

POLITICS OF REVENGE

UNDERSTANDING 1984 ANTI-SIKH CARNAGE

Amarjit Singh Narang

The Sikh Forum
New Delhi

POLITICS OF REVENGE

UNDERSTANDING 1984 ANTI-SIKH CARNAGE

(On the occasion of 25th Anniversary of November 1984 Massacre)

Amarjit Singh Narang

The Sikh Forum

86, Hemkunt Colony New Delhi

Phone : 26472249 , 9810854463

Politics of Revenge: Understanding 1984 anti-Sikh carnage

The Sikh Forum
86, Hemkunt Colony
New Delhi -110048.

Printed at Printograph
2966/41, Beadonpura
Karol Bagh New Delhi -110005.

November 2009

Contents

	Page No.
Foreword	
1. Politics of Revenge	1
2. Who Are The Guilty? Report by People's Union for Democratic Rights and People's Union for Civil Liberties	21
3. Delhi: 31 October to 4 November 1984 Report of the Citizen's Commission	31
4. Truth About Delhi Violence Report of the Citizen's For Democracy	43
5. The Relief Report of People's Relief Committee	55
6. Justice Ranganath Misra Commission Report	59
7. Prosecution of Policemen: Kapoor, Mital Committee	67
8. Justice Nanavati Commission Report	69

Foreword

There are several reasons why, even after a quarter century, what happened in 1984 in Delhi has not been forgotten. One is the obvious reason that it followed the assassination of Smt. Indira Gandhi, one of the more important Prime Ministers of the country. Secondly, the whole thing happened mostly in Delhi which is the capital of the country. What happens here receives more attention than might happen otherwise.

But perhaps the more important reason is the fact that while communal killings had taken place off and on in different parts of the country, what happened in 1984 in Delhi was unprecedented and outrageous. It was more or less for the first time that the state authority chose to abdicate its functioning. Not only that, in certain areas of activities, it collaborated with those killers who were doing the whole thing. That they were members of the ruling party underlined the enormity of what was happening. What is worse, a new pattern of functioning got established; Ayodhya, Bombay and the State of Gujarat in 2002 are its obvious examples.

As said above, communal killings had been taking place off and on in the preceding years. It was more or less for the first time that those connected with the ruling party chose to play a role when state power was written off and it ceased to exist. This happened for about three days. The moment the state chose to assert itself, everything stopped. To say anything more than that should not be necessary.

Apart from those connected with the ruling party, a large number of citizens sided with those who were victims of what had happened. On this occasion when 25 years have gone by and an enormous deal of what ought to have been done has not been done, is an occasion which cannot and should not be ignored.

Since a good deal of writing on this subject has been done, it was not necessary to repeat most of those things. The plan of this small booklet is simple. In a few pages, an account of what happened has been given. After that, the major public reports published on different occasions have been summarized. Overall, they give a picture of what has happened so far.

The job has been done by Dr. A.S. Narang who, like the undersigned, has been connected with the Sikh Forum right from the day it was established.

1 November 2009

Amrik Singh
President
The Sikh Forum

Politics of Revenge

25 years ago in the first week of November 1984, some parts of India particularly Northern India, down to Karnataka, witnessed some of the bloodiest days in India's history since 1947. Over four fateful days, about 10,000 Sikhs were hunted, humiliated and massacred in an organized killing spree. In Delhi alone over 3000 Sikhs were murdered, women gang raped, properties looted and 72 Gurudwaras burnt alone. (Singh 2005) The carnage was so all pervasive that no Sikh irrespective of his position felt safe. In fact the process started with stoning on the convoy of none other than the President of India Giani Zail Singh. During a long period of 25 years since then victims have not got justice, though commission after commission and committee after committee has been set up to find the truth, identify the perpetrators and recommend appropriate action. The hurt, the anger and the sense of betrayal remain. What the families of the killed and sufferers demand is justice which has eluded them for a quarter of a century. From the very first week of November at the time of carnage till recently, a number of studies, surveys, inquiries and fact-finding exercises have been undertaken by civil liberties and Human Rights activists. All these provide insight into the nature and type of the carnage.

The Events

Manoj Mitta and H.S.. Phoolka on the basis of their long term involvement in the cause of justice have studied the entire sequence of events from the beginning till date. They have put the details in the book "*When a Tree Shook Delhi*". According to their study, the violence in Delhi started in the evening of 31 October around 4.45 P.M. when a mob of about twenty men armed with sticks and burning torches pounced on the cavalcade of the President of India, Giani Zail Singh on his way to All India Institute of Medical Sciences, to see the body of India's Prime Minister, Indira Gandhi.

A witness D.P. Gulati in his affidavit before the Nanavati Commission specified that the mob was led by a local Congress Party Councilor Arjun Das. Another eyewitness account said that all the stone pelting was done by a small group which raised slogans such as "*Giani Murdabad and Sardar Gaddar Hai and Khoon Ka Badla Khoon*". According to Phoolka the Police's willful failure to take action on a matter as serious as that of attack on President's convoy seems to have been a premeditated plan to give two distinct signals. One no Sikhs are to be spared no matter how highly placed. Two no action will be taken on anyone of those who attack Sikhs to avenge Mrs. Gandhi's murder. (Phoolka)

The violence began to spread from AIIMS after the President's departure which was about 5.15 PM. The first officially acknowledged incident of

anti-Sikh violence anywhere in Delhi took place at 5.55 PM. It involved a relatively minor offence. The motorcycle of a Sikh was set ablaze. Thereafter in next three days about 3000 Sikhs were brutally murdered, burnt and slaughtered in the full view of the police force under the very nose of the powerful Central government.

On the morning of 1st November 1984 when the killing of Sikhs began about 5000 army officers and soldiers were available in Delhi. Had they been deployed without delay, the position, according to Justice Ranganath Commission, would not have been as it turned out to be. He estimates that the soldiers could have averted the killing of at least 2000 people (Misra Commission). Even after the army had been deployed in stages from the evening of 1 November, they remained, somehow ineffective till the later half of 3 November, reinforcing the widespread perception that come what may the attacks on Sikhs were to go on unchecked for three days. (Mitta and Phoolka 2007) It was in line with this that though curfew was declared on 1 November there was a lapse of another 48 hours before it was enforced. And after the carnage, a combination of grave lapses of investigation, shoddy investigation, inordinate delays, insufficient collection of evidence, non-compliance with legal procedures by the police etc. were there to deny justice to the victims.

Extracts from two judgments summarize the nature of events and their follow up: In the judgment of State vs Ram Pal Saroj (Karkardooma Court, Delhi, S.C. No. 57/95 FIR No. 426/84), the learned ASJ remarked:

"In Nov. 1984 within the first week after the assassination of Mrs. Gandhi more than 3000 Sikhs were brutally murdered on the streets of Delhi by the lumpen elements in the full view of the police force under the very nose of the powerful Central Government. The police not only failed to protect the poor and innocent persons but showed total inaction in apprehending those who were responsible for this orgy of violence. However, after much hue and cry by the victims and publicity by the national and international media, the government went on appointing commission and committees one after another. The crime had taken place in 1984. The report of the crime was with the state and its law implementing machinery in November 1984 itself. The investigation continued in these cases for about 10 years without there being any investigation being done by anybody. The trial of this case started in Nov. 1995 after 11 years of the commission of crime. The criminal law justice system in this country totally failed the justice. While the criminal law justice system moved at the snail's pace and had no calendar to keep, the death, kept its calendar and Santokh Singh, whose three sons were brutally murdered by the rioters, died in May 1992. The

manner in which the trial of the riot cases had proceeded is unthinkable in any civilized country. In fact the inordinate delay in trial of the rioters had legitimized the violence and the criminality. A system which permits the legitimized violence and criminals through the instrumentalities of the State to stifle the investigation, cannot be relied upon to dispense basic justice uniformly to the people. It amounts to a total wiping out of the rule of law".

In the State vs. Amir Chand (Karkardooma, Delhi, S.C. No.39/95 FIR No. 426/84), who had presided over several cases relating to the violence of 1984, observed:

"While in Nov. 1984 democratic values were slaughtered and soul of Indian Constitution was burned in broad daylight by the rioters, what happened after the riots was still worse and the justice itself has been slaughtered by sheer non- investigation and total absence of concern. In the name of investigation only an eye-wash has been done. The manner in which the prosecution and the trial; in these cases has proceeded speaks volumes about the health of criminal justice system. By simply delaying the trial and delaying the investigation, aged and old witnesses have either become extinct or untraceable and the accused get benefit". (Quoted by Grover 2006)

The above account makes it very clear that the anti Sikh carnage of 1984 remains unprecedented as it is the only occasion on which killings began in an organized manner and in which the ruling party and the police were decisively implicated. Awareness of the State's involvement, in organizing the pogrom, writes Uma Chakarvarti, was the result of sustained efforts by democratic rights groups and citizens bodies which acted as vigilantes of the law in the days and months immediately following the carnage. This outrageous act made it evident that the 1984 killings were not a communal riot, not a spontaneous event in which mobs went on the rampage on their own initiative but that the State made it possible or rather organized the violence so that the mobs could go on a killing and looting spree. (Chakarvarti 1994) Looking from a broader perspective of democratic values rule of law and norms of equality and liberty, what comes out is that in November 1984 began some new trends in Indian polity. These trends unfortunately are still continuing. December 1992 Ayodhya, 1993 Mumbai, 2002, Gujarat and recent attacks on Christians in Orissa, Karnataka and some other parts confirm this decay in constitutional and human rights norms in India. These are:

1. Communal massacre
2. State support/ sponsored carnages
3. Complete subservience of administration, law enforcing agencies and even a section of judiciary to political class.

4. State itself becomes a party to the denial of justice.

The above conclusions are supported by the findings of investigations conducted by Civil Liberties Organizations, journalists and even by government appointed commissions and committees. In the end of this write up we give extracts from these reports which include:

1. Report of People's Union of Civil Liberties and People's Union of Democratic Rights. *WHO ARE THE GUILTY*
2. Report of The Citizens Commission *Delhi 31 October To 4 November 1984* (Justice S.M. Sikri, Badraud- Din Tyabji, Rajeshwar Dayal, Govind Narain).
3. Report of Citizens for Democracy *"TRUTH ABOUT DELHI VIOLENCE"* (Justice V.M. Tarkunde, Prof. Ms. Amiya Rao, Sh. Aurbindo Ghosh and Sh. N.D. Pancholi)
4. REPORT PEOPLE'S RELIEF COMMITTEE (Jaya Jaitly, George Mathew)

Government Appointed Commissions and Committees

1. Marwah Commission (Appointed in November 1984)
2. R.C. Shrivastava Committee
3. G.S. Dhillon Committee
4. Justice Misra Commission (Setup in February 1985)
5. Kapoor Mital Committee (Appointed in February 1987)
6. Jain Banerjee Committee (Set up in February 1987)
7. Potti Rosha Committee (Appointed in 1990)
8. Jain Aggarwal Committee
9. Narula Committee (Appointed in December 1995)
10. Justice Nanavati Commission (Appointed in May 2000)

Communal Massacre

Almost all reports by citizens groups and to an extent of the Government appointed Commissions make it clear that what happened in Delhi and elsewhere in the first week of 1984 were not communal riots as it was not one religious community versus the other. Report to the Nation Truth About Delhi Violence by Citizens for Democracy points out:

"One of the characteristics of a communal riot is that it might flare up suddenly on some small pretext but it never stops as suddenly as the violence in Delhi did. No one on earth can control inflamed passions of hatred once they begin to rage in human hearts or stop two or more warring communities from drawing blood; even when the intensity of the riot gets less it never completely subsides and erupts sporadically in some corner or other for days together and takes its own time to die down. Secondly no communal riot is one sided. In the Delhi violence the Sikhs handed over their Kirpans and knives to the police officers both in the Sulatanpuri as well as Mangolpuri: as a result

they were butchered- completely defenseless as they were returnig home from the thana. They themselves gave their weapons all in good faith to their neighbors in Trilokpuri who had visited them late on 31st October night to advise them not to take out the Prabhat Pheri next morning. All knew that was one of the essential features of observing Guru Nanak's birthday. Those men were slaughtered next morning with those very kirpans and knives. Whenever they tried to defend themselves or protect their gurudwaras they were either killed or arrested on the plea that they were indulging in communal behaviour. What were the weapons for if not to be used for self defence. (Citizens For Democracy 1985)

Vir Sanghvi editor of Hindustan Times wrote "actually I don't know why we call it a riot, it was a massacre three things were clear. One the Congress was involved, Two the police and the administration did nothing to protect the Sikhs and third there was an unforgivable delay in calling the military." (Sanghvi 2005) Tavleen Singh wrote in the Indian Express, "In the many years I have spent reporting wars, riots, caste killings and other violent events in our sub-continent, I can remember nothing that matches the horror of three days after Mrs Gandhi was killed." (Tavleen 2004) In the words of Supreme Court advocate Indira Jai Singh "Although what happened in 84, was not described as genocide", that is what it was. Our legal system failed to answer the questions. What is the constitutional and personal responsibility of the Head of State for mass killings".(Jai Singh 2004) Shekhar Gupta wrote in the Indian Express "I suspect each one of us who covered the anti-Sikh riots in November 1984 has a persistent nightmare. Some still wake up in cold sweat as images of half burnt bodies in Trilokpuri appear again and again. Some cannot shake of the image of helpless widows their men and children killed, their houses burnt, pleading for help from the police that only looked the other way." (Gupta 2005)

These and the various other reports by a number of journalists and investigations make it evident that the 1984 killings were neither a communal riot, nor a spontaneous event in which mobs went on the rampage on their own initiative but the state made it possible, or rather organized the violence so that the mobs could go on a killing and looting spree.

State Support

There is wealth of evidence to indicate that the political and administrative machinery of the State, including police assisted not only in murder and loot of properties of innocent people, it went further to discourage the organization of even elementary relief measures. Uma Chakarvarti who along with her colleagues conducted surveys to understand the event writes, "This unprecedented association between

the state and the violence unleashed upon a particular community crucially shaped the nature of the violence, the manner in which people were hunted down and killed within the precincts of their own homes in one of the most gruesome displays of street power seen in independent India, the dramatic and sudden transformation of a community across the country but especially in the capital into a marked group and the peculiar sense of betrayed experienced by the victims and survivors of three days of violence in November 1984". (*Chakravarti 1994*) Tavleen Singh writes, "All it took to stop the carnage and the savagery were a handful of soldiers in the streets with orders to shoot at sight. The mobs melted away as they would have done on day one if the government had wanted them to". (*Tavleen 2004*) Ravinder Kumar writing in the *Statesman* ask an important question:

"A few thousand people are killed. Many more are badly injured lucky to survive with their lives. Homes and business are destroyed. Property is looted and burnt. All this is done brutally and with the murderous making no effort to clock either intention or their actions. The massacre does not take place in some remote hamlet, it occurs in the national capital, under the glare of parliamentarians, judges, bureaucrats, journalists at least a few dozen newspapers and a few million citizens. Does nobody see any thing? The massacre don't just touch ordinary Sikhs; the flames embrace bureaucrats and top businessman too. Do all of them suffer from amnesia? (Kumar 2005)

Manoj Mitta and H.S. Phoolka in their book bring out details about the State support, connivance or even sponsorships of the carnage. These of course began with Prime Minister Rajiv Gandhi's first public speech in which he exonerated the murderous, saying, "When a big tree falls the earth beneath it is bound to shake". He meant to take no action in the matter and retained men named as leaders of mobs in his cabinet. Home Minister Narsimha Rao did not stir out of his house. When a few eminent Sikhs approached him, he listened to them in studied silence. He remained as he always was the paradigm of masterly inactivity. In the words of Patwnt Singh (late) who was a part of a delegation to meet Narshima Rao, "The approach of the Home Minister was so casual that it clearly gave an impression that he was totally unconcerned". Manoj Mitta and H.S. Phoolka, say about Narsimha Rao's silence. He could have been either indifferent because of a Political Conspiracy or ineffective despite his best effort. Either way the evidence was damaging not just to Rao but to the Rajiv Gandhi government as such. (*Mitta and Phoolka 2007*)

Section 144 of the CRPC which forbids gathering of more than five people was not promulgated or enforced. No curfew was imposed no shoot at sight order was given. A unit of the army was brought in from

Meerut but when it was discovered that they were Sikhs it was ordered to stay in the Cantonment and not meddle with the civic unrest. Even Justice Rangnath Misra Commission report mentions that on the morning of 1 November 1984, when the killings of Sikhs began about 5000 army officers and soldiers were available in Delhi. Had they been deployed without delay the position would certainly not have been as bad as it turned out to be. (*Misra 1987*)

The four reports by civil liberties groups and citizens bring out very clearly how the police either remained actively inactive or actively supported the carnage. And finally the Nanavati Commission says that there is evidence to show that on October 31, 1984 the day Mrs. Gandhi was killed, either meetings were held or the persons who could organize attacks were contacted and were given instructions to kill Sikhs and loot their houses and shops. Who issued these instructions because the order to kill is a serious criminal offence? Asks Kuldeep Nayar. Nanavati also says that attacks were made "Without much fear of the police" almost suggesting that they were assured that they would not be harmed while committing these acts and even after that". These were categorical assurances. No ordinary persons could give them. They must have come from a person or persons of high political standing or who had governmental clout. Observes Kuldeep Nayar.

