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HOME DEPARTMENT

ORDER

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No. 3056/C.—

STANDARD OPERATING PROCEDURE FOR DEALING WITH RAIL/ RASTA ROKO/
BUNDH AND MAJOR BREAKDOWN OF LAW & ORDER SITUATION THEREOF

A. PURPOSE:

1. The Rights of a group of people cannot be subservient to the claim of Fundamental Rights of an individual or a section of the people. Therefore, it is not considered to be lawful to call or enforce Rail/Rasta Roko which interfere with the exercise of the freedom of other people. Further, such action results in national loss in many ways. In order to impose one's own point of view or to press one's demand, however reasonable it may be, Bandh/ Rail/Rasta Rokos have become an insidious tool. Apart from causing extensive damage to local and State's economy, such actions cause untold miseries to community at large.

2. The purpose of the Standard Operating Procedure (SOP) is to deal with Rail / Rasta Roko/ Bundhs and to maintain law and order during such agitations. The procedure provides for action to be taken by the authorities during such situations and to coordinate interventions by related agencies including revenue, road transport, railways, fire services etc.

B. POTENTIAL TARGETS:

The agitators/activists may indulge in unlawful activities and target the following:—

1. Paralyzing the rail transport, road transport for certain duration
2. Disruption of the supply of mineral and other essential commodities
3. Disruption of public transport
4. Economic blockade
5. Targetting vital installations
6. Any other criminal/ unlawful activities punishable under law.

C. ACTION PLAN:

(i) A Standing Committee under the Chairmanship of District Magistrate shall be constituted with the following members to respond on receipt of information of Rail Roko/ Rasta Roko at all times. On receipt of information of the likely Rail /Rasta Roko, the Committee shall meet and plan the response of the administration:—

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|---|---|-------------|
| (1) District Magistrate | : | Chairman |
| (2) Supdt. of Police/DCP | : | Convener |
| (3) ADM | : | Co-convener |
| (4) Local Sub-Collector | : | Member |
| (5) Divisional Railway Manager or
his representative(in case of Rail Roko) | : | Member |
| (6) District Fire Officer | : | Member |
| (7) R.T.O.(in case of Rasta Roko) | : | Member |
| (8) Any other Officials or representative of any organization/association, if
felt necessary, may be co-opted. | | |

Intelligence:

(ii) The local intelligence agencies shall provide advance information about the likelihood of the number of people participating in the event and about activities of potential instigators and leaders of the agitation. Assessments shall be made by all agencies in the district i.e. Police, Revenue, Rail etc. regarding the possibility of violence during the congregation. Information gathering in advance is a very important aspect and the district needs to augment its capacity to get information on timely fashion so that response can be calibrated accordingly. Basing on intelligence inputs advance strategy to maintain law and order could be prepared (at least one day in advance) and reported to Police Headquarters.

Deployment:

(iii) The committee shall develop deployment plan of Local Police/Railway Protection Force etc. to protect the critical operational installations in both rail/road infrastructures. Required level of force needs to be carefully anticipated, requisitioned and deployed by the committee in general and S.P. in particular. Senior Police Officials may be deployed depending on the sensitivity and scale of the agitation and likely impact.

Negotiation:

(iv) Efforts shall be made for active negotiation with the leaders for dissuading them from blocking of communications. The members of the agitating groups shall be counseled at all levels against obstruction of road/rail as it impacts a very large number of people and loss to the economy and many also be informed about legal consequences of illegal activities during such Bundh/ agitation. The S.P./DCP/SDPO/IIC will request in writing to

the organizers/political parties not to resort to Rail/Rasta Roko with information that provisions under different statutes may be attracted in case of obstruction to the movement of people and inconvenience to the public and damage to the public properties etc.

Promulgation of Prohibitory Order:

(v) In the event the organizers/political parties do not accede to the request/appeal notice by the Police, the D.M./S.P. shall declare the agitation illegal and promulgate prohibitory u/s 144 CrPC which shall be well advertised in the locality.

The provisions laid down vide Chapter-X relating to maintenance of public order and tranquility be strictly followed. District Magistrate/ Superintendent of Police shall monitor and guide the implementation of the provisions of law as and when required for greater interest of the society.

Preventive Arrest:

(vi) Preventive arrest of the instigators/leaders of agitation, if necessary, may be resorted to as per provisions of existing law.

Action by Police Headquarters:

(vii) There are certain recommendations issued by Hon'ble Apex Court in "W.P(Criminal) No.77 of 2007-Destruction of Public and Private Properties-vs.- State of A.P. and Others". Those guidelines are mentioned below and as soon as there is a demonstration/ overt action by the crowd, these could be followed.

