct evolved among the</p>	<p>(7), (8) & (9) General guidelines are already in existence. They</p>

religious/caste leaders in this regard, bearing in mind that any fundamental right to propagate religion is subject to public safety and order. Sufficient security deposits should be taken from the organizers of the religious festivals and processions along public places/roads. They should execute guarantee for the peaceful conduct of the processions/festivals in public roads/places. In case of disturbance by the processionists, the deposit should be forfeited and action should be taken against the organizers of the festival/procession.

(8) Religious processions should be accompanied by sufficient police force to prevent disturbances. Organizers should be held liable to pay the charges for deployment of sufficient policemen.

9) Religious observances by any community in open, public places so as to cause obstruction, annoyance or inconvenience to the people at large should be discouraged and action should be taken against those who defied the instruction of the police in that regard.

10) The provisions in the Manual of Guidelines to Prevent and Control Communal Disturbances and to Promote Communal Harmony regarding conduct of religious festivals/processions and religious observances should be modified as above, given statutory force and enforced strictly.

will be strictly enforced. Whether any further modifications to the existing instructions are necessary will be examined.

(10) Action has been initiated to comprehensively revise the Kerala Police Act and Manual. As part of this, this recommendation also will be examined.

<p>11) Religions must teach communal amity, religious tolerance and humanity. Any religion crossing the limits should be disciplined by the arms of law.</p> <p>12) There should be constant dialogues between different religions/communities which will enable clear misunderstandings.</p>	<p>(11) & (12) Provisions already exist in Section 153 (A) IPC. Government will take action to enforce this and also to take up appropriate measures for maintenance of communal harmony and to further strengthen it.</p>
<p>B. POLITICAL MEASURES.</p> <p>1. Religion must be separated from State matters, politics and education. There should if necessary, be a special enactment separating religion from State matters, politics and education.</p> <p>2. Government and political parties should be strictly secular, not merely in words but also in deeds. They should desist from appeasing and /or aligning with communal forces. Registration of political parties promoting or helping in any manner, riots, religious ill will etc. should be cancelled.</p>	<p>(1) & (2)</p> <p>This recommendation will be brought to the notice of Government of India to consider the proposal for special enactment.</p>
<p>3. Government should conduct deep study into the causative, developmental, control, reduction and preventive aspects of communal clashes, the growth and activities of the religious fundamentalists/terrorists in the State, identify such</p>	<p>(3) & (4)</p> <p>Necessary action will be taken.</p>

<p>elements and organizations and take steps to prevent such activities.</p> <p>4. Government should implement the recommendations made in this regard by the Judicial Inquiry Commissions which went into cases of communal riots.</p>	
<p>5. Government should study the inflow of foreign funds and unaccounted money into the State, its use by fundamentalists/terrorist groups or non-governmental organizations and take necessary steps in that regard.</p>	<p>(5) Necessary action is already being taken under the existing law.</p>
<p>6. Government should ensure the economic sustainability of people living in the coastal areas. Steps should be taken to improve and diversify the peoples' means of subsistence. Kudumbasree projects must be started in the coastal areas. Government should adopt measures for poverty alleviation and diversification of strategies of income and its generation in the coastal areas (specially for Marad, a fishing harbour may be established, apart from immediately enforcing and carrying out the Marad Packages).</p>	<p>(6) Revenue, Local Self Government, Fisheries and Social Welfare Departments will implement the ongoing schemes and examine the possibility of formulating new schemes for this purpose.</p>
<p>7. Government should take appropriate and necessary action steps by step, to reduce the density of population in the coastal areas by rehabilitation in other areas which will avoid/reduce problems due to scarcity of land, economic and natural resources.</p>	<p>(7) Government will examine the feasibility of this recommendation.</p>

