

## **PUBLIC ORDER**

### **A Case Study Sundeep Khanna**

On 26th June, 1976 the morning news papers suddenly announced the suspension of the Chief Municipal Officer of the Deep Nagar Municipal Committee. It was mentioned that the C.M.O. had been placed under suspension by the Order of the District Magistrate, Letuwa. The orders had been issued in anticipation of the approval of the same by the State Govt. This was the climax of a tension that had been quietly brewing for more than one year. It had caste overtones also.

The members of the Deep Nagar Municipal Committee had never been elected. It had nominated members only, who were all non-Brahmins by caste. The Members of the predominant Brahmin community, who had always enjoyed full supremacy, never took kindly to this nomination of non-Brahmins only. Hence, the opposition started though it had different manifestations. The Congressmen among Brahmins took to clandestine hostile propaganda and anonymous complaints while the Jan Sangh Brahmins started openly opposing every act of the municipality on the political platform as well as in the courts. An additional reason for Jan Sangh opposition was the fact that Jan Sangh was in a majority in the Gram Panchayat before formation of the municipal Committee. The municipal Committee (herein after referred to as the M.C.) could obviously not afford to ignore the hostile propaganda and under the guidance of its nominated President Suresh Singh vindictive action was sought to be taken by it i.e. the C.M.O. who necessarily came into the picture by virtue of his being the executive head of the Municipality. In addition to this was the fact that the C.M.O. Shri Kamal Shrivastava was of an very obstinate and some-what rude disposition. Consequently, many times in the year 1975 a poster was erupted against the C.M.O. or the President of the M.C. At times, even articles were written in the regional newspapers attacking the acts of the C.M.O.

However, all this came to an end when the emergency was clamped. But there was no end to the activity. A number of complaints were sent to the Govt. that C.M.O. belonged to the banned R.S.S. These complaints terribly irritated the C.M.O. and it was the feeling of co-officials that he was tending to loose his balance of approach.

## **II**

In March-April '76 a campaign was launched by the M.C. to demolish unauthorized structures and to evict those who had not got their leases renewed. One such victim was Harendra Mohan Tewari (an active Jan Sangh worker) who was being evicted from

his shop site. Shri Tewari sought redress both from the court of Collector and the court of Civil Judge class II. The Collector was pleased to issue a stay order in the second week of April '76 and the civil court also issued an injunction. These irritated the M.C. President and the C.M.O. very much. Even after these efforts were made by the municipality to harass Shri Tewari by dumping construction material in front of his shop forcing him to close it down. The M.C. also filed a counter civil suit. Following the closure of his shop, Shri Tewari filed a criminal complaint in the court against the C.M.O. and the same was fixed for hearing in July.

On 2-6-76 in the evening a demolition squad went to Shri Tewari's shop with an intent to demolish. A huge crowd numbering roughly 400 persons gathered as Shri Tewari had a substantial political and personal following. The situation suddenly became explosive because the municipal employees alleged that new construction was being undertaken on which the court injunction did not apply. A small police party led by the Asstt. Sub Inspector of Police intervened and ugly incidents were avoided. The next day Shri Tewari met the local Sub Divisional Magistrate who told him that he was powerless to do any thing as the matter was already sub-judice and the breach of peace had in any case successfully been avoided. Thereafter, Shri Tewari filed a contempt of court complaint in the court of Judicial Magistrate. Here the matters stood on 21st June 1976 and since both the parties were keeping each other busy in ever-lasting judicial processes, the local authorities took no initiative hoping that gradually their energies would be exhausted and the tension would die down. However, the rumour-mongering against the C.M.O. was going on thanks to the local caste tension and the fact that Shri Tewari belonged to Jan Sangh and was a member of the trading community. The whole town appeared to be uniting against the M.C. and particularly against its C.M.O.

### III

Suddenly, on 21st June in the evening at about 6.30 P.M. a dead dog was found inside the shop of Shri Tewari. It needs to be mentioned that on the 19th the M.C. had got some 80 dogs poisoned. Shri Tewari and his neighbours approached the C.M.O. with an application accompanied by the usual fee, praying that the dead body should be got removed immediately since it was stinking badly. The application was not entertained as it was presented after office hours. Shri Tewari lodged a complaint with the police station late in the night that the C.M.O. had got the dead dog thrown inside his shop.

On 22nd morning the A.S.I. approached the S.D.M. (the Sub Inspector incharge of the police station was on leave) to say that there was acute tension in the city and an apprehension of breach of peace existed since the whole of the crowded market area was stinking and there was widespread disapproval of the C.M.O.'s attitude who had told him that he could not get the dog removed from inside the shop as there was an injunction from the civil court against disturbing the possession of Shri Tewari. The S.D.M. reacted sharply to this plea which appeared totally absurd to him. The S.D.M. deputed an Executive Magistrate to accompany the police party and to get

the dog removed. The S.D.M. hurried himself to the office to contact the District Magistrate, whose headquarters were located 85 Kms away.

As the official party approached the municipal office at about 10 A.M. the C.M.O. rushed to the house of the M.C. President. It needs to be mentioned here that the M.C. President happened to be a lawyer and was also appearing in the courts as its counsel. The C.M.O. came back after one hour apparently after consultations. On coming back to the office he flatly refused to get the dog removed. Apart from the question of stay order, his plea was that Shri Tewari had himself dumped it inside his shop in order to defame the M.C. In the meanwhile a huge crowd had gathered outside the M.C. office. They were being repeatedly pacified by the Executive Magistrate. Deep Nagar being only a Sub-division headquarter hardly 10 policemen were actually available for the law and order duty and the thanedar was also out of station. The tension continued to mount. The main reason for public anger was the belief that the C.M.O. had got the dead body of the dog thrown inside the shop. The foundation of this belief lay in the fact that the poisoned and collapsing dog could not have walked over the malba into the shop. The unbending attitude of the C.M.O. appeared to confirm this belief.

#### IV

It was at this juncture that the Magistrate informed the S.D.M. about the grave apprehension of breach of peace and sought instructions. The S.D.M. authorized the Magistrate to tell the C.M.O. that either he should get the dead body of the dog removed or else he would be arrested in order to avoid mass violence in the heart of the city. The threat worked and the C.M.O. agreed though he insisted on written orders from the Magistrate.

The actual removal of the dead body quietened the atmosphere abruptly but the public mood was still unpredictable. Therefore, late in the afternoon both the C.M.O. and the leading citizens were called separately by the S.D.M. and the steam was let off by both the parties. Next morning the D.M. got the report through a special messenger and the suspension order was issued and the curtain was pulled down.