

COLLECTIVE VIOLENCE: GENESIS AND RESPONSE. (1988). Edited by K.S. Shukla, Indian Institute of Public Administration, Indraprastha Estate, New Delhi. Pp. xvii + 354. Price: Rs. 150.00; £ 24.00; \$ 45.

INDIAN INSTITUTE of Public Administration, New Delhi deserves to be congratulated for having organised an inter-disciplinary seminar on collective violence, especially at a time when the country is being rocked by a spate of violence from one end to the other. K.S. Shukla, the prime-mover of the seminar deserves special congratulations for not only conceiving the idea of a national seminar of this kind but also for his yeoman's services in translating it into action and then putting within the covers of a single book all the 16 valuable papers and the wealth of all the discussions in a commendably lucid fashion for use of the posterity.

In all, over 90 participants, more than half of them academics, representing disciplines of sociology, psychology, criminology, law and public administration from different universities and institutes, and about one-fourth of them senior administrators of the country including serving and retired police officers, participated in the seminar between February 12 and 14, 1986. One, however, wishes that among the participants there were a few practising senior lawyers from the field of criminal law, a few judges and the heads of the police academies of the country, particularly those of the Sardar Vallabhbhai Patel, National Police Academy, Hyderabad and Internal Security Academy, Mt. Abu. Perhaps, if all the invitees had turned up, even this little shortcoming in making the seminar more representative and really multi-disciplinary would not have arisen.

For facility of discussion the subject was broken into six sub-heads, each of which was taken up for discussion in six business sessions covering the entire duration of the seminar.

These sub-divisions were:

- I. Concept and dimensions of collective violence.
- II. Caste/class collective violence.
- III. Inter-community/sectoral collective violence.
- IV. Policy and administrative implications of collective violence.
- V. Development and change and collective violence.
- VI. Trends in collective violence.

Papers too were submitted by the participants accordingly. The papers by Uttam Bhoite, Uday Jain, A.R. Saiyed, J.N. Chaturvedi, S. Venugopal Rao, Ram Ahuja, N.S. Saxena and S.S. Srivastava deserve special mention for their wealth of thought, factual information, in-depth study of the problem and for their valuable suggestions for containing the menace of collective violence. Uttam Bhoite's paper "Theories of Collective Violence Reconsidered"<sup>1</sup> is a harmonious blending of theory and case study with specific suggestions for

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1. K.S. Shukla(ed), *Collective Violence :Genesis and Response* 34 (1988).

future guidance. On the same pattern is the paper by Uday Jain on "Socio-psychology Factors in Violence: A Case Study of an Agricultural University."<sup>2</sup> A.R. Saiyed's paper on "Changing Urban Ethos: Some Reflections on Hindu-Muslim Riots"<sup>3</sup> though at times, a little subjective in its approach, is nevertheless a pain-staking analysis of facts and incidents which helps a good deal to understand the phenomenon of communal violence in our society. One feels inclined to agree with him in toto when he says, "Seated in their homes in front of the idiot box, many middle and upper class Hindus and Muslims are tending to become emotional over communal outbursts, without realising that those actually responsible for the slaughter of human beings and loot of property are without any religion."<sup>4</sup> J.N. Chaturvedi's paper on "Policy and Administrative Implications of Collective Violence."<sup>5</sup> is a masterpiece of constructive thinking and is a valiant defence of the rule of law. He, however, laments its subversion by all organs of the state. Indeed, law must not only be enforced but enforced with utmost fairness, impartiality and having due regard to the decency of state behaviour. It is thus natural to conclude that rule of law requires a band of honest civil servants who are not only dedicated to the principles of justice, fairplay and fundamental tenets of the rule of law, but who are also capable of maintaining law and order for securing adequate social and economic conditions of life which alone can provide the requisite opportunity for the development of the human personality. "It is rather trite to say that even the best of laws and the best of constitutional provisions will be of no avail if there is a failure in the quality of the human personnel who will enforce those laws and constitution."<sup>6</sup> S. Venugopal Rao's paper on "Collective Violence: Policy and Administrative Implications"<sup>7</sup> too gives a good deal of emphasis on rule of law. Ram Ahuja's paper, "Development and Collective Violence: A Theoretical Perspective"<sup>8</sup> brings into focus how developmental process has created more gaps between aspirations and achievements, how violence is used as a means for achieving the goal by drawing attention of the people in power, and how collective violence is organised, repeated and continued through the 'social bond approach.' N.S. Saxena's short and somewhat sarcastic article "Collective Violence is the Child of Politics"<sup>9</sup> is a blunt but true exposition of the fact as to how both the political masters and the senior officers subvert the rule of law by issuing illegal orders. S.S. Srivastav's paper on "Contemporary Terrorism in India with Special Reference to Punjab"<sup>10</sup> defines terror-

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2. See *id.* at 70.

3. *Id.* at 97.

4. *Id.* at 115.

5. *Id.* at 149.

6. R. Deb, "Public Services Under the Rule of Law - Right to Disobey Illegal Orders", 20 *J.L.L.* 574 at 578 (1978).

7. *Supra* note 1 at 163.

8. *Id.* at 213.

9. *Id.* at 265.

