

**KAPOOR MITTAL
COMMITTEE REPORT**

CONTENTS

A BRIEF

INTRODUCTION

CHAPTER 1 : Central District

CHAPTER 2 : North District

CHAPTER 3 : East District

CHAPTER 4 : ACP H. C. Jatav (Range - Delhi)

CHAPTER 5 : New Delhi District

CHAPTER 6 : West District

CHAPTER 7 : South District

CHAPTER 8 : ACP Guatam Kaul (Range - New Delhi)

CHAPTER 9 : Delhi Railway Police

CHAPTER 10 : Delhi Armed Police

CHAPTER 11 : Commissioner of Polce Subhash Tandon

CHAPTER 12 : General Conclusions

POSTSCRIPT

A B R I E F – Carnage 84

This report is the outcome of a recommendation made by the Misra Commission to appoint a committee for the purpose of inquiring into the delinquencies and good conduct of its police officials during the carnage. The committee comprised two members – former chief justice of the Delhi high court Dalip Kapoor and Miss Kusum Lata Mittal, retired secretary to the Government of India.

Though its task was clear-cut, the Kapoor-Mittal committee had to plod for three years to make its inquiries because the Government did not till the end empower it to summon officials and record evidence. It took almost a year for the Government to permit the committee even to use the documents of the Misra Commission. The stalemate created a rift among the members as Kapoor felt that, in the absence of the power to examine police officials, he could not indict any of them. Thus, at the end of the inquiry, the two members of the committee gave not one but two separate reports. We are concerned here with Mittal's report alone because she took the issue further by naming the police officials who, in her opinion, deserved to be commended for their good conduct or proceeded against departmentally or straightaway dismissed for their delinquencies.

The importance of Mittal's report is that it confirms that there was a pattern almost throughout Delhi of police officials of various levels committing acts of omission and commission to facilitate the massacre of Sikhs. In fact, Mittal's report for the first time supplied the names of the specific officials who connived with the miscreants and the details of their respective delinquencies. But the legal constraints placed on the committee as such does seem to have prevented Mittal from ascertaining the truth in its entirety. Take for instance the case of senior police officer Amod Kanth who was rightly commended by Mittal for ensuring that Delhi's Central district, which was under his charge, was relatively less affected by the violence. But then, since she was forced to rely mainly on the information given to her by the police, she also commends him repeatedly for an incident which actually shows Kanth in a poor light.

For details, go to Rewarded police officials

To its credit, the Mittal report further exposed the role of the administration in shielding delinquent police officials. Take for instance Shoorvir Singh Tyagi, the SHO in charge of Trilokpuri which saw the highest number of killings in Delhi. He made no effort to stop the miscreants who started the killings in Trilokpuri on November 1. The first arrests took place only on the evening of November 2 when the carnage in the area came to the knowledge of the press. Tyagi himself was immediately suspended and booked for his negligence. Taking note of Tyagi's "criminal misconduct," Mittal records a shocking finding that he got away with it for "technical reasons." The court discharged him in the case that was booked against him because the police had failed to seek the necessary sanction for prosecution before filing their chargesheet. Mittal also said that the police had charged Tyagi with only minor offences, which made the case time-barred.

Thus, the Mittal report drove home the message that the issue is not just the culpability of individual police officials. The unseen patrons of Tyagi and other such delinquent officials are no less culpable. For all the adverse publicity they got for the carnage and for all the assurances the Government gave to take action against delinquent officials, the police had the gumption to subvert the case against the SHO who presided over the biggest massacre in Delhi. The British colonial regime would appear to have had a better record: Gen Dyer was not spared for ordering the Jallianwala Bagh massacre. Could Tyagi have been shielded in that manner without complicity at the highest rungs not only in the police but also in the Government?

The Mittal report rendered greater service by giving the lie to the Misra Commission's finding that the violence escalated because the police stations failed to convey the gravity of the situation to their superiors. Mittal quoted wireless messages to show that the DCP of east Delhi, Sewa Dass, was repeatedly warned about the violence in Trilokpuri from the afternoon of November 1. Yet, Dass claimed in keeping with the Government's stand before the Misra Commission that he was unaware of the massacre in Tilokpuri till November 2.

The delay at every stage in uncovering the truth ensured that the first detailed report of the police conduct came out only six years after the carnage. The Mittal report indicted 72 police officials, including six IPS officers. But the report only led to further legal and administrative controversies. Departmental proceedings were initiated against several of the indicted officials but at the end of the day hardly any of them has actually been punished. Over the years, many of the indicted officials have been promoted and some even retired honourably. In other words, the resounding indictment of the police, first by the Misra Commission and then by the Mittal report, has come to nothing.

I N T R O D U C T I O N

The administrator of the Union Territory of Delhi vide his order No. F.1/PS/HS/87/1226 dated 23rd February, 1987, appointed a two-member Committee to conduct an inquiry with the following terms of reference:

Appointment of the Committee

(i) “Whereas a number of deaths occurred and a number of grave offences were committed in various incidents of rioting following the assassination of the late Prime Minister, Smt. Indira Gandhi, on 31.10.1984.”

(ii) “Whereas it is reported that there was total passivity, callousness and indifference of the Police in the matter of controlling the situation and protecting the people within the Union Territory.”

(iii) “Now, therefore, the Administrator of Delhi hereby appoints a Committee consisting of Justice Dalip K. Kapur, former Chief Justice of Delhi High Court and Kumari Kusum Lata Mittal, retired Secretary to the Government of India, to conduct enquiries with the following terms of reference:

(a) Enquire into delinquencies of individual police officers and men with respect to matters referred to in paragraph (ii) above and also good conduct of individual police officers and men and recommend such action as may be called for;

(b) Any other matter related to the above.” (Annex. I).

2 This Inquiry Committee was set up as a direct sequel to the recommendations of the Justice Ranganath Misra Commission of Inquiry (which was set up by the Government of India). The Commission enquired into the allegations of organized violence following the assassination of the late Prime Minister Smt. Indira Gandhi on 31st October 1984. A general indictment of the Delhi Police for their role during the riots had already been done by this Commission. Some of the relevant observations of the Commission are reproduced below: -

“ 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 there 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, and ladies to be dragged and misbehaved within their very presence. Their plea was that they were a few and could not meet the unruly-armed mob usually of hundreds or thousands. Some senior police officers had taken the

stand that the community was in frenzy and to meet the cruel mob greater strength of force was necessary. Obviously, the police could not expect that their number had to be equal to that of the miscreants. A professional police force by its expertise, experience and training was expected to meet any challenge and was not to seek cover under an umbrella of excuses based upon instructions in archaic Police Rules. Has any hero been heard of opening his scriptures when he suddenly meets a challenge to his life?

“ 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 had the common intention and purpose. Some instances, though few in number, have also been noticed where policemen in uniform have participated in Looting... “There is some force in the allegations 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, and on the basis of such recoveries prosecution is launched and the possession of identified stolen property constitutes good evidence for the offences 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. 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 for 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 leave this aspect to be taken up in the inquiry against the police officers as recommended by. It.”

3. The Commission was of the definite opinion that a proper inquiry should be undertaken because such a probe was in the interest of the police a force as also the Administration. The black sheep could 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 results of the inquiry.

Accommodation and Supporting Staff

4. At its inception, the Committee faced problems of supporting staff and accommodation. In the initial stages, the Committee was accommodated for a few days in Vigyan Bhawan Annexe. However, the Committee was asked to Shift to Vikas Minar (DDA Building) mas

the accommodation in Vigyan Bhavan was required for some other purpose. The staff was sanctioned in the middle of April, 1987 and it took another 4 months for the full complement of the staff to be in position. Hence the Committee became effective only in July 1987.

The Procedure adopted

5. The Committee had not been vested with any legal powers. A reference was, therefore, made in March 1987 requesting the Government to vest the Committee with powers u/s 11 of the Commission of Inquiry Act so that the Committee could be more effective. This was, however, not agreed to and the Committee therefore, remained purely an Administrative Committee. The Committee was further informed that while the records of the Misra Commission could be available to the Committee, they were not to be quoted or published without clearance of Government.

Poor response to the Public Notices

6. Keeping in view the legal and administrative parameters within which the Committee had to function, the Committee decided to issue a public notice inviting statements/affidavits from persons acquainted with the subject matter of the inquiry. This public notice was published in some of the leading newspapers of Delhi in the middle of June 1987 and was repeated towards the end of June, 1987. The text of the public notice issued is given in Annexure-II. About 350 affidavits were received by the Committee by the middle of August, 1987. On an analysis it was found that a majority of the affidavits were for claims for losses suffered by the Sikhs and only a few were relevant to the subject matter of the inquiry.

Collection of Records

7. The records of the Misra Commission were meanwhile obtained as also the records and documents from the office of the Commissioner of Police. Shri V.P. Marwah, Commissioner of Police, Delhi, had earlier started an inquiry of a similar nature but this had been subsequently given up. These records also were obtained from the Police Commissioner's Office as Shri Marwah had collected substantial information relevant for the task given to the Committee.
8. The affidavits received from the general public in response to the public notice issued by the Committee, were few in number. This was perhaps because of lapse of time and fear of the local police. As such, the Government was again approached in August, 1987, to reconsider its earlier decision and to allow the Committee to fully utilize the records of the Commission without prior clearance for every individual document. Without this clearance it was difficult for the Committee to do justice to the job assigned to it (the Committee). The Ministry of Home affairs by their d.o. Letter no. U.13034/13/87-Delhi dated

8.1.1988 finally gave its clearance subject to the usual conditions regarding utilization of such affidavits.

Organizational set-up of Delhi Police

9. The Commissioner of Police heads the Police organization in the Union Territory of Delhi under the overall superintendence of the Administrator of Delhi. At the relevant time, Delhi was divided into 2 Police Ranges each under the charge and supervision of an Addl. Police Commissioner. The Ranges were further divided into Districts each under the charge of a Deputy Commissioner of Police. There were 6 Districts and each Rangs had 3 Districts under its jurisdictional control. The organizational set-up of Delhi Police and the names of officers holding these positions are annexed to this Report as Annexure III.

10. Scrutiny of Delhi Range has been taken up first, comprising of Central, North and East Districts which were under the charge of Shri H.C.Jatav, the then Additional Commissioner of Police. Thereafter, scrutiny of the remaining 3 districts in New Delhi Range, namely New Delhi, West and South Districts, has been undertaken which were under the charge of Shri Gautam Kaul, the then Additional Commissioner of Police. The role of the Delhi Railway Police and the Delhi Armed police has then been scrutinized followed by the supervisory role of the Commissioner of Police Shri Subhash Tandon. Some general conclusions have been arrived at in the end keeping in view the shortcomings of the existing structure of the Delhi Police and the fact that Delhi serves as the nerve center for the country.

CHAPTER – I
CENTRAL DISTRICT

D.C.P. : Shri Amod K. Kanth
Addl. D.C.P. : Shri Neeraj Kumar

1.1. This District covers some of the most thickly populated areas of Delhi and New Delhi and has some very big business and training centers in Karol Bagh, Paharganj, Darya Ganj and Kamla Market. The District is divided into the following 4 Sub Divisions with an assistant Commissioner of Police in charge of each for the purpose of supervisions: -

(i) SUB-DIVISION PATEL NAGAR

A.C.P. : Shri Ram Murti Sharma

P.S. Patel Nagar SHO : Inspector Amrik Singh 16.2.83 to 15.5.85

PS Karol Bagh SHO : Inspector Ranbir Singh 2.9.82 to 15.2.85

PS Rajinder Nagar SHO : Inspector Hardeep Singh 27.9.84 to 27.10.85

(ii) SUB DIVISION PAHAR GANJ

ACP : Shri Parbhathi Lal

PS Pahar Ganj SHO : Inspector Shanti Sarup Manan, 24.12.82 to 27.10.85

**PS Desh Bandhu SHO : Inspector Mohinder Singh, 14.7.83 to 12.2.86
Gupta Road**

(iii) SUB DIVISION KAMLA MARKET

A.C.P. : Shri Amrik Singh

PS Kamla Market SHO : Inspector Virender Singh, 28.6.82 to 15.2.85

PS. Hauz Qazi SHO : Inspector Bali Singh, 2.9.82 to 15.2.85

(iv) SUB DIVISION DARYA GANJ

A.C.P. : Shri Ajmer Singh

PS. Darya Ganj SHO : Inspector Ved Pal Rathee: 14.7.83 to 6.5.86

PS. Jama Masjid SHO : Inspector Prithi Singh 14.7.83 to 12.2.86

PS. Chandni Mahal SHO : Inspector Rajinder Nath: 3.5.84 to 15.3.86

1.2. The Central District was one of the most sensitive areas as it has a mixed population and the business establishments are also mixed up with shops of Sikhs and non-Sikhs side by side.

1.3. Soon after the news of shooting of the former Prime Minister spread, DCP Shri Amod K. Kanth convened a meeting of his officers and gave detailed instructions for patrolling by the staff. The incidents of violence started on the night of 31.10.84, particularly in Rehgarpura in Karol Bagh, Desh Bandhu Gupta Road and Pahar Ganj areas. However, the main trouble started on the morning of 1.11.84. It goes to the credit of the police officers of this District that they made genuine and sincere efforts at almost all the levels to control rioting and deal effectively with the rioters. The DCP himself as well as his other staff opened fire on a number of occasions to control the situation.

Taking the cue from their seniors, most of the subordinate staff, particularly the SHOs were also quite effective in controlling the situation in their areas. Infact, the performance of this District indicates that had there been a sincere desire and will on the part of the administration and the police to control the situation, it could possibly also have been done in other parts of Delhi. A number of persons in their affidavits have appreciated the role of the Deputy Commissioner of Police and some of the SHOs. Not only have such affidavits come before the Misra Commission, but also before the Committee.

- 1.4. The figures given in the annexure would show that preventive arrests in the District had started on 31st October 1984 itself. A large number of people were arrested on 1st November under substantive offences and force was used quite effectively by way of firing and tear-gas. This helped in bringing the situation reasonably under control.
- 1.5. The total number of deaths in the whole of this District according to Delhi Administration would be about 62. Keeping in view what happened in other areas this is a matter of some satisfaction. The evidence on record shows that besides the police being alert, the proper use of Army was also made. Army reached the District in the evening of 1st November 1984. Flag marches were organized and the police officers right upto the level of DCP were moving about along with the Army in trouble spots.
- 1.6. Some of the officers who have done really good work and deserve commendation

are as follows: -

(a) SHRI AMOD K. KANTH, DCP, as Chief of the District Police, he provided the right leadership and a firm desire to deal with the situation promptly and effectively. In one particular instance, he had done exceptionally good work by disarming a person who was firing at the mob in Chuna Mandi, Pahar Ganj. At great personal risk, he had got into the house and saved a very explosive situation. Both he and the SHO, Pahar Ganj, have already been given a Police Medal for gallantry for their role in this incident. His efforts are all the more creditable since it was in his area that cremation of the late Prime Minister was to be done and elaborate arrangements were also required to be supervised.

He also took the correct legal measures regarding recovery of stolen/looted property and a large number of persons were arrested at his instance. Local leaders resented this and even went to the extent of going to the Karol Bagh Police Station and misbehaving with him in the presence of Addl. C.P. Shri Jatav who apparently did not support his own DCP. This has been dealt with in some detail later while dealing with this Police Station.

(b) SHRI NEERAJ KUMAR, ADDL. DCP : Like his DCP, he also took effective measures to deal with the situation in the field. In one particular incident when there was a fire in a seven-storied building adjoining a timber shop on Desh Bandu Gupta and Chitra Gupta roads crossing, he realized that any delay would have led to great loss of life and property as some LPG cylinders also were stored in a tin shed nearby. He went to the Fire Station personally, spoke to the Chief Fire Officer and came back

with fire tenders, as a result of which the fire could be brought under control for which he deserves to be commended.

One other incident of 1st November deserves special mention. Shri Neeraj Kumar had been on the move and taking effective action and when he learnt that some houses of Sikhs were being looted near Lal Mandir in West Patel Nagar, he reached there. Seeing the police cars, most of the miscreants ran away but he along with his men surrounded the house and apprehended 5 culprits red-handed. At that time, one Inspector of the Crime Branch, Shamsher Singh, was passing that way in a police jeep. After identifying himself, Shri Neeraj Kumar asked Inspector Shamsher Singh for his help so that the culprits could be taken to the police station in his jeep. This Inspector refused point-blank and in an impudent manner declined to take the arrested persons to the Police Station and drove off.

Shri Neeraj Kumar reported this incident to the Addl. C.P. Shri Jatav for action against the defaulting Inspector. The DCP Shri A.K. Kanth also supported the complaint of Shri Neeraj Kumar. He even suggested that the matter should be brought to the notice of the Commissioner of Police for his information and orders. Instead of taking any action against this Inspector, Shri Jatav sided with the Inspector and held it to be a case of misunderstanding rather than a deliberate act of disobedience and indiscipline. Shri Jatav thus preferred to close the matter at his level and in this way supported this act of indiscipline. Addl. C.P. seemed to be prejudiced against the officers of Central District who were doing good work and were preventing loot and arson.

C) SHRI AJMER SINGH, ACP, DARYA GANJ : He was continuously on the move in the Sub Division during the whole period of riots in spite of the fact that he was a Sikh officer. He kept his Sub Division more or less free from serious incidents. This is all the more creditable as he was also associated with the arrangements near Raj Ghat where the late Prime Minister was to be cremated. He also deserves to be commended.

1.7. In addition to the above mentioned officers, the following officers did **good work**: -

- (i) INSPECTOR RANBIR SINGH, SHO KAROL BAGH: - saved quite a few persons in specific instances. It also goes to his credit that the prestigious shopping center at Ajmal Khan Road was fully saved. This area covers not only a large number of shops but also quite a few jewellery shops and similar business establishments. Any looting or arson in the area could have led to tremendous loss to the people. A number of individuals and organizations have appreciated his good conduct during the riots.
- (ii) INSPECTOR HARDEEP SINGH, SHO, RAJINDER NAGAR (a Sikh officer) was also firm in dealing with the miscreants. Besides rescuing many Sikhs who were trapped in a Gurudwara, he also saved a number of buildings from arson. There was hardly any serious incident in Rajinder Nagar except a few in Inder Puri. He also sustained injuries during the riots.

(iii) INSPECTOR MOHINDER SINGH, SHO DESH BANDHU GUPTA ROAD:

-
He supervised his area effectively. He saved a large number of Sikh families and also arrested 75 miscreants. He also received injuries while effectively dealing with and tackling the crowds.

(iv) INSPECTOR VED PAL RATHEE OF PS DARYA GANJ was very active in his area and made proper police arrangements not only for controlling the riots but also regarding the cremation of late Prime Minister.

All the above 4 SHOs deserve commendation

1.8. Some serious incidents in the various Police Stations are discussed in some detail:

A) P.S. PATEL NAGAR

(i) SHO Patel Nagar Inspector Amrik Singh was a Sikh Officer. He was directed by the DCP to stay at the Police Station and simultaneously the Asstt. Commissioner was directed to take charge and deal with the situation.

(ii) In their affidavits, S. Amrik Singh (2301) AND S Baljit Singh (2601) have named some local leaders who were stated to have been instigating and even leading the mobs but no individual police officer has been named as being negligent.

(iii) A few serious incidents of this police station need to be mentioned. On 1st November 1984, Bungalow No.9 in West Patel Nagar in P.S. Patel Nagar was attacked by a mob. Group Captain Manmohan Singh, a retired Air Force Officer, residing in this house started firing at the mob as a result of which 3 persons got killed and a few injured. Besides, DCP, the Commissioner of Police himself had reached the scene and Shri Manmohan Singh was persuaded to surrender, without any physical harm to him or his family. He was then taken to the Police Station. A case was registered against him but on a complaint by his wife, a case was registered against the rioters. This shows that there was no attempt to minimize or conceal the incident. Group Captain Manmohan Singh had filed an affidavit (2445) and alleged before Misra Commission that he and the members of his family were unjustifiably arrested. However, the fact remains that the quantum of force used by him can only be decided judicially by a court of law. Moreover, the fact that they were not allowed to be physically harmed in spite of such a large mob being present and provocation being there would show that the police was acting effectively.

(iv) Another serious incident in PS. Patel Nagar was the burning alive of Shri Kartar Singh on 3.11.84. A separate case has been registered in respect of this incident. Addl. DCP in his report-dated 12.2.85 has explained that a message had been received regarding the house having been attacked by a crowd. Neither the DCP nor the Addl. DCP could proceed to the spot as the cremation of the former Prime Minister was in

progress. Immediately after the cremation, they went there and 18 culprits were arrested in raids made in the area of the neighborhood. Some of the stolen/looted property including the deceased person's gun looted from his house was also recovered from the culprits. This also shows that the officers took efficient action.

(v) One of the reasons for this P.S. not being as effective as most others of this District could be that the SHO was asked to stay back at the PS. However, it goes to the credit of the local police that FIRs, do contain the names of the accused as given by the complainants and no efforts were made to minimize the crime.

B) P.S. RAJINDER NAGAR

The area of Inderpuri in P.S. Rajinder Nagar was somewhat badly affected during these riots. There was looting on 1st November 84 and it would appear that it was not effectively controlled by Sub Inspector Ranbir Singh who was on duty. Two dead bodies of Sikhs were also found the next morning. A large number of arrests were subsequently made during the investigation and it appears that there was no attempt to spare anyone. Similarly, a mob had set fire to the house of one Shri Kirpal Singh Chawla who, in turn, along with his brother was firing from his house. In this incident 2 persons were shot and a few received bullet injuries. Here again, no physical harm was caused to the two persons who were firing from their house in self-defense and the situation was controlled.

C) P.S. PAHAR GANJ

One of the serious incidents in P.S. Pahar Ganj relates to FIR No. 319. This incident occurred on the night of 5.11.84 and some Sikhs were stated to have been firing from a house in Gali No.1, Chuna Mandi P.S. Pahar Ganj. The two constables on patrolling duty also fired 10 rounds and the senior officers reached the spot along with an army patrol. Three persons, one Sikh, one Hindu and an army man were killed in this incident. As already mentioned earlier, the DCP and SHO have already been awarded gallantry medals in this case and the life of the owners of the house could be saved from the mob and more loss of life and property avoided.

D) P.S. DARYA GANJ

In this Police Station, the situation was generally kept under control. The SHO in his report-dated 20.11.84 has, however, mentioned as follows: -

“ 6 Names of officers/men guilty of improper handling of the situation:

1. SI Om Prakash No. 1281/D.
2. ASI Rameshwar Nath no. 1237/C.
3. Const. Mahender Singh No. 977/C.

Brief details:

“SI Om Parkash Div/Officer along with beat constable Mahender Singh No. 977/C and ASI Rameshwar Nath No. 127/C of local police were detailed at Daya Nand Road on 1.11.84 for duty along with some outside force. They were properly briefed and instructed not to allow any gathering there but after protecting Gandhi Market and petrol pump etc, while I reached Daya Nand Road, I noticed a gathering of about 4/5 thousands and the above staff was standing like spectators. I further noticed that the crowds was breaking locks/shutters of shops and setting the shops on fire. I along with staff in the jeep dispersed the crowd by lathi charging and saved the cars and other properties. Had the above staff taken proper and timely action as briefed, nothing adverse could have happened on that day. They were present while the Marina Store was being set on fire and shops being looted.”

It is presumed that action against them would have been taken by the Delhi Police. In case no action has been taken, the same may be taken now.

E) P.S. KAROL BAGH

There are two affidavits pertaining to this police station the deponents of which were examined in the Misra Commission. Both pertain to the same facts.

- (i) SHRI AVTAR SINGH VIR (2357), an Advocate Krishna Nagar in Karol Bagh had described the attack made on his house on 1st November 1984. Along with his 2 sons had been able to hold out. All the 3 were injured during the attack by the mob. He named a number of persons of the locality who were leading the attacks. He complained that no police help was given to him in spite of his having telephoned the local police station as well as officers. He had not named any individual police officer but had complained of general apathy by police. In his cross-examination he had accepted that on the 1st November at 1.00 PM when the attacked were being made, a Hindu gentleman brought some police men from Dev Nagar and asked the police to open fire. Six rounds were fired in the air and the entire mob dispersed. The next day, a policeman was also at his house for security for some time.
- (ii) SHRI CHUNI LAL (2369), Another deponent, narrated the facts pertaining to the attack on house of Shri Avtar Singh. He had also given names of some of the persons who formed part of mob. He was, however, reluctant to be cross-examination, as he did not want it be known that he had either filed such an affidavit or given any statement involving the other persons who belonged to his own caste.
- (iii) However, these two affidavits have confirmed one fact, that the mob indulging in looting and arson were locals and the culprits were quite well known. According to the deponents, they also had the support of the local political leaders. Yet the fact that no physical harm could be caused to Shri Avtar Singh and his sons and they did manage to survive would show that the police in this area was not ineffective.

(iv) Evidence on record indicates that effective action was taken by the police to recover the stolen property in accordance with the provisions of the law and arrest of those indulging in loot was affected. When the situation was under control, a massive drive was launched by Inspector Ranbir Singh, SHO, Karol Bagh, on 3rd and 4th November. Property worth Rs.20 Lakhs was recovered and 24 persons arrested. This was resented by the local leaders who protested violently. According to confidential d.o. Letter No. 5347/CB© dated 7.11.84 from Shri A.K. Kanth, DCP, addressed to Shri H.C.Jatav, Addl C.P. with copy to Commissioner of Police, this incident of Karol Bagh P.S. is highlighted as follows: -

“ 2. On 5th November, 1984, Shri Dharam Dass Shastri, M.P. accompanied by Shri M.L. Bakolia, Shri Gurbax Singh, Shri M.L. Khurana @ manni, Smt, Sunder Wati Nawal (all Metropolitan Councilors), S/Shri Surjit Singh Gandhi, Brahm Yadav (all Municipal Councilors) and Dev Raj Dewan, a notorious criminal and proprietor of the cabaret 'Kamal' (all from congress-I) came to Police Station Karol Bagh. They were also accompanied by 3 truckloads of ruffians who reportedly had also indulged in the riots.

3. Shri Dharam Dass Shastri started a tirade against the police action, publicly condemned us for having arrested some people and openly declared that these rioters could not be categorized as 'criminal'. All the Councillors named above reportedly warned us of dire-consequences and further riots if any action was taken against those in possession of looted property. Shri M.L. Bakolia, a local MMC almost attacked SHO Karol Bagh and openly abused me for the action taken. Shri Brahm Yadav, Municipal Councillor and President, Delhi Pradesh Youth Congress-I, along with Prof. Ram Nath Vij and other Councillors, had been creating a very difficult situation for us when we arrested 65 rioters from the area of Todapur and Inderpuri who had indulged in arson and killings. Both of them kept the staff of P.S. Rajinder Nagar at bay for 2/3 days and did not permit them to either apprehend the criminals and recover the property or make protective arrangements. They also spread a malicious propaganda in the area that it were only the Sikhs army and police officer Major Virk, and, the area SHO who were rounding up the rioters.”

This incident is corroborated by the affidavit of Shri Sanjay Suri (2735) and three private persons Shri Pritpal Singh (2273), Jaswant Singh (159) and Shri Surjit Singh (153) who were present at the police station when all the abovementioned leaders led by Shri Dharam Dass Shastri M.P., were trying to bully the police officers in order to get the apprehended criminals released. The leaders stated that these persons were not criminals. One of the deponents Shri Jaswant Singh has deposed that in an attempt to get the culprits released, one of the leaders caught hold of SHO by the collar and threatened him that they would have to be released, as they were his supporters. Shri Sanjay Suri in his affidavit (2735) is even more specific and gives details of the incident. He has described how he saw everything going on inside the room where the local Member of Parliament Shri Dharam Dass Shastri

along with his supporters was shouting at and abusing the policemen in the presence of Shri H.C. Jatav, Addl. C.P. The shouting was directed at the DCP and the SHO and Shri Jatav was, more or less, sympathizing with the local M.P. Further, he has described how the DCP was almost in tears when he came out of the room and when the Press Reporter asked the Addl. C.P. as to why he was not supporting his own officers against the illegal orders of the local M.P. Shri Jatav replied that these officers did not know how to handle the local leaders. This incident would show that Shri Jatav was prone to act under pressure to appease local leaders even to the extent of letting his subordinates who had done good work, be humiliated publicly.

- vi) In his letter dated 7.11.84 referred to above, Shri Amod K. Kanth has apparently not made any reference to the presence of Shri Jatav even though this is confirmed from the affidavit of Shri Sanjay Suri. Shri Kanth had been decent enough not to involve his immediate superiors and only wanted to bring the matter on record by endorsing a copy of the same to the Commissioner of Police also.

CONCLUSION

- 11.9. (i) The events in this District show that the police officers had been on the move most of the time and made genuine efforts to save life and property. The evidence forthcoming shows that they were under pressure from influential and local leaders including the Member of Parliament of the area, besides, the Addl. Commissioner of Police, himself. This could be one of the reasons why some violent incidents occurred on 3rd as well as 5th November. The mobs were apparently restive since they had not been able to indulge in violence and loot as in other parts of Delhi. The fact that in a number of instances, the Sikhs could open fire in self-defense and still get away without being lynched would also indicate that they did expect the police to intervene fairly and not side with the mobs".
- (ii) In a situation like the one prevailing at that time, some casualties were unavoidable but the District has to be judged by its overall performance. It also goes to the credit of the police that there is not a single affidavit naming any individual persons, even though there have been a few cases of general laxity.

RECOMMENDATIONS

- 1.10. (i) It is not proposed to recommend any action against any police personnel of the District. On the other hand, the role of the following officers needs to be appreciated: -
1. Shri Amod K. Kanth, D.C.P.
 2. Shri Neeraj Kumar, Addl. D.C.P.
 3. Shri Ajmer Singh, ACP, Darya Ganj
 4. Inspector Ranbir Singh, SHO, P.S. Karol Bagh

5. Inspector Pardeep Singh, SHO, P.S. Rajinder Nagar
 6. Inspector Mohinder Singh, SHO, P.S. Desh Bandhu Gupta Road
 7. Inspector V.P. Rathee, SHO, P.S. Darya Ganj.
- (ii) S.H.O. Darya Ganj, had, in his report-dated 20.12.84, mentioned the names of some officials who had not come upto the mark in controlling the situation. Details of these have been given in para I 8(D) above. In case no action had been taken on his report, the same should be initiated now.
- (iii) The conduct of Addl. C.P. (Range), Shri H.C. Jatav will be discussed separately.

CHAPTER - 2
NORTH DISTRICT

D.C.P. : Shri S.K. SINGH: (From 28.6.83 to 18.8.86)
Addl. D.C.P. : Shri K. MAXWELL: (From 31.12.81 to 25.3.85)

- 2.1 North District of the Union Territory of Delhi is the largest, both in area and population. It covers part of old Delhi from Red Cross to Alipur and Narela and includes the most crowded places like the walled city, Chandni Chowk and Subzi Mandi. The area of Delhi University also falls within this District. The District is Sub-divided into the following five Sub-Divisions comprising of 15 Police Stations: -

SUB- DIVISION KOTWALI

1. **P.S. Kotwali.**
2. **P.S. Lahori Gate.**

SUB DIVISION SUBZI MANDI

1. **P.S. Subzi Mandi**
2. **P.S. Roshanara**
3. **P.S. Civil Lines**

SUB DIVISION SADAR BAZAR

1. **P.S. Sadar Bazaar**
2. **P.S. Bara Hindu Rao**
3. **P.S. Kashmere Gate**

SUB DIVISION ASHOK VIHAR

1. **P.S. Ashok Vihar**
2. **P.S. Sarai Rohilla**
3. **P.S. Lawrence Road**

SUB DIVISION KINGSWAY CAMP

1. **P.S. Kingsway Camp**
2. **P.S. Adarsh Nagar**
3. **P.S. Alipur**
4. **P.S. Narela**

- 2.2 The trouble in this District started in the evening of 31st October 1984, particularly in Subzi Mandi area and on Bahadur Garh Road under Police Station Bara Hindu Rao. While in some Police Stations the trouble was contained as soon as it began, in a few other Police Stations the situation remained bad for more than two days and stray incidents continued to occur right up to 4th November 1984.

- 2.3. One of the precautionary measures of Deputy Commissioner of Police (North) after the assassination of late Prime Minister was to get in touch with the Superintendent of Police, Sonapat on 31.10.84 (at 11.25 hrs) to ward off the entry into Delhi of Sikhs traveling by road. Besides, the SHOs of Alipur and Narela also sealed the borders fairly effectively as a result of which miscreants from outside Delhi could not enter Delhi in large numbers. Some bad characters, however, did manage to enter North Delhi by trains on 1.11.84, particularly by Jhelum Express.
- 2.4. While sealing of the borders was a wise decision, changing of a number of SHOs on the night of 31.10.84 and 1.11.84 and replacing them with new persons was certainly not administratively desirable. Among the SHOs changed were Inspector Gurmail Singh (Subzi Mandi), Inspector Trilok Singh (Sarai Rohilla) (both Sikh officers). Inspector Ram Gopal, SHO P.S. Lawrence Road was also replaced by Inspector Asa Ram. In addition to these SHOs, even Shri Kewal Singh, ACP, Subzi Mandi (another Sikh Officer) was transferred in the morning of 1st November 1984. According to the stand taken by Delhi Administrator before Justice Misra Commission, these officers were transferred under orders of Addl. Commissioner of Police Shri H.C. Jatav through D.C.P. (North). The changes at this crucial stage do not appear to be an act of administrative wisdom. If the intention was to remove the Sikh officers, then SHOs at Alipur and Bara Hindu Rao were also Sikhs but they were not touched and both of them controlled their areas reasonably well. Besides this, the change of SHO of P.S. Lawrence Road, who was not a Sikh and was being replaced by another at this critical juncture, was definitely not administratively proper. The new SHO – Inspector Asa Ram has himself admitted that he was new to the Police Station and was not even well aware of the topography. He was therefore not effective.
- 2.5. The overall picture emerging from the affidavits filed before Justice Misra Commission, affidavits received by this Committee and the records of Delhi Police is that the Police Stations Subzi Mandi, Sarai Rohilla, Adarsh Nagar, Kingsway Camp and parts of Ashok Vihar and Kashmere Gate were badly affected. On the other hand, in the areas of Police Stations of Kotwali, Lahori Gate, Civil Lines, Narela, Bara Hindu Rao, police did reasonably well in controlling the riots. The other police stations can be stated to be neither good nor bad. Specific allegations against individual police personnel are comparatively few and will be discussed while dealing with the Police Station concerned.
- 2.6. The total number of deaths in this District, as per Ahuja Committee Report was about 151. In addition to this, there were fairly large number of incidents of arson and looting and the loss of property was quite substantial.
- 2.7. It is not proposed to discuss all the Police Stations in detail, but only the following Police Stations, which were badly affected: -

1.	P.S.	Ashok	Vihar	
2.	P.S.	Kingsway		Camp
3.	P.S.	Adarsh		Nagar
4.	P.S.	Subzi		Mandi
5.	P.S. Sarai Rohilla			

2.8. The officers who have done exceptionally well and deserve to be commended are as follows: -

a)

1. Shri Maxwell Periera, : Addl. D.C.P. (North)
2. Shri H.L. Kapoor, : ACP, Kotwali.
3. Inspector O.P. Tiwari, : SHO Kotwali
4. HC Satish Chander, No. 2/N, P.S. Kotwali.

These officers had done exceptionally good work especially in dealing with the situation outside Gurudwara Sis Ganj in P.S. Kotwali on the morning of 1st November 1984. A big crowd had collected and was indulging in arson and looting and was bent upon attacking Gurudwara Sisganj, which is one of the most sacred religious places of the Sikhs, in Delhi. To encounter the mob, Sikhs in fairly large numbers brandishing swords had come out of the Gurudwara and a confrontation was in the offing. With hardly any force with him, Shri Maxwell Periera stood between two warring groups and persuaded the Sikhs to go inside the Gurudwara. He warned the mob, trying to attack, to disperse and when he found that they were not willing to disperse and were indulging in arson and looting, he ordered H.C. Satish Chander to fire 3 rounds at the mob. As a result, one of the men in the mob dropped dead. Shri Pereira immediately announced a reward of Rs. 200/- to the Head Constable on the spot and within the hearing of the crowd. This resolute and firm stand of Shri Pereira had an instant impact and the mob dispersed. Thereafter, there was no serious incident during the entire period of riots. This incident is being mentioned, as it proves beyond doubt that where the police officers showed the strength and the determination to check the riots, they could be really effective with very little force.

b) Besides the above, Inspector P.D. Duggal, SHO Lahori Gate Shri Khushwant Singh, SHO Bara Hindu Rao and Inspector U.C. Kataria, SHO Narela have done reasonably well in keeping the situation under control within their jurisdiction.

(i) **P.S. Lahori Gate:** - On 31.10.84 when violence erupted, the SHO took effective action, fired 9 MM pistol rounds, arrested 14 persons on the spot, and registered a case of rioting and decoity against them., Again, on 1st November, the ACP Lahori Gate and SHO resorted to firing at the mob looting shops and

arrested as many as 30 people, 26 at one place and 4 at another and resisted 2 cases. Some of the culprits were arrested along with the looted property. Teargas was also quite effectively used against the rioters. As a result, not a single death was reported in this Police Station. There is no affidavit pertaining to this Police Station either in Misra Commission or before this Commission.

(ii) **P.S. Bara Hindu Rao:** - The first incidents of violence on the evening of 31.10.84 were dealt with effectively, where along with the PS staff, the ACP also reached and fired a number of teargas shells. As many as 14 persons, who refused to disperse even after use of teargas, were arrested on the spot and a case registered on the night of 31st October/1st November itself. On the next day, as many as 32 persons were arrested for looting and arson and a case registered for murder etc. as 2 dead bodies were also found. There was no attempt to minimize the offence. In another incident on 3.11.1984 when a huge mob was looting Azad Nagar Gurudwara, ACP reached there along with the army contingent. Firing was done by the ACP himself and one person was shot in the leg and many others injured. 6 persons were arrested on the spot along with the property looted from the Gurudwara. There are no affidavits pertaining to this Police Station, either before Justice Misra Commission or this Committee.

(iii) **P.S. Narela:** - Regarding this Police Station, there are no affidavits before this Committee or Justice Misra Commission. There were 6 deaths in the PS but the number would have been much more had the SHO not taken immediate preventive steps as ordered by the DCP. The border with Haryana was sealed. About 100 trucks were parked with mostly Sikh drivers at the Sindhu Border petrol pump. The SHO persuaded the drivers to take the vehicles into Haryana and deployed guard at the petrol pump and this contained the trouble in this area.

(iv) In some other Police Stations though the situation was generally satisfactory, some bad incidents did take place. For example, the burning of a large number of taxis at the ISBT under P.S. Kashmere Gate. This incident has been described in the affidavit by Sri Smithu Kothari (2268). He has stated that he saw a mob of about 40 people, systematically setting fire to 20 odd taxis inside ISBT. These persons had 5 litre cans of inflammable material being used by them to set fire to the taxis. He contacted PS Civil Lines but they gave no help, as the place apparently was under a different Police Station. Sri Kothari went to ISBT again and on going around went to the Police Post at ISBT where he saw 6 Constables and an official watching the whole exercise as if it was a show. The policemen refused to take action, when asked by the deponent. The FIR registered at PS Kashmere Gate in respect of this incident (FIR No. 704 registered at 3.30 PM. On 1.11.84) narrates the events. SI Ram Singh, HC Kalloo Khan, Constable

Udai Singh, Constable Yad Ram, Constable Ram Kishan were present at the departure block and went there on hearing noises. ASI Amar Nath and Constable Sunder Lal were already present there. Two Sikhs were also seriously injured who were sent to the hospital in the vehicle of Inspector Vigilance Shri Hari Bhushan who had reached there with staff.

2.9 In regard to this incident, the fact remains that the police staff at the ISBT PP took no action to prevent the burning of taxis as has been stated by Shri Smithu Kothari, an independent person who had seen the events first hand. Suitable disciplinary action needs to be taken against SI Ram Singh, who was on duty inside the ISBT. Besides this, major penalty proceedings are called for against ASI Amar Nath, who was in charge of the Police Post at ISBT, and in whose presence the taxis were burnt. The fact, that not a single person was arrested during the arson shows his indifference if not connivance. There is no point in recommending any action against the constables when the officer I/C of the PP himself was not inclined to take any steps to prevent the arson.

2.10. Regarding deployment of special Branch staff in the District, it has been found that the intelligence staff had been sending regular information regarding the various incidents of rioting and there was no attempt to cover up the events. Since the events were occurring at a very fast pace, it was apparently too much to expect any advance intelligence or forewarning by this staff. In the situation prevailing, it was enough that they were continuously passing on the information to the higher authorities as soon as any serious incident occurred at different places. There is, however, only one important event missing from their report, which pertains to the firing by the Railway Protection Force in Sarai Rohilla. However, no action against the intelligence staff attached to the District is called for, as senior officers were interested in blacking out this incident, as discussed later.

2.11. A detailed analysis of the 5 seriously affected Police Station follows:

POLICE STATION ASHOK VIHAR

S.H.O. : INSPECTOR YASHVIR SINGH.

2.12. Police Station Ashok Vihar covers a very wide area with mixed population of the well to do as Jhuggi-dwellers. It has an industrial area under it with a lot of labour population.

AFFIDAVITS RECEIVED BEFORE MISRA COMMISSION

2.13. Out of the affidavits received before Misra Commission, the following 3 pertain to the incidents within the area of this Police Station. The first two have been examined in the Misra Commission.

1. SHRI MAHESH SHARMA S/o. SHRI DESRAJ SHARMA (2280): - He, a non-Sikh, has stated that a huge mob had collected in the morning at about 9.00 AM. On 1.11.84 carrying in their hands iron rods, oil cans, white powder packets, etc. They attacked house No. 617 which belonged to a Sikh and set it on fire. They also looted whatever they could lay their hands on. All the time, two policemen with revolvers are stated to be present. In his cross-examination, he has given the name of one of the two officers as Mange Ram. He has stated to have seen his name on the nameplate of this Police Officer's uniform. According to him, the policemen appeared to be helping the mob rather than taking any action.
2. SHRI INDER SINGH S/o. SARDAR MOOL SINGH (2526):- He was a resident of House No.617, Nimri Colony which was attacked by the mob as mentioned in the earlier affidavit of Shri Mahesh Sharma. He has named a number of persons who were leading the mob and indulging in looting and arson. He has also mentioned the names of two officers Mange Ram and Raja Ram, both ASIs who were there along with the mob. Both were armed with revolvers but took no steps to stop the mob. According to him, the mob at first attacked the house of a Sikh neighbour Sardar Man Singh, resident of house No.619 in the Nimri Colony. His house is stated to have also been put on fire and burnt. According to him, ASI Mange Ram went into the house, looted the cash which was inside the safe and the deponent claims to have seen Mange Ram stuff the notes in his bag. He made a number of complaints against Mange Ram and the other police officer but no action has been taken. In his cross-examination, he has confirmed allegations made in the affidavit.

Detailed enquiries had been made by the investigating agency of Misra Commission in respect of this affidavit and a number of persons examined. The presence of ASI Mange Ram on the scene was established as indicated by Shri Mahesh Sharma and S. Inder Singh. ASI Raja Ram himself has accepted having been on duty along with the other ASI and 4 constables. During these enquiries, it has also come to light that one Ram Chand Nagoria, Vice President of the Youth Congress (I) of the East District along with a number of other non-local persons was allegedly leading the mob. This enquiry report also mentions that Ram Chand Nagoria had stated that ASI Raja Ram and ASI Mange Ram themselves indulged in the loot in the course of which the revolvers of the ASIs had apparently been snatched away by the members of the crowd when general loot

was going on and the revolvers were restored to the ASI's at the instance of Ram Chand Nagoria.

3. SHRI MADAN MOHAN S/o. SHRI JAGMOHAN NATH (2513): - He was the immediate neighbour of Sardar Inder Singh living in Quarter No.616, Nimri Colony. He has described the attack on the house of Sardar Inder Singh and has also mentioned two Police Men armed with revolvers present there along with the mob.

AFFIDAVITS RECEIVED BEFORE THE COMMITTEE.

- 2.14 One affidavit of SARDAR MAN SINGHS/o. SARDAR RAM SINGH (211), Nimri Colony, has been received. It relates to the deponent's house having been burnt as has also been stated in the affidavit of Sardar Inder Singh received in the Misra Commission, which has been discussed earlier. He has given similar details as Sardar Inder Singh and has named Mange Ram and Raja Ram ASIs who were there along with the mob. Both were stated to have been armed with revolvers.

According to the deponent, some inquiries were conducted against ASI Mange Ram by Deputy Commissioner of Police (North) who had recorded his statement but nothing further appears to have been done in the matter.

SEQUENCE OF INCIDENTS

- 2.15. Incidents of violence in this Police Station started mainly on the morning of 1.11.84. There were attacks on Gurudwaras and the houses of Sikhs at various places and messages in this regard were being received on wireless almost continuously. The serious incidents, according to the police records, were the burning of Gurudwara Phase I Ashok Vihar, Deep Cinema, Shopping Complex in Wazirpur Industrial Area and Nimri Colony. The last serious incident in this Police Station occurred in the Industrial Area on 3.11.84.

DEATHS

- 2.16. About 10 persons (7 Sikhs and 3 non-Sikhs) were killed in this Police Station.

F.I.R.S

- 2.17. 1. FIR No. 502 – was registered on 1.11.84 at 1.35 PM. On a telephonic information from Mukhtiar Singh Pradhan from Wazirpur Industrial Area regarding an attack by a mob on a factory. The mob was stated to have been armed with lathis etc. and indulging in arson. Two Sikhs were also stated to have been beaten with lathis and fell to the ground. On receipt of this information, force was sent to the spot. The factory is stated to

have been burnt and the mob started running away on seeing the police. Twelve of the miscreants were arrested on the spot along with lathis and iron rods.

2. FIR No. 503 – was registered on 1.11.84 at 4.20 PM. This FIR covers a number of incidents at various places. Infact, it names specific places where rioting was alleged to have taken place. According to the FIR, the mob was finally encircled near Wazirpur Gurudwara and 14 of the miscreants arrested along with lathis and other weapons.

3. FIR No. 505 – This case was registered on 3.11.84 at 1.20 PM on the report of SI Jagdish Prasad Soni and pertains to incidents of arson in the Industrial Area. The SHO is stated to have reached the spot and fired 4 rounds from his revolver. After lathi charge, the crowd is stated to have been controlled and miscreants were arrested on the spot along with lathis and iron rods. One dead body was also found and one injured person was sent to Hindu Rao Hospital.

DISCUSSION

- 2.18. There were widespread incidents in this Police Station but the redeeming feature was that a number of arrests were made on the spot where rioting was going on. While only 3 FIRs were registered, in each of them there are specifically named accused persons arrested along with lathis and other weapons etc. This indicates that at most of the places the police did try to take effective action.

- 2.19 However, there are specific allegations against two ASIs Mange Ram and Raja Ram. These allegations have come not only from the affected persons but also from independent witnesses who have deposed before the Misra Commission. The enquiries made by the investigating agency of the Misra Commission also proved that the two ASIs were present and were deliberately ineffective. Infact, some of the statements indicate that they participated in the loot themselves. The statement of Shri Ram Chand Nagoria, Vice President of the Youth Congress (I) of East District goes on to show that the two ASIs were so involved in the loot that they even lost their service revolvers, which were subsequently restored to them at the instance of Shri Nagoria. This also shows that Shri Ram Chand Nagoria had control over the mob as only in that case could he have the revolvers of ASIs Mange Ram and Raja Ram restored. The affidavit of Shri Man Singh received in this committee also corroborates what has already been given in evidence before Misra Commission. There appears to be no reason to doubt that these two ASIs were present with the mob when

the attacks in the Nimri Colony had taken place. They were armed and took no action to control the riots. If anything, their presence and helping attitude had encouraged the miscreants who indulged in looting and arson. There are no allegations against any other police officer.

RECOMMENDATIONS

- 2.20. Departmental action for major penalty is called for against ASI Mange Ram and ASI Raja Ram as neither of them is considered fit for retention in the Police force.

POLICE STATION KINGSWAY CAMP

SHO. : INSPECTOR DURGA PRASAD

- 2.21. Police Station Kings way Camp covers the area of new Police Lines and the headquarters of some battalions of Delhi Armed Police. Important localities in this Police Station are Model Town and Gujranwala Town.

AFFIDAVITS RECEIVED BEFORE MISRA COMMISSION

- 2.22. Seven affidavits were received by the Misra Commission, out of which two persons were examined.

1. SHRI JAIMAL SINGH S/O ARJAN SINGH OF MODEL TOWN (172): He has described how on the morning of 1st November, 1984 some persons were seen moving around apparently to locate some houses according to a list in their possession. A little later a mob started attacking these houses. The policemen were stated to have been standing in a corner near the house of the deponent but they did not help. Instead some neighbours came to their help. He has been cross-examined and confirmed the correctness of his statement.
2. SHRI RAJINDER PAL SINGH S/O SHRI SARWAN SINGH (2674): He has stated that his house was located behind the Police Lines are alleged to have shouted slogans against the Sikhs. Stones were also thrown from the Police Lines in the night of 1.11.84. In his cross-examination he has stated that he tried to contact the Police Lines but no one responded and he was not allowed to take shelter there.
3. SHRI PIARA SINGH S/O SHRI JAGAT SINGH (2733): He has narrated how some persons known to him had led the mob to loot his house and factory. He also narrated everything to the SHO, Shri Durga Prasad. According to the deponent, the SHO along with one S.I. Sat Parkash was seen coming with a mob but instead of helping the deponent, the two police officers were instigating the mob. No action is stated to have been taken by the police on his complaint.

4. SHRI AJIT SINGH SAWHNEY S/O SHRI GURBACHAN SINGH SAWHNEY (131): He has described how in the afternoon of 1st November 1984 his house was attacked by a mob. He went up to the balcony of the first floor of his house and fired in the air. The mob ran away but a little later flying squad and the police party from the PS came to the site. According to the deponent, on seeing the police he went back to the door when a policeman standing near the flying squad took aim at him and fired and injured him in the back. ACP Shri D.L. Kashyap however took him to the hospital for treatment and 2-armed constables were posted by him at his house for the next 2 days. His gun and revolver taken by the police were later returned to him.
5. SHRI J.S. UPPAL S/O SHRI SARDAR SINGH UPPAL (2670): He was a resident of Gujranwala Town and according to him, on the morning of 1st November, a large number of Jhuggi-Jhopri dwellers gathered, raised slogans and burnt a number of houses. The deponent was saved on the intervention of some of the neighbours. He has stated that he approached the Police Station several times requesting the SHO and the ACP that a number of items of looted property could be seen in the Jhuggi's even from outside, but no action was taken by the police to recover property.
6. SHRI PRITPAL SINGH S/O LATE CHARAN SINGH (37): - A resident of Model Town, he has stated that he know the names of the people who had instigated, organized and participated in the violence but did not want to give their names as he did not expect any action to be taken against them and also there was no guarantee of his security. He has mentioned general matters in his affidavit, which cast a poor reflection on the credibility of the police.
7. SHRI SATWANT SINGH S/O SHRI GURBACHAN SINGH (2562): - He has described how two DTC buses came to Gujranwala Town at about 11.30 AM and crowds alighted from the buses and indulged in arson and loot. They allegedly dragged out two Nihang Singhs (Sikhs), hit them with iron rods and burnt them after pouring some inflammable material. Cars and two wheeler scooters of the residents of Suri Niwas near the Gurudwara were burnt and their house set on fire. A report was lodged to this effect at Kingsway Camp Police Station. The deponent's factory was also burnt at about 5.00 PM.

AFFIDAVITS RECEIVED BEFORE THIS COMMITTEE.

- 2.23. All the affidavits received before this Committee are general in nature and do not name anyone from the police who would have specifically failed in their duty. Instead, one of the deponents, Jathedar Prahlad Singh S/o Shri Mohinder Singh has praised the role of Shri. D.L. Kashyap, ACP, who is stated to have saved the lives and property of a number of Sikhs during the riots.

SEQUENCE OF EVENTS

2.24. The incidents of looting and arson started in the P.S. in the morning of 1st November. The first incident was at the Taxi Stand of Rana Pratap Bagh where taxis and buses were set on fire. There were incidents of arson and looting in Model Town and the outer ring road. Mukherji Nagar Gurudwara was also set on fire. A number of incidents of similar nature were reported on wireless from different places in the Police Station. For instance, there is a message that 7 dead bodies were found between Chowk Mukarala and Wazirabad on the 4th with more still lying there. The incident of attack on the house of Shri Ajit Singh Sawhney narrated in affidavit No. 131 has also been mentioned in the report of the SHO giving the sequence of events. This report corroborates the statement of Shri Ajit Singh Sawhney and one gun with two empty cartridges and one revolver were taken into possession by the police in the presence and under the supervision and guidance of ACP Kingsway Camp. The deponent in this incident has not made any allegation against the ACP. A large number of incidents have occurred in this Police Station and one Gurudwara in Model Town and one on Lucknow Road were set on fire. However, there are not too many incidents on the 2nd and 3rd November, though stray rioting and arson continued till the 4th November.

2.25. The following cases were registered during this period:

FIR NO. 785 Was registered on 1.11.84 at 6.15. P.M. on a report of SHO Durga Prasad. It mentioned the incident of burning taxis at Rana Pratap Bagh Taxi Stand where he is stated to have dispersed a mob. It has been stated that large crowds were gathering around the Gurudwaras and indulging in arson. It also stated that at various places, dead bodies were found.

FIR NO. 786 Was registered on 2.11.84 at 10.20 A.M. on a report from S.I. Jai Prakash. The SI had gone on telephonic information to a house in CC Colony. On reaching there, the SI found the rear portion of the house burnt. There is no mention of any loss of life in the FIR.

FIR NO. 787 was registered on 2.11.84 at 11.55 AM on the report of Sardar Bhagat Singh S/o Shri Tara Singh sent to the PS through SI Natarpal Singh. It has been stated in the FIR that at about 9.00 A.M., a crowd collected and attacked his house. The complainant's father was seriously injured and his scooter etc. burnt. His father was removed to the hospital. No one has been named in the FIR.

FIR NO. 789 was registered on 4.11.84 at 6.30 A.M. on a written report sent by SI Shyam Singh. A timber store was stated to have been burnt and on information on telephone, the SI along with the staff had reached there. The fire was stated to have been extinguished by the Fire Brigade by the time SI reached. There was no loss of life.

DEATHS

2.26. According to the Delhi Administration figures, there were only 9 deaths and as per the affidavits filed before Misra Commission the number of deaths would be around 15. The total number of persons killed at the Police Station would be nearer the figure of 15.

POLICE ACTION

2.27. There have been no arrests in this Police Station under any of the registered cases during the period of the riots. However, 14, 18 and 71 people were taken into custody under preventive sections on 2nd, 3rd and 4th November respectively.

2.28. Total numbers of rounds fired during the period are 6 on 1.11.84, 28 on 2.11.84, 14 on 3.11.84 and 3 on 4.11.84. There is no other Police action. Sufficient additional police force consisting of 2 SIs, 13 HCs. And 177 Constables were received at the P.S. on 1.11.84 followed by more force on 2nd and 3rd November. As such, this Police Station also cannot take the plea of non-availability of adequate force.

DISCUSSION

2.29. The events indicate that the incidents of rioting were not properly monitored and adequate efforts not made to control the situation in this Police Station. The fact remains that no arrests in any of the cases were made during the actual rioting and the rioters not dealt with effectively. Specific allegations have been made against the SHO in the affidavit of Shri Piara Singh. He has named SHO Durga Prasad and SI Sat Parkash as part of the mob. Allegations have also been made against the policemen of the Kingsway Camp Police Lines. The incidents narrated by Shri Rajinder Pal Singh in his affidavit, regarding stone throwing from the Police Lines, show that there was no discipline within the force and the police personnel were not under the control of the senior officers.

RECOMMENDATIONS

2.30. Suitable disciplinary action is recommended against Inspector Durga Prasad and SI Sat Prakash and the police authorities should look into the conduct and indiscipline on the part of the policemen in the Police Lines in Kingsway Camp and take deterrent action against them.

ADARSH NAGAR POLICE STATION

SHO: INSPECTOR ROOP CHAND

2.31. Adarsh Nagar Police Station covers a wide area and at the relevant time it had the following three Police Posts under it: -

1. PP Shalimar Bagh
2. PP Jahangirpuri
3. PP Pitampura.

AFFIDAVITS RECEIVED BEFORE MISRA COMMISSION

2.32. A number of affidavits were received before Misra Commission out of which 8 persons were examined. The gist of the important affidavits is as follows: -

1. SHRI PRITPAL SINGH S/O SHRI ATMA SINGH (2298): - He describes how an attack started on the morning of 1.11.84 in Shalimar Bagh. He rang up the police station and was told that they would be coming. He was saved by his neighbours who confronted the mob and did not let them do any physical harm while giving shelter to the deponent and others. According to him, a police jeep also did come with 78-armed policemen but they took no action whatsoever to control the situation.
2. SMT. BALWINDER KAUR W/O SHRI PRITAM SINGH (2546): - There are two affidavits of the same number which, though somewhat different, contain the same material facts. She has described how a mob came to her house on the evening of 1st November and asked for her husband Pritam Singh. The leader of the mob advised them to stay inside their house. However, next morning, her husband saw two policemen on the site and called out to them seeking protection. They refused and went away. Shortly thereafter a big mob came and asked her husband to cut his hair and shave his beard if he wanted to survive. On his refusal, they attacked him and their neighbours and at least 3 people including her husband were killed.
3. SMT. AJMER KAUR W/O SHRI UJAGAR SINGH (2632): - She has described the killing of her husband and 4 others and has stated that the crowd also looted their personal belongings. This incident had occurred at Karachi Garden on G.T. Karnal Road under this Police Station.
4. SHRI SURENDER SINGH S/O LATE MOHINDER SINGH OF JAHANGIRPURI (2717): - He has given details of 5 persons having been killed including 3 mentioned by Smt. Balwinder Kaur. He has also named the persons who were leading the mob.
5. SMT. SARABJIT KAUR W/O INDER SINGH OF JAHANGIRPURI (2631): - She was a neighbour of Smt. Balwinder Kaur and Shri Surender Singh and has also testified to the killing of her husband.