Nanavati says that the plan was hatched on November 1 after the assassination of Mrs. Gandhi. Who were the one who did it? Where did they gather to hatch the plan? again asks Nayar. (*Nayar 2005*)

Shaken by instances of planned and deliberate rioting, Nanavati seemed to almost throw up his hands in despair. As he puts it "Anything can happen anywhere at any time in the country because politicians have no value system to follow and the police have no limits in behaviour or action". Nanavati saw no difference between the way and the pattern in which the rioting, killing and looting were organized in Delhi and in Gujarat. "In the first the Sikhs were the victims and in the second the Muslims, he said. In both instances he found plenty of evidence to inform that some politicians instigated the whole thing and that the authorities particularly the police looked the other way when the crimes were committed. (*Nanavati 2005*)

Police and Administrative Apathy

A senior police officer V.N. Rai on the basis of his field study brings out that since 1960 in almost all riots that have occurred the same picture has been painted in the same colours, picture of helpless and often actively inactive police force that allowed waiting members of the victim community to be looted and killed in its presence that remained a mute witness to some of their members being burnt alive. Rai says that on every occasion that the police have failed in their primary duty whether in 1984, when thousand of Sikhs were massacred all over the country or in 1992 when the mosque in Ayodhya was demolished in full view of

tens of thousands of policemen, commissions set up to enquire into these incidents have always indicted the police for their partisan behaviour to the lives and properties of the minorities and their criminal involvement in violent and murderous attacks and looting of property.(Rai)

In spite of this partisan attitude of the police, Harsh Mandar an IAS officer of MP cadre who resigned in disgust after the Gujarat carnage points out that "until the 1980s there was an unwritten agreement in our polity that even if politicians inflamed communal passions, the police and administration would be expected to act professionally and impartially to control the riots in the shortest possible time and to protect innocent lives. There were several failures in performance and minorities were targeted in many infamous riots but the rules of the game were still acknowledged and on the majority of instances adhered to, which is why the higher civil and police services were regarded to be the steel frame vital to the preservation of the plurality of the country. The 1980s saw the breaking of this unwritten code which led to the corrosion and near collapse of the steel frame. It became frequent practice for the higher civil and police authorities to be instructed to actively connive in the systematic killing of the minority community, by delaying sometimes by several days the use of force to control riots. Local state authorities complied and rioters were left unrestrained by the state power for their orgy of mass murder, arson and plunder. Civil and police authorities today openly await the orders of their political supervisors before they apply force so much so that it has become popular perception that indeed they cannot act without the permission of their administrative and political supervisors".(Mandar) This is exactly police acted or did not act in 1984.

Manoj Mitta and H.S. Phoolka mention a number of cases where the police officers on their own initiative either remained inactive or actively supported the rioters as also succumbed to the pressures of even petty level politicians. The acts of commission and omission included disarming the Sikhs in order not to allow them self defence, not arresting the rioters even in cases where they were clearly identifiable, releasing under politician's orders who were somehow arrested, not registering FIR's or registering them in most casual manner, not conducting investigations and when forced to conduct under orders of inequity committees doing so half heartedly and finally arresting the Sikhs the victims themselves instead of rioters.(Mitta and Phoolka 2007)

In the worst area of Kalyan Puri the local SHO ordered all the Sikhs having licensed weapons to surrender those on the pretext of defusing tension. Thereafter, he allowed a mob led by local municipal councilor Dr. Ashok Gupta to kill as many Sikhs as they could. Not only that the Kalyanpuri police station arrested as many as twenty five Sikhs for rioting. In Subzi Mandi police station where the SHO was a Sikh and his

superior too, both were pulled out of action on the very first night for initiating action against rioters by registering a FIR and rounding up ninety rioters. Kusum Lata Mital in her report mentions that it almost seems that they were removed as a punishment for making large scale arrests of miscreants. (Mital 1988)

Some of the policemen of course criticized the role of politicians. Several councilors they alleged interfered on behalf of violent mobs when policemen tried to stop arson. Cases of Arjun Das and Jagdish Tytler going to police stations to get the miscreants released are well documented. No doubt there also were police officers like Maxwell Pareira who went to the extent of ordering firing on miscreants. Giving the example of this case Kusum Lata Mital in her report says, "This resolute and firm stand of Sh. Pareira had an instant impact and mob disappeared. Thereafter there was no serious incident (in that area) during the entire period of riots. This incident proves beyond doubt that where the police officers showed the strength and the determination to check the riots, they could be really effective with little force too". (Mital 1988)

Justice Nanavati Commission in its report clearly points out towards politician police collaboration or connivance. The report says:

"From the morning of 1.11.84 the nature and intensity of the attacks changed. After 10 a.m. on that day slogans like "*khooṁ ka ḥadla khooṁ se lenge*" were raised by the mobs. Rumors were circulated which had the effect of inciting people against the Sikhs and prompt them to take revenge. There is evidence to show that at some places the mobs indulging in violent attacks had come in DTC buses or vehicles. They either came armed with weapons and inflammable materials like kerosene, petrol and some whiter powder or were supplied with such materials soon after they were taken to the localities where the Sikhs were to be attacked.... The attacks were made in a systematic manner and without much fear of police, almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter" (Nanavati 2005)

Kusum Lata in her report says that one usual complaint of the police is that the public does not cooperate with them. However, we find that during the 1984 riots, a large number of citizens, both men and women, came forward and informed the police of the nefarious activities of the mob but they were shocked and surprised to see the indifferent and partisan attitude of the police. It almost appeared as if the police was siding with the mobs, which it did openly in some places, rather than take the

information of those independent minded citizens seriously. (Mital 1988)

Denial of Justice

Article 14 of the Constitution of India provides that no person will be denied equality before law and equal protection of law. In procedural terms it means that no person is above law and that all have equal access to courts. Further Article 15(1) specially prevents the state from discriminating against the citizens on ground of religion, race, caste, sex, or place of birth. Seen in this context Vir Sanghvi in an article writes "a murderer is a murderer. A massacre is a massacre. A victim is a victim regardless of whether he is a Hindu, Sikh or, Muslim. When somebody comes to kill you it does not matter whether he does so in the name of Hindu fundamentalism or Congress extremism". (Sanghvi 2005) Therefore the question of punishing the perpetrators of Communal strife is necessary not only from the viewpoint of humanism and compassion. It is absolutely imperative that justice be delivered in order to maintain and strengthen the secular democratic foundations of the Indian Constitution. It is a matter of great concern that even the secular establishment in India has forgotten this basic responsibility. After 25 years and more than ten official commissions and inquiry committees, justice has not been properly rendered to the thousands who suffered in the pogroms. More serious is the fact that it is not that the state has not been able to deliver justice but, State itself has made all possible efforts to see that perpetrators are not brought to book.

For almost six months the government had blatantly stonewalled all demands for an inquiry into the carnage. However there were citizens organizations which refused to allow a crime of this magnitude to go uninvestigated and unpunished. Two reports one by PUCL and PUDR, "Who Are The Guilty" and another by Citizens for Democracy, "Truth About Delhi Violence" were brought out soon after the carnage. These reports not only gave details of the horrifying events locality wise but were also unanimous in their conclusion that the social carnage was an organized one. One report gave the names of those against whom a strong suspicion existed for their role in the organization of the carnage. These included men like H.K.L. Bhagat, Jagdish Tytler, Sajjan Kurnr, Dharam Dass Shastri all MPs and leaders of ruling Congress party. (PUCL, PUDR 1984)

PUDR filed a writ petition in the High Court of Delhi seeking the directions of the court for appointing a Commission of inquiry. The government opposed the writ and ultimately it was dismissed. One more writ petition was filed by a journalist Mr. Rahul Kuldeep Bedi praying for directions to take action against certain police officers who were negligent in their duties or had actively connived with criminals. In that writ petition the government informed the court that an inquiry was

being conducted by Ved Marwah, Additional Commissioner of Police regarding the role of police officials during the violence and the inquiry would be concluded and report would be submitted by the end of April 1985.

Ultimately as a result of and in pursuance of one of the terms of Rajiv Gandhi Longowal accord signed in April 1985 a commission of inquiry headed by the then Supreme Court judge Rangnath Misra was appointed to inquire into the violence in Delhi, Kanpur and Bokaro. After the appointment of Misra Commission, the government directed Shri Marwah not to proceed with his inquiry.

Before the Misra Commission, the government took a stand that the Commission could not name the guilty persons because it was not a part of its terms of reference. As justice Narula Committee points out, this is an instance of the Government's attitude which confirms the impression that the then Central and the State governments tried to scuttle the inquiry into the carnage at every stage and in every manner. All efforts were made to shield the guilty and to scuttle the process of law which required to identify and punish the guilty in the public and police. Manoj Mitta and H.S. Phoolka in their book give a detailed account of how the Misra Commission conducted the inquiry in a farcical manner primarily to give a clean chit to the government and senior Congress leaders. It became so clear that the Citizens Justice Committee chaired by Justice SM Sikri with Soli Sorabjee, Justice V.M. Trakunde, Justice R.S. Narula, Gobind Mukhoty, Rajni Kothari, N.D. Pancholi, Dinesh Mohan, Jaya Jaitly, Khushwant Singh, Lt General J.S. Aurora, Gurbachan Singh, Hardev Singh, Gyan Singh Vohra and H.S. Phoolka as secretary helping and representing the victims before the Commission half way through the proceedings was forced to express its lack of confidence in the commissions impartially and withdraw from the commission. Misra went ahead and submitted his findings. As expected he held the Lt. Governor and the police commissioner of Delhi guilty of dereliction of duty. He denied the organization of violence by the highest echelons of the Party. However even Justice Misra was forced to concede the participation of the Congress Party men and police. As Mitta and Phoolka point out the extraordinary partisanship of Justice Misra did not go unrewarded. He was rewarded twice after he retired as Chief Justice of India. In 1993 the Congress government of P.V. Narshima Rao appointed him as the first chairman of the National Human Rights Commission. Next dropping all pretence of impartiality Misra became a Rajya Sabha member of the Congress Party. (Mitta and Phoolka 2007)

Since it did not get down to indicting anybody for the Delhi Carnage the Misra Commission recommended the appointment of two committees for the purpose—one to look into allegations against police officials and another to follow up the allegations that cases had either not been registered or not been properly investigated. The Government did

appoint such committees but did everything possible, including pulling strings in the judiciary to dilute the functioning and recommendations of these. It did so particularly in the case of second committee as it recommended murder cases despite odds against the Congress leaders Sajjan Kumar and H.K.L Bhagat.

Kusum Mital of the Kapoor Mital Committee identified 72 police officials who were negligent or had actively connived with the mobs. Almost all these police officials were subsequently exonerated in departmental inquiries. Kusum Lata had recommended that action against delinquent officers should be initiated by an outside agency. Departmental inquiries by officers of Delhi police were not likely to yield any results. The action has been taken against only four, two were censured, one was warned and in the fourth case pension was reduced. (*Chengappa 2003*) The Jain Agarwal committee which had been playing the role of a watchdog on the police and prosecution in dealing with the 1984 carnage cases was abruptly wound up in the first half of 1993. Worst the Judges, who delivered courageous decisions and showed signs of doing the same in more cases were either tactfully transferred or cases were transferred from their courts.

Fortunately the civil society organizations and some crusaders for justice including H.S.Phoolka, Kuldip Nayar members of Sikh Forum and some others did not allow the issue to die and made use of every possible opportunity to raise the issue. One such opportunity was a stable non-Congress ministry at center led by Atal Bihari Vajpayee. During that time the carnage issue was brought into lime light once again and the Parliament unanimously agreed to the appointment of a fresh judicial inquiry. Thus was appointed Justice GT Nanavati Commission in May 2000. On behalf of victims a new Carnage Justice Committee came into existence under the chairmanship of Kuldip Nayar with president of Delhi Sikh Gurudwara management Committee as Convenor, Wing Commander R.S. Chhatwal of the Sikh Forum as Secretary and Justice Rajinder Sachar, H.S. Phoolka and some others as members.

The Nanavati Commission was to submit its report in six months. But it took five years to do so. By the time the report was submitted in February 2005, the Congress Party, as senior coalition partner in U.P.A., had returned to power at the centre after a lapse of eight years. As Mitta and Phoolka observe in a further quirk of fate, Rajiv Gandhi's widow, Sonia Gandhi who was the president of the Congress party had selected a Sikh, Manmohan Singh as a Prime Minister. No prizes for guessing that the coalition Government of the UPA headed by the Congress Party was not enthusiastic about the comeback of the 1984 carnage issue in the form of the Commission's report.... After much speculation in the media on how the government might deal with any findings against Congress ministers and leaders the report was finally tabled in Parliament on 8 August 2005, the last possible day under law.

The government is statutorily required to make public an inquiry commission report within six months of its submission. The government is given that much time to formulate its action taken report (ATR). (Mitta and Phoolka 2007)

The Civil Society organizations and independent media observers felt that while the Nanavati Commission had not succeeded much in unearthing the whole truth behind the anti Sikh carnage, it has certainly brought to the center stage the central issue of the apathy and even connivance of the politicians and the administration in riots. (*The Asian Age* 2005) The report says that there is evidence to show that on October 31, 1984, the day Mrs. Gandhi was killed, either meetings were held or the persons who could organize attacks were contacted and were given instructions to kill Sikhs and loot their houses and shops. The report further says that attacks were made without much fear of the police, almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter. (Nanavati 2005)

Nanavati saw no difference between the way and the patterns in which the rioting and looting were organized in Delhi and Gujarat. "In the first the Sikhs were the victims and in the second the Muslims." In both instances, Nanavati found plenty of evidence to infer that some politicians instigated the whole thing and that authorities, particularly the police, looked the other way when the crimes were committed. The Commission while it exonerated the top level leadership of the Congress including then Prime Minister Rajiv Gandhi, it did mention names of Jagdish Tytler, Sajjan Kumar, H.K.L Bhagat, Dharam Das Shashtri and others against whom strong evidence was recorded for their involvement.

What came as a shock to most observers was the Action Taken Report tabled by the government in Parliament on the Nanavati Commission report. The UPA government has prided itself on its secular origins. It was hoped that with the Nanavati Commission report it would make some moves to ensure "healing", but what came out was in the shape of ATR was at best a fig leaf. Blatant clean chits were given to Union minister Jagdish Tytler and Congress MP Sajjan Kumar. Most of the commissions recommendations, such as they were either rejected or disregarded by the government. It was only after the opposition rejected the ATR and moved an adjournment motion on government inaction and some coalition partners expressed dissatisfaction that the Congress finally gave in and pressured Tytler into resigning, but not before the party lost face. (Sehgal and Vinayak 2005)

Armed with resignations of Tytler and Sajjan Kumar from their position, Prime Minister Manmohan Singh seized the moral high ground and in an emotionally stirring speech in Rajya Sabha on 10 August 2005, he tendered an apology to the Sikh Community and to the nation saying

that What took place after Indiraji's death was a great national shame and the negation of the concept of nationhood. He said "on behalf of our government, on behalf of the entire people of this country. "I bow my head in shame that such a thing took place". He further gave a "solemn promise" to Parliament that "wherever the commission has named any specific individual as needing further examination on specific case needing reopening and reexamination the government will take all possible steps within the ambit of law". He also promised that the government would try to ensure that the widows and children who survived the riots were rehabilitated in a way that would allow them lives of dignity and self-respect.

Not Enough

Prime Minister Manmohan Singh's apology to the nation and the Sikh community in Parliament, his earnest assurances promising justice, the resignation of Jagdish Tytler and Sajjan Kumar came only after protests in Parliament, criticism from the Congress's left allies and stormy citizen's protests outside. (EPW 2005) These necessary gestures appear belated but could have been useful if they were followed faithfully. The important political question therefore as Venkitesh Ramakrishnan in *Frontline* of September 9, 2005 asked is: Whether Manmohan Singh like most political leaders will treat resignation from political office as a sort of ultimate punishments or whether he is ready to treat the 1984 killings as an unpardonable punishments. There is also the question whether the Prime Minister's promise to seek tirelessly the truth behind the riots would involve identifying and penalizing those influential and resourceful persons who backed the violent mobs. Unless he comes out with a positive answer to these questions and soon, the statesman like performance in Parliament would have only a fleeting socio-political value. (Ramakrishnan 2005)

Answer to these questions yet are not very satisfactory. Yes something has been done for rehabilitation of victims and payment of compensations. The perpetrators, abettors and defaulting police men remain not only free but in many cases have been rewarded. Investigation agencies continue to be manipulated to save them. According to Late Patwant Singh by refusing to send to the courts the few Congress functionaries who were identified as colluding in the mass murder of the Sikhs, the Union Government has betrayed a breathtaking lack of balance as if saving the skins of a handful of criminal elements within its folds is more important than the outrage hurt and disillusionment of 20 million Sikhs? Or the despair of families of those killed who are waiting since 1984 for justice and redressal? (Patwant Singh) Needless to say even after 25 years the hurt the anger and the sense of betrayal remain in the community that

witnessed a situation where it appeared that the community of fellow citizens, the neighbors and their protectors-the-government not only abandoned them but actually betrayed them. (*Chakarvarti 1994*).