- (1) The organizer will meet the local Police Authorities to review and revise the route to be taken and to lay down conditions for peaceful march or protest.
- (2) All weapons, including knives, lathis and the like shall be prohibited.
- (3) An undertaking is to be provided by the organizers to ensure a peaceful march with marshals at each relevant junction.
- (4) Videography of such protests to the maximum extent possible shall be kept recorded by Police authority which will be utilized to facilitate investigation of crimes, if any, committed during the Bundh/Strike.
- (5) Superintendent of Police of the district concerned shall supervise the demonstration and shall look after the observation of the guidelines as described herein.
- (6) In the event that demonstrations turn violent, the Officer-in-Charge shall ensure that the events are videographed through private operators and also request such further information from the media and others on the incidents in question.
- (7) The Police(S.P) shall immediately keep the State Govt. informed with the events, including damage, if any, caused for taking further action. Further,

wherever mass destruction to property takes place due to protests or thereof or agitations, damages will be assessed for

- (a) damage to public property
- (b) damage to private property
- (c) damages causing injury or death to a person or persons
- (d) cost of the actions by the authorities and Police to take preventive and other actions.

The Superintendent of Police of the district concerned shall be in touch with the District Magistrate for proper implementations of the instructions issued herein, who in turn will remain answerable to the State.

The Police Hqrs. shall accord high priority to the possible obstruction of Rail/Rasta Roko and shall not treat it as a routine occurrence. Greater coordination with the local Police authorities shall be maintained at all times and sufficient force deployment shall be made so as to enable the local Police to respond to all eventualities. A Senior Officer of the Police Hqrs. may be identified for coordination who shall send regular information to Home Department for information of the Government. The Police Hqrs. shall assess whether it is necessary to Depute Senior Officials to intervene, guide and coordinate in case the potential loss and inconvenience in the event of Rail/Rasta Roko is anticipated to be of higher magnitude.

(viii) In the event of agitation, actually succeeding in blocking the traffic, proactive parleys may be maintained with the participation of the higher local Police and civil authorities for about 2-3 hours. Good negotiators in the Police and the Revenue Administration are available and generally known for their persuasive skill. Such people should be sounded in advance by the administration and invariably utilized.

(ix) In case of failure in negotiation, efforts to remove the blockade beyond 2-3 hours be made by declaring the assembly unlawful and deploying minimum force as per provisions of law. Executive Magistrate must be deployed to assess and order use of necessary force which may be proportionate to the level and strength of the agitators and unruly behaviour.

(x) The Police Force must have the right gear and should be directed not to get provoked at stray provocations. Complete coverage by videography of the crowd and the behaviour of the agitators be made at all times. They be briefed. In case of use of Lathi Charge, standard SOPs should be used. However, at his point in time the Senior Officials of the level of SP/SDPO/DM/ADM shall be available at the spot.

Lodging of Cases:

(xi) There will be mandatory registration of cases by Police covering all cases of breach of law during agitation. The public property damaged (if any) shall be immediately

assessed and the organizers will be booked under Destruction of Public Properties Act (apart from booking them under IPC) and other relevant provisions of Law.

(xii) The cases registered shall be charge-sheeted through expeditious investigation, preferably within a period of 15 days and these cases should be monitored as Red Flag cases. Expeditious trial of the cases may be ensured by engaging Special Public Prosecutors for resulting in conviction.

(xii) Police shall immediately inform the State Government with reports on the events including damage if any, caused.

Maintenance of Station Diary:

(xiii) Police shall maintain station diary recording the incident and name of culprits or suspects for future course of action in case of non-cognizable cases. In case of habitual offender, prayer shall be made for cancellation of bail for misuse of liberty by the accused through Public Prosecutor. In as much as prayer for bail before court of law should be objected when the accused is forwarded for commission of cognizable and non-bailable offences.

Sensitization:

(xiv) It is felt necessary to sensitize general public with regard to the consequences of damage to public properties and the guidelines thereto issued by Apex Court; being it the need of the hour. District Magistrate and S.P. of the concerned district shall consult with District Judge to sensitize public through Lok Adalat in literacy camps organized under District Legal Services Authority.

D. Fixing up responsibility for negligence or non-adherence to SOP:

(i) Responsibility on concerned Officials for non-adherence to this SOP or negligence in handling such agitations or Bundh shall be fixed after due inquiry by a Senior Officer and concerned Officials may be charge-sheeted as per rule.

(ii) A monthly report on such agitations/Bundhs may be submitted by S.P. to the Police headquarters indicating in brief about such incidents in the district, action taken by Police to maintain law and order and criminal cases/ red flag cases filed, if any, against the instigators/ culprits.

By Order of the Governor

ASIT KUMAR TRIPATHY

Principal Secretary to Government