<p>8. Since eve teasing and molestations (I found some Intelligence reports about eve teasing at Marad Beach before 2.5.2003) have the potentiality for starting riots, there should be proper illumination in the lanes and bye-lanes of such riot prone areas.</p>	<p>(8) Local Self Government and Power Departments will be taking all possible steps.</p>
<p>9. Government should provide facility in coastal areas for psychiatric counseling and treatment.</p> <p>10. Attached to every Medical Colleges and District Government Hospitals at least, crisis intervention centers consisting of psychiatrists and specially trained staff should be opened as a permanent arrangement. The police should provide psychiatric help when major incidents which are likely to create psychic problems to the perpetrators of violence, victims and witness to such incidents occurred.</p>	<p>(9) & (10)</p> <p>Necessary steps will be taken through the Health Department.</p>
<p>11. Government should set up Coastal Security Guard in the Coastal areas of the State to prevent smuggling and transportation of narcotic drugs, unauthorized and unaccounted money, arms etc. through the sea.</p>	<p>(11) Government have taken a decision to set up 8 Coastal Police stations. Further steps for Coastal Security will be taken throughout the State in a phased manner.</p>
<p>12. Secular bodies should be formed in coastal areas such bodies should have the poor people of the village as its members. Such bodies can be used for resolution of conflicts in the conventional form (like the Kadalkodathi formed at Marad).</p>	<p>(12) Government will provide all necessary encouragement for such activities.</p>

<p>13. The Government should ensure that officials appointed in key posts in riot prone areas and districts are persons capable of acquiring the confidence of different communities.</p> <p>14. Permanent Peace Committees should be set up at appropriate levels. Such committees should consist of non-controversial and respected persons of the locality belonging to all communities, professionals and social workers. The members of the Peace Committee shall not have political affiliations. Such Peace Committees should endeavor to bring peace in times of conflicts.]</p>	<p>(13) & (14)</p> <p>Adequate provisions are already included in the "Manual of Guidelines to prevent and control communal disturbances and to promote communal harmony 2005".</p>
--	---

C. LEGAL MEASURES

Special enactment should be made to stringently deal with communal clashes/riots. Such special enactment should provide for special rules regarding the burden of proof and acceptability of statements of accused/witnesses recorded before the Judicial magistrates.

Will be examined and necessary action taken.

2. The provisions of the Religious Institutions (Prevention of Misuse) Act, 1988 should be strictly enforced. The concerned authorities should periodically call for information from the concerned persons about storage of weapons / use of funds etc. as stated therein and reports regarding that must be placed in the meetings of Communal Harmony Committee, periodically. Police should, when found necessary, search such places for tracing weapons.

(2) Already being implemented. Government will ensure that these are strictly enforced.

<p>3. The notification under S.4 of the Arms Act should be issued in respect of all sensitive, politically and communally riot prone areas and strict action should be taken against the violators.</p>	<p>(3) Will be implemented.</p>
<p>4. A State Bureau of Investigation at the State level and Crime Investigation Units under it at the district level separated from the law and order maintenance wing must be established. Persons having skill, intelligence and aptitude for intelligence collection, crime detection and investigation should be posted in that Bureau and Units strictly on merit basis, after conducting aptitude test, personality and intelligence test. Cases involving major crimes should be investigated by the State Bureau of Investigation and the Units under it. Modern equipments for investigation (for eg., narco analysis, brain finger printing etc.) should be made available for the investigation units.</p>	<p>(4), (5) & (6) These are being examined in detail along with the recommendations of Justice K.T. Thomas Commission.</p>
<p>5. Special Rules must be framed for the posting and transfer of officers of the State Bureau of Investigation, District Crime Investigation Units and Intelligence Wings. An officer investigating the case shall not be transferred during the course of that investigation except for very compelling reasons. Transfer of key officers must be done only on extremely good grounds after sufficiently long time.</p>	
<p>6. Just as some other States now have, specified officers of the Intelligence Wing should be given operational power to search places, arrest the accused, seize the material objects and even register</p>	

<p>the case. This would help speedy action and prevent incorrect information being given by the Intelligence Wing.</p>	
<p>7. Intelligence Officers should undergo professional training under the Central Agencies periodically, to equip themselves with new methods collection and dissemination of intelligence.</p>	<p>(7) Officers are even now being deputed for various training programmes and this will be continued.</p>
<p>8. Separate fund should be provided for the Intelligence Wings to be operated by certain designated officers. Modern equipments must be made available for collection and dissemination of intelligence.</p>	<p>(8) to 13 Will be examined and necessary action taken.</p>
<p>9. Special cells at the State and lower levels must be formed under Senior Police Officers of proven integrity and ability, to collect information and detect communal, fundamentalist and terrorist activities in the State. Those Units should monitor potentially riot prone areas and take immediate action. Under such Units, there should be special operation wings with officers having secular, impartial credentials and they should be given special training to deal with communal violence. Such Units must have a riot control scheme.</p>	
<p>10. A pre-planned scheme should be made in advance for communally/politically riot prone areas earmarking places, men, officers etc. with respect to their duties and action to be performed in the event</p>	

of a communal incident. They should have periodical simulative exercises to ensure that the system is foolproof.