There are some things that should be clear about the Nanavati Commission report and those of earlier Commissions on the Sikh massacre of 1984, comments an editorial in *Hindustan Times* (August 10, 2005). First, no number of commissions and action taken reports can either assuage the grief of those whose loved one's perished or provide a substitute for the punishment of those guilty. Second, there can be no statute of limitations on murder. No matter how long ago the crime took place and how much more time it takes. The State cannot give up its efforts to punish the guilty. Justice in this instance is not merely about revenge, but the principle of moral rightness which ought to define the character of the society we live in. It is also about the fair treatment of the helpless who were slaughtered for no fault of their own.

A journalist Ravinder Kaur wrote in *Times of India*, "It is in the nature of things that the dust raised following Justice G.T Nanavati's report on Sikh pogrom will soon settle down and we will go back to business as usual". She was right. Both Tytler and Sajjan kumar were Congress candidates for Parliamentary elections in 2009. Only a journalist Jarnails Singh's desperate act made the party to withdraw their names. So far the Congress has been unable to erase the tarnish of 1984, neither has the Indian state been able to do so. The violent events of 1984 set their own unhappy precedents which were repeated in the riots that have occurred since then. (EPW 2005) Obviously no lessons have been learnt from the assault on our rights during the emergency nor from slaying of thousands of men and women in Delhi and elsewhere in 1984 and Gujarat in 2002. If India is to enforce any kind of rule of law and substantial democracy, (not just procedural) if we are to prevent further atrocities on innocent people, we must not to allow this dust to settle down. We must keep up the momentum for the cause of justice, harmonious coexistence and democratic values

References

Advisory Committee To The Chief Minister of Delhi, (Narula Committee) *Report*, Delhi 1994.

Asian Age Editorial, "Not Enough" *The Asian Age* 13 August 2005.

Chakarvarti, Uma, "Victims, Neighbours and Watan" *Economic and Political Weekly* October 15, 1994.

Citizen's Commission, Delhi, *31 October to 4 November 1984*, Delhi Citizen's Commission 1984.

EPW Editorial, "1984: Unfading Scars" *Economic and Political Weekly*, August 13, 2005.

Grover, Vrinda. "Role of Police in 1984 Anti- Sikh Massacre, Delhi, in Asghar Ali Engineer and Amarjit. S. Narang (ed)" *Minorities and Police in India*, Delhi, Manohar, 2006.

Gupta, Shekhar, "72 hours, 21 years" *Indian Express* August 13, 2005.

Hindustan Times Editorial, "Very definitely shameful" *Hindustan Times*, August 10, 2005.

Jai Singh, Indira, "1984 in the Life of a Nation" *Indian Express*, November 2004.

Kumar Ravinder, "Ashes to Ashes" *The Statesman* 11 August 2005

Justice Ranganath Misra Commission, *Report* Delhi 1986.

Justice Nanavati Commission of Inquiry, *Report* Delhi, 2005.

Mandar, Harsh. "Protection turn Predators" *Communalism Combat*, September 2002.

Mital, Kusum Lata, *Inquiry into Police Delinquencies*, Delhi 1988.

Mitta, Manoj and Phoolka, H.S. *When a Tree Shook Delhi*, Delhi, Roli Books, 2007.

Nayar Kuldip, "Who are the guilty" *Indian Express* August 11, 2005.

Patwant Singh, "Manmohan must work to strengthen democracy's roots". *The Times of India*, August 10, 2005.

People's Relief Committee, *Report*, Delhi, People's Relief Committee 1985.

People's Union For Democratic Rights and People's Union For Civil Liberties, *Who Ate the Guilty* Delhi PUDDR and PUCL, 1984.

Phoolka, H.S. " The Infamous Carnage of November 1984", in Asghar Ali Engineer and Amarjit S. Narang (ed.) *Minorities and Police.in India*, Delhi, Manohar, 2006

" Disappointing, Justice Nanavati" *Indian Express*, August 12, 2005.

Ramakrishnan, Venkitesh, "Nanavati Commission Report: 1984- the untold story' *Frontline*, September 9, 2005.

Ramakrishnan, Venkitesh, "Nanavati Commission Report: 1984- the untold story' *Frontline*, September 9, 2005.

Rai, Vibhuti Narain. "Law and Order". *Communalism Combat* September 2002.

Ravinder Kaur, "Justice Delayed and Denied". *The Times of India* August 29, 2005.

Sanghvi, Vir" A massacre is a massacre" *Hindustan Times* August 10, 2005..

"Riots and the Politics of Disorder," *Sunday Hindustan Times*, August 14, 2005

Sehgal, Priya and Vinayak Ramesh, "Politics of Shame" *India Today* August 29, 2005.

Singh, Khushwant, " Victory to the Mob," *Outlook* 22 August 2005.

Sumeet Inder Singh," The Survivors: Justice Denied' *India Today* September 12, 2005.

Tavleen Singh, "A Flashback to the 1984 riots" *Indian Express* October 31, 2004.

The Chapters 2 to 8 are extracts from the various Reports submitted.

These extracts are taken from the various Reports without any change.

Who Are The Guilty?

Extracts from Report by People's Union for Democratic Rights and People's Union for Civil Liberties

A fact finding team jointly organized by the People's Union for Democratic Rights and People's Union for Civil Liberties (PUCL) in the course of investigation from 01 to November 10 has come to the conclusion that attacks on members of Sikh Community in Delhi and its suburbs during the period far from being a spontaneous expression of 'madness' and of popular grief and anger at Mrs. Gandhi assassination as made out to by authorities were the outcome of a well organized plan marked by acts of both deliberate commission and omission by important politicians of the congress(I) at the top and by authorities in the administration. Although there was indeed popular shock, grief and anger the violence that followed was the handwork of the determined group which was inspired by different sentiments altogether.

Experience of individual members of the team as well as their extensive interviews with the (1) victims of the riots (2) police officers who were expected to suppress the riots (3) neighbours of the victims who tried to protect them (4) army personnel and (5) political leaders suggest that the attacks on the Sikhs followed a common pattern whether they took places in Munirka in the south or Mangolpuri in the west or Trilokpuri in the east. The uniformity in the sequence of events at every spot in such far flung places proves beyond doubt that the attacks were master minded by some powerful organized group. As a senior army officer deployed in Delhi during the recent riots said "this arson is the work of an expert". Newspaper reports suggest that this pattern is similar in all Congress (I) ruled states. (p1)

There was also a definite pattern discernible in the choice of the victims made by the assailants. -

From our talks with the victims and their neighbors in almost every riot hit spot, we could reconstruct the sequence of events, which followed a stereo typed pattern everywhere. The first phase was marked by the floating of a set of rumours on the evening of October 31, following the announcement of Mrs. Gandhi's death. The rumours were three, First Sikhs were distributing sweets and lighting lamps to celebrate Mrs. Gandhi's death. During investigation when we asked the residents of the affected localities whether anyone from among them had actually seen such things almost everyone admitted that they had not personally witnessed it, but had heard from someone else. We did however come across a few people who while expressing? at the incidents of assaults

on the Sikhs, added that they had seen in some places some Sikhs expressing their glee at Mrs. Gandhi's death by demonstrative gestures. From the information that we have gathered from various sources our impression is that such cases were few and isolated. The second rumor was that train loads of hundreds of Hindu dead bodies had arrived at Old Delhi station from Punjab. Third water was poisoned by the Sikhs. As for the two latter rumors we came across evidence of police vans touring certain localities and announcing through loudspeakers the arrival of the train and the poisoning of water. In certain areas we heard that police officials had rung up residents advising them not to drink water. These rumors contributed to the shaping of a public mind that acquiesced in the attacks and murders that took place soon after. (p2)

We were told by the local eyewitness in all the areas we visited that well known Congress (I) leaders and workers led and directed the arsonist and the local cadres of the congress (I) identified the Sikh houses and shops. A senior police official who for understandable reasons does not want to be named pointed out "the shop signs are either in Hindi or English. How do you expect the illiterate arsonist to know whether these shops belonged to Sikhs or Hindus, unless they were identifies to them by someone, who is either educated or a local person". In South Delhi buses of the DTC were used by the miscreants to move from place to place in their murderous journey. How could DTC allow its buses to be used by criminals.(p2)

The targets were primarily young Sikhs. They were dragged out beaten up and then burnt alive. While old men , women and children were generally allowed to escape their houses were set on fire after looting of valuables. Documents pertaining to their legal possession of the houses were also burnt. In some areas of Mangolpuri we heard from the survivors that even children were not spared. We also came across reports of gang rape of women. The orgy of destruction embrace a variety of property ranging from shops, factories houses to gurudwaras and schools belonging to Sikhs. In all the affected spots a calculated attempt to terrorize the people was evident in the common tendency among the assailants to burn alive the Sikhs on public roads. The team members on the basis of extensive interviews in different parts of the city were able to piece together the characteristics of the mobs that were responsible for the looting arson and killings.(p2)

In some areas the mobs were brought from outside the locality and Jats and Gujjars from neighboring villages. They were transported in vehicles. A large number of Scheduled Castes people were also a part of the mob.

More important in the areas which were most affected, such as Trilokpuri Mangolpuri and Sultanpuri the mobs were led by local congress (I) politicians and hoodlums of that locality. These areas it will be recalled were set up, in the urban resettlement drive initiated by the Congress (I) and have since been active support bases of the congress (I).(p3)

Role of Police

All through the period from October 31 to November 4-the height of the riots-the police all over the city uniformly betrayed a common behavioral pattern marked by (1) total absence from the scene or (2) a role of passive spectators or (3) direct participation or abetment in the orgy of violence against the Sikhs. On November 1 when we toured the Lajpat Nagar area we found the police conspicuous by their absence while Sikhs shops were being set on fire and looted. The only sign of police presence was a police jeep which obstructed a peace procession brought up by a few concerned citizens on the evening of November 1. (p4)

In the resettlement colonies the police came out from their passive role and directly participated in the violence against the Sikhs. We were told by survivors that at the first signs of tension those who felt threatened personally went to the nearby police station to seek their reportedly. But the police did not respond. In Trilokpuri the police reportedly accompanied the arsonist and provided them with diesel from their jeeps. The station house officer of Kalyanpuri police station under which Trilokpuri falls withdrew the constables who were on duty there when Sikh girls were being raped.(p4)

When after the destruction and murders people went to complain and file FIR's the police in many areas refused to record their complaints according to information gathered from the Hindu neighbors of the victims. A respected Sikh professional whose house was burnt on 1st November was not able to register a FIR despite all efforts. In Mangolpuri we were told a police officer asked the Hindu complaints why they were protecting Sikhs and advised them to look after the safety of Hindus.

A few individual police officials who did try to intervene and stop the riots found their efforts frustrated primarily through lack of cooperation from the top.

While analyzing the role of the police during the crucial period we can not afford to ignore the responsibility of those in the position of authority at the top namely Home Minister. The Home Minister Mr. Narshima Rao who was inducted in the new cabinet by Prime Minister Rajiv Gandhi after Mrs. Gandhi's death was empowered in his capacity as a home minister, to deploy the Para military forces to quell the violence that erupted following the announcement of Mrs. Gandhi's death. Mr. Rao is not a new incumbent who is unaware of the procedural technologies. We are left with the question why did Mr. Rao with his past experience as a Home Minister in the previous cabinet fail to take the necessary steps and summon the forces available to him help in the bud the communal elements that organized the riots? (p5)

Role of the Administration

Men at the top in the administration and the ruling party displayed repeatedly a curious lack of concern often bordering on deliberate negligence of duty and responsibility through out the period of October and November. From our talks with various opposition parties leaders and prominent citizens we found that the many among them had got in touch with senior ministers as well as people in the Delhi Administration on October 31 itself warning of impending troubles following the announcement of Mrs. Gandhi assassination. The newly Home Minister PV Narsimha Rao was said to have assured the BJP leader Atal Bihari Vajpayee on October 31 evening that everything would be brought under control within a couple of hours. Yet at the same time at the same day Gautam Kaul Additional Commissioner of police in front of All India Medical Institute referring to the disturbances which were just breaking out said "we cannot deal with the situation of this nature"

Soon after the assassination we heard from a reliable source a meeting was held at Safdarjung road the Prime official residence where the then Lt. Governor PG Gavai a Congress leader M.L. Foteder and the Police Commissioner among others met a senior police officer present at the meeting expressed the view that the army should be called as otherwise there would be a holocaust. No attention was paid to the view. (p6)

On November 2, although the newspapers that day announced three official measures (1) clamping on the indefinite curfew (2) shoot at sight orders and (3) deployment of army since 2 p.m. the previous day when we went around South Delhi in the afternoon of November 2 we found that the miscreants were not only at large, but had swelled in numbers and had become more defiant. The miscreants did not scamper or panic. They merely made way for the convoy to pass by temporarily retreating to the lanes and regrouped themselves as soon as the convoy left and began intimidating a peace march that had arrived on the spot (p6-7)

While analyzing the role of the administration. We cannot remain content to blame the Delhi Administration and the bureaucrats only. The Lt. governor Mr. Gavai who was in charge of administration of Delhi during the period under review and who has been replaced now could not have acted on his own whether they were acts of commission or omission. Both the Delhi administration and the Union Cabinet Ministers including the home minister were well informed of the sequence of events beginning from the October 1. we are left wondering whether the Union Minister failed to direct the Lt. governor to take the action. Or did they direct and the Lt. governor refused to abide by their directives? In that case should not the union ministry punish the Lt. Governor? But we were merely told on November 4 that Mr. Gavai "proceeded on leave" and that Mr. M.M.K. Walli had taken over.(p7)

Role of Army

Our enquiries made at various quarters ranging from the affected localities to army sources led us to two questions. First why was there a delay in calling out the troops? Second even when the army was called why were they not effective in imposing a curfew and curbing the violence.

The authorities at the top including the four ministers and senior officials of the Delhi Administration were repeatedly informed about the exact situation in the city and its outskirts from the evening of October 31st. Prominent citizens VIPs and members of the opposition parties and people from affected localities both phoned and personally went and informed these authorities, yet during seven valuable hours between the time of the assassination and the time of the news of the death was made public no security measures were taken.(p8)

Within a few hours brigade from Meerut and Agra could have arrived at Delhi by the night of the 31st. As senior army officers put it is not the numerical strength of troops that is the crucial factor for imposing curfew. The crucial factor is clarity of intent and firm and clear instructions.

Despite announcements in the newspapers AIPD and Doordarshan about shoot at sight orders and imposition of curfew the troops were left without specific information from the police on the exact localities of the riots. No joint control room was set up.

In contrast only a few days later the authorities did not find any difficulties in moving a full brigade of the Indian Army consisting of 3000 men and another 1000 personnel from the Navy and the Air force to line up the route of Mrs. Gandhi's funeral.(p9)

From October 31 to November 4 no effort was made to set up a joint control room. The commissioner of police was operating from his office at ITO's Police Headquarters. The army area commander was at Dhalua Kuan cantonment and the Lt. Governor was at Raj Nivas. As a result even after the deployment of troops army people constantly complained about lack of information and cooperation from the police regarding the areas of tension. Even with the imposition of curfew there were no authorities to implement it.(p9)

The entire nature of using the army as revealed from the above sequence of events compels us to suspect whether or not a deliberate design to keep the army ineffective even after it was called in and that too long interval during the arson looting and massacre were allowed to continue sometimes with the direct connivance of the local police force.