6. SMT. CHARANJIT KAUR W/O SURENDER SINGH (140 and 2283): - She has described the incidents in 'K' Block in Jahangirpuri where she saw a Sikh driver being killed and burnt.
7. SHRI HARVINDER SINGH S/O SARDAR BIR SINGH (144): - He has described an attack by a mob on him, who robbed him of his watch and gold ring etc. at Adarsh Nagar.
8. SMT. PREM KAUR W/O SHRI RAM SARUP SINGH (141): - She is a resident of 'J' Block, Jahangirpuri near the houses of Smt. Balwinder Kaur, Shri Surender Singh and Smt. Sarabjit Kaur. She has described how some of the persons who have been named and are common in all the affidavits were holding a meeting on the roof of the house of their leader on 1.11.84 at 10.00 AM. Her husband and she herself were beaten severely by the people.
9. SMT. MOHINDER KAUR W/O SHRI FAUJA SINGH (2553): - She is also a resident of Jahangirpuri and has given, more or less, the same details as the other deponents of the area and named the same persons who were responsible for all these killings. He husband, her husband's elder brother and nephew were killed and burnt.
10. SHRI MOHAN SINGH S/O SHRI GURMUKH SINGH (2515):- He is a resident of 'K' Block, Jahangirpuri and has described the looting of trucks on GT Karnal Road on the morning of 1.11.84. In the afternoon, the attackers also started attacking the Sikh drivers and he saw one of them being killed. He saw another Sikh being taken to Lakhimpur and then killed. He concealed himself in the house of a Muslim Jhuggiwala. According to him, 3 Sikhs were killed in that section of 'K' Block where he lived.
11. SHRI GURBAX SINGH S/O SHRI NARENDER SINGH (2779): - He is a resident of Jahangirpuri. He described how he was beaten half dead and robbed. When he regained consciousness, he found $\frac{3}{4}$ dead bodies lying about him.
12. SHRI DILDAR SINGHS/O SHRI UTTAM SINGH (2560): - He saw a large mob of 3000/4000 people coming out of Jhelum Express which had stopped near his house on GT Karnal Road. The mob was stated to have been carrying iron rods, spears, kerosene oil cans etc. This mob killed the deponent's brother and another person by burning them alive. Their house was also completely burnt. He was cross-examined at length in the Misra Commission.
13. SHRI PIARA SINGH S/O SHRI SANT SINGH of 'D' BLOCK OF JAHANGIRPURI (2805): - he has described how on the morning of 1st Nov, he was sitting in his shop when he was advised by some people to close it and go home. Soon after, a huge mob came carrying iron rods, spears, kerosene oilcans and white powder packets and started looting and burning. His shop and house were burnt and looted. In his

cross-examination, he has stated that he gave a report to the police on 10.11.84 after returning from relief camp but the police did not accept the same.

14. DR. R.P. SANSANWAL S/O SHRI SHIV NATH OF JAHANGIRPURI (2186): - He has stated that the riots were not organized and were apparently a reaction to some misguided Sikhs having distributed sweets etc. on the murder of the Prime Minister.
15. SMT. MANDODRI DEVI S/O LATE HARI SINGH (135): - She has described that her husband was a Police Officer and a non-Sikh and saved a number of people. However, in the process of saving them, he himself got killed.

AFFIDAVIT RECEIVED BY THIS COMMITTEE.

- 2.33 This Committee pertaining to this Police Station has received fifteen affidavits. They indicate total police apathy to the reports lodged by them. They complain that no proper investigation was done in any case. Most of them have given details of the losses caused to them during the riots. A few have stated that they were not in a position to repay the bank loans obtained by them.

These affidavits stress the usual complaints against most of the Police Station that proper investigation of the cases was never done.

SEQUENCE OF EVENTS

- 2.34. There was no incident in this Police Station on 31.10.84 and the trouble started only on the morning of 1.11.84. The wireless log indicates flow of information to and from the Control Room as well as the Police Posts regarding various incidents. Trucks were being set on fire and looted on the G.T. Karnal Road and outer Ring Road. In addition to this, there were a number of incidents of arson at various places including Jahangirpuri. Pitampura and Shalimar Bagh. The incidents had continued on 2nd November particularly in Jahangirpuri. Some incidents had occurred even on the 3rd and 4th November. This shows that the situation continued to remain out of control even up to 4th November.
- 2.35. The most serious incidents are the killings in 'J' Block of Jahangirpuri as narrated by quite a few persons in their affidavits and cross-examination before the Misra Commission. Besides these killings, the others are in respect of truck drivers who were coming from Haryana and Punjab or had already reached and were in their trucks when attacked.
- 2.36. According to the report of the then SHO Shri Roop Chand, the total number of deaths was only 19. According to the initial figures of Delhi Administration, the total number of deaths was 57. The Ahuja

Committee has mentioned 36 deaths. However, it would appear that since this P.S. covers the new Subzi Mandi area where a large number of trucks had come from outside and quite a few drivers appear to have been killed and their vehicles burnt, the total number of deaths should be on the higher side. In any case, the total number of deaths in this Police Station should be closer to the figures of 60.

FIRs.

2.37. As against the large number of incidents occurring in the jurisdiction of this Police Station the FIRs registered are very few, on 1st, 2nd and 3rd November. Only 1 FIR each day has been registered, namely FIR No. 910 on 1st November, FIR No. 911 on 2nd November and FIR No. 916 on 3rd November, 1984.

1. FIR NO. 910- was registered at 5.50 PM on 1.11.84 on a report of the SHO which lumps a large number of incidents at various places including Pitampura, Shalimar Bagh and Jahangirpuri where a number of Gurudwaras are also stated to have been burnt. The FIR mentioned some deaths but did not specify the number. In fact, the FIR covers the whole jurisdiction of the Police Station including all the Police Posts, making both investigation and follow-up well nigh impossible.
2. FIR NO. 911- was registered on 2.11.84 at 11.45 AM on a written report of ASI Jai Bhagwan. The FIR mentions 5 deaths in Jahangirpuri in 'J' Block and apparently corresponds to the various affidavits received in the Misra Commission.
3. FIR NO.916- was registered on 3.11.84 at 12.05 PM. On a report of SI Rajinder Singh and pertains to Jahangirpuri. The SHO was also stated to be present as the mob was trying to burn the house in which some Sikhs were taking shelter. The ACP, Kingsway Camp Shri Kashyap is also stated to have reached there. The ACP is stated to have fired with his service revolver and 30 persons were arrested on the spot. A few were also injured. Loss of life was apparently not allowed to take place.

A number of arrests have been shown in each of these cases but they do not find mention in the statement prepared by the police.

2.38. FIRs 912, 913, 914 and 915 are under section 188 IPC that is breach of section 144 Cr. P.C. It is clear that the police was trying to minimize the offences. All of them were registered on 2.11.84.

POLICE STATION

- 2.39. The police records also show that ten .303 rounds on 1.11.84, fifteen .303 and 3 revolver rounds on 2.11.84 and twenty .303 rounds on 3.11.84 were fired.

DISCUSSION

- 2.40. While there are no allegations by name against any officer, the situation in Jahangirpuri Colony in particular had been very bad. The affidavits/statements of Smt. Balwinder Kaur (2546), Smt. Sarabjit Kaur (2631), Smt. M Kaur (141) and Shri Gurbax Singh (2779) describe how the local toughs got into the houses of Sikhs and indulged in killings of Sikhs and looting of their houses. Every one apparently knew these persons and in case the police had been active and had wanted to stop them, it could surely have done so. There is also evidence that one of the persons had rung up the police out-posted and a police vehicle had also gone there but evidently no action was taken.
- 2.41. In the affidavit of Shri Dildar Singh (2560) it has been stated that a big mob had got down from the Jhelum Express, which had stopped at a level crossing. This would show that the rioters had been coming in large numbers from outside in an organized manner. In its written arguments before the Misra Commission, the Delhi Administration has tried to create doubts about the voracity of this deponent by stating that the deponent's house was one kilometer away and as such he could not have seen any one alighting at the railway crossing. It is not clear as to how this distance has been arrived at by the Delhi Administration because the deponent in his affidavit had mentioned that his house was one furlong away from the railway crossing. Similarly, in the arguments it has been stated that in the affidavit, deponent had telephoned the police but in the cross-examination he denied that and admitted that his brother had telephoned. A perusal of the affidavit of this deponent would show that he had not mentioned that he made the telephone call. It was only during the cross-examination that he had stated about the telephone call having been made by his brother. It thus indicates that wrong and misleading facts have been projected in the arguments of Delhi Administration before the Misra Commission. There appears to be no contradiction in the affidavit of the deponent and his deposition, and it can be relied upon.
- 2.42. According to the records of the police, there has been no use of teargas and lathi charge and the preventive action had been taken only on 3rd November when only 5 persons were arrested. The only effective action, which appears to have been taken, was the arrest of more than 30 persons as mentioned in FIR 916.
- 2.43. The facts that the incidents of violence continued even up to 4th November shows that no serious attempt was made at this Police Station to effectively deal with the rioters. In fact, effective action as mentioned in FIR No. 916 was also taken because of the presence of the ACP but the SHO had not risen to the occasion at all.

RECOMMENDATIONS

- 2.44. Disciplinary action for major penalty is recommended against Inspector Roop Chand, SHO, and Adarsh Nagar for his failure to deal with the situation and his inability to effectively use the force available with him. He has deliberately tried to minimize the incidents and his action in registration only one FIR No. 910 in respect of all the events of all the Police Posts is a serious act of misconduct. He also tried to conceal the gravity of the cases by mentioning minor sections in the FIRs when the offences were of a grave nature as in the FIRs 912-915.
- 2.45. SI Jai Bhagwan, In charge PP Jahangirpuri, also needs to be dealt with departmentally for his lack of supervision and not taking effective action in controlling the killings in Jahangirpuri. The main culprits were known and yet no effective action has been taken against them, which give the impression that he was in sympathy with the rioters.
- 2.46. In contrast to these officers, we have the example of Hari Singh, non-Sikh police officer, husband of Smt. Mandodari Devi (135), who even when he was not on duty lost his life, trying to save people during the riots. Both she and her brother-in-law Ganga Prasad were also injured in the process as the crowd prevented them from helping the injured Hari Singh.

SUBZI MANDI POLICE STATION

SHO:INSPECTORGURMAIL SINGH/ INSPECTOR JAI BHAGWAN MALIK.

ACP:SHRI KEWAL SINGH/SHRI RAGHBIR SINGH MALIK.

- 2.47. Police Station Subzi Mandi is located in the heart of Delhi and covers some of the most congested areas. During October/November, 1984, it had 3 Police Posts under it: -
1. PP Tis Hazari
 2. PP Andha Mughal
 3. PP Gulabi Bagh
- 2.48. ACP Subzi Mandi Shri Kewal Singh and SHO of this PS Inspector Gurmail Singh were changed in the night of 31st October/1st November 1984 under instructions of Addl. Commissioner of Police (Range) Shri H.C Jatav. Whereas Shri Kewal Singh, ACP, had, for all practical purposes, handed over charge on 31st October night itself, the SHO Inspector Gurmail Singh formally handed over charge at 6.00 AM on 1.11.84. These two officers were apparently changed because they

belonged to the Sikh Community and were inclined to deal with the situation firmly.

- 2.49. The reasons given for the transfer of Inspector Gurmail Singh by the Delhi Administration in its arguments before Justice Misra Commission are that he being a Sikh officer was not in a position to face the furious mob when the riots were in full swing. However, in their arguments it has been further stated that on 31st October evening, the SHO Subzi Mandi was moving Around and reaching all places of trouble and the situation, though tense, was under control. It has also been stated that the ACP and SHO, both Sikh officers, were told by someone the some people were resenting their actions and were planning to set fire to the building of the Police Station and they should make efforts to save the same. According to Delhi Administration arguments, the ACP and the SHO, Subzi Mandi reached the Police Station, as they were not prepared to allow any such eventuality to occur and made arrangements to protect the Police Station and simultaneously informed the North District Control Room on telephone.

After making arrangements, the SHO is stated to have gone towards Clock Tower and ACP towards Malka Ganj Chowk. Shri Kewal Singh, ACP, and Inspector Gurmail Singh, SHO, were at Shora Kothi at 8.32 PM where the situation was bad and ACP asked for clear orders from his superiors to shoot-at-sight. The message was passed from North District Control Room to DCP (North) who asked ACP (HQ) and Addl. DCP (North) to reach there.

- 2.50. From the above it is clear that the two officers were in the process of taking strong action to check the riots. Surprisingly, however, the Addl. Commissioner of Police, in his statement before the Misra Commission recorded on 24.4.86 has stated that these two officers were "guilty of abandoning their positions of duty during the riots". These statement Delhi Administration arguments in the Misra Commission clearly show that these two officers were actively involved in tackling the situation. In fact, the message asking for orders regarding shoot-at-sight was sent at 8.32 PM. At 9.22 PM the DCP (North) ordered that all messages meant for ACP Subzi Mandi be passed on to ACP (HQ), which clearly shows that he had, for all practical purposes, been relieved of the charge. The only reason for their removal appears to be that they wanted to use force to save the situation and the Addl. Commissioner of Police was not inclined to let this happen. In fact, this is the only Police Station in this District where on 31st October, 1984 evening itself preventive action was taken, as many as 90 persons were arrested, looted property worth 1 lakh rupees recovered, and a criminal case also registered. The orders of Addl. C.P. to change the SHO and the ACP were apparently aimed at toning down the police action and not on the score of alleged desertion by them.

AFFIDAVITS RECEIVED BY MISRA COMMISSION

2.51. There are 18 affidavits pertaining to this Police Station received in the Misra Commission and out of them, 3 deponents were examined. Details of the important affidavits are as follows: -

1. SHRI K.S. BAWA S/O LATE S.S. BAWA (173): -

The deponent is an old freedom fighter, a recipient of Tamra Patra, and also a veteran Congressman. He has narrated how some miscreants were indulging in looting Indira Market in front of his house. The deponent along with some people apprehended 5/6 persons along with looted property and wanted to hand them over to the police. However, just about that time, Shri H.C. Jatav, the then Addl. C.P., came there and instead of acceding to the request of the local people to provide some policemen to assist them in maintaining law and order, he let off the criminals who had been apprehended. He has narrated how on the morning of 1st November a crowd came to attack his house but he along with his family members was saved by neighbours. No help came from the police when telephonic calls were made. He had also mentioned that one of the Inspectors by the name of Shri Lakhvinder Singh Brar working at P.S. Subzi Mandi could have been given the responsibility of recovering the looted property and apprehending the culprits. He had requested the senior police officers accordingly. Instead, this officer was transferred out. In his cross-examination before the Commission, the deponent has confirmed that the Addl. C.P. Shri Jatav had let off the arrested boys and did not provide protection as requested.

2. SARDAR JASBIR SINGH S/O SHRI ISHAR SINGH (174):-
According to the deponent, he himself belonged to a family of Congress(I) supporters and was the nephew of Sardar Kartar Singh Bawa. He has stated that on 31.10.1984 night at 10.30 PM, some miscreants were trying to break open the locks of the main gate of his house. On being advised by the neighbour, he went out of the back door to the house of his uncle Shri Kartar Singh.

He has corroborated how some boys were apprehended around mid-night for indulging in looting and Shri Jatav, Addl. C.P., without doing anything to check the looting, let off the culprits and went away.

3. SHRI NARINDER SINGH BAWA S/O SHRI KARTAR SINGH BAWA (2289): - He has confirmed the statement of his father and others regarding the presence of Shri Jatav in Subzi Mandi in Indira Market area on 31st October night when some of the culprits apprehended by the public were let off by him and no help given. He has stated how when in the relief camp at the Police Station he had requested the Duty Officer to lodge

separate FIRs for different victims, nobody listened to him. Only one acknowledgement copy of the properties destroyed was given to the individuals, mentioning, that all the complaints formed part of FIR 633/84. He has also narrated that many affected persons had told the SHO and the ACP that their looted property was laying in the house of the looters but they took no action to recover the same. Whatever recovery was made is stated to have been due to the efforts made by Shri Brar, Inspector of this Police Station. Even in this recovery the goods were those, which had been thrown by the looters on the road to avoid any police action. Inspector Brar was subsequently transferred out of the Police Station in spite of request of the public to allow him to effect more recoveries.

4. SHRI ISHAR SINGH BAWA S/O SHRI SUNDER SINGH BAWA (175): - he is the younger brother of Shri Kartar Singh (173) and was out of Delhi at the time of actual riots. While coming back to Delhi on 1st Nov., he was detained at Narela border by the police because of the riots. He reached Delhi on 7th November 1984 and found that all his household goods had been looted and the same were lying in the Jhuggis where the looters were waiting to dispose them off. He approached the SHO Inspector Jai Bhagwan Malik as well as the ACP Shri Raghbir Singh who kept on promising that the goods would be recovered but took no action. Nothing was recovered from the looters.
5. SHRI PRITAM KAUR W/O LATER MANGAL SINGH (2752): - She has narrated how on 1st November 1984 her husband and son were dragged out from the house by a mob and burnt alive. According to her, SHO Jai Bhagwan and ACP Raghbir Singh were present and instigating the culprits. She claims to have heard the police say: 'Do not spare any one; do not leave any evidence.' She and the other affected persons were lathi-charged at Police Station Subzi Mandi and police headquarters.

Smt. Pritam Kaur was examined before the Misra Commission and she stood the test of cross-examination. The Delhi Administration in their written arguments had taken the stand that Shri Raghbir Singh, ACP, and Shri Jai Bhagwan Malik, SHO; Subzi Mandi had no occasion to beat the spot of the occurrence because they had not assumed charge by that time. This is totally wrong because according to their own statement Shri Kewal Singh, ACP Subzi Mandi, was withdrawn from duty at 9.22 P.M. on 31.10.84 and higher orders were given to the effect that all messages meant for ACP Subzi Mandi be passed on to ACP (HQ), viz., Shri Raghbir Singh. Similarly, Inspector Gurmail Singh, SHO Subzi Mandi was transferred in the night of 31st October 1984 – 1st November 1984 and in pursuance of these orders inspector Gurmail Singh had handed over charge

in the morning at 0600 hrs on 1.11.84. On the other hand, the above-mentioned incident, according to FIR No. 639/84, had occurred in the evening of 1.11.84. From this it is clear that Shri Raghbir Singh, ACP and Inspector Jai Bhagwan Malik had assumed charge much before the said incident. It is, therefore, clear that Delhi Administration had been blowing hot and cold in the same breath and their arguments before the Misra Commission in respect of these officers were not only incorrect but also misleading.

Subsequently, in April 1985, the police had also destroyed the relief camp of Bajrang Singh in which she was residing. She has also stated in her cross-examination about the relief camp set up by Shri Bajrang Singh and describes how the police demolished it.

6. SMT. BALWINDER KAUR W/O LAKHBIR SINGH (2754):
7. SMT. BALWINDER KAUR W/O JAGJIT SINGH (2755):
8. SMT. SWARANJIT KAUR W/O BALBIR SINGH (2638):
9. SMT. INDERJIT KAUR W/O JASWANT SINGH (2753):
10. SMT. RAJWANT KAUR W/O DARSHAN SINGH (2751): -

All the above named 5 deponents have given similar affidavits corroborating the allegations made by Smt. Pritam Kaur and Shri Bajrang Singh against the police. All of them have alleged that their husband as were almost snatched from them and burnt alive. SHO Inspector Jai Bhagwan Malik and ACP Raghbir Singh were stated to have been present and instigating the mob. They have also described that the police had been making persistent efforts to break up the relief camp.

11. SHRI TRILOCHAN SINGH S/O SHRI INDER SINGH (176): - He has stated that he himself is an old Congress (I) worker. He described in detail how on 1st November morning at about 9.00 AM, a number of persons broke open the locks of his shop and looted the goods and burnt them. He had named 7 persons who were part of the mob. According to him, no action was taken against anyone even though he had revealed the names of the culprits to the police.
12. SMT. KULWANT KAUR W/O SHRI NANAK SINGH (2352): - She described how early morning on 2.11.84; some persons looted and burnt their houses. She has also named the persons who were leading the mob but the police refused to record her FIR.

13. SHRI BAJRANG SINGH S/O CH. DALJIT SINGH (27500: - In his affidavit, he has stated to be a Hindu Satnami doing mainly social work. After obtaining written permission of the ACP, he opened a relief camp in Subzi Mandi Police Station for the riot victims. The same was shifted on 5.1.1985 to Delhi Satnami Chowk close by. He organized the camp alone without any help from any individual, organization, or Government. He has alleged that in December 1984 when he undertook a fast unto death pleading for the rehabilitation of the riot affected victims; he was arrested and beaten up by the police. He made a number of allegations against the local police, particularly against Shri Raghbir Singh, ACP, and Inspector Jai Bhagwan Malik, SHO. He also alleged that after the announcement of a judicial inquiry by Justice R.N. Misra, persistent efforts were made by the local police to break up the relief camp and apart of the building housing the same was demolished. In his affidavit, he narrated some of the incidents, which he had seen. He had also gone up to the Supreme Court to stop the police from breaking up the Relief Camp.

The proceedings of the Misra Commission dated 6.3.1986 indicate that the deponent had been summoned and he wanted to depose in person. There are clear indications that the police prevented him from coming and he was even shot at and injured when he was going to attend the proceedings of the Commission. This is also apparent from the application of Shri Bajrang Singh dated 2.4.1986 submitted to the Commission. It is interesting to note that Shri Bajrang Singh was being harassed by the police even in the All India Institute of Medical Sciences after being injured as would be clear from the extract from letter No. F-4-VI/ Part B/86/Hosp/MR dated March 19, 1986 from Dr. R.C. Anand, DMS, AIIMS addressed to Shri Bajrang Singh –

“ his bloodstained clothes were handed over to the police at about 4.00 P.M. by the CMO on 6th March 86. The police officers tried to force their entry to Operation Theatre where Mr. Bajrang Singh was kept and the same are resisted by the hospital staff on duty”.

From the above it would be clear that the police was bent upon settling scores with Shri Bajrang Singh who had opened a Relief Camp for riot victims and incurred.

AFFIDAVITS SUBMITTED BEFORE THIS COMMITTEE.

- 2.52 This Committee stating how the deponents lost goods and property during the riots has received two affidavits. However, the affidavits are general in nature stating that the local police did not save the goods and property and also made no proper investigation.

EVENTS

- 2.53 Incidents of violence in this Police Station started in the evening of 31st October 1984. There are a number of wireless messages from the North District Control Room as well as the Police Station indicating looting and arson at Barafkhana Chowk, Ghanta Ghar Chowk, Punjabi Basti, Malka Ganj and later Indira Market of Subzi Mandi area. A little before 10.11 PM, shops in Indira Market were looted.
- 2.54. There was a message at 2209 hrs from the Central Control Room about 4 Sikhs having been shot dead in shop No. 411, R. Road. It is surprising that even on such a serious message; the Police Station took no action. There is no mention in the general diary about anything having been done. The reason for this sort of inaction could be that after the SHO and the ACP were changed, the law and order situation in this area deteriorated and a number of incidents of arson took place. These incidents continued on 1st and even upto 3rd November 1984. The most serious incident in this Police Station pertains to the killing of 10 members of a family of Jaswant Singh of Kabir Basti in the evening of 1st November 1984 (affidavit of Smt. Pritam Kaur (2752) in para 2.51 above and FIR 639/84 subsequently).

DEATHS

- 2.55. The total numbers of deaths in the P.S. are 25 as per Ahuja Committee Report, while the Citizen's Justice Committee had put the killings at 37, and Total deaths in this PS could have been around 25.

FIRs.

- 2.56. During the period of riots, 9 cases were registered in this police Station. Some FIRs are discussed below:-
1. Fir No. 633- WAS REGISTERED AT 8.10 pm ON 31.10.84 ON A REPORT OF inspector Gurmail Singh and pertains to the Main Bazar in Subzi Mandi area where people were indulging in arson and looting. Rioting is stated to have been going on in Roshan Ara Road, Punjabi Basti, Malka Ganj, etc. Along with the ACP, Subzi Mandi, the situation was effectively tackled and 90 persons were arrested under substantive offence and sent to jail.
 - a. FIR NO. 639 was registered on 2.11.84 at 11.45 PM and pertains to the alleged killings of 10 persons in Kabir Basti. The persons who were killed are stated to have been burnt alive and the household goods looted. The affidavits of 6 widows received in Misra Commission discussed on page 58 of this Chapter describe these killings in a similar manner (Affidavit No. 2638, 2751, 2752, 2753, 2754 and 2755). These killings are apparently the most serious in the jurisdiction of this Police Station. The case has been registered on a complaint made by

Shri Jaswant Singh of the same locality, the lone surviving male member of the family of Smt. Pritam Kaur (2752). The police filed the case as untraced even though the culprits are named. This may be because the police was itself involved.

POLICE STATION

2.57. Effective police action in this police station started on 31.10.84. In the first case of rioting registered on that date, 90 persons were arrested. Later, with the change of ACP and SHO, action slowed down. No preventive arrests were made on 31st October and 1st November 1984. On 2nd November, also, only 2 arrests were made under preventive sections. According to the police records while firing took place on 31st October 1984, there is no record of any firing having been resorted to on 1.11.84 although some Firs mention firing which is not substantiated by police records compiled later. Besides, even though crowds were indulging in arson and loot after the transfer of ACP/SHO, there is no mention of any concrete action having been taken to control the situation.

DISCUSSION

2.58. The occurrence of events and the way they were handled indicate that in the beginning the police was active and effective as would be obvious from the arrests of 90 persons at the very initial by Inspector Gurmail Singh and ACP Shri Kewal Singh. It has also been confirmed that these arrested persons were subsequently sent to jail and not let off lightly. This effective action was taken by SHO Gurmail Singh and ACP Shri Kewal Singh and apparently neither the DCP (North) nor the Addl. C.P. had any active role to play in this action. Shri Kewal Singh, ACP, was changed and orders also issued regarding Inspector Gurmail Singh to hand over the office. An unwise trend was set by Shri H.C. Jatav who, during the night of 31st October, went to Indira Market and let off some of the miscreants apprehended by the local people. Not only this, he did not provide any police protection when requested by the deponents. This sort of behaviour would naturally have encouraged the miscreants. The decision to transfer Inspector Gurmail Singh, SHO, and Shri Kewal Singh, ACP, who were inclined to deal with the situation effectively, was also not in public interest. Responsibility for this falls squarely on Shri Jatav, Addl. C.P.®, whose role shall be discussed separately.

2.59. Specific allegations have been made against ACP Shri Raghbir Singh and SHO Inspector Jai Bhagwan Malik of Subzi Mandi. The fact that large numbers of people were killed in Kabir Basti in a very cruel manner and dead bodies burnt is obvious from the affidavits of the widows before the Misra Commission. These deponents cannot be said to have been motivated because of the dispute going on between local police and Shri Bajrang Singh, who was running the relief camp. In fact, it would appear that the police officers were making attempts to

disperse all these widows, who were likely to depose against the local police having seen and being present at the time of the incidents. They were trying to pre-empt any allegation that might come against them subsequently before the Misra Commission. These events are very ----- on the conduct of the police officers, namely Shri Raghbir Singh, ACP and Inspector Jai Bhagwan Malik, SHO.

- 2.60. Incidents of killings had occurred in this Police Station on 3rd November 1984 also. FIRs 640 and 641 mention deaths and this would show that the situation was not effectively brought under control till 3rd November 1984.

Though 8 FIRs – 633 to 641, were registered at this Police Station during the period 1.11.84 to 3.11.84, these were recorded in such a perfunctory manner that they were unlikely to end in conviction. Besides, in respect of FIRs No. 639 to 641, the police do not appear to have bothered to make proper investigations and they very conveniently filed these cases as untraced.

- 2.61. The unsympathetic attitude and the callousness of the police are also apparent from their treatment of riot victims for whom Shri Bajrang Singh had opened a relief camp. As has been stated by Shri Bajrang Singh, he was constantly harassed by the police, as has been disclosed while dealing with his affidavit in para 2.51 above.

RECOMMENDATIONS

- 2.62. The conduct of Shri Raghbir Singh, ACP and Inspector Jai Bhagwan Malik was extremely suspect and there appears to be no reason to doubt the statements of various deponents. They were responsible for not being able to prevent the large number of killings in Kabir Basti and also subsequently trying to terrorize the victims. They are not considered fit to be retained in the police force. Departmental action for major penalty against them is, therefore, recommended.

POLICE STATION SARAI ROHILLA

SHO: INSPECTOR TRILOK SINGH (A SIKH OFFICER) WAS CHANGED ON THE MORNING OF 1ST NOVEMBER 1984 AND INSPECTOR RAGHUNATH SINGH TOOK OVER THE CHARGE AS S.H.O.

- 2.63. This Police Station has one Police Post namely, Inderlok under it and Sub Inspector O.P. Sahai incharge of the same.

AFFIDAVITS RECEIVED BEFORE MISRA COMMISSION

2.64. A large number of affidavits pertaining to this Police Station were received before the Misra Commission, out of whom six witnesses were examined. Some of the important affidavits are: -

1. SARDAR SINGHAHUJA S/O SHRI KHUSHAL SINGH (2330): -
He has described the incidents in the afternoon of 1st November 1984 at Gurudwara Singh Sabha, Sarai Rohilla. A mob had attacked the Gurudwara at about 2.30 PM. And the Granthi (Priest) made an announcement on the loudspeaker asking the Sikhs to come over to save it. The Sikhs tried to resist the mob for about an hour. The police then came there and announced that the Sikhs should go inside the Gurudwara. The mob was however not checked or controlled and it attacked the Gurudwara. When Sikhs went in, the men of the Railway Protection Force, which has a Unit Line right across the road, opened fire on the Gurudwara and about 100 rounds are said to have been fired killing 3-4 persons. The deponent himself received gun shot injuries and was taken to the hospital. The police later refused to record his report. He has been cross-examined at length in Misra Commission and has confirmed the unprovoked firing by the Railway Protection Force.
2. SHRI RAWAIL SINGH S/O SHRISARDAR SINGH (2374): -
He has confirmed the statement of Shri Sardar Singh Ahuja. According to him, the Railway Protection Force killed 5-6 persons in the unprovoked firing. One of the persons killed inside the Gurudwara was also a non-Sikh devotee. The mob entered the Gurudwara, looted and burnt it, after the firing by the Railway Protection Force.
3. SHRIPARTAP SINGH S/O SHRI GURMUKH SINGH (2365): -
Granthi of the Gurudwara Sarai Rohilla has confirmed how he announced on the loudspeaker appealing to the Sikhs of the locality to come and defend the Gurudwara. He has corroborated the statement of Shri Sardar Singh and others regarding the arrival of the police. They did not check the mob but asked the Sikhs to go inside the Gurudwara, after which there was firing from the Railway Protection Force Lines and an attack by the mob. About five persons were killed as a result of bullet injuries. The Gurudwara was looted and burnt. The police did not record his report.

In his cross-examination he has confirmed his version.

4. SHRI GURCHARAN SINGH S/O SHRI HARWAND SINGH (2372): - He has confirmed the incident at the Singh Sabha Gurudwara, Sarai Rohilla. He has stated that the police did not record his detailed report saying that such things have happened with numerous other Sikhs. He thereafter did not

approach the police as he felt that the mob and police were working together. He was also examined in detail in Misra Commission.

5. SHRI BALVINDER SINGH S/O SHRI TARA SINGH (2331): - He has also narrated the incident at Sarai Rohilla Gurudwara in detail and confirmed the police inaction and firing by the Railway Protection Force. He lost his son in this incident, who was hit by one Sahib Singh, O-3, Moti Bagh, and Sarai Rohilla. He was examined in detail in Misra Commission.

He has also named one Dharampal, Instructor, Dog Squad, Railway Protection Force, who fired at him with a double barrel gun from across the road from which he received injuries on his chest and stomach.

6. SHRI BALBIR SINGH S/O SHRI KULWANT SINGH (2368): - He has also narrated the incident of the Sarai Rohilla Gurudwara and the firing by the Railway Protection Force.

7. DALBIR SINGH S/O SHRI AVTAR SINGH (2371): - He has stated that his shop and factory were burnt in Kishan Ganj. He also named some persons indulging in looting and arson. The police did not record his complaint.

8. BHOLA SINGH S/O SHRI LADHA RAM (2332): - he has described how he was informed by one Hindu boy that the shops of the Sikhs had been marked by certain persons and the next day they were looted and burnt. He has named a number of persons who had indulged in this looting and arson.

His son Shri Gian Singh has also filed an affidavit (2324) confirmed these facts.

9. PARTAP SINGH S/O SHRI HARBANS SINGH (2329): -

He has described how his three trucks parked in Vivekanand Puri were burnt. The police refused to record his report. He states to send a telegram to SHO, Police Station Sarai Rohilla later on but no action has been taken. He has also been cross-examined by the Misra Commission.

10. JAGMOHAN SINGH S/O SHRI JOGINDER SINGH (2669): - He has described the attack on his house in which he and his brother received serious injuries. According to him, the people who attacked his colony in Shastri Nagar were known to him and he has named a number of persons of the locality who were involved in the incident.

AFFIDAVITS RECEIVED BEFORE THIS COMMITTEE.

- 2.65. Ten affidavits pertaining to this Police Station have been received by this Committee. These affidavits, however, only make a general complaint of police not having investigated the cases properly and their claims to the losses not having been entertained.

SEQUENCE OF EVENTS

- 2.66. From the police records it appears that the Deputy Commissioner of Police (North) had sent a message on 31st October 1984 to SHO, Police Station Sarai Rohilla that no mob should be allowed to gather near Gurudwara. Special attention was to be paid to car parking and market places. These instructions apparently remained only on paper because in Sarai Rohilla three Gurudwara were subjected to attack and arson. Besides, it would be clear from the various affidavits filed before the Commission that a large number of houses, shops and motor vehicles were also burnt in the jurisdiction of this Police Station.
- 2.67. As already mentioned, the change of this SHO at this critical time was administratively unsound. The incidents of violence in this Police Station had started after the new SHO took charge i.e. on 1st November 1984. Initially the buses were stopped near Inderlok Chowk, followed by looting and arson. The most serious incident, however, was the firing in Sarai Rohilla Gurudwara opposite Railway Protection Force Lines. The first indication that trouble was brewing near this Gurudwara was a message which was received in the Police Control Room at 1501 hours in which it was reported that on Old Rohtak Road near Railway Protection Force Lines, Police Station Sarai Rohilla, people had taken out arms and some trouble was brewing. This message was communicated to all concerned from Additional Commissioner of Police (Range) downwards. From the report of Deputy Commissioner of Police (North) also it is clear that he along with Addl. Commissioner of Police rushed to the spot and sent messages to SHO and Asst. Commissioner of Police to arrive at the Gurudwara. To quote from his report dated the 10th November, 1984:

“ I along with Additional Commissioner of Police (Range), Delhi rushed there and the situation was controlled. Assistant Commissioner of Police Ashok Vihar also reached there and took charge of the situation.”

If this statement is to be believed, Addl. Commissioner of Police and Deputy Commissioner of Police (North) were the first to arrive and thereafter Assistant Commissioner of Police, Ashok Vihar also reached the scene of occurrence. Dy. Commissioner of Police states that the situation was controlled. However, if the witnesses who were cross-examined at length by the Misra Commission are to be believed, the police did not control the situation, merely ordered the Sikhs to enter Gurudwara and thereafter the Railway Protection Force Jawans started firing indiscriminately. Misra Commission had this incident investigated

on the affidavit of Balbir Singh (2368) and came up with a finding which is quoted below: -

“ Firing by Railway Protection Force on Gurudwara Prima facie correct. Forty-seven rounds of .303 ammunition fired as disclosed from the record. Firing was prima facie unwarranted. Police Officers on duty lost total control over the subordinates and the subordinates got arms and ammunitions issued to themselves and resorted to uncontrolled firing.”

This firing took place after 1500 hrs and before 1525 hours as we have a message in the log book of Police Station Sarai Rohilla from G.3 i.e. Additional Commissioner of Police (Range) to the effect that firing is taking place in front of the Railway Protection Force Lines and that SHO, Police Station Sarai Rohilla should also reach there. From this it is clear that Assistant Commissioner of Police had reached the scene of occurrence and they also needed the SHO to assist.

- 2.68. From the above analysis it would be clear that the police was aware of the trouble at 1501 hrs and even though Addl. Commissioner of Police and the Deputy Commissioner of Police as well as the Assistant Commissioner of Police reached Sarai Rohilla, they did not take effective action and this resulted in loss of life. No preventive action was taken and no arrests were made. The same mob after looting the Gurudwara went to other areas and continued their spree of loot and arson. Incidents in this Police Station continued even on 2nd, 3rd and 4th November 1984. It would thus be clear that the change of SHO of this Police Station proved a disaster and the new SHO was totally ineffective. Besides, the senior officers also did not come to grips with the situation. This was in complete contrast with the way Shri Maxwell Pariera, Additional Deputy Commissioner of Police, handled a similar situation in Gurudwara Sisganj.

DEATHS

- 2.69. According to the Police Station records, the number of persons killed in the police station Sarai Rohilla was twelve whereas subsequent investigation by Delhi Administration, Delhi indicates 44 deaths. As such, it can be safely stated that the number of persons killed was about forty-five.

FIRs

- 2.70 Only two cases have been registered in this Police Station on 1st November 1984 and both of them are on complaints by private persons sent through Sub Inspector although a very large number of incidents had taken place.

1. FIR NO. 489: -Registered on 1st November 1984 at 6.00 PM. On a report of one Shri Ajab Singh S/o Shri Sohan Singh,

Shastri Nagar Colony. He described how he and his brother were standing outside their house at about 4.00 PM. On 1st November, 1984 when a big mob came and started beating the complainant and his brother. He describes how his brother was seriously injured and fell down, besides a few other Sikhs who similarly beaten up. He also narrated how a number of shops were burnt. He has, however, not named any person in the mob but claims to be able to identify them. The report of the Sub Inspector Siya Ram who sent the report to Police Station for registration, also mentioned one person having died. However, this FIR does not incorporate Section 302 IPC, which should normally have been done by the Police.

2. FIR NO. 490: - Registration at 7.00 PM. On 1st November, 1984 on a report of Manmohan Singh S/o Shri Sardar Singh mentions about the incidents at Gurudwara opposite Railway Protection Force Lines. The time of incident mentioned is 3.15 PM. However, this FIR, which was sent for registration to the Police Station by Sub Inspector Om Dutt, does not mention specifically firing from Railway Protection Force Lines. It seems to relate to the same incident because the father of Shri Manmohan Singh was injured in the firing from Railway Protection Force Lines. His father Sardar Singh Ahuja, who has also deposed in the Misra Commission vide affidavit (No. 2330) was injured by a gun shot and removed to Hindu Rao Hospital. One Surender Singh S/o Shri Gurjit Singh got a bullet wound and died on the spot. Besides, when persons had died, the sections under which the FIR was registered should have also included section 302 IPC that has not been done.

DISCUSSION

- 2.71. As already mentioned, the main incident pertaining to this Police Station was the alleged firing by the Railway Protection Force at the Singh Sabha Gurudwara in Sarai Rohilla. The fact that this incident occurred and resulted in casualties is also confirmed by FIR No. 490.
- 2.72. Firing was unprovoked and reflects sadly on the discipline of a sister organization n like the Railway Protection Force. It also reflects on the handling of the situation by the senior officers of the Delhi Police present on the spot. What is most surprising is that no action whatsoever was taken against the Railway Protection Force men indulging in firing. The local police did not register any FIR on its own regarding this incident. As a matter of fact, it appears that the Delhi Police tried to cover up this incident even though very senior officers were present at the spot. The movement chart which the Deputy Commissioner of Police sent vide his letter of 14th February, 1985 is also at variance with the report sent with his letter No. 35533/ C.A.N dated the 10th November, 1984 in which he has changed the timings regarding this incident. Out of the two reports, the sequence of events

indicated in his letter of 10th November 1984 seems to be more correct. Obviously the situation was not properly handled and this led to loss of life and property. The statement that the situation was controlled is obviously a gross misstatement.

- 2.73. Shri Dharampal Singh, Dog Squad Instructor of the Railway Protection Force, has been specifically named by Shri Balwinder Singh (2331) and it was the duty of the police to have registered a case u/s 304/307 etc. of the IPC and investigated the same.
- 2.74. There has also been a total lack of control on the part of the SHO who was present at a large number of places where arson and loot took place but did not take any action. To quote one or two examples, SHO was present in Inderlok from 0945 hrs to 1050 hours on 1st November 1984 according to his movement chart. Shops were set on fire in Inderlok about that time but the SHO does not seem to have taken any action. Similarly, he was present at Kishan Ganj Market from 1055 hours to 1120 hours on 1st November 1984. Shops were looted at about 1115 hours but again no action seems to have been taken by him. According to his own statement, he was reluctant to use force because of his apprehension that in case he used force he would have to face an enquiry. It appears that the Police in this area neither used tear gas nor lathi charge, nor resorted to firing to control the situation. This reflects very poorly on the caliber of the SHO and his ability to handle the situation. This also explains why he did not register cases when the complainants made such requests. On the other hand, he made attempts to conceal the crime so that he would not be held subsequently accountable.

RECOMMENDATION

- 2.75. Even though the Railway Protection Force is not a part of the Delhi Police, yet it is felt that it would be necessary to recommend criminal and departmental action against the various officials who were in charge of the Railway Protection Force Lines at Sarai Rohilla at the relevant time. Delhi Administration, Delhi should also recommend to the Railway Protection Force authorities to deal with the matter as there is no doubt that there was unprovoked firing from their side which resulted in a number of deaths and also led to the Gurudwara being ransacked and burnt.
- 2.76. As regards the SHO, Shri Raghunath Singh, there has been a general lack of effective supervision and he did not rise to the occasion. There are many complaints that the police refused to register cases. Suitable disciplinary action as deemed proper may be taken against him.
- 2.77. Recommendation regarding Additional Commissioner of Police, Deputy Commissioner of Police and Assistant Commissioner of Police will be made separately.

ASSISTANT COMMISSIONERS OF POLICE

2.78. The following officers were posted as Assistant Commissioners of Police in the five sub-Divisions of the District: -

1. Shri H.L. Kapur
Kotwali Sub Division
- 2 Shri Hari Dev
Sadar Bazar Sub Division
3. Shri D.L. Kashyap,
Kingsway Camp Sub Division
4. Shri Mahabir Singh
Ashok Vihar Sub Division
5. Shri Kewal Singh/Sh. Raghbir Singh Malik
Subzi Mandi Sub Division.

2.79. Out of the 5 ACPs, the role of Shri H.L. Kapur has already been discussed earlier and his work has been commended. Shri Hari Dev, ACP and Shri D.L. Kashyap, ACP also handled the situation in Police Stations under their charge reasonably well.

2.80. Shri Mahabir Singh, ACP, was the supervisory officer for the Police Stations Ashok Vihar, Sarai Rohilla and Lawrence Road. There were fairly wide spread disturbances in Police Stations Ashok Vihar and Sarai Rohilla. ACD was moving about in that area, yet the situation had not been effectively controlled in these Police Stations. Another serious omission on his part was regarding the incident in Police Station Sarai Rohilla where the Railway Protection Force men fired at the Gurudwara Killing a few people. This incident has been totally blanked out in his report though he was present at the time of the incident. This shows that he was not inclined to recommend any action against the men of this Force. Suitable action as may be deemed proper can be taken by the department against him for not controlling the situation properly in his jurisdiction and for not taking action against the RPF for which he should share responsibility along with his superiors.

2.81. Shri Kewal Singh was ACP Subzi Mandi on 31.10.84 but was replaced the same night by Shri Raghbir Singh Malik. As has been discussed earlier while dealing with Subzi Mandi Police Station, this transfer was affected because both ACP Shri Kewal Singh and SHO Subzi Mandi

were inclined to take a tough line against the miscreants. After Shri Raghbir Singh Malik, ACP took over from Shri Kewal Singh, the situation in Subzi Mandi area worsened. There are specific allegations against him as well as SHO Inspector Jai Bhagwan Malik. Both these officers were present when killings were taking place and there are allegations that these officers were encouraging the rioters. It is recommended that suitable disciplinary action for major penalty should be taken against Shri Raghbir Singh ACP as well as the SHO of Subzi Mandi.

MR. MAXWELL PEREIRA, ADDL. D.C.P.

2.82. Shri Pereira, Addl. DCP had shown exemplary courage in dealing with the rioters and was very effective in controlling the situation wherever he went. He deserves full commendation for his role in curbing the riots in the areas where he was present.

2.83. The North District had a mixture of good and bad work at the level of senior officers. Taking on overall view, the following recommendations are made in respect of this District.

2.84. The following officers deserve to be commended for their excellent work in handling the riots: -

- i) Shri Maxwell Pereira, Addl. DCP (North)
- ii) Shri H.L. Kapoor, ACP Kotwali
- iii) Inspector O.P. Tewari, SHO, P.S. Kotwali
- iv) Head Constable Satish Chander, No.2/n, P.S. Kotwali
- v) Inspector P.D. Duggal, SHO P.S. Lahori Gate.
- vi) Inspector Khushwant Singh, SHO, P.S. Bara Hindu Rao
- vii) Inspector U.C. Kataria, SHO, P.S. Narela.

2.85. Disciplinary action for major penalty is recommended against the following officers: -

- i) Shri Raghbir Singh Malik, ACP, Subzi Mandi
- ii) Inspector Jai Bhagwan Malik, SHO, P.S. Subzi Mandi
- iii) ASI Amar Nath, In charge, PP ISBT, P.S. Kashmere Gate
- iv) ASI Mange Ram and
- v) ASI Raja Ram, P.S. Ashok Vihar

- vi) Inspector Roop Chand, SHO, P.S. Adarsh Nagar
- vii) S.I. Jai Bhagwan, P.S. Adarsh Nagar.

2.86. Suitable disciplinary action is recommended to be taken against the following officers for not rising to the occasion and discharging their duties properly and effectively: -

- a. Shri Mahabir Singh, ACP, Ashok Vihar
- b. S.I. Ram Singh, P.S. Kashmere Gate
- c. Inspector Durga Prasad, SHO P.S. Kingsway Camp
- d. S.I. Sat Prakash, P.S. Kingsway Camp
- e. Inspector Raghunath Singh, SHO, P.S. Sarai Rohilla

SHRI S.K.SINGH, DCP (NORTH)

2.87. Shri S.K. Singh can be said to have generally handled this District well, except for some of the Police Stations like Subzi Mandi and Sarai Rohilla. It seems that his style was cramped by the presence of the Addl. C.P. and he was unable to take effective action in these two Police Stations. This does not, however, absolve him of his responsibility. Both he as well as the Addl. C.P. are accountable for failure to provide leadership and guidance to their subordinates and control situations where they were themselves present. The role of Shri Jatav, Addl. C.P. ® will be discussed separately as he was in charge of the Range which also included East and Central Districts. In so far as North District is concerned for which Shri Singh was in charge, he is certainly responsible for not controlling the incidents in P.S. Sarai Rohilla and P.S. Subzi Mandi in particular. Not only did he not take effective remedial action, he actually allowed the situation to deteriorate for which he should be suitably dealt with departmentally.

2.88. In addition to this, it is also recommended that the incident regarding unprovoked firing by the Railway Protection Force in Sarai Rohilla needs to be probed further by the concerned authorities and suitable punishment awarded to the delinquents.

2.89 The role of the Additional Commissioner of Police ® will be discussed separately in some detail in which his conduct in respect of the three Districts under his charge will be dealt with together.

CHAPTER – 3 EAST DISTRICT

3.1. The District comprises the whole of trans- Yamuna area of Delhi, bordering Uttar Pradesh and inhabited by relatively poorer sections of the society. During November 1984 riots it had only nine Police Stations and two more added since then by re-organizing the existing ones. This District had three Sub Divisions, each under the supervision of an Assistant Commissioner of Police. Shri Sewa Dass, IPS., Deputy Commissioner of Police was in overall charge of this District.

Three Sub Divisions were: -

- i) Gandhi Nagar: (Police Stations: Gandhi Nagar, Shakarpur and Kalyanpuri).
- ii) Shahdara : (Police Stations: Shahdara, Seelampur and Yamunapuri)
- iii) Farash Bazar : (Police Stations: Farash Bazar, Krishna Nagar and Seemapuri).

3.2. It was one of the worst affected Districts accounting for almost half the killings in Delhi. This was surprising as the District is very close to the Police Headquarters located just across the River and easily accessible.

3.3. The overall picture, that emerges from the perusal of various records shows that there was complete breakdown of law and order in this District during the riots. There are a number of allegations, not only against the subordinate police staff but also against the senior Police functionaries of this District. The police allowed the situation to go out of hand and of places, actively connived with the miscreants enabling them to carry on their activities with impunity. The general plea, taken by the Police officers that they did not have adequate force to deal with the rioters does not appear to be correct due to the following reasons:

- (a) The available force did not take effective action to check the killings and looting. In the Police firing etc. shown to have been done, no injury to anyone, has been reported in police records;
- (b) Nowhere the mob defied the police. Hence even small pickets could have been effective if they meant business and had the necessary will to control the situation.

3.4. Late Prime Minister was shot on 31st of October, 1984 morning. The main rioting and killings started on the morning of 1st November 1984, but in East District the incidents of violence had started on the evening of 31st October 1984. (Affidavits of Mrs. Ravinder Kaur, wife of Mr.

Amrik Singh No. 2778). Most of the killings had taken place on 1st and 2nd November 1984 but continued thereafter. The last major incident was on 5th November 1984 in which a Constable has been named as a killer (FIR No. 609) dated the 5th November 1984, Police station Shahdara.)

- 3.5 According to the figures supplied by the Delhi Police, only 105 people were killed in this District. The actual figure was, however, much higher. The Relief Commissioner has given compensation to as many as 1,234 victims from this District. The Citizens' Justice Committee (before the Misra Commission) has given the approximate number of deaths as 1,695. It is difficult to come to an exact figure but it can be safely stated that the deaths in this District were around 1,500 besides innumerable cases of arson and looting.
- 3.6. In spite of such massacre, the preventive action was almost negligible. No preventive arrests were made on 31st October, and 1st November 1984. On 2nd November 1984 there were only four arrests in Police Station Farsh Bazar. However, on 3rd November 1984, a number of preventive arrests were made but only after hue and cry was made in the press any by responsible citizens of the Country.
- 3.7. Not only this, in the initial stages of the riots only Sikhs (the victims) were arrested. This continued till late in the evening of 2nd November 1984 when Trilok puri carnage had surfaced.
- 3.8. A summary of arrests made and force stated to have been used by Delhi Police, as per their own records, is at Annexure 'A'.
- 3.9. The above facts give a clear indication of the attitude of Police of this District towards the riots. The affected people who needed protection were the ones persecuted by the Police. Not only this, the licensed weapons of the Sikhs were also systematically taken away, thus enabling the mobs to kill the Sikhs without fear of any worthwhile resistance.
- 3.10. The removal of SHO Shahdara (a Sikh officer) and Inspector Badan Singh) another Sikh officer) from Swaran Cinema, both of whom were inclined to take effective action would have demoralized the police staff of at least two police stations.
- 3.11. The general attitude of the Police of this District can be visualized from the following three illustrative affidavits: -
 - (i) SHRI ANUP SINGHS/O SHRI CHET SINGH, RESIDENT OF J-1, EAST VINOD NAGAR, DELHI. AFFIDAVIT NO. 2809.

He describes the attitude of police who joined the crowd and were involved in the attack. They incited the mob by shouting "Kill Sardars, Loot and burn their houses, they are traitors, they

are snakes, they have killed our mother". They also refused to give protection on being requested by the local people.

- (ii) SHRI HARBANS SINGH S/O SHRI PREM SINGH, RESIDENT OF J-7, EAST VINOD NAGAR, DELHI, AFFIDAVIT NO. 2815.

He describes how on his return from Kapurthala, Punjab, on the evening of 1st November, 1984, four armed Policemen standing near the Octroi Post near Shakarpur refused to let him rest near them and told him to go in the open fields nearby. Thereafter, they informed the mob coming that way that a Sardar had gone into the fields. He also describes how he was attacked by this mob and brought back in the Octroi Post but even then the Policemen gave no help. Since he had only one arm, he was not killed by the mob and only beaten and his hair was cut. He also describes how he learnt about the killing of his son and how on the 3rd November 1984 police carried away a truckload of dead bodies. He was cross-examined at length before the Misra Commission and stood his ground.

- (iii) SMT. NANKI DEVI, W/O SHRI JOGINDER SINGH, RESIDENT OF A-3/500, NAND NAGRI DELHI. AFFIDAVIT NO. 2550.

The lady has described events on the morning of 1st November 1984 at a number of places as she had gone to Shastri Nagar early in the morning for work as usual. She had to pass through quite a few Police Stations walking all the way back home on foot. About the police, she had stated that at Bhajanpura Petrol Pump, 4-5 policemen along with the mob were beating up the drivers of trucks and burning them. When asked why they were doing this, they asked her to go away and mind her business. She later describes the killings of a number of people near her house in Nand Nagri in which she also lost her husband.

3.12. There was a deliberate attempt on the part of the police officers to withhold the information about killings. On 1st November, 1984 at 1600 hrs. Commissioner of Police had asked for certain details regarding deaths, injuries and arson but the same does not appear to have been communicated to him. The Deputy Commissioner of Police (East) on receipt of the Commissioner of Police's message, had asked the SHOs to give this information to him but there is no record of his having passed it on to his superiors.

3.13. It reflects a rather sorry state of affairs that the Police Officers have deliberately pleaded ignorance till late in the evening of 2nd November, 1984 regarding killings in Trilokpuri, Police Station Kalyan Puri where about 500 people were killed, in spite of a clear message from Police Station Kalyanpuri at 1510 hrs. on 1st November, 1984 to the Deputy Commissioner of Police (East). Even an army officer sitting as far away as Police Station Darya ganj could inform about me as killings

but not the Police staff itself. For instance, message from East Control Room reads as under: -

“ 2nd November, 1984 – 1825 hours: Lt.Col. Informed office of Assistant Commissioner of Police/Daryaganj that many women and children have come to him weeping and all saying that people are indulging in killings in Block No. 34, Trilok Puri which has been totally deserted”. Lack of Knowledge of a large number of killings on the part of Officers of this District is, therefore, not at all acceptable. To give another example, in a report dated 11.2.1985, SHO Yamunapuri mentions that on 2nd November 1984, 29 dead bodies were found and sent for post mortem on that day. There are many similar reports in the logs and FIRs in the Police Stations including that of Police Station Kalyanpuri mentioned above.

3.14. There is evidence to indicate that attempts were made to quietly remove the dead bodies and dispose them of. A message from East District Control Room is quite revealing in this context:

“ 2nd November, 1984 – 1754 hours: E.O1/55/06 – Deputy Commissioner of Police/East be told to remove eight dead bodies lying in Vinod Nagar. From G.2 through police Control Room.”

3.15. The registration of cases was deliberately restricted to minimize the extent of the incidents of violence. In the first instance, the Deputy Commissioner of Police had ordered for registration of cases locality wise only. One of the Assistant Commissioners of Police has improved upon this direction by specifying the exact number of cases to be registered in his three Police Stations.

3.16. The functioning of the Police of this District can be judged from the fact that even after the details of massacres in Trilokpuri had come to light on 2nd November, 1984, afternoon, and heavy deployment of extra force stated to have been made, the incidents of killings and burning of dead bodies continued on the 3rd and at some places even up to 5th November, 1984.

3.17. The army moved into the East District on 2nd November, 1984 and camped at Shahdara, Seelampur and Yamunapuri. Apparently, even after the arrival of the army, the Civil Administration did not make effective use of the army. Hence violence continued.

3.18. The evidence forthcoming indicates that the Police in the District appeared to be under pressure and influence of local leaders and toughs for reasons best known to them. Subsequently, as late as 1987, quite a few cases have been registered at various Police Stations naming these so-called leaders and local toughs as accused.

3.19. The manner, in which it was decided by the senior Police Officers to deal with the looters of property, shows the pressure under which they

were working as a result of which all legal and moral niceties were thrown to the winds. Nowhere does the law stipulate that perpetrators of looting and robbing be asked to return the property looted and robbed in return for which a general pardon can be granted to them by the Police. Yet this is exactly what had been done by Additional Commissioner of Police Shri Jatav in the following collective message which is in the nature of an order: -

“ 4th November, 1984 – 0737 hours: From E.G. – 3 – All SHOs should announce in their respective areas that those having looted property should deposit it at the Police Stations failing which legal action will be taken on recovery.”

This clearly shows the nexus between the criminals and the police. That is why the Police Officers found it extremely inconvenient and embarrassing to take any action against the culprits.