10. *Id.* at 269.

ism as an interactional divisive conflict between two divergent interest groups -- one having the prerogative of formal power and the other challenging it with the generated informal power and belief in violence. In it both the privileged and the under-privileged groups interact in a state of confrontation, which in a multi-party democratic set-up is exploited by the political and economic interest groups. To him terrorism, in a nutshell, appears to be "a crimino-political process with different objectives".

The foregoing comments about some of the papers should not, however, be taken to mean that the other papers were of no significance. Indeed, many of them show an incisive analysis of the phenomenon of collective violence and give extremely valuable suggestions for keeping it within reasonable limits. One has to say within 'reasonable limits' as human society being what it is one cannot make the tall claim of eradicating violence, collective or otherwise, altogether just as Radzinowicz felt helpless when he observed in the context of escalating crime, "Criminologists should avoid crusading zeal, diagnostic beliefs and narrow expertise. They cannot solve the problem of crime and should accept that crime is to a large extent inevitable, being an integral part of society."<sup>11</sup> So what one really can do is to contain or reduce the volume of collective violence, and nothing more.

In his preface Shukla rightly observes that available national and international records suggest that after the fifties of this century, a growing trend of violence, emanating from various socio-political situations and having extensive and intensive social and/or political implications has almost become the order of the day almost all over the world. Man's hopes, urges and aspirations have tremendously increased after the second world war, but the pace of social change, particularly in the developing and under-developed countries have been too slow, too tardy to catch up with human expectations. Though, our successive plans for bettering the lot of the underdog and the deprived sections of the community have tried to remove the imbalance in the socio-economic fields, yet no significant impact or progress has been made to assuage the pent-up feelings of the masses. Political struggle too has become a matter of confrontation between 'haves' and 'have-nots'. Man's craving for justice--social, economic and political--has to be satisfied with utmost expedition and dispatch. After independence people have become restive and can no longer be pacified by promises by and large unfulfilled. In this background of despondency and despair, a feeling, thanks to governmental attitude, has steadily gained ground that the government takes note only of violent agitations. "Citizens" observes Shukla, "have come to believe or have realised that violence is a safe and sure method of achieving the objective."<sup>12</sup> And even when such collective violence takes place, especially when it is by the state or its agencies, the government appears to be too slow, too hesitant to take decisive and prompt action, and has often to be forced to

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11. Leon Radzinowicz, *In Search of Criminology* (1961).

12. *Supra* note 1 at ix.

concede popular demands for justice by a spate of organised demonstrations and morchas, which too may often lead to further collective violence. In this context the incidents at Baghpat, Naranarainpur, the Bhagalpur blindings and the recently alleged mass rape in Tripura readily come to one's mind. Though the demand for judicial enquiry was conceded in the first three cases mentioned above, yet one feels ashamed to record that it did not readily come as it should have as a *suo mou* gesture from the government. Indeed, until the government's hands were virtually forced by a spate of agitations and demonstrations by vocal and organised political groups, the demand for judicial enquiry was not conceded. And so for the Tripura incident the demand for a judicial enquiry, as far as this reviewer is aware, has not yet been conceded and the government has satisfied its conscience by merely ordering an executive enquiry by its own bureaucratic machinery, little realising the fact that such an enquiry by an officer of the establishment inspires little confidence amongst the members of the public who, oftener than not, feel rather rightly, that the government does not want to discover the naked truth by an objective and independent judicial enquiry but wants to white-wash the whole matter and then shield its erring officers and men. This attitude was, perhaps to some extent excusable, though not justifiable, during the days of the Raj with a bureaucracy wedded to the perpetuation of foreign domination, but it is totally out of place in post-Independent India. The stereotyped bureaucratic argument that a judicial enquiry will ruin the morale of the forces charged with the maintenance of law and order is hopelessly outdated, obsolete and irrelevant. "If police morale is not a hot-house growth but has been built on the sense of responsibility, integrity and courage of conviction of the force, it can never be undermined by public criticism which may at times, be misinformed, unjust and even bitter."<sup>13</sup> In a democratic society every public servant must be accountable to the people. And this applies more appropriately to the police than others as the police represent the law and order of the organised society. "Whoever occupies a public position must accept an attack as a necessary, though unpleasant, appendage to his office."<sup>14</sup> Why should the official machinery shy away from judicial enquiry if it has nothing to hide or no desire to shield its erring officers and men.

Be that as it may, it can be said in fairness to the organisers and discussants of the seminar that the participants not only tried to spell out inherent contradictions in many segments of the Indian society, but also tried to evolve strategies and policies for effectively containing the phenomenon of collective violence.

Though the proceedings of the seminar were very ably summed up by P.R. Dubashi<sup>15</sup> the editor could have appended a point by point summary of

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13. R. Deb, *Police and Law Enforcement* 292 (2nd edn., 1988).

14. See *Kartar Singh v. State of Punjab*, 1956 Cri. L.J. 945 (S.C.).

15. See *supra* note 1 at 280.

the broad conclusions of the seminar as is usually done at the end of every important national or international conference. A point by point summary of this kind would have been a boon to the various departments and the government to streamline, amend or reform the laws and the rules for implementing the recommendations of the seminar.

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