Whatever might have been the motive for such a curious manner of utilizing the army and whoever might have been responsible for reducing it into important observer the effects of such a policy have been quire

disastrous for the morale of the army. Every army persons we talked to expressed anger over the way that the army authority was being undermined. (p10)

The experience of our team members gives rise to the suspicious that both the administration and the Cabinet might have abdicated responsibility and that extra administrative forces were steering the deployment and operation of troops. On November 3 a group of concerned citizens visited Trilok Puri where they were requested by panic stricken survivors of a widespread holocaust to intervene on their behalf and seek army protection. They tried to get in touch with various people both in the administration and the Cabinet to convey to them the request of the Trilok Puri victims. No one was available either in their offices or homes.(p10)

Role of Congress

Our surmise that during the period under survey the legitimate authorities were superseded and decision making powers were assumed by a few individual Congress leaders is confirmed not only by the above mentioned incident, but also the experience of residents in the riot hit areas. We were told both by Hindus and Sikhs many among the latter Congress supporters that certain Congress leaders played a decisive role in organizing the riots. Residents of Mangolpuri told us they saw Mr. Ishwas Singh a Congress Corporator among many others actively participating in the orgy of violence. All these peoples were described by the local residents as lieutenants of the congress MP from the areas Sajjan Kumar. Similarly in Anand Parbat Congress councilors like Bhairava Mahendra and Mangat Ram, considered to be loyal followers of the Congress MP Mr. Dharamdas Shashtri were named as the culprits. In Prakah Nagar congress people were found carrying voter's lists to identify Sikh household. In the Gandhinagar area again a local Congress councilor Sukhanial was identified by the victims as the main leader of the assailants. Escapees from the area who we met at the Shakarpur Relief camp on November 6 blamed the congress MP from the area Mr. H.K.L Bhagat for having masterminded the riots. On November 1 Satbir Singh a Youth Congress leader brought buses filled with people from Ber Sarai to the Shri Guru Harkishan Public School at Munirka and burnt the school building and buses and continued looting and assaults on Sikhs whole nights. Another group of miscreants led by Jagdish Tokas a Congress cooperator joined the above group in looting and assaults. In the Safderjung Kidwai Nagar area of South Delhi eye witness accounts by those who stood in front of All India Medical Institute from where Mrs. Gandhi body was taken out in procession on the evening of October 31 confirmed the presence of the Congress Councilor of the areas, Arjan Dass at the time when attacks on Sikh pedestrians bus drivers and conductors began.(p11)

The allegation against these individuals repeatedly voiced by the residents of the respective localities which we visited cannot be dismissed as politically motivated propagandas since many among the Sikhs who accused them of complicity in the riots had been traditionally Congress voters. Sufferers from Trilok Puri and Mangolpuri resettlement Colonies whom we met looked dazed and uncomprehending when they said to us. We were allotted these houses here by Indiraji. We have always voted for her party. Why were we attacked?

Additional indications of the involvements of the above mentioned Congress MPs from the respective areas were putting pressure on the local police station to release the culprits who had been rounded up on 3/4 November. On November 5 Mr. Dharmadan Shashrei went to the Karol Bagh police station to protest against the police "misbehavior" with those who were found in possession of looted property. At about the same time H.K.L. Bhogal another Congress MP was reported to be trying to secure the release of several criminate who had been arrested by the Gandhinagar police station. Describing the dilemma before the police a senior police official said to our team members: "Sher pinjre se nikal diya: phir kahte hain pakad ke le ao:" when asked who was releasing them, he gave a knowing smile.(p11-12)

The administration appears to have been persuaded by the decision makers at the top to treat the alleged criminals with kid gloves.(p12)

The Congress High Commands reluctance to probe into the allegation against their own councilors and other leaders further lends credence to the suspicions voiced above. Even Prime Minister Rajiv Gandhi seems to dismiss the serious charges being leveled against his party men. On November 8 however Mr. Gandhi asked his senior party colleagues to probe into every allegation of Congress workers involvement in the violent incidents. But till today no one knows what will be the nature of probe.(p13)

Role of Media and Opposition

Although we do not intend at this stage to go into the role of media during the riots a few words in this connection may not be out of place. The first day's evening bulletin brought out by different newspapers establishments stated that there were "two Sikhs and one clean shaven Sikh" among the assailants. The reporters did not clarify whether the news was from official or unofficial sources. Nor was it clear how a clean Shaven Sikh could be identified as a Sikh. In later reports the next day and the following days we were told that only two assailants both Sikhs were involved. What happened to the earlier reported third one? No newspaper has yet followed up the discrepancy.

But what is of immediate relevance is the question should the media have described the assailants immediately as Sikhs? Given the

background of the Punjab situation such mentioning of community by name was bound to excite communal passions and inflame communal hatred. It may be worthwhile in this context to refer to a recommendation made at a seminar on communal writings held in New Delhi in November 1970 under the joint auspices of the Press Institute of India and the Press Information Bureau of the Government of India. It was suggested that certain facts which may aggravate the situation if published straight away should be printed after a stipulated period.

We were also intrigued to find Doordarshan allowing the broadcast of highly provocative slogans like "khoon ka badla khoon" by some members from the mourning crowd of Teen Murti.

There was a tendency among many reporters to concentrate on the names of important politicians instead of on earnest efforts made by individuals or groups. Thus when a peace march was organized by a group of concerned citizens in South Delhi on November 2 which was joined by the Janata Leader, Mr. Chaudhary Charan Singh and some of his followers some newspapers the next day described it as a Janta Party march. This created temporary misunderstanding and hampered the efforts of the non party groups to bring together all citizens many of them did not want to identify themselves with any particular political party. The need to keep politics out of ventures like peace marches to put down to remain obsessed with names of political personalities.

This brings to the role of Opposition political leaders. We regret to say that by and large they failed to rise to the occasion during the crucial days of October 31 to November 5. Although news of arson and carnage was pouring into the offices of the Political parties every hour they hardly made any effort to rush to the spot with their cadres stop the violence with issuing a joint statement with the Prime Minister on November 1 Pleading for peace and amity. (p13-14)

Role of Public

While the disturbances that shook Delhi from October 31 to November 5 could be described as an organized disorder with signs of meticulous planning by certain groups in some areas deliberate anxiety on the part of the administration, in other areas willful relinquishment of responsibility of Senior Ministers as well as opposition parties on a wider scale, we cannot at the same time rule out existence of hostility and suspicion among large sections of the Hindu population against the Sikhs because of the happening in Punjab during the last two years.

By not solving the outstanding economic and political issues in Punjab, by allowing Sikh extremism and Hindu communalism to feed on each other leading to the army raid in the Golden Temple and antagonizing

there by large sections of the Sikh community the ruling party at the center had sown the seeds of communal division between Hindus and Sikhs.

As a result when from October 31 organized assailants on the Sikhs began the Hindu public by and large appeared to be in a mood that sanctioned such assaults. Comments by responsible Hindu citizens in Delhi indicate to some extent the popular psyches.(p14)

The Anti Sikh communal partisan feelings had penetrated the lower ranks of the administration also as evident in the behaviour of the police force who were given the reins for three four days by their superior officers.(p15)

Conclusion

The social and political consequences of the government's stance during the carnage its deliberate inaction and its callousness towards relief and rehabilitation are far reaching. It is indeed a matter of grave concern that the government has made no serious inquiries into the entire tragic episode which seems to be well planned and designed.

It is curious that for the seven hours that the government had between the time of Mrs. Gandhi's assassination and official announcement of her death no security arrangements were made for the victims.

The dubious role of the politicians belonging to the ruling party has been highlighted in various press reports. The government under pressure has changed a few faces by transfers and suspension of Junior Officers.

It is important that we do not fall for this ploy for our investigation reveals that these are only scapegoats.

The riots were well organized and were of unprecedented brutality. Several very disturbing questions arise that must be answered.

1. What was the government and the administration doing for seven hours between the time of the assassination and the announcement of Mrs. Gandhi's death?
2. Why did the government refuse to take cognizance of the reports of the looting and murders and call in the troops even after alerting them?
3. Why have a few individual Congress leaders close to the Prime Minister been allowed to arrogate to themselves powers belonging to ministers and officials?
4. Why was there no joint control room set up and who was responsible for not giving clear and specific instructions to the army on curbing violence and imposing curfew?

5. Who was responsible for the planned and deliberate police inaction and often active role in inciting the murder and loot?
6. Who was responsible for the planned and directed arson?
7. Why were highly provocative slogans allowed to be broadcast by Doordarshan during the recording of the mourning crowd at Teen Murti?
8. Why has the Congress not set up an inquiry into the role of its members in the arson and looting? (p26-27)

Delhi: 31 October to 4 November 1984

Extracts from Report of Citizen's Commission

In the wake of the fiendish violence unleashed on a particular community following the assassination of Prime Minister Indira Gandhi, a number of prominent citizens of Delhi issued the following statement on 16 November 1984.

"While Delhi was numbed by shock and sorrow, a wild frenzy of terror, murder, loot and arson seized large sections of the city. Its prime target was a minority community, but all peaceful citizens felt threatened and the entire city was gripped by fear while murderous mobs rampaged unhindered through the streets. In large parts of the country the violence spread in varying degrees of intensity, shaking faith in our secularism not only on the part of the afflicted community, but also of other minorities and of the general public.

"The mosaic of India's varied peoples and cultures is the very foundation of its strength, but if the bond of mutual tolerance and respect is fractured by an orgy of violence against any community, the unity and integrity of the entire structure is gravely imperiled. Such is the situation which faces our country today.

"In the capital city of Delhi the administration appeared to have been totally paralysed for three critical days while hordes of hooligans bent on loot, rapine, murder and arson held free sway. Allegations are widely prevalent that some riotous mobs were instigated, organized and often provided with transport.

"In view of the gravity and urgency of the situation which, unless promptly and effectively corrected, could cause grievous damage to the very fabric of India's unity, we, the undersigned, make an earnest appeal to Government immediately to take the following ameliorative steps:

1. To set up forthwith a Tribunal of three non-political, non-official personalities, known and respected for their objectivity, impartiality and integrity, with full powers to enquire into the events of 31 October – 4 November. These would include the power to summon witnesses and evidence, official and non-official, and to take all necessary action to establish the facts and to report within six weeks of its constitution. It should particularly enquire into the widely circulating allegations that the riotous gangs were deliberately incited and led, and, if so, to identify the culpable persons. It should also enquire into the action that may have been taken by the State administration to deal with the situation.
2. To take vigorous steps for the apprehension of the rioters and their

ring leaders and for the recovery and restoration of the looted property.

3. Special courts should be set up for the speedy disposal of cases, with full powers to award deterrent sentences to the guilty, without fear or favour.

4. Immediate steps should be taken to award full compensation to all who have lost their means of livelihood to enable them to resume their normal occupations. Those whose dwellings have been destroyed or damaged or property looted and not recovered, should be fully compensated to enable them to reconstruct their lives.

5. Those in relief camps should not be compelled to return to their homes till they feel full secure.

"The prompt adoption of these measures would, in our opinion, go some way towards providing a healing touch and which would help to restore the shaken confidence of the stricken community and of all peaceful citizens and be a deterrent to malefactors and criminals in future.

"In view of the gravity and urgency of the situation and in order to restore confidence among the people and to preserve national unity and integrity, on the insistent demand of large groups of public spirited citizens, a Citizens' Commission has been set up consisting of five eminent persons, with a view to strengthening the hands of the Government in promoting the paramount objective of achieving the national good."

The signatories of the statement included:

AIR CHIEF MARSHAL ARJAN SINGH	(Retired)
Smt. Tara Ali Baig	Social Worker
Shri Dharma Vira	Former Principal Secretary to Prime minister Jawaharlal Nehru, Cabinet Secretary and Governor
Kumari C.B. Muthamma	Former Ambassador
Shri Bhagwan Sahay	Former Governor
Shri H.D. Shourie	Director, Common Cause
Shri L.P. Singh	Former Home Secretary and Governor
Shri Soli J. Sorabjee	Senior Advocate, Supreme Court
Brig. Sukhjit Singh	Retired
Shri T. Swaminathan	Former Cabinet Secretary and Chief Election Commissioner
The Citizens' Commission comprises the following:	
Justice S.M. Sikri	Former Chief Justice of India
Shri Badr-Ud-Din Tyabji	Former Commonwealth Secretary and Vice-Chancellor, Aligarh Muslim University

Shri Rajeshwar Dayal	Former Foreign Secretary, Visiting Fellow, Oxford University
Shri Govind Narain	Former Governor of Karnataka and Home and Defence Secretary
Shri T.C.A. Srinivasvaradan	Former Home Secretary

The Commission commenced its work on Monday, 26 November 1984.

As a result of our enquiries we have come to certain *prima facie* conclusions.

A progressively deteriorating political situation in the Punjab, over the previous three years or so, became the prelude for the worst carnage across the country since Partition. The brutal killing of Smt. Indira Gandhi sparked off these atrocities. The remarkable uniformity in the pattern of the crimes committed, with some local variations, strongly suggests that at some stage the objective became to 'Teach the Sikhs a lesson'. The incredible and abysmal failure of the administration and the police; the instigation by dubious political elements; the equivocal role of the information media; and the inertia, apathy and indifference of the official machinery; all lead to the inferences that follow. (p29-30)

Role of Administration and Police

A climate of violence and terrorism had been building up in the Punjab and Delhi for some time along with the accompanying danger of political assassinations. This should have necessitated the taking of adequate security and preventive measures, particularly for the protection of leading political personalities.

The Commission is of the view that the time gap, between the attempt on the person of the late Prime Minister and the official announcement of her death, should have provided the administration with more than adequate notice for taking preventive measures against civil disorder and violence.

Numerous charges have been made concerning the virtual absence of the police on the roads, even later in the evening when a number of incidents were known to have occurred. Where any police presence was at all in evidence, there have been accusations that they were apathetic, indifferent or, worse, gave active encouragement to the mobs. The imposition of prohibitory orders under Sec. 144 Cr. P.C. later that evening suggests that information had been received regarding the occurrence of incidents, as well as of the possibility of an escalation of the violence. No evidence of any serious attempts to enforce prohibitory orders either during the night of 31 October, or on the following morning, has come to our notice.

In the absence of relevant information from official sources, it is not possible to comment on the adequacy of the communications system. However, whether or not detailed information about what was happening was available to the administration, it is evident that a certain paralysis of decision-making had gripped the authorities.(p30)

Again, based on information before us, we learn that some trouble-makers were arrested in the initial stages but there is no evidence to suggest that any systematic steps were taken to restore a sense of security or confidence amongst the residents of the several localities which were subjected to continuing outrages during these four days. Nor is there any information regarding investigations into crimes of looting, mayhem, arson, murder, rape, abduction, etc., having been undertaken. Again, there is no information of perpetrators being prosecuted. On the contrary, accusations abound of those who were initially arrested having been freed on police bail. The quantum of bail accepted by the police from looters, arsonists and those suspected of murders and other heinous crimes were said to have been as ridiculously low as Rs. 250 or a personal bond or the mere production of a ration card. Even those arrested for brutal killings were released by the police either on bail or, in several instances, reportedly at the intercession of some political leaders.

Such interventions have not only contributed to politics becoming a shield for criminals, but of providing a section of law-breakers with immunity from legal retribution. The Commission was told that in some areas the police, instead of searching for and retrieving looted property, appealed to the looters to hand it over voluntarily, in return for which the police would grant them immunity from prosecution. (p31)

Role of the Army

The role of the army is crucial to the events as they unfolded. When the civil power is unable to control a situation of grave disorder with the means at its disposal, it may call upon the military authorities to its aid. Such was emphatically the situation in Delhi even before the army was called in.

Whenever the civil authorities call the army to their aid, it is their bounden duty to make the optimum use of this help by establishing close and intimate liaison with them, giving them full information regarding the disturbed areas and to assist them in all possible manner so as to enable them to be fully effective. When, however, the army was ultimately inducted, its personnel were handicapped in their functioning by the following factors:

1. Lack of effective coordination between Delhi Administration, the police and the army. Surprisingly, there was no central control point. The

Administration functioned from Old Delhi, the police from Indraprastha Estate and the army from the Cantonment;

2. Inadequacy of strength initially deployed;
3. Inadequate knowledge of the recently developed areas. According to some submissions to the Commission, the army units were equipped with old maps which did not include the more recent residential colonies, e.g., all the trans-Yamuna colonies;
4. Lack of co-operation from some police personnel who, it has been alleged, at times even deliberately misled army units who asked for directions;

Despite these handicaps the army, true to its tradition, acted with commendable efficiency in curbing the violence and rescuing many fugitive.(p32)

Role of Political Parties

Many who came forward to relate their experiences and provide eye-witness accounts to the Commission, have specifically and repeatedly named certain political leaders belonging to the ruling party. These included several MPs in the outgoing Parliament, members of the Delhi Metropolitan Council and members of the Municipal Corporation. Scores of political functionaries in local areas or blocks and area pradhans were also named. They have been accused of having instigated the violence, making arrangements for the supply of kerosene and other inflammable material and of identifying the houses of Sikhs. Some of them have also been accused of interceding with the authorities to obtain the release of their followers who had been arrested for various crimes.

We have been equally disturbed by the apathy and ambivalence of other political parties. We have received no information that any of them played any significant role in providing protection or shelter, relief or succour, in any of the affected localities. It is a sad commentary on the political life of the capital that at the moment of its dire need, political activists should be accused of either active instigation or inexcusable apathy. (p32)

Role of the Information Media

The role of the media, both official and non-official (comprising Akashvani and Doordarshan as well as the press), is of vital importance, particularly at times of crisis.