- 3.20. The fact that the local Police and the so-called leaders were working in collusion is corroborated by subsequent attempts made by various police personnel to obtain affidavits before Justice Misra Commission absolving both the police and local leaders of the various charges. These affidavits have apparently been obtained through deceit and coercion as would be clear from their subsequent statements before the Commission.
- 3.21. The events are also an extremely had reflection on the functioning of the intelligence staff of the Delhi Police in the East District. Their names are at Annexure 'B'. No worthwhile information was given by them to their senior officers. It is all the more reprehensible that information regarding East District reached Police Headquarters through Press Reporters and an army officer sitting as far away as Police Station Daryaganj, but the intelligence staff did absolutely nothing even though allegedly present in the field in these very areas. Suitable disciplinary action, therefore, needs to be taken against the Intelligence Staff for their lapses.
- 3.22. It is painful to note that despite killings, looting and arson going on such a magnitude, there had not been single instance in which the conduct of any individual police officer in this District can really be appreciated.
- 3.23. The responsibility for the situation going totally out of control, lies, as much with the senior officers of the Delhi Police, particularly the Additional Commissioner of Police Shri H., C. Jatav and Shri Sewa Dass, Deputy Commissioner of Police as with the local SHOs/Assistant Commissioners of Police.
- 3.24. The events of each Police Station as well as the role of the superior officers are now being discussed at some length:

POLICE STATION FARSH BAZAR

SHO: Shri Daryao Singh

ACP: Shri B.S. Bhola

- 3.25. Police Station Farsh Bazar is located in the east of the District bordering Uttar Pradesh. ACP Shri B.S. Bhola was on leave at that time. In his place Shri Parshottam Dass, ACP) HQ was supervising the Police Station. The office of the Deputy Commissioner of Police is also located in the jurisdiction of this Police Station.

AFFIDAVITS BEFORE THIS COMMITTEE

- 3.26. In response to the public notices issued by this Committee, three affidavits have been received which mainly pertain to losses incurred during the riots and non-registration of cases by the police.

AFFIDAVITS BEFORE MISRA COMMISSION

- 3.27. No affidavit was received in the Misra Commission pertaining to this Police Station.

EVENTS

- 3.28. The incidents of violence started in the morning of 1st November 1984. Serious incidents were setting Gurudwara Hargobind Place and Gurudwara Anand Vihar ablaze; and attempt to burn Swaran Cinema. Swaran Cinema is located very close to the District Police Headquarters. Deputy Commissioner of Police sent the R.I. of the District, Inspector Badan Singh, (a Sikh officer) to the spot. Inspector Badan Singh fired twice in the air to scare away the mob. The Deputy Commissioner of police reached there and quickly realizing that R.I. was a Sikh officer, sent him back. The R.I. had apparently saved the building from being totally burnt as the records show that this very Cinema was again set on fire by the mob on the morning of 3rd November 1984. Another serious incident occurred at about 1445 hours when a mob surrounded the house of one Harbans Singh whose family members were entrapped inside. Allegedly, SHO along with a posse of police force reached the spot, opened fire in the air and rescued the family members. The other events of this Police Station indicate that the police rescued some people and effective action prevented further loss of life.

DEATHS

- 3.29. The numbers of deaths in this Police Station were around ten.

DISCUSSION AND RECOMMENDATION

Taking on overall view of this Police Station, it does not appear to be necessary to recommend any action against any one in this Police Station. As regards Swaran Cinema the senior officers will have to take the responsibility as Deputy Commissioner of police was present on the spot.

POLICE STATION : SHAHDARA

SHO: SHRI M.S. SAPRA

ACP: SHRI D.D. SHARMA

3.31. Shahdara Police Station area is thickly populated, across the Yamuna, with a population of over two lakhs; the Sikh population would be around three per cent.

AFFIDAVITS RECEIVED BY THIS COMMITTEE

3.32. In response to public notices issued by this Committee, only three affidavits have been received. The affidavits before the Committee are of general nature not of much use for the work assigned to it.

AFFIDAVITS BEFORE THE MISRA COMMISSION

3.33. Out of the persons who had filed affidavits before the Misra Commission, the following persons were called up for examination: -

SHRI DALIP SINGH (24743)- He gives an account of the mob attacking his house at about 1100 hrs. On 1st of November 1984 and has also named fourteen persons who were part of the mob, as they belonged to the neighbouring localities. The mob burnt his factory, which was close to his house. He had lodged a report with the Police on 6th of November 1984 but no action has been taken and, in fact, the police is prosecuting him himself under section 304 IPC.

SMT. SURJIT KAUR (2704) - She had lost two members of her family. Her Husband, a private truck driver, was attacked on 31st October 1984 itself, but escaped. She had given a graphic description of the happenings on 1st November 1984 which shows that the mob was moving about in the area and a group of six police-men standing nearby were not taking any action whatsoever. On the basis of this affidavit after a long delay, a case has been registered in February 1987 by the Delhi Police.

SHRI SARDOOL SINGH (2816) – He had lost seven members of his family when his house was burnt on 2nd November 1984 morning. He was the lone survivor. According to him, he went to lodge a report with

Police Station Shahdara on 12th November 1984, naming eleven people from among the mob. Sub Inspector Tulsi Das present at the Police Station, called some of these very persons to the Police Station including the one who was armed. The Sub Inspector is alleged to have forced the deponent to sign on paper stating that he had nothing against those people.

SMT. SWARAN KAUR (2787 and 2466) – She lost her husband and two other family members. She has named certain persons, in her affidavit, who were leading the mob. The attack on her house took place on the night of 2nd November 1984. She has given a graphic account of the way the mob was attacking and killing people. According to her, everything was happening in front of the police personnel who gave no help whatsoever.

SHRI NIHAL SINGH (2516)- He has given a detailed account of the incidents on 1st November, 1984 morning and named eight persons of the locality. According to him, a Police jeep was also standing near the place where the arson and killings were taking place. He has given details of the Mahendra & Mahendra factory being burnt and its Proprietor killed. He has named the persons in the mob who were carrying guns and revolvers. He was threatened by the named persons against disclosing their names to the Commission. In his cross-examination, he has confirmed having seen the police jeep.

SHRI SADHU SINGH (163) – He has stated how the residents of the locality had taken possession of his property and even made a temple on the same. The same was restored to him later on after intervention by the army authorities, as he is an ex-soldier.

- 3.34. There are a few other affidavits of this Police Station, which generally describe the incidents.

EVENTS

- 3.35. Violent incidents in this Police Station area had started late in the evening of 31st October 1984. The main killings had, however, taken place on 1st and 2nd November 1984. According to the police records the main trouble started on 1st November, 1984 morning at 10.10 hrs. On Chhajjupur Road near the Police Station. Inspector M.S. Sapra, S.H.O. mobilized the available force and moved out in the police vehicles as well as private auto rickshaws. Shri Sewa Dass, Deputy Commissioner of Police and Shri D.D. Sharma, Assistant Commissioner of Police also reached the place.
- 3.36. The SHO (a Sikh Officer) wanted to deal with the situation effectively but was prevented from doing so by the Deputy Commissioner of Police, who sent him back to the Police Station in his own car ostensibly to save him from the mob, which was stated to be “menacingly dangerous towards him”. Thereafter Shri Sapra could not

move out of the Police Station. No one was posted as his replacement and as a result the Police Station was for all practical purposes working without an SHO that naturally led to the situation going out of control.

DEATHS

3.37. As per affidavits filed before Misra Commission, the number of deaths is 586. The Relief Commissioner's figure indicates 258 deaths. The number of deaths should be in the vicinity of 300, if not more. In addition to this, there have been 147 incidents of arson and 36 incidents of looting as per Delhi Administration records. The incidents which started on 31st October, 1984 evening had continued right up to 5th November, 1984 when the last major incident occurred involving the deaths of two persons (FIR No. 609 dated the 5th November, 1984).

FIR' s

3.38. Despite the fact that so many incidents and killings had occurred, the number of FIRs registered from 1st November 1984 to 5th November 1984 is only four. Out of these, one FIR No. 606 pertains to the killing of a non-Sikh. Two cases have been registered on 1st November, 1984 (FIR No. 607) and 2nd November, 1984 (FIR No. 608) on reports by the Sub Inspector of the Police Station and pertain to a number of incidents at different places and not to any specific instance. In both the FIRs, there is mention of dead bodies. The FIR No. 608 is of 2nd November 1984 registered at 11.30 hrs. it also mentions that senior officers have been informed. Of the incident. The fourth FIR No. 609 was registered on 5th November 1984 in respect of the killings of two persons and in this, one Constable is named. This would show that no cases had been registered in respect of any of the incidents occurring after 11.30 hrs. On 2nd November 1984 to 0830 hrs. Of 5th November 1984.

POLICE STATION

3.39. According to police records, police did not make any preventive arrests between 31st October 1984 – 3rd November 1984. They also did not resort to lathi charge. Firing was resorted to only on 2nd November 1984 after a lot of damage had already taken place. Even then, there is nothing to show that the firing etc. resorted to be effective as there is no mention of any injuries to any of the rioters. Besides, no arrests in any case were made up to 4th November, 1984 and then only twenty-two preventive arrests made on 4th November, 1984.

DISCUSSION OF EVIDENCE

3.40. Although there had been a large number of killings in the jurisdiction of this Police Station, there are no specific allegations against any individual police officer. There are, however, allegations of police in

action, which is confirmed by the fact that no effective preventive action was taken by way of any arrest or by way of use of force. The general pattern of the police asking the Sikhs to go into their houses and then disappearing from the scene leaving the Sikhs at the mercy of the mobs has been followed in this Police Station.

- 3.41. Besides the presence of subordinate police personnel at various places of rioting and killings, the Assistant Commissioner of Police as well as Deputy Commissioner of Police has been present at many places. It is obvious that besides the subordinate staff, even the Deputy Commissioner of Police was not only ineffective but also concealed the facts of killings as is indicated from the affidavit No. 2737 of Shri Sanjay Suri, a Press Reporter. The reporter says that though dead bodies were lying around, the Deputy Commissioner of Police was telling him that there had been no serious incidents in Shahdara or elsewhere in the District.
- 3.42. The general defense for inaction is non-availability of force. But records show that extra police force had been made available on 1st, 2nd and 3rd November 1984, to this Police Station. Besides this, a tear gas squad was also sent on 1st November 1984.
- 3.43. Apparently, no effective use of the available force was made, the plea of inadequacy of force is, therefore, not at all tenable.

RECOMMENDATION

- 3.44. The lapses of the police personnel of this Police Station are: -
- i) Total break-down of the law and order machinery mainly due to the immobilization of the SHO and no alternative arrangements;
 - ii) No preventive or positive action to check riots and deal with the rioters;
 - iii) Non-registration of FIRs and harassment of the victims.
- 3.45. Disciplinary action is called for against Sub Inspector Surendra Dev and Sub Inspector Tulsi Dass on whose reports FIR No. 607 on 1st November 1984 and FIR No. 608 on 2nd November 1984 had been registered. They have mentioned a large number of incidents of burning and killings. Yet, with the force available with them, no preventive or effective action was taken. There is no mention of any lathi charge, tear-gas or firing having been resorted to in spite of such a large number of killings.
- 3.46. Disciplinary action against Sub Inspector Tulsi Dass is also recommended for calling to the Police Station those very people, carrying weapons, against whom a complaint was being lodged by Shri Sardool Singh (Affidavit No. 2816) and thus trying to silence him.

POLICE STATION – SEELAMPUR

SHO: Shri Bhim Singh

ACP: Shri D.D. Sharma

3.47. Police Station Seelampur is along the bank of river Yamuna.

AFFIDAVITS BEFORE THE COMMITTEE

3.48. No affidavit has been received by this Committee in response to public notices.

AFFIDAVITS RECEIVED IN MISRA COMMISSION

3.49. In the Misra Commission, three affidavits were filed. Two of the deponents, Shri Sujan Singh and Smt. Rawail Kaur, had been examined.

SHRI RAM SINGH (2573)

He describes how his house and shop were attacked on 1st November 1984 at about 1030 hrs. SHO Bhim Singh and Deputy Commissioner of Police (East) mentioned as S.P. Sahib had come along. They mentioned that they had come to rescue him and asked him to bring his licensed gun. He was taken to the Police Station and on the next day sent to jail. Details about this case are being given subsequently.

SHRI SUJAN SINGH (2821)

He describes how he, being a Congress worker himself, was informed by another co-worker that his party men had decided to take revenge for the death of their Prime Minister and advised him to run away. Soon after the mob attacked him but he was saved by Sub Inspector Gian Chand who happened to be a close friend of him. For a few days, he stayed with his neighbour who had originally warned him to escape.

SMT. RAWAIL KAUR (2678)

She has given an account of the killings of her husband and other family members in front of her eyes. The dead bodies were burnt. The culprits continued to terrorize her as they were released shortly after they were arrested.

EVENTS

3.50. Trouble in this Police Station had started in the morning of 1st November 1984. The first serious incident was burning of Maujpur

Gurudwara where the SHO and ACP, had reached. The SHO had stayed in that area from 0930 hrs. To 1145 hrs. Some shops were burnt in that area. Subsequently, there was trouble in Gamri Colony and the SHO remained there from 12.00 hrs. To about 1315 hrs. In the afternoon, there was trouble in Seelampur and Gamri Extension. Deputy Commissioner of Police (East) as well as Assistant Commissioner of Police, Shahdara were also there. This is confirmed from Shri Ram Singh's version, though there is a difference in the time in the two versions.

- 3.51. An extract from the SHO's report dated the 30th November, 1984, indicates as under: -

“ At 1315 hrs. a huge excited crowd had collected around the house of Shri Ram Singh, resident of G-107, New Seelampuri and wanted to set it on fire. Ram Singh of Seelampur opened fire with his licensed 12-bore gun injuring ten persons. This infuriated the mob, which swelled to 3000-4000 around Ram Singh's house. SHO, Seelampur along with ACP/Shri D.D. Sharma and DCP/East used ten tear-gas shells and opened fire and rescued Ram Singh and his family members in truck No. UST-6375 under heavy showers of brick-bats from the mob”.

SHO alleges that he was hurt due to the brick batting. However, no one seems to have been arrested by the police during this incident.

- 3.52. Subsequently, at around 1430 hrs. The mob also gheraoed Police Station, Seelampur under the impression that Shri Ram Singh and his family members had been kept there. The crowd was dispersed. No one seems to have been arrested even then and no case registered against the rioters.
- 3.53. It had not been mentioned that Ram Singh had committed any offence. However, at 1625 hrs. a case was registered by the SHO on a report taken from a private person against Shri Ram Singh and as indicated in his affidavit he was arrested and sent to jail next day. This action of the police does not seem to be justified.
- 3.54. There are no serious incidents mentioned in the Police records nor is there any reference to any killings within the Police Station. The SHO is stated to have fired from his service revolver twice, two rounds each in the morning of the 1st November 1984. Use of tear gas and cane charging were also stated to have been done by him.

DEATHS

- 3.55. The Delhi Administration figure shows fifty-one deaths. The Relief Commissioner's records indicate forty persons killed. It would be safe to presume that the total deaths would be around fifty in this Police Station.

FIR' s

- 3.56. Two criminal cases were registered on the 1st November 1984. One of these is FIR No. 40 registered at 1545 hrs. Mentioning various incidents in general.
- 3.57. The second FIR No. 341 was registered against Shri Ram Singh at 1645 hrs. Under Section 307 IPC reference to which has already been made earlier. Shri Ram Singh is reported to have fired four rounds with his licensed gun injuring many people. The FIR states that Shri Ram Singh had run away from the scene, which is contrary to the facts stated earlier by SHO. The names of persons injured have not been mentioned even though it is stated that they are being treated in the hospital.
- 3.58. The third FIR is on 3rd November 1984 (No. 342), which pertains to arrest of some persons for breach of section 144. No other case has been registered at the Police Station during the period of the riots.
- 3.59. In his report prepared in reply to W/T Message No. 119 dated the 16th February, 1985 from Deputy Commissioner of Police, Special Branch, Shri Bhim Singh has defended his action in not registering FIRs by stating as follows:

“ On the 1st November, 1984 evening, all the three SHOs of Shahdara Sub Division were summoned by ACP/Shahdara through wireless and were directed to register one case about the days disturbances.”

DISCUSSION OF EVIDENCE

- 3.60. The main incident on which specific action should be taken not only against the Police Station staff but also against the senior officers is for registration of a case and subsequent arrest of Shri Ram Singh. The mob had attacked his house and he was well within his rights to fire with his licensed gun in self-defense especially as the police was unable to provide protection to him against the rioters. The action of arresting him and sending him to jail after registering a case appears to be mala fide and not justified.

RECOMMENDATIONS

- 3.61. The senior police officers including the SHO have been totally negligent. The role of supervisory officers will be discussed separately. In regard to the SHO, it is recommended that regular departmental proceedings should be initiated against him. Shri Bhim Singh, SHO was (i) ineffective and failed to control the law and order situation within his jurisdiction; (ii) took no preventive action; (iii) wrongfully arrested Shri Ram Singh who was exercising his right of self-defense; (iv)

registered only one Fir against the rioters during the entire period of riots.

POLICE STATION – YAMUNA PURI

SHO: SHRI R.P. SINGH

ACP: SHRI D.D. SHARMA

- 3.62. Police Station Yamunapuri covers the northern portion of East District and its main localities are Bhajanpura, Yamuna Vihar Colony, maujpur, Jyoti Nagar and Khajuri Khas. The Police Station also had an outpost/ Police Post Khajuri Khas under it.

AFFIDAVITS BEFORE THE COMMITTEE

- 3.63. In response to public notices issued by this Committee, only two affidavits have been received. One of them, from Shri Surender Singh is to the effect that police made to effort to save his property and took no action when the matter was reported. His complaint was linked with the general FIRs, which had already been registered with the police. The second affidavit is of Shri Sewa Singh and thirteen others stating that the SHO Yamunapuri, had been approached on 1st November, 1984 for police protection and arrangements in connection with Guru Nanak Ji's birth celebrations being held those days, which included Prabhat Pheris being taken out in the morning. Along with the affidavits, a copy of the application, duly received at the Police Station, has been enclosed. No action was taken by the Police leading to the death of eighteen persons besides loss of property. (Affidavits of Shri Surender Singh 81/87 and Shri Sewa Singh 307/87).

AFFIDAVITS BEFORE JUSTICE MISRAL COMMISSION

- 3.64. A number of affidavits were received by Justice Misra Commission pertaining to this Police Station, including a few which were favourable to the police. Two of these namely, Basant Singh (1060) and Shri Sher Singh Rawat (1293) were examined by the Commission. The examination in the Commission indicates that the affidavits were furnished at the instance of the police in order to give a good impression about their work. The cross-examination has, however, clearly indicated that the affidavits were not voluntary.
- 3.65. The other affidavits mainly narrate the facts about looting and arson from 1st to 5th November 1984 and the absence of any police action. A joint affidavit has also been given by three persons S/Shri Beant Singh, Swaran Singh and Yashpal Singh, Affidavit Nos. 2720, 2721 and 2722, which is similar to the one received by this Committee from fourteen persons, Shri Sewa Singh and others.

- 3.66. SMT. NANKI DEVI (2550) is resident of A-3/5--, Nand Nagri. She has given a detailed account of incidents at many places including an incident at Bhajanpura petrol pump, Yamunapuri. According to her, policemen along with mob were indulging in violence including killings and she identified one policeman wearing the nameplate of Manjeet Sharma along with others indulging in killing. When she questioned him as to why they were doing that, he told her to mind her own business and go away.

FIR' s

- 3.67. During the riots, only three cases were registered at this Police Station, all on 1st November 1984. The first case FIR No. 275 registered at 1810 hrs. is a written report ASI Chander Pal who was on patrol duty in his beat. The FIR only mentions that huge crowds were moving about and burnt Gurudwara as well as Takshila Guru Harkrishan School. The second case FIR No. 276 at 1835 hrs. is a written report of S.I. Mani Ram and mentions looting and arson in Blocks 'B' and 'C' of Yamuna Vihar Colony, Rajpur and Wazirabad Road. It also mentions that the police were trying to control the mob running along with them all the time. The third case FIR No. 277 at 1900 hrs. is a report of S.I. Hem Chand of the Police Station who was on duty around wazirabad Road, Bhajanpura Bus stand and Petrol Pump and mentions that the mob burnt vehicles, breaking up into several groups to burn and loot. However, these FIRs hardly mention any effective action by the police on duty.

No other cases were registered with the Police Station at all even though the killings and arson had continued all through.

DEATHS

- 3.68. The number of people killed in this Police Station during the riots was around 150. Besides killings, there were 104 incidents of looting and arson, as per records of Delhi Administration.

DISCUSSION

- 3.69. The records of the police Station do not reveal the actual state of affairs and no killings have been shown. However, the copies of statements recorded during investigation under FIR No. 276 are available. Practically all the statements are of residents of 'B' and 'C' Blocks, Yamuna Vihar Colony and in almost each case the killings are stated to be on 1st November 1984 in their colonies.

A number of statements of witnesses to the inquest and identification of dead bodies, available also show that a large number of persons were killed on 1st November 1984. Similarly, the statements of persons recorded in connection with investigation of FIR No. 277 pertaining to Bhajanpura, Khajuri Khas and Gondha would indicate that a large

number of persons had been killed on 1st November, 1984. The police parties were headed by Sub Inspectors available in these areas and there is also evidence of SHO, ACP and DCP being at some of these places in the forenoon on 1st November 1984. However, there is no evidence of any effective action on the part of the police.

- 3.70. According to the report of Deputy Commissioner of Police (East) contained in letter No. 7667/X (East) dated the 20th November, 1984 he was present at village Maujpur in the morning of 1st November, 1984 when the Gurudwara was burnt. SHOs, Seelampur, Yamuna Vihar Colony with staff and ACP Shahdara had also reached. At 1021 hrs, the DCP is stated to be present along with ACP and SHO at Texila School which had been set on fire. At 1030 hrs. The Deputy Commissioner of Police reached Maujpur along with SHO when according to him there was police firing. Between 1120 hrs. And 1130 hrs, there were three incidents in Yamunapuri which were attended to by Deputy Commissioner of Police along with ACP and SHO. The Deputy Commissioner of Police along with ACP reached Khajuri Khas village and then went away to Bhajanpura from there. He is stated to have saved a shop from being looted and also a truck carrying tyres being looted by the mob. According to the Deputy Commissioner of Police, the Assistant Commissioner of Police had extinguished the fire in Khajuri Khas Gurudwara and Petrol Pump. However, there is no record of police firing at Maujpur or in any statement prepared by Delhi Police. The action taken by the police, therefore, seems to be imaginary.
- 3.71. At 0645 hrs. on 2nd November 1984 a call was received from the Police Control Room that dead bodies were lying in Blocks 'B' and 'C', Yamuna Vihar Colony. Instead of proceeding to the place of occurrence, SHO deputed S.I. Mani Ram, but there is no record of what this S.I. did or did not do in the general diary. Silence seems to be the best way to cover up inaction.
- 3.72. A mention in the report of the SHO dated the 11th February 1985 indicates that on 2nd November 1984, twenty-nine dead bodies were found and sent for post mortem on that day. This could be pertaining to the killings in Blocks 'B' and 'C' of Yamuna Vihar Colony. However, no cases have been registered in respect of these deaths. This needs some explanation as it amounts to playing down the offences committed and permit the culprits to go scot free.
- 3.73. The only mention of death of a specific person by the SHO is in his report dated the 1st December, 1984 about one Himmat Singh who had been injured on 3rd November, 1984 and admitted to the hospital, is stated to have expired on 5th November, 1984 and the only case registered after 1st November, 1984 is also on 5th November, 1984 pertaining to this death.

- 3.74. The main plea taken by the police is inadequacy of force. This is not acceptable because the records show that the existing police did not resort to lathi charge or teargas. They did not arrest any one up to 3rd November 1984. No firing was resorted to up to the 2nd of November 1984, in spite of all that was happening in front of them, which would imply that the police had no will to control the situation.
- 3.75. In spite of such a large number of incidents, including deaths, having taken place and also some extra force being available on 2nd and 3rd November, 1984, at the Police Station there have been no arrests under any substantive offences in the cases registered on 1st till 4th of November, 1984. Fourteen persons had been arrested under preventive sections only on 3rd November 1984. The records also show that fifty-one rounds were fired, twenty-two on 2nd November 1984 and twenty-nine on 3rd November 1984 but no other effective action was taken earlier. Even in the firing resorted to; no one indulging in violence was injured or died. This would show that whatever action was taken was perhaps only on paper and no attempt at any stage and at any level was made to effectively deal with the situation.

RECOMMENDATIONS

- 3.76. On the basis of the facts revealed and the records available, disciplinary action for gross dereliction of duty is recommended against Shri R.P. Singh, SHO and

S.I. Mani Ram on the following grounds

(A) SHRI R.P. SINGH, SHO

- (i) Large number of killings had taken place at various places within the jurisdiction of Police Station Yamuna Puri and at a number of these places he himself was present. He failed to take effective action. He failed to record these deaths in any police records or in the FIRs. Law and order in his jurisdiction had broken down completely and he failed to rise to the occasion.
- (ii) He was present at the Police Station on the morning of 2nd November 1984 when a message was received from Police Control Room regarding dead bodies lying in Blocks 'B' and 'C', Yamunapuri. He had gone out patrolling within half an hour of this message but did not care to find out about the dead bodies. The police records do not have any mention of the same except the message received from the Police Control Room. Even S.I. Mani Ram who was directed to go to the scene did not give any report regarding these killings. This is a very specific and serious act of misconduct and gross dereliction of duty on the part of the SHO.

- (iii) Shri R.P. Singh, SHO, is apparently not only unfit to hold charge of a Police Station but also not fit for being retained in the police force. Suitable disciplinary action should be accordingly initiated against him for major penalty.

(B) SHRI MANI RAM, SUB INSPECTOR

- (i) On the morning of 2nd November 1984 when a message was received regarding dead bodies lying in Blocks 'B' and 'C', Yamunapuri, he was deputed to carry out investigation in this regard. There is nothing to indicate as to what he did and whether he proceeded to that place at all. No entries in police records are there to confirm as to what had been done by him in this regard. The fact that a large number of persons were killed in that area is confirmed by the receipt of message, subsequent investigations and affidavits received in the Justice Misra Commission.
- (ii) For his acts of negligence and dereliction of duty, disciplinary action against S.I. Mani Ram is recommended.

(C) SHRI MANJEET SHARMA, POLICEMAN

He has been specifically mentioned in the affidavit of Nanki Devi (2550). His involvement in the killings near Bhajanpura Petrol Pump needs to be investigated and suitable action taken against him.

POLICE STATION – SHAKARPUR

SHO: Shri Jai Singh

ACP: Shri R.D. Malhotra

- 3.77. Police Station Shakarpur is located along the bank of river Yamuna and covers the main road going from Delhi to Ghaziabad.

AFFIDAVITS BEFORE THE COMMITTEE

- 3.78. In response to the public notices issued by this Committee, eight affidavits have been received.

AFFIDAVITS BEFORE JUSTICE MISRA COMMISSION

- 3.79. A number of affidavits were received by Justice Misra Commission. Out of these, four persons were examined. Three of them have given affidavits in favour of certain political leaders. They also mention that the trouble was a reaction to the celebrations by certain sections of the

Sikh Community. One of them Shri Bhoop Singh (2925), according to his own admission made during the course of examination, was a person of doubtful character as 6-7 criminal cases were pending against him. The other two Shri Mithan Lal (2929) and Shri Shyam Lal (2938) are real brothers. All the three affidavits have been sworn on the same day i.e. 10th September 1985. In these affidavits the columns regarding identity of the deponents are blank and these affidavits appear to be motivated and lot quite reliable.

3.80 The other affidavits before Justice Misra Commission describe the incidents of killing and looting. A gist of the same is given below:

(i) SHRI SANT SINGH (2395)

He is a retired policeman presently carrying on transport business. In his affidavit he has named a number of persons who were carrying Congress (I) flags and shouting slogans – Khooon Ka Badla Khooon Se Lenge (Blood for Blood). He has narrated the activities of mob violence in Shakarpur. His house was attacked. The deponent has further stated that during all these occurrences, one policeman Shri Giriraj Constable, who had a Government rifle with him, accompanied his brother Shri Shyam Singh Tyagi who was leading the mobs. He did not take any step to stop the mob but instead was siding with the culprits.

(ii) SHRI HARBAJAN SINGH (2341)

He has stated in his affidavit that on 1st November 1984, at about 0910 hrs killing of Sikhs, looting and burning of property started within his view. He has named certain persons of the locality as part of the mob, and that the Police remaining a silent spectator.

(iii) SMT. GURMEET KAUR (2339)

The husband of the deponent and her son were dragged out and killed with iron rods and burnt alive. Her house was looted. Police was present among the mob. They did not ----- but rather instigate the mob to commit murder looting and burning of property. She had informed the police about the names of the murderers but the police refused to record her report saying that such things had happened to very Sikh.

(iv) SMT. PREM KAUR (178)

She has stated that on 31st October 1984, at about 2100 hrs. She had seen a mob attacking and pelting stones the residence of her neighbour Avtar Singh Bhatia. On 1st November 1984, at about 0900 hrs. She saw Avtar Singh being chased by the mob,

caught, beaten up and killed. Her husband and son were killed. Their dead bodies were recovered by the police and never given to her for cremation. She had requested on Avinash of the Police Post, who had come with a few men for help, but they did nothing and, in fact, her husband was pulled away and killed right in front of her.

(v) SMT. KUSUM LATA JAIN (164)

She is a resident of School Block, Shakarpur, she had stated that on 1st November, 1984 she heard noises and came out. She found that a mob of 200-300 people were following two Sikhs and shouting slogans like "kill the Sikhs". She has at a loss to understand what was happening. At that time a Police Van came. Shri R.D. Malhotra, S.P. and Mool Chand were in the Van. They told the gang to continue with their work. (By S.P. she perhaps means DCP).

(vi) SHRI JAGJIT SINGH (2314)

An old Congress Worker, has stated that on 9th November, 1984 when he returned home he was told by Kuldip Singh that ACP Shri R.D. Malhotra and SHO Choudhary Jai Singh had said in front of his house on 2nd November, 1984 that "IF JAGJIT SINGH IS ALIVE, HE BE KILLED. IF HE ESCAPES THEN IN FUTURE HE WILL TROUBLE US". He had reasons to believe this, as he knew much.

(vii) SHRI SUKHAN SINGH SAINI (2460)

The deponent has filed two affidavits bearing the same number before the Justice Misra Commission, in the first Affidavit filed on 30th August, 1985 he describes how he joined the crowd in front of the house of Sham Singh Tyagi, saw and heard the local M.P. giving instructions to Shri Tyagi and number of others whom the deponent has named. He also saw the M.P. giving bundles of notes to Bhoop Singh Tyagi for buying liquor and assured him that he will look after everything. The deponent says that nobody was suspicious about him because he was a Hindu. Later he told Sardar Sant Singh to be vigilant because of what he had heard. In December, 1985 Shri Saini has filed another affidavit and changed his stance for reasons best known to him and stated that he and some Sikhs were misled by propaganda and that the local M.P. did not have a hand in the riots.

(viii) SMT. SURINDER KAUR (2594); and

(ix) SMT. GURNAM KAUR (2603)

Both these ladies have described in detail instances of riot, arson and killing and there seem to be no reason to disbelieve their version of what actually happened in this area.

(x) SMT. PARAMJIT KAUR (2812)

She has stated that on 1st November 1984, at about 1200 hrs. a mob of 200-300 persons carrying iron rods, kerosene oil, white powder came and despite her pleadings, dragged out her son, threw him into a burning truck and also set her house on fire.

(xi) SHRI HARBANS SINGH (2815)

Referred to on page 85 also, has described how he was attacked at the Octroi Post near the ITO Bridge with the connivance of the armed police manning the Octroi Post. He was cross-examined at length and stood the test of examination. On further enquiry, it is revealed that the police party was led by Har Gopal, Head Constable No. 117/E in the Delhi Armed Police. He obviously did not behave as a member of a disciplined force.

3.81. In the above affidavits, Constable Giriraj, S.I. Mool Chand, SHO Jai Singh and Assistant Commissioner of Police R.D. Malhotra have been mentioned by name by the deponents.

EVENTS

3.82. The main road, namely Vikas Marg goes through this Police Station. Trouble had started here in the evening of 31st October 1984. The buses were being stopped and Sikhs forced to get down and beaten up. However, the main trouble started on the morning of 1st November 1984 with the burning of the Gurudwara in Preet Vihar and serious incidents continued up to 3rd November 1984.

DEATHS

3.83. The total number of persons killed in this Police Station, as per Police Station records, is only twenty-seven. The Citizens' Justice Committee has mentioned eighty-seven deaths whereas the records of the Relief Commissioner of Delhi show the deaths to be of the order of one hundred and two. From the about figures it can be inferred that the deaths would be well over one hundred.

FIR' s

3.84. Despite the fact that so many killings had taken place and serious incidents had gone on up to 3rd November, 1984, this Police Station had registered only three FIRs during the riots and all the three have

been registered on November, 1984 itself. The details of the three FIRs as follows: -

- (i) FIR No. 368 dated the 1st November 1984 under sections 147/148/149/427/436/188/304/ IPC on a report of S.I. Mool Chand at 13.35 hrs.

A mob set fire to shops and houses of Sikhs. They also set fire to Gurudwara Preet Vihar. ACP/Gandhi Nagar came to the spot and resorted to tear-gas and firing. Four dead bodies were found inside the Gurudwara and one in House No. E-62, Preet Vihar.

- (ii) FIR No. 369 dated the 1st November, 1984 under sections 147/148/149/302/427/436, IPC on a report of S.I. Sardar Singh at 1355 hrs.

The complainant along with one Constable was on duty at Chowk on Vikas Marg. At about 1130 hrs. on 1st November, 1984 a mob shouting slogans and carrying lathis, iron rods etc. and set fire to the houses/shops in Laxmi Nagar. A few vehicles were also set on fire. The mob proceeded towards Vikas Marg, and set fire to vehicles in which one Sikh was found dead. After doing their work the mob again went to Laxmi Nagar.

- (iii) FIR No. 370 dated the 1st November 1984 under sections 147/148/149/304/188/427/436/295/302 IPC on a written report of S.I. Ram Kumar at 1500 hrs.

The FIR describes how a huge mob carrying lathis and iron rods was beating the Sikhs, setting vehicles, houses and shops on fire. They had also set on fire the School Block, Shakarpur. There is mention of four dead bodies and one person dying in hospital. In both FIRs and 370 we do not find any concrete action on the part of the police.

- 3.85. A few cases have subsequently been registered after 12th November 1984 pertaining to certain specific incidents. These have been registered on complaints made by various affected persons.

DISCUSSION

- 3.86. The records of Police Station do not mention any police firing on 1st and 2nd of November 1984 but the detailed report dated the 3rd November 1984 of SHO mentions firing having been resorted to at two places on 1st November 1984 at Preet Vihar and Ram Nagar. This is not supported by the statement prepared by the Police in connection with the inquiry, Annexure A to the report on East District.

- 3.87. In view of these contradictions, the authenticity of the statements regarding firing is in itself suspect. Moreover, the fact that there was no injury or loss of life as a result of Police action would show that even

if any firing was done, it was of no consequence. In fact, no effective action of any kind seems to have been taken by the Police.

- 3.88. The ineffectiveness of the police is also confirmed from the fact that during the period of riots, not a single arrest was made under any substantive offence. No preventive arrests were made on 1st and 2nd November 1984. Twenty-one preventive arrests are said to have been made on 3rd and seven on 4th November 1984. This would show that even though the trouble had erupted on 31st October 1984, no positive effort was made to control the same up to 3rd November 1984 by which time the maximum damage had already been done.
- 3.89. In regard to the additional forces, even though Police Station records to not show any extra force had been received the SHO in his report of 3rd December, 1984 has mentioned that a force of two Head Constables and fourteen Constables of Delhi Armed Police reached the Police Station on 1st of November, 1984 against a heavy demand placed on 31st October, 1984 verbally. However, additional force would not have been much use ----- the will to act was absent and even the existing force was not taking any concrete action.
- 3.90. According to Assistant Commissioner of Police Shri R.D. Malhotra, he had been directed by the Deputy Commissioner of Police to stay at Vikas Marg to ensure smooth flow of traffic as it was the main road connecting -----with Uttar Pradesh. The trouble had started there on 31st October 1984 evening itself and he was obviously ineffective. His role will, however, be discussed separately.
- 3.91. From the affidavits and other evidence available, lapses on the part of the Police staff of this Police Station would appear to be as follows: -
- i) The first serious incident occurred in Preet Vihar where the Gurudwara was burnt and four dead-bodies are stated to have been found. From thereon Incidents continued unabated and the Police miserably failed to maintain Law & Order.
 - ii) The incidents of violence continued right up to 3rd November 1984 still only three FIRs (all on 1st of November, 1984) had been registered. This would show that a deliberate attempt was made to minimize the extent of trouble going on in the Police Station.
 - iii) The affidavits of S/Shri Harbans Singh (2815), Jagjit Singh (2314), Kusum Lata Jain (164), Sant Singh (2395), as well as that of Sukhan Singh Saini (2460) and others do give the impression that the Police of this Police Station was under pressure of the local leaders.

RECOMMENDATION

3.92. In the light of the above, suitable departmental action for major penalty is called for against SHO Jai Singh. He not only failed to supervise and control the law and order situation in his area but also deliberately made attempts to minimize the extent of trouble going on in the Police Station and did not register cases of victims. He tried to minimize the extent of killings and looting which went on in his area. His subordinate staff also seems to have failed to rise to the occasion due to lack of leadership.

Constable Giriraj of this Police Station was stated to have been accompanying his brother Shri Shyam Singh Tyagi, one of the leaders of the mob as mentioned in the affidavits by Shri Sant Singh (2395), suitable disciplinary action may be taken against him.

Suitable disciplinary action also needs to be taken against Shri Har Gopal, Head Constable No. 117/E and the Constables Jai Raj Singh 429/E and Ishwar Singh Nos. 984 respectively, who were manning the Octroi Post near ITO Bridge and who permitted Shri Harbans Singh (2815) to be beaten up by informing the crowd about his presence rather than protecting him.

POLICE STATION - GANDHI NAGAR

SHO: Shri Ram Mehar Sharma

ACP: Shri R.D. Sharma

3.93. Police Station Gandhi Nagar is located along with the bank of river Yamuna and has no borders with Uttar Pradesh.

AFFIDAVITS BEFORE THE COMMITTEE

3.94. In response to the public notices issued by this Committee, eight affidavits have been received. All of these are from shopkeepers of the area whose business premises had been looted and burnt. These affidavits are of a general nature asking for compensation and write-off of loans.

AFFIDAVITS BEFORE JUSTICE MISRA COMMISSION

3.95. The Justice Misra Commission had received a number of affidavits from the victims of this Police Station and as many as eight had been examined. The gist of the same is as follows: -

i) SMT. JASPAL KAUR (2596): -

The first attack of the mob in Raghubar Pura came on the 1st November, 1984 night when the crowd stoned her house,

threatened the people and went away. On 2nd November, 1984 morning, the mob came again and killed her husband during the day. They again came in the night to burn the dead-bodies. A number of persons of the locality have been named as the culprits but no action was taken. Her husband's younger brother, a clean-shaven Sikh, went to the police station to report on 3rd November 1984 but the Police did not listen to him.

ii) SMT. SWARAN KAUR (2592):-

The mob attacked the Gurudwara of Ajit Nagar at noon on 1st November 1984 and killed the priest. Her house was attacked on 2nd November 1984 morning and her husband was injured. On 3rd November 1984 morning the crowd came again and burnt her husband alive.

Her report was not registered on 3rd November 1984 at the Police Station and even when it was again lodged on 4th November 1984 it was not correctly recorded. The Police gave no help during the attacks.

iii) SHRI PIARA SINGH (2576): -

The first attack came on 1st November 1984 and he found some persons of the locality preparing a list of the houses of the Sikhs. He has also stated that he had seen some Sikhs being taken out of the trains and killed as his house was near the railway –line.

iv) SHRI HARBHAJAN SINGH (2563): -

He gives general details of the attacks and names of the persons participating in them. According to him, the Police was present but refused to help when requested. In his cross-examination he has stated that S.I. Makhan Lal was present along with other Policemen.

v) SHRI GURBACHAN SINGH (2633):-

He has described the attacks in Raghubarpura starting on the night of 1st November 1984. According to him, Sikhs and non-Sikhs organized protection committee as a result of which there was no loss of life and property on 1st and 2nd November 1984. However, on the morning of 3rd November 1984, on a local leader's suggestion, the Sikhs were advised to stay at home. The same night, a mob attacked and the pickets organized by the local people, disappeared and the riots took place.

vi) SMT. SURJIT KAUR (2266): -

According to her, on 3rd November 1984 an army vehicle had come and taken away a number of Sikhs to the Relief Camp. However, those who could not be accommodated in the vehicle were left stranded and attacked by the crowd and many of them were killed. This included her husband and two sons. In her cross-examination, she has stated that Police was present when they were killed by the mob.

vii) SHRI H.K. VATS (1965): -, and

viii) SHRI PAWAN LAL PALTA (1962): -

These two affidavits are favourable to the local political leaders and state that the riots were not organized and was in no way abetted by the local leaders.

ix) SHRI GURCHARAN SINGH (2597): -

Has described how four dead-bodies were taken away in a Police Van after killings by the mob.

EVENTS

3.96. The incidents of violence in this Police Station had started in the evening of 31st October 1984 itself. However, most of the serious incidents involving killing had taken place after 2nd November 1984 mainly on 3rd November 1984 till late in the evening. This would indicate that the situation was not controlled even up to 3rd November, 1984 even though some extra force had also been received at the Police Station on the 1st and 2nd of November, 1984. The SHO and the Assistant Commissioner of Police had been moving around within the Police Station jurisdiction apparently had not taken any positive steps to control the riots.

3.97. The usual plea of non-availability of force cannot be accepted. Besides, in this Police Station, Head Constable and seven Constables of the Delhi Armed Police were received on 1st November 1984, one platoon of PAC consisting of one P.C., one Head Constable and nineteen Constables were received on 2nd November 1984. In addition to this, three Head Constables and seventy-five Constables of the SRP were also received on the 4th November 1984.

DEATHS

3.98. As per the Police Station records the total number of persons killed in this Police Station was twenty-one, but as per the records of Relief Commissioner, the total number of deaths would be fifty-one. It can, therefore, be safely presumed that the deaths would be around fifty in this Police Station.

FIR' s

- 3.99. The number of cases registered at the Police Station in only one on 1st November 1984, three on 2nd November 1984 and two on 3rd November 1984. In addition to this, two cases had been registered on 3rd November 1984 mentioning arrests of thirty-six persons for breach of Section 144. Two other cases registered on 6th and 8th November 1984 are on complaints by private persons mentioning killing of their relations during the riots. The FIRs 316 & 324 give the impression that the Police remained silent spectators and took no effective measures to come to grips with the situation.
- 3.100. In regard to FIR No. 319 registered on 3rd November, 1984 it may be mentioned that even though three persons were killed and two accused persons named, investigating officer S.O. Som Prakash arrested two accused persons only under sections 107/151 Criminal Procedure Code case on 9th November, and 28th November, 1984 respectively. These arrests made under preventive Sections, subsequently, helped the accused in obtaining bail in the main murder case. The Delhi Police Vigilance has already made enquiries in this respect on the conduct of Som Prakash, S.I.

DISCUSSIONS

- 3.101 In spite of killings and violent incidents going on for a number of days in the Police Station no preventive arrests are shown to have been made as per the records. Forty-four arrests on 3rd November 1984 and fifteen arrests on 4th November 1984 had been made under Section 188 IPC for violation of prohibitory orders and not under substantive offences, which were being committed.
- 3.102 A total number of fifty-five rounds are stated to have been fired as per the Police records, sixteen on 2nd November 1984, thirty-seven on 3rd November 1984 and two on 4th November 1984. Tear-gas is stated to have been used on 3rd November 1984. Lathi charge is stated to have been made as per the statement prepared by the Police Station on a number of occasions, on 1st, 2nd, 3rd and 4th November, 1984. However, the daily diary entries do not mention these. The validity and effectiveness of these needs to be fully gone into. There is no mention of any one having been killed or injured as a result of Police firing or other Police action.

RECOMMENDATIONS

- 3.103 On the basis of the facts available, the following action is recommended against this Police Station staff; -
- i) INSPECTOR RAM MEHAR SHARMA, SHO: -

He had not taken adequate action to control the riots even though he had physically been present at a number of places. He may be dealt with departmentally for general laxity and for not taking effective action to control the riots in his area and also for not registering the cases properly.

ii) **SUB INSPECTOR SOM PRAKASH: -**

He had deliberately tried to help the accused persons during the investigation of crime No. 319. The named accused persons were not arrested for murder but were taken into custody under preventive Sections viz. 107/151 Criminal Procedure Code case. In case no action has been taken on the vigilance report, departmental proceedings for major penalty may be initiated against him,

POLICE STATION - KRISHAN NAGAR

SHO: SHRI S.N. BHASKAR

ACP: SHRI B.S. BHOLA

3.104 Police Station Krishna Nagar is located in the center of the District and has no border with Uttar Pradesh.

3.105. In the absence of ACP Shri B.S. Bhola on leave, Shri R.D. Malhotra, A.C.P./ Gandhi Nagar was looking after as a supervisory officer.

AFFIDAVITS BEFORE THIS COMMITTEE

3.106. In response to the public notices issued by this committee, seven affidavits were received pertaining to this Police Station. Most of these affidavits are similar in nature, generally complaining of Police Inspector, non-apprehension of offenders and non-registration of FIRs.

AFFIDAVITS BEFORE JUSTICE MISRA COMMISSION

3.107. A number of affidavits have been received by Justice Misra Commission, and quite a few of them were also examined. The gist of these is given below: -

i) **SHRI TARA SINGH (2531): -**

He claims to be an active Congress worker, and has given an account of how the mobs came with iron rods and lathies and started burning and looting. He stated that Shri Sewa Dass, Deputy Commissioner of Police, also came there and the deponent heard him asking the crowd to take the goods out of the shops and then set them on fire. According to him, the Deputy Commissioner of

Police went away and the crowd started burning and looting after taking out the goods from the shops. This could have been done to avoid burning of the adjacent shops of non-Sikhs or to save the building, which belonged to a Hindu.

Shri Tara Singh has also stated that he met the SHO Shri Bhaskar and one Sub Inspector Shri Kapur but they did nothing to protect him and had only asked him to run away.

ii) SHRI R.C. GUPTA (1484): -

He has given his affidavit in favour of the administration. However, this affidavit appears to be on a cyclostyled proforma in which name and address etc. have been written subsequently. He was cross-examined and has only tried to prove that the affidavit has been voluntarily given by him. However, there are many inconsistencies in his cross-examination. Since it is only to establish that riots were not pre-planned, there is nothing much in it for consideration.

iii) SHRI HARJIT SINGH (2529): -

He has given details of arson and looting on 1st November 1984. SHO Shri Bhaskar, known to the deponent's brother arrived in a jeep with three other Policemen. However, in spite of requests he did not stop there and went away after seeing the mob. After he left, the rioters started looting. He has named many persons of the locality who were looting the shops.

iv) SHRI PISHORA SINGH (2804): -

He describes how on the morning of 1st November 1984 he went to look after his shop in the area where rioting was going on. He met Shri Bhaskar, SHO about 50 yards from his shop. The SHO was in a jeep with 4-5 constables and told the deponent not to go towards his shop. When asked for help, SHO Shri Bhaskar told him that he did not have adequate force with him. His shop was burnt. On 2nd November 1984 at about noon there was an attack in the mohalla but the local mohalla people stopped the attackers. Similarly, on the night of 2nd and 3rd November 1984 the attack was again repulsed by the Mohalla-wales, it shows that people could resist the mobs but police was helpless. This is a sad commentary on the efficiency of the local Police.

On 3rd November 1984 the mob attacked the house of the Deponent at noon and Inspector (should be Sub-Inspector) Kapoor along with 3-4 Constables was with the mob. Sub Inspector Kapoor pointed his pistol towards the deponent and had his house searched. As soon as the search was over, there were shouts that the Military had come and the mob as well as the Police disappeared.

3.108. In addition to this, following affidavits are also relevant.

i) SHRI RAM SINGH (2304): -

He has given a detailed account pertaining to the attack on the house of Swaran Singh, Proprietor of Swaran Singh. He was himself inside Police Station Krishna Nagar the whole day and describes how the known local goondas attacked the house of Swaran Singh. Since the house is very close to the Police Station, he could see everything very clearly. He saw one of the leaders talking to SHO Shri Bhaskar and Sub Inspector Kippur and they assured him all help. He has been cross-examined in detail and has confirmed that he could see the house of Swaran Singh very clearly from the 1st Floor of the police station where he was. His evidence clearly establishes the nexus between SHO and the local toughs.

ii) SHRI O.P. SHARMA (2732):-

He is a Manager of Swaran Cinema; has described the attack on the house of the Proprietor of Swaran Cinema in the afternoon, 1984. He has stated as follows: -

“ The mob was being directed to attack by the SHO Krishna Nagar. Police officials were standing there and some Khadi-clad leader” He approached the SHO in protest but was angrily told to run away.

iii) SMT. BAJRI BAI (2489): -

She has given a graphic account of how the mob attacked her house and how she was saved while some members of the family were killed. She has named a number of persons, which shows that the local criminals were carrying out looting and arson, totally unchecked.

iv) SHRI JASWANT SINGH (2520): -

According to him looting and killing started on 1st November 1984 and he approached Inspector Kapoor (should be Sub-Inspector) but did not get any help from him and was asked to go inside the house. Subsequently, his house was looted and burnt.

v) SHRI HARISH KUMAR (2436):-

Shri Harish Kumar, a non-Sikh has described how the killing and looting were being done by the local goondas. How the house of Shri Swaran Singh and his Cinema which were only 15 yards away from the Police Station were burnt. SHO and other staff

were watching from the Police Station but did nothing to save the house. At least fifteen persons died in the house.

EVENTS

- 3.109. The incidents of violence in the Police Station started in the morning of 1st November 1984. A number of shops at Lal Quarters were set on fire during the day between 1200 hours to 1500 hours.
- 3.110. The most serious incidents the burning of the house of the owner of Swaran Cinema. The Police version is that the owner went up to the roof of his house and started firing at the mob. Even if accepted to be true, this could ----- an act of self-defense. One of the attackers is stated have been killed in the firing and one injured. The attacked by the mob and fire in the house must have continued for quite some time. Even then ten people were allowed to be burnt by the Police at a place, which is at stone's throw from the Police Station and not far from Head Quarters of the Deputy Commissioner of Police.
- 3.111. With regard to the burning and looting of shops, Shri Tara Singh (2531) and Shri Pishora Singh (2804) state how Deputy Commissioner of Police Shri Sewa Dass, S.H.O. Shri Baskar and Sub Inspector Kapoor took no action to control the situation and, in fact encouraged the mob to carry on looting.
- 3.112. Even though, in his report dated the 30th November, 1984, the then S.H.O. Shri Bhaskar has stated that there were no untoward incidents on the 2nd and 3rd November, 1984, the logs of wireless as well as the affidavits confirm that the incidents of violence continued upto 3rd November, 1984.

DEATHS

- 3.113. The total number of persons killed in this Police Station, as per Police records, is sixteen whereas according to the Relief Commissioner, the figure would be eight-six.

FIR' s

- 3.114. In this Police station, only FIRs pertaining riots have been registered, four (482 to 485) on 1st no one on 2nd November, 1984, even though a large number of incidents had taken place.

DISCUSSIONS

- 3.115. In his report the SHO has stated that no incident of rioting occurred after 1st November 1984. The records on the other hand show that on the 3rd November 1984 as many as forty-five rounds had been fired and on the 4th November 1984 twelve. Why so many rounds were fired on 3rd November and 4th November 1984. When no serious incidents

had occurred is not understandable. In contrast, on the 1st and 2nd November, 1984 when most of the trouble had taken place not a single round had been fired or tear-gas shell used or lathi charge resorted to. Similarly, not a single person has been arrested in any substantive offence on 1st and 2nd November 1984 and twelve and eight-five preventive arrests have been made only on 3rd and 4th November 1984 respectively. There is no mention of any injury due to any Police Station.

- 3.116. This Police Station had received additional force from 1st November, 1984 onwards but since the deployment was not proper, incidents of violence continued in this Police station unchecked.
- 3.117. There are specific allegations against the Deputy Commissioner of Police, which will be discussed separately.
- 3.118. Against SHO Shri Bhaskar, there are many affidavits mentioning that he rendered no help to the persons who approached him. The most serious allegation however is against Su8b Inspector Kapoor who was posted at the Police Station at the time. His name figures in some affidavits indicate earlier. Shri Pishora Singh (2804) has even gone to the extent of stating that the Sub Inspector pointed his revolver towards him and he could only escape because the army moved in just in time.
- 3.119. The burning of ten members of the family of Shri Swaran Singh, owner of the Swaran Cinema is a sad commentary on the functioning of the Police. Various affidavits confirm that the SHO was a silent spectator to the killings of ten members of the family of Shri Swaran Singh, if not an abettor. Such an incident occurring next to the Police station is a serious reflection on the part of the SHO. Moreover, there is no mention of the deaths in the FIR or any other message from the Police Station which shows a deliberate attempt to conceal the deaths particularly in this case.

RECOMMENDATIONS

- 3.120. Departmental action for major penalty is recommended to be taken against Shri Bhaskar, SHO for the above lapses.
- 3.121. The actions of Sub Inspector Sat Pal Kapoor are almost criminal in nature as he had threatened Shri Pishora Singh (2804) and others in the process, actively assisted and enabled the mob to loot the houses. Action for major penalty should be initiated against him.

POLICE STATION - SEEMAPURI

SHO: SHRI R.S. THAKUR

ACP: SHRI PARSHOTTAM DASS

3.105. Police Station Seemapuri is in the easternmost corner of the District and the main residential colonies are the DDA Flats in Nand Nagri and Seemapuri. Shri B.S. Bholra, Assistant Commissioner of Police being on leave, Shri Parshottam Dass, Assistant Commissioner of Police (H.Q.) was looking after his duties.

AFFIDAVITS RECEIVED BY THIS COMMITTEE

3.106. In response to public notices issued by this Committee, no affidavit pertaining to this Police Station has been received.

AFFIDAVITS RECEIVED BY JUSTICE MISRA COMMISSION

3.107. A number of affidavits were received in the Justice Misra Commission, and one of them Smt. Charanjit Kaur (2624) was also examined. There are a number of affidavits from Nand Nagri, particularly, 'A' Block and the following ones pertaining to almost adjoining houses give graphic details of the events: -

i) SMT. LAJWANTI (2302): -

Resident of A-1/321, Nand Nagri.

She has stated having heard noises on 1st November, 1984 noon and learnt of burning of Gurudwara and killing of Sikhs. In the morning of 2nd of November, 1984 the mob is stated to have attacked her house and seventeen members of her family were killed. She also mentioned names of the persons of the locality who showed her house to the mob. She alleged that the Police was inciting the mob.

ii) SMT. DAYA KAUR (2344): -

Resident of A-3/69, Nand Nagri.

On 1st November 1984, a mob burnt the Gurudwara and attacked some houses killing many persons, besides burning and looting. Her house was finally attacked at 2030 hours and her husband killed. She has named many persons in the affidavit including some local leaders. Her report at the Police Station was not registered and she was turned away as she was mentioning certain names.

iii) SMT. SATWANT KAUR (2345): -

Resident of A-3/66, Nand Nagri.

Her affidavit is similar to that of Smt. Daya Kaur. Her husband was killed about the same time in a similar manner. She also named more or less the same persons. She also alleged gang rape by five

persons on her apart from looting and killing. The police did not register his report.

iv) SMT. SURJIT KAUR (2346): -

Resident of A-3/67, Nand Nagri.

She has also given details similar to that of Smt. Daya Kaur. She lost six members of her family. Her report was also not registered alt the Police Station

As she mentioned certain names.

v) SMT. RAGHUBIR KAUR (2347): -

Resident of A-3/65, Nand Nagri.

She lost three persons in her house on 2nd November, 1984 in addition to her husband who was killed on 1st of November, 1984 morning in similar manner as given in other affidavits. She has given the same details as those by other residents of the area. She mentioned forty-eight Sikhs having been killed in Block 'A' in her street only.

vi) SMT. NARENDER KAUR (2447): -

Resident of A-3/6 & A-3/7, Nand Nagri.

She has given more or less similar details as other residents of that locality. She has also added that before the attacks began, four Policemen of the Police Station Nand Nagri came to her house and told the boys standing outside to go indoors as Section 144 was in force. Soon after, the attack started.

vii) SMT. SHANTI DEVI (2540): -

Resident of A-5/435, Nand Nagri.

She has narrated the looting as well as killing on 1st November 1984. She has also stated that the Policemen who first came at 1600 hours were telling the mob to act and not delay matters. She had lost a number of persons of her family. She has also mentioned the name of Raj Kumar, Constable of Nand Nagri who was taking down the names of Sardars at the border check Post but did not indicate why he was doing this. Later, her husband was killed.

viii) SMT. CHARANJIT KAUR (2624): -

Resident of B-3/117, Nand Nagri.

(Cross-examined by the Misra Commission)

She lost her husband and other members of her family and had given somewhat similar details. She had also named certain persons of that locality as part of the mob.

ix) SMT. SUKHVINDER KAUR (2626):-

Resident of B-5/436, Nand Nagri.

She lost her husband and father and named certain persons. The details are more or less similar in nature, as in other affidavits, of the locality.

ix) SMT. NANKI DEVI (2550): -

Resident of A-3/500 Nand Nagri,

Besides naming a number of persons as perpetrators of killings, she has made a mention of a Policeman wearing the name –plate of Manjit Sharma along with others who were indulging in beating and killing. Her husband and others were later killed by the mobs.

x) SHRI TRILOCHAN SINGH (2411): -

Resident of A-3/38, Nand Nagri.

In his affidavit, he has stated that he was Secretary of the Gurudwara Sabha in Nand Nagri. The Gurudwara was set on fire on the morning of 1st November 1984 at about 0930 hours but the crowd remained there till noon. He has also mentioned having seen a Police Jeep of the flying squad and 4-5 men standing near the Gurudwara but they took no action to stop the mob. He escaped from there but when he returned at night he again saw a Police Vehicle near Gurudwara, which was supply fire-wood for burning the dead-bodies.

xi) SMT. JOGINDER KAUR (2554): -

Resident of C-382, Ashok Nagar, Nand Nagri.