11. Modern riot control equipments must be provided in the Control Rooms with reserve force consisting at least two platoons, available in the Control Rooms round the clock. The strength of the police in the communally sensitive and notified areas should be sufficiently increased by creating new posts.

12. There should be strict and effective policing of the riot prone areas. Police picket posts/patrolling teams should necessarily have sufficient number of local Police Constables for efficient policing while using the Reserve Police men for reinforcement. There should be an effective checking system of the personnel detailed in the field day and night, with a system for cross checking. Any irregularity when noticed in the field duty or checking must be strictly dealt with.

13. Units of Rapid Action Force with high mobility, striking power, fully trained to handle communal riots and equipped with appropriate weapons, equipments for communication and vehicles in top condition must be established in all the three Ranges in the State.


14. Police Control Rooms should be equipped with computers (it is not already there), which should contain all relevant information including intelligence information regarding riot prone areas,

(14) This is already being done in a phased manner.

<p>fundamentalist/terrorist elements etc. so that, the succeeding officers could collect such information and initiate action. There should be meticulous documentation of the inputs for its effective analysis, assessment and follow-up action.</p>	
<p>15. The lethargy, indiscipline and unaccountability in police force has to be removed by strict, intense and constant training. Strict standards of physical fitness should be prescribed and enforced. Training should be given in existing legal provisions which affect policing and also subjects like criminology, sociological behaviour and interaction with the people.</p>	<p>(15) Will be examined and necessary action taken.</p>
<p>16. The Government should ensure that the Police force is non-political and communally neutral. The political affiliation of the police should be stopped. The Government should consider whether, Police Associations should continue, at any rate in the present form affecting its discipline and accountability.</p>	<p>(16) Police force in Kerala is non-political and communally neutral. The Police Association has no political affiliation. Government will not allow any political activity by the Police force.</p>
<p>17. Provisions in the Kerala Police (Amendment) Act regarding conduct of training in weapons by organizations/persons should be strictly implemented. Violation of the provision must be made a non-bailable offence.</p>	<p>(17) & (18) Will be strictly implemented.</p>

<p>18. The Government shall not permit withdrawal from prosecution of communal offences which results in demoralization of the police and gave wrong signal to the offenders that they can somehow, escape the arms of law.</p>	
<p>19. There must be proper interaction and co-ordination between the Civil/Police Administrations at district level. The Special Branch Dy.SP/Assistant Commissioner, can be posted as Liaison Officer to the District Administration, for the purpose.</p>	<p>(19) Necessary instructions will be given to all concerned.</p>
<p>20. Guidelines issued by Government regarding communal harmony should be strictly followed. Participation of all members of the Committee in its meetings must be strictly ensured. State level officers should conscientiously examine the minutes of the meeting on Communal Harmony and ensure that the meetings are not an empty formality.</p>	<p>(20) & (21) Necessary steps will be taken.</p>
<p>21. Police should have public relations machinery (if it is not already there) at appropriate levels through which, authentic versions and information regarding incidents or such other matters connected with the investigation should be revealed to the media. This is required to prevent publication of rumours and contradictory statements. Investigating Police Officers should be prevented from making public statements or informing the media on incidents or matters under investigation.</p>	

<p>22. There must be appropriate restraint on the media against publishing unauthenticated information regarding incidents which tend to promote violence.</p>	<p>(22) All concerned will be requested to restrain from publishing unauthenticated information which invite violence.</p>
<p>23. Special Courts must be set up for speedy trial of cases arising from communal clashes/riots. There must be a time frame for the investigation, trial and completion of such cases. Law officers with integrity, impartiality, efficiency and knowledge of law should be appointed in the Special Courts to conduct the prosecution of cases.</p>	<p>(23) Special Courts are being set up as and when required considering the importance and seriousness of each case. The recommendation will be implemented.</p>


K.K. Ramani,
Additional Secretary to Government,
Home Department.