Akashvani and Doordarshan, having by far the larger coverage, naturally have a greater impact and reach, especially in a population like ours which has a high percentage of illiteracy.

It became immediately apparent that the coverage of the crisis by the official radio and visual media, beginning with news of the assassination, had not been formulated with adequate care and foresight in relation to the psychological impact of their transmissions. A general impression is prevalent that the information contained in such broadcasts is derived only from official sources unless otherwise indicated. In the circumstances, it was all the more necessary at this critical juncture that the greatest care and prudence should have been exercised in selecting the material for transmission. While this aspect has greater validity in the case of prepared statements and texts, it is equally pertinent in the case of live coverage.

As examples of impolitic broadcasts which had a damaging effect, we cite three: (a) Premature disclosure of the religious identity of the two assailants; (b) the failure to monitor the provocative slogans raised by the crowds or to edit the over-emotional interviews with members of the public; and (c) earlier statements mistakenly describing the killings as being due to an 'exchange of fire' which gave the erroneous impression that there was fighting between the two communities.

On the whole, the national press and individual correspondents rendered a great public service in bringing to light the gory events in different localities as they occurred from hour-to-hour. The reporting was generally factual and detailed and editorial comments, by and large, responsible and constructive. But, in some cases, sections of the press failed to exercise adequate care and restraint in their presentation which at times had the effect of exacerbating feelings rather than in assuaging them. (p32-33)

Reactions and Attitudes

Efforts were made by responsible and well-meaning citizens, from the very day of the outrage, towards minimizing the effects of the expectedly sharp reactions to it. Unfortunately, every attempt to seek the intervention of authorities at the highest possible levels failed, as became apparent from subsequent developments, to produce any effect. Whatever instructions or orders may have been issued either did not reach the functional levels of the administration and the police or, if they did, were disregarded.....

Even more deplorable was the almost universal complaint heard from those interviewed, of the apathy, indifference and on occasion complicity of many members of the police force, especially at the junior level. Even if a large portion of the Delhi Police had to be deployed for funeral duties and the security of foreign delegates arriving in Delhi for the occasion, there was still enough police strength available to control the situation, had it been effectively deployed. It is a regrettable fact that the

administration failed lamentably to use the available police force in an effective manner.....

We are also surprised at the initial attempts of the administration to minimize the gravity of the situation. Both the Home Secretary and the then Lt. Governor were quoted in the media as having said as late as on 2 November that there was no need to establish relief camps since the very induction of the army would bring the situation under control. At that very time, some eighteen relief camps, providing shelter to those who had escaped the carnage, had already sprung into existence. Also, the then Home Secretary was quoted in the press as saying on 1 November, that only five persons had been killed in Delhi, when unofficial estimates were considerably higher.

When the gravity of the situation was ultimately realized by the administration, some efforts were made to take care of the afflicted. The situation called for imagination and sympathy but the measures taken were, unfortunately, not equal to the challenge. Most functionaries approached the problem in a casual, haphazard and disinterested manner.....

It must also be recorded with regret that virtually all the official relief camps were closed down prematurely. From most of them the inmates were dispersed forcibly, including even those who had no homes to return to, theirs having been razed to the ground. Those who were psychologically averse to returning to areas haunted by traumatic memories or where the murders and arsonists continued to roam about with impunity, were also evicted from most camps. Most of them simply fled to the camps run by gurdwaras or by voluntary agencies.

Here, however, we must also record our sense of relief at having heard from some of the afflicted, of individual officials, both from the administration and police, who acted and behaved with commendable courage, initiative and rectitude. We should ourselves also like to commend them.(p34-35)

Estimates of Damage done during the Violence

During the four days of mob rule over large areas of Delhi, the loss of life and property was staggering. According to responsible estimates, well over two thousand were murdered, leaving behind over a thousand widows and numerous orphans. Sikh educational institutions, several large and many small houses were burnt. Trucks, taxicabs, three-wheeler scooters, cars, motor-cycles and scooters were burnt in their hundreds. Movable property, cash and jewellery were stolen or destroyed. Factories and business premises, together with their machinery and stock-in-trade, were looted, damaged or destroyed.

A disturbing feature of this occasion is that for the first time in the history of mob violence in India, a systematic attack was made on places of worship. Of about 450 gurdwaras in Delhi some three-quarters are reported to have been damaged or destroyed.

The loss to the nation is phenomenal.(p35)

Voluntary relief agencies

In the event, it was left almost entirely to non-official agencies to provide cooked food, medical relief, clothing, shelter and, most important, psychological re-assurance to the ever increasing number of victims. By 4 November, when there was some evidence of an abatement in the violence, there were already an estimated 50,000 people housed in temporary shelters. We understand that by 5 November there were no less than twenty-eight such relief centres, only ten of which had been recognized by the administration.

We have observed, with the greatest administration and appreciation, the fine work done by the voluntary agencies. Some of them virtually came into being overnight, gallantly rallying to the aid of their suffering fellow citizens. Numerous citizens, mostly young, from colleges and homes, housewives and social workers sprung into spontaneous action. They organized voluntary efforts to provide food, clothing, shelter, medical aid, soap and toiletries. (p35-36)

Motivations

There is a mixture of varying considerations that contributed to the escalating orgy of violence whose virulence began to subside only after four days of unimpeded, uninhibited mob sadism and viciousness.

Understandably, there was a deep and widespread sense of shock and sorrow at the assassination of Smt. Gandhi. It is a fact that large numbers of Sikhs also shared in this sentiment of grief and revulsion. Unfortunately, instead of this national calamity being the occasion for the exercise of the utmost caution and restraint, certain elements exploited the situation as a pretext for rousing public feelings and channeling them into the dangerous direction of seeking revenge against a particular community for partisan advantage.

The initial motive for what followed was anger which found expression in inflicting damage to property, concentrating on that belonging to Sikhs.

This anger was then aggravated and directed into outrages of a deliberately organized nature. The basic provocation was provided by the spreading of rumours, some of them of a most incredible nature. Currency was given to wildly exaggerated accounts of the jubilant reactions of Sikhs to the news of Smt. Gandhi's murder—many were

said to have distributed sweets or illuminated their homes. On the night of 1/2 November numerous citizens received telephone calls or were otherwise told that the city water supply had been poisoned. The implication was that it was Sikh extremists who had done this.

Allegations circulated like wildfire that truckloads and a train full of dead Hindus had arrived from Punjab and that Sikh students danced the *bhangra* on hearing of Smt. Gandhi's death. Most of these rumours were found upon investigation by social workers to be without foundation. But, in the highly surcharged atmosphere of suspicion and distrust then prevailing, they were sufficient to intensify the feelings of anger against the Sikhs.....

The outrages and crimes committed, as the Commission noted during its enquiries, were instigated and directed to a large extent by political elements abetted by the indifference, if not active complicity, of the custodians of the law. (p36-37)

Relief and succour to the victims

The scales of relief and assistance announced for the afflicted are Rs. 10,000 for a death or for a completely destroyed home; Rs.5,000 for houses substantially destroyed, Rs.2,000 for injury, and Rs.1,000 for minor damage to a home. This is woefully inadequate in the view of the Commission. No compensation is offered for domestic effects looted or destroyed, nor is there proportionate compensation for a larger house.....

But even these inadequate amounts, where approved, have in some cases been mulcted during disbursement by the distributing functionaries. This evil of preying on the distressed must be ruthlessly stamped out by the authorities concerned.....

When we were finalizing this Report, we read of certain additional relief measures announced by the Delhi Administration. We note this welcome development though still more needs to be done. (p37-38)

Observations

The disturbances in Delhi did not involve clashes between any two warring factions, each inflicting whatever damage it could on the other. They were entirely one-sided attacks on members of the Sikh community and their property, often accompanied by arson and murder, rapine and loot. In some localities the outrages amounted to a massacre of innocent persons. The whole community was unfortunately made a scapegoat for the reprehensible crime of a couple of crazed fanatics who happened to be co-religionists.

There were no instances of pitched battles or clashes or active retaliation by Sikhs at large against Hindus at large. On the other hand, the general attitude and reactions of non-Sikh neighbours and friends fell broadly into four categories;

Hindu neighbours actively assisting Sikhs under attack to the extent of giving them shelter at the risk of endangering their own lives and property. Some cases of loss of or damage to property suffered by Hindus doing this came to our notice.

Hindu neighbours, while refusing shelter to Sikhs so as to safeguard their own security, did not join in attacking them either.

In some cases, especially in congested areas, Hindu neighbours acted against the Sikhs to the extent of pointing out Sikh homes to miscreants.

In the poorer areas, Hindu neighbours by and large joined in the attacks on the Sikhs, though here also we were told of some neighbours extending shelter.

The Commission did hear some accounts of fighting between Hindu mobs and groups of Sikhs. These were however isolated instances of Sikhs defending themselves from attacking mobs.(p38)

Recommendations

In view of the considerations contained in our report, we would recommend that a Commission of Inquiry—set up in accordance with the relevant law and consisting of eminent non-official and non-political personalities, known and respected for their objectivity, impartiality, integrity and experience—be constituted to ascertain all the facts concerning the events that took place between 31 October and 4 November in Delhi.

Our conclusions make it amply clear that the first and most essential responsibility of the Government should be to identify all the culprits, regardless of their social, political or economic standing, and to deal with them in strict accordance with the law of the land. Many of them have been named or identified on several occasions. They must be brought to trial without any further delay.

To facilitate comprehensive and expeditious investigations, an adequate number of special investigation teams, consisting of experienced personnel of known integrity and competence, should be constituted forthwith. To ensure speedy disposal of such cases, special courts, competent to award deterrent sentences without procedural delays, should be set up—under a special law, if necessary.

Only such steps will convince the people that the Government does not allow any individual, however influential or well-placed, to violate the law

with impunity. The supremacy, uniformity and majesty of the law must be upheld.

We have referred to the utter failure and dereliction of duty of the police in Delhi. Some of them have been accused of instigating or even participating in the criminal acts committed during the fateful five days. Wherever such officials are found to have committed crimes, they should be prosecuted according to the law. Negligence or dereliction of duty calls for exemplary punishment after departmental enquiry. Where appropriate, recourse could be had to the proviso to Article 311 of the Constitution.

The scales of compensation announced so far are inadequate and need to be reviewed. We recommend that full compensation be given to all who have lost their means of livelihood, to those whose dwellings have been destroyed or damaged or whose property has been looted and not recovered.....

By extending protection to Sikhs some non-Sikh individuals received fatal injuries and sustained damage to their property. Generous compensation should be given to such persons who risked their lives and property in this endeavour.

Truth about Delhi Violence

Extracts from Report to the Nation by Citizen's for Democracy

We have shown in this report that several meetings were held all over Delhi – Central, Outer and Trans- Yamuna area – in the late hours of the 31st October to give final touches, as it were, to the plan already prepared with meticulous care, with an eye to every minute detail that nothing was left out to successfully exterminate the Sikhs. It was as if that brigades were going to attack an enemy territory. From collection of kerosene and incendiary material for dousing the men before they were burnt, to collection of killers both from villages outside the areas of attack as well as from among the more amenable neighbours; from fixing the hour of attack to be launched simultaneously everywhere in Delhi in the forenoon between 9 and 11 A.M. to organising the attack and deciding if it should be repetitive or two-pronged as in a war depending on the size of the mob; from identifying the jhuggis and houses of the Sikhs from amongst the forest of jhuggis and houses occupied by thousands of non-Sikhs to disarming the Sikhs and dissuading them from taking out their Prabhat Pheri; from fixing the sequence of the targets of attack to floating the rumours – everything was done with amazing precision. Gurudwaras were first to be attacked in every area of Delhi according to the plans, because they were supposed to be the arsenals of Sikhs and also the symbol of their collective faith and courage, so they had to be destroyed first. Once these places of worship were in ashes the Sikh houses were looted and set ablaze, then the men were first humiliated by cutting off their hair and shaving off their beard and finally they were delivered to the flames alive; later their women were molested and raped and some were killed also. The rumours were floated in three distinct phases. On October 31, it was to excite and provoke the anger of the people against the Sikhs that the rumour was floated that they were rejoicing. Secondly, on November 1, after Gurudwaras were burnt down and killing of the Sikhs had taken place, for preventing any sympathy, the second rumour was spread that the Sikhs had poisoned Delhi's drinking water supply. In the third phase, on November 2, since killings had to go on in the Resettlement Colonies, the rumour that the Jhelum Express had come from Punjab loaded with Hindu bodies was floated.

That there was an impeccable pattern according to which the violence erupted and that the mob like disciplined soldiers kept to that model and implicitly obeyed the direction of their masters, the Congress-I functionaries – we feel certain; and all the evidence collected from

various persons, voluntary agencies reports and interviews also point to the same conclusion.

We have also collected some valuable FIRs relating to the violence which were lodged by the police themselves at various Police Stations without mentioning the names of the culprits. These FIRs are self-explanatory about the conduct of the police.

We feared that with the passing of time and the dispersal of refugees and other unforeseen events crowded in, many valuable facts will be irrecoverably lost and the desire to probe deep into the cause, the nature and the extent of the violence, so that one could reach at least the fringe of the truth became compelling and so this report had to be completed. In fact the investigation had already started from the very first day of the violence and through various reports of eye witnesses, answers to questionnaires by victims as well as neighbours in 19 areas, several new facts came to light.

With all this wealth of material, we have come to certain broad conclusions: –

1. The violence was not spontaneous but organised by members of Congress-I.
2. It was not a communal riot although it has endangered communal amity as its aftermath.
3. It was primarily meant to arouse passions of the majority community – Hindu chauvinism – in order to consolidate Hindu votes in the coming election.
4. It was the old colonial divide and rule policy setting one religion against another. The State had forgotten its role of the protector. Instead, it became the collaborator to violence against a minority. (x-xii)

Women recognised as recently widowed are 1300 in number; most of them young, the majority illiterate. Once dependent on their husbands, absorbed in their homes and families, who had never gone out to work are today alone facing a merciless world; with kids to look after, no husband to fall back upon, no home to go back to, no Gurudwara or Granthi to turn to for solace and those agonising cries of a burning man piercing her heart – she is like a lost soul; some have lost their minds, many are ill after rape. Can a paltry sum of a few thousands sanctioned as compensation (that too has not reached many) compensate the loss of a human being. Then there are the kids – 4000 orphans as said by Lt. Gen. J.S. Aurora, many of whom have seen their fathers they adored, dragged out and burnt alive, their mothers they rushed to in trouble, beaten up and raped. These kids with frightened and bewildered eyes, will they ever come out of their trauma and be normal happy jolly children again? This is only one aspect of human life the violence has thrown up – broken homes, shattered children and old desolate parents. Someone someday will write upon.

Another aspect, no less alarming, is the mass exodus of the Sikhs from Delhi – the number could be anywhere round 50,000. Some have left for Rajasthan, some for Punjab, some are migrating abroad creating a vacuum here and imbalancing the economy in Delhi; the charpoy stringers of Kalyanpuri, carpenters and house painters of Sultanpuri, the electricians and mechanics – those wizards with rundown cars, scooters and household gadgets are already in short supply. The daily advertisements suggest that even some of the well-to-do Sikhs are exchanging their Delhi property for property in Punjab. These are just a few aspects picked up at random which no doubt will be studied by sociologists and economists one day.

There is a feeling of insecurity haunting those who are still here, for the criminals whom many had identified and had mentioned their names in various complaints made to various authorities and police, are still roaming around freely and holding out threats.

Can the Delhi violence be looked upon in isolation? Or is it a part of a deteriorating system? The secular foundation of the nation has seldom been under greater stress. Under the facade of secularism and democracy the conditions prevailing here are not very different from those in a Fascist State. The Black Laws and repressive measures are striking at the very roots of basic freedoms and fundamental rights. Secret torture of under-trials inside jails, the tremendous increase in the power of the police, the growing exploitation of the poor, the nexus between the politician, his musclemen and the bureaucrats, are all portents of a Fascist State. (xii-xiii)

Pattern : A Method in the Madness

A clear and distinct pattern of violence emerged on analyzing the various reports and interviewing a number of survivors. There was a method in the madness that overwhelmed Delhi after the assassination.

A) Meetings on 31st October Night:

There is evidence that in several areas local Congress-I leaders held meeting on the night of October 31st and these preceded attacks and killings of the Sikhs.