She has stated about the killing of three persons on 2nd November 1984 in Ashok Nagar by a mob having lathi and iron-rods of the same size.

xii) SMT. NIRANJAN KAUR (2517): -

Resident of A-3/71, Nand Nagri.

She has given details of the attacks on 1st November 1984 and again in the evening. In addition to the killings, she has also mentioned rape

on her. This she later denied during investigation, perhaps out of shame. She also received serious injuries.

EVENTS

3.108. The incidents of violence in this Police Station had started early in the morning of 1st November 1984. The maximum killings had taken place in Nand Nagri Colony. There had been arson in the Gurudwara in Old Seemapuri, Nand Nagri and looting in Durgapuri Chowk and 100 feet Main Road. In the evening of 1st November, 1984 there were killings in New Seemapuri DDA quarters.

DEATHS

3.109. The total number of persons killed in this Police Station, as per Police Station records, are only twenty-seven. This is not surprising as the deponents say that Police was providing fuel to burn the dead-bodies to destroy the evidence. The affidavits filed before the Justice Misra Commission indicate 203 deaths and Citizens' Justice Committee has put the figure in its arguments at 221. Compensation by Delhi Administration has been paid to 205. As such, we can safely presume that the number of deaths would be about 210. In addition to this, there have been at least 53 cases of arson and looting as per the Delhi Administration records.

FIR' s

3.110. The complaint of the deponents that Police refused to register cases seems to be correct because only four cases have been registered on 1st November, 1984, four on the 2nd November, 1984 and two cases on 3rd November, 1984. No cases were registered on 4th, 5th and 6th of November 1984.

3.111. Even though ten cases had been registered, none of the FIRs gives details of killings in Nand Nagri. In fact, no action appears to have been taken either to stop these killings or to bring them on record. The deponents have said that their reports were not registered primarily for the reason that they were naming the accused persons and they were asked to go away.

3.112. Case No. 57 has been registered at a later stage on 18th February 1987 by Delhi Police against Dr. Verma, a social leader and others, who were mentioned by the deponents in their affidavits.

POLICE ACTION

3.113. During the period between 1st of November, 1984 to 4th November 1984 over 150 rounds are said to have been fired. However, there is no indication of anyone having been injured or hurt in this firing which was obviously not effective. There is no lathi charge or use of tear-gas.

There have been no arrests in the Police Station in any of the cases registered. The only arrests are of twenty-nine persons under preventive sections on 3rd November 1984.

DISCUSSIONS

3.114. The killings, particularly in Nand Nagri Colony were of a very gruesome nature and there is reason to believe that the Police parties were present but took no effective steps to check them. The SHO mentions as follows about Nand Nagri in his movement chart: -

“ 1157 hours: I along with staff reached Block ‘A’, Nand Nagri on hearing that the mob had set fire to the houses of Sikhs community and found a huge mob consisting of about 2,000 persons. The mob was dispersed.

Period of Stay: 10-15 minutes.

Remarks: - Situation was brought under control.”

3.115. It is interesting to note that the SHO has given two reports to his superiors. The first on 2nd December 1984 and the second on 13th February 1985. In the first report, he mentions: -

“ At 1157 hours, I along with the staff reached Block ‘A’, Nand Nagri on hearing that the mob had set fire to the houses of Sikh gentlemen and found a huge mob consisting of about 2000-2500 persons setting fire to the houses of Sikhs residents and carrying away their belongings. On this, lathies were used and Sub Inspector Sri Chand along with force was summoned at the spot who reached the spot within ten minutes and the mob was dispersed after strenuous efforts and the situation was brought under control within 10-15 minutes.”

The second report which is practically the same, omits this particular para, which indicates that the SHO deliberately wanted to avoid showing his visit to Nand Nagri in the report to the senior officers. Also, records show that during the riots no lathi charge was made in this Police station.

3.116. It is worth mentioning here that the report dated the 20th November 1984 prepared by the Deputy Commissioner of Police (East) giving a resume of the incidents mentions information about Block A-3, and A-5 of Nand Nagri at 2135 hours on 1st November 1984. The SHO along with the staff are stated to have reached there. The Deputy Commissioner of Police further mentions that the SHO rescued fifty persons including children from Block A-3, and 60-65 persons consisting of eight families from Block A-5. Neither the report of the SHO nor his log mentions anything about this rescue operation. The

Deputy Commissioner of Police seems to be ----- some imaginary rescue operation.

- 3.117. The killings in Nand Nagri have taken place in the forenoon of 1st of November 1984 onwards. The SHO himself along with the staff has been present especially at Block 'A' in Nand Nagri. His statement that situation was brought under control appears to be totally false and misleading. He seems to have deliberately avoided taking any action to prevent these killings and had also tried to conceal these incidents in the Police records, besides giving two versions in his reports about his presence.
- 3.118. The affidavits specifically mention the presence of Police Vehicles in the area when the killings were going on. As per the Police records, at 1010 hours, SHO had asked Sub Inspector Sri Chand along with staff to go to Block 'A', Nand Nagri in a pick-up Van and Sub Inspector Sri Chand had gone there. There is no reason to doubt that the reference in various affidavits to the presence of a Police Vehicle would be the one taken by Sub Inspector Sri Chand. According to the records of the police Station, the Police force consisted of SI Sri Chand, Sub Inspector Jagdish Prasad and Sub Inspector Sadhu Ram, with the Constables and the Driver. This Police party had apparently remained a silent spectator to the killings, like the SHO, if not an active participant.
- 3.119. The Police Station had apparently not received any extra force during the riots. This is hardly relevant because the facts indicate that even where the force was available, the Police remained totally passive and a silent spectator to the killings. Besides, from the affidavit of Shri Trilochan Singh (2411) it seems that efforts were made to destroy evidence of killings by providing fuel to burn the dead-bodies of those killed.

RECOMMENDATIONS

The following action is recommended against the staff of the Police Station: -

- A) SHRI R.S. THAKUR, SHO: -

Besides ineffectiveness in general and non-registration of cases his main act of misconduct has been the fact that he went to Block 'A', Nand Nagri on 1st November, 1984 and came away within fifteen minutes without taking any effective steps to prevent the killings or to reflect the same in the Police records after they had taken place. His statement that he brought the situation under control is absolutely false and he deserves to be dealt with departmentally. His actions clearly indicate that he is not fit to be retained in service and departmental action for major penalty should be initiated.

- B) SHRI C.L. JATAV, SUB INSPECTOR INCHARGE, POLICE POST NAND NAGRI: -

It was his primary responsibility to maintain law and order, as he was in charge of the Police Post. He failed in the discharge of his duties by not bringing on record the incidents of killings in Nand Nagri. He also deserves to be dealt with departmentally for major penalty.

- C) SHRI SRI CHAND, Sub Inspector:

- D) Shri Jagdish Prasad, Sub Inspector and

- E) Shri Sadhu Ram, Sub Inspector:

The three Sub Inspectors had gone to Nand Nagri in a Police Vehicle where they apparently remained silent spectators to the killings. In respect of Sub Inspector Sri Chand, it can further be stated that he had specifically been directed to go and had also reached Nand Nagri at the time when the killings were taking place. As such, his misconduct is more serious since he was In charge of the Police Party. Departmental proceedings are recommended against him for major penalty, as he does not seem fit to be retained in the force. Suitable departmental action is also recommended against Sub Inspectors Sadhu Ram and Jagdish Prasad.

- F) Shri Raj Kumar, Constable: -

3.137. He was posted at Police Post Nand Nagri, Police Station Seemapuri in October-November, 1984. Similar departmental action is recommended against him.

POLICE STATION - KALYAN PURI

SHO: SHRI SHOORVIR SINGH TYAGI

ACP: SHRI R.D. MALHOTRA

3.138. Police station Kalyanpuri is located in the south of the District and borders Ghaziabad District of Uttar Pradesh. This Police Station had an outpost at Trilokpuri (which has subsequently been upgraded into a Police Station). At the outpost of Patparganj (Trilokpuri), Sub Inspector Vinod Kumar was In charge. The area consists mainly of resettlement colonies and is inhabited by the poorer section of society.

AFFIDAVITS BEFORE THE COMMITTEE

- 3.139. In response to the public notices issued by this Committee, the maximum number of affidavits have been received in this Police Station. There are as many as thirty of them including one given by Shri Shoorvir Singh Tyagi, former SHO of this Police Station. All these affidavits are similar in nature and praise the role of Shri Shoorvir Singh Tyagi in particular, and the Police in general, about good work having been done during the riots. In a few affidavits, Head Constable Rajbir and Sub Inspector Jugti Ram have also been mentioned as having been extremely helpful.
- 3.140. Inspector Shoorvir Singh Tyagi in His affidavit (10/87) has stated that he had always kept his superiors informed of all that was happening. He claims to have made proper arrangements by deputing armed Policeman at various affected places. According to him, the information about serious cases of rioting and arson did not evoke any helpful response, particularly from Deputy Commissioner of police Shri Sewa Dass who took no follow-up action. According to the SHO, the Deputy Commissioner of police had also restricted the registration of criminal cases locality-wise as a result of which all the incidents could not be recorded as FIR's.

AFFIDAVITS BEFORE JUSTICE MISRA COMMISSION

- 3.141. In the Justice Misra Commission also, the maximum number of affidavits had been received in respect of this police Station. There area number of deponent s that state that affidavits in favour of the police were being obtained through threats, decoit and misrepresentation. Some of the affidavits of this nature are as under: -

i) SHRI HARI SINGH (157 & 2449): -

Describes how, in the second half of August, 1985, a Police man (not in uniform) whom the deponent could recognize, took him to a hotel and after giving him drinks procured his signatures on certain papers. Later he came to know that the signatures had been obtained to be presented before the Inquiry Commission. He has stated that during the riots, the SHO who was accompanying some Police Personnel had fired at them.

ii) SHRI SAROOP SINGH (139): -

Described how, in the second week of August 1985, a Policeman came and took him on a bicycle to the Police Station where he was produced before Sub Inspector Manphool Singh. Ex-SHO Shri S.V. Singh Tyagi was presents their along with 4-5 persons in the room of Sub Inspector. There he was made to sign some papers which he came to know later, were for the Inquiry Commission.

iii) SHRI PRITAM SINGH (168): -

Stated that in the second week of August 1985, suspended Sub Inspector Jugti Ram had come to his house and took him to the Police Station on in the room of Sub Inspector Manphool Singh. There, Jugti Ram and Ex-SHO S.V. Singh Tyagi told the deponent to make a statement and help them. His signatures were taken at four places, which he put out of fear.

iv) SHRI AVTAR SINGH (169):

After describing the events from 31st October 1984 to 3rd November 1984, he has stated that ex-SHO S.V. Singh Tyagi was approaching some Sikhs of his Block asking them to make a statement in his favour. The deponent was asked at the Police Station to do so but he refused. He came to know that many others had also been called to the police Station and some of them made to sign certain papers.

v) SHRI SOBHA SINGH (2451 & 151):

On 22nd August 1985 (morning) Shri Parsa Singh (2628) had told him that a policeman had come and 4-5 respectable persons had been called to the Police Station. The deponent who was Pradhan of Block No. 12 of Kalyanpuri, along with some of them, went to the Police Station and he was taken to the room of Sub-Inspector Manphool Singh where along with some others Ex-SHO S.V.Singh Tyagi was also present. Shri Tyagi wanted them to give statements in his favour. On being told by the deponent and his colleagues that police had done nothing to save them, Shri Tyagi replied that whatever had been done was done on the orders of higher authorities. Shri Tyagi is stated to have uttered the following words: -

“ Those who brag of being your own, those very officers had issued directions to us. Had he not obeyed, he would have suffered. Now when he obeyed, he is being penalized.”

When asked as to why he lodged false cases against them, Shri Tyagi replied that this was done at the instance of ‘JATAV’ and other higher officers.

Shri Sobha Singh was also cross-examined in the Justice Misra Commission. The above facts have been narrated by him in his affidavit Nos. 2451 & 151.

VI) SHRI PARSA SINGH (2628):

Described how in the middle of August, 1985 Head Constable Kanwar Singh came to him and summoned him to the Police Station. At the Police Station, Shri Tyagi asked for help. When the deponent said that the SHO had not even tried to save their lives and instead arrested them and involved them in false cases, the ex-SHO pleaded that he

had done nothing of his own, that he had orders from above including Jatav, Addl. Commissioner of Police.

A couple of days later, Head Constable Kanwar Singh again came this house and the deponent took 4-5 other persons including Shri Sobha Singh (2451) to the Police Station. Ex-SHO Shri Tyagi repeated the same thing.

3.142. The following affidavits describe how the SHO and the other Police staff took away the guns and other weapons of the Sikhs with them when they (Sikhs) were trying to organize themselves in self-defense.

i) SHRI LACHHAMAN SINGH (2286):

On the morning of 1st November, 1984, SHO Kalyanpuri Shri Tyagi along with one Sub Inspector and five other Police personnel came to their colony and threatened that the Sikhs should hand over their weapons. They stated to be having orders from higher-ups and forcibly took away twelve bore DBBL. Gun of the deponent. Soon thereafter, a crowd came and started looting and killing. There is another affidavit of his on record bearing the same number in which he has corroborated Shri Parsa Singh (2628) and Shri Sobha Singh (2451) and stated that ex-SHO Shri Tyagi had claimed to have done everything under the orders of Shri Jatav and other officers.

ii) SHRI GURBACHAN SINGH (2465):

He has described successive attacks from 1st to 3rd November 1984, the resistance of the residents and the role of the SHO and other policemen who disarmed them and allowed the mob to loot them.

iii) SHRI RAM SINGH (2613):

He has stated that SHO Shri S.V. Singh Tyagi came there and took away the guns stating that if they did not hand over the guns, they could expect no help. After taking away the guns, he gave some signal to the mob, which attacked the Gurudwara.

iv) SHRI SANTA SINGH (2615):

Described how SHO Shri Tyagi told them that he had orders from higher-ups to seize all weapons. When the deponent refused to do so, SHO Shri Tyagi pointed his revolver at the deponent. At that the deponent handed over his gun, Kirpanand Kulhari (Hatchet) etc. Soon thereafter, the crowd started attacking. According to the deponent, he could see SHO Shri Tyagi and other policemen along with the mob firing. The same

evening, the deponent along with his son was taken to the Police Station and after having been kept there for the night, set free the next morning. By then his house along with those of some others had been burnt down.

v) SHRI KABUL SINGH (2634):

Described how in the morning of 1st November 1984, SHO Shri Tyagi along with other police staff came to the deponent's house and disarmed him. The police then searched his house and took him to the Police Station stating that other persons who had guns were also at the Police Station. SHO kept about twenty-five such people at the Police Station and sent them to Tihar Jail next day.

vi) SHRI SOBHA SINGH (151 & 2451):

In his affidavit No. 151, he has narrated how police party led by SHO Tyagi came to his house and took away his licensed gun on 1st November, 1984 morning. In the evening, some policemen took him to the police station where he was locked up with 20-25 persons already there.

3.143. The following affidavits are to the effect that police asked the Sikhs to go inside their houses which was followed by mob attacks on them:

i) SMT. BURFI BAI (2292):

On the morning of 1st November, 1984 people were collecting outside their houses when two policemen came and asked everyone to go inside their houses as curfew had been imposed. Saying this they went away. There was some confrontation and, the Sikhs with their swords were resisting the mob. A police vehicle came and police specifically orders the Sikhs to go inside. When the Sikhs went into their houses, the police vehicle went away and while going away they told the mob that all the Sikhs were in their houses. Immediately thereafter, there was an attack and arson and killings started.

ii) SMT. JANKI BAI (2534 & 2583)

She has stated how the policemen asked the Sikhs to go inside their houses after which the attack started. She has described how some of the local leaders as well as the known persons of the locality were going about killing the people. She had been cross-examined and has also stated how after sending the Sikhs inside, the police gave a whistle and made gestures by hand to the crowd.

iii) SMT. JASSI BAI (2719)

She has described how the mob of the locality as well as nearby places were attacking the Sikhs but were being repulsed. Initially some local leaders told the Sikhs to stay indoors assuring that no harm would be done. In the meantime, a local police 'THANEDAR' came and asked the Sikhs to stay indoors stating that they would be safe. The moment the men went indoors the THANEDAR fired a shot and then signaled the assailants to attack, he disappearing from the scene. She has also given names of other ladies of the locality who could testify to these facts.

The deponent has been examined in the Justice Misra Commission and has confirmed the correctness of her statement.

iv) SMT. BAKHTI BAI (2710)

She has described how on the morning of 1st November 1984 the Sikhs with their swords and spears were keeping the mobs at bay. The local leaders and the police told them that they would be protected and should go to their houses. Soon after they went inside, the attacks started resulting in mass scale massacre. The police had fired three rounds in the air before asking the Sikhs to go inside their houses. She has been cross-examined in the Justice Misra Commission and confirmed her affidavit to be true.

v) SMT. SHAMMI BAI (2685)

She has described how the police gave no help when the Gurudwara was being burnt and the police stated that it was beyond their power to do so. They asked the Sikhs to go back to their houses as curfew had been imposed, promising that no one would be killed, and only the Gurudwara would be burnt. When the Sikhs went into their houses, the police came to collect their swords. She has also been cross-examined and confirmed the details given in her affidavit.

vi) SMT. GOPI KAUR (2541)

She has described how some police personnel from Police Station Kalyanpuri came and told the Sikhs that curfew was in force and they should go inside their houses. She has described the killings on 1st and 2nd November 1984 and according to the deponent, the police hardly ever came and even when it came, it did so to incite the mobs. Electricity was cut at night resulting in total darkness in the area.

vii) SMT. HARBHAJAN KAUR (2709)

She has stated that policemen used to tell the Sikhs to go inside their houses and then directed the mob to attack.

viii) SMT. TEHMI DEVI (159)

She has described how on the morning of 1st November 1984, policemen came when the Sikhs and non-Sikhs had collected outside their houses. The police advised the Sikhs to go into their houses stating that there was nothing to fear. Thereafter the Policemen gave a signal to the mob to attack and burning and killing started.

3.144. The following affidavits describe how the Police is accompanying the mob and was not only a silent spectator in most of the cases but in some also instigating the mob and occasionally even going to the extent of making themselves a part of it: -

i) SMT. GURDEEP KAUR (2297): -

Resident of Block No. 32, Trilokpuri, described how after sending the Sikhs inside their houses, they were attacked and the Police was with them. In fact, the Policemen are stated to have told the mob that if so much time had been given to Sikhs, they would not have spared a single clean-shaven person. All the time Policemen were with the local leaders who were also leading the mobs. She also alleges molestation of a number of women by the people of the area.

ii) SMT. PIRBI BAI (2296): -

In addition to the molestation, she has mentioned that one of the ladies was also raped by certain people. She has named a number of persons involved in killings and rape. She has also mentioned that before the killings, electricity wires were cut.

iii) SHRI MOHAN SINGH (2318): -

Resident of Block No. 32 Trilokpuri has mentioned the coming of SHO Shri Tyagi and Head Constable Rajbir Singh to that area when the mob had collected. The SHO had threatened the Sikhs and went away along with the Policemen after which the looting and burning started. After getting his hair cut, the deponent went to the Police Station but was beaten up and turned out. He went to the Police Head Quarters also but when they came to know that he was a Sikh he was turned out. Later in the day, he went to the office of the newspaper and informed some Press Correspondents. It has been confirmed from the affidavit of the Press Correspondent Shri Joseph Maliakan (2699) that the first information that he got at 1130 hours on 2nd

November 1984 about the massacre in Trilokpuri was from Shri Mohan Singh, the deponent.

3.145. The following persons have described the killings of a large number of persons and that the Police led by SHO Shri S.V.Singh Tygai took all the weapons of the residents of block No. 11,12 and 13 of Kalyanpuri.

- i) SHRI JOGI SINGH (2367)
- ii) SMT. SURJIT KAUR (2393)
- iii) SMT. BIRMI BAI (2397)
- iv) SHRI JIT SINGH (2398)]
- v) SMT. DARSHAN KAUR (2452)
- vi) SMT. DHAN KAUR (2586)
- vii) SMT. GORA RAKHI (2610)

3.146. SHRI DHANPAT SINGH (2623): -

He has stated that some local leaders were giving money for killing Sikhs. According to him, this bait further motivated the crowd to attack the Sikhs.

SHRI JASWANT SINGH (2415): -

Resident of Gandhi Nagar.

He had a small business of wheat grinding in Block No. 32 Trilokpuri. He has described how he reached Trilokpuri and given details of the riots, which according to him had been organized by the local Congress Leaders. He was saved by his Muslim friends and but for them he would have been a dead-man. The police thereafter arrested the Muslim Kadir who had saved him and he was later bailed out by the efforts of the deponent. He also described how he saw innumerable dead-bodies on his way back from Trilokpuri from where he had escaped with the help of his Muslim friends.

He later filed an application before the Justice Misra Commission describing how he was being harassed by Shri Rampal Saroj and others who threatened him and declared that they would take revenge for his giving evidence before the Justice Misra Commission, and sought protection. Justice Misra had the allegations investigated and thereafter directed the Delhi Administration to give adequate protection to Shri Jaswant Singh. He had also applied for shifting of his shop from Trilokpuri to Tilak Vihar, as he felt insecure in Trilokpuri.

Apparently through the good offices of the Commission he was given a shop in Tilak Vihar.

3.147. There are quite a few affidavits describing the disposal of dead-bodies:-

i) SHRI ANUP SINGH (2809): -

Resident of East Vinod Nagar.

He has stated how on 1st November, 1984 morning, two Policemen came on a motorcycle followed by many trucks carrying a number of people. The police joined them. The number plates of the trucks were covered. The police was inciting the mob. Many men were killed by the mob.

ii) SMT. PARKASH KAUR (2340): -

Resident of Trilokpuri

She has stated that eight trucks of dead-bodies were removed from Block No.32 and two more from Block No.30. According to her, about 600 Sikhs were killed in Trilokpuri alone.

iii. SMT. MANJIT KAUR (2649): -

Resident of East Vinod Nagar

She has stated that many trucks and buses had come bringing people to their colonies. Some Policemen had also turned up there inciting the mob to kill the Sikhs. According to the deponent on 3rd November 1984 Police dumped all dead-bodies in eight trucks and took them away. This included the dead-body of the deponent's husband also.

iv.) SHRI HARBANS SINGH (2815): -

He has stated that on 3rd November 1984 the Police took away a number of dead-bodies from Vinod Nagar including the dead-body of his son. The Police told him that if he wanted the body, he could come to the hospital.

v) SMT. TEHMI DEVI (159): -

She has stated that on 3rd November 1984 a large number of dead-bodies had been removed in trucks from Trilokpuri.

3.148. In addition to the affected people, many independent persons Mr. Joseph Maliakan (2699), Shri Rahul Kuldip Bedi (2824 & 147) Shri Monish Sanjay Suri (2737), Shri Smitu Kothari (2268), Smt. Lalita

Ramdas (2647 & 2693), Smt. Jaya Jaitly (2702) have given graphic first-hand accounts of the Police behaviour in the Kalyanpuri area.

- 3.149. On being informed by Shri Mohan Singh (2318) Malikan and Bedi along with another Press Correspondent went to Trilokpuri. The entrance to the Colony was blocked by concrete piles and men armed with lathis were standing guard. A mob told them that the block was out of bounds. Two Police-men came out of the crowd from the direction of Block No. 32 and when the deponents asked them, they said that there was "SHANTI" in Block No.32 and only two persons had been killed. Saying this, the Policemen sped away. The Press Reporters also went to the Police Station Kalyanpuri where the Duty Officer told them time and again that there was peace in Trilokpuri. However, a parked truck nearby contained three burnt dead-bodies and an injured half-burnt Sikh was lying above them. The injured Sikh told them how a number of people had been killed in Trilokpuri and he himself had been burnt. He had been lying outside the Police Station in the truck for over four hours. When confronted with this, the Duty Officer said that this was the responsibility of the SHO who was away to Delhi for some post mortem and he alone could say anything.
- 3.150. They also approached the Army Patrol under the command of Col. P.P.S. Bains, but they also took no action as, according to the Colonel they needed orders from the Civil Administration. The Air Force Patrol was also contacted by them near the ITO Bridge but they were told that patrol was for road arrangements as the Prime Minister was to visit that area. Another Army truck parked nearby was contacted but they were told by the in charge that the troops had lost their formation and could do nothing. He, however, advised them to go to the Police Head Quarters.
- 3.151. They reached the Police Head Quarters at about 1700 hours and in the Office of the Commissioner of Police, Delhi they met Shri Nikhil Kumar, Additional Commissioner of Police, Delhi. According to the correspondent, Shri Nikhil Kumar stated that he was a mere "guest artist" and the maximum he could do was to inform the Police Control Room, which he did. There were also a number of Police officers present in the room.
- 3.152. The correspondents returned to Trilokpuri around 1800 hours and found SHO Shri Shoorvir Singh Tyagi along with two Constables. He told the deponents that he had informed/radioed his senior officer Deputy Commissioner of Police Shri Sewa Dass about the massacre. The SHO further told them "the Musalmans were responsible for this". However, for one hour, no other Police force arrived there. There were hundreds of dead-bodies "charred and mutilated" lying around. On seeing the Press People a number of frightened women and Children hiding behind dead-bodies came out and showed them the extent of the massacre. They pleaded with them to stay, as they feared that there might be another massacre. Mr. Maliakan stayed there and Shri

Rahul Kuldip Bedi along with the other Pressmen went to the Police Head Quarters once again. Their Shri Nikhil Kumar, Additional Commissioner of police told him that he had done his job by informing the Police Control Room. Meanwhile Shri H.C. Jatav, Additional Commissioner of police (Range), Delhi came from his tour of trans-Yamuna Colonies – on his own admittance. He declared that “SHANTI” prevailed in the entire area and specifically mentioned Trilokpuri as being “CALM”.

3.153. According to Mr. Maliakan, who had stayed back at Trilokpuri, Shri Sewa Dass after reaching there stated that he had no knowledge of killings which of course was a blatant lie, in view of a clear message from Police Station Kalyanpuri at 1510 hours on 1st November, 1984 to District Control Room and the written statement of ASI Jugti Ram dated 11.3.85. Shri Jatav also reached Trilokpuri at about 1900 hours and called for reinforcements. The survivors of Block No.32 were evacuated. According to Maliakan, more than 350 people were killed in block No.32 and 30 but the Police later informed that only 95 were dead. Another correspondent Shri Monish Sanjay Suri has given a similar version in his affidavit (2737). He was also cross-examined at length by the Commission. On 3rd November 1984 Shri Rahul Kuldip Bedi and Shri Maliakan again went to Trilokpuri and found two dead-bodies burning at the main entrance of the Colony. After spending a few minutes there when they were leaving the Colony they found that two more dead-bodies had been added to where two had been burnt earlier. Shri Maliakan has been cross-examined in detail in Justice Misra Commission. In his cross-examination, he has stated that when he first came across the Policemen mingled in the crowd, he found them quite friendly with the mob and there appeared to be no misunderstanding between the police and the mob. He saw over 300 dead-bodies in that area.

3.154. In this context Shri Smitu Kothati (2268), a social worker and an independent person, describes how he along with others had gone to Kalyanpuri and saw one truck, one matador and a van at the Police Station containing dead-bodies of Sikhs. Their visit to that area made them realize that the Press version of the incidents in that area was correct. He has also been cross-examined by the Justice Misra Commission.

3.155. There are two affidavits of social workers and independent ladies describing the attitude of the local Police in Kalyanpuri towards the whole events: -

i) SMT. LALITA RAMDAS (2647 & 2693): -

She has described the irresponsible attitude of the local police. She states that when she was buying sugar for supplying tea to the riot victims, a Policeman was asking the shopkeeper to raise

the price and take advantage of the situation. She has also been examined in the Justice Misra Commission.

ii) SMT. JAYA JAITLEY (2702): -

She has described how at Police Station Kalyanpuri the arrested persons were not the least worried and were laughing when their names were being called out to get into the vehicles. According to her, there were about 100 of them. 107 arrests were made on 2nd November 1984 night in connection with the killings, according to Police reports.

EVENTS

3.156. Even though some trouble did occur in this Police Station 's jurisdiction on 31st October 1984 the main incidents of looting arson and killing occurred from the morning of 1st November 1984. The killings in Trilokpuri particularly in Block No.32 & 36 and nearby overshadowed all other events, not only of the Police Station but also of the District. A very large number of killings had also taken place in Kalyanpuri and Vinod Nagar but there had been mass killings in Block No.32 & 36 of Trilokpuri and almost the entire male population had been wiped out.

3.157. In the initial stages on 1st November, 1984 when the first attack was made on Patparganj Gurudwara it would appear from the FIR registered (422) that In charge, Police Post Patparganj, which covered Trilokpuri, Sub Inspector Vinod Kumar took action and tried to control the situation. He even registered a case. However, subsequent events would show that the SHO Inspector Shoorvir Singh Tyagi took control and the Sub Inspector In charge of the outpost became totally ineffective. There is absolutely no reference to the role of Sub Inspector Vinod Kumar in any affidavit or other Police records, ----- the FIR referred to above.

3.158. It would be difficult to fully rely on the records of the Police of this Police Station. The SHO himself as well as practically the entire Police staff, was involved almost directly in the massacre/killings. In a situation like this, the Police Station records are not likely to reflect the full truth. The various affidavits discussed above show that the Police was almost directly involved in the attacks on Sikhs and in many cases was apart of the mob as per Smt. Vidya Kaur (2574). The events in Trilokpuri described by the deponents show how the Sikhs were almost forced to go into their houses so that they would not be in a position to collectively resist the mob. The affidavits of Shri Laxman Singh (2286), Gurbachan Singh (2465), Ram Singh (2613), Santa Singh (2615), and Kabul Singh (2634) all of block No.11 & 12 Kalyanpuri indicate how the weapons of the Sikhs were systematically taken away almost forcibly, thus ensuring that the Sikhs would no longer be in a position to defend themselves. In Vinod Nagar, a large number of people had come in

trucks from outside and the affidavits of Shri Anup Singh (2809) and Shri Harbans Singh (2815) show that the role of the Police was dubious and so a large number of people were killed. The presence of the Police at the time of attacks on Sikhs has been narrated by almost all the deponents. In Trilokpuri in particular Smt. Gurdeep Kaur (2297) and Shri Mohan Singh (2318) have given details of the same.

3.159. From the above it is evident that when the mobs collected in morning of 1st November, 1984 they were not able to start arson and killings on their own because of the resistance from the Sikhs. The Police effectively intervened and at Kalyanpuri, Shri Tyagi, SHO himself along with his Police staff collected the licensed weapons of the Sikhs and disarmed them. In Trilokpuri they asked the Sikhs to go inside their houses so that they could be individually and separately dealt with by the mob. In Vinod Nagar a large number of people appear to have come from outside. The information regarding these killings had been suppressed at all levels and is evident from the affidavits of the Press Reporters. They were even told on 2nd November 1984 that all was well in Trilokpuri. In addition to this, when a Police Control Room Van was sent on instructions from police Head Quarters it was told by the SHO that only three persons were injured who may be taken to the hospital. To cover up the carnage, attempts were made to dispose of the dead-bodies as has come out in some of the affidavits discussed above.

3.160. Surprisingly enough, even the senior Police Officer had taken no steps to save the situation and instead pleaded ignorance about all that was going on in Trilokpuri and Kalyanpuri. This plea of total ignorance about these events is not acceptable as the following messages had been sent on wireless in regard to Kalyanpuri and Trilokpuri on 1st November 1984 itself.

- i) 1435 Hours – Gurudwara and Shops in Block No. 32 & 36, set on fire.
- ii) 1510 Hours - Brick-batting, killings, arson and looting in Block No. 32 & 36 (Log of Police Station Kalyanpuri).

The role of the senior officers, however, will be discussed separately. It will suffice to say here that it is impossible to accept that they were not aware of what was happening in Trilokpuri area.

3.161. Besides the Press Reporters S/Shri Bedi, Suri and Maliakan, some women and children from Trilokpuri had reached Darya Ganj from where the following message came to the Police Head Quarters: -

“2nd November, 1984 – 1825 hours Lt. Col informed Office of the Assistant Commissioner of Police Darya Ganj that many women and children have come to him weeping and all saying that

people are indulging in killings in Block No. 34, Trilokpuri which has been totally deserted.”

Realizing that the carnage could no longer be hidden. Additional Commissioner of police placed the SHO under suspension and a case under section 217/221 IPC and Delhi Police Act registered against him and Assistant Sub Inspector Jugti Ram and Constable Driver Munshi Ram.

- 3.162. The most surprising thing is that even after two Companies of the Armed Police had arrived on the 2nd November, 1984 evening and the Army was also on the scene, violence continued even on the 3rd November, 1984. And people had been killed and burnt as late as the afternoon of 3rd November 1984. On the morning of 3rd November, 1984 two Press Reporters Shri Maliakan (2699) and Shri Rahul Kuldip Bedi (2824 & 147) had gone to Trilokpuri and have described how while going there they found two dead-bodies burning at the main entrance and while coming back after a few minutes they found two more added to them. Smt. Vidya Rani (2342) has also described how in the morning of 3rd November 1984 there was an attack in Block No.13, Trilokpuri where she resided. The mob killed four persons of her house itself. This would indicate that even after everything had come out in the open, there was no affective administration in this Police Station area and killings were continuing as the force was not properly deployed and Army was also not given proper guidance.

DEATHS

- 3.163. The total number of killings, according to the records of Police Station Kalyanpuri, is 154. The facts as have been revealed would indicate the deaths in this Police station area to be the highest in the whole of Delhi and there is evidence of large number of dead-bodies having been disposed off. Hence a large number of people killed could not have come on any record at all. A figure of 600 deaths in this Police Station would be nearer the mark.

FIR' s

- 3.164. The number of cases pertaining to riots registered in this Police Station was three on 1st November 1984, none on the 2nd November 1984 and two on the 3rd November 1984. The first two FIR No. 422 & 423 are of a general nature registered at 1330 hours and 1530 hours on the reports of Sub Inspector Vinod Kumar, In charge, Police Post and Inspector Shoorvir Singh Tyagi, SHO Police Station Kalyanpuri. FIR No. 422 states that there was a quarrel going on between Sikhs and the non-sikhs opposite Gurudwara, Patparganj Road. Sub Inspector Vinod Kumar mentions that a mild lathi charge was done by him but the crowd burnt some nearby shops after sprinkling petrol. He has stated to order firing of two rounds by a Constable as a result of which the crowd dispersed and the injured persons also went away with the

crowd. One person was also sent to the hospital. FIR No.423 was on a report by Inspector Shoorvir Singh Tyagi. He has stated that he reached Trilokpuri Chowk at 1420 hours along with Sub Inspector Manphool Singh where Head Constable Rajbir Singh and two other Constables were present. All of them are stated to have gone to Block No.32, where according to the FIR there was lot of tension and stone throwing was going on. Some people started burning the shops and Jhuggis. On the orders of the SHO, Head Constable Rajbir Singh is stated to have fired five rounds and five rounds were fired by him with his revolver. SHO after sending his report for registration had gone away to other places.

- 3.165. The third FIR of 1st November 1984 was 424 registered at 1640 hours on a report of Sub Inspector Roshan Lal. It pertains to Block No. 11 in Kalyanpuri and mentions a number of persons having been arrested along with their weapons. These names included some of the deponents who later deposed before Justice Misra Commission as to how their weapons had been taken away by the Police. The FIR only mentioned taking away of the weapons from these people though they also had been subsequently arrested and formed part of the twenty-five persons shown arrested on 1st November 1984. All those arrested were Sikhs who were the victims.
- 3.166. FIR. No. 425 on 2nd November, 1984 at 2045 hours was against Inspector Shoorvir Singh Tyagi and other staff on the report of Shri R.D> Malhotra, Assistant Commissioner of Police. The charge s was dereliction of duty.
- 3.167. FIR No. 426 was registered on the report of Sub Inspector Manphool Singh in respect of killings in Block No. 32 & 36 Trilokpuri during the riots.
- 3.168. FIR No. 427 had been registered on 3rd November, 1984 at 1520 hours in respect of killings on that day when three Sikhs were stated to be burnt on the main road in Block No.13. It also mentioned the arrest of seven persons on the spot. Surprisingly, however, section 302 IPC had not been mentioned in the FIR even though the killings were stated.

DISCUSSIONS

- 3.169. The events at this Police Station would thus show that the Police staff at this Police Station had itself become a part of the mob indulging in killings. The FIRs discussed above confirm that the SHO and other Police staff were present in Block No. 32 & 36 in Trilokpuri on the 1st November 1984. There is absolutely no reason to doubt that most of the killings had taken place on 1st November 1984 itself. The allegations of weapons having been taken away has been confirmed from FIR No. 424.

- 3.170. However, it is difficult to say as to what could have promoted the local Police Station staff to behave in this shabby manner. A number of names of local leaders have been mentioned in various affidavits and there seems to be no reason to doubt that they were leading the mob and the Police was siding with them.
- 3.171. The SHO in his affidavit to this Committee, has stated that he was keeping the senior Officers informed and they were just not interested in taking any action and were not reacting at all. The name of Shri Sewa Dass, Deputy Commissioner of Police, finds particular mention in this affidavit. He has also stated that Deputy Commissioner of Police gave him the draft of the FIRs and told him not to register cases under section 302 IPC. Yet the fact that Inspector Shoorvir Singh Tyagi appeared to be a favourite of Shri Sewa Dass is indicated by the orders received by him for proceeding to Gandhi Nagar when some trouble took place in Ajit Nagar. Normally, in such situation SHO of one Police Station is not sent to some other Police Station and if at all, only a trusted man could be sent. It also appears probable that the senior officers of Police also did not want to intervene in the killings and hence took the plea that they were not aware of the incidents and kept them away. The Deputy Commissioner of Police had visited Kalyanpuri on 1st November 1984 in the evening and gone up to the Police Station. He probably expected the SHO to clear up the evidence of killings as the dead-bodies were being burnt and removed, and therefore kept quiet.
- 3.172. It is worth-mentioning that even though a case had been registered against Shri Shoorvir Singh Tyagi, SHO arguments given by the Delhi Administration in the Justice Misra Commission; the role of Inspector Shoorvir Singh Tyagi as well as the other Police Station staff has actually been justified. These two actions are contrary to each other. The bias of Delhi Administration in favour of the staff of P.S. Kalyanpuri is not understandable especially in view of the fact that even in a preliminary enquiry report dated 24.7.85 (Annexe. "C" by Sh.D.D.Sharma, ACP, Shahdara, and the conduct of Inspector Shoorvir Singh, SHO, and Head Constable Rajbir Singh come in for very adverse criticism and clearly establish their involvement in the riots.
- 3.173. All the initial arrests made by Police of Kalyanpuri are of Sikhs. In respect of FIR No.424 twenty-five persons have been arrested on 1st of November 1984. All subsequent arrests of the alleged culprits have been made after the carnage had come out into lime light on the 2nd November 1984 evening.
- 3.174. The number of arrests made on 2nd November 1984 is 107 and on 3rd November 1984 nine. But they are irrelevant, as the damage had already been done with the active help of the Police. During the actual riots, no preventive arrests were made at all in this Police Station, which shows that the local Police Station staff was not interested in

maintaining law and order. Even the arrests made were only for the sake of form as the affidavit of Smt. Jaya Jaitly (2702) shows that the arrested persons did not appear to be worried at all and seemed to know that nothing would happen to them. That is why they are stated to have been laughing when their names were called at the Police Station for being taken into jail in vehicles.

3.175. Police records also indicate that twenty-one rounds were fired on 1st of November 1984 sixty-two on the 2nd of November 1984 and 107 on 3rd November 1984 within this Police Station. However, all these figures appear to be cooked up as no effective action had been taken anywhere at all. In fact, there is evidence that the firing, if any, done by the Police was either directed on the Sikhs or in the air. There was no use of tear-gas and no lathi charge except one on 1st November, 1984 mentioned in FIR No.422 registered by Sub Inspector Vinod Kumar, In charge of Out Post Inspector Patparganj.

3.176. The Police Station had received two Coys consist-force on the 4th November 1984. It has been stated by the SHO in his statement that in spite of repeated requests; he got no force at all. However, this would not appear relevant at all since the Police at this Police Station was itself conniving with the crowd. Therefore, any amount of force would not have been of use.

3.177. The above would be clear from the fact that even though the Army had arrived on the 2nd November 1984 it was not properly utilized. On the other hand, it was misguided. This would be evident from what has been stated by the Assistant Commissioner of Police in his report dated the 14th February 1985: -

“ On 2nd November, 1984, Lt. Col. Sinha, with his staff also visited the Police Station Kalyan Puri and he asked if any help is required by the local Police. He was not informed about the happening in the area.”

“Lt. Col. Sinha met SHO Kalyanpuri on 2nd November 1984 in the afternoon, he was not informed about Trilokpuri incidents.”

3.178. The acts of Inspector Shoorvir Singh Tyagi and Head Constable Rajbir Singh during the riots and those of Sub Inspector Manphool Singh subsequently actually amount to criminal misconduct. It is a pity that even though a case was registered against Inspector Shoorvir Singh Tyagi the genuine will to take action was absent. This would be clear from the fact that the case was sent to court but sanction for prosecution under Section 197 Criminal Procedure Code was not obtained as a result of which the case was discharged. The Sections of law mentioned in the FIR had also made the offence time-barred. It would be a pity if Police personnel like Shoorvir Singh Tyagi, and Rajbir Singh go unpunished for technical reasons., Whether this was a deliberate act of eye-wash on the part of senior Police Officer in Delhi

who submitted a charge-sheet in such a perfunctory manner, is a matter of surmise. If not deliberate, it shows total callousness towards the events of 1984.

3.179. A visit by the Officers assisting the Committee to Trilokpuri and particularly to Block No.32, shows, that even after three years of the riots, not a single Sikh family has come back. The whole Block is still lying half-burnt and destroyed showing the extent to which the damage was done on 1st and 2nd of November 1984. This is a clear indication that the Administration has still not been able to inspire any confidence in the minds of the affected persons., The reason for this is obvious. The instigators of the carnage and the killers themselves are at large and roaming about in the area without any fear. Almost all the affidavits have very clearly named the main accused persons involved in the killings, looting and arson. It there was the will to act it would not have been difficult to take effective legal action against them. It would appear that they have support and hence after committing all the crimes of murder, loot, arson and rape they are still in a position to terrorize the victims.

RECOMMENDATIONS

3.180 In the light of above, it would be desirable that each and every member of the staff posted in Police Station Kalyanpuri during October-November, 1984 riots is shifted out not only from Trilokpuri/ Kalyanpuri but from East District itself.

3.181 It is understood that some departmental proceedings have been initiated against Inspector Shoorvir Singh Tyagi. His attempts, to a great extent successful, in obtaining affidavits in his favour by browbeating the witnesses indicate that it is highly unlikely that any witness would have the courage of coming and giving evidence against him. Even after his suspension, it has been seen that the Police staff of Kalyanpuri, particularly Sub Inspector Manphool Singh, have been helping Shoorvir Singh Tyagi by bringing over persons to be pressurized to depose in his favour. However, this SHO is a living shame for any Police organization and the best way to get rid of him in public interest would be to take action under Article 311(2) (b) of the Constitution. This would perhaps restore some confidence in the mind of public.

3.182 Disciplinary action for major penalty against Sub Inspector Manphool Singh is recommended for having sent for persons to be influenced by Inspector Shoorvir Singh Tyagi for deposing in his favour. It is rather surprising that Sub Inspector Manphool Singh who was at the Police Station during the riots continued at Police Station Kalyanpuri/Trilokpuri even after the riots.

3.183 Disciplinary action also needs to be taken against Head Constable Gautam (No.136) who was functioning as Duty Officer on 2.11.84 in

place of ASI Jugti Ram. Shri Gautam misguided and misinformed everyone including the Press Reporters by stating that everything was peaceful in Trilokpuri, even when dead-bodies were lying in a truck there. Not only this, he was callous enough to let a half burnt Sikh lie in the truck along with the dead-bodies instead of helping him to get medical aid.

- 3.184. Disciplinary action proceedings for major penalty are also recommended against Head Constable Rajbir Singh and Constable Driver Munshi Ram for their role in the killings. They had been instigating the mobs to kill and loot the Sikhs in Trilokpuri.

ASSISTANT COMMISSIONERS OF POLICE

East District

- 3,185 During October-November, 1984 riots, the following three Assistant Commissioners of Police were posted in the East District:-

- i) Shri D.D. Sharma, ACP

Police Station: Shahdara, Yamunapuri, Seelampur.

- ii) Shri B.S. Bhola, ACP.

Police Station: Farsh Bazar, Krishna Nagar, and Seemapuri.

- iii) Shri R.D. Malhotra, ACP.

Police Station: Gandhi Nagar, Kalyanpuri, and Shakarpur.

- 3.186. Shri B.S. Bhola was on leave during the relevant period and though no formal orders in writing are available, it has been ascertained that ACP Head Quarters Shri Purshottam Dass had been asked to supervise Police Stations Farsh Bazar, and Seemapuri whereas Police Station Krishna Nagar was to be looked after by ACP Gandhi Nagar, Shri R.D. Malhotra.

- 3.187. Shri R.D. Malhotra was In charge of the areas where the worst incidents had taken place. This includes Trilokpuri in Police Station Kalyanpuri. According to Shri Malhotra vide his report dated the 14th February, 1985, he had been asked by the Deputy Commissioner of Police to confine himself to the main road-Vikas Marg-which connects Delhi with Uttar Pradesh. It was only on the 2nd November 1984 when he was asked to reach Trilokpuri after the massacre had become known to every one that he has moved out. Moreover, even if we accept that he had been asked to confine himself to Shakarpur area, the fact remains that a number of incidents have occurred where he

was present and apparently he took no action to deal with them. His own report dated the 25th February 1985 along with which his movement chart has been attached shows that he was present at a number of places on 1st and 2nd November 1984. Not only this, FIR No. 368 of Police Station Shakarpur registered at 1335 hours on 1st November, 1984 specifically mentions that a mob had set fire to Gurudwara Preet Vihar and ACP/Gandhi Nagar had also reached the spot. The FIR mentions four dead-bodies having been found inside the Gurudwara, besides one in house No. E-62, Preet Vihar. This would show that Shri Malhotra has not taken any action even when killings have taken place in his presence and has also not reflected them in his report.

3.188. He was also supposed to be looking after Police Station Krishna Nagar but has apparently not even visited any place in that Police Station.

3.189. He had also issued directions to SHOs Kalyanpuri, Gandhi Nagar and Shakarpur to register three, one and three cases respectively at their Police Stations. The reasons for this as mentioned in his report dated the 25th February, 1985, was that directions had been issued to him by the Deputy Commissioner of Police, East in this regard. However, the Deputy Commissioner of Police had only directed that cases be registered locality-wise. Issuance of these instructions of limiting the cases to specific number is against all provisions of law and rules. His contention that the three SHOs had informed him those only three, one and three incidents respectively had taken place in their Police Stations, is totally absurd. It was for anyone to see that looting; burning and killings were going on at a number of places in different localities. It is a serious act of misconduct on the part of Shri Malhotra to have issued such instructions. He has twisted the instructions given by the Deputy Commissioner of Police, East District and it was an obvious attempt to conceal and play down the killings. The area under his charge accounted for nearly eight hundred deaths.

3.190. In addition to this, there is specific allegation made by Smt. Kusum Lata Jain in her affidavit No.164/85 to the effect that in her presence the Assistant Commissioner of Police asked the mob to go on with killing and looting. The extract of the affidavit is as under: -

“ At that time a Police Van came from the road near the School. R.D. Malhotra and Mool Chand, S.P., were in the Van. They told the gang that we are standing on the road ten steps away and you continue with your work.”

3.191 An affidavit given by a non-Sikh as well as a Congress worker herself cannot be brushed aside easily. She is a disinterested person and has given a clear account of killings in her presence. There is no reason to doubt her statement against Shri Malhotra.

3.192. The affidavit of Shri Jagjit Singh (2314) also mentions about Shri R.D. Malhotra. The relevant extract of the affidavit is as under: -

“ On 9th November, 1984 I returned back home. I was told by Kuldeep Gill that ACP R.D. Malhotra and SHO Choudhary Jai Singh had said in front of my house on 2nd November, 1984, Jagjit Singh is alive, he be killed. If he escapes then in future, he will trouble us.”

However, this is hear say since the affidavit has not been sworn by the person in whose presence the words were stated.

3.193. Disciplinary action against Shri Malhotra is recommended on three grounds: -

- i) Lack of supervision and control and for not taking any effective action during said riots.
- ii) Encouraging the mob to carry out killings as stated in the affidavit of Smt. Kusum Lata Jain.
- i) For issuing illegal instructions to the SHOs regarding registration of cases.
- ii) Failed to provide the necessary leadership to his subordinates to control the situation.

3.194. In regard to Shri D.D. Sharma, ACP, Shahdara there are no specific allegations against him by name. It would appear from records that he was most of the time with the Deputy Commissioner of Police and even when not with him, he has not taken any positive action in any of his Police Stations to control rioting. The total number of deaths in his Sub Division are to the tune of 500 and there is not one instance on record in which it would be stated that he had taken effective action to deal with the situation. It would appear that he remained totally passive through out. Surprisingly, enough, his name figures in FIR No. 502/84 dated the 2nd November, 1984 of Police Station Seemapuri. The FIR mentions that in Ashok Nagar some houses were burnt and three dead-bodies were being burnt. SHO Seemapuri and ACP D.D.Sharma are stated to have reached there. It is not clear how he happened to be at the place which was not even in his jurisdiction and what measures he took to control the situation.

He has since retired from service on 31st October 1985 and as such no action is recommended against him.

3.195. Shri Purshottam Dass, Assistant Commissioner of Police (Head Quarters) was supposed to be looking after Police Stations Farsh Bazar and Seemapuri. Direction to him regarding this appears to have been oral as no document is available to confirm this. There are also no allegations against him by name. However, the fact that the events

in Nand Nagri Police Station Seemapuri are only second to Trilokpuri in their tragic magnitude, his inaction can only reflect his unsuitableness for the job, unless he was deliberately trying to avoid being involved in the law enforcing process in the circumstances prevailing at that time. There is nothing to show that he even as much as visited Nand Nagri when messages on wireless were flying around indicating the events taking place. Police Station Seemapuri has seen more than 200 deaths and the Assistant Commissioner of Police Shri Dass seems to have made no efforts to check them.

Suitable disciplinary action as deemed proper may be taken against him for his lack of proper supervision and inaction.

DEPUTY COMMISSIONER OF POLICE

East District

Shri Sewa Dass

- 3.196. Shri Sewa Dass was posted as Deputy Commissioner of Police (East) from 28th December 1982 to 25th March, 1985. This District was the worst affected during the October-November, 1984 riots and accounted for almost half the killings in the whole of Delhi.
- 3.197. The sequence of events shows that there was a total breakdown of law and order in East District and the senior Officers necessarily become accountable. It is rather unfortunate that during the course of 3-4 days, when the Sikhs were being massacred in this District not even a single instance has come to notice in which the Police of this District could be said to have done good work or taken effective action to control the riots and prevent killings.
- 3.198. The trend started on the 31st October, 1984 evening itself when the Sikhs were taken off buses and trucks on the main roads and no Police help was being given to the victims.
- 3.199. The conduct of Shri Sewa Dass has not only been adversely reflected in the affidavits of the affected persons but also those of independent and reliable persons. These include three Press Reporters namely Mr. Joseph Maliakan (2699), Mr. Rahul Kuldip Bedi (147 & 2824) and Mr. Monish Sanjay Suri (2735 & 2736) two of whom were cross-examined before the Justice Misra Commission.
- 3.200. The Deputy Commissioner of Police had apparently been on the move at various places on 1st, 2nd and 3rd of November 1984 as per his report given to Commissioner of Police, Delhi along with his letter No. 7667 dated the 20th November 1984. However, his Log Book shows his location in his Office at 0755 hours on 1st November 1984 and no

movement thereafter. This might have been done to provide an alibi, if necessary, at a later stage. However, the evidence available shows that after the visit of the Deputy Commissioner of Police at various places, violence had not abated but in fact increased.

3.201 One of the first things he did was to remove from the scene two Sikhs officers in his jurisdiction who were likely to take effective action. The first instance was on the morning of 1st November 1984, between 1000 hours to 1030 hours when a big crowd collected at Chhaju Pur and the SHO Shahdara, Shri M.S. Sapra (a Sikh Officer) reached there along with force in private auto rickshaw etc. to deal with situation. Deputy Commissioner of police, Shri Sewa Dass along with the Assistant Commissioner of Police Shri D.D.Sharma also reached there and sent the SHO back to the Police Station on the plea that it was necessary for his own safety and then did not provide any one in his place. The second instance is when Swaran Cinema was being set on fire at about 1220 hours on 1st November, 1984 and Range In charge Badan Singh along with force reached there in no time as the Cinema is right across the District Head Quarters. Shri Badan Singh was ordered to go back on the plea that it was not desirable to keep a Sikh officer before the mob. This approach in itself speaks volumes as to how the mind of the Deputy Commissioner of Police who did not seem inclined to take any effective action against the mob, was working. This is also strengthened by the fact that between 31st October, 1984 and 2nd November, 1984 hardly any preventive arrests were made and no one in this District was even burnt or injured by the action of the Police. (In firing or lathi charge etc.).

3.202 Even where the situation was totally out of control, the Deputy Commissioner of Police had specifically ordered that the firing be done in the air. There are a number of messages to this effect and extracts of two of them are given below: -

“ On 1st November, 1984 at 1218 hours: Inspector Gian Singh and Range In charge (East), be asked to reach Swaran Cinema with force. Tear smoke be used and get the fire done in air.”

“ In 1st November, 1984 at 1302 hours: Heavy brick-batting in main bazaar, Gandhi Nagar. From Deputy Commissioner of Police East SHO, Gandhi Nagar to reach the spot of brick-batting and open fire in the air.”

3.203. The Commissioner of police, Delhi had on the night of 1st November 1984 at 2352 hours issued orders to shoot at sight in case of arson and looting. However, in East District shortly after at 0237 hours on 2nd November 1984 there is a message from East Control Room that firing be done in air. This further establishes the fact that the Deputy Commissioner of Police, Shri Sewa Dass did not want any effective action to be taken. This act of ordering the subordinates to fire in air was against the police Rules and Regulations on the subject. It is also

in contravention of law, which provides for effective use of force to save life and property. Deputy Commissioner of Police even flouted the orders of the Commissioner of Police, Delhi who had specifically ordered to shoot at sight and this resulted in the law and order situation in the East District going completely out of hand. It can safely be concluded that the Police in general and Deputy Commissioner of Police in particular did not behave like members of a disciplined force in this district.

- 3.204. As has been discussed in the report of the Police Station Kalyanpuri the worst carnage of 1984 riots had been in Block No. 32 & 36 of Trilokpuri, which was part of Police Station Kalyanpuri at that time. Killings started from 1st November 1984 morning and over 500 people had died in that area alone. Till the evening of 2nd November, 1984 when the exposure of these killings came through Press Correspondents, Shri Sewa Dass claimed no knowledge about the same which is not acceptable as he had full knowledge, since there is a clear wireless message (Log of Police Station) from SHO Kalyanpuri at 1510 hours on 1st November, 1984 to Deputy Commissioner of Police/Assistant Commissioner of Police to the effect that in Block No.32 & 36 of Trilokpuri riot was taking place and it was leading to heavy loss of life and property.(Also the statement of ASI Jugti Ram dated 11.3.85) This message was acknowledged by both Deputy Commissioner of Police and Assistant Commissioner of Police. In the face of this message the statement of Shri Sewa Dass that he had no knowledge of the killings is a deliberate lie and poorly reflects on the caliber and integrity of an officer of his rank and status.
- 3.205. The fact that he had more than usual faith and trust in the capacity of SHO Kalyanpuri Shri Shoorvir Singh Tyagi is indicated by the fact that when there was trouble in Gandhi Nagar he asked this very SHO to go there though Gandhi Nagar is not even bordering KalyanPuri. The SHO, who totally and wholly failed to take effective action to prevent killings in his own Police Station of Kalyanpuri, could hardly be expected to do justice in another Police Station unless of course the intention was that trouble should be allowed to continue.
- 3.206. Killings of a similar nature had taken place at Nand Nagri, which was part of the Police Station Seemapuri. Shri Sewa Dass had also not visited that place. This cannot be a mere coincidence that two worst affected places i.e. Nand Nagri and Trilokpuri were not visited by the Deputy Commissioner of Police Shri Sewa Dass. He has avoided going there deliberately since he was well aware of what was going on but turned a blind eye for reasons best known to him.
- 3.207. The law regarding registration of FIRs has been clearly laid down in the Criminal Procedure Code. However, Deputy Commissioner of Police had sent message on the night of 1st/2nd November, 1984 as follows: -

“ All SHOs be informed that regarding incidents occurred, separate cases be registered for separate localities.”

The legality and propriety of such a message is very doubtful. By this message he obviously wanted the SHOs to minimize the registration of crime and avoid registering FIRs on the complaints of individuals. This is a clear violation of law on the subject and subsequently there have been numerous complaints that SHOs did not register FIRs on reports of victims. As a matter of fact, this act of his coupled with his denying any serious incidents in this area till 2nd November, 1984 evening, indicates a deliberate attempt on his part to play down the riots and killings in his jurisdiction.

3.208 The affidavits of Shri Rahul Kuldip Bedi (147) Shri B. Joseph Maliakan (2699) and of Shri Manish Sanjay Suri (2735 & 2736 & 2737) would show that even when dead-bodies could be seen lying about all over, Shri Sewa Dass stated as late as the evening of 2nd November, 1984 that there had been only two deaths in his district and no serious incidents had occurred. The correspondents wondered why Shri Sewa Dass was even bothering to tell such a latent lie.