In Vinod Nagar (East Delhi) according to a survivor Ram Singh (name changed), a taxi driver, a prominent Congress-I local leader of Vinod Nagar called a meeting in the evening of 31st October which was attended by (Bhaiswala), (a known smuggler) and a few others; the meeting went on till midnight. (b) In Khajori-Bhajanpura (C Block)-Gamri area in Trans Yamuna one prominent Congress-I leader of the locality who is a Gujar by caste called a meeting on the night of 31st October which was attended by his son (kerosene depot operator) and

a Principal of a local school in Bhajanpura and made an exhaustive list of local Sikh families who were to be attacked on November 1 by them. According to the Nanaksar Report "what happened thereafter was sheer unspeakable horror. (c) In Kallekhan Basti near Nizammuddin a meeting was held on 31st October night over cups of tea and lasted till late at night. It was presided over by a Congress-I elected leader and some gujars including a well known Vaid-all Congress-I sympathizers attending it, finalizing their plan for November 1.

B) Political Organisers:

Throughout the Trans-Yamuna area in the catchment area, there were *three* types of people who were behind-the-scene organizers, those who *identified* Sikh households, *mobilized* hoodlums for mayhem and *supplied* fuel for *arson*. According to the survivors, these came from among (a) local level Congress-I politicians and hoodlums at different hierarchical levels, (b) ration shop owners and (c) kerosene depot owners, who have invariably been members of the same party or closely linked to local Congress-I politicians (Nanaksar Report).

According to our Survey, not an insignificant proportion of victims (19 p.c.) and their neighbours (20 p.c.) said that the attack was motivated by Congress-I political leaders. And a higher proportion of the victims (42 p.c.) identified Congress-I sympathizers as assailants.

It was reported that prominent among the people who were inciting the mob to violence in *Sultanpuri*, one was a Congress-I functionary and a close associate of allegedly went around the area later building up a climate of fear among the people by spreading the story that the Sikhs had poisoned the water supply.

Well dressed young men coming in Matador vans or cars or buses later identified as important functionaries of Congress-I or elected leaders belonging to Congress-I have been responsible for mobilizing and directing the mob towards Sikh houses, shops, factories and Gurudwaras. Refugees from *Patparganj*, *Khichripur*, *Kalyanpuri* in Pandav Nagar Gurudwara separately interviewed mentioned that a cream coloured Matador owned by one drove up to Ganesh Nagar (Pandav Nagar Complex) carrying 12 men, one of whom was a Congress-I Councillor; they distributed to the crowd assembled there lathis, revolvers and rifles - which they had brought with them - and were heard telling them before leaving 'Use these on Sardars'

In *Bhogal*, it was a Congress-I worker and owner of a sweet-shop- a Congress-I sympathizer- who were seen directing the crowd to Sikh shops in Bhogal Market which were all looted.

In *Mangolpuri*, a white Ambassador was seen driving up near the flyover from Mangolpuri. Sitting inside was, a prominent Congress -I

man who had masked his face as not to be recognized (but he was recognized all the same). He called the crowd to his car and gave them some advice and then left; soon after that the Gurudwara went up in flames in the morning of November, 1.

In *Vinod Nagar East* two buses full of khadi kurta-pyjama clad young men drove up from the direction of the UP Border and led the local miscreants already assembled there, first to loot and burn Sikh shops and houses and then to burn alive human beings; genocide was perpetrated on November 1 in that small East Delhi colony.

In *Jehangirpuri*, name of a Congress-I leader, has been reported, it has come up again and again as the one who incited the mob; once his henchman, had identified the Sikh houses he prodded them on to loot and burn these down. That politics of criminalization was being played by the Congress-I functionaries has been conclusively proved.

According to the affidavit of Gurdeep Kaur - "On November 1 in *Trilokpuri* about 500 people came to Block 32. In such a crowd it was not possible to recognize everyone. Since I have lived in *Trilokpuri* for 8 years now I did recognize a few of the mob who had killed my family.

They were Tello, Manu (alleged to be a smuggler), Jagga and his wife Draupadi, Kishori Jamadar (sells pork), Rampal Saroj (Congress-I goonda who participated fully in looting and murder and also supervised the killing of several people), Roop Lal and his 3 sons who are thieves. Rampal Saroj came to our lane and assured us that Sikhs will not be harmed. He said that there was no need to be afraid; being the local leader he told the Sikhs not to get out of their houses because that would be safer. I was shocked that this traitor had deceived us and was a part of the mob. Rampal Saroj was leading the killers and the assurance he had given us was just a trick of his so that no Sikh would leave the house. Within 5 hours he brought the goondas, showed them each Sikh household, saw to it that the Sikhs were pulled out, and in his presence many Sikhs were beaten and burnt alive."

C) Method of Identification :

Identification of Sikh shops and houses was done in a systematic way by (i) persons moving in scooters, in Matadors, or even on foot as if making a survey of the place; (ii) checking up names and addresses of Sikh students from school registers; (iii) with the help of ration cards and voters' lists; and (iv) by marking Sikh houses - Nazi fashion, as in Hitler's Germany. Nanaksar Report mentions: "xxx and xxx the owner of a shop which stands in the Bhajanpura Main Market, went from door to door of Sikh houses in Khajori Colony, Gamri and Bhajanpura marking them thus- X, S, (X), (S)- the houses were thereby marked for arson, looting and murder."

D) Collection of Incendiary Material:

Kerosene was collected from Jhuggi dwellers (as in Nizammuddin Basti) by threatening them, Ration shop owners too willing to help, Kerosene depot owners.

Nanaksar Report says: "Several sources jointly and individually have pointed to persons who supplied kerosene oil by the bucket-full on the 1st November. Further it was strongly alleged that some also *supplied phosphorous* in the buckets of kerosene to aid the process of arson (but who supplied phosphorous to ?)..... None of the witnesses spoke of the "*safed cheez*" being handled, everyone said it was in kerosene buckets and seen only when the kerosene was spilled on to floors." The "white powder" was used in Jehangirpuri also.

E) Collection of Mob:

1) In Hari Nagar Ashram, miscreants, 400 to 500 strong, arrived by Delhi-Palwal Shuttle Express from Faridabad at 9.45 A.M. and also by Kutub-Narmada Express at 11 A.M., armed with lathis, iron rods, soda water bottles and drums of kerosene. They joined the local mob, 700 strong, who had come from nearby J.J. colonies. These people were led by a Congress-I local leader followed by his friends.

2) In Jehangirpuri also the pattern of collection of the mob is the same – neighbours as well as villagers from Balaswa, Ramgarh and Badli.

3) In every Resettlement Colony 'outsiders' were brought in buses from villages if they were far off, otherwise people came on foot and joined the local people.

4) In Sultanpuri the mob came from nearby Pooth Village and some were bad character and local goondas from block C-2, C-3, C-4, C-6. All their names are with us. If and when called for they would be produced.

5) Inquiries in Punjabi Bagh and Madipur colonies involving victims and looters, showed that the person leading the mobs were those who were used by ruling party to mobilize support.....

F. Composition of Mob:

- a. Anti –social elements – some of them dacoits with police record such as (a mob leader as well), and so on. In Jehangirpuri there are persons who are willing to testify against these people in court;
- b. Scheduled caste – Khatiks, Chamars, Purbiyas, Jamadars, bhangis (there is a great deal of resentment against the bhangis, most of whom rear pigs);

- c. Backward castes – Jats, Gujars, Ahirs, most of them erstwhile land owners; their land was acquired by the government for setting up new colonies. They have become hostile to the Sikhs because they live in these colonies.

Weapons used by them – in addition to lathis and iron rods, daggers and axes were used extensively.

G. The Type of Killers

Generally, Jat villagers from outskirts, Jamadars, bhangis and lumpens have been accused as killers by the survivors. The Congress -I ring leaders paid Rs. 1000/- to each killer as boasted by the killers themselves who invariably used to be heavily drunk before killing. Some witnesses have accused some policemen also of killing as in Sultanpuri or in Bhopal. Even today, two and a half months after the carnage, the refugees are afraid of three categories of human beings: Gujars, police and politicians.

H. Method of Attack

Depending on the size of the mob, attacks were *simultaneous* or *sequential*. Where the mob was very large, as in Hari Nagar Ashram or again in Tirlokpuri, it split into 2 groups and the pattern of simultaneous attack was observed; but where the mob was smaller, 150-250 persons, the *pattern was sequential*; taking it easy, first Gurdwaras were destroyed one after another and then the Sikh houses and shops already identified were looted and finally the Sikh men were humiliated, their hair was cut, their turbans torn apart, then they were brutally murdered and finally burnt down. This clever pattern leaves very little doubt that the violence had been extremely well organized by men who were experts at the game.

I. Repeated Visits:

To make sure if the victim was dead, the mob came back repeatedly to the place of violence like birds of prey. In Bhogal the crowd came at intervals, first at 11 A.M., then at 2 P.M., to see if the shops had burnt out. In Jehangirpuri also it returned to see if the men who had been burnt were dead.

J. Slogans:

In the over-all planning and organization, the slogans had a very important part to play and they were mainly 3 types used all over Delhi.

The object of the slogans was to incite the people to take revenge by playing upon Mrs. Gandhi's greatness and the next moment reminding them that she was dead.

Thus frenzied cries of :

'Indira Gandhi Zindabad',

'Indira Gandhi Amar Rahe' and

'Jab tak sooraj-chand rahega

Indira tera naam rahega',

Were followed by

'Khoon ka badla khoon se Lenge'

and

'Sardaron ko jala do, 'loot lo', 'Sardaron ko mar do' and

"Hindu-bhai, Muslim-bhai, Sardaron ki kare safai".

K. Rumours

The method of spreading rumours was subtle. It was done in three phases.

In the first phase, on 31st October, only one rumour was spread in the evening. Its sole intention was to arouse and incite the spirit of revenge, which was otherwise being fed by the incessant of showing of the dead body of Mrs. Gandhi on the TV and the continuous announcement of the two killers. The media even suggested the course of revenge when the voice of the excited mob at Teen Murti came through clear and sharp in the TV : "Khoon ka badla khoon se" ("Blood for blood."). The rumour was that Sikhs all over Delhi were celebrating Mrs. Gandhi's assassination by distributing sweets, dancing the 'bhangra' and bursting crackers as in Diwali. This spread like wild-fire though nobody had seen either the distribution of sweets, the dance or the Diwali illumination. Yet, all, even highly placed educated men and women accepted the rumour as true and were getting furious.

In the second phase, on November 1 after the Gurudwaras had been burnt down and a number of Sikhs burnt alive or hacked to death, to prevent or remove any kind of sympathy or compassion for them, three kinds of rumours were floated. People heard that "every Gurudwara was an arsenal" and "weapons which were used by the extremists were found under the Gurudwaras when they were burnt down". However, in truth, no weapon was found in any of the burnt Gurudwaras. The second rumour was more forceful – after the killings of Sikhs had been put into effect – that the "Sardars were coming to attack armed with swords and they were just round the corner". The third and most dangerous rumour was spread on November 1 night, round about

10.30, after the carnage was nearly complete in the central areas, that the Sardars had poisoned the drinking water. Strangers rang up to give the news and warned people not to drink or use the Corporation water. This had a terrific impact and worked up even a secular minded Hindu against his Sikh neighbour.

In the third phase, on November 2, when trains arrived in Delhi with dead bodies of Sikhs, the rumour was spread that Hindus had been killed in Punjab and that their bodies had been brought to Delhi by the Jhelum Express from Punjab. It was necessary to substitute the truth by fiction to keep up the anger against the Sikhs because the extermination had not yet been completed in the Resettlement Colonies.

While analyzing the sordid episode of this genocide, one sees an invisible hand moving the pieces on his chessboard with remarkable dexterity; the most powerful leader of the locality calls the meeting, allocates to different selected groups different duties – like identification of Sikh houses, supervision and execution of the plan; determines the size and the composition of the mob and the areas from where it should be brought, settles the payment for each killing and most important, decides on the sequence of the attack – the Gurudwaras always being the first target. It was a double-edged strategy. To the killers, the Gurudwara was supposed to be the arsenal of the Sikhs and so the precaution had to be taken to destroy it first. To a Sikh the Gurudwara is the symbol of everything he stands for – his faith, love, courage – once the Gurudwara falls, he falls with it. It was to break him first morally, then physically- so also the Gurudwara was attacked first everywhere and then he was murdered. The slogans were also selected meticulously and the rumours were carefully spread so as to justify the carnage.(p17-25)

‘ Ray of Sunshine in Darkness’

“.....Hindus in colony after colony decided to form their own protection squads against the gangs of plunderers that were running amuck.

“Disgusted at the utter failure of the police and the government to protect the lives and properties of innocent Sikhs, Hindus assured their Sikh neighbours that they had nothing to fear and patrolled the areas throughout the night.

“Some of the colonies where such squads were formed were Tilak Nagar, Hari Nagar, Shiv Nagar and Janakpuri in West Delhi.

“ There was an ironical situation that developed around B-2 block of Safdarjang Enclave last night when two volunteer groups from Janata Colony nearby clashed with one another mistaking one another to be hooligans. Both groups were patrolling the areas armed with lathis.

Some of the men wore scooter helmets. But just as they were about to attack one another, some CRPF men on duty at the spot raised their guns to fire. It was then that the groups realised that they had same aim of protecting house and shops from desperate raiders.(p43)

'Organized Gangs'

"Irate residents, both Hindus and Sikhs told reporters that none of the people who attacked their houses and shops seemed to be from their own colonies. *In fact they were not even of communal nature.* They seemed to have only one objective – that of looting their establishments. The plunderers looked the type of people who lived in villages and resettlement colonies and were highly organized.

"In fact their operations seemed to be so well planned out that they knew exactly which shops and houses in a particular colony were owned by Sikhs and, what is more, even which vehicles. As soon as residents got over the initial shock of the attacks and realised that the police could not be relied upon at all despite all the assurances that were being broadcast both on All India Radio and Doordarshan they decided to protect Sikhs themselves.

"In the government colony of Sadiq Nagar where some petrified Sikh families had shut themselves up, Hindus went over to their houses to reassure them and offered them food.

The report gave further description of similar activities in various other colonies.

A team of Supreme Court advocates including V.M. Tarkunde, Ram Jathamalani, Soli Sorabji, Ranjan Dwivedi and others visited five effected colonies of Trans-Yamuna on November 1 and 2. In all the localities the neighbours of the victims told the same story – that they wanted to save and protect their sikh brethren but were helpless against the highly organized mobs having superiority in number. In Kalkaji, Hindu and Muslim neighbours helped in salvaging valuables from the burning gurudwara because they all respected it as a place of worship. Thousands of Sikhs have been saved by their Hindu friends at the risk of their being killed and their houses being set on fire by the threatening mobs. It is interesting that the protest of the poor, the much maligned jhuggi- jhopari dwellers, at the request of the Sikhs, kept with them in safe custody some of the articles which could be salvaged after the burning of Sikh houses. With the renewed rumours of outbreak of violence before the election-day they asked the Sikhs to remove those articles elsewhere as they felt they were marked men and this time the goondas would attack them and everything saved would be lost.....

In several refugee camps all the survivors said that the violence was not communal but, many said, that it was instigated. To our question if he felt was a communal violence, Jeet Singh – a survivor in the Pandav Nagar Gurudwara who has lost everything and every-one excepting his

little son – simply said “ No, no, not communal, a Brahmin couple has taken my little boy to live with them”. In Janakpuri camp an old man said, “ it was the local bad characters or in many cases political workers who pointed the houses and property of our community.” (Statesman, November 4, 1984). Some would say “ my mother was Hindu, or my brother has married a Hindu or in one family, we have Hindus and Sikhs. All these people had completely ruled out the riots as communal.

In Tirlokpuri – one of the worst-hit areas – it was the 5 Muslim houses in block 32 which stood as buffer between the killer and the Sikhs and it was Kadir, a Muslim who saved the life of Joginder Singh (See chapter II) at a great personal risk. In Vinod Nagar East also it was a Himachal Pardesh Hindu who dragged the taxi driver and his kids out virtually from the jaws of death. It was again a brave Hindu woman being completely alone, who hid her neighbours so cleverly and with such presence of mind that the mob which entered her house in search of Sikhs and examined the photographs of her husband and daughter to verify that she herself was not a Sikh, could not find there prey and left but came again and again to check up but failed every time. The tension she had gone through was clear on her face, but to her joy the people she had saved were all sitting around her. All such instances of neighbourly compassion made a veteran Police Officer remark , “ in true communal riot, the neighbours would have taken part. Thousands would have died. There is more looting than killing”. About looting there is an interesting observation by another Police Officer, “ *Achha mal sab upar, Baki dikhane ke liye*”(the good stuff goes upstairs. The rest is put on display). The connection between upar (above) and niche (down below) becomes clear from the following episode reported by the Indian Express. “ Over 300 people suspected to have looted the property have been rounded up by the General district police. The Congress-I leaders including the local M.P. Mr. Dharm Das Shastri came to the Karol Bagh Police Station to protest against the police action.” (Indian Express, November 6, 1984).(p43-45)

5

The Relief

Extracts from Report of People's Relief Committee

Delhi had witnessed the most dastardly killings of Sikhs on 1 2 3 and 4 November 1984 following the assassination of Prime Minister Indira Gandhi.

From the moment of the news of Mrs. Gandhi's death spread in the capital political leaders social workers men and women of goodwill from all the walks of life had been meeting at the Janata Party office at 7 Jantar Mantar New Delhi. Many of them feared an outbreak of Sikhs riots and warned the government that there was a possibility of Hindu Sikh relations getting more stringed and violence escalating. The people who met at the Janata Party office believed that the government would do all that was possible to prevent large scale violence and loss of life. Their hopes were belied when organized killings of citizens belonging to the Sikh community began to take place from November 1st morning. Some political leaders and others began to intervene through press statements and fervent appeals to the authorities to stop those who were taking the law into their own hands. They pleaded for saner sense to prevail to protect life and property for if it went unchecked it would cause irreparable damage to the fair name of our country. They undertook peace marches through hostile areas and visited different parts of Delhi where the dance of death and destruction could be seen in its most ugly forms.

In four days-at least 4000 Sikhs-men, women and children's were slain in the streets and by lanes of Delhi in home and factories and shops. According to the government owned admission 2217 persons were killed or burnt alive in different parts of the country of which 2146 were in Delhi. Burning looting and arson claimed the property of Sikhs valued at over 2000 crores.

In five days of lawlessness in the nation's capital over 60,000 Sikhs had become refugees and had been shifted to more than 25 camps. They had to be provided with food, clothing and other basic needs. Relief work was in total disarray. Support from government agencies was tardy and minimal. Delhi citizen's who met at the Janata Party Headquarters on 5 November 1984 decided to set up a people's relief committee. The Janata Party President Sri Chandra Shekhar took the initiative to constitute a national committee.

Mr. Justice M. Hidayatullah the former Chief Justice of the Supreme Court of India and former Vice President readily consented to serve as the chairman. The same evening Sri Chandra Shekhar announced at a

Press conference the formation of 35 members Committee with Mr. M. Hidayatullah as chairman.

The aims of PRC were

1. To rush relief to the victims
2. To engage in long term rehabilitation plans.
3. To bridge the chasm which has been developing between the two communities?(p7-8)

The Second Phase of Work

On November 20, 1984 an informal meeting of friends and volunteers working with the people's relief committee was held at the committee office at 7 Jantar Mantar road. The meeting made specific recommendations to the Committee about ways and means to rehabilitate the riot affected people who had needs beyond those of immediate relief.....

The committee gave exgratia payment of Rs 1000/- each to 191 widows of Farsh Bajar

The PRC worked in cooperation and collaboration with the National Sikh Forum, Nagarik Ekta Manch, Guru Nanak Mission and other organizations in several areas to rebuild and equip damaged houses...(p2-3)

Work of the Fact Finding Committee

A fact finding team consisting of S.K.Goyal, Sudhindra Bhadoria, George Mathew, Javed Habib and Yashwant Sinha was also appointed to inquire into various aspects of the communal violence.

The Fact finding committee prepared extensive questionnaires for various aspects of the inquiry like missing persons , people who were killed, damage to the places of worships and schools. Announcements were given in national newspapers. They evoked a good response. The Indian Express opened a column to announce the names of missing persons the information for which was sent regularly from the Committee office. An exhaustive enquiry was undertaken to assess the damage done to the places of worships and schools. More than 200 Gurudwaras and Schools were visited by the fact finding committee, volunteers and questionnaires filled. They are now submitted to the Rangnath Mishra Commission enquiring to the Delhi riots. It may be recalled here that Dr George Mathew appeared before the Misra Commission and deposed before it on behalf of the People's Relief Committee. Justice Misra appreciated the work of the PRC and ordered to take copies of all documents produced by the PRC. A large number of university students helped in filling these questionnaires. Prompt action was taken whenever the Committee received the letters from anxious relatives and friends

from various parts of the country about their kith and kin in the capital.(p3)

Gift Supplies from Abroad

The people's relief committee received blankets and warm clothing for distribution to the victims in December 1984, from Indians settled abroad especially Iran and England.

The Committee had to face considerable difficulty in clearing the gift supplies. Finally they were released by the end of March. The committee organized a function at Jantar Mantar road to inaugurate the distribution of the goods to the needy widows and other victims. Besides the member of the PRC and friends representatives of various organizations working among the victims like Nagarik Ekta Manch, National Sikh Forum, Guru Nanak Mission, etc and members of the press were present on the occasion.

Our volunteers identified the needy families and the supplies were made after strict scrutiny to about 1212 families in six areas. Apart from this hundreds of victims received gift packets from the committee office premises.(p3-4)

Work in other cities

Kanpur: the committee on hearing the news that the Kanpur city was also badly affected sent Rs. 50000 for exgratia payments to that city. The Nagarik Ekta Manch supervised this work.

Bhopal : in the wake of the Bhopal tragedy the Committee undertook to rehabilitate 100 families by providing them handcarts and cash for setting up mobile shops as they were unable to pursue more strenuous occupations due to physical disabilities. *The Nagarik Rahat Aur Puranvas Committee* worked with the PRC in implementing this programme. Lt. Gen (Retd.) J.S. Aurora inaugurated the distribution at the function presided over by Mrs. Jaya Jaitly.

Ahemdabad: Another city where we extended help was Ahemdabad which had suffered from unprecedented communal riots between April and July 1985. this was undertaken by Shri Maha Gujarat Sanghat Nivaran Trust. The PRC gave one lakh rupees for the distribution of foodgrains and other relief materials in the camps and employment kits to dispossessed victims.(p4)

Highlights of the Rehabilitation

The Committee laid special emphasis on building bridges between Hindus and Sikhs living in the resettlement colonies of Delhi. Special programmes were organized to this effect. Shri Inder Mohan a noted social worker of Delhi assisted the Committee in this programme. You

will find that money for long term rehabilitation has been spent for the further education of 11 orphaned children over a period of 10 years marriages of 24 girls belonging to the affected families providing materials for rebuilding of 177 houses and 2 Gurudwaras employment kits for 360 victims and ex-gratia payments to 360 widows. This is in addition to help in self-employment given to 120 persons.

Volunteers

The committee received help from hundreds of public spirited citizens from all walks of life for this work. We are specially grateful to the students from the universities in Delhi, who rose to the occasion and helped their fellow citizens at a moment of crisis. The People's Relief Committee places on record its deep appreciation and gratitude to all those who volunteered to help the committee. (p5)

Extracts from Report of Justice Ranganath Misra Commission

"The Commission accepts the evidence placed before it that most of the mobs were from areas different from where they operated and only a few local people had joined such mobs to facilitate the operations. In some areas, however, local people had also organized riotous activities. In the mobs of both types people of different communities (not being Sikhs) did join the anti social elements monitored the activities of these mobs and played the principal role in killing, looting as also arson.....". (p 31)

"Role of Police"

"There is abundant evidence before the Commission that the police on the whole did not behave properly and failed to act as a professional force. Telephone No. 100 which is meant for notifying for police assistance did not respond at all during that period. The police stations when contacted on telephone ordinarily did not respond and if their was any response it was a plea of inability to assist. The behaviour of most policemen was shabby in the sense that they allowed people to be killed, houses to be burnt, property to be looted, ladies to be dragged and misbehaved within their very presence....."(p33)

"Though senior police officers have denied that their was any active support or association of police with the crowds and the Commission does not have any definite material against named policemen of having played such role, it is difficult to reject the allegations as baseless. The Commission is of the view that detailed investigation/inquiry should be undertaken to find out whether some policemen of the Delhi Administration had not behaved that way. The then Lt. Governor Gavai in his evidence before the Commission has stated: (p34)

The flow of reports of actual happenings was not coming. Lt. Governor's channel for information was through the establishment of the Commissioner of Police."

"Additional Commissioner Jatav has told the Commission that he got the information of killings in Kalyanpuri only at 7 p.m. on November 2, 1984 and this he checked from his records and stated. Kalyanpuri is 12 km away from the Police Headquarters. As already mentioned, more than 200 people died in the area and on his own showing these took place during the night of November 1. Such a brutal incident taking place within a distance of 12 km. from the Headquarters not to be known to the Addl. Commissioner of the area for well over 16-18 hours easily gives the

impression that the police administration had virtually become ineffective during that period. The version of the officer that higher officers were taking rounds has become not acceptable in view of his statement that during that disturbed condition the information from Kalyanpuri area could not travel to the police headquarters. There are many pockets in the city inhabited by more of Sikhs with which no attempt was made to keep contact either by taking rounds or otherwise. Jatav has assessed that 25% of Delhi Police personnel became indifferent.....”(p35)

“In the opinion of the Commission this is reasonable assessment of the situation. Police Commissioner Tandon should not have felt satisfied that by promulgation of prohibitory order under section 144, Cr. P.C. the situation would be brought under effective control. More of useful planning should have been undertaken and the line of action from the afternoon or at least the night of October 31, 1984 should have been different. Some higher police officers should have been deputed to move about in different areas to activate the local police and to instill in them the dual sense of duty and confidence. If the Army had to be called that matter should not have been deferred till the next morning. Killing of Smt. Gandhi was not a small matter and everyone should have reasonably apprehended serious repercussions. The then Lt. Governor did have such apprehensions as told by him. Since Government had already alerted the Army, the Lt. Governor and the Police Commissioner should have called in the Army and asked them to patrol during the 31st evening and night in the sensitive localities. If at the right time police action had started with the number of the police force available the entire situation would have remained under control. Police Commissioner Tandon's own statement is the best material to rely upon for such conclusion. He has said that wherever the local police behaved, the situation did not go bad at all or very much. It is not the stand of Shri Tandon that wherever the police are said to have behaved like a disciplined force, there was an adequate force available. Therefore, inadequacy of police personnel does not seem to be the real cause. On the other hand, Shri Sethi's statement that the police became indifferent appears to be the real one.....” (p36)

.....” There is evidence which the Commission cannot ignore that on several occasions when fire tenders started moving to places of arson on receiving intimation, the mobs blocked the passage and held them up or forced them to return. On several occasions this was done in the presence of the police. It is well-known that fire tenders have precedence of movement on the roads for they move to answer an emergency, yet the police did not attempt to clear the way.

Several instances have come to be narrated where police personnel in uniform were found marching behind, or mingled in, the crowd. Since they did not make any attempt to stop the mob from indulging in criminal acts, an inference has been drawn that they were part of the mob and

had the common intention and purpose. Some instances, though few in number, have also been noticed where policemen in uniform have participated in looting.....”(p37)

“There is some force in the allegation of DSGMC that the police had no business to change the method of recovery of stolen goods. Ordinarily, the place where stolen articles are stored—be it a house or some other place—is searched, recoveries of identified articles are made, on the basis of such recoveries prosecution is launched and the possession of identified stolen property constitutes good evidence for the offence punishable under sections 411 and 412, IPC and provides a presumptive link for the offence. During the riots, the police instead of following this known method, adopted a novel one of inviting the culprits to pile up the stolen articles in the open near the houses from where the removal had been made. By this process, the best evidence linking the accused with the offence vanished. Such of the articles which were returned belonged to several persons and were mixed up. Very often, as alleged, they were taken away from there by others and even by policemen. Since the Commission has not been told the justification of the adoption of this novel and uncanny procedure, the suggestion of the victims that this procedure helped misappropriation of some of the articles cannot be ruled out. The Commission has, however, no intention to act on surmises and leaves this aspect to be taken up in the inquiry against the police officers as recommended by it.(p38)

“Surprisingly the Delhi Administration has supported the action of the police and seriously attempted to extend cover for the lapses. In the written submissions on behalf of the Administration reliance has been placed on different provisions of the Punjab Police Rules, 1934, which perhaps have been kept in force under s. 149(1) of the Delhi Police Act, 1978. The Punjab Police Rules were made at a time when the country was under shackles of foreign domination. The role of the police under the foreign ruler was meant to be different.....

The Commission also is not in a position to appreciate the stand of the Delhi Administration that what “happened during 31st October to 3rd November, 1984 was not a problem of maintaining law and order but reflected the sudden and spontaneous national outburst culminating from the vacuum caused by an unprecedented and never Thought of murder of the Prime Minister of India”. As already found, what happened was certainly unprecedented and possibly beyond the range of advance comprehension. The stand that it was a spontaneous national outburst, which may be a fact, cannot be used as a ground to justify the behaviour of the Delhi Police. The spontaneous national outburst (reiterating the phrase of the Delhi Administration) did not bring about calamity of the type that happened in Delhi in other parts of the country.....”

“ The Commission, therefore, is not in a position to accept the stand of the Delhi Administration on this score taken in the written submissions. It

is to be remembered that the Delhi Administration took no positive stand in regard to the police conduct when called upon to do so. It led no evidence and even did not place any document before the Commission unless called for. In the written submissions certain aspects have been assumed though the relevant evidence has not been placed before the Commission. This approach to the matter certainly is not tenable....."It is in evidence before the Commission that administrative action was initiated against some of the delinquent police officers. Shri Ved Marwah, the then Addl. Commissioner of Police was also asked to inquire into the lapses of police officers during the riots. Shri Marwah has told the Commission : (p39)

" I was handling an inquiry into the lapses of police officers during the November 1984 riots. I had proceeded with the inquiry to a large extent but some important witnesses had yet to be examined, including the then Commissioner of Police. I had been directed to make this administrative inquiry by the Commissioner of Police but he later directed that the inquiry may not proceed in view of the fact that a judicial inquiry into the matter was being undertaken. That is how the matter has not proceeded further."

At one stage the Commission was inclined to go into the lapses, issue notices under section 8 B of the Commissions of Inquiry Act and record findings of lapses, but in view of the evidence later available that the lapses were rampant and several officers of different ranks would be involved if such an inquiry is undertaken, the Commission changed its approach to the matter. Such an inquiry would have protracted the proceedings and unusual delay in submission of the Report on the issues referred to the Commission was not considered expedient. Again, the Commission has taken into consideration the position that even if a finding under section 8B of the Act is given, it would not bring about suitable punishment for the delinquency that may be found and further administrative or criminal action would be necessary for such purpose. Keeping all these aspects in view, the Commission has not thought it proper to name anyone as a delinquent. This, however, does not mean that the Commission is of the view that the conduct of the delinquent police officers should not be inquired into. On the other hand, the Commission is of definite opinion that a proper inquiry should be undertaken. Such a probe is in the interest of the police as a force as also the Administration. The black sheep can be identified and suitably dealt with. The dutiful officers should be commended. The defects can be found out and remedied. The morale of the police as a disciplined and professional force can be streamlined on the basis of the result of the inquiry"

"On November 25, 1984, hardly three weeks after the riots, the Marwah Inquiry was set up by the Delhi Administration for findings on :

Identification of incidents of serious failure or negligence, if any, on the part of the individual police officers/men;

Identification of good work, if any, done by individual police officers/men so that they could be suitably rewarded; and

Identification of deficiencies and limitations of manpower and equipment of the police force and for suggestions as to measures to tone up the functioning of the police to meet the challenge in the days to come.

Soon after Shri Marwah, then Additional Commissioner of Police, proceeded with the inquiry, Shri Chander Prakash and Shri Sewa Das, Deputy Commissioners of Police incharge of South and East Delhi respectively during the November riots filed a suit before the Delhi High Court and at their instance by order dated November 25, 1985, in I.A. No. 2246/85 arising out of Suit No. 677/85, the High Court made an order of injunction against Shri Marwah and Shri Jog (Police Commissioner), defendants 1 and 2 in the suit, restraining them from publishing the inquiry report or submitting the same to the Lt. Governor of Delhi or the Union of India for taking any action thereupon against the plaintiffs. No further steps appear to have been taken by the Administration to get this injunction vacated or varied. A lot of criticism has been advanced in the written arguments of the DSGMC against the Administration of accepting the injunction staying the inquiry by Shri Marwah. The criticism seems to be justified but with that part of the matter the Commission has indeed no further concern in view of the fact that elsewhere in this Report the Commission intends to recommend another inquiry to be conducted. What is relevant for the purpose of this Report is that two of the Deputy Commissioners of Police were apprehensive that there was likelihood of materials coming out against them if Shri Marwah proceeded with the inquiry and, therefore, they were anxious to rush to the Court and obtain an order of interim injunction.(p40)

It has been pointed out to the Commission that by way of public interest litigation a writ petition had been filed before the Delhi High Court being CWP No. 2667/84, requesting the High Court to issue directions to the Delhi Administration and the Commissioner of Police to take action for criminal negligence against the guilty, including the two Deputy Commissioners of Police. The High Court had declined to interfere in that matter by order dated October 4, 1985, by relying upon and accepting the statement made by a Joint Secretary of the Delhi Administration to the effect that Shri Marwah had already been appointed to inquire into the matter and the said inquiry was about to be completed and thus there was no necessity for any direction of the type asked for.

Action Against Others

The persons named in the affidavits as perpetrators of the hundreds of inhuman crimes are in great number and may perhaps exceed a couple of thousands on a modest estimate. Everyone in the riotous mobs indulging in criminal activity would, in the strict sense of law, have liability though there may be a distinction between those directly indulging in overt acts and others who may have no overt acts ascribed to them. As already noted, the victims are keen that the law breakers be put on trial. Keeping that aspect in view, it becomes difficult for the Commission while recommending prosecution to be launched, to sit in judgement over the conduct of some and, if necessary, find them guilty by naming them under s. 8B of the Act. Again, the Commission was impressed by the fact that the people involved were in great number and the task would have been almost an impossible one if the allegations against every named persons had to be scanned complying with the requirements of the law....."

Prosecuting the Offender

Most of the widows who appeared before the Commission as witness had a common grievance that the persons who looted their houses set them on fire, killed their husband, children and near relations and brutally assaulted them as also on occasions outraged their modesty, were not being prosecuted. They had the obsession that the killers were free on the streets and were even in a position now to jeopardise their security. When the commission was set up and it became palpable that the incidents of the riot period would be scrutinised in the inquiry, these very villains started threatening the widows and other deponents as also people of the Sikh community with dire consequences in case they came forward to file affidavits, give evidence or did any such thing or took such action which might involve them either in proceeding before the Commission or in criminal action. In many of the affidavits there has been clear indication of the failure of the administration to prosecute the culprits and demand of appropriate prosecutions and due punishment to be awarded to the persons involved in the crimes....." (p62)

Elsewhere the commission has dealt with the number of incidents in a classified way. The Commission has also held that during the period of riots, the rioters had their way and the administration had failed to exercise adequate control. Such a tense and panicky situation prevailed that it became difficult for the victims to approach the police for lodging first information reports. It is a fact and the Commission on the basis of satisfaction records a finding that first information reports were not received if they implicated police or any person in authority and the informants were required to delete such allegations from written reports. When oral reports were recorded they were not taken down verbatim and

brief statements dropping out allegations against police or other officials and men in position were written. Several instances have come to the notice of the Commission where a combined FIR has been recorded in regard to several separate incidents. For instance, where a large mob came, got divided into groups and simultaneously attacked different houses and carried on different types of operations in the different premises, they as a fact did not constitute one incident; yet only a common FIR has been drawn up. Recording in brief narrative the incident in a common FIR, would not provide a sound basis for a proper prosecution. Tagging of so many different incidents into one FIR was bound to prejudice the trial, if any, as also the accused persons, if called upon to defend themselves in due course. The Commission has noticed on several occasions that while recording FIRs serious allegations have been dropped out and though the case was in fact a serious one, in view of the dropping out of the major allegations, a minor offence was said to have been committed. The Commission was shocked to find that there were incidents where the police wanted clear and definite allegations against the anti-social elements in different localities to be dropped out while recording FIRs. Unless the police were hand in glove with the anti-social elements in their respective localities they would not have behaved that way.

The sum total effect of this has been that proper FIR's have not been recorded....." (p63)

"In many cases there has not been a proper investigation . The Commission checked up records of investigation of different classes of cases at random and came to find that the investigations were usually perfunctory and most of them had not been duly supervised even though they involved allegations of serious crimes....."(p64)

"Coming to these aspects of cases at Delhi, the picture is very grim and the Commission is inclined to agree with the victims that the major part of the responsibility must be shared by the police. While at Kanpur a number of cases have been charge-sheeted and trial thereof is pending, in Delhi most of the cases were closed by final report and the few cases where charge-sheet has been sent up (details of which appear in the Appendix) , not much of progress appears to have been made except in a few. The police released most of the accused persons on bail at its level and those who were challenged to the court in custody have been released by the Court. There has been obviously no effective opposition in the matter of grant of bail nor has the order of release on bail been challenged in judicial proceedings in higher courts.

The criminal activity in Delhi apart from being widespread and in greater intensity exhibited a varied spectrum of human conduct. This requires thorough investigation and careful handling. The same police who remained ineffective during the riots and against whom several allegations were advanced whether recorded or not, were the

investigating agency in respect of the FIR's. The Commission finds it not difficult at all to appreciate and accept the contention of the victims that in such circumstances proper investigation could not be expected. Since the number of deaths is considerably great and there have been number of other grave offences committed, it is necessary that the allegation should be properly looked into and investigations suitably monitored. This will mean fresh or further investigations and review of all actions subsequent thereof. For this purpose since the volume of work is quite heavy, a Committee of at least two officers - one judicial and one administrative, preferably a high ranking police officer from outside Delhi - should be appointed immediately with full authority to look into the papers and give such directions to the prosecuting agency as the facts of each case would warrant. Since there has been a lot of delay in attending to these prosecutions and as further delay would prejudice proper trial and also the prospect of justice being done, it is necessary that expeditious steps should be taken to implement these aspects.(p65)

Prosecution of Policemen: Kapoor Mital Committee

Extracts from Ms. Kusum Lata Mital Inquiry

- 12.1 In a nut shell, it is absolutely clear that the Delhi Police was caught napping and completely unprepared to meet the crisis situation with which they were faced consequent to the assassination of the former Prime Minister Smt. Indira Gandhi. Indications of trouble in the city started in the afternoon of 31st October, 1984 right in front of All India Institute of Medical Sciences but the senior police officers could not gear up the machinery to meet the challenge and take due precautionary measures. They did not round up the bad characters and the situation was allowed to drift resulting in the unprecedented riots of 1984.
- 12.2 Not only there was lack of leadership but also non-implementation of even the peace-meal orders which were issued by the senior officers. Orders under section 144 Cr. P.C. were promulgated in certain areas followed by curfew. But neither were implemented by the police at the local level. Some of the policemen even indicated that these instructions were only for the Sikhs and not for others. This would explain why the implementation of the prohibitory orders was tardy in many places and partisan in others.
- 12.6 One usual complaint of the police is that the public does not co-operate with them. However, we find that during the 1984 riots a large number of citizens, both men and women, came forward and informed the police of the nefarious activities of the mobs but they were shocked and surprised to see the indifferent and partisan attitude of the police. It almost appeared as if the police was siding with the mobs, which it did openly in some places, rather than take the information of these independent public-minded citizens, seriously.
- 12.11 The police made concerted efforts to play down the number of killings which occurred during the 1984 riots. There is evidence on record to prove that the police had quietly collected and disposed of the bodies of those whom the mobs were unable to completely burn. The police went on claiming that only a few hundred people had died when the figure ran into thousands as

was subsequently proved by Ahuja Committee, after due verification.

- 12.13 Rumours like water having been poisoned , and, train-load of dead bodies of Hindus having arrived from Punjab at the railway stations were allowed to float in the entire city. What is surprising is that information that the water had been poisoned appeared to have started from the PCR and continued to spread for quite some time in the city. Such an announcement by the police officially naturally created panic. The rumour was so wide-spread that there is a message from the Prime Minister's residence asking whether any one had died as a result of drinking this water. Instead of flashing such information over the wireless and making public announcements, the normal action of the administration should have been to immediately verify from the Municipal Commissioner whether there was any truth.
- 12.16 We find that some of the senior officers manipulated their wireless log books to cover up their tracks and others did not record the messages which were flowing in from time to time. This was done obviously in a bid to escape responsibility and charges of dereliction of duty and accountability.
- 12.24 In the end, it is recommended that in case action is initiated against delinquent officers, it should be by an out-side agency. Departmental enquiries by officers of Delhi Police are not likely to yield any results. The Commissioner for Departmental Enquiry under the Central Vigilance Commission could be one such agency. The annexures to this report and the District/Police Station-wise folders prepared during the course of enquiry contain the bulk of the relevant material required for the purpose of such enquiries. Most of the original police records and the statements of the concerned officers are also readily available for verification. These will be found useful for taking suitable action without any further delays.

Extracts from Report of Justice Nanavati Commission

Overall Consideration

The events leading to the assassination of Smt. Indira Gandhi show that it was not an unconnected event. There was progressive deterioration in the situation in Punjab since 1981. Violent activities of the extremists elements in Punjab had increased. Many Hindus were killed by Sikh extremists. Maneuverings by the political parties during this period to gain political advantages and exploitation of the tension had led to a smouldering resentment against the Sikh community. Probably, there was a desire on the part of some persons to teach a lesson to the Sikhs. The assassination of Smt. Indira Gandhi by her two Sikh security guards appears to have triggered the massive onslaught on the lives and properties of Sikhs in Delhi.

Smt. Indira Gandhi was a popular leader. She was the Prime Minister of India. It, was therefore, not unusual that on coming to know about her assassination by her Sikh security men, the people reacted angrily. The first sign of such public resentment resulting in an angry outburst in Delhi was at about 2.30 p.m. on 31.10.84 when the public suspected that Smt. Indira Gandhi had succumbed to her injuries and started assaulting passersby Sikhs. It was again noticed at about 5 p.m., when the cars in the entourage of President Giani Zail Singh was stoned near AIIMS. Soon after the death of Smt. Indira Gandhi was announced on the All India Radio, crowds had gathered in several parts of Delhi and become violent. The Sikhs were beaten and their vehicles were burnt. Till then the attacks were made by the persons who had collected on the roads to know what had happened and what was happening. They were stray incidents and the attacks were not at all organized. The mobs till then were not armed with the weapons or inflammable materials. With whatever that became handy, they manhandled Sikhs burnt their vehicles. There were stray incidents of damaging houses or shops of Sikhs.

From the morning of 1.11.84 the nature and intensity of the attacks changed. After about 10 a.m. on that day slogan like "*Khoon-Ka-Badla-Khoon-Se-Lenge*" were raised by the mobs. Rumours were circulated which had the effect of inciting people against the Sikhs and prompt them to take revenge. There is evidence to show that at some places the mobs indulging in violent attacks had come in DTC buses or vehicles. They either came armed with weapons and inflammable materials like kerosene, petrol and some white powder or were supplied with such materials soon after they were taken to the localities where the Sikhs

were to be attacked. There is also evidence on record to show that on 31.10.84 either meetings were held or the persons who could organize attacks were contacted and were given instructions to kill Sikhs and loot their houses and shops. The attacks were made in a systematic manner and without much fear of the police; almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter. Male members of the Sikh community were taken out of their houses. They were beaten first and then burnt alive in a systematic manner. In some cases tires were put around their necks and then they were set on fire by pouring kerosene or petrol over them. In some cases while inflammable powder was thrown on them which immediately caught fire thereafter. This was a common pattern which was followed by the big mobs which had played in havoc in certain areas. The shops were identified looted and then burnt. Thus what had, initially started, as an angry outburst became an organized carnage. The cause for the events which had happened on 31.10.84 can be stated to be the spontaneous reaction and anger of the public because their popular leader and the Prime Minister of the country was killed. The cause for the attacks on Sikhs from 1.11.84 had not remained the same. Taking advantage of the anger of the public, other forces had moved into exploit the situation. Large number of affidavits indicate that local Congress leaders and workers had either incited or helped the mobs in attacking the Sikhs. But for the backing and help of influential and resourceful persons, killing of Sikhs so swiftly and in large numbers could not have happened. In many places the riotous mobs consisted of outsiders, though there is evidence to show that in certain areas like Sultanpuri, Yamunapuri where there large clusters of jhuggis and jhopris, local persons were also seen in the mobs. Outsiders in large numbers could not have been brought by ordinary persons from the public. Bringing them from outside required an organized effort. Supplying them with weapons and inflammable material also required an organized effort. There is evidence to show that outsiders were shown the houses of the Sikhs. Obviously it would have been difficult for them to find out the houses and shops of Sikhs so quick and easily. There is also evidence to show that in a systematic manner the Sikhs so quickly who were found to have collected either at gurudwaras or at some place in their localities for collectively defending themselves were persuaded or forced to go inside of their houses. There is enough material to show that at many places the Police had taken away their arms or other which they could have defended themselves against the attacks by mobs. After they were persuaded to go inside their houses on assurances that they be well protected attacks on them has started. All this could not have happened if it was merely a spontaneous reaction of the angry public. The systematic manner in which the Sikhs were thus killed indicate that the attacks on them were organized. It appears that from 1.11.84 another cause of exploitation of the situation had joined the initial cause of anger.

The exploitation of the situation was by the anti social elements. The poorer sections of society who are deprived of enjoyment of better things in life saw an opportunity of looting such things without the fear of being punished for the same. The criminals got an opportunity to show their might and increase their hold. The exploitation of the situation was also by the local political leaders for their political and personal gains like increasing the clout by showing their importance, popularity and hold over the masses. Lack of the fear of the Police force was also one of the causes for the happening of so many incidents within those 3 or 4 days. If the police had taken prompt and affective steps very probably so many lives would not have been lost and so many properties would not have been looted destroyed or burnt.

As the attacks on Sikhs appear to the Commission as organized an attempt was made to see who were responsible for organizing the same. Some of the affidavits filled before the Commission generally state that the Congress leaders were behind these riots. In part III of this report the Commission has referred to some of the incidents wherein some named Congress leaders had taken part. No other person or organization apart from anti social elements to some extent is alleged to have taken part in those incidents. Smt. Indira Gandhi was a Congress leader. The slogans which were raised during the riots also indicate that some of the persons who constituted the mobs were Congress workers or sympathizers. It was suggested that Shri Rajiv Gandhi had told one of his officials that Sikhs should be taught a lesson. The Commission finds no substance in that allegation. The evidence in this behalf is very vague. It is also not believed that Shri Rajiv Gandhi would have stated so to an official assuming that some conversation took place between him and that official. It does not become clear that in respect of which subject to have said "Yes we must teach then a lesson". The evidence on the other hand suggest that Shri Rajiv Gandhi had showed much concern about what was happening in Delhi. He had issued an appeal for remaining clam and maintaining communal harmony. In view of the complaints received by him that people were not able to contact the police on telephone No 100, he had immediately called some police officers and told them to take immediate action so that anyone who wanted to contact the police could do so. He had even visited the affected areas on the night of 1.11.84. There is absolutely no evidence suggesting that Shri Rajiv Gandhi or any other high ranking Congress leader had suggested or organized attacks on Sikhs. Whatever acts were done by the local Congress leaders and workers and they have done so purely for personal reasons. If they were the acts of individuals only then the killing of Sikhs and looting of properties of Sikhs would not have been on such a large scale. Therefore what those local leaders appear to have done is to take the help of their followers and supporters in inciting or committing those acts. However for the reasons already stated earlier the Commission is not in a position to recommend any action against them

except to the extent indicated earlier while assessing the evidence against them.

As regards the role of police officers the Commission examined voluminous evidence consisting of registers maintained at the Police Stations movement of the Station House Officers and other policemen during the riots the daily diaries and the First Information Reports. This executive has consumed much time of the Commission. However with the help of the parties and lawyers appearing before the Commission it was possible to examine this record closely. After close scrutiny of all these materials the Commission agrees with the findings recorded earlier by Justice Mishra Commission and by the Committees which had looked into their conduct. The Commission has nothing further to add and therefore does not think it necessary to burden this report by referring to the evidence and instances which go to show that either they were negligent in performance of their duties or that they had directly or indirectly helped the mobs in their violent attacks on the Sikhs. As appropriate actions were initiated against them the Commission has thought it fit not to recommend any further action against them. However the Commission would like to emphasize that as a result of to recording separate FIRs not recording statements of witnesses as stated by them and not investigating the cases properly it has now becomes difficult for the Commission to make any recommendation against many of the people who have named by the witnesses as the persons who had indulged in violent acts against them or their family members or had facilitated the same.

The Commission also agrees with the findings recorded by Justice Mishra Commission as regards the delay in calling the army. Therefore in this respect also the Commission is not inclined to refer to all the evidence and record its own findings so as not to burden this report unnecessarily. The Commission also agrees with the recommendation made by Justice Mishra Commission for preventing happening of such events again. The Commission would however like to recommend that such riots are kept under check and control and there should be an independent police force which is free from the political influence and which is well equipped to take immediate and effective action. It is also necessary and therefore the Commission recommends that if riots take place on a big scale and if the police is not able to register every offence separately at the time when they are reported the Government should thereafter at the earliest take steps to see that all complaints are properly recorded and that they are investigated by independent Investigating officers. Only if such an action is taken by the Government people would feel that law is allowed to take its own course and the guilty would be punished properly. The Commission should see that all the affected persons throughout the country are paid adequate compensation on an uniform basis. The Commission also recommends by way of rehabilitation of badly affected families, that the Government should

consider providing employment to one member of that family has lost all its earning male members and it has no other sufficient means of livelihood....

In the end the Commission records its appreciation for the assistance rendered by Sh. K.K. Sud, Additional Solicitor General, S/Shri. H.S. Phoolka and S.S. Gandhi, Senior Advocates, to the Commission in conducting this inquiry.

Price : Rs. 30/-