3.209 It may be mentioned that these deponents were unconnected with the riots and there is no reason to doubt their statements, being independent witnesses to the events. Besides, two of these correspondents had also been subjected to cross-examination during Justice Misra Commission's proceedings and they stood their ground.

3.210 The answer to all this actually lies in the actions as well as conduct of Shri Sewa Dass. He did not wish to highlight the killings in his areas, obviously because he was himself accountable for them. There are also a number of affidavits to show that attempts were made to remove the dead-bodies by burning or by removing them in trucks by Police personnel. He probably hoped that the evidence would be destroyed by the time any one would come to know or any hue and cry would be raised. In fact, had it not been for the initiative taken by correspondents like Shri Manish Sanjay Suri, Shri Rahul Kuldip Bedi and Shri B. Joseph Maliakan, it is quite likely that the worst carnage of Trilokpuri and Kalyanpuri may not have been exposed and dead-bodies i.e. the real evidence would have been disposed off quietly later. Statements of Smt. Prem Kaur (178), Smt. Manjit Kaur (2649), Shri Gurcharan Singh (2597), Shri Tajinder Singh (179), Smt. Parkash Kaure (2340) and Shri Trilochan Singh (2411) illustrate the manner of the disposal of the dead-bodies. This has also been corroborated by Shri Gulzar Singh and Smt. Kanta Rani in their statements before the Police. Both are residents of Trilokpuri.

3.211 in addition to this, there is a direct allegation against Deputy Commissioner of Police in the affidavit of Shri Tara Singh (2531) who has also been cross-examined during Justice Misra Commission of Inquiry. He has described how Shri Sewa Dass came in his car and

directed the mob on the rampage not to burn the shops but take out the goods and then burn them as the buildings belonged to the non-Sikhs. Shri Tara Singh is a responsible witness being an old Congress (I) worker and also Vice President of the Association of his area. Even if there may be some exaggeration in the affidavit the fact that Shri Sewa Dass had come there but took no preventive action and immediately after he left, the miscreants broke open the shops, took the goods out and set them on fire, shows that he had no interest in dealing with the situation. Similarly, there is a statement of Shri Ram Singh son of Lala Sohan Lal of New Seelampur (2573) who was the owner of Rana Studio, to the effect that S.P. Sahib came and took him to the Thana under the pretext of saving him and then falsely implicated him in a criminal case. According to him he had only tried to defend his family and property with his licensed Gun. This case has been discussed in some detail in the report of Police Station Seelampur.

- 3.212 The behaviour and actions of the SHOs of his District also indicate that the attitude of the Police was to let the mobs have a field day and that lack of action on the part of the Police would be appreciated by the senior Officers. This is confirmed by the fact that SHO Kalyanpuri was asked to go to Gandhi Nagar, which was not even in his jurisdiction when his own Police Station was burning.
- 3.213 Not only did Shri Sewa Dass try to suppress the information from the public and the Press but has also -----empted to conceal it from his superiors. Records SHO that there has actually been regular flow of information from the Police Stations and District Control Room about deaths, killings, dead-bodies lying about, yet not even once did he report these facts to his superiors. Even though the Commissioner of Police, Delhi had specifically sent orders at 1600 hours on 1st November, 1984 that he should be informed of the killings/injured, arson etc. Deputy Commissioner of Police asked SHOs to send this information to him (Deputy Commissioner of Police) and he obviously did not pass it on to the Commissioner of Police, Delhi. Thus, he deliberately kept Commissioner of Police, Delhi in the dark about what was going on in his District.
- 3.214 The affidavits on record also indicate that the Police seemed to be under pressure from the local leaders and toughs. This is further corroborated from the registration of cases against local toughs, including four fresh cases in February 1987 against such persons.
- 3.215 Shri Sewa Dass vide his letter dated the 20th November 1984 addressed to the Commissioner of Police; Delhi has given a report along with a detailed note on the incidents that took place in his District in the first week of November 1984. This is in the nature of an explanation for the failure of the Police of his District in maintaining law and order.
- 3.216 The main points given by him are: -

- i) From the far-flung areas, no one cared to inform the police in time.
- ii) Shooting to kill in the beginning would have boomeranged because there was no adequate force to back up such an action.
- iii) By the time the Army marched in after 1600 hours on 2nd November 1984 mob fury had started abating in general.
- iv) Police had to handle evacuation and setting up relief camps all by themselves in the beginning.
- v) Additional force was not supplied and had it been received, most of the damages would have been averted.

3.217 In regard to the above, it may be stated that the people would come to the Police only if they accept it to take any concrete action. The facts, on the other hand, show that in this District the Police was partisan and the affected persons were not being given adequate help or protection. Moreover, even when someone came to the Police to ask for help or to give any information, he was threatened and asked to go away. Many deponents of this area have given statements to this effect.

3.218 It is also on record that the suffering people could reach as far as Darya Ganj to inform to Army authorities about the massacres but the local Officers continued to plead ignorance. The Press Reporters could know at 1130 hours on 2nd November 1984 but not the local police officers till 1830 hours. This only shows one thing –the Police of East District including the Deputy Commissioner of Police knew everything and deliberately pleaded ignorance.

3.219 It has been explained that shooting to kill would have been dangerous due to lack of adequate force to back up action by Police. This is a totally wrong assessment. In fact, when force is inadequate and likely to be outnumbered, then alone is effective firing desirable and resorted to control the situation. This plea of the Deputy Commissioner of Police is therefore not tenable. Besides, evidence indicates that the mobs were not resisting the police at any place and hence even a mild lathi charge or show of force might have been sufficient to control the situation if the Police had the necessary will to take action.

3.220 The arrival of the army did not make much of a difference initially as it was not properly deployed. In any case this is not quite relevant, as most of the damage had already been done before the army arrived and was properly deployed. At some places, as discussed earlier, the Police even misguided the army saying that they did not need any help and things were under control as in the case of Kalyanpuri when Col. Sinha/Bains made enquiries on 2nd November, 1984.

3.221 The taking up of relief operations by Police is after the killings and rioting had taken place and has not affected the Police functioning in any manner during the actual riots.

3.222 As has also been mentioned in the Report of Justice Misra Commission of Inquiry, "Inadequacy of Police personnel does not seem to be the real cause." Of breakdown of law and order (Page No.29). In fact in this District, even the available force was not properly utilized and the Police even helped the mobs in their nefarious activities. Apparently, there was no will on the part of the Deputy Commissioner of Police to check the killings, lootings and arson and hence no account of force would have been adequate.

3.223 In the light of the above the excuse given by Shri Sewa Dass are incorrect and unacceptable. Not only this, the correctness of the report of the Deputy Commissioner of Police is also suspected. To give one instance, on page No.20 of his resume he has stated as follows in respect of events on 1st November, 1984: -

" At about 2135 hours an information was received that some of the Sikhs families of A-3, A-5 Blocks of Nand Nagri be seized the residents of the above Blocks. On this information SHO/Seemapuri along with the staff reached Block A-3, Nand Nagri and saved fifty Sikhs including children. Information was received that some of the families of Sikhs are also be seized in Block A-5, Nand Nagri. On this SHO/Seemapuri and In charge Police Post Nand Nagri reached the spot and rescued about 7-8 families consisting of 60-65 members of the Sardars."

3.224 This is totally false and apparently misleading to show good work where nothing of the sort has been done. The movement chart of the SHO shows his presence between 2000 hours and 2245 hours elsewhere. Moreover, the Police Station records do not mention this so-called rescue operation anywhere.

3.225 This would show that the Deputy Commissioner of Police has tried to reflect totally distorted facts even in his subsequent report and as such no credence can be given to it.

3.226 Briefly it may be summed up that Shri Sewa Dass Deputy Commissioner of Police (East) should be prima-facie held responsible for the following acts of omission and commission: -

- i) Deputy Commissioner of Police (East) miserably failed to supervise and provide leadership to his subordinates during the October-November, 1984 riots;
- ii) He did not keep his superior Officers fully informed of the incidents taking place under his jurisdiction. As a matter of fact the Commissioner of Police, Delhi asked for information

regarding incidents vide his message of 1620 hours on 1st November, 1984. Deputy Commissioner of Police directed the SHOs to send information to him and there is no record of his passing on the same to his superior Officers. This amounts to concealment of information and failure to discharge his duties;

- iii) He removed Sikh Officers from duties that were inclined to take proper measures to deal with the rioters. In the case of SHO Shahdara he did not even provide a substitute to look after the field duties and supervise the work in that Police Station;
- iv) The SHOs under his jurisdiction systematically disarmed the Sikhs as a result of which they were unable to protect themselves against the rioters. At the same time no effective action was taken to provide Police Protection to save the lives and property of this community;
- v) Although the log of the Deputy Commissioner of Police shows that he was sitting in his Office most of the time on the 1st and 2nd November 1984, in actual fact he was moving around in his jurisdiction. However, there is no evidence worth the name to show that he took effective preventive action to control the situation from deteriorating. This assumption is also strengthened by the fact that nobody was injured or hurt by the alleged firing and lathi charges stated to have been made by the Police to control the situation. Even when rioting have taken place in his own presence and he had along with him Assistant Commissioners of Police, SHO and other staff, and one person indulging in violence has been arrested by him or by the staff present. This would lead to an irresistible conclusion that he knew that what had to be done by him and his force is not to take any action against the rioters and killers. With such a person heading the District Police under him behaved in the manner it did;
- vi) Deputy Commissioner of Police visits to affected areas resulted in further violence rather than curbing it and there is some evidence of connivance on the part of Deputy Commissioner of Police (East);
- vii) He gave illegal orders to do firing in the air thereby curbing the discretion of the subordinate staff to effectively deal with the rioters even though the police Commissioner had issued specific orders to shoot at sight in case of killing arson and looting;
- viii) He made blatant efforts to conceal the number of killings even when dead-bodies were lying around him, when questioned by Press Reporters who had also informed the Police Commissioner's Office regarding mass killings, especially in Trilokpuri;

- ix) He directed the subordinate's to register only a few cases in each area, which was totally illegal. This could only have been motivated by a desire to minimize the crime in his area;
- x) When mass killings had been brought to the knowledge of all concerned on the afternoon of 2nd November 1984 effective measures were not taken in his District. Killings continued on the main roads up to the 5th November 1984. Proper guidance also was not given to the army so that they were not as effective as they could otherwise have been;
- xi) The army had moved into the East District on 2nd November 1984 and camped at Shahdara, Seelampur and Yamunapuri. Apparently, even after its arrival the Civil Administration i.e. Deputy Commissioner of Police did not make effective use of the Army. Hence violence continued in this District which could have been prevented if prompt and judicious deployment of the army had been made;

3.227. In the light of the above, the conduct of Shri Sewa Dass is a slur on the name of any Police force and he should not be trusted with or assigned any job of responsibility. In fact, he is not considered fit for being retained in service, and this is a fit case for being dealt with under Article 311 (2)(b) of the Constitution of India. This will set an example to others and go along way to tone up the Police Administration in general and union territory of Delhi in particular.

CONCLUSIONS

3.228. The detailed discussion of the events in the East District as given above in respect of each Police Station and individual Police Officers would clearly show that there was a total breakdown of law and order. The partisan attitude of the Police, particularly the senior Officers and their close connections with the local leaders and toughs, with whom they were hand in glove, has been clearly indicated. In fact, this is what has led to the large-scale massacres carried out with impunity.

3.229. It is rather surprising that in spite of such total failure on the part of the Police of the District not a single Police Personnel has been awarded any punishment by the department. Specific misconduct on the part of the Police Station functionaries has been listed in the reports of each Police Station. It has also been suggested that the Police personnel in October-November, 1984 riots at Police Station Kalyan puri, and Trilokpuri should not be allowed to stay in the East District. Action has also been recommended against the supervising Officers viz. Assistant Commissioners of Police.

3.230. There was also a total failure of intelligence and the Special Branch Staff deputed in this District also needs to be suitably dealt with.

- 3.231. It would, however, be necessary to make a mention once again of Deputy Commissioner of police, Shri Sewa Dass and SHO, Kalyanpuri Shri Shoorvir Singh Tyagi. As discussed in the reports above, they have been mainly responsible for the mass killings, Shoorvir Singh Tyagi in Kalyanpuri/Trilokpuri and Shri Sewa Dass in the whole District. Subsequently also continuous efforts have been made by them and on their behalf to ensure that people do not depose against them.
- 3.232. In view of the facts that considerable time has since elapsed, it is necessary in public interest to dispense with the services of such Officers without further delay. Their cases are considered fit for being dealt with in accordance with the provisions of Article 311 (2) (b) of the Constitution of India.
- 3.233. As far as the role of Additional Commissioner of Police, Shri H.C. Jatav is concerned; his role will be separately discussed.

ANNEXURE B

STAFF OF THE SPECIAL BRANCH OF POLICE DEPLOYED IN THE EAST DISTRICT DURING THE PERIOD OF NOV. 1984 RIOTS

Inspector Dal Chand, D/469	(Incharge)
S.I. Chander Bhan, 1077/D	(Kalyanpuri)
S.I. Prem Singh, D/887	(Shakarpur)
S.I. Balbir Singh, D/237	(Seelampur)
ASI Jai Pal Singh, 220/D	(Farsh Bazar)
ASI Raj Karan, 225/D	(Shahdara)
ASI Ishwar Singh, 360/D	(Yamuna Vihar – Seemapuri)
ASI Suraj Mal, 578/SB	(Krishna Nagar)
S.I. Dalel Singh, D/1976	(Gandhi Nagar)

SUBJECT: - I.E. AGAINST SHOORVIR SINGH NO. D-1E-1 ASI JUGTI RAM NO. 3002/DAI AND CONSTABLE MUNSHI RAM NO. 61/EAST

This is a preliminary Enquiry against the above mentioned persons orderd by the DCP/East vide his order No. 2584/98/HAP/East dated 30.11.1984. The allegation against them that on Nov. 1, 1984 in the wake Smt. Indira Gandhi 's as assassination mass scale riots had taken place all over including Trilokpuri in which many people lost their lives and houses

were burnt. They were posted at P.S.Kalyanpuri and neither did they take immediate action to prosecute the violence nor informed the senior Officers, as a result of which large number of persons were killed and their houses burnt. A criminal case FIR INo.425 dated 2.11.84 u/s 217 221 IPC and 60 D.P. Act was registered at P.S.Kalyanpuri against them. All the three defaulters were placed under suspension. In addition, the P.S. was ordered against them.

During the course of P.E. gist of the statements of the persons examined is given below.

Sardar Mohan Singh S/o Attar Singh R/o 32/59 Trilokpuri stated that on 1.11.84 at about 1.20 hours while he was present with Ram Singh, Wazir Singh and Gian Singh in his house when a mob of 100/200 persons armed with lathies, brick bats and knives attacked the Sikh residents of Trilokpuri. H.C. Rajbir Singh with three constables were, present of the spot. The mob set steps jhuggis on fire and indulged in killing Sikhs. H.C. Rajbir Singh fired shots with rifle towards the Sikhs because he was mixed up with the mob. SHO/Kalyanpuri kept Shoorvir Singh Tyagi also arrived there in a jeep and took away those three police personnel in his jeep. His two younger brothers were killed in the riot. He went to Post Kalyanpuri; SHO was not present in the Police Station. The Duty Officer did not act on his request to send police to the scene of violence. He went to PHQ but could not contact officials and then went to Indian Express Office and informed the Journalists.

Sardar Bachan Singh S/o Sanghara Singh R/o 32/54 Trilokpuri stated that on 1.11.84 at about 10 AM he was present at the shop of his brother Gurmukh Singh. H.C. Rajbir Singh along with two constables armed with rifle came there. When he returned

House he saw a mob went on killing Sikhs and burning their houses. His brother Bhajan Singh, Sohan Singh, Inder Singh, Jagu Singh nephew Manohar Singh Gurmukh Singh, and Sister-in-law Lachhman Singh were killed in the riot. On the night of 2/3.11.84 when Military arrived he reached Gurdwara in Pandav Nagar.

Raj Bai W/o Phool Singh R/o 32/76, Trilokpuri stated that on 1.11.84 at about noon a mob indulged in arsoning, killing and looting Sikhs in the presence of police. After some time the police personnel had left the place. His three sons and daughter-in-law were killed. She with her elder son Karnail Singh & Sattu Singh took refuge in Yamuna Khadar.

Sardar Sardar Singh S/o Jiwan Singh R/o 32/--- Trilokpuri stated that 1.11.84 at about 8 AM. He ----- in Block No.32 Trilokpuri. H.C. Rajbir Singh and a constable armed with rifle came there. After some time mob came and indulged in arsoning and looting and killing Sikhs. In the mean time H.C. Rajbir Singh with constable also reached there. As he walked towards his house HC Rajbir Singh instigated the mob to indulge in burning houses and looting them. He had seen HC Rajbir Singh himself throwing himself stones towards the Sikhs houses. His sister -in-law ----- Singh was killed in

the riot. On the night of 1.11.84, Ram Pal Singh and Bul Chand, President of 31 Block came with HC Rajbir Singh and told them to dispose off the dead bodies.

Sardar Puran Singh S/o Sardara Singh R/o 32/----Trilokpuri stated that he was a collie at Nizammudin Railway Station and on 1.11.84 at 10 AM he was present at his house. H.C. Rajbir Singh and two constables armed with rifles came there. A mob came there, but these police personnel did not try to disperse the mob. The mob indulged in arsoning, looting and killing Sikhs. The police personnel disappeared from there. On the night of 1.11.84 some body gave sword below on the road of Bhajan Singh his brother who died on the ----- he went to the police station Kalyanpuri he--- not find any police officer in the police station. When he went near the chowk of Mayur Vihar he found many police personnel including HC Rajbir Singh who told that all the Sikhs of block no. 32 Trilokpuri had been killed.

Smt. Ram Pyari W/o Shri Ram Singh R/o Jhuggi in park of Block No. 34 Trilokpuri said that on the day of 1st November, 1984 she noticed a mob of ---- in Trilokpuri. Two policemen came there on motor cycle but did not disburse the mob. Immediately the mob indulged in arsoning the killing Sikhs.

Shri Kartar Singh S/o S. baksar Singh R/o 32/168 Trilokpuri Kalyanpuri stated that on 1.11.84 at 9.30 AM he was present at the tea shop of Sardar Gurmukh Singh. Head Constable Rajbir Singh with three constables came there. Two constables were in ----- of rifles. HC

Rajbir Singh asked the Sikhs go to these houses. At about 11.30 AM a mob of unruly peoples from blockNo.33 and indulged in killing looting and---setting their houses on fire. HC Rajbir Singh and Constable Sukhbir was also present in that mob. The HC stopped that mob near the chowk. Many Sikhs tried to forward to face the mob but HC Rajbir Singh opened fire with his rifle against the Sikhs. He also instigated the mob for violence.

Smt. Gurmeet Kaur W/o S. Avtar Singh R/o 32/34 Trilok Puri stated that on 1.11.84 she was present close to her house. At about 10 all three policemen arrived. She and others Sikhs standing there went to their houses. In the mean time a mob came and started looting, arsoning and killing Sikhs. She ran and hide her in a house.

I have examined persons during the P.E. After the November riots many Sikhs residents of Trilokpuri went to Punjab or to their relatives else where some settled in the residential housed of P.S. Farsh Bazar, but they were scarcely available in their houses. -----Their statements on record, the allegation of ----- against the furious mob is direction against Inspr. Shoorvir Singh No. D-1/281, H.C. Rajbir Singh No.261/E and Constable Sukhbir Singh No.273/E. of P. S. Kalyanpuri, Inspector Shoorvir Singh , who visited the came on mob violence in Trilokpuroi did not take any step to prevent killing, looting and arsoning by the mob. Not only that, being SHO of the police station he was supposed to inform the senior officers about the

gruesome situation, which had developed in his jurisdiction and was perpetuating. But he did not interest his superiors. As a result, large number of casualties of Sikhs and their houses burnt made the Delhi Police 's target of worst ----- of criticism by the public and the press. There is no adverse material against ASI Jugti Ram No. 3002/DAP and Constable Munshi Ram No. ----- on record. Therefore, they may be ----- with our prejudicial to the judicial verdict case FIR No. 425 dated 2.11.84 u/s 217/221 IPC read with 60 D.P. Act, P.S. Kalyanpuri has now become sub-judicial.

DCP/East.

ASST. COMMISSIONER OF POLICE,
SHAHDARA, DELHI.

CHAPTER - 4

SHRI H.C. JATAV ADDITIONAL COMMISSIONER OF POLICE, RANGE (DELHI)

4.1. The role of the police in Central, North and East Districts during the November 1984 riots has been discussed at some length in the foregoing Chapters. These Districts were under the supervisory charge of Shri Hukam Chand Jatav, Additional Commissioner of Police. It was his responsibility to maintain law and order in these three Districts and provide proper guidance to the DCPs and the other field staff posted in these Districts. Shri Jatav remained as Additional Commissioner of Police Range (Delhi) till 15th July 1985. Thereafter he was transferred out.

4.2. According to the written reports and his statement before the Misra Commission, Shri Jatav had been on the move in his area throughout from 31st October to 5th November 1984. However, the role of Shri Jatav during the riots appears to be somewhat dubious and his conduct questionable. This would be clear from a few glaring instances which have been mentioned while discussing the role of the police in various Districts and Police Stations. These are recapitulated for ready reference.

4.3. One of his first administrative acts was the change of a number of police officers belonging to the Sikh Community on 31.10.84. If the written submissions by the Delhi Administration before the Misra Commission are to be believed, ACP Subzi Mandi Shri Kewal Singh and Inspector Gurmail Singh, SHO Subzi Mandi (North District), were removed from their charge under orders from Shri Jatav although they were carried out by the DCP (North) in the night intervening 31st October and 1st November, 1984. Shri Jatav in his statement before the Misra Commission informs the Commission that ACP and SHO, Subzi Mandi were guilty of abandoning their position of duty during the riots. While examining the police records of Subzi Mandi PS we find that both these officers were actually taking effective action to control the situation, had registered an FIR No. 633 at 8.10 PM and had rounded up 90 rioters in the main bazaar of Subzi Mandi at 8.00 PM. On 31st October 1984 who were subsequently not bailed out but sent to jail. In fact, this was one of the few Police Stations where effective action was initiated in the evening on 31st October 1984. They were also seeking clear orders of their superior to 'Shoot-at-sight' to control the situation as would be evident from a wireless message at 8.32 PM. From Shora Kothi. Instead of giving clear orders, these Sikh officers were removed from the scene. It almost seems that they were removed as a punishment for making large scale arrests of miscreants rather than for abandoning their posts or for inefficiency and incompetence. The statement of Shri Jatav before the Misra Commission, therefore, appears to be contrary to the real facts and a shabby attempt to justify the administrative failure in this Police Station, which came in for public criticism subsequently.

4.4. SHO, Sarai Rohilla (North District) was also transferred besides some other Sikh officers in the East District. Wherever these transfers were

affected, the situation worsened and went out of control, as has been discussed earlier while dealing with the Police Stations concerned. Shri Jatav's decision to change these officers at such a crucial juncture was administratively unwise and unsound, to say the least.

4.5. His subsequent conduct also indicates that he was inclined to take lenient view against miscreants. His first notable presence on 31.10.84 was in Subzi Mandi (North District) at about 11.20 PM. Where the local people had apprehended 5 or 6 miscreants along with looted property. Shri Jatav not only let off the miscreants, an act that surprised all those who had caught these miscreants but he also failed to take any precautionary measures at the request of the public. This would be evident from the affidavits of Shri Kartar Singh Bawa, an old Congress Worker (173), and Shri Jasbir Singh (174) and some other deponents. This lenient approach and the transfer of officers subsequently led to the situation fast deteriorating in the areas under P.S. Subzi Mandi (North District) and large-scale arson and looting took place on 1st and 2nd November 1984.

4.6. Shri Jatav mentions that on 1.11.84 at 10.05 AM and 10.53 AM he used tear gas to disperse crowds at Pahar Ganj and Sadar Thana Road. This also seems to be incorrect because according to the figures compiled by Police Headquarters (PHQ folder No. XXV/1/85 Volume No. XXX) no tear gas was used in Pahar Ganj and Sadar Thana Road during the entire period of the riots. Thus Shri Jatav seems to have dealt with some imaginary situations and taken action

4.7. Shri Jatav claims credit for handling the situation near Sis Ganj Gurudwara in the morning of 1st November 1984. This incident had already been firmly dealt with by Shri Maxwell Pereira, Addl. DCP (North). In fact the incident was over by 10.37 AM. At that time Shri Jatav, according to his d.o. Letter No. 2797/P Sec® dated 11th/13th November, 1984 to Shri S.S. Jog, Police Commissioner, was in the area of Paharganj and Sadar Thana Road. Shri Jatav had been requested by Shri Pereira, Addl. DCP (North) to come to Sisganj Gurudwara in Chandni Chowk as police had resorted to firing and one person had been killed. Shri Jatav shows his visit to Chandni Chowk at 11.40 hrs but this is not confirmed because at 11.40 hrs according to records and wireless message he was in East District where he had asked DCP (East) to meet him at Wazirpur Road. He apparently tried to black out his visit to the East District on the morning of 1st November 1984 to avoid showing any knowledge of events occurring in Kalyanpuri Police Station and other parts of East District. However, he could have visited Chandni Chowk at about 1230 hours after his visit to East District when he sent a message to the Police Commissioner that situation in Chandni Chowk is normal as would appear from the entry at 12.38 hrs. in the log of PCR(A) Net. In his own log book, however, there is no entry from 12.00 to 12.25 hrs and 12.25 to 12.40 hrs. This time of 1230 hrs is also confirmed from the report of Commissioner of Police who met him there round about 1300 hrs on his way to Raj Niwas for a meeting with Lt. Governor.

4.8. A very serious incident occurred in Police Station Sarai Rohilla (North District) where a Gurudwara was attacked in the afternoon of 1st November 1984. While discussing this incident earlier, it was evident that Shri Jatav accompanied by Shri S.K.Singh, DCP (North) went to this spot and both were present when the Railway Protection Force jawans resorted to unprovoked and unwarranted firing upon the Sikhs who had been told to go inside the Gurudwara by the police. Both these senior officers failed to prevent the RPF jawans from firing and also failed to take action on the spot against the mob or the RPF jawans. They neither got any case registered nor took up the matter with the RPF authorities. In order to show his absence at the time of firing, Shri Jatav has shown his visit to Sarai Rohilla at 5.00 PM which is not borne out by facts. He appears to be very much present at the time of the firing which was between 1500 hrs to 15.25 hrs, but in his movement chart he has indicated a different time, i.e. 5.00 PM. So that he should not be held accountable for the failure of the police to take action which resulted in looting and loss of life and property. He subsequently also seems to have persuaded Shri Singh, DCP to fall in line and change his (DCP's) first version of the incident.

4.9. Some of the most serious incidents during the riots took place in East District particularly in Trilokpuri area of P.S. Kalyanpuri. Mass killings started in the morning of 1st November 1984 but Shri Jatav pleads total ignorance regarding these incidents till 7.00 PM. Of 2nd November 1984. This is not acceptable for the following reasons: -

i) East District Control Room received a serious rioting in Blocks 32 and 36 Trilokpuri leading to heavy loss of life and property.'

It is thus clear that the DCP (East) at least had knowledge of the killings and it is inconceivable that he would not apprise his immediate senior officer, namely Shri Jatav about the incidents in East District.

ii) According to the details of the movement given in his d.o. of 11th/13th November, 1984 addressed to the Commissioner of Police, Shri Jatav has tried to show that he did not visit East District on 1st November, 1984. This appears to be misleading as from a wireless message it is evident that he had asked DCP (East) to meet him at Wazirabad Road at 11.40 AM on 1.11.84. Even if we take his own version he had visited East District on 2nd November 1984 at 10.00 AM. When he is stated to have gone to P.S. Gandhi Nagar, Shakarpur, Krishna Nagar and Shahadara. It is hard to believe that he was still unable to get an inkling of the mass killings going on in that District.

iii) Later in the day, Shri Rahul Kuldip Bedi (2824) and Shri Joseph maliakan (2699)- made all out efforts to make authorities understand the gravity of the situation. They reached the police Commissioner's office at 5.00 PM. On 2.11.1984 and informs Shri Nikhil Kumar and others regarding the mass killings in Trilokpuri. The officers they met were not prepared to believe them but were good enough to pass on a message at about 5.30 PM. To all concerned including Shri Jatav about the killings.

- iv) Shri Jatav pleads ignorance about this wireless message of PCR and in his note No. 2792-93/P.Sec® dated 10.11.84, marked to DCP (PCR) and DCP (HQ I) he goes to the extent of putting the blame upon the PCR for interpolations and tampering with the logbook. Not only this, Shri Jatav also finds fault with Shri Nikhil Kumar, Addl. C.P. as to why he was not informed regarding the incidents in Trilokpuri when he was available in the PHQ at about 5.00 PM on 2.11.1984. On the other hand, in his movement chart he shows that he had gone to East District at 4.30 PM. The note of Shri Nikhil Kumar indicates a very different story. (Note dated 10.11.84 to the then Police Commissioner, Shri S.C. Tandon) The wireless operator of PCR also reported that Addl. C.P. acknowledged the message at 17.39 hrs.
- v) Even if we accept Shri Jatav's version, according to his own movement chart he was away from the PHQ from 4.30 PM to 7.00PM and had gone to the East District in connection with Prime Minister's proposed visit. When he returned to PHQ at 7.00 PM, he declared before the press reporters that complete peace prevailed in the entire East District. He particularly mentioned that Trilokpuri had been calm, meaning thereby that the Press reporters were liars, whereas in fact the boot was on the other leg.

4.10. The only conclusions that one can draw from all this are that Shri Jatav was deliberately trying to minimize what had actually happened. However, faced with the fact that incidents in Police Station Kalyanpuri and specially Trilokpuri had been exposed, he then went and suspended Shri Shoorvir Singh Tyagi, SHO, and got a case registered against him. The will to take any real action was perhaps still lacking because no effort was made to follow up this case seriously. Sanction for prosecution was not obtained in time and this resulted in a case against this SHO being thrown out by the trial court on technical grounds. Besides, the case was registered only on petty charges and not for the more serious offences involved.

4.11. Even before the Misra Commission on 24.4.86, Shri Jatav has stated that the killings in P.S. Kalyanpuri took place between 8.00 to 10.00 PM on 1.11.84. This again is contrary to facts and the statements of deponents, because most of the killings had taken place in the morning of 1.11.84 as is crystal clear from wireless message of SHO Kalyanpuri to DCP (East) at 15.10 hrs on 1.11.84. Thus, Shri Jatav not only made incorrect statements in his various letters and reports but also before the Misra Commission. This is a sad commentary on the conduct of an officer of his experience and seniority.

4.12. The events at Police Station Karol Bagh on 5.11.84 further give an insight into the functioning the mind of Shri Jatav. This Police Station was virtually stormed by political leaders including the local Member of Parliament Shri Dharam Dass Shastri. These political leaders publicly and openly humiliated the DCP and even went to the extent of manhandling the SHO; Shri Jatav was present and was siding with the political leaders instead of supporting his staff who had acted in accordance with law. This incident has

been discussed at some length while dealing with the incidents in this Police Station. It would be soon that Shri Jatav found it difficult to support the correct actions of his subordinates because he did not want to take any action against the criminals indulging in arson and loot. This is confirmed by the fact that on 4.11.84 at 07.37 hrs, he sent a collective message which reads as follows: -

“ All SHOs should announce in their respective areas that those having looted property should deposit it at the Police Stations failing which legal action will be taken on recovery.”

This order was not only improper but also absolutely illegal. There is no provision under the law for asking for criminals to return the looted property and giving them immunity from punishment. This only shows that he was helping the criminals rather than enforcing the law, which was his prime duty. This also explains why he was unable to enforce law and order in his Range and why he did not support officer's who were trying to do their duty effectively and in accordance with law.

4.13. Besides the above illegal orders, Shri Jatav justified the clubbing together of incidents in North (Districts) vide his letter No. 3179/P.Sec® dated 15.12.1984 to Shri Marwah, Addl. Commissioner of Police (CID). This obviously made prosecution of the accused persons difficult. His statement that complaints were not being lodged was also incorrect because deponents have said that the Police refused to lodge their complaints at the Police Stations.

4.14. There are a number of other discrepancies in the movement chart submitted by Shri Jatav vide his d.o. Letter No. 2797 dated 11.11.84. For instance, at 3.00 P.M. on 1.11.84 Shri Jatav had shown that he reached PP Shanti Nagar in P.S. Lawrence Road and opened fire to disperse a mob. According to the records of the Police Station, no such incident seems to have taken place in PP Shanti Nagar at that particular time. In case, Shri Jatav is talking of the incident of gherao of Shanti Nagar Police Post, the same had occurred at about 12.45 hrs on 1.11.84. Thus, it is not understood as to where Shri Jatav had opened fire to disperse which mob. Then Shri Jatav states that he used tear smoke in Paharganj at 1005 AM on 1.11.84 to disperse the mob, which had collected to set a truck on fire. Further, Shri Jatav dispersed a mob which had collected on Sadar Thana Road by use of tear-gas and lathi charge at 1053 hrs. Both these statements of Shri Jatav are belied by the police records as well as figures compiled by Shri Marwah during the course of inquiry as no tear-gas was used either in Paharganj or on Sadar Thana Road (which also falls under the jurisdiction of Paharganj) throughout the period of riots. Further Shri Jatav has mentioned in his above d.o. Letter that a crowd in Chandni Chowk was dispersed at 11.40 AM on 1st November 1984. The firing was ordered by Shri Maxwell Periera, Additional D.C.P. (North District) around 10.30 AM on 1st November 1984. Therefore, the statement of Shri Jatav that he dispersed the mob by opening fire in Chandni Chowk is totally wrong. Later, on 2nd November 1984 Shri Jatav has

shown his visit to East District show that he had gone there only after 12.00 hrs.

4.15. Shri Jatav also does not hesitate in telling lies before the Misra Commission even on inconsequential matters when he states in his signed statement that 'from 31.10.84 till 5.11.84 I had no time even to go to my residence'. This is also untrue as his position is shown as at his residence on a number of occasions during this period. It is quite clear that the movement chart submitted by Shri Jatav in his d.o. Letter No. 2797 dated 11.11.84 is apparently too distorted to be relied upon and appears to have been maneuvered to suit his own ends.

4.16. In his statement before the Misra Commission, Shri Jatav has stated that 'till the evening of 1.11.1984 I had no occasion to feel that the situation was going out of control and that he had information of about 12 incidents of arson and looting in different areas within his range". This statement is ridiculous because the log books of the three Districts under his charge show that incidents of arson, loot and murder started on 31.10.84 evening and by the afternoon of 1.11.1984 hundreds of people had been killed besides a large number of Gurudwaras and shops also burnt and looted. This understatement ----- blatant lies but that he was underplaying the gravity of the situation as he lacked the will to act..

4.17. The general attitude of his mind is apparent from Shri Madan Lal Khurana's (a councilor of Delhi Metropolitan Council) letter No. 7627/15/85 dated 11.3.85 written to Shri V.P. Marwah, the then Addl. Commissioner of Police (CID). Shri Khurana stated that he tried to explain the gravity of the situation to Shri Jatav. Shri Jatav's in different reaction was that only looting was taking place and no one was being murdered. When Shri Khurana explained that people were even being murdered, the reply he received was that when such an incident takes place in the country some people have their sentiments and what can the police do about it. This attitude clearly indicates the way Shri Jatav's mind was working and why some police officers under his charge were hesitant to act.

4.18. By his attitude Addl. C.P.® forfeited the credibility of the law enforcement agency among the riot victims. This would be apparent from the fact that the wailing women and children from Trilokpuri went all the way to Daryaganj and requested the Lt. Col of the Army to help them rather than go to the Police Headquarters, which was closer. The victims rightly felt that perhaps the army would help them but not the Delhi Police. The attitude of indifference and callous behaviour of the Delhi Police is also borne from the affidavits of Shri Smitu Kothari (2268) and Shri Avtar Singh Vir (2357), Lalita Ramdas (2647/2693), Press Reporters and many others as indicated while discussing incidents in the various Police Stations.

4.19. The level to which Shri Jatav was prepared to stoop, is also evident from the fact that subsequently Shri jatav himself has tried to take the credit for the work done by some officers who took initiative and tried to control the situations in their respective areas./ He has mentioned some events in the

first person in his letter No. 2797/P Sec @ dated 11/13.11.1984 to show that it was he who tried to control the situation through his personal efforts. And he gave exaggerated figures of person's killed/injured in Police action. In fact, there is a difference between what he has stated before Justice Misra Commission on 24th April 1986 and his d.o. Letter dated the 11th November 1984 to which he refers in his statement. In his oral evidence he has stated that in his range 13 persons were killed, 40 injured and 1083 arrested. However, in his letter of 11th November 1984 he has stated that 17 persons were killed, 20 were injured and 2045 arrested. He also claims personal credit for firing 127 rounds when he and his staff were moving in his range in which 5 persons were stated to have been killed and 14 injured. A scrutiny of the records of various Police Stations of his range do not corroborate any of these versions. This has been further discussed in Chapter XI. Facts, on the other hand, indicate that wherever he was going the events that followed were far from complementary to him and more incidents of arson and looting had occurred in those places. The loss of life and property in three Districts under his charge would come to over 1700 persons killed and about a hundred Gurudwaras

4.20. On an overall assessment of his work and conduct, it is more than obvious that he is accountable for the total breakdown of law and order in many areas under his charge. He did not provide necessary leadership to his subordinates. On the other hand, he allowed those who did good work to be humiliated. He totally failed to discharge his duty and because of his conduct, public lost faith in Delhi Delhi. It will now take a long time and involve a lot of hard work to restore public faith in the law enforcement machinery.

4.21. The original logbook of Shri Jatav was made available to the Committee after considerable delay and reluctance on the part of the Police Commissioner's office. A perusal of this logbook shows the reason of this reluctance since it appears to have been manipulated. The reasons for drawing this conclusion are as under: -

i) A large number of PCR 'A' Net messages do not find place in the logbook besides messages from the Districts. A few of these messages of PCR 'A' Net, particularly relating to East District, acknowledged by Shri Jatav and which should have normally found place in the log book are given below:

-

TIME/DATE	FROM	TO	TEXT OF MESSAGE
1738 2.11.84	PCR(101)	G-3	Arson in House No. C-8/34, Yamuna Vihar
1739 2.11.84	PCR(101)	G-3	Killings going on in 32 Trilokpuri
2058 2.11.84	PCR	G-3	Three Sardars injured in Block No3. They have been admitted In JPN Hospital. Roger out.

2106	PCR	G-3	A gathering of Sikhs from North Shahdara heading for Bhajanpura, Apprehension of danger. Roger out
0148 3.11.84	PCR	G-3	Incidents of arson in New Rohtas Nagar Shahdara, firing from Gurudwara side. Roger out. From CP Delhi – Please ensure that others. All dead bodies are collected and Removed to the nearest Hospital/
1200 3.11.84	PCR	G-3	Mortuary under proper receipt and Acknowledgement. All SHOs may Be informed. Roger out. Looting in Blocks 13 and 19, Trilokpuri should be stopped. If Necessary, firing should be done -
1215	PCR	G-3	From Shri Nikhil Kumar. Roger out.

ii) There are large gaps in the logbook of Shri Jatav at a time when information was flowing from second to second. For instance, there is no entry on 1st November 1984 from 1725 hrs to 1925 hrs that is, a period of 2 hours. Similarly, there is hardly any entry on 2nd November, 1984 from 1720 hrs to 1847 hrs and then again from 1935 hrs to 2225 hrs. These are merely a few examples of the various gaps in the logbook of Shri Jatav.

lii) Usually three Head Constables used to record the entries in the log book of Shri Jatav, namely, S/shri Abdul Ghafoor, Rama Nand and off and on M.S. Khan. The normal duty of these Head Constables was for about 12 hours at a stretch, and whenever they came on duty or went off duty this fact was recorded in the logbook. Between 31.10.84 after 0825 hrs to 1955 hrs on 3.11.84 there is no handing over and taking over of the logbook. Why this routine was broken needs to be explained. However, the handwriting of these three Head Constables is easily distinguishable and it would appear that they have re-written the logbook for this period. This is apparent from the fact that

Shri Abdul Ghafoor has made entries from 0825 hrs on 31.10.84 to 1725 hrs on 1.11.84, which comes to nearly 33 hours. In between we find the handwriting of Shri Rama Nand for 18 minutes between 2137 to 2155 hrs on 31.10.84 and 20 minutes from 0925 hrs to 0945 hrs on 1.11.84. Similarly, Shri Rama Nand seems to have recorded entries from 1910 hrs on 2.11.84 to 1955 hrs on 3.11.84 i.e. for more than 24 hours, with a break of only 20 minutes between 2320 hrs on 2.11.84, when the handwriting of Shri Abdul Ghafoor appears. The fact that one Head Constable should remain on duty for 33 hrs and another for 24 hours when their normal duty is only for 12 hours at a stretch, casts suspicion on the validity of the entries. It was quite easy to write the logbook since there is no page numbering in the logbook and, therefore, plenty of scope for manipulation. Perhaps important messages which were not convenient for Shri Jota will further come to light.

Manipulating or tampering of the wireless logbooks is indeed a very serious matter and assumes greater significance when it is found at the level of such a senior officer. An officer who can attempt this can hardly be expected to control his own subordinates for their acts of omission or commission.

RECOMMENDATION

To sum up, the role of Shri H.C. Jatav, Addl. Commissioner of Police (Delhi Range) during the riots has been questionable, partisan and inexcusable. He was obviously in sympathy with some local leaders and disinclined to take action against the culprits. He demoralized the Sikh officers under his charge by ordering their transfers and the substitutes sent miserably failed to control the situation. For an officer of his seniority and experience displaying no will to act when riots were spreading in the capital of the country is indeed deplorable. Such an officer is not fit to be retained in a disciplined Force. Government would do well by getting rid of him and by so doing Government's intention of not tolerating such officers will be brought home and this will serve as an example to others who will be deterred from behaving in a similar fashion. It is recommended that Government should consider dealing with him under the provisions of Article 311(2)(b) of the Constitution.

CHAPTER - 5
NEW DELHI DISTRICT

A. Shri B.K.Gupta, Deputy Commissioner of Police.

B. Shri V. Rajagopal, Additional Deputy Commissioner of Police

C. Shri A.L. Chadha, Assistant Commissioner of Police

D. Smt. Y. Hazarika, Assistant Commissioner of Police.

- 5.1. New Delhi District had 2 Sub Divisions under its jurisdiction and 6 Police Stations. The two Sub Divisions were (i) Parliament Street Sub-Division and (ii) Chanakya puri Sub Division.
- 5.2. Shri A.L. Chadha, Assistant Commissioner of Police, supervised Parliament Street Sub Division and had under his charge the Police Stations of Parliament Street, Connaught Place and Mandir Marg.
- 5.3. Smt. Y. Hazarika was Assistant Commissioner of Police, Chanakyapuri Sub Division, which had under its jurisdiction 3 Police Stations, viz., Chanakyapuri, Tilak Marg and Tughlaq Road.
- 5.4. New Delhi District covers Rashtrapati Bhavan and Central Vista, many Government Officers, Mandi House, shopping complex in Connaught Place, Jan path, the furniture Complex on Panchkuian Road and the residences of the Union Ministers and foreign Embassies. During the 1984 riots, out of the 6 police Stations, 3 Police Stations Tilak Marg, Tughlaq Road and Chanakya Puri were not affected very much. However, Parliament Street, Connaught Place and Mandir Marg Police Stations were affected to some extent.
- 5.5. The Deputy Commissioner of Police Shri B.K. Gupta was in charge of the police arrangements at Teen Murti House where body of the late Prime Minister was kept in state for 3 days before cremation. He was functioning under the overall supervision of Shri Gautam Kaul, Additional Commissioner of Police, and New Delhi Range.
- 5.6. There was heavy deployment of police and 'Para Military Forces' in New Delhi District on 1.11.84, especially near Teen Murti House and hotels where foreign dignitaries were to stay. In spite of these arrangements, however, incidents of violence started occurring in various areas.
- 5.7. Some incidents of arson and loot took place in New Delhi District on 31st October 1984; Vehicles on Prithvi Raj Road near Aurobindo Chowk were set ablaze and two others damaged. Some shops in Khan Market and Prithvi Raj Market in the jurisdiction of P.S. Tughlaq Road were also looted. The car of Jathedar Rachhpal Singh was

attacked and 2 occupants were injured. Some other minor incidents also took place. (Inder Mohan 2774), Ashok Jaitly (2512) and Jaya jaitly (2702).

- 5.8. Some incidents of taxis being burnt outside Mohan Singh Place and on Jan path and other places were also reported. Marina Hotel Complex and some shops in Connaught Place and Panchkuian Road were set on fire by the miscreants.
- 5.9. The most serious incident, however, was in Rakab Ganj Gurudwara. At about 12 noon on 1.11.84, a crowd of a thousand returning from Teen Murti House surrounded Gurudwara Rakab Ganj from Church Road and Pandit Pant Marg. There was heavy brick batting and the mob was excited. There was a rumour that some Hindus had been dragged into the Gurudwara and burnt alive. This made the mob uncontrollable and they tried to scale the walls of the Gurudwara from the Central Secretariat side. The occupants of the Gurudwara feeling threatened started firing from inside and the police/CRPF also opened fire. In this incident some 4 people lost their lives. The Commissioner of police rushed to the spot and it was only when he jumped into the Gurudwara compound along with the DCP (HQ) and Dy. S.P., CRPF and brought the 3 Hindu servants and their families from inside the Gurudwara and assured the crowd that no Hindu had been killed, that the situation could be brought under control. According to Shri Gautam Kaul, Addl. C.P. who also arrived later, Shri Kamal Nath, Member of Parliament, was keeping the crowd under control while the Police was inside and ascertaining the facts. According to Shri Munish Sanjay Suri (2736), the Addl. Commissioner of police was a passive spectator to the mob of about 4,000 being led by Shri Kamal Nath, MP, and a political leader. However, it is fortunate that the trouble was contained without further loss of life and property.
- 5.10. There was also another serious incident of the killing of an aged Sikh who had taken shelter in the house of Shri Ram Bilas Paswan, M.P., on Dr. Rajendra Prasad Road. This incident has been narrated by Shri Ram Bilas Paswan, M.P. (2644). According to him, efforts to call the police did not succeed and the crowd burnt the garage in which the Sikh had taken shelter. This District accounted for about half a dozen deaths during the riots.
- 5.11. The officers of New Delhi District from DCP down ward were mostly deployed at Teen Murti House. However, since the area consisted of VIPs whose houses were properly guarded and Government offices and Government residential colonies, there were fewer incidents in this District.
- 5.12. The Police officers of this District generally worked in a responsible manner and attended to the calls efficiently. No specific case of negligence or dereliction of duty has come to light.

RECOMMENDATION

It can be stated that on the whole, Shri Gupta and his team of officers worked conscientiously and discharged their duties effectively. Their efforts to maintain law and order in those difficult days is commendable.

CHAPTER - 6
WEST DISTRICT

D.C.P. : SHRI U.K. KATNA

6.1. West District of Union Territory of Delhi borders Haryana and had three Sub-Divisions and nine Police Stations under its jurisdiction. Shri U.K. Katna (28.9.83 to 8.7.85) was Deputy Commissioner of Police of this District. The details of the three Sub-Divisions are indicated below:

-

I) SUB DIVISION PUNJABI BAGH

A.C.P.: SHRI J.K. SAXENA.

1. P.S. Punjabi Bagh, SHO : Inspector Ram Chandra, From 13.4.81 to 15.2.85.

2. P.S. Nangloi, SHO : Inspector Ram Pal Singh, From 20.9.83 to 15.2.85.

3. P.S. Sultanpuri, SHO : Inspector Hari Ram Bhatti, From 9.11.83 to 19.11.84.

4. P.S. Mangolpuri, SHO : Inspector Rajinder Singh, From 7.6.83 to 15.2.85.

ii. SUB DIVISION TILAK NAGAR

ACP : Shri jagmal Singh

1. P.S. Tilak nagar, SHO : Inspector Jagdish Chand Sharma, from 16.3.83 to 2.9.85

2. P.S. Janakpuri, SHO : Inspector Sheodeen Singh, From 6.7.84 to 15.2.85.

3. P.S. Najafgarh, SHO : Inspector Hawa Singh, From 8.7.83 to 6.9.85.

iii. SUB DIVISION MOTI NAGAR

ACP: Shri Sajjan Singh

1. P.S. Moti Nagar, SHO : Inspector Ved Parkash Gupta, From -----

2. P.S. Rajouri Garden, SHO : Inspector Prem Nath Arora, From 21.5.82 to 24.7.85.

- 6.2. This District was also very badly affected during November 1984 riots. According to Delhi Administration, apart from large number of incidents of arson and loot, the total number of deaths in this District was 616.. The Citizen's Justice Committee placed the number of deaths around 904 before Misra Commission. As the subsequent discussion will show, a number of dead bodies were systematically removed or burnt down either by the mob or the police. Therefore, it is not possible to come to any exact figure of deaths. Perhaps the figure indicated by the Citizen's Justice Committee would be nearer the truth.
- 6.3. Evidence forthcoming clearly indicates that the local leaders and the police, especially the SHOs were working in unison. The leaders were freely moving around making speeches and instigating the mobs to indulge in arson, loot and killing. There is plenty of evidence to show that the local SHOs as well as other police staff were hand in glove with them. This would partly explain the lack of action on the part of the police. At certain places, the local SHOs and other staff were not only directly involved but also instigated the mob to indulge in nefarious activities.
- 6.4. Out of 9 Police Stations, the police staff if perhaps only two, viz. Rajouri Garden and Moti Nagar Police stations remained neutral and impartial. The other seven Police Stations were badly affected. Although there were 12 deaths in Rajouri Garden and 7 deaths in Moti Nagar (according to Delhi Administration) the police records indicate that the SHOs of these two Police Stations, managed to contain the trouble. No personal allegations have been made against any police official of these two Police Stations either in the Misra Commission or before this Committee. Therefore, no specific recommendations are made in respect of the police personnel of these two Police Stations. The events in the other seven Police Stations are discussed in the following paragraphs in detail: -

POLICE STATION PUNJABI BAGH

SHO : Inspector Ram Chander, From 13.4.81 to 15.2.85

ACP : Shri J.K. Saxena, From 2.11.81 to 14.2.85

- 6.5. Punjabi Bagh Police Station located on the out-skirts of Delhi has a mixed population, with a few colonies of upper and middleclass and some rural pockets. Three Police Posts in its jurisdiction are: Shakurbasti; Madipur, and Anand Vas.

AFFIDAVITS RECEIVED IN BEFORE MISRA COMMISSION

- 6.6. A large number of affidavits received by the Misra Commission indicate that local leaders were involved in the incidents of arson and violence.

They were not checked by the local police who appeared to be siding with them. A number of these deponents had been cross-examined by the Commission. Some of the important affidavits giving a picture of the incidents in this area are those given by Shri Tulsi Ram (160); Shri Kuldeep Singh (2272); Shri Gurcharan Singh (2274); Shri Virendra Singh (2278); Sh. Pal Singh (2276); Shri Ladhu Ram (2287); Shri Amarjit Singh (2382); Smt. Boori Bhai (2419); Shri Gulshan Singh (2461); Shri Angad Singh (2675); Smt. Gurbir Kaur (2749); Smt. Prakash Kaur (167).

6.7 From the affidavits, the picture which emerges is that the local leaders were roaming around in a white car and a Bullet motorcycle. The police jeep was also moving along with these local leaders. Gurudwaras were attacked in the morning on 1.11.84 and movable property of the Gurudwaras was taken away in two trucks and a matador. The sewadars of Gurudwara Tikana Sahib went to the Police Station for protection but they were beaten up on the instructions of the local leader. Affidavits of Shri Gurcharan Singh (2274) and Shri Gulshan Singh (2461) are relevant in this connection. Both these deponents were cross-examined by Misra Commission.

6.8 After setting the Gurudwara on fire, the mob led by the leaders set fire to Guru Nanak Public School between 11.00 and 12.00 hrs on the same day. Ladhu Ram, the peon of Guru Nanak Public School (2287) and Shri Kuldeep Singh (2272), has testified to this. According to them, Head Constable Hamid Khan misappropriated a part of the loot. At about 11.20 AM, Guru Singh Sabha in Bhagwan Dass Nagar in East Punjabi Bagh was set on fire. (Affidavits of Shri Amarjit Singh (2382) and Shri Angad Singh (2675). Shri Pal Singh (2276) stated that his house was attacked and he fired a few rounds in the air from his licensed pistol to scare the mob. His statement is corroborated by Shri Kuldeep Singh (2272). However, on hearing the sound of firing, two DTC buses and two mini buses carrying a large number of people came. These were followed by a police vehicle. Being out-numbered Shri Pal Singh managed to escape from the back door and later he was arrested on 3.11.84 and a case registered against him for murder. Smt. Prakash Kaur (167) and Smt. Boori Bhai (2419) also gave vivid description of the attack in their area.

AFFIDAVITS FILED BEFORE THE COMMITTEE

6.9 Only two affidavits have been filed before the Committee which are of a general nature. Inderjit Singh (107) and Shri Manjit Singh (185) have described police inaction and the fact that their FIRs were not properly recorded and no subsequent follow-up was done by the police.

SEQUENCE OF EVENTS

6.10 There was no trouble on 31st October 1984. However, on 1.11.84, incidents of arson and looting started in rapid succession. Gurudwaras

were the main targets followed by Guru Nanak Public School. At 11.20 AM, Gurudwara in Bhagwan Dass Nagar was set ablaze followed by attack on Gurudwara in 'A' Block Madipur at 12.40 PM. At about 1.00 PM. There was a serious incident in Samrat Enclave when some member of the Sikh Community started firing at the mob from the roof top of house No. C-64, Raj Nagar in which a number of persons including three inmates of the -----(two males and one female) were killed according 1450 hrs, the crowd looted Madipur. At 1540 hrs, shops in P&T Colony were looted. At about the same time, the mob tried to set some trucks on fire in Paschim Puri Enclave. At 1720 hrs, Kothi No.33, Road No.1 Punjabi Bagh was set ablaze. On 2nd November 1984, there were incidents of rioting near Samrat Cinema, Shakarpur and one truck was looted and set on fire at Madhuban Chowk. On 3.11.84, one house near Shivaji Park School was set ablaze. Incidents of violence continued upto 4.11.84 as would be clear from the messages in the Log Book of this Police Station.

FIR' s

- 6.11 Although there have been large number of incidents of arson, looting and even killings, only 1 FIR No. 511 was registered by Inspector Ram Chander SHO, Punjabi Bagh at 1.00 PM. On 1.11.84. This is a general FIR, which mentions rioting by both communities. This is of a very general nature and clearly indicates the bias of the SHO against the Sikhs in general. Interestingly, as has been pointed out during the arguments before Misra Commission, this FIR was recorded in more or less the same language as FIR NO. 351/84 of Police Station Nangloi and FIR No. 176/84 of Police Station Mangolpuri. Apparently, the three SHOs decided to record similar FIRs by mutual consultation or under directions from their superiors. Otherwise it would not have been possible for them to use similar phrases and language.

POLICE ACTION

- 6.12 During the entire period of the riots, ----- and no arrests were made in this Police Station under substantive offences. Besides, no preventive arrests were made from 31st October to 2nd November 1984. It is only on 3.11.84 that 12 preventive arrests are shown to have been made. Throughout the period, there is no mention of any lathi charge to control the mobs. Tear-gas shells were used only at one place in Samrat Enclave when the Sikhs resorted to firing in self-defense on 1.11.84. There is mention of some police firing which was allegedly done in the air. The sequence of events as they emerge from the various reports and log books of the police appear to be as follows:
- 6.13 House No. C-64, Raj Nagar, Samrat Enclave was gheraoed by an unruly mob of 20-30 thousand people at about 1.00 PM on 1.11.84. SHO, Punjabi Bagh states that he rushed to the spot at about 13.24 hrs and he sent a message to West District Control requesting for

additional force and tear-gas. Meanwhile, ACP reached and he found the house had been set on fire. Thereafter, both SHO and ACP continued to send messages through wireless to West District Control for force and tear-gas. ACP also made repeated requests from 1330 hrs onwards to DCP to visit the spot in the interest of the morale of the subordinate staff. The additional force and tear-gas arrived at 14.30 hrs. The ACP used the tear-gas shells to disengage the mob. Fifty-two rounds of .303 and 9 rounds of revolver were also fired by the police. After the firing when the police reached the roof of the house they found 3 dead bodies (2 male and 1 female) lying on the roof. ACP in his report-dated 14.11.84 further reports that 3 infant children were found hidden behind one barsati one they were handed over to their grand mother.

6.14 Apparently, the inmates died as a result of police firing. DCP arrived on the spot at 14.55 hrs i.e. nearly full 2 hours after the trouble started and nearly one-hour and 25 minutes after the ACP specifically requested the DCP to reach the spot. Although a number of people died there in the incident, the DCP stated in his report dated 31.12.84 that no one was killed in this incident as a result of police firing which is incorrect. The police did not register any FIR regarding this incident in spite of the casualties, which is not understandable.

6.15 That the police action was totally ineffective is also clear from the fact that the mobs continued their nefarious activities unchecked and the situation was not controlled even in places where the ACP and DCP were present. On the other hand, in the arguments of the Delhi Administration before Misra Commission a misleading impression has been given that the police was very active and 10 cases were registered under various sections of the IPC and the Arms Act. Besides, 40 persons were arrested in specific offences and 66 persons were arrested under preventive sections. This is not borne out by the facts as during the period of the riots only one FIR was registered and till the 3rd of November 1984, no arrests whatsoever were made. Action taken after the riots perhaps has been included to give a rosy picture, which is far from the truth.

DEATHS

6.16 The total number of deaths according to Delhi Administration was 27, whereas police records shot about 24. From this it is clear that although the number of deaths was not large the incidents of looting and arson were numerous and remained unchecked.

DISCUSSION

6.17 The reports of the various officers from SHO upward give an impression that not only did the police take no action to control or contain the situation, but they acted in a partisan manner. This becomes evident from the evidence of various deponents to the fact

that police vehicles were present in the initial stages when the Gurudwaras and Sikhs were attacked in the morning on 1.11.84. The report of the SHO dated 18.11.84 has described the attack on Sikh houses in Samrat Enclave, Raj Nagar. In the report he has stated that there was a mob of 20 to 30 thousand people at 1.00 PM. Yet he goes on to say that there was unprovoked firing from the rooftops and four persons were reported killed due to the same. If 20 to 30 thousand people attacked someone's house, firing in self-defense cannot be termed as unprovoked, since every citizen has a right for self-defense. The SHO has not indicated how the police tried to control or handled the situation. If anything, his report gives the impression that since the Sikhs were firing in self-defense, tear-gas shells were used by the police to flush them out to their houses. ACP (Punjabi Bagh) and DCP (West) were also present at the spot. In report, the 20 rounds of revolver were fired at Raj Nagar under orders of ACP. However, no casualty took place due to this firing. This is incorrect as has been discussed earlier in Para 6.13 because there were a number of casualties.

6.18 An interesting message of ACP, Punjabi Bagh, sent at 1450 hrs reads as follows

"There is a gathering of thousands at the spot which had gheraoed the house and action will be started after 10 minutes. He requested the DCP (West District) to come at the spot so that the morale of the force is kept up."

The above message clearly indicates the reluctance of the SHO and the ACP to take prompt action to control the situation. ACP sent repeated messages from 1330 hrs to DCP to visit the spot but after so many messages, DCP Shri Katna leaves for the spot at 1403 hrs (according to his own statement) and instead of rushing to the spot, he goes to Moti Nagar and Rajouri Garden and ultimately reaches Samrat Enclave at 1455 hrs. In spite of this serious incident having taken place, no separate FIR was registered.

6.19 Guru Nanak Public School was set ablaze by the mob at about 11.00 AM on 1.11.84. This incident has been left out in the reports of ACP and DCP. The SHO makes a mention of this incident but only shows his visit in the afternoon. Apparently, the ACP Punjabi Bagh and DCP were present at the time when the Gurudwara in Bhagwan Dass Nagar was looted and burnt as well as at the time of the incident of setting fire to the Public School but the action taken by them is not indicated. There was perhaps no will on their part to take any effective action. Not mentioning many of the incidents gives a clear indication that there was a definite and deliberate attempt to minimize the incidents in this Police Station. Not only the police was inactive, they were also, as discussed above, siding with rioters and seemed to be under pressure from the local leaders; hence their partisan attitude.

RECOMMENDATIONS

- 6.20 While the role of the ACP and DCP will be discussed separately, it is clear that the SHO was inactive, failed to control the situation and permitted arson, looting and killings to continue. He failed to behave as a member of the disciplined force and it is, therefore, recommended that departmental proceedings for major penalty should be initiated against him.
- 6.21 It is understood that DCP (West) initiated some action against Head Constable Hamid Khan for misappropriation of looted property but the outcome of the inquiry is not known. This needs to be further pursued.

POLICE STATION NANGLOI

SHO : Inspector Ram Pal Singh from 20.9.83 to 15.2.85

ACP: Shri J.K. Saxena

AFFIDAVITS BEFORE THE MISRA COMMISSION

- 6.23 A large number of affidavits filed before the Misra Commission give a graphic description of the events, which took place during the riots. There was no trouble in this area on 31st October 1984. However, a meeting of the local leaders is said to have taken place during the night intervening 31st October, 1984 and 1st November, 1984. Thereafter, the incidents of arson, loot, violence and killing took place in quick succession.
- 6.24 Two of the many deponents, viz., Smt. Surinder Kaur (2582) and Shri Gurbachan Singh (2310) were also cross-examined by the Misra Commission.

SMT. GURDIP KAUR (2307)----- whose son is a member of the Youth Congress (I), has stated that she was informed that a meeting was held in the colony in which it had been decided that the Sardars were to be killed and the Gurudwaras burnt. She has described in detail how the attack started and Sikh men and women tried to hide in different places. One of her neighbours informed them that three truckloads of persons had come from neighbouring villages and they were coming towards their house. One of the neighbours advised them to hide and the men-folk hid in a tube well. They were, however, attacked and burnt alive. She has given the names of a number of persons whom she recognizes and who were part of the crowd. According to her, the crowd was being paid for the killings at the rate of Rs. 50/- per killing and a bottle of liquor. A number of families were given. Even on the 4th of November 1984, she saw two dead bodies lying on the ground which were being burnt.

6.25.1 SHRI GURBACHAN SINGH (2310)----- has described how crowds came in Haryana Roadways buses and indulged in arson, loot and killing. According to him, the attacks continued till 3rd November 1984. At the Police Station, where some Sikhs were escorted, they were forced to have their hair cut. No action was taken when after the riots a report was lodged at the Police Station naming the ringleaders.

6.25.2 Similar details of attacks have been given by Smt. Krishna (2337); Smt. Updesh Kaur (2555); Smt. Gurcharan Kaur (2557); Smt. Partap kaur(2558); Smt. Surender Kaur (2582); Shri Ishar Singh (2608); Smt. Kuldip Kaur (2538); Shri Puran Singh (2797); Shri Mohinder Singh (2556); Smt. Sushil Kaur (2817); Smt. Gurdeep Kaur (2307) and many others.

AFFIDAVITS RECEIVED BEFORE THE COMMITTEE

6.25.3 Only one affidavit has been received by the Committee. This is an affidavit of Shri Gurbachan Singh Saluja (213/87). He was running a shop at Chowk Piragarhi, Rohtak Road. He has described that his business establishment was looted and badly damaged by the miscreants and the local police did not stop the mob nor took any action on his report.

DISCUSSION

6.26 A study of the affidavits and the police records indicate that a large number of persons had come by road and train from outside. As usual, they were set on fire and thereafter houses of individual Sikhs were attacked. A number of attempts were made by various persons particularly the ladies to go to the Police Station and seek help but the response was negative. In some cases, the ladies went to the Police Station Punjabi Bagh but here also they were turned

Away. Incidents of killing continued right up to the 3rd of November 1984.

6.27 The most serious incident was the killing of 9 Sikhs hiding inside a tube-well. Gruesome burning alive of two young girls has been described in the affidavit of Shri Ishar Singh (2608); Smt. Gurcharan Kaur (2557) and Shri Gurcharan Singh (2310). Apparently, the police were moving around in civilian clothes, according to Smt. Gurcharan Kaur (2557), and instead of protecting the victims the police seemed to be part of the mob. (Shri Joginder Singh- 1521). Smt. Pratap Kaur (2558) has stated that the police was pointing out the houses of the Sikhs. She went to the Police Station to lodge a complaint but the police paid no heed. Smt. Krishna (2337) was asked by the police to run away when she went with her complaint. She counted over 100 Sikh bodies on the roads and lanes.

DEATHS

6.28 According to the Delhi Administration, about 122 persons were killed within the jurisdiction of this Police Station. The Citizen's Justice Committee in their statement put the figures at 146. However, in the police Station records there is mention of 2.11.84. Since a number of dead bodies were disposed of by burning as per the graphic description of the various deponents, the overall figure of deaths in this Police Station could be anywhere between 140 and 150.

POLICE STATION

6.29 As in the case of Punjabi Bagh and Mangolpuri Police Stations in this P.S. also only one FIR No. 351/84 was registered on 1.11.84 at 4.05 PM. Which covers all the incidents. In his reply dated 7.2.85 to various questions put to SHO Inspector Ram Pal Singh, vague reasons have been given for this illegal action. During the riots, no arrests were made under substantive offences. No preventive arrests were made on 1st and 2nd November 1984 and only 5 persons are shown to have been arrested under preventive sections on 3.11.84. Lathi charge was not resorted to on the 1st of November 1984 and the Daily Diary entry indicates lathi charge only at one place on 2nd November 1984. Police was obviously ineffective because no one was hurt or injured and incidents continued right up to 3rd of November 1984.

6.30 On the other hand, Delhi Administration in their arguments before Mira Commission has given a difference picture, which is not borne out by facts. According to Delhi Administration, 5 Firs were registered; 13 persons were arrested and 52 persons were arrested under preventive sections. These arrests were certainly not made during the period of the riots and give a misleading picture of the police action.

RECOMMENDATIONS

6.33. Although no specific allegations have been made against individual police officers, the study of the records and the affidavits indicate absolute police apathy and inaction. There is ample evidence that deponents especially women went to the Police Stations but they were turned away. What to talk of giving protection, even their FIRs were not recorded. Had the police taken effective action, violence could not have continued right up to 3rd November 1984. The SHO of this Police Station apparently abdicated his charge and the mobs continued to do exactly what they wanted. He is squarely responsible for the total failure and breakdown of the police administration in this Police Station and it is recommended that disciplinary action for major penalty is initiated against him.

POLICE STATION SULTANPURI

SHO : Inspector H.R.Bhatti,(2.11.84 to 19.11.84)

ACP : Shri J.K. Saxena

- 6.34. Police Station Sultanpuri mainly covers resettlement colonies with sizable Sikh population.

AFFIDAVITS RECEIVED IN THE MISRA COMMISSION

- 6.35. A large number of affidavits relating to this a number of deponents were also cross-examined. Some of those who were cross-examined were: Smt. Durjan Kaur (2293); Smt. Jatan Kaur (2405); Smt. Banto Kaur (2424); Smt. Anek Kaur (2427); Smt. Gopi Kaur (2430); Smt. Asudi Bai (2606); and Shri Bhag Singh (2686). The Misra Commission also had the statements of some deponents investigated through its-investigating agency. A number of other deponents had also given graphic descriptions of the sequence of events in this Police Station during the riots, which will be discussed subsequently.

SEQUENCE OF EVENTS

- 6.36. A study of the affidavits and police records indicate that there was no serious incident of violence in this Police Station on 31.10.84. However, in the morning of 1st November 1984, a local Member of Parliament addressed a meeting which was also attended by SHO Inspector Bhatti and other police officers of Sultanpuri. In this meeting, the gathering was instigated to take revenge on the Sikhs. Immediately thereafter, violence started with full fury. An attack on the Gurudwara in Budh Vihar was followed by arson and looting in Blocks A & C. In Blocks 'A', a number of shops belonging to Sikhs were set ablaze. In Block 'C', a Gurudwara was set on fire. In this very incident, an elderly Sikh named Tota Singh was beaten up by the mob and some witnesses saw SHO Shri Bhatti firing at Tota Singh with his service revolver. Tota Singh was removed to hospital in a serious condition where he succumbed to injuries. Violence spread to other areas and continued unabated also on 2nd and 3rd November 1984.
- 6.37. It seems the pattern, that was followed, was that first the SHO Shri Bhatti and Head Constable Jai Chand ordered and threatened the Sikhs to go inside their houses otherwise they would shoot them. After the Sikhs went inside the houses, they were attacked by the mobs with the full connivance of the police. (Affidavits of Smt. Jatan Kaur –2405; Guddi Kaur- 2680; Chal Kaur-2698; and Shri Moti Singh –2403.) The SHO was allegedly leading the mob and pointing out the houses of the Sikhs. (Affidavits of Ramesh Kaur –2619; Shri Sangat Singh –2493; Smt. Gopi Kaur – 2430 & 2545; Smt. Prem Kaur –2475; Smt. Gulbano Kaur – 2417; and Smt. Guddi Kaur-2680). The SHO was not only leading the mob but also firing at the Sikhs and killing them. He had allegedly fired at Roshan Singh and said, 'No Sikh can go from here alive while am here'. Havaldar Jai Chand was alleged to have fired at Jarnail Singh and killed him. (Affidavits of Moti Singh –2403; Smt. Prem Kaur- 2474; Smt. Salawati Kaur –2533.) Shri Pinia Singh (2375) and

Smt. Gopi Kaur (2430) also alleged that Tota Singh was shot by Shri Bhatti. Shri Bhag Singh (2686) has given evidence to the effect that SHO Bhatti told the deponent that he had been ordered to disarm the Sikhs and took the deponent's gun.

6.38. The police subsequently refused to record the FIRs of the victims. (Affidavits by Shri Kalia – 2348 and Smt. Rajni Devi – 2349.) Sikhs were also humiliated and asked to shave off their hair at the Police Station. (Smt. Anek Kaur – 2427. Smt. Salawati Kaur – 2533 and Smt. Gopi Kaur – 2430 & 2545.) The Police disposed some of the dead bodies of the victims off by carrying them away in tempos and by burning. (Smt. Durjan Kaur – 2293; Shri Moti Singh – 2403; Smt. Rajni Devi – 2349; and Smt. Jatan Kaur – 2405.) It seems that to ensure that the victims could not escape and the killers were not identified, the electricity was switched off. (Affidavits of Teedee Kaur – 2426 and Smt. Film Kaur – 2428).

6.39. Some Sikhs, who were considered to be influential or could subsequently create trouble, were isolated and taken to the Thana. According to Shri Pinia Singh (2375), the SHO had been acting as follows: -

“ At about 10.00 AM. On 1.11.84, a mob of about 2,000 persons attacked us. In the meantime the police arrived. SHO Bhatti Saheb took us to the Police Station. Other Sikhs were also present there in the Police Station. Bhatti Saheb said that you 15-20 persons who have come here were safe and you will see what happens with others. We saw outside slaughtering was being done. Police was just watching.”

6.40. The affidavits which were investigated by the Misra Commission through the investigating agency also indicate that the allegations made by the deponents were by and large correct.

AFFIDAVITS FILED BEFORE THIS COMMITTEE

6.41. Seventeen affidavits have been received before the Committee. These affidavits appreciate the some Sikh families. Considering the overwhelming evidence against the SHO, these affidavits do not carry any weight.

DEATHS

6.42. According to Delhi Administration, the number of deaths in PS Sultanpuri was 201 whereas according to the affidavits filed by the Citizens' Justice Committee the figure would be 379. There is enough evidence to show that dead bodies were being burnt or systematically removed soon after the killings. Even the SHO in his statement at one place has accepted that it was not possible to conduct postmortem on all the bodies because quite a few have been burnt. Since the disposal of most of the dead bodies were done in such a manner, as not to

leave any trace, there is no doubt that the deaths in this Police Station might have been more. The claims made are not necessarily the correct picture, as many people ran away not to return.

- 6.43. A number of people of West District fled away in fear to Alwar (Rajasthan) and were too scared of harassment by police and local leaders that they were reluctant to return to Delhi. The Delhi Administration had this matter examined in some depth by the then Deputy Commissioner Shri R.S. Sethi, who after inquiries at Alwar submitted a detailed report dated 17.12.84 which was passed on to the then Police.

FIR' s

- 6.44. Despite large number of incidents of killings, looting and arson, only 2 FIRs were registered – one each on 1st and 3rd November 1984 respectively. These are of a general nature. In FIR No. 250 of 1.11.84 even killings have not been mentioned. The effort of the local police throughout was to minimize and conceal the incidents deliberately.

POLICE ACTION

- 6.45. During the entire period of the riots, and, in spite of the fact that large-scale killings, arson and loot was taking place, not a single arrest was made under substantive offences. No preventive arrests were made on 31.10.84 and 1st and 2nd November 1984. This was quite natural because the evidence goes to show that police was completely in league with the mob. This also explains why not a single tear-gas shell was fired to disperse the crowd. Though eight lathi charges are alleged to have been made on 1.11.84, there is no mention of the same in the Daily Diary. The police fired some round with revolvers/rifles etc. during the riots not to disperse the crowd but as claimed by the deponent's to assist the mobs in their nefarious activities.
- 6.46. Witness after witness had stated that the SHO was fully in league with the mob and the local clearly indicate that he was constantly sending misleading messages. In his explanation, Shri Bhatti has mentioned that due to lack of fire fighting vehicles and adequate force a lot of damage was caused to life and property. He has further added that he had gone to a number of areas and saved Sikhs at great personal risk. He makes a very strange statement when he says that had the police killed the rioters the mob might have looted and burnt the Police Station as had been done on some earlier occasion. This is a very lame excuse and shows his extreme cowardice if nothing else.

CONCLUSION

- 6.47. The events of this Police Station are a slur on the name of the local police. Not only has the police extended no help to the affected

persons but directly involved itself with the rioters by giving them help-moral and material. It is a shame that people like Inspector H.R.Bhatti, SHO, and Head Constable Jai Chand are still in services and not so far prosecuted in a court of law. There was more than enough evidence to successfully prosecute these police personnel as well as local leaders responsible for these killings.

RECOMMENDATION

- 6.48. Both SHO H.R. Bhatti and Head Constable Jai do not appear fit to be retained in the Police force and it would be a pity if they were allowed to ----- any further. After a lapse of so much time can be done is to deal with them under Article 311(2) (b) of the Constitution for their acts of omission and commission.

POLICE STATION MANGOLPURI

SHO : Inspector R.S. Dahiya, From 7.6.83 to 15.2.85

ACP : Shri J.K. Saxena

- 6.49. Police Station Mangolpuri comprises of 23 Blocks of resettlement colonies with a population of about 2.5 lakhs.

AFFIDAVITS FILED BEFORE THE MISRA COMMISSION

- 6.50. A large number of affidavits were filed before Misra Commission and there were specific allegations against local leaders as well as the police staff not only of the Police Station but also senior officers of the District. Some of the important affidavits were of Smt. Surjit Kaur wife of Shri Beant Singh (77); Shri Ram Saran (78); Shri Lal Singh (87); Shri Natha Singh (88); Shri Tajwant Singh Malhotra (93); Smt. Daropati (2350); Shri Ajit Singh (2388); Shri Gurdip Singh (2399); Shri Gurmukh Singh (2431); Shri Radho Ram Pandey (2435); Shri Saada Singh (2437); Shri Harnam Singh (2459); Smt. Myna Kaur (2462); Shri Amarjit Singh (2483); Smt. Mahinder Kaur (2559); Shri Thakur Singh (2580); Shri Niranjana Singh (2587); Smt. Agya Kaur (2607); Smt. Amrit Kaur (2630); and Shri Ahal Singh (2770).

AFFIDAVITS RECEIVED IN THE COMMITTEE

- 6.51. Only one affidavit has been received in this Committee. It has been filed by Shri Anant Singh (293/87) who has described how his house was looted and burnt and the police did not stop the miscreants. He has also alleged that no action was taken by the police on the FIR lodged by him.

SEQUENCE OF EVENTS

- 6.52. On an analysis of the various affidavits and the police records, it is apparent that there was no trouble in this area on 31.10.1984. Trouble started on 1.11.84. The initial attacks were on the Gurudwaras in various blocks by mobs led by local leaders. The Gurudwaras of Block G, R, B, D, S, etc. etc. were attacked, looted and burnt unchecked. In the evening of 1.11.84, attacks took place in Rohini Block area. Evidence of Shri Radho Ram Pandey (2435) is relevant in this connection. He has stated that trouble started in the area around 2.00 PM. On 1.11.84. He was eye-witness to the attacks and killings. Being the Pradhan of that area, he went to the Police Station. He was told to runaway and save his own life. The police did not render any help. He has named quite a few persons who were involved in the riots. Being a non-Sikh and a representative of that area, his evidence becomes quite significant. Incidents of violence, loot, arson and killings continued even on the 2nd and 3rd. According to Surjit Kaur (77), the SHO, ACP and DCP were incited by the killers. The police officers were even directing the killers to remove the dead bodies so that no evidence of killings remained. Affidavits of Shri Niranjjan Singh (2587) and Shri Ajit Singh (2388) also indicate police involvement in the killings. When the police was specifically approached to render help, they refused to help the deponents. This is not only clear from the affidavits of Shri Radho Ram Pandey (2435) but also Daropati (2350); Harnam Singh (2459) and Myna Kaur (2462).
- 6.53. The unhelpful attitude of the police is also evident from the affidavit of Shri Ahal Singh (2770) who is a retired Class I Officer from the ISRE Cadre who has been working as a Honorary Technical Adviser and Trustee of Amar Jyoti Charitable Trust for the benefit of physically handicapped persons in Delhi. He has described certain events of this Police Station. According to him, the affected people of this area were so scared that subsequently in spite of his efforts and contacts made with senior officers, the riot victims were not prepared to go back to their homes. Surprisingly, the officers who were sent for enquiries were the same SHO and ACP who had been responsible for the killings. Some of the victims were being threatened and chased by the assessors according to Shri Ahal Singh. In one incident when the deponent was complaining to the SHO, a large number of victims came running and they were followed by the alleged assassins. The SHO stated that these people had been bailed out and he found himself helpless. The deponent complained to the Commissioner of Police Shri S.S. Jog on 23.11.84, gave him a complete picture and also told him that the sketchy FIRs would not do as they were inadequate for registering cases. The affidavit of Shri Ahal Singh, who tried to help the riot victims, is indeed a very telling one and gives a clear picture of the indifference and callousness of the local police.
- 6.54. The affidavits of Smt. Surjit Kaur (77), Shri Ram Saran (78), Shri Lal Singh (87) and Shri Natha Singh (88) all describe the killings in this Police Station. The names of the killers are well known and they are all quite notorious characters. However, it was only when the army came

to this area on the 2nd evening that the situation started getting normalized. During the entire period of the riots, police presence was negligible, ineffective and where it was present they apparently abetted with the criminals rather than take action to control the situation. This is also clear from the fact that they did not register the complaints of the riot victim's when approached by them at the Police Station.

DEATHS

6.55. The total number of deaths in this police Station, according to the SHO, was given as 19 initially. This figure was later increased to 69. The Citizens' Justice Committee indicated a figure of 132 deaths, whereas the Delhi Administration has identified 112 deaths. Keeping in view the fact that the bodies of the victims were burnt and disposed of, the figure of 132 might be nearer the truth.

FIR' s

6.56. In spite of the large number of incidents on 1st, 2nd and 3rd November, 1984, it is a matter of surprise that during this entire period only one FIR No. 174 was registered in spite of the fact that over a hundred deaths took place; a number of Gurudwaras were looted and burnt and arson continued unabated. Apparently, the police were concealing and playing down the incidents so that it could not be held accountable for inaction at a later date.

POLICE ACTION

6.57. According to the arguments of the Delhi Administration before Misra Commission, the police of the area was very vigilant and had taken all steps to control the situation. Further it is mentioned that lathi charge was resorted to vigorously to disperse the mob at many places. The police also resorted to firing and 36 persons were arrested under substantive offences and 79 persons were arrested under preventive sections. Besides, 3 FIRs were registered.

6.58. This submission of the Delhi Administration before Misra Commission was very misleading. The police records indicate that no preventive arrests were made on 1st, 2nd and 3rd November 1984. No arrests under substantive offences were made from 1st to 5th November 1984. During the entire period of the riots, no tear-gas was used. Firing was not resorted to on 1st November, 1984 and even when there is mention of the firing on 2nd and 3rd November, according to the SHO's own statement, it was in the air firing was ineffective. Even lathi-charge was not resorted to on the 1st November 1984. There is mention of lathi-charge only at two places on 2nd November and not subsequently even though the incidents continued on 3rd November 1984. During the entire period of the riots, only one FIR No. 174 was registered. Other cases might have been registered subsequently but the impression given by the Delhi Administration was certainly misleading.

- 6.59. It is clear from the above that even though outside force had been deputed, the 'will to act' by the local police was completely lacking. As a matter of fact, many of the deponents have stated that when they went to the Police Station, they were turned away and no help was given to them. It is only after the army reached this Police Station that the situation started normalizing.
- 6.60. The supervisory officers, viz., ACP and DCP also did not pay adequate attention nor did they take steps to control the situation. The report of the ACP indicates that he had visited Mangolpuri on the morning of 1st November. After that he only came at the time of evacuation of families on 3.11.84. On 2nd November, the SHO had met him at P.S. Nangloi. DCP is stated to have had a round on 1.11.84 in the morning and later on 3rd November in the evening along with some army personnel. He probably avoided this area after handing it over to the mercy of local leaders.

RECOMMENDATIONS

- 6.61. SHO Inspector R.S. Dahiya was not only disinclined to take action but also seemed to be actively involved in the attacks on Sikhs. As a matter of fact, the police presence made only matters worse. He did not even bother to get Firs registered. His conduct has been extremely reprehensible. It is recommended that disciplinary action for major penalty be taken against him for dereliction of duty and suppressing the incidents of crime.
- 6.62. The conduct of ACP and DCP will be discussed separately.

POLICE STATION TILAK NAGAR

SHO : Inspector Jagdish Chand Sharma (16.3.83 to 2.9.85)

ACP : Shri jagmal Singh

- 6.63. Tilak Nagar Police Station was seriously affected and incidents of arson started in this police Station at night on 31.10.84 at Jail Road and Hari Nagar Depot. On the 1st November, Mayapuri area went up in flames. Incidents of arson, loot and killings continued right up to 3rd November 1984. According to the Delhi Administration, 63 persons were killed during the riots in the area of this Police Station.

AFFIDAVITS FILED BEFORE THE MISRA COMMISSION

- 6.64. A number of affidavits were filed before Misra Commission. Perusal of these affidavits clearly indicates that the police of this area was partisan and permitted the mobs to carry on their nefarious activities

unhindered. Not only that, the police actually took action against the Sikhs trying to defend themselves, arrested and humiliated them.

- 6.65. Smt. Darshan Kaur wife of Sardar Harbans Singh (2277) has described that on 1.11.84 at about 10 O'clock in the morning, smoke could be seen from Mayapuri area. She has further stated that the Hindus and Sikhs of Fateh Nagar and Shiv Nagar decided to form resistance groups. Her husband being an Ex-Army Personnel briefed them on how to protect the area. They continued to protect themselves as a consequence of which they were safe on 1st and 2nd November 1984. Once or twice policemen came and told them to go inside but the locals did not agree. However, on 3.11.1984, 5-6 policemen forcibly entered their house. Smt. Swaran Kaur and her husband were beaten up by the police. Then her husband was taken to the Police Station where he was again beaten up and tortured. The police took away her husband's licensed gun, a case u/s 307 IPC was registered against him and whatever money was in his pocket was removed by the policemen in the Police Station. After being released from jail, he used to complain about pain in his stomach. According to the deponent, her husband ultimately died on 13.6.85 on account of the injuries as a result of the beating given by the police.
- 6.66. Major N.S. Phull, AMC (Retd.) (170/85) has given a vivid description of how he was taken to Thana under orders of Shri Katna, DCP, when he sought the police help to prevent the mob from burning and looting this shop in this area. His licensed pistol No. 815904 with ammunition and cash of Rs. 314/- was seized by the police and when he asked for a receipt, he was beaten up inside the cell, by SI Babu Lal, ASI Attar Singh, Constable Khazan Singh, besides others, whom he could not recognize. Later he was forcibly made to sign a receipt by Sub Inspector Sat Pal Saini. In jail, he learnt that he along with some other Sikhs, have been falsely implicated under various sections of the IPC vide FIR No. 442 of 1984 where he was shown to be leading other persons for looting and plundering etc.
- 6.67. Shri Kirpal Singh (136/85), Shri Inder Mohan Singh (146/85), Sardar Mohinder Singh (2394/85) and Shri Trilochan Singh (2404) have given similar accounts of police beating and humiliation besides implicating them in false cases. Smt. Kulwant Kaur Gill (182/85) gives details of violence and loss of property.
- 6.68. It is interesting to note that in this Police Station not only the residents of this area but Shri Piara Singh (2689) resident of Vikas Puri, who went to Tilak Nagar Police Station to seek refuge in the Police Station, was maltreated, arrested and implicated along with other Sikhs in FIR No. 442 mentioned above. Later instead of Rs. 600/-, taken from his pocket, he was offered only Rs. 60/- for which he complained to the DCP.

6.69. In Tilak Nagar, since the residents –both Hindus and Sikhs – had organized themselves into resistance groups, the mob indulging in violence was unhappy. Later, with the active help and connivance of the police, they continued their nefarious activities on 3rd November and were not prevented by the law enforcement agency.

AFFIDAVITS RECEIVED BY THE COMMITTEE

6.70. One affidavit has been filed by major (Retd) N.S. Phull before the Committee which is similar to the one he filed before the Misra Commission. He has mentioned that on his complaint vigilance enquiry was held against defaulting officials. The police records indicate that though he had complained against a number of police officials yet the Police Commissioner's Office took action against only Head Constable Dharam Vir Singh who was censured and since SI Sat Pal had already been dismissed on some other charges, no further action was taken against him. No action, however, seems to have been taken against SI Babu Lal, ASI Attar Singh and Constable Khazan Singh who beat up Major Phull. Some other affidavits filed before the Committee also indicate police inaction in the area.

FIR' s

6.71. It is sad commentary on the affairs of this Police Station that only one FIR for each day, i.e. 1st, 2nd and 3rd November 1984 has been registered by the police. All the three FIRs are against the Sikhs Only. The arrests were made of only of Sikhs who were tortured and humiliated at the Police Station. This is also strange as the DCP's Headquarter is also in this area and these things went on happening under his very nose.

POLICE ACTION

6.72. ----- Control the situation and allowed the mobs to have a field day. These mobs looted and burnt Gurudwaras and killed more than 63 Sikhs in this area.

6.73. In his statement dated 15.1.85, the SHO had painted a rosy picture by stating that no untoward incident took place on 31.10.84 and he allegedly controlled a crowd by 'mini care charge' on 1st November, 1984. He further stated that on 2.11.84, there were no incidents of arson etc. and only when the Sikhs assaulted a police party in the forenoon, he registered FIR NO. 443. He boasted that due to intensive patrolling, hard work and prompt action, the situation remained under control and there was no loss of life in the area of PS Tilak Nagar.

6.74. Why an officer of the rank of SHO told blatant lies is not understandable because the police records show that in this police Station there was no lathi charge, no use of tear-gas and no firing to control the situation. No preventive arrests were made on 31.10.84,

on 1st or 2nd November, 1984 and the arrests made under substantive offences were and of the miscreants but of members of Sikh Community who were trying to defend themselves with the help of the members of the other communities of that area. The wireless logbook of this Police Station indicates a number of messages of killings and deaths even on 1st November 1984 and still the SHO has the audacity to say that no deaths occurred in his jurisdiction. On the other hand, Delhi Administration itself after verification has placed the figure of deaths at 63.

RECOMMENDATIONS

- 6.75. The police in general, and the SHO in particular, have behaved in an extremely irresponsible manner in connivance with the culprits. SHO and other police staff are guilty of gross misconduct for torturing and humiliating the Sikhs whom they arrested apparently without sufficient cause. The SHO- Inspector Jagdish Chand Sharma made no efforts to control the situation and is certainly not fit to be retained in a disciplined force and action for imposition of major penalty is recommended against him.
- 6.76. SI Babu Lal, ASI Attar Singh and Constable Khazan Singh deserve to be dealt with severely and major penalty proceedings should also be initiated against them.

POLICE STATION JANAKPURI

SHO : Inspector Sheodeen Singh(6.7.84 to 25.2.85)

ACP : Shri Jagmal Singh

- 6.77. Police Station Janakpuri has a few villages under its jurisdiction besides urban colonies like Janakpuri, Uttam Nagar and Vikas Puri. One Police Post At Uttam Nagar was under the charge of S.I. Iqbal Singh.

AFFIDAVITS FILED BEFORE THE MISRA COMMISSION

- 6.78. ----- Misra Commission regarding incidents in this Police Station. The names of some of the important deponents were: Smt. Amrit Kaur 9101); Shri Balbir Singh (2305); Shri R.S.Virk (2336); Smt. Swaran Kaur (2338); Shri Lakhbir Singh (2322); Shri Mohan Singh (2335); Shri Apjeet Singh (2353); Shri Mohinder Singh (2355); Shri Buta Singh (2356); Shri Swinder Singh (2358); Shri Didar Singh (2359); Shri Sukhdev Singh (2360); Shri Satnam Singh (2361); Shri Jagjit Singh (2362); Shri Harvinder Singh (2401); Major T.S.Chhatwal (2637); Smt. Manjit Kaur (2786); and Shri Avtar Singh (2826).

6.79. Of the above deponents, Smt. Amrit Kaur (101); Shri R.S.Virk (2336); Shri Balbir Singh (2305); and Smt. Swaran Kaur (2338) were cross-examined by the Misra Commission. Besides, the Investigating Team of the Commission investigated the facts deposed by S/Shri Jagjit Singh (2362); Sukhdev Singh (2360); Satnam Singh (2361); Didar Singh (2359); Swinder Singh (2358) and by and large found the incidents narrated by them to be correct.

AFFIDAVITS FILED IN THE COMMITTEE

6.80. A number of affidavits have also been received by the Committee. They are of a similar nature describing the apathy of the police and complaining that their FIRs were not recorded at the police station. They also described the losses which they suffered.

SEQUENCE OF EVENTS

6.81. The police records clearly indicate that when incidents of rioting took place at Hari Nagar Bus Stop. Two injured persons were admitted to Ram Manohar Lohia Hospital in the early hours of 1st November 1984. Apparently, violent mobs active in Delhi Cantonment and Nangloi etc. spilled over to Janakpuri area and went on a looting and burning spree. From early morning on 1st November 1984, riots took a very serious turn and there were incidents of arson and looting at Pankha Road and Janakpuri in C-3 Block behind Hari Nagar Bus Depot. Many houses, shops and business establishments besides cycles and taxis were set on fire. Violence spread to Navada Bus Stand, Virender Nagar, Janak Cinema and Gurudwara in 'C' Block. Killing started on 1st November 1984 and S.S. Mota Singh School was also burnt. Incidents of violence in this Police Station continued on 2nd and 3rd November 1984 even though extra force had been received by 1st November 1984 itself.

FIR' s

6.82. SHO Janakpuri has registered only one FIR attach on 31st October, 1st November, 2nd November and 3rd November 1984. These are of general nature and describe the incidents in this Police Station in general.

DEATHS

6.83. The Delhi Administration on the basis of inquiry conducted has given a figure of 36 persons having been killed. However, the figure should be on the higher side as according to the deponents

POLICE STATION

6.84. The police records indicate that even though trouble had started in this Police Station on 31st October 1984 and continued up to 3rd

November 1984 yet no arrests were made on 31st October or 1st November 1984 either for substantive offences or under preventive sections. As matter off act, no preventive arrests were made in this Police Station through out the period of riots. No use of teargas shells was made nor did the police resort to any lathi charge, although in his statement dated 30.11.84 the SHO claims that the mob was repulsed many times by lathi charge. This is obviously an incorrect statement. Some firing is alleged to have been resorted to. However, this was obviously not effective because no one was hurt or injured and the incidents continued up to the 3rd of November 1984 were under section 188 IPC, more of a preventive nature rather than for substantive offences committed. Police firing, supposed to have been resorted to, does not appear to be correct because the SHO at 0200 hrs on 2nd November, 1984 had sent a report on certain points including firing and he sent a 'nil' report. This would show that there could have been no firing on 1st November 1984 and the figures of firing appear to be fabricated and therefore, no reliance can be place on them. It is strange that the Delhi Administration in their argument before Misra Commission have submitted that the SHO formed the Peace Committee of the residents of all communities and "No incident took place after the evening of 1.11.84". This is factually a mis-statement because the police records and log books as well as the statements of the deponents clearly prove that incidents of violence, looting and killing also continued on 2nd and 3rd November 1984. Why such a misleading version was given to Misra Commission totally contrary to facts needs to be probed.

DISCUSSION

6.85. From the statement of Smt Amrit kaur (101); Shri Mohinder Singh (2355); Shri Didar Singh (2359); Shri Sukhdev Singh (2360); Shri Boota Singh (2356); and Shri Jagjit Singh (2362), it is clear that the police was present when incidents were taking place but refused to take effective action. The police used to record FIRs of the deponents, as would be bear from the affidavits of Smt. Swaran Kaur (2338); Shri Harvinder Singh (2401); Shri jagjit Singh (2362); etc. According to Shri R.S.Virk (2336) and Shri Sukhdev Singh (2360) the police was actually instigating the mob to set fire to the properties of the Sikhs. This is strange that although a number of persons in----- mob were known to every one yet they were neither apprehended nor charge-sheeted nor cases registered against them which clearly indicates that the will to It was completely lacking and no serious attempt was due to contain or effectively deal with the riots. ----The statement of Shri R.S.Virk (2336) it is also ----- that his scooter had been stolen by one Vedu, local bad character which was recovered through the ----- offices of the ACP but it was actually handed over to the owner without any record or entry at the Police Station. This would show that the general practice of recovering stolen property without taking any action against the culprits was being followed in this Police Station also. There are some allegations by name against the DCP, which will be separately

discussed. (Affidavit of Shri Harvinder Singh (2401) The callous attitude of the policies clear from the affidavits of Shri Didar Singh (2359); Major T.S.Chhatwal, an Ex-Army Officer (2637) and many others. Shri Didar Singh goes to the extent of stating that when he resisted the mob by firing and the mob fled away, an ASI and a Head Constable brought the mob back. He has directly implicated Shri Sajjan Kumar, a local M.P. under whose directions it is alleged the mobs were being led.

RECOMMENDATIONS

- 6.86. SHO Inspector Sheodeen Singh and SI Iqbal Singh, In charge of P.P.Uttam Nagar, both failed in their duty to control the situation in their respective areas and they did not take either direct action or preventive action to contain the riots as result of which arson, loot and killings continued in this Police Station for 4 days. They also did not properly utilize the additional force that was deputed to this area and, therefore, are accountable for dereliction of duty and need to be suitably dealt with departmentally.

POLICE STATION NAJAFGARH

SHO : Inspector Hawa Singh Rana (8.7.83 to 6.9.85)

ACP : Shri Jagmal Singh

- 6.87. Police Station Najafgarh covers an area of more than 100 sq, kms. Having about 70 villages bordering Haryana. It also includes CRPF Group Centre in Jharoda Kalan. There is one Police post at Kapashera.

SEQUENCE OF INCIDENTS

- 6.88. There was no incident in this Police Station on 31st October, 1984 but on 1st November, 1984 there was wide-spread violence from about 10 AM onwards in Gaushala, Roshanpura, Kochhar Farm, Dichaun Kala Road kapashera Border and Gurudwara Roshanpura. A number of trucks and shops besides factories were set a blaze. The incidents of violence continued unabated on 2nd November 1984 especially in Jharoda and Kapashera border.

DEATHS

- 6.89. According to Delhi Administration, 36 persons of this area were killed during the riots. Citizens' Justice Committee placed the figure at 79, but the Delhi Police gave only a figure of 19. Keeping in view the

events of arson, looting and killing and the fact that Delhi Administration was able to get identification done in 36 cases, it is felt that the figure of deaths given by the Citizens' Justice Committee may be nearer the mark.

AFFIDAVITS RECEIVED IN MISRA COMMISSION

- 6.90. Two main affidavits received in the Misra Commission in respect of this Police Station were by Smt. Balbir Kaur (2684) and S. Raminder Singh, an ex-Inspector of CRPF, (2677). Besides the set two affidavits, there was a complaint filed by M.S. Sidhu, joint Secretary of the Sikh Samaj Sudhar Sabha, New Delhi, addressed to Shri S.S.Jog, the then Commissioner of police, requesting for registration of a murder case against the police officers for committing triple murder. In this complaint Shri Sidhu has alleged that the SHO Najafgarh along with Ram Chander, ASI, led the rioters to Farm No.2, who killed the husband, brother and a relative of Smt. Hardeep Kaur. Despite her repeated requests to the police, no murder case was registered against the culprits. This complaint was enquired into by the Police Commissioner's Special Enquiry Cell and the number of statements recorded by the police give an indication that the complaint was prima facie correct.
- 6.91. Smt. Balbir Kaur (2684) has described the burning of the Gurudwara at about 9.30 AM. And thereafter the mob moved towards her residence at Farm No.2, Papravata Road, Najafgarh, and attacked her house. She has named some of the culprits whom she could identify in the mob. The SHO and ASI reached the spot and the SHO went away promising that he would send a truck to evacuate the Sikhs. After about 2 hours, the mob came again, but the promised truck did not turn up and the ASI and the two policemen, who were kept on duty, also disappeared. The mob attacked her house and killed the male members of the family. She has named one Ranbir who hit her husband. It is only after all this that the police vehicle came and took them to the Police Station. It seems that Smt. Balbir Kaur was separated from her men-folk and while the ASI Ram Chander kept telling her that they had been sent to the hospital, Ranbir later told her he had killed her husband while Hukmi held on to his head so that he could strike a proper blow. It seems clear that this family was not given proper protection by the police.
- 6.92. S. Raminder Singh (2677), annex-Inspector CRPF, gives an equally gruesome picture of callousness and indifference of the SHO as well as the officers of the CRPF. Being an ex-Inspector of the CRPF, living opposite to the CRPF Lines, Shri Raminder Singh made repeated efforts to seek help both from the SHO Hawa Singh Rana and the CRPF officers from the Commandant Satish Kumar Mohindroo downwards. Neither the SHO nor the CRPF officers gave any help and this is surprising because Raminder Singh was an ex-employee of the CRPF and well-known to them. The CRPF officers were not even

prepared to give refuge to the three young girls of Raminder Singh. Even when with great reluctance the CRPF came to help the families of the Hindus and Shri Raminder Singh managed to get into the vehicle, the crowd however still managed to kill his brother. S.Raminder Singh's affidavit is a sad commentary on the functioning of the authorities whether it be the local police or the CRPF. Apparently, the police of this police Station had no will to act and save the life and property of the citizens. The CRPF officers also behaved in a very shabby manner.

AFFIDAVITS FILED BEFORE THE COMMITTEE

- 6.93. Three affidavits have been filed before this committee by Shri Tarlok Singh (151/87), Shri Malkiat Singh (186/87) and Smt. Kamlesh Kumari (187/87). They have complained that the police did not register their FIRs, did not investigate their cases and they suffered heavy losses.

FIR' s

- 6.94. Only 3 FIRs were registered in this Police Station – two on theist and one on 2nd November, 1984- in which details in general of looting and killing have been described. Details of the FIRs were asunder: -

- (i) FIR No. 256 U/s. 147/148/149/427/436/302/295/395 IPC was registered on 1st November 1984. Time 10.45 AM to 7.00 PM.

“ On being informed by the Wireless Operator H/C Tara Chand, a police party comprising of 13 persons, namely, SI Omvir, SI Bal Kishan, ASI Ram Chander, ASI Jagdish Singh H/C Raj Singh, H/C Raghu Nath, Constables Ravi Dutt, Brijender Singh, Rajveer, Bheem Singh, DAP Arjan Singh, Manohar Lal and Tejpal reached Gaushala Road where disturbance was reported. The police party saw a mob of 300/400, one scooter (two wheeler) DLS 2910 was on fire. When the police interrupted the rioters they ran towards Chawla Stand and started burning the shops. Two shops were totally burnt. In the meantime, the SHO also reached there. On being interrupted, the mob ran towards Bijwasan Road and then at Roshanpura set fire to Gurudwara there. Five houses, one truck and four tractors all belonging to Sardars were set ablaze. The mob also injured many Sardars who ran towards Dhansa Stand. On being interrupted, the mob proceeded towards Dharampura and set on fire a thread factory belonging to a Sardar. The mob, by that time had swelled to 1500. Then the mob came towards Chhawala Stand, set a shop on fire and ran towards Najafgarh and set on fire 8 shops and houses. Then the mob proceeded towards Delhi and enrooted burnt a truck parked on the road opposite Nangali Sakrawati. Then the mob proceeded towards Dichau Village and set on fire three buses there. Then the mob entered the PHC Hospital and started beating those Sardars

who had come there for dressing and treatment of their injuries. SI Ram Chander, with the help of staff, dispersed the mob and after the mob had left, it was found that it had killed 8 Sardars whose identity could not be ascertained. They received injuries on head, face and forehead etc. Five persons seriously injured by the mob were sent to RML Hospital in a private truck. When it grew dark, the mob left the scene and during the entire period, more force and fire brigade could not come though intimation was sent many times.”

- (ii) FIR No. 257 was registered on 1st November, 1984 at 10.00 PM. (PP Kapashera u/s 147/148/149/427/436/302/201/395 IPC.

“ SI Ram Kishan, H/C Sohrab Kha, DAP Jagdish Singh, Driver Devi Singh (Police Jeep No. DEG 4502) were on patrol duty and reached Kochhar Farm, Bijwasan Road at about 2.25PM. The Farm had already been burnt as some anti-social elements had set the building on fire in the forenoon but no body was injured. When the police party reached Bijwasan railway crossing, they found many persons burning between the railways a mob of about 400/500 had collected there. This mob, it is alleged, was dispersed with great difficulty. When the police party proceeded towards Kapashera, it met another police party comprising of ASI Jagdish Prakash, Constables Balwan Singh 10555/DAP, Moti Lal 193/W, Satbir Singh 10477/DAP and Nihal Singh 10508/DAP. They were standing near two trucks HRX 1870 and DEG 1112, both loaded and parked near Kapashera Village. Both the vehicles were on fire. A mob of about 500/600 was standing there. ‘We dispersed the mob which went towards Kapashera border’. In the meantime, 700/800 persons came from Tunda-hera towards Kapashera border and the mob set on fire 13 trucks, one road roller parked at the Gill and Sandhu Petrol Pump. The pump was also set on fire. The mob had also set on fire two Dhabas on the border. In the meantime, there was firing from the roof of petrol pump. Additional force and Fire Brigade did not come.

“ SHO and ACP Transport Nagar also reached at the scene of occurrence and the mob was dispersed. The mob beat and burnt to death four Sardars.”

- (iii) FIR No. 258 u/ss 147/148/149/427/541/380 IPC was registered at 5.35 AM. on 2nd November, 1984 on the complaint of a private person, namely, Amir Singh S/o ShriShiv Lal. His FIR describes the incident in Kochhar Farm located on Bijwasan Road. A mob of about 150/200 came and attacked the Kothi located inside the Farm. The mob smashed the glasses of the Kothi and tried to set the Kothi on fire.

- 6.95. A reading of these three FIRs clearly indicates that the police was all along with the mobs and doing precious little to come to grips with the situation and control the riots.

POLICE ACTION

- 6.96. The inactivity of the police is also clear from the fact that no arrests were made under substantive offences from 1st to 4th November 1984. No preventive arrests were made on 1st November 1984. Even on 2nd and 3rd November 1984, only 4 and 2 persons respectively were arrested which could be considered as negligible considering the magnitude of the violence. Besides, there is no mention of any firing or use of tear-gas to control the riots.
- 6.97. If the affidavits of the deponents are to be believed, the police was apparently hand in glove with the rioters. This is clear from the fact that the rioters could enter PHC Hospital and beat the Sardars inside the Hospital. It is also clear from the FIR 256 that the Sardars were killed right in the presence of the police officers inside the Hospital.
- 6.98. In his report-dated 25.11.84, the SHO has stated that even though the policemen were armed, the mobs were too large as compared to the force and as such ineffective. At another place in his report dated 29.11.84, the SHO has stated that the arms were insufficient to serve the purpose for maintaining law and order. He has himself stated that in the Malkhana he had 3 semi-automatic rifles, one Stan gun, 36 rifles and 17 pistols/revolvers. Were all these insufficient? This statement is totally unacceptable because the police records show that not a single shot was fired. Any amount of arms or ammunition would have been useless if the will to take action was lacking.
- 6.99. The SHO and ASI Ram Chander along with the rest of the staff did not behave like members of the disciplined force and they are guilty of dereliction of duty. Ram Chander SI even disappeared from the scene as per the statement of Smt. Balbir Kaur (2684), when the mob appeared. The conduct of Commandant S.K. Mohindroo and other officials of the CRPF also do not come out in a good light as they acted in a most callous and improper manner by not providing refuge to one of their own Ex-Inspectors whom they knew and who had served in that Unit for more than five years.

RECOMMENDATIONS

- 6.100. (a) SHO Hawa Singh Rana and SI Ram Chander are certainly not fit to be retained in the police force and departmental action for major penalty should be initiated against them.
- (b) Delhi Administration should also take up the matter about the lapses on the part of the senior officers of the CRPF with the

appropriate authorities that their inaction and callousness is brought to light and suitable action initiated against them.

THE ROLE OF THE ASSISTANT COMMISSIONER OF POLICE

6.101. As has been indicated earlier, West District had three Sub-Divisions, each under the control of one Assistant Commissioner of police. The role of these three officers is being discussed as under:-

A) SHRI SAJJAN SINGH, ACP, MOTI NAGAR.

There are two Police Stations under Moti Nagar Sub-Division, viz. Rajouri Garden and Moti Nagar. The situation in these two police Stations remained fairly under control after additional police force was provided to these Police Stations. There are no specific allegations against him by any of the deponents. The overall supervision of Shri Sajjan Singh can be considered as satisfactory.

B) SHRI JAGMAL SINGH, ACP, TILAK NAGAR.

This Sub-Division had three Police Station in its jurisdiction, viz., Najafgarh, Janakpuri and Tilak Nagar. Although none has made any specific allegations against Shri Jagmal Singh, the records and incidents indicate that there was lack of supervision on his part and there is no indication of his having come to grips with the situation. The SHOs in three Police Stations do not seem to have been given proper guidance. There is also no indication of Shri Jagmal Singh, ACP, having made any positive contribution in tackling the riots in his area or directing the SHOs to be effective.

C) SHRI J.K. SAXENA, ACP, PUNJABI BAGH

ACP Punjabi Bagh had four Police Stations under his jurisdiction, viz., Sultanpuri, Mangolpuri, Nangloi and Punjabi Bagh. The situation in these Police Station, as has been discussed already, was very bad during the riots and there was connivance between the police and the rioters. It seems that the ACP lacked the will to provide proper guidance to the SHOs which could be partly due to the fact that the rioters had political patronage and the ACP did not want to get involved. He hardly visited Sultanpuri and Mangolpuri and more or less abdicated his charge in favour of the SHOs. He seems to have directed the SHOs to record only one FIR of a general nature and also given them general instructions of what to record. That is why in this Sub Division FIRs 351, Nangloi, 511 Punjabi Bagh

and 174 Mangolpuri dated 1.11.84 have, more or less, similar wording and content. Two of the FIRs not only cover the past incidents but also those which followed, which is rather strange. He seems to have helped the SHOs in their cover up job rather than control the situation in his Sub-Division.

6.102. It is understood that both Shri Jamul Singh and Shri J.K. Saxena have since retired from service and as such there appears to be no point in recommending any specific action against them at this stage even though their role during the riots was quite dubious.

DEPUTY COMMISSIONER OF POLICE – SHERI U.K. KATNA

6.103. Shri U.K. Katna was directly in charge of West District during the riots. Shri Katna had given a number of reports to the Police Commissioner's office in connection with the riots vide his letters Nos. 14473/X(W) dated 12.12.84, 52938-391-R (West) dated 31.12.84 and 55/P(W) dated 4.1.85.

6.104. After a perusal of his reports and the police records including the log books, the picture which emerges in respect of this District is somewhat strange and intriguing. To give a few examples-

(i) At 1358 hrs on 31.10.84, a peculiar collective message was flashed by West District Control to all Police Stations in West District. The strange message reads as under :-

“ Care should be taken while giving weapons to police officers.”

(ii) On 1.11.84 at 11.00 AM, there is a message to West Control Room that the DCP 'is on man-pack and, therefore, he cannot make any log entries and that messages may be recorded by the West Control Room'. From 1100 hrs to 2030 hrs, DCP (West) kept his own log book closed. This exercise was again repeated on 2nd November, 1984. The DCP again closed his log book from 0900 hrs to 1730 hrs.

It is clear from these records and on his own admission that throughout the DCP had a driver and one operator with him along with one SI, 4 Head Constables, 7 Constables and half section gas. If the Operator was with the DCP all along, why he

should have closed up his log book, does need some explanation.

(iii) Again, there is a collective call recorded in the West District Control Room at 2315 hrs on 31.10.84 that a car No. DHB 6735 with 5/6 occupants is roaming around doing mischief. Similarly, at 1722 hrs on 1.11.84, there is another collective call in the log book of West District Control that 5/6 passengers in Car No. DEC 3940 are going around and committing arson etc. and that a watch should be kept on this vehicle. This is from SHO Rajouri Garden. It is understood that DHB 6735 is registered in the name of Prem Shanker Sharma and DEC 3940 in the name of Ram Phal Tyagi, a local leader. However, it is strange that the police does not seem to have made any effort to intercept these vehicle or apprehend the culprits.

(iv) All the above entries lead to only one conclusion that DCP was not inclined to either receive any messages or take any effective action.

6.105. His log book also clearly indicates that he was not issuing any effective orders or giving any guidance to his subordinates anywhere in the District. This ineffectiveness is further evident from an incident at Samrat Enclave, P.S. Punjabi Bagh (which has been dealt at some length while dealing with that Police Station. In spite of repeated requests from the ACP and SHO Punjabi Bagh, there was avoidable delay in sending the additional force and DCP reached the scene of occurrence long after the incident was over. Thus, he avoided responsibility and left things to be handled by the SHOs and ACPs. In his explanation, he has stated that no casualty took place due to firing at Rajnagar Samrat Enclave. Whereas, on the other hand, the ACP has recorded that they found 3 dead bodies on the roof of the house at Raj Nagar Samrat Enclave besides casualties which had occurred earlier. Even when he arrived, no arrests were made. It is indeed strange that in an incident in which a number of people were killed and injured, no FIR was recorded. Apparently, this was done as a cover up for the police inactivity and its inability to prevent avoidable loss of life.

6.106. Trouble had started in this District on 31st night itself. Unlike DCP(North), DCP (West) does not seem to have taken any precautionary measures to seal the borders and prevent mischief makers from entering Delhi from Haryana. As a result, large number of people came into this District from Haryana in buses and trains and indulged in rioting unhindered.

- 6.107. The wireless log book of the District Control Room shows a number of messages describing the various incidents but there are no corresponding messages in reply. A unique feature in respect of this District was that the DCP though stated to be on the move, closed down his log book. This indicates complete abdication of authority and he left matters entirely in the hands of subordinates who were acting in a partisan manner.
- 6.108. Even accepting his own movement chart, DCP has mentioned that on 1.11.84 he went out patrolling in the areas of P.S. Sultanpuri and P.S. Mangolpuri followed by P.S. Tilak Nagar at 0950 hrs from where he left for Bhagwan Dass Nagar via Najafgarh at 1100 hrs. It is noteworthy that the places he visited in the morning of 1.11.84 were the same places where law and order broke down and where local leaders were reported to have made inflammatory speeches and urged non-Sikhs to attack the Sikhs.
- 6.109. DCP has shown that he was moving around with one Sub Inspector, four head Constables and seven Constables and half section gas. With this force available with him all the time, one would have expected him to take some effective action at least at some of the places during his visit. However, there is no indication of any concrete action being taken by the DCP by way of firing and use of tear-gas to disperse crowds or arrest of any nature preventive or under registered cases. This indicates that either the movement chart which was given by him is not correct or that he was moving around for the sake of formality rather than for taking effective action to maintain law and order in his District.
- 6.110. There are some specific allegations against him in some affidavits. Major N.S.Phull 9170) has in his affidavit described how he was taken by the DCP to the Police Station where he was beaten up and tortured besides being involved in a false case. This affidavit has already been discussed in detail under P.S. Tilak Nagar. Similarly, Shri Harvinder Singh (2401) has also described in his affidavit how he was running away from the crowds and sought the help of the DCP who allegedly stated : 'What can we do ? The dead bodies of Hindus filled in the trains are
- 6.111. The role of DCP in the District has to be judged by the overall supervision which he exercised over the Police Stations. Unfortunately, the facts as they emerge from the police records and affidavits clearly indicate that trouble had started in this District on 31st October, 1984 but the police failed to rise to the occasion. No preventive arrests were made on 31st October, 1984 or even on 1st November, 1984 when riots were in full swing and crowds were roaming around indulging in arson, loot and killings. No arrests were made in Nangloi, Punjabi Bagh, Sultanpuri, Mangolpuri, Janakpuri and Tilak Nagar even on the 2nd of November, 1984.

6.112. One would have expected some arrests in the cases registered in specific cases of arson, loot and killings in the presence of the police. However, one finds that no arrests were made in specific cases in any police station on the 31st October. On 1st November, 1984 also except for 11 people arrested in Tilak Nagar no arrests were made in any other Police Station. Arrests in Tilak Nagar also were only of Sikhs who were trying to defend their lives and property. On 2nd, 3rd and 4th November, 1984 also no arrests were made in Najafgarh, Nangloi, Punjabi Bagh, Sultanpuri and Mangolpuri. No tear-gas was used except for Samrat Enclave in PS Punjabi Bagh where a Sikh family had opened fire. In fact, the crowds were allowed to roam around more or less unhindered under the guidance of the local leaders. Similarly, except for one or two lathi charges in PS Nangloi do not give any indication of lathi charge having been resorted to, to control the riots. The statements made by the police officers that they resorted to lathi charge are not substantiated by the DDs. Further, it is difficult to place reliance in the figures regarding the number of rounds fired by the police to control the riots as the deponents state that the police was firing at the victims rather than those who were committing the crime. In any case, the police on their own admission did not resort to any firing in Police Stations Najafgarh and Tilak Nagar throughout the period of the riots even though so much trouble took place in these Police Stations. From these figures police action can be considered to be negligible considering the magnitude of the riots in this District.

6.113. It is, therefore, not at all surprising that Sikh residents of this area ran away to Alwar in Rajasthan and were not prepared to return because they felt that they were not going to get any protection from the Administration. The inquiry report of the Deputy Commissioner of Delhi dated 17.12.84 shows the extent of break-down of law and order in this District and the fear of this community because of the attitude of the police. Shri Ahal Singh, a retired officer of the IRSE had also given an affidavit (2770) which has been discussed while dealing with P.S. Mangolpuri. His version is also in consonance with the finding of the Deputy Commissioner who visited Alwar. Shri Ahal Singh while holding the riot victims ----- approached the Police Commissioner in an effort to make the senior officers realize the gravity of the situation but he did not succeed.

6.114. One can say without hesitation that the overall performance of the DCP was extremely poor and there appears to be no doubt whatsoever that he was unable to exercise any control over the force. He made no efforts whatsoever to implement section 144 which was promulgated on 31st October, 1984 itself or the curfew which was imposed subsequently. Additional force of two companies from the DAP was made available to him on 1.11.84. This also does not seem to have been properly utilized. In any case, no force was sent to Sultanpuri, Najafgarh and Nangloi which were among the worst-affected areas. The plea of inadequate force does not hold water

since the existing force and the additional force made available was not properly utilized. No amount of force would have been able to control the riots in this District since the will to act on the part of the law-enforcing agency was non-existent.

RECOMMENDATION

6.115. Shri U.K. Katna, DCP, failed miserably to rise to the occasion and is unfit to head a District. Departmental action for imposing major penalty should be initiated against him.

CHAPTER - 7
SOUTH DISTRICT

Sri Chander Prakash, Deputy Commissioner of Police
Shri Ajay Chadha, Additional Deputy Commissioner of Police

- 7.1. South District consists mainly of posh and affluent colonies although there are few resettlement colonies in Delhi Cantt., Srinivaspuri, Mehraulli and Naraina located on the periphery of the border with Haryana.
- 7.2. Shri Chander Prakash was the Deputy Commissioner of Police of South District during the riots. He was assisted by Shri Ajay Chadha, Addl. Deputy Commissioner of Police and 4 Assistant Commissioners of Police each in charge of one Sub Division as follows:-

(I) SUB DIVISION DELHI CANTT.(Shri D.P. Verma, ACP)

PS Delhi Cantt. :SHO Rohtas Singh: 8.3.1983 To 7.11.1984

PS Naraina : SHO Vijay Sachdeva : 14.6.83 To 27.10.85

PS R.K.Puram : SHO Ramphal Singh : 8.10.83 To 6.11.84

PS Vasant Vihar : SHO Daryao Singh : 8.10.83 To 6.11.84

(ii) SUB DIVISION HAUZ KHAS – (Shri Krishan Gopal, ACP)

PS Hauz Khas : SHO Shiv Dutt Sharma : 28.5.84 to 23.2.87

PS Mehraulli : SHO Jaipal Singh : 9.2.84 to 27.10.85

PS Vinay Nagar :SHO Harmeet Singh : 15.9.83 to 4.6.85

(iii) SUB DIVISION LAJPAT NAGAR – (‘Shri Avinash Chandra, ACP)

PS Lajpat Nagar: SHO Ombeer Singh: 29.10.82 to 27.10.85

PS Kalka Ji : SHO Bhupinder Kumar : 7.10.83 to 5.6.85

PS Badarpur : SHO Sukhbir Singh : 20.3.84 to 26.10.85

(IV) SUB DIVISION DEFENCE COLONY – (Shri K.B. Kumar, ACP)

PS Defence Colony : SHO Ram Chander : 20.3.84 to 3.12.85

PS Lodhi Colony : SHO Sita Ram : 16.4.82 to 6.11.84

PS Hazrat Nizamuddin : SHO Ramphal : 13.4.83 to 9.1.86

- 7.3. During the November, 1984 ,riots there was wide-spread violence in South District right from the afternoon of 31st October, 1984 and practically all the Police Stations were seriously affected. Trouble continued up to the 4th of November, 1984 even though this was the first District to get outside force as well as contingents of the Army as soon as army was called in on the 1st of November, 1984. Unfortunately, the records reveal that there was a total break-down of law and order in this District which is one of the largest Districts in Delhi having 14 Police Stations.
- 7.4. It is a sad commentary on the functioning of the Police in this District that although trouble had started in the afternoon of 31st October, 1984 in and around the All India Medical Institute, a graphic description of which has been given by Shri Jagjit Singh (2314), a labour leader , belong to the Congress (I) and Shri Kuldeep Singh (2312), precautionary measures do not seem to have been taken by the police. One would normally have expected that when incidents of violence had started in this District, the police in all the Police Stations would have been alerted and necessary precautionary measures initiated. Instead of this, we find total passivity on the part of the police. This is clear from the large number of affidavits filed in the Misra Commission by responsible persons, social reformers and public-spirited people who were not directly affected by the riots. While some of these independent witnesses were residents of South Delhi, others came from other parts of the city and have given their independent opinion. It would be worthwhile mentioning some of these to show the general attitude of the police.
- 7.5. Dr. Sushila Nayar, a former Union Health Minister, sent a letter dated 6.11.84 to Shri P.V. Narasimha Rao, the then Union Home Minister, regarding the police inaction and the general unhelpful attitude of the Police. An extract from her letter is quoted below :-

“ I write this to you with a heavy heart. My cousin brother Shri D.P. Nayyar, , who retired as Education Adviser in the Planning Commission some time ago lives in Sarvodaya Enclave, C-145. He has a Sikh neighbour. A mob came to set fire to the Sardar's house on November 1, Shri Dev Prakash's son telephoned to the police. The police asked 'whose house is burning ? Is it Sikh's or Hindu's? He replied 'It is a Sikh's house' 'let it burn'. Was the reply. This poison in the police is dangerous for our Country.”

Dr. Nayar goes on to describe some more incidents at NOIDA in her letter. This letter was passed on by the Home Ministry vide d.o. letter no. 14036/219/84-UT(P) dated 20.11.87, from Director (Delhi), Ministry of Home Affairs to Shri S.S.Jog , the then Commissioner of Police, Delhi.

- 7.6. Some other independent deponents also described the attitude of the police who asked them why they were worried and 'were they not Hindus? Prominent among these were : Shri Ashok Jaitly (2512) a Senior IAS Officer and Smt. Jaya Jaitly (2702), Miss Poonam Mutteraja(2510), Shri Dinesh Mohan (2712), Shri Ravi Chopra (2771), Shri Smitu Kothari (2268), Shri V.Khosla (2589), and Shri Amit Bararia (2738). Many of the deponents stated that the mobs who were indulging in looting and arson were 'happy' , in a 'festive mood' and 'jubilant'. Smt. Jaya Srivastava (2705), Mr. George Mathews(2642); Shri Smitu Kothari(2268); Shri Asim Srivastava (2676) to name a few. Many deponents also indicated complete indifference and passivity on the part of the police, viz., Shri Madhu Dandavate (2641), Shri Rajiv Lochan (2775), Smt. Lalita Ramdas (2693 & 2647), Shri Joseph maliakan (2699), Mrs. Gouri Choudhary (2511) etc. Sri Amit Bararia (2738) actually saw the police shooting into the Sikh house. It is a pity that the police force which should be completely impartial and non-communal should have behaved in such a partisan manner and as Dr. Sushila Nayar has rightly stated, this poison in the police is dangerous for our country."
- 7.7. The main responsibility for what happened in the South District falls on DCP (South). We find that his actions were not such as would inspire confidence or such as one would expect from an officer of his seniority and status. As a matter of fact, he went to the extent of ignoring his own superiors, even let off culprits who had been arrested by Additional C.P. Shri kaul as would be clear from the following:-
- 7.8. Shri Gautam Kaul, Additional Commissioner of Police, had stated that on 1st November, 1984 he received a message in the evening that villagers had organized themselves and were looting and burning bungalows in New Friends Colony . He rushed there and met DCP(South) who was moving with about 2 sections strength in a pick up. They all entered New Friends Colony and on being informed that the looters were in a particular house near the house of Lt. General Jagjit Singh Aurora, he along with some men entered the house but found nobody on the ground floor. On reaching the first floor he found a man hiding in the cup-board in the bath room. He pulled him out and gave him a beating. As he shrieked several villagers who were hiding under beds, in almira and under blankets suddenly exposed themselves in panic. Eight looters were thus caught with their pockets full of money, Liquor bottles and other looted property. All these looters were arrested. From another bungalow in a similar manner six persons indulging in looting were arrested. According to Additional C.P., in a two-hour operation they arrested nearly 40 persons, all

looters. He goes on to say that he told DCP(South) that he should dispatch the arrested persons to the police station while they surveyed the entire area. He then organized the local residents into a 'self-defense group' while the police was ordered to patrol the area at regular intervals. He then goes on to describe how a bus-load of arrested persons were brought from other Police Stations and locked up in P.S. Defence Colony a. They included some persons who attacked passengers in the train at Palam and others detained in the Tughlakabad Railway Yard by the Railway Police. He gave specific instructions to DCP (South) that since arrests had been made and incidents reported from all over South District, instructions may be issued to register as many cases per incident as possible and special investigating teams be created in the Police Stations for the registration of FIRs and their subsequent investigation.

- 7.9. It is surprising that these instructions were not complied with by the DCP(South) and the police records again do not even show these arrests made by the Additional Commissioner of Police himself. Apparently, the persons arrested in the presence of Shri Kaul, Additional C.P. were all let off by DCP (South) once his back was turned. If this is the manner in which the DCP (South) was functioning, nothing much could be expected from his subordinates. This would be the reason why indifference, passivity and at times actual police connivance was evident in the incidents of rioting, killing and arson in all the Police Stations in South District.
- 7.10. There were more than 540 deaths in this District. The bulk of them were in the jurisdiction of Police Station Delhi Cantt. The next worst affected, as far as deaths are concerned, was PS Srinivasपुरi. Arson and looting on an unprecedented scale and some deaths continued unabated in the remaining police Stations. When we examine the records, we find that hardly any concrete action was taken by the police in this District, especially in the first three days of the riots. Hardly any preventive arrests were made during the entire period of the riots. Besides, in spite of arson, loot and killings, arrests in registered cases were nominal. Except for Nizamuddin and Kalka Ji, no tear-gas shells were used to disperse mobs which were roaming around unchecked and no one from the mob seems to have been hurt/killed in police action. The general impression that one gets from the statements of the deponents, both independent and those affected, is that the DCP and his senior officers just did not care and were permitting the crowds to continue their nefarious activities unchecked, if not actually siding with them.
- 7.11. The wireless log books of the senior officers of South District have not been properly maintained, some have been tampered with and some were not made available to the Committee by the office of the Commissioner of police, Delhi in spite of repeated requests:

i. (a) The log book of DCP (South) has evidently been tampered with, and, pages have been actually torn out. There are no entries from 1st November, 1984 to 7th November, 1984 i.e. the entire period of the riots. The Head Constables who were functioning as Wireless Operators have, in written statements, pleaded ignorance about the tearing of the pages from the log book. Since the Wireless Operators would not have been the beneficiaries, it is doubtful whether they would have torn the relevant pages. The only beneficiary was the DCP (South) himself. He had pleaded ignorance about the killings especially in Delhi Cantt. Area and, therefore, the possibility of the DCP having tampered with the wireless log book can not be ruled out. As we will see subsequently, messages regarding the killing in Delhi Cantt. Are evident from the other police records, the log books of SHO and ACP Delhi Cantt. Obviously in a bid to remove this evidence the log book of DCP has been manipulated. A wireless log book is a very important and vital document in police functioning and by tearing on pages (pp numbered 192-195) a very serious offence has been committed.

ii. The log books of Shri K.B. Kumar, ACP and Shri Krishan Gopal, ACP Hauz Khas, have not been made available and it is, therefore, difficult to say anything about them.

iii. The log book of Shri Ajay Chadha, Addl. DCP (South) appears to have been re-written with some harmless entries as the log book contains entries from 0900 hrs on 31st October, 1984 to 18.25 on 1st November, 1984 only. Four pages before 31st are blank and all the pages after 1825 hrs on 1st November, 1984 are also blank. His log books for period before or after these dates have not been made available. From this it is presumed that either they were not maintained or there was something to hide in the original log book. If the statement of Shri Ramesh Singh Rana, SI of Sagarpur Division is accepted, Shri Chadha was in full connivance with the rioters and instigating them this could be one of the reasons that his complete log books have been made available. It might have revealed facts prejudicial to his interests.

iv. The log book of ACP Lajpat Nagar Shri Avinash Chander also seems to be manipulated as it does not contain many messages which had been sent to ACP Lajpat Nagar after 1010 hrs on 1.11.84. Besides, when the events were happening in quick succession, we find no messages recorded in his log book between 1050 hrs to 1345 hrs and again from 1600 hrs to 1855 hrs on 2.11.84. The log book of the control room contains number of messages meant for ACP Lajpat Nagar but these are not reflected in his log book.

- 7.12. The movement chart of DCP (South) and action taken by him also does not tally with the records of the Police Station. For instance, the DCP has stated that on 1.11.84 at 11.00 hrs he fired to prevent clashes between two communities at Ashram Chowk. However, the police records do not show any firing at Ashram Chowk. Some firing was done by a constable at Shalimar Bridge which is not at Ashram Chowk but a different locality. The DCP also in his movement chart shows that at 1735 hrs on 1.11.84, he rounded up some miscreants in the area of New Friends Colony. However, scrutiny of records and DD entries show no preventive arrests in Srinivaspuri and the 18 persons arrested in connection with FIR No.369 appear to have been arrested subsequent to the period of riots. As has been indicated earlier, the arrests made by the Addl. Commissioner of Police also have not been reflected in the police records. So obviously they were let off scot free.
- 7.13. In the entire District, hardly any preventive arrests were made and in many of the Police Stations not a single arrest was made either in preventive cases or in the registered cases. Whether it is lathi charge or the use of tear-gas shells, very little seems to have been done as a result of which the crowds remained unchecked and carried on their nefarious activities unhindered. This confirms the observations of independent witnesses that the police was passive and indifferent and did not rise to the occasion even when approached by the deponents. Deponents like Shri Dinesh Mohan (2712), Shri Ravi Chopra(2771), Miss Poonam Mutterreja (2510) and Shri Smitu Kothari (2268) among others clearly high-light the indifference of the police of South District not to mention Dr. Sushila Nayar, an extract of whose d.o. letter has been reproduced earlier in para 5. Some of the deponents like Shri Amit Bararia (2738), Shri V.Khosla(2589) and others indicate that the police was not only indifferent but actively sided with the miscreants.
- 7.14. South District was the first District to get outside force and also one of the first Districts where army came, to assist the civil police. However, since the will to act was apparently lacking and the police was passive and at places conniving with the mobs, the situation in this District remained out of control in almost all the police stations. The subordinate staff appeared to be confused because of lack of leadership on the part of DCP (South). In spite of clear instructions from the Police Commissioner's office that there should be no hesitation in resorting to firing to control the situation, the police in the whole of South District did not rise to the occasion as a result of which all the Police Stations were badly affected. The responsibility of this failure falls squarely on the shoulders of DCP(South).
- 7.15. Two Police Stations namely Delhi Cantt. And Srinivaspuri were badly affected and accounted for the bulk of the killings in South District. It is, therefore, proposed to deal with these two in some detail and to highlight some incidents in the remaining Police Stations in the subsequent paragraphs.

NARAINA POLICE STATION

SHO : Inspector Shri Vijay Malik

- 7.16. Mayapuri Industrial Area of South West Delhi and residential colonies like Naraina Vihar, Loha Mandi and part of Nangal Rai fall within the jurisdiction of this Police Station. There is one Police Post at Mayapuri.

Though no affidavits appear to have been filed before the Misra Commission from this Police Station, this Committee received 10 affidavits indicating Police inaction and failure to give protection from arson and looting. It has also been stated by Shri Amarpal Singh (106/87), Smt. Germej Kaur (225/87), Shri Charanjit Singh (106/87) and Shri SRS Malhotra (311/87), and others that the FIRs was not properly registered by the police and adequate compensation has not been paid by the Government for the losses sufferer by the deponents.

SEQUENCE OF EVENTS

- 7.17. Instances of violence started in this area on 31st October, 1984 when a chemist shop in Nangal Rai belonging to M/s. Kuldip Brothers was looted and set on fire. The main incidents of violence, however, occurred on 1.11.84 and continued up to 4th November, 1984. One very serious incident pertained to the looting and burning of a Gurudwara in C Block Narain Vihar at about 11.00 hrs on 1.11.84. Three persons were killed in this Gurudwara in the presence of the SHO and a party of police consisting of one SI, One Head Constable, Four Constables and one section of RAC (which consists of 10 people). According to the SHO he tried to persuade the three people to come down but they fell from the second floor in panic and died of burn injuries on the spot. He also states that 9 rounds were fired by him to save the situation. Obviously, this firing was not effective because no one was injured or killed during this firing.

POLICE ACTION

- 7.18. The statement compiled by the Delhi Police indicates that no arrests were made under registered cases up to the 3rd of November, 1984. Besides there was no use of tear gas or lathi charge to disperse mobs. The firing resorted to was also ineffective. The arguments of the SHO that the force was too small to deal with the situation effectively also cannot be accepted because if effective use of the existing staff had been made, the situation would not have deteriorated to the extent to which it did. Besides, additional force was also deputed to this Police Station but apparently the will to act was completely lacking.

DEATHS

7.19. The SHO has mentioned only three deaths in his report but the Delhi Administration after enquiries have identified 14 deaths in this Police Station.

CONCLUSION

7.20. While there are no specific allegations against the SHO, the fact remains that the police in this area failed to take any effective action, as a result of which besides large-scale arson and loot, 14 people lost their lives. The general indifference which we witness in South District is evident in this Police Station also.

POLICE STATION RAMAKRISHNA PURAM

SHO : Inspector Rampal Singh

7.21. The Police Station of Ramakrishna Puram covers 13 Sectors of Government Quarters, Moti Bagh Government Quarters, Shanti Niketan , Palika Enclave etc.

SEQUENCE OF EVENTS

7.22. Violence in this area started on 31st October 1984 and continued up to 2nd November 1984. Taxi Stands were burnt down and the main market in Sector III of R.K.Puram was also set on fire. The Gurudwara in Sector III was also damaged. On 1.11.84 a serious incident took place in Palika Bhawan R.K. Puram where the crowd indulged in looting and arson.

AFFIDAVITS BEFORE MISRA COMMISSION

7.23. Shri Sarwan Singh R/o/ Gobindpuri (2654) has given a description of burning and looting of his shop; besides Mr. George Mathews (2642) and Shri Rajiv Lochan (2775) have also given affidavits to show the jubilant mood of the mob and the passive attitude of the police. Three affidavits have also been filed before this Committee complaining against police inactivity and loss sustained by the deponents.

POLICE ACTION

7.24. During the riots the police had not made any arrests either under preventive sections of law or substantive offences. There was no use of tear smoke or lathi charge. Apparently on 1.11.84 the police resorted to firing on one occasion (two rounds of rifle). The police station records, particularly the wireless log book, indicate that quite

a few messages of loot and arson were coming in but no effective action appears to have been taken.

CONCLUSION

- 7.25. Although there are no personal allegations against any individual police officer of this area the general indifference and passivity on the part of police is certainly established.

POLICE STATION VASANT VIHAR

SHO : Inspector Shri Daryao Singh

- 7.26. In this area affluent sections of the public reside in Vasant Enclave, Priya Enclave, Poorvi Marg, Munirka Marg and there is a well-known Public School, Guru Harkrishan Public School, within the jurisdiction of this Police Station.

SEQUENCE OF EVENTS

- 7.27. Incidents of violence started in this area in the afternoon of 31st October 1984 and arson and looting continued on 1st and a few incidents also occurred on 2nd November, 1984

AFFIDAVITS BEFORE MISRA COMMISSION

- 7.28. From the affidavits of independent people like : miss Poonam Muttreja (2510), Shri Vasant Saberwal (2643) and Shri Rajiv Lochan (2775), it is evident that the police in this area was not inclined to take any effective action against the rioters.
- 7.29. One of the most serious incidents was the burning down of the Guru Harkrishan Public School on 1st November, 1984. This has been graphically described by Miss Poonam Muttreja. This deponent learnt about the intention of the crowd to burn the School and the house of one Shri Oberoi who lived in her colony, at about 0700 hrs. She rang up the Vasant Vihar Police Station and informed them of the intention of the mob to burn up the School. The School was actually burnt at about 10.00 O' Clock as is evident from the affidavit of Shri, S.M. Purohit (2591) who was the Vice Principal of the School but in spite of the efforts of Miss Poonam Muttreja the police failed to take any effective action. On the other hand the SHO who reached the place where the deponent was trying to dissuade the mob from burning the School, asked her to move away. The SHO was extremely rude to her and ordered her to stop interfering and went off on his motor cycle after talking to the crowd. The crowd then ran back to the School and set it on fire. She also made efforts to contact Hauz Khas police Station and telephone No. 100 at 9 AM. But without success. Thus in spite of

her efforts for 3 hours police did not come to rescue and the School got burnt down at about 10 AM. She has given a graphic description of the attitude of the police not only in Vasant Vihar but in other areas. A maid servant gave her to understand that she should not be amazed at the behaviour of the police as her village had been visited by the police at night and the villagers had been told that they had three days in which they could loot the Sikh Community. Miss Muttreja joined the peace march and has given a description of the police inactivity in other areas of South District from which it would appear that the police was apathetic and indifferent to the violence which was spreading all over. She also visited relief camps in order to help the victims. Misra Commission and she stood by whatever she stated in her affidavit and so have other independent witnesses.

- 7.30. S/Shri Rajiv Lochan and Vasant Salbawal two students of the Jawahar Lal Nehru University and Shri Dinesh Mohan (2712) have also given similar versions of the police indifference in South Delhi. Their efforts to make the police act also met with no success. Wherever they met the police personnel, they seemed to be just watching indifferently and taking no effective action.

POLICE ACTION

- 7.31. The report of SHO also indicates that they seemed to be just moving along with the crowd but not taking any effective and concrete action. Except for one arrests on 1.11.84 no arrests were made under registered cases or under preventive sections during the course of the riots. Neither there was any use of tear smoke or lathi charge or fire arms to control the riots.

CONCLUSION

- 7.32. Although there was no loss of life in this area the fact remains that arson and looting which could have been prevented was not prevented by the police. SHO's role was also of a dubious nature.

POLICE STATION HAUZ KHAS

SHO : Inspector Shiv Dutt Sharma

- 7.33. This Police Station covers residential and business area in and around Hauz Khas. Fairly well to do people reside in this area.

Violence in this Police Station started in the evening of 31st October 84 and continued right up to 3rd November, 1984.

AFFIDAVITS BEFORE THE MISRA COMMISSION

- 7.34. Shri Gopal Singh (2578) has stated that on 1.11.84 at about 10.00 AM. Police was outside the Gurudwara of the Colony but when the mob came the police disappeared and the Gurudwara was looted and set on fire. Smt. Satinder Kaur (2392) widow of late Wing Commander G.B.Singh has stated that her house was attacked on 1.11.84. The police came after a long delay and even when they came they merely sat outside in easy chairs gossiping and left after some time. Her house was again attacked by the same people and plundered and burnt down. She was saved because she had taken refuge in a neighbor's house. Shri Dinesh Mohan (2712) has also described the general indifference and apathy of the police in that area.

POLICE ACTION

- 7.34. The SHO of the area was on sick leave and Shri A.K. Ojha, ACP, was asked to look after the work. He appears to have made some efforts to deal with the situation and arrested 74 persons on 1.11.84 and also registered cases at the Police Station. Firing was also resorted to on one occasion. However, the SHO Shri Sharma was ordered to join back immediately and he joined on the morning of 2.11.84. The SHO indicates only one death during the riots but according to the Ahuja Committee's finding there were 19 deaths of residents of this Police Station. The details of these are not available from the records or the affidavits filed before the Misra Commission. In the statement of major J.S.Sandhu before the Misra Commission, who was on Recce--- duty on 1.11.84, there is mention of an Inspector of Police in uniform who tried to misguide him on the road leading from Green Park towards the cantonment. However, he has not specified the name of the officer and it is, therefore, difficult to identify who exactly was misleading him.

CONCLUSION

- 7.36. Keeping in view the general trend, the conduct of Shri Ojha, ACP, can be appreciated as this is the only Police Station where a large number of arrests were made one day which had a salutary effect as thereafter there were fewer incidents. However, Shri Ojha functioned as SHO for one day only before the regular SHO returned to duty. Perhaps if he had continued there might have been even fewer incidents on subsequent days.

POLICE STATION MEHRAULI

SHO : Inspector Jaipal Singh

- 7.37. This Police Station covers a number of villages such as Mahipalpur, Chattarpur, Gadaipur etc. In this area are also located a number of farms and farm houses belonging to VIPs and well to do people of Delhi. Affidavits received by the Committee are of a general nature

stating police inaction resulting in losses in business establishment and general indifference on the part of the authorities.

SEQUENCE OF EVENTS

- 7.38. The main incidents of violence in this area started on 1.11.84 and continued up to 3.11.84. A number of farms belonging to the Sikh community were set on fire in this area. The most serious incident was at Chhatwal Poultry Farm on 1st November, 1984 when five members of the family were burnt to death. There was arson in Gurudwara Singh Sabha, Gurudwara Nanak Dairy and shops near Mahipalpur. Shops in Andheria Morh were also set ablaze besides petrol pump near Qutab Minar.
- 7.39. The incident of Chhatwal Farm was really distressing because the police were fully aware of the tension in this area from Addl. DCP downwards. As a matter of fact, ASI Dinesh Tiwari along with two Constables was stationed at the Farm to ensure that no untoward incident took place but in spite of these people being present, the Farm was set ablaze and 5 members of the family were burnt to death. There are complaints that Shri Jagjit Singh, owner of the Farm, had handed over this was taken away by the SHO. There are also complaint that the daughter of Shri jagjit Singh was molested by the ASI. Those complaints were enquired into by the Commissioner of Police but apparently could not be proved. It is however clear from the facts that Shri Dinesh Tiwari ASI who had been deputed at Chhatwal Farm was unable to control the situation and his plea that he had gone elsewhere when the attack took place appears unreliable. He had been depute by his superiors and he obviously did not do much to protest the Farm which resulted in the death of five members of the family.

POLICE ACTION

- 7.40. It is also strange that in spite of the fact that mobs of thousands were roaming around and the police also resorted to firing no one was killed or even injured as a result of this. The police did not make any preventive arrests nor did they use any tear gas to disperse the crowds. The FIRs do not show any arrests in substantive cases, so the arrests of 25 persons in registered cases must have been made subsequent to the riots.

DEATHS

- 7.41. According to the police records, at least 9 persons were killed in the jurisdiction of this Police Station as per FIRs 406, 413 and 419. Of course, at least 5 deaths were either due to the cowardice or inaction and unwillingness to take action on the part of Shri Dinesh Tiwari, ASI.

CONCLUSION AND RECOMMENDATIONS

- 7.42. ----- penalty should be taken against Shri Dinesh Tiwari, ASI. Sri Jaipal Singh SHO also has not come out in a very good light and suitable action should also be taken against him.

POLICE STATION VINAY NAGAR

SHO : Inspector Harmit Singh

- 7.43. This Police Station covers residential areas of Vinay Nagar, Sarojini Nagar, Laxmi Bai Nagar, West Kidwai Nagar and private residential areas in Safdarjung Enclave.

EVENTS AND AFFIDAVITS BEFORE MISRA COMMISSION

- 7.44. The affidavits before the Misra Commission of Shri Sardar Singh (2311), Kuldip Singh (2312), Shri Ajit Singh (2315), Shri G.B.Singh (2317), Mr. George Mathews (2642), Shri Prabhjeev Miglani (2527), Shri Tejinder Singh (2316), and some affidavits filed before the Committee show that the incidents in this Police Station started in the evening of 31st October, 1984 and continued up to 3rd November, 1984. There was arson and looting on Ring Road . Africa Avenue crossing and Safdarjung Enclave. Gurudwara at Sarojini Nagar was attacked and Kamal Cinema was set on fire. Shri Ajit Singh 92315) has gone on record to say that when he contacted the local Police Station/Fire Station, he was informed that they had orders not to move out. There are also a number of complaints against the behaviour of Shri Sant Lal Malik of an intelligence ----- Major J.S. Sandhu and the victims. Shri G.B.Singh, a retired IAS Officer has given a graphic description of the events in this area and Shri Kuldip Singh (2312) has also given details of the dubious role played by Shri Malik.

POLICE ACTION

- 7.45. The SHO of the Police Station being a Sikh Officer made four arrests in registered cases and also resorted to firing on 1.11.84. However, he was immobilized from the afternoon of 1.11.84 by his seniors and thereafter remained at the Police Station. As a result violence continued and although the report of the SHO shows no casualties in this Police Station, the Ahuja Committee has confirmed four deaths from this area. Immobilization of the officer who was trying to take some action was apparently not a judicious act of the part of his seniors but it certainly was in conformity with the general trend of allowing incidents to occur unchecked in this District. Major J.S. Sandhu in his statement before the Misra Commission has also given a graphic description of the situation which he had to confront.

CONCLUSION

- 7.46. Although no specific allegations, against any police officers, have been made apart from Shri Malik of the Intelligence organization, the passive role of the police is quite evident in this area.

POLICE STATION LAJPAT NAGAR

SHO : Inspector Ombir Singh

- 7.47. Lajpat Nagar Police Station covers the four sectors of Lajpat Nagar, Amar Colony, Sant Nagar, Daya Nand Colony, Nehru Nagar, Garhi and Vikram Vihar and is a fairly congested area in South Delhi.

SEQUENCE OF EVENTS

- 7.48. Incidents of arson and looting in Lajpat Nagar started in the night of 31st October, 1984 and continued right up to 4th November, 1984 unchecked by the police. The police made no arrests either in registered cases of under preventive sections of law and throughout the period of riots no tear gas shells were used nor did the police resort to firing. In spite of numerous instances, only 5 FIRs were registered none of which indicate the deaths which occurred in that area.

DEATHS

- 7.49. While the Delhi Administration has boasted in their submission before the Justice Misra Commission that there was not even a single casualty in the area of Lajpat Nagar, the Ahuja Committee subsequently set up identified 14 dead bodies in Lajpat Nagar during the riots.

AFFIDAVITS BEFORE THE COMMISSION & COMMITTEE

- 7.50. A large number of affidavits were received in the Misra Commission and three affidavits were also received by this Committee regarding the incidents in this area and the indifference and inactivity on the part of the police. A number of these deponents were also cross-examined by the Misra Commission. Some of the main deponents before the Misra Commission were S/Shri Charanjit Singh (2282), Jagat Singh (2391), Amar Pal Singh (2492), Kuldip Singh, Rakhi (2575), Har Gopal (2620), Madan Singh Chawla(2682), Gurcharan Singh (2706), Mohinder Singh Chawla (2681) besides independent witnesses like Shri Ravi Chopra (2771), Smt. Jaya Jaitly (2702), Shri Dinesh Mohan (2712), to name a few.
- 7.51. In Lajpat Nagar, a salient feature was the good relations between the Hindus and the Sikhs. Shri Jagat Singh (2391) has described how the residents of the area approached the police in the morning on the 1st

of November, 1984 so that no untoward incident occurs in that area. The attitude of the police was unhelpful and hence realizing that the authorities were not going to help, the Hindus and Sikhs of the area formed peace committees to resist the mobs. The police was present on most occasions when Gurudwaras were being burnt and miscreants were indulging in arson and looting. The police instead of tackling mobs threatened the members of the peace committee to disperse otherwise the police would open fire on the members of the peace committee.

7.52. The general attitude of the police in this area was not only mere passivity but on many occasions they appear to be siding with the miscreants as would be clear from the affidavits of Shri Jagat Singh and others who stood their ground even during the cross-examination by the Delhi Administration and the Union of India.

CONCLUSION & RECOMMENDATION

7.53. The overall picture, therefore, of the police functioning in this Police Station indicates total inactivity and it would not be far from truth to say that the police permitted arson and looting in their very presence which was indeed shameful on the part of the custodians of law and order. There are specific allegations against the attitude of Shri V.P. Rana, Sub Inspector, in the affidavit of Shri Gurcharan Singh (2706) which needs to be carefully examined and suitable action taken.

POLICE STATION KALKA JI

SHO : Inspector Shri Bhupinder Kumar

7.54. This Police Station covers posh colonies like Greater Kailash Part I and II, Chittaranjan Park, Okhla Phase-II, Nehru Place etc. There are six Police Posts under this Police Station.

SEQUENCE OF EVENTS

7.55. Incidents of arson and looting started in the morning of 1st November'84 and continued right up to the 3rd November'84 in Nehru Place, Kalka Ji, Dakshinpuri and Gobindpuri. According to the report of the SHO he received 103 complaints which have been covered in general FIRs.

DEATHS

7.56. In the arguments given by the Delhi Administration before the Misra Commission there were no deaths in the jurisdiction of this Police Station. The SHO has, however, mentioned only one death of a non-Sikh during the

riots. The Ahuja Committee on the other hand has come to the conclusion that at least 7 deaths took place in the area in this Police Station.

POLICE ACTION

7.57. In spite of the fact that a large number of incidents took place in this area as is evident from the police records, no arrests were made either under the preventive sections or substantive offences during the entire period of the riots. The police did not resort to any lathi charge and there is only one mention of some tear gas being used on 1.11.84. The report submitted by the SHO in respect of this Police Station contains a large number of discrepancies vis-à-vis the various other records made available by Delhi Police. In his report dated 6.12.84 he has mentioned that three preventive arrests were made during the riots. At another place he mentions six such arrests were made. However, the records do not indicate when and how these arrests were made. In fact the chart prepared by the Delhi Police subsequently shows no arrests during the period of the riots.

CONCLUSION

7.58. The police in this area has shown indifference and passivity to the incidents which were occurring in their jurisdiction during the riots. However, no specific allegations against individual police officers have been made by the deponents.

POLICE STATION BADAR PUR

SHO : Inspector Shri Sukhbir Singh

7.59. Located along the border of Haryana this Police Station covers mainly the Industrial Complex near Okhla on one side along with Mathura Road, Tughlakabad and Suraj Kund on the other side.

SEQUENCE OF EVENTS

7.60. Trouble in this Police Station started in the evening of 31st October 1984 when mobs stopped vehicles on Mathura Road, dragged Sikhs from these vehicles and beat them up. Sebal Cinema was set on fire and a number of vehicles set ablaze. The mob also attempted to set fire to the Badarpur Gurudwara and Ahluwalia Petrol Pump on Mathura Road. Incidents of arson and looting continued throughout the night of 31st October and on 1.11.84. Mohan Meakin factory situated in Phase I of the Industrial Area and another factory in B Block was set on fire by the mobs and a dozen Sikhs sustained injuries, one of whom died on the spot. Incidents continued right up to 4th November, 1984.

AFFIDAVITS BEFORE THE COMMISSION

7.61. Shri Kamaljit Singh (2413) and Shri Damanjit Singh (2758) had filed affidavits before the Misra Commission which relate to incidents in this area and the refusal of the police to take any concrete action. Instead of taking action the police threatened the relatives of the deponent Shri Kamaljit Singh and directed them to give false statements. They also did not conduct proper investigations. Shri Kamaljit Singh has also described how repeated efforts to seek police help were of no avail resulting in family members being mercilessly beaten up by the crowd. As a matter of fact police wanted to know how they had managed to save themselves so far and where they had concealed themselves. It was only with the help of an army Captain that the deponent was later sent to Safdarjung Hospital.

AFFIDAVIT S BEFORE THE COMMITTEE

7.62. Fourteen affidavits from this area have been filed before this Committee and they all allege police indifference and loss of property due to the negligence of the police. According to them the police took no action when killings were going on in Tughlakabad Railway Colony and factories were being looted on Mathura Road. Their cases were also not properly investigated.

POLICE ACTION

7.63. Although in the arguments before the Misra Commission, Delhi Administration has submitted that the police resorted to lathi charge to disperse the crowd on 31st evening, a statement prepared by Delhi Police shows no lathi charge during the riots. The police also did not make use of tear gas to disperse the crowd or make any preventive arrests. The SHO's report dated 27.11.84 mentions a lathi charge which is not corroborated by the Police records.

7.64. In addition to the rioting and other violent incidents in this Police Station, Tughlakabad Railway Station also falls within its jurisdiction. As has been examined elsewhere while dealing with the Railway Police large scale killings took place at the Railway Station and the Chief Security Officer of the Northern Railways had also gone to PS Badarpur to seek assistance but was informed that no force was available to deal with the situation at the Railway Station.

CONCLUSION

7.65. Although there are no specific allegations against individual police officers it is quite clear that the police in this area miserably failed to rise to the occasion and gave a very poor account of itself.

POLICE STATION DEFENCE COLONY

SHO : Inspector Ram Chander

7.66. All India Institute of Medical Sciences is located in the area of this Police Station and it also covers affluent colonies like Defence Colony, Gulmohar Park, Kotla Mubarakpur, Andrews Ganj, Part of Safdarjung Flyover etc. There are two Police Posts- one at Kotla Mubarakpur and the other at Gulmohar Park.

SEQUENCE OF EVENTS

7.67. Incidents of violence started at the All India Institute of Medical Sciences when the President's car cede was stoned in the afternoon when he came to the institute where Smt. Indira Gandhi's body had been kept at that time. This should have put the entire police force on alert but it failed to do so which is indeed tragic. The incidents in the area of this Police Station continued from the afternoon of 31st October, 1984 till 2nd November, 1984. There were some incidents on 3rd November also when shops in Gautam Nagar were set ablaze.

AFFIDAVITS BEFORE THE MISRA COMMISSION

7.68. A number of affidavits were filed before the Misra Commission giving details of the trouble in this area :- prominent among them are those of Shri Kuldip Singh (2312) and Shri Jagjit Singh (2314) who himself is a Congress worker and was present at the All India Institute of Medical Sciences, on hearing about the news of Smt. Indira Gandhi. Besides him, we have the affidavits of Shri Karam Singh (2651) who describes the burning of the Gurudwara and independent witnesses like Shri Ravi Chopra (2771), Shri Dinesh Mohan (2772) and Shri George Mathews (2642) have graphically described what they saw on 31.10.84 near the AIIMS. During their peace march later. Shri Jagjit Singh (2314) has also vividly described how the attack started and how he was advised by responsible people including one who appeared to be a policeman to go away from the area as being a Sikh he was likely to get into trouble. The independent witnesses like Ravi Chopra, George Mathews, Dinesh Mohan, Poonam Mutterreja who were also cross-examined in the Misra Commission have clearly stated that they got an impression that the police was a silent spectator while the mobs went about their nefarious activities. The police did not take any action or any steps to stop the rioters. The Kuldip Singh (2312) has described how he managed to escape from the rioters because of the help given by Major Sandhu.

AFFIDAVITS BEFORE THE COMMITTEE

7.69. A large number of affidavits (20 in number) have been received by the Committee and they have complained about police inaction and the loss they suffered during the riots. They have also complained that their FIRs were not properly recorded as the prominent among these are : Shri Surinder Singh Bindra (70/87), Shlri T.S.Bedi(71/87), Shri

Jeet Singh Bindra (74/87) and Shri Paul Police did not prevent the burning and looting of their properties; Singh (133/87). Shri Paul Singh has even stated that his business establishment which is right in front of the Police Station was looted and burnt but the police did not come out to save his property. Even when he reported the matter to the police, they took no action to investigate and recover his property. Few of the affidavits are also from non-Sikhs who suffered during the riots.

7.70. Although no loss of human life was reported from this area, there was large scale arson and looting for three days.

7.71. The Commissioner of Police Shri Tandon has in his statement to Justice Misra Commission dated the 18th February, 1986 indicated that on 31st October, 1984 he along with other Officers of Delhi Administration had gone to Defence Colony area where he saw miscreants burning shops in the market and he also recollects a car parked in a house being burnt. This was round about 8.00 PM., ACP Defence Colony and SHO, Defence Colony also arrived on the spot and on the directions of the Commissioner of Police 45 persons were arrested by the local police. Similarly, Shri Gautam Kaul, Additional Commissioner of Police in his statement (note contained in Delhi Police Head Quarters Special Inquiry Cell files. No. XXV/1/85 Vol. XIII) said that he went to Defence Colony area on 1st November, 1984 on hearing that the Army, which had by then been called in to the aid of civil administration, was setting up a wireless station in Police Station, Defence Colony. He reached the Police Station at about 9.30 PM. And while he was there to quote him – “ at that time we got a busload of arrested looters brought from other Police Stations and they were all hurled into lock up. This mob included rioters who had stopped the train near Palam and attacked the passengers. Also the Railway Police had passed on some persons who were detained by them in the Tughlakabad Railway Yard.” He then directed Deputy Commissioner of Police (South) who was also there that since arrests had been made cases should be registered and special investigation teams created for registration of FIRs and their subsequent investigation. However the records of Police Station Defence Colony specially the Daily Diaries on these dates do not account for these arrests made during the visit of the Commissioner of Police on 31st October, 1984, and the Addl. Commissioner of police on 1st November, 1984, although there are 5 FIRs relating to some other incidents. It seems that as in other police Stations arrested persons were let off by Deputy Commissioner of Police and his subordinates even though the arrests were in the full knowledge of such Senior Officers. This would also explain why in spite of large scale arson and loot the police did not resort to any lathi charge except perhaps on 1st November, 1984. No tear gals shells were used nor did the police resort to any firing to control the riots in this area. It is, therefore, not strange that even though the army was called in and was deployed in South District right from the start, incidents in this area continued right

up to the 3rd November. Force would have been effective only if it was utilized properly and police had the will to take action.

7.72. The impression one gets on going through the records of this Police Station is that the police in the initial stages took some action but thereafter it sat back and allowed the rioters to have a field day. The SHO has himself admitted 13 instances of arson and looting, 44 vehicles being burnt, 24 shops and 4 houses being damaged and 3 Gurudwaras set ablaze. These figures are on the lower side when we compare the incidents as shown in the wireless logs.

CONCLUSION

7.73. If the version of the independent witnesses is to be accepted and there is no reason why it should not be one gets the impression that specially after 31st October, 84 the police remained a passive spectator and did not take any initiative to maintain law and order in this area.

POLICE STATION LODHI COLONY

SHO : Inspector Shri Sita Ram

7.74. This Police Station covers Lodhi Colony, Jor Bagh, Safdarjung Airport, Gurudwara Aliganj, Khan Market, Sewa Nagar Flyover etc.

SEQUENCE OF EVENTS

7.75. Incidents of rioting started in this area on 31st October, 1984 near Safdarjung Airport when a number of three wheelers and taxis were burnt near Aurobindo Marg pump and on Lodhi Road. On 1st November, 1984 Gurudwara Aliganj was attacked and burnt and on 2nd November there was arson and looting in Khan Market. Tension was also reported from B.K.Dutt Colony, Mehar Chand Market etc. However, the number of deaths appear to be less and only one casualty has been identified.

AFFIDAVITS BEFORE THE MISRA COMMISSION

7.76. In the affidavits of Shri Narinder Singh (2299), Shri Ashok Jaitley (2512) and Mrs. Jaya Jaitley(2702), we get a general impression of the behaviour of the police. Shri Narinder Singh (2299) has given a graphic description of the burning down of the Gurudwara in Lodhi Colony on 1.11.84. Activities of the mob went unchecked by the policemen who were posted there to protect the Gurudwara.

7.77. Shri Ashok Jaitly and his wife Mrs. Jaya Jaitley described the events in Lodhi Colony and in other areas. They are independent and unbiased witnesses and Shri Jaitley is himself a senior Administrative

Officer. The impression they got during the period of the riots when they were continuously on the move was that the police were either ineffective or absent from the scene of the crime and they were not serious about taking any action. As a matter of fact these deponents were informed by the police that the mobs were only after the Sikhs and that they need not worry. This would indicate passive connivance on the part of the police if not active assistance.

AFFIDAVITS BEFORE THE COMMITTEE

7.78. Four affidavits have also been filed before this Committee viz: Shri Harmohan Singh (77/87); Smt. Swaran Kaur (111/87); Shri Avtar Singh(141/87) and Shri Jaspal Singh (258/87). They have all described the indifference of the police, the losses they suffered and the unhelpful attitude of the local police in registering their cases and indifference in investigation.

POLICE ACTION

7.79. In spite of a large number of cases of arson and loot only three cases were registered by the local police in which they have tried to cover all the incidents. The police records have not mentioned any casualty but the investigation showed one killing in this area. The action of the police against the rioters was negligible during the riots. There is no evidence of any lathi charge or use of tear gas and no arrest under the registered cases was made. No firing was resorted to and no preventive arrests were made on 31st October and 1st November 1984 when the bulk of the incidents were taking place.

CONCLUSION

7.80. Though there are no specific allegations against individual police officers, general inefficiency and passiveness on the part of the guardians of law and order is fairly evident.

POLICE STATION NIZAMUDDIN

SHO : Inspector Ram Phal

7.81. The colonies of Nizamuddin, Jangpura, Bhogal, Badarpur Stock, Sunder Nagar, Kaka Nagar, Church Lane, Masjid Lane etc. come under this Police Station. There is a Police Post at Jangpura of which Shri Shakti Singh. S.I., was in charge.

7.82. Apparently there were no incidents in this area on 31st October, 1984 but incidents of arson and looting started in the morning on 1st November, 1984 and continued on 2nd and 3rd November also. The main areas affected were Bhogal and Jangpura where a large number

of vehicles parked in Badarpur Stock area were damaged and then set on fire.

AFFIDAVITS BEFORE THE MISRA COMMISSION

7.83. Shri J.S. Gandhi (2432), Shri Raghbir Singh (2433) and Shri Kanwarjit Singh (2429) give a graphic description of the destruction of their vehicles by the mob which was being led by Sri Vijay Choudhary and Hari Chand Saini, both local political leaders. According to these deponents, the police remained silent spectator to the destruction and when the Sikhs who were the owners of the vehicles tried to get together and prevent the mob from destroying their vehicles, they were prevented from doing so by the police. These deponents have also made specific allegations against SI Shakti Singh, In charge Jangpura PP who not only prevented them from going ahead but threatened them and subsequently opened fire on them. If one goes by the description given by the deponents, the persons who should have been arrested were the ring leaders of the mob – Choudhary and Saini, who were indulging in arson, but instead, it seems, the police led by Shakti Singh was acting under the directions of these two mob leaders. He also obtained orders of DCP at 1400 hrs to shoot at the Sikhs, as would be evident from the log-book of Police Station Nizamuddin. No arrests were made by the police and the vehicles were allowed to be burnt after the Sikhs were threatened, fired upon and thus sent running home. In fact, this kind of behaviour on the part of the police was again witnessed when 5 Sikhs were arrested on 2nd November, 1984 according to FIR No. 413, under section 147, 148, 149 and 188 IPC. Apparently, the police in this area instead of taking action against the aggressors, was preventing the Sikhs from trying to save their property, a role which is hardly expected from the machinery set up to maintain law and order. Shri Gandhi had been cross-examined at length in the Misra Commission. Thus we find that instead of taking action against the aggressors, the police took action against the victims. It is indeed a sad commentary on the role of the law enforcement agency which has also been described by other deponents of South District.

7.84. However, according to the report of the SHO dated 11.3.1985, he had instructions from DCP (South) that the force should be kept in between the 2 groups and 'if Sikhs came forward and attacked', then keeping the situation in mind, firing should also be done but firing should avoid loss of life. Hence the police had to resort to firing and 17 rounds were fired at two places.

POLICE ACTION

7.85. According to the figures compiled by the Delhi Administration, no preventive arrests were made by the police on 31st October, 1st and 2nd November, 1984. No arrests were made even under substantive offences on 31st October, and 1st November, 1984 and the five arrests

made on 2nd November, 1984 in FIR No. 413 were that of Sikhs and not the aggressors.

DEATHS

7.86. The SHO reports that there were no deaths in this area. However, Delhi Administration has subsequently identified 7 deaths in the area of this Police Station.

CONCLUSION & RECOMMENDATION

7.87. The overall impression that one gets from the affidavits of independent witnesses like Shri Ravi Chopra (2771), Dinesh Mohan (2772), Poonam Muttreja (2510) etc. and the records and the statements of the officers in respect of this police Station is that instead of providing protection to the victims the police appeared to be under the influence of the mob leaders and not only permitted violence to continue but threatened the Sikhs and even arrested them thus preventing them from exercising their right to self defense. Shri Shakti Singh, SI, has been named specifically by the deponents and, therefore, deserves to be suitably dealt with departmentally for major penalty.

POLICE STATION SRINIVASPURI

SHO : Inspector Shri Om Parkash Yadav.(1.4.84 to 14.11.84).

ACP : Shri Avinash Chander

7.88. Police Station Srinivaspuri has three Police Posts each under a Sub Inspector:

1. New Friends Colony Shri Laxmi Chand, SI
2. Sunlight Colony Shri Ishar Singh, SI.
3. Okhla Phase I Shri Bhawan Singh, SI.

7.89. Srinivaspuri had under its jurisdiction DAV College, Hari Nagar Ashram, Ashram Chowk, Bhagwant Nagar, Shalimar Bridge and Sidhartha Bastis, Sunlight Colony and posh colonies like Maharani Bagh and New Friends Colony. There are a number of other areas including some villages in the extreme south of Delhi. This P.S. was seriously affected during the riots of 1984.

AFFIDAVITS RECEIVED IN THE MISRA COMMISSION

7.90. A large number of affidavits were received in the Misra Commission and some of these affidavits contain specific allegations particularly against the SHO and other police staff besides senior officers.

7.91. (a) SMT. SARABJIT KAUR (166/85) has given a detail account of incidents in her colony Hari Nagar Ashram by the mobs. According to her while the mobs were raising slogans in the morning on 1.11.84, the SHO with two police officers came in a vehicle to that area. They conversed with the leaders of the mob, shook hands with them and they all jointly raised the slogan 'Khoon Ka Badla Khoon'. The mob set fire to her car and also looted movable property from her house. Later in the evening they again attacked. Then the mob poured kerosene through a ventilator into the room where the family was taking shelter and set it on fire. The family members had to come out of hiding to escape from the fire. They were then beaten up, kerosene was poured over the male members and they were set on fire. The mob then started dancing to celebrate the bon-fire. She along with her minor children managed to escape by taking refuge in a toilet and thereafter took shelter with a relative in Vishnu Garden. According to her, police deliberately did not stop the mob from plundering, looting and killing the male members of her family.

(b) SHRI SANTOKH SINGH (2363) had deposed that :- "On 1.11.84 in the afternoon, DCP of the area along with SHO, Ishar Singh and Ved Parkash Sis, Head Constable Mohinder Singh and about 50 Constables reached the spot when their trucks, cars, buses, three wheeler scooters and two wheeler scooters being set on fire by the mob in the presence of the police and we were being brick-batted by the mob. The DCP, SHO and two Sis and constables named above were announcing on the loud speakers that the mob should kill every Sikh and burn their property and houses. The police constables under the order of their superior police officers present on the spot started setting our houses on fire along with the mob." "At about 6.45 it was announced by the Government that curfew order was imposed. The DCP and other police Officers present on the spot, however, simultaneously announced that this curfew order was not for non-Sikhs and was only for Sikhs and the mob need not stop their efforts to kill the Sikhs, loot their properties and burn the Sikhs." The deponent further goes on to say that :- "We have been fighting these criminals including these officers who are hardened criminals in uniform duly armed by Indian law, throughout the night." In this way the Sikh Community in that area was harassed till the military came and saved them."

He also alleged that the DCP announced that one train of Hindus duly slain in Punjab had come at Delhi and now in reply they i.e. the Hindus are to kill the Sikhs and their children and send their bodies in the same train back to Punjab. The deponent has given the names of a number of persons in the area whom he could identify. The deponent was cross-examined by the Delhi Administration and

the Union of India and re-affirmed all that he had stated in his affidavit.

(c) SHRI KISHAN SINGH (2271) had deposed that he heard policemen shouting to the mob that they should first finish off the Sikhs of Ashram and that to finish them (i.e. those living in Jiwan Nagar) was a minor thing. However, the Sikhs of that area defended themselves and seeing their swords the mob got frightened and ran away. He also deposed that he informed Shri Yadav, SHO, about a body lying in the park which was being eaten by dogs, However, the police took no cognizance, behaved rudely and the body continued to lie till it was completely eaten up by dogs.

(d) SHRI KARTAR SINGH (2548) and KESHDEV SINGH BINDRA(2659) have deposed that the SHO Yadav accompanied the mob and instigated them to kill the Sardars and loot their property.

(e) SMT. GOURI CHAUDHARY(2511): Her affidavit was inquired into by the investigating agency of the Misra Commission. She had described how houses of the Sikhs in Maharani Bagh were set on fire by a well-dressed young man leading the riotous mob.

(f) Shri Amit Bararia (2738), Shri Ravi Chopra (2771) and Shri V.Khosla (2589) have all described the indifferent attitude of the police wherever they went. As a matter of fact Shri Amt Bararia who is a Hindu, states that he actually saw policemen firing into houses of Sikhs in Sunlight Colony. Shri V.Khosla has stated that he saw policemen throwing stones along with the crowd at the Sikh Shops. He goes on to describe how a police jeep came seeing which the crowd disappeared but since the police did not interfere with their activities they re-assembled and started looting again.

7.92. Similar versions of the police connivance with the mobs have been given by Smt. Ishar Kaur (2570); Shri Prithvi Singh (2484); Sardar Prithipal Singh (2384); Smt. Surinder Kaur (2440); Shri Ram Singh (2458); Shri K.S. Sawhney (2366); Shri Jagjit Singh (2267); Shri Amarjit Singh (2291); Shri Santokh Singh (2363) and many others.

7.93. A number of these witnesses were cross-examined by the Commission ; prominent among them were Shri Kushdev Singh Bindra (2659) Shri Santokh Singh (2363) along with independent witnesses who were not Sikhs like Smt. Gouri Choudhary (2511), Shri Asim Srivastava (2676), Shri Ravi Chopra (2771), Smt. Lalita Ramdas (2693), Shri V.Khosla (2589), Smt. Jaya Srivastava (2705 & 2734) etc.

AFFIDAVITS BEFORE THE COMMITTEE

7.94. Three affidavits have been filed before this Committee. Two of these deponents Shri Dalip Singh (235/87) and Shri Bansi Lal (238/87) have

stated that the police did not render any help and no action was taken on their reports. One affidavit, however, is in favour of the Police (Shri Sarwan Singh, affidavit No. 2/87).

SEQUENCE OF EVENTS

7.95. Trouble in this area started on the night of 31st October, 1984 when a Taxi Stand opposite Police Station DAV College was set on fire. Vehicles were also set on fire in the night near Ashram Chowk. From the morning of 1st November, 1984 incidents started with full fury when the vehicles were set on fire at Ashram Chowk, New Friends Colony, Tamoor Nagar, and houses of Maharani bag hand New Friends Colony were set ablaze. There were some serious incidents in Ashram Chowk on that day besides Bharat Nagar, Shalimar Bridge, Sukhdev Vihar, Kalindi Colony etc. Some incidents continued on 2nd, 3rd and 4th November, 1984 also.

POLICE ACTION

7.96. Throughout the period of riots no tear gas shells were used in this Police Station and even the arrests which were made by and in the presence of the Additional Commissioner of police were not shown or registered. On 1st November, 1984 firing was said to have been resorted to at Ashram Chowk for which both Deputy Commissioner of Police and the SHO take credit. However, Police records do not show any firing at Ashram Chowk on 1st November, 1984. It appears that they both are not giving the true facts. One is more inclined to believe the version of S. Santokh Singh (2363) in which the incident has been fully covered and police inaction highlighted.

DEATHS

7.97. The figures of deaths are also conflicting. However, the Delhi Administration, Delhi, has identified at least twenty deaths in the area of this Police Station.

FIR' s

7.98. Although a very large number of incidents of all types took place in this area very few cases were registered and apparently no effective action was taken by the police.

7.99. Shri Om Parkash Yadav SHO was examined by Justice Misra Commission and he deposed that 'till about 0830 hours on 1st November, 1984 no untoward incident came to my notice'. This statement is absolutely incorrect because as stated above incidents had already started on 31st October, 1984 and during the night intervening 31st October, 1984 and 1st November, 1984. Besides, trouble had started at the AIIMS on 31st October, 1984 afternoon and any Police Officer worth his salt would have initiated precautionary

measures immediately. He would not have waited for crowds to assemble the next day before trying to take action. In spite of large scale arson, looting and even killings the SHO has tried to make out that 'there was no aggression by mobs before firing was resorted to by Sikhs or they came on the public roads armed with swords'.

7.100. The above would mean that mobs were roaming around without bad intentions and only when the Sikhs came on the roads that mobs retaliated. This is hardly believable considering the amount of damage which occurred in the area. A number of independent witnesses have graphically described the indifferent and callous attitude of the Police. Some have also described that the Police was actually conniving with the mobs e.g. Shri K.S. Sawhney (2366), Shri Ram Singh (2458), Shri Aseem Srivastava (2676), Col. A.S. Dhingra in his letter dated the 15th February, 1985 to the then Additional Commissioner of Police Shri V.P. Marwah, plus many others who visited that Colony during peace march. Similar version of Police indifference have been given by Shri Ravi Chopra(2771), Smt. Gouri Choudhary (2511), Shri Ashok Jaitley (2512), Shri Amit Bararia (2738) and Smt. Jaya Srivastava (2705 & 2734). Smt. Gouri Choudhary's affidavit which was investigated by the Justice Misra Commission shows that a young well-dressed man was leading the mobs. This has been also corroborated by Smt. Jaya Srivastava (2705) who also stated that this young man told her husband that 'you do not worry. If you even lose a pen you can get it from me'. He further stated that 'the idea was only to teach a lesson to the Sikhs and to do a bit but any way that has got already out of hand'. The investigating team of Justice Misra Commission had identified this gentleman as Ajay Satsangi who is the son of a rich person of that area and who was later given a dressing down by his father for indulging in this hooliganism.

7.101. It is also surprising that SHO, Police Station Srinivaspuri has made no mention of the visit of the Additional Commissioner of Police (Delhi Range), Shri Gautam Kaul who visited this area on receiving reports of violence. According to Shri Kaul he had gone, himself, to the area of New Friends Colony along with Deputy Commissioner of Police (South Distt.) and caught about fourteen looters and rioters red handed; about forty persons were arrested in a two hour operation. Additional Commissioner of Police directed the Deputy Commissioner of police to dispatch these persons to the police Station while the whole area was being surveyed. According to Shri Kaul some persons detained by the Railway Police Tughlakabad had also been brought and were to be sent to the Police Station. The Police records of Police Station Srinivaspuri are, however, silent about these arrests, some of which were made by the Additional Commissioner himself. The police records show 18 arrests but these relate to FIR 369 which pertains to an occurrence at about 1130 AM on 1.11.84 and hence not connected with the arrests made by Sri Kaul. It is a strange commentary on how the Deputy Commissioner of Police and his subordinates functions. Also a sad commentary on the attitude and efficiency of Deputy

Commissioner of Police who was present when the arrests were made. Apparently, the Deputy Commissioner of Police did not bother about the arrests made by and in the presence of the Additional Commissioner of Police once the back of Addl. C.P. was turned. That is why no arrests under preventive sections or under substantive offences have been shown in the jurisdiction of Police Station Srinivaspuri as would be clear from the report of SHO dated 31st March, 1985 to the superiors.

RECOMMENDATION

7.102. The Police personnel of this Police Station behaved in a most irresponsible manner and the evidence forth-coming clearly indicates that neither the SHO Shri O.P. Yadav nor the Sub Inspector In charge of Police Posts acted as members of a disciplined force. In fact, the evidence indicates that the mobs had full support of these officers. It is, therefore, recommended that departmental action for major penalty should be initiated against them as they are not fit to be retained in service.

POLICE STATION DELHI CONTONMENT

SHO : Inspector Rohtas Singh

ACP : Shri D.P. Verma

7.103. Delhi Cantt. Police Station has two Police Posts within its jurisdiction , namely PP Palam and PP Dhaula Kuan. This Police Station covers the south-west portion of South Delhi and includes Nangal Raya, Lajwanti Garden, Sagarpur, Palam Colony, Raj Nagar, Sadh Nagar, Raghu Nagar, Gopi Nath Bazar, Sadar Bazar, Mahabir Enclave, Vijay Enclave and a portion of Pankha Road.

AFFIDAVITS FILED BEFORE MISRA COMMISSION

7.104. A very large number of affidavits were filed before Misra Commission in respect of this Police Station. The Misra Commission considering the gravity of the incidents of this area investigated 3 of the affidavits of the deponents and found their version to be, by and large, correct:-

- (a) SHRI HARNAM SINGH (2711) who was an active worker of the Congress Party for the last 25 years has described the incidents in Palam Colony and Sadh Nagar and stated that when the mob attacked the Colony and burnt Gurudwara "Section 144 had been imposed and police was moving about. Police did not top the miscreants, rather they encouraged them to loot and burn Sikh shops. My daughter asked the policemen to prevent

the miscreants from looting, but they said that since Sardars had killed the Prime Minister, the Sardars would not be spared. This looting continued until 3.00 PM. And then our shop was set on fire.” He further described how the local Congress leaders who knew him, were leading the mobs and how even though some of his goods were recovered, they were not returned to him by the police. He has also described the killings of Sardar Pritam Singh Sewak who was his neighbour, his wife and son. According to him, they were burnt alive along with their tenants.

(b) SHRI SAMPURAN SINGH CHAMBAL’S affidavit (184) was also investigated and he had described how the local leaders were leading the mobs and the police did not give them any protection for 3 days till the military came on 3.11.84 in the evening.

(c) SMT. JASPAL KAUR’S STATEMENT (2539) was also investigated into and her version was found to be true and correct by the investigating agency.

7.105. SMT. SURENDER KAUR (2542) who was a member of the Congress Party Mahila Mandal, Sagarpur has given detailed account of how trouble started on 31.10.84 at about 8.00 PM . How the local Congress leaders attacked Sikh families with the help of the mobs and created havoc in the area. They did not allow her neighbour Dr. Mahabir Singh who was trying to give them protection to let them remain in his house. Her husband was later attacked and killed.

7.106. Sqn. Leader I.S. Chowdhury (Retd.) (38/85) of Lajwanti Garden, Shri Balwant Singh (133) R/o. Nangal Raya, Shri Sampuran Singh (184) R/o. Sadh Nagar, Shri Avtar Singh R/o. Palam Sardar Baljinder Singh Kapur (2376) R/o. Sadh Nagar, Shri Manmohan Singh (2442) R/o. Palam Colony, Smt. Joginder Kaur (2450) R/o. Palam Colony, Smt. Daljit Kaur (2525) R/o. Sagarpur, Smt. Surender Kaur (2542), Smt. Harjinder Kaur (2571), R/o. Dabri, Smt. Gurmeet Kaur (2658), R/o. Sadh Nagar , Smt. Swaran Kaur (2697) R/o. Sagarpur , Sardar Harnam Singh (2711) of Sadh Nagar Mrs. Satya Devi (2423) and a host of other deponents, a number of whom were cross-examined, have all described police absence or apathy.

7.107. Smt. Joginder Kaur’s (2450) two sons were saved with the help of Sympathetic policemen. She overheard the mob complaining about the loss of Rs. 500/- for each killing on account of this help.

7.108. The different versions given by the deponents given the impression that the entire area was under the control of local leaders who were directing the mobs to attack the Sikhs and the police did precious little to prevent, arson, loot and killings. The police at places actively

connived with the mobs. The investigating cell of the Delhi Police also enquired into these incidents and took the statements of a large number of witnesses and found the version of the deponents to be correct.

AFFIDAVITS BEFORE THE COMMITTEE

7.109. Over 40 affidavits were received by the Committee. A number of these affidavits have praised the role of the SHO Inspector Rohtas Singh. These are obviously motivated and cannot be relied upon. There are a large number of affidavits which speak of police indifference and the failure of the police to prevent the incidents. Shri Harnam Singh (280 & 281/87) is one of the deponents who has also given an affidavit (2711) before the Misra Commission. He goes on to say that the police took no action on his complaint nor investigated and apprehended the culprits. Many affidavits before the Committee also indicate police inaction in this area.

SEQUENCE OF EVENTS

7.110. From the police records as well as the versions of the deponents, it appears that incidents of arson and looting started from the evening of 31st October, 1984. Pankha Road, Dabri, Raghu Nagar, Nangal Raya were all affected from the evening. Major trouble started on 1.11.84 in Raj Nagar in the morning at about 9.00 AM and then Lajwanti Garden, Janak Setu, Sagarpur and many other localities. Incidents continued unabated and the last serious incident was on 4th November, 1984 at about 7.55 hrs. when 7 Sikhs were killed near Dabri Morh, Sagarpur. Later the houses in Palam Colony were set ablaze at 22.45 hrs. on the same day. The area under the Police Post Palam was one of the worst affected during the riots. Apart from large scale brutal killings at least 272 houses, 14 shops, 2 Gurudwaras and 17 vehicles were set ablaze.

DEATHS

7.111. Large scale killings took place in this Police Station and according to the Citizens' Justice Committee, 427 persons were brutally murdered in the area covered by the Police Station Delhi Cantt. The police kept on giving different versions of the number of deaths. On investigation, however, the Delhi Administration has verified 341 deaths in this area. These figures would naturally be on the lower side because a large number of persons killed had been completely burnt and may not have been accounted for. In any case, 341 deaths in one Police Station can only be accounted for if the police was totally apathetic and inactive. The fact that they had knowledge is clear from the messages in the various wireless log books of SHO Delhi Cantt; ACP Delhi Cantt.; as well as the District Control. However, it seems that under pressure of the local leaders the police refused to act and discharge their duties in a nonpartisan manner. If the version of the

Sub Inspector Ramesh Singh Rana dated 14.3.85 is to be believed, and which will be discussed shortly, the major blame for all these killings and incidents remaining unchecked will fall on the shoulders of the DCP of this District viz., Shri Chander Parkash.

FIR' s

7.112. Even though more than 340 people were killed and large scale arson and loot took place in this area, only 5 FIRs were registered. These are on the complaints of some individuals. A large number of deponents have stated that their complaints were not recorded or investigated properly.

POLICE ACTION

7.113. Not a single arrest has been made under preventive sections of law from 31st October to 4th November, 1984. Further, no person was arrested in registered cases till 3rd November, 1984. The police did not resort to any lathi charge or use tear-gas shells to disperse the rioters; although in the report of the SHO Cantt. There is mention of one mild cane charge which is not borne out by police records . On the first 3 days i.e. up to 3rd November, 84, police did not resort to any firing.

7.114. From the above, it would be clear that during the worst days of the riots i.e. from 1st to 3rd November, 1984 police remained totally inactive in this area. The plea of the senior officers that they were not aware of what was happening, can not be accepted as on his own admission the DCP took round of this area between the night of 31st October and 1st November. Besides, in the log book of PCR 'A' Net there is a clear message on 1.11.84 at 0942 hrs. from DCP regarding arson in Lajwanti Garden. ACP and Addl. DCP were also in this area on a number of occasions. The wireless log books of SHO Cantt., ACP Cantt., as well as the District Control clearly indicate that the senior officers were fully aware of what was happening and this leads one to give credence to the report dated 14.3.85 which has been submitted by Sub Inspector Ramesh Singh Rana In charge Sagarpur Division.

7.115. S.I. Ramesh Singh Rana has explained that he had only one Constable with him, so finding the situation in Sagarpur getting out of control, he reported the matter to PS Delhi Cantt; at about 11.30 AM . On 1.11.84 (DD Entry No.9 dated 1.11.84). He was then ordered to go to Sagarpur where he met Shri Chander Parkash, DCP, Addl. DCP, ACP and SHO Cantt. With about 8/9 Officers/men in a caravan of cars and jeeps. Addl. DCP announced on a loud speaker that no one from the public should be seen on the road-side when any police contingent or party came. The public understood this to mean that they could carry their illegal activities when the police was not in sight. They shouted slogans like " DCP Zindabad (long live): Delhi Police Zindabad." And the DCP left the scene along with his caravan. He

also instructed SI Ramesh Singh Rana to keep restraint and not to use any fire arms as he had a pistol and the constable accompanying him had a stein gun. DCP had already seen the havoc that had been wrought but he did not bother and went away towards Nangal Raya. When SI Rana asked for additional staff, he was told that he was a Jat and, therefore, more than enough in the area. Further, according to SI Rana, DCP (South) had been in close touch with all the happenings in Delhi Cantt. But he did not order any officer either to use arms or lathi charge the mob which was moving about unchecked.

7.116. SI Rana then goes on to say that when he reported about 77 deaths in Sagarpur Division and the new SHO who replaced Shri Rohtas Singh reported about 100 deaths for Delhi Cantt. As a whole, SI Rana was called at mid-night (9-10 November 84) and asked to reduce the number of deaths which he refused. Thereupon he was threatened with dire consequences. He was then suspended on 15.11.84 on the excuse that he had shown lesser number of deaths whereas the DCP himself had been sending the number of deaths to be approximately 20 only to Headquarters up to 20.11.84. According to SI Rana, DCP himself got the dead bodies cleared and burnt in the area at night as he used to patrol the area himself. SI Rana complains that he had been made a victim of circumstances and it was actually the DCP (South) and Addl. DCP (South) who failed to control the situation.

7.117. If the above statement of Shri Rana is believed and there seems to be no particular reason as to why it should not be believed, then the DCP's report dated 16.11.84 that the senior officers were not kept informed of the various incidents in the jurisdiction of Delhi Cantt. Police Station does not hold water. Even otherwise, the log books of SHO Cantt; ACP Cantt; and entries in the 'A' Net of PCR and 'Y' Net asking for additional force clearly show that both DCP and Addl. DCP were aware of the happenings in that area and his plea of ignorance is not acceptable. It is also strange that while curfew was imposed in other area, DCP (South) did not impose curfew in areas where there was trouble in Delhi Cantt. Even if the route to Palam had to be kept open for VIP movement, the areas where trouble was going on could have been identified and appropriate action taken, including imposing of curfew.

7.118. The fact that large scale massacre continued unchecked for 3 days clearly indicates that the will to act at all levels was lacking and the responsibility will have to be shared by all officers from DCP downward. All ranks, namely, DCP, Addl. DCP, ACP and SHO are accountable for what was allowed to happen in the jurisdiction of this Police Station.

RECOMMENDATION

7.119. While the role of the senior officers will be discussed separately, it is recommended that disciplinary action for major penalty

may be taken against Inspector Rohtas Singh, SHO Cantonment Police Station for dereliction of duty. He is hardly fit to head a Police Station.

DEPUTY COMMISSIONER OF POLICE (SOUTH)

SHRI CHANDER PRAKASH

AND

ADDL. DEPUTY COMMISSIONER OF POLICE

SHRI AJAY KUMAR CHADDHA

- 7.120. From the aforesaid discussion about the functioning of the Police in the 14 Police Stations of South District under the control of Shri Chander Prakash Deputy Commissioner of Police (South), it is quite clear and evident that there was a complete break-down of law and order in this District during 1984 riots.
- 7.121. Incidents of violence started in front of the AIIMS. In the afternoon of 31st October, 1984 and continued unabated in various parts of this District, for a number of days. All the Police Stations were badly affected but the maximum killings took place in Delhi Cantt. In spite of repeated enquiries made from the DCP (South), he did not come out with the correct figures of the killings. As a matter of fact, in his various reports, the DCP (South) gave different figures and deliberately tried to conceal the gravity of the situation. This would be evident from his D.O. letter No. 29597 RDP/HD dated 3.12.1984 addressed to the Addl. Commissioner of Police with which he enclosed his various reports submitted earlier.
- 7.122. In the Districts a whole, there were over 450 deaths during the riots. Delhi Cantt. Alone accounted for more than 300 deaths, according to the preliminary enquiry made by Shri R.S. Sethi, the then Deputy Commissioner of Delhi. Subsequently, in the detailed enquiry made by Shri Ahuja, Secretary (Home) , Delhi Administration the figure of deaths rose to 341 in Delhi Cantt. Alone. The rest of the killings were in Srinivaspuri and other Police Stations as discussed earlier. Arson, loot and killings took place all because of the dubious role played by the DCP and his staff in this District during the entire period of the riots. Although technically section 144 had been promulgated and later curfew had been imposed in the district, these orders only remained on paper and the police made no efforts to implement the orders and took no action against the rioters. In some police Stations it has been quite evident that the Police was actually hand in glove with

the leaders of the mobs with the blessings of the DCP/Addl. DCP. In some areas the police even announced that the curfew was only for the Sikhs and not for others which is indeed surprising when it comes from the law enforcement agency. Train after train was stopped within the jurisdiction of this District but no action was taken to curb the mobs in spite of the fact that DCP had full knowledge of what was happening.

7.123. It has been clearly brought out in the affidavits of the deponents, some of whom were victims and others who were completely independent, that while in some places the police remained a passive spectator to the crimes committed, in other places they actively connived with the rioters. For instance, Shri Ajit Singh(2315) who is an independent witness rang up the police Station Vinay Nagar when he saw the incidents occurring in his area but he was informed that the police had orders not to move out and take action. His statement is corroborated by similar statements from witnesses of other Police Stations who are independent witnesses, viz., Ashok Jaitly (2512), Smt. Jaya Jaitley (2702), Km. Poonam Muttreja (2510) , Shri Dinesh Mohan (2712) and Shri Ravi Chopra (2771) to name a few. In respect of some Police Stations like Delhi Cantt. And Srinivaspuri, there are very direct allegations against the DCP (South) where he was openly encouraging the mob to indulge in violence.

7.124. In Delhi Cantt., apart from the affected persons, Shri Ramesh Singh Rana, SI I/C Sagar Pur Division, has gone on record to say that the DCP (South) and the Addl. DCP told the rioters that they should not be present when the police was in the locality but otherwise they could continue with their activities. The mob, indulging in their nefarious activities, on hearing this raised slogans in favour of the DCP (South). The SI was also instructed not to resort to firing and thus he was made helpless. Shri Rana goes on to say that because he reported a number of deaths in his area, he was subsequently taken to task and victimized. This is in direct conflict with the statement of the DCP who was trying to make out that he was not aware of what was happening in Delhi Cantt., otherwise he would have sent additional force. The DCP(South) was obviously telling lies because the log books of the Police Station Delhi Cantt. And ACP, Cantt. Clearly show that the DCP was fully aware of what was going on in that area which he visited several times. Even in his movement chart enclosed with his letter No. 3290/84(X), dated 15th February , 1984, he has shown his visit to Nangal Raya etc. He also took a round of Palam in the night of 1st November, 1984, according to the report of SHO, Delhi Cantt. Thus the facts clearly indicate that Shri Chander Prakash along with Shri Ajay K. Chadha, Addl. DCP had visited the Lajwanti Garden Chowk and Nangal Raya and this is further corroborated by SI Ramesh Singh Rana, I/C Sagarpur Division. In a clumsy effort to do away with the relevant evidence, the wireless log books of DCP and Addl. DCP have been tampered with as discussed earlier.

- 7.125. Shri Santokh Singh (2363) has made direct allegation about the behaviour of DCP who ordered the police to fire on the Sikhs who were trying to protect their vehicles from the mob and according to him, DCP even announced that the curfew was only for the Sikhs and not for the non-Sikhs. Shri Amit Bararia (2738) has also corroborated that he saw a policeman actually firing into the houses of Sikhs in Sunlight Colony. Smt. Sarabjit Kaur (166/85) and Smt. Surender Kaur (2440) have also described the partisan attitude of the police in this Police Station, namely, Srinivasपुरi.
- 7.126. The way the mind of the DCP was functioning would be quite clear from the fact that the looters who were caught red-handed by Shri Gautam Kaul, Addl. Commissioner of Police, in Srinivasपुरi and Defence Colony area have not been accounted for in the police records. They were apparently let off even though his superior had himself caught them red-handed. A bus-load of others who had come in the presence of the Addl. C.P. in P.S. Defence Colony have also not been accounted for in the Police records. If this is the manner in which the DCP was behaving, precious little could be expected from his subordinates who would naturally take the cue from him.
- 7.127. While discussing PS Hauz Khas, we noticed that Shri A.K. Ojha, ACP, rounded up 74 persons in the morning on 1.11.84 and also registered cases but he was quickly removed; SHO of Vinay Nagar who seemed to be inclined to take firm action was also immobilized. The message must have been clear and loud to others as to how they were to behave and that explains why hardly any preventive arrests were made in this District. There was also no use of tear-gas or lathi charge in most of the Police Stations of this District to curb the mobs. Besides, very few arrests in substantive offence were made during the riots.
- 7.128. In an effort to do away with the evidence which would incriminate the officers, we find that the wireless log books have been tampered with especially those of DCP (South) and Addl. DCP (South). As discussed earlier, the beneficiary in removing pages by tearing them out or re-writing the log books could only be the officers themselves. One does not expect officers of the level of DCP and Addl. DCP to tear out pages, manipulate, and, tamper with their log books which are vital documents. Some other log books of ACPs have not been made available, e.g. ACP, Defence Colony and ACP Hauz Khas. These log books were not made available in spite of repeated reminders to the office of the Police Commissioner. Perhaps it was not convenient for the police as they might have revealed the facts which might have proved damaging.
- 7.129. Shri Gautam kaul, Addl. C.P. had, during his visit to Defence Colony and New Friends Colony, himself instructed DCP(South) to register as many cases as possible for the incidents taking place, and to create special investigation teams in the Police Stations for the registration of

FIRs and for subsequent investigation. However, the DCP and his staff did exactly the opposite. He let off the criminals who were arrested by the Addl. C.P. or who were brought to the Police Station in the presence of the Addl. C.P. His subordinates, following the example set by the DCP, did not even register cases or take any deterrent action against the miscreants and at times even misled the army. This would explain why the situation went from bad to worse. The behaviour of the police in general in this District, and that of the DCO(South) and Addl. DCP in particular was deplorable and amounts to dereliction of duty bordering on willful criminal negligence.

7.130. The behaviour of the DCP (South) in going in writ against the departmental enquiry which was being conducted by the then Addl. C.P. under the orders of the Commissioner of Police becomes quite understandable as he was unwilling to face the consequences of his negligence and irresponsible behaviour. He managed to stall the enquiry by obtaining a stay order. He again made efforts to stall the functioning of this Committee also by going to the Central Administrative Tribunal. The Tribunal, however, finding no force in his application rejected the same outright vide their order dated 16.6.1988 in the case Registration No. OA-652/88 dated 16.6.1988 copy of which is annexed.

7.131. While suitable disciplinary action is called for against the SHO and the ACPs who are still in service, for dereliction of duty, the main brunt of the break-down of the law and order in this District will have to be borne by the DCP(South) and the Addl. D.C.P.(South) who did not behave as officers of a disciplined force. Their supervisory role was negative and, in fact, acted as a deterrent to the lower formations from functioning in an upright manner. Dr. Sushila Nayar and Shri Santokh Singh (2363) aptly describe how the DCP and his subordinates were functioning. Shri Santokh Singh in despair even says that 'they fought these officers who are hardened criminals in uniform duly armed by Indian law throughout the night'.

RECOMMENDATIONS

7.132. (a) If faith in the Administration has to be restored, officers like Shri Chander Prakash, DCP, have no place in a disciplined force and should be dealt with in an exemplary manner. He appears to be absolutely unfit to be retained in service and Government should consider his case for being dealt with in accordance with the provisions of Article 311 (2) (b) of the Constitution of India. This will act as a deterrent to others in future and help in toning up the police set-up of the Capital of the Country.

(b) As far as Shri Ajay Kumar Chadha, Addl. DCP, is concerned, suitable disciplinary action for major penalty is also recommended against him

CHAPTER - 8

SHRI GAUTAM KAUL, ACP, NEW DELHI RANGE

- 8.1. Shri Gautam Kaul, Addl. Commissioner of Police, was overall in charge of South, West and New Delhi District.
- 8.2. It goes to the credit of Shri Kaul that even though he was the first cousin of Smt. Indira Gandhi, on receiving the news of shooting in the Prime Minister's House he did not lose his nerve in such a crisis. On the other hand, he showed initiative in organizing the investigation into the case and looked after the Bandobast at the AIIMS, PM's residence and Teen Murti House where the body of the late Prime Minister was later kept for 3 days in State. His request for making all possible force of CRPF etc. available to Delhi police also shows his presence of mind and foresight.
- 8.3. It was, however, unfortunate that he was so engrossed in looking after the affairs outside and inside Teen Murti house that he did not realize that the DCPs of South and West Districts were not handling the situation in their respective areas properly, which resulted in breakdown of law and order in these two Districts. While the situation in New Delhi District was, by and large, controlled, this was not the case in the other two Districts.
- 8.4. What is surprising is that even the arrests made by Shri Kaul himself in the evening of 1.11.84 appear to have been taken very lightly by DCP (South) as would be clear from the following :-

Shri Kaul says that on receiving a wireless message that villagers had come into the Friends Colony and were burning and looting the bungalows indiscriminately, he rushed towards Friends Colony where he met DCP(South) who was moving about with 2 sections strength in a pick-up. Near the house of Lt Gen Jagjit Singh Aurora, on being informed that some people had gone into a neighboring house, he went in and during his search he discovered one man in the cupboard of the bath room of that house. He pulled him out and he started shrieking. Other villagers who were hiding under the beds, in almirahs and under blankets also suddenly exposed themselves in panic, and he discovered 8 looters with their pockets filled with money and other articles of loot. In another house, he caught another 6 persons who were indulging in looting. According to Shri Kaul, he and the DCP(South) arrested about 40 looters in a 2 hour operation. He instructed DCP(South) to dispatch the arrested persons to the police station (in this case Srinivaspuri) and thereafter he organized a self-defense group of the residents of the Colony so that they could patrol the area at regular intervals. Later at about 9.30 PM., a bus-load of arrested 'looters' was brought from other Police Stations and they were all locked up in

PS Defence Colony. Some of them had attacked passengers in the trains at Palam and some were persons who were detained by the Railway Police in Tughlakabad Railway Yard. He then instructed DCP(South) to issue instructions to register as many cases per incident as possible and also that special investigating teams be created in the Police Stations for registration of FIRs and their subsequent investigation.

- 8.5. The records of South Delhi District are, however, silent about all these arrests made by or in the presence of Shri Kaul, Addl. C.P. Apparently these people were let off once Shri Kaul's back was turned, as has been discussed while dealing with the respective Police Stations in South District. Obviously, DCP(South) was not keen to get cases registered and he even had the audacity to let off the looters caught by the Addl. Commissioner of Police himself.
- 8.6. While one does not expect one's subordinates to behave in this irresponsible manner, it would have been better if Shri Kaul had checked whether the instructions he was giving were being actually implemented especially as trouble in this District was not being contained. Had he subsequently cross-checked perhaps the situation in South and West Districts would not have deteriorated to the extent that it did.
- 8.7. The police personnel of these two Districts did not behave in a disciplined manner. The overall supervisory responsibility for trouble in these two Districts, although mainly that of the DCPs concerned, does to some extent devolve on Shri Kaul as he did not keep check on what was happening in these two Districts. As a matter of fact, he completely ignored the West District and did not visit it even once during the riots.
- 8.8. On an overall assessment, however, the picture which emerges is that Shri Gautam Kaul did his best within his limitations to organise the affairs in the areas in which he went. His general response in a situation of crisis were such as could be expected from a seasoned senior officer of a disciplined force. He was, however, let down badly by two of his Deputy Commissioners of Police.

CHAPTER - 9 DELHI RAILWAY POLICE

DCP (Crime & Railways) : Shri R.C. Kohli
ACP (Railways) : Shri Darshan Kumar
ACP (Crime) : Shri Kewal Krishan
SHO Police Station : Inspector Tarsem Pal Sharma, Delhi Main Railway Station
SHO P.S. New Delhi : Inspector Sadhu Singh, Railway Station

- 9.1. The Delhi Railway Police under the charge of a Deputy Commissioner of Police functions as part of the local set-up of the Union Territory of Delhi. In November, 1984, there were two Police Stations – the Delhi Main and New Delhi Railway Station. Under the New Delhi Railway Station, there were two Police Posts, viz., Nizamuddin and Kishanganj. Similarly, under the Delhi Main there were Police Posts at Subzi Mandi, Sarai Rohilla and Shahdara. All these were supervised by an Assistant Commissioner of Police and the Deputy Commissioner of Police (Crime & Railways).
- 9.2. The railway authorities reported 46 unauthorized stoppages of trains during the riots at various places and killing of about 160 Sikh passengers who were traveling to and from Delhi on 1st and 2nd November, 1984. These incidents have been clearly brought out in D.O. letter No. 30/SIB(I) HQ/84 dated 7.12.1984 from Shri S.P. Banerjee, Chief Security Officer, Northern Railway, New Delhi, addressed to Shri S.S. Jog, the then Commissioner of Police, and d.o. letter No. SR/HC/Misc./85 dated 23rd/31st December, 1985 from Shri Prakash Bhalla, General manager, Northern Railways to Shri R.L. Gupta, Secretary of the Misra Commission.
- 9.3. The Railway Stations which were seriously affected were Tughlakabad, Nangloi and Daya Basti within the jurisdiction of New Delhi Railway Police Station, besides Palam, Bijwasan, Cantonment and Yamuna Bridge within the jurisdiction of Delhi Main Police Station. The events at these Railway Stations are being briefly discussed as under :-

R.S. TUGHLAKABAD

- 9.4. The first indication that trouble had started at the Railway Stations was evident from a message which was received in the Police Control Room at 1025 hrs on 1.11.84 to the effect that the Frontier Mail had been stopped at Tughlakabad by a mob which was searching for Sikh passengers and assaulting them. Similar entries are also found in the log of DCP(C&R) at 10.27 hrs and 10.57 hrs. PCR asked one of the Wireless Control Vans to verify this report. After verification, PCR flashed collective signal at 10.54 hrs to all police officers to the effect that 'Sikh Passengers were being taken down from the Frontier Mail at Tughlakabad and were being assaulted.'

- 9.5. These messages were sufficient to have woken up the entire Delhi Railway Police from DCP downward. Ordinarily, they should have initiated immediate precautionary measures so as to ensure a safe passage of trains at all stations/places within the Union Territory of Delhi. However, this was not to be. At Tughlakabad Station itself on 1.11.1984 after the Frontier Mail, 25 Down Deluxe was stopped. This was followed by 149 Down Qutab Express at 11.30 hrs; 23 Down Bombay –Ferozepur Janta Express at 12.40 hrs; 382 up at 13.35 hrs; 131 Down Cochin Nizamuddin Express at 1700 hrs; 359 and 363 Down; 364 up; 378 Up; 182 Up Sarvodaya Express at 20.35 hrs; 3 Down Frontier Mail at 20.42 hrs. The mob also damaged the starter signals at Tughlakabad at about 16.00 hrs. Therefore, mail trains which normally did not halt here had to stop at Tughlakabad. The trains which were stopped were 131 Down etc. On 2.11.1984, 6 Up Punjab Mail which arrived at 09.40 hrs was stopped followed by 25 Down Deluxe; 151 Down Rajdhani at 10.45 hrs. It is after all these stoppages and killing of about 74 Sikhs passengers at Tughlakabad alone that Railway Authorities cancelled the trains. The army then took over the Tughlakabad Railway Station, its installations and the Railway Colony nearby where there had been trouble.
- 9.6. The Delhi Railway Police had full knowledge of all these incidents. The DCP in his report vide his letter No. 28284 /Estt. Cr. Dated 18.12.84 had indicated that the rioters/mobs who had gathered at Railway Stations had already dispersed except on one occasion when reinforcements were rushed and firing was resorted to for controlling the incident. This statement is incorrect and at variance with the report of the SHO and the facts recorded in the FIRs. In his report, SHO NDLS, in reply to a TP message dated 26.11.84 clearly states in respect of FIR No. 355 that “on receiving information, SI Ajit Parshad charge PP H.N.Z.M. reached the spot. SHO PS NDLS, ACP Railways, DCP(C&R) also reached the spot along with supplement force and rescued the train from being burnt”. In respect of FIR 357 dated 2.11.84 he says “SI Ajit Parshad along with staff reached the spot and tried his best to control the mob. On receipt of this information, the undersigned, CP Railways, DCP(C&R) along with adequate force reached the spot and by using the force the mob was dispersed.” As a matter of fact, there is evidence on record to show that DCP(South) had also reached the station. None seem to have acted effectively. Both these FIRs related to Tughlakabad. Similarly, the SHO has shown the presence of the police at Daya Basti in FIR 354 dated 1.11.84 and Nangloi in FIR 66 dated 2.11.84. ACP Shri Kewal Krishan of Crime Branch who was pressed into service for Tughlakabad on 2.11.84 and ---- on 1st November, 1984 has also described the stoppage of two trains 25 Down and 151 Rajdhani at Tughlakabad although FIR ----tions only 25 Down. His report gives the impression that even in this solitary case when the police resorted to firing, it was in the ‘air’, and there were no casualties in police firing although 18 rounds were fired by the Delhi Police besides the firing done by RPF. The version of the Delhi Railway Police vide report dated 11.3.85 of

Kewal Krishan , ACP, is that they first resorted to firing and the RPF opened fire subsequently. This appears to be incorrect because the IG-cum-Chief Security Officer has given a full account of the incidents in his d.o. letter No. 30/SIB(I)HQ/84 dated 7.12.84 to Shri S.S.Jog, the then Commissioner of Police, Delhi . According to him, the RPF opened fire when the mob was about to attack the RPF Post where some Sikhs had taken shelter and on hearing these shots the Delhi Railway Police also opened fire. He mentioned the incidents at some length and also the fact that Sheri Madhu Dandavate, M.P., was traveling in the train – 151 Down Rajdhani which also arrived when 25 Down was still on the platform, a fact which has been conveniently omitted in the FIR recorded by SHO New Delhi Railway Station.

9.7. As far as the attitude of the police is concerned, this has been graphically described by Prof. Madhu Dandavate (2641) before the Misra Commission . He was also cross-examined by the Delhi Administration before the Misra Commission. A few relevant passages from this affidavit and evidence are reproduced below :

(a) “ I found two Sikhs killed and thrown on the platform and then their dead bodies were set on fire on the platform. The police standing on the platform made no efforts to prevent either the killings or the burning of Sikhs”.

In his cross-examination, he has stated as follows :

(b) “ I must have seen 35-40 policemen at the railway station. They were standing at the foot of the over bridge at the railway station. When I saw that the trouble had already started and I apprehended further trouble ahead, I approached the police..... Ultimately some protection was given. The persons I had talked I to appeared to be the persons in charge of the police team. I do not know his name. He was, however, in a position to respond and provide a police team immediately.”

He has described the attitude of the Delhi Police which was incomplete contrast with the attitude of the police at Mathura :-

“ At mathura when the train stopped, commandos and police party were already ready for action on the platform. Therefore, there was not much of influx into the train. At Tughlakabad, however, the position was different as already mentioned.”

9.8. The presence of Prof. Madhu Dandavate , MP and former Railway Minister, was perhaps too inconvenient for the Delhi Police and, therefore, in their various reports they have invariably avoided mentioning his name and presence. Smt. Darshan Kaur (267) and Smt. Gurpreet Kaur (2409) have also given affidavits regarding the incidents at Tughlakabad. The Misra Commission examined Shri Suresh Gupta on 29.1.1986. He was traveling in the same train as

Madhu Dandavate, MP, and had informed Smt. Gurpreet Kaur about her brother S. Surjit Singh who was killed during the riots at the Station. From these affidavits and statements it appears that the police was passive and not inclined to take effective action against the miscreants. They, in fact, miserably failed to discharge their duty.

- 9.9. Over 15 trains were stopped at Tughlakabad on 1st and 2nd November, 1984 and passengers of the various trains were killed or assaulted. Besides this, 27 Sikhs were killed in the Railway Colony at Tughlakabad in the night between 1st and 2nd November, 1984. Strangely, only two FIRs were recorded by the Delhi Police. FIRs have not been recorded for each of the separate incidents which took place at Tughlakabad. This was perhaps done to minimize the incidents and was clearly irregular, illegal and amounts to a deliberate attempt to conceal the magnitude of the crime committed.
- 9.10. From the morning of 1st November, 1984 till the afternoon of 2nd November, 1984, a large number of trains were stopped at Tughlakabad one after the other and about 74 passengers lost their lives due to inefficiency and callousness of the Delhi Railway Police. DCP (C&R) has a lot of explaining to do as to why this was allowed to happen specially as he had been warned as soon as the first train was stopped at Tughlakabad in the morning of 1st November, 1984.

R.S. DAYA BASTI & R.S. NANGLOI

- 9.11. Violence also occurred at Daya Basti and Nangloi Railway Stations on 1st and 2nd November, 1984. At Rampura near Daya Basti, Janta Express was detained on 1.11.1984 in connection with which FIR No. 354 was registered at 2.45. PM. According to the police, on receiving information from ASM, Daya Basti that a mob had stopped Ferozepur – Bombay Janta Express, ASI Hukam Singh of Police Post Kishan Ganj went to the scene of incident and found the mob of about 1000 to 1500. The mob dispersed on seeing the police and four bodies were found burning. The fire was extinguished and the train moved on. Later, one more body was found and thus a total of 5 persons are stated to have died. The police does not seem to have taken any effective action against the mob and merely collected the dead bodies.
- 9.12. At Nangloi on 2.11.1984, 60 Down Abha Express was stopped at 0738 hrs and attacked by a mob. Another express train 186 Down Bhiwani Express was stopped at 0845 hrs and in these two stoppages the mob killed about 20 Sikhs. In connection with both these incidents FIR 356 was registered. It seems that while the Railway Police did not reach Nangloi, SHO Nangloi PS reached the spot and dispersed the mob.
- 9.13. In the above incidents at Tughlakabad, Daya Basti and Nangloi as per the FIRs and, the report of the SHO NLD, the Police was present but strangely not a single culprit was arrested or injured or killed in the firing. The statement of the DCP that the police only reached after the

mob had dispersed, is not borne out by FIRs 354-357 or from the deployment charts which show the presence of police at Tughlakabad both on 1st and 2nd November, 1984 and also at Nangloi and Daya Basti. Besides, according to Shri Banerjee, IG-cum-Chief Security Officer, when 182 Up Sarvodaya Express arrived at 20.35 hrs at Tughlakabad on 1.11.84, ACP with two Sis was present in the office of C.C., RPF Tughlakabad when two Sikh passengers were killed and set on fire. He (the ACP) came out on the platform and returned back. Apparently, the ACP did not consider it proper to take any action for reasons best known to him and even the bodies remained lying in the yard up to 0500 hrs on 2.11.84. DCP's statement that the police only reached after the incidents had occurred is an effort to cover up the gross and deliberate inaction of the Delhi Railway Police. One hardly expects an officer of his rank and seniority to make such incorrect statements which are falsified by official records and reports of his own subordinates. More so when he refers to them as 'correct' accounts of the incidents.

9.14. The incidents pertaining to the Railway Stations in the jurisdiction of Delhi Main Railway Police Station were as follows:-

R.S. PALAM

9.15. Incidents took place at this Railway Station on 1st November, 1984 when 203 Up arrived at the Station and the mob attacked Sikh passengers and burnt them. According to the railway authorities since no police was available, the memo was sent by S.S., Palam to the civil police through Shri Chand, porter, but the civil police refused to accept the memo. The flying squad could not be contacted as the phone was not functioning. Then after Shri N.L. Khanna, S.S. Palam issued another memo intimating that about 7 half-burnt bodies were lying and requested GRP Sarai Rohilla for their removal and disposal. On 2nd November, 1984 another memo was sent by the railways to GRP Sarai Rohilla about two more bodies having been noticed by the public in the yard. Only one body was removed by the GRP and regarding the other they advised the railway authorities to approach Delhi Cantt. Police Station. Finally all these bodies were removed but the railway authorities were not aware of when and by whom they were finally removed. The SHO Delhi Main on the other hand has described the events as follows :-

“ On 1.11.84 at 12.30 hrs a memo was received at PP Sarai Rohilla the contents of which were :

‘ Three men killed by public at Bijwasan in 203 UP. Dead body lying at Station. Please attend and do needful.’

On this SI Swaran Singh got the case registered and rushed to the spot along with the staff. During the course of investigation information was received that seven more dead bodies thrown from the same train i.e.

203 Up Ahmedabad Express and were lying at Palam Railway Station. I.O. and SHO rushed to the spot and needful was done. However, no mob could be seen at both these places.”

- 9.16. It will be seen from the above that the versions of the railways and the Delhi Police are at variance with one another. The fact, however, remains that 203 UP was stopped both at Palam and Bijwasan and passengers were pulled out and killed. These incidents occurred even after the general alert by the PCR about attacks on trains. Apparently, since the train was the same, the Delhi Railway Police only registered one case viz. FIR 483.

R.S. YAMUNA BRIDGE

- 9.17. At this station 32 Down was detained and on receipt of a memo at 1315 hrs on 2.11.84, one Sub Inspector was detailed from the Railway Police. Four Sikhs were found dead and two injured who later died. In this incident FIR 484 was registered at 15.05 hrs. The actual number of killings was more as some bodies were lying outside the train at Yamuna Bridge as per message in wireless log book of PCR.

R.S. DELHI CANTT

- 9.18. On 2.11.1984 at 11.00 hrs, a memo was sent by SS Delhi Cantt. Railway Station to SHO Delhi Main that one person was lying dead on platform No. 1 at Delhi Cantt. Yard. On this memo, FIR 485 was registered at 1545 hrs. The report of the SHO dated 28.3.85 mentions the total of 8 bodies. Perhaps bodies recovered from Palam and other trains have been included.
- 9.19. Besides these incidents, dead bodies were recovered at the Railway Station from 204 Down on 1.11.84 and 502 Down Pink City, 2 RD from Gurgaon and 32 Down on 2.11.84.
- 9.20. According to the SHO, the police only arrived after the incidents had taken place and after the crowd had already dispersed. This SHO also has combined incidents at various places into FIRs 483, 484 and 485. About 36 bodies were picked up at various places from 1st to 3rd November, 1984. The worst affected being Palam.
- 9.21. From a perusal of the available records, reports and statements, it seems apparent that DCP (Railway) and his subordinates completely lacked the will to come to grips with the situation. The first signal that trouble was brewing came on the morning of 1st November, 1984 when the Frontier mail was held up at 0950 hrs at Tughlakabad and later trains were held up at Tughlakabad till the afternoon of 2nd November, 1984 and the police apparently remained silent spectators to the gruesome crimes which were committed.

- 9.22. The plea that there was not adequate staff does not hold water because even the existing staff does not appear to have been properly utilized. At New Delhi Railway Station, one SHO, 6 Sis, 9 ASIs, 15 Head Constables and 57 Constables were available. However, the deployment chart shows that only 7 Sis, 5 ASIs, 7 Head Constables and 24 Constables were put on law and order duty. This means nearly 50 per cent of the staff was not deployed on field duty even when the situation was critical. Similarly, against available strength at Delhi Main of 10 Sis, 4 ASIs, 21 Head Constables and 91 Constables, only 6 Sis, 4 ASIs, 14 Head Constables and 43 Constables were put on law and order duty. One would have expected that if trouble was anticipated other staff would also have been withdrawn from miscellaneous duties and put on law and order duties. Even the outside force which reported for duty at these two Railway Stations does not seem to have been properly briefed or effectively utilized. The police force was, therefore, a silent spectator and allowed the mobs to roam around unhindered on the Railway Stations, hold up trains and kill Sikh passengers. Prof. Madhu Dandawate, MP's affidavit gives a clear picture of the attitude of the police in no uncertain terms. He clearly brings home the fact that the police did not act as a disciplined force meant to preserve law and order. The officers are, therefore, clearly responsible for dereliction of duty.
- 9.23. The police also made every effort to minimize the crime as they did not accept memos sent by the Railway Authorities, combined a large number of incidents into one FIR and omitted recording FIRs in respect of some of the incidents. For instance, at Tughlakabad where so many trains were stopped and passengers killed and burnt only two FIRs have been recorded. Not a single person was arrested, no tear-gas was used to disperse the mobs and even when the police resorted to firing after the RPF had opened fire no one was hurt or injured in this firing. This clearly shows that the police was not serious about discharging their duty.
- 9.24. The two ACPs S/Shri Darshan Kumar and Kewal Krishan who were present at Tughlakabad on 1st and 2nd November, 1984 respectively, did precious little to control the situation. As far as the DCP (Railways) is concerned, Shri Kohli failed to discharge his duties as DCP(Railways) and failed to provide the necessary leadership and guidance to his subordinates. He literally failed to rise to the occasion and has given a very poor account of himself as a senior police officer. In spite of a clear message on 1.11.84 at 10.27 AM regarding trouble at Okhla and Tughlakabad, he took no effective steps to control the situation even at Tughlakabad which was the scene of repeated killings. He has tried to make out that mob disappeared when police reached trouble spots when the facts are otherwise even in police records e.g. FIR 355 and 357 discussed earlier.
- 9.25. It is clear from the records that Shri Darshan Kumar ACP(Railways) was present at Tughlakabad Railway Station in the evening of 1.11.84

and even when he saw the killings taking place in his presence he took no action. He, therefore, failed to discharge his duties as ACP(Railways). It is, however, understood that he has since retired from service and, therefore, no specific recommendation is being made regarding him.

- 9.26. From the report of Shri Kewal Krishan dated 11.3.85, it is clear that he was pressed into service by DCP on 2.11.84 at about 10.30 AM. He became functional only at about 11.50 AM when he reached Tughlakabad Railway Station and firing was resorted to both by the RPF and the Delhi Police. By the time Shri Kewal Krishan was pressed into service, most of the incidents at the Railway Stations and in the trains were already over and the Railways had decided to stop further movement of trains.
- 9.27. DCP(Railways) 's statement/report dated 18.12.84 that he pressed the Crime Branch staff because of shortage of manpower is somewhat misleading because he did not press the staff into serve on the 1st November but on the 2nd November by which time the damage had already been done. Further it is also clear that the police opened fire only in the 'air' and this did not act as a deterrent to the rioters. The DCP(Railways) has also tried to minimize the number of incidents of rioting and holding up of trains because he merely mentions 7 incidents of rioting, holding up trains and gatherings of persons at various Railway installations during the riots. This is an under-statement because the picture which emerges from the D.O. letter No. 30/SIB(I)/HS/84 dated 7.12.84 from IS-cum-Chief Security Officer, Northern Railways, addressed to the then Police Commissioner Shri S.S.Jog, is quite different, DCP (Crime and Railways) has obviously tried to minimize the incidents and killings in an attempt to cover up the lapses of the police and the seriousness of the situation. There was, in fact, total failure on the part of the Railway Police to control the situation and discharge their duties. It is understood that Shri Kewal Krishan has also since retired from service and, therefore, it is not proposed to recommend any action for his failure. In any case he was pressed into service only on the 2nd November, 1984 by which time most of the damage had already been done.

RECOMMENDATION

- 9.28. In the light of the above, it is necessary that suitable disciplinary action should be taken against DCP(Railways) as well as the two SHOs S/Shri T.P. Sharma and Sadhu Singh for their negligence and dereliction of duty and failure to maintain law and order at the Railway Stations which resulted in avoidable loss of life and property.

10.1. The Delhi Armed Police consists of ten Battalions under the overall charge of an Additional Commissioner of Police. However, a scrutiny of the functioning of the Delhi Armed Police has revealed a shocking state of affairs . The Delhi Armed Police apparently does not function on the pattern of traditional Para-military forces like the CRPF and BSF. Theoretically each Battalion having 8/9 Companies is under the charge of a Commandant of the rank of DCP with three Assistant Commissioners of Police as Supervisory officers and Inspectors as Company Commanders. However, in proactive the deployment of force is not sent company or platoon battalion-wise in Delhi but by numbers i.e. so many Sis, Head Constables and Constables etc. Besides, there is inter-changeability at all levels between the DAP, and the normal Delhi Police at the Police Stations. This has resulted in DAP being utilized in the same manner as reserve lines in other States and has seriously affected the efficiency and utility of the DAP. Another factor which came to light was the fact that none of the Battalion Commandants or Assistant Commissioners of Police commanded the force when it was sent on duty during the riots. Hence the supervisory staff did not go out at all with the force which is indeed unfortunate as will be discussed subsequently.

10.2. Immediately after the riots, DCP(Vigilance) Shri N.S. Rana, was ordered to look into the mobilization of the DAP during the riots. He submitted a report dated 2.3.1985 to Addl. C.P.(CID) which also highlights the short-comings in the functioning of the DAP. From the statistics which were collected by DCP(Vigilance) the picture which emerges is that the posted strength of all the 10 Battalions as on 31.10.1984 was as follows:

DCP	ACP	INSPECTORS	SI's.	H/Cs.	Constables
10	30	81	317	1726	7283

Against this posted strength, according to the D.D. entries of the DAP, only the following force was actually sent/dispatched on various dates for law and order duties:-

DATE	INSPECTORS	S.I.s	H/Cs.	Constables
31.10.84	7	33	158	1,100
1.11.84	13	58	292	2,059
2.11.84	4	21	95	805
3.11.84	6	51	180	1,409
4.11.84	2	11	87	663

The above figures clearly show that against the posted strength, a miserably small amount of force was sent on duty on any one day. For instance against 81 Inspectors, the maximum number sent on any day is 13. Against the 317 Sis, the maximum number sent on any day is 58. Against 1726 Head Constables, the maximum number sent on any day was 292. Similarly, against 7,283 Constables, the maximum sent on any day was 2,059. Indeed, as ad commentary on the functioning of the DAP in a crisis situation.

10.3. A further scrutiny of the figures collected by the DCP(Vig.) shows that the number of persons on 'essential duties' was extremely high as would be clear from the figures given below :-

DATE	INSPECTORS	Sis	H/Cs.	Constables
30.10.84	30	177	826	2,961
31.10.84	22	124	684	2,587
1.11.84	22	144	560	2,575
2.11.84	21	129	652	2,549
3.11.84	21	129	639	2,381
4.11.84	21	129	642	2,416

The so-called 'essential duties' performed in the Battalion thus account for more than 30 per cent of the total strength. Adding to these figures the number of men on leave or on temporary attachment etc., we find that on an average less than 40 per cent of the force was available for duty, e.g. on 31.10.84, Inspector 38, Sis 117, HCs 726 and Constables 3433 only were available for duty. It, therefore, needs serious consideration whether there is any utility in retaining a force where less than 40% is available for active duty even in a crisis situation of the kind that Delhi was faced with in November 1984 riots and even that was not fully utilized as shown in para 2 above.

10.4. Extract of the chart prepared by DCP(Vig) as well as the actual deployment according to the general diaries of the DAP from 31st October, 1984 to 4th November, 1984 are given in the Annexure. These figures reveal a pathetic state of affairs. Take for instance one small example. The 8th Battalion had on the 31st October, 1984, 28 Sis, 158 Head Constables and 696 Constables out of which 13 SIs, 76 Head constables and 417 Constables were on essential duties. Five Sis, 31 Head Constables and 83 Constables were on leave etc. One SI, 20 Head Constables and 41 Constables were on some temporary attachment. Therefore, the battalion as on 31.10.84 was left with 9 Sis, 31 Head Constables and 155 Constables. The utility of Government maintaining such a Battalion needs to be seriously considered.

10.5. The above situation has also been highlighted in the note of DCP(Vig) from the Special Enquiry Cell No. XXV 101/85 dated 2.3.85 which is worth reproducing :

“ As desired, the records of the DAP have been thoroughly examined to find out the actual position of deployment of force by the various DAP Bns. , from 30.10.84 to 4.11.84 inclusive.

The Coy. Havaldar Majora (CHMS) of all the 10 DAP Bns. Were called to Vigilance Office , along with their Coy daily duty rosters. On the basis of this record, we were able to find out :-

(a) The total strength mobilized by the Coy and sent for law and order duties; and

(b) The total strength which remained available with the Coy from day-to-day as standby /stand to/ surplus.

This detailed record may kindly be seen in the linked file which is placed below.

“ On the basis of the Coy-wise daily deployment charts, we have prepared the Bn-wise data at flag ‘A’. This shows the day-to-day total mobilization of each Bn., the total surplus remaining in the Bn and the total essential duties carried out by the Bn . This shows considerable variation from day-to-day in the different units. A large amount of force in each Battalion remains unaccounted for and it appears that the routine pickets had remained functioning thorough out and were not disbanded to mobilize extra force at any time. It is suggested that the respective DCPs of DAP Bns may be asked to clarify the position in detail as their posted strength in each BN. Remains unaccounted for from day-to-day even after accepting in to their statements of so-called essential duties in the Bn. And even after taking into account the surplus force figures submitted by the CHMS and BHMS. For example, on 2.11.84 , 152 Constables were sent for deployment by the 1st Bn. Another 97 Constables remained surplus within the Bn. Premises and another 326 were supposedly on ‘essential duties’ within the Bn. Premises. This gives a total of 575 Constables, whereas there are 846 Constables drawing pay from the 1st Bn. Similarly, in the 5th Bn on 1.11.84, 179 Constables were sent for law and order duties, 21 remained stand by or surplus within the Bn. And 217 remained on ‘essential duties’ within the Bn. Giving a total of 417, whereas the posted strength of Constables in this Bn. Is 689. It is doubtful if even after subtracting any static or picket duties from this figure the strength could be accounted for properly.

“ The overall surpluses which remained present within the DAP complex during these fixed days in the form of stand by or stand to etc. May be seen at Flag ‘B’. This shows that between 574 and 1080

Constables remained undeployed in the DAP daily from 31.10.84 to 4.11.84.

“ This exercise has also brought out the astonishing fact that in normal times i.e. on 30.10.84, 30 Inspectors, 177 Sis/ASIs, 826 HCs and 2956 Constables of DAP Bns remained busy with the so-called essential duties of their Bns, as many as 438 Constables out of the total posted strength of 696 Constables is found to be engaged in ‘essential duties’ of the Bn. And therefore, not available for day-to-day deployment.

“ Perhaps a complete overhaul of the system of deployment of DAP is called for here after obtaining the comments of the concerned DCPs.”

- 10.6. Shri O.P. Mehra, Deputy Commissioner of Police, 1st Bn. DAP vide his letter No. 2684/Gen. 1st Bn. Dated 16.10.85 addressed to the Addl. Commissioner of Police (CID), on the other hand, has given a different picture which is hard to believe. According to him, the DAP was supplying as much as was requisitioned by the PHQ PCR the previous evening. According to him, the following staff was deployed for law and order duties during the riots:-

DATE	INSPECTORS	Sis	H/Cs	Constables
31.10.84	24	73	529	3,111
1.11.84	33	109	658	4,080
2.11.84	31	105	613	3,846
3.11.84	35	111	698	4,251
4.11.84	39	110	694	4,277

These figures are not supported by the DD entries as indicated in para 2 above. DD entries are comparatively more authentic, it is, therefore, not possible to accept the version of Shri Mehra since it is not borne out by facts.

- 10.7. Even if some fixed pickets which may not have been disbanded and a few Sikh personnel who were not sent on active duty, are taken into account, the discrepancy in the force stated to be mobilized and the one actually deployed for law and order duties during the riots, cannot be reconciled. Therefore, a thorough scrutiny needs to be done as to why against the posted strength so few hands were available and why even those were not sent on duty.
- 10.8. Another fact which is very obvious but at the same time surprising is that the supervisory officers did not accompany the force. The

statements given by the various Assistant Commissioners of Police, DAP show that most of them were at the Bn Hqrs. Or at their residences and were not utilized at all. A study of the reports sent by the various Battalions showing movement of DCPs and ACPs shows that Mrs. Vimla Mehra, DCP 4th Bn was on duty at Teen Murti House on 1st and 2nd November, 1984 and on route duty on 3rd November. Shri A.S.Khan DCP , 8th Bn was also on route duty on 3rd November, 1984. Similarly, only 3 ACPs were put on any kind of duty. Thus out of 10 DCPs and 30 ACPs, only 2 DCPs and 3 ACPs were utilized and rest stayed in the DAP office or in their houses doing nothing. This brings to mind the observations of the National Police Commission reproduced below:-

“ 47.7. We have been told of several instances where police forces were deployed without any briefing whatsoever. Even the senior officers deployed with the force were inadequately briefed, with the result that they could not act decisively in a moment of crisis. Moreover, in some cases of recent riots the armed police detailed to supplement the resources of the district police was collected at very short notice from different units, wherever they could be made available from. Such a body of men not under the command of their own officers can hardly be expected to operate in a disciplined and concerted manner. We strongly deprecate such a practice and recommend that the armed police should move only in proper formation, along with full complement of their officers.”

(SIXTH REPORT OF THE NATIONAL POLICE, GOVERNMENT OF INDIA, MARCH 1981)

- 10.9. Lack of leadership, proper utilization and coordination, was perhaps the reason why the force being deputed from the DAP Headquarters was either not reporting to the district concerned or was reporting with delay. There are quite a few instances where the force sent out on duty came back to Lines allegedly due to obstruction by mobs. It is indeed pathetic that units of armed police sent out on law and order duty came back to the Lines and do not reach their destination. Besides cowardice, an armed force surrendering to the wishes of the unruly mobs shows lack of discipline and unwillingness to act. Had the supervisory officers gone along with their men such a situation might not have occurred. Considerable delay in the actual dispatch of the force has also come to notice and there are a number of messages from various districts in the wireless logs which indicate that force said to have been dispatched had not reached the districts. A thorough investigation as to what actually transpired, and, why force was not sent in time, needs to be undertaken so as to avoid the same mistakes and lapses in future.

10.10. On the one hand DAP was not providing adequate force to the districts, on the other hand instances have come to notice where the force has remained confined in the control rooms of the districts and was not properly utilized. This appears to be more prominent in West and East Districts. In the West District, for instance, two companies reported at district control at 0700 hrs. on 1.11.84. There is, however, no indication of how they were deployed and they apparently remained in the control room only. Similarly, on subsequent days this practice continued. In the East District also, one company and two platoons were received on 1st November, 1984 at 6.00 AM and 1242 hrs. Again, two platoons and one section were received on 2nd November, 1984 at 10.25 hrs. How they were distributed among the police stations is not quite clear. Thus, on the one hand, there was complaint of shortage of staff and, on the other hand, there was no proper utilization. Evidently, the will either to deploy or to utilize the force properly was completely lacking. The Commissioner of Police failed to see that the existing staff was not being deployed or utilized properly.

RECOMMENDATIONS

10.11. Taking an overall view, since the Delhi Armed Police on its own has no independent role to play and is deputed to the various districts in aid of the civil police, it is not proposed to make any recommendation against the officers concerned. However, the following observations are made for the consideration of the Delhi Administration:-

(a) The amount of force available for duty out of the total posted manpower of DAP was extremely small. The purpose of having reserve Battalions is to have a standing back-up force available for emergent duties. If less than 40 per cent of the force of any battalion is available for duty and the bulk of it is utilized for maintaining itself, there is no justification for having it in the present form. ----- having it in the present form, district reserves should be formed with each district under the control of the concerned Deputy Commissioner of Police.

(b) In case the present form of the Armed Battalions is to be maintained, the unit should be formed on the pattern of Para-military forces like CRPF or BSF and given proper training. They should be delinked from Delhi Police and should not be interchangeable, specially at the lower levels, with the district police. This will ensure that they do not form local links and function in a professional manner. The exact operational strength of the force should be laid down so as to avoid large scale wastage of manpower on so-called 'essential duties'.

(c) The practice of deputing force by numbers should cease and the force should be sent with the full complement of supervisory officers to command their men. The purpose of having the supervisory officers is that the Armed Police should function and operate in a disciplined and concerted manner. If this is done the men will have a sense of

belonging to a force and will look up to their officers for guidance and we might not have the situations where the force returns to the unit instead of reaching its destination for duty. Senior Officers are provided so that they can lead their men, otherwise there is no sense in having the senior officers with each battalion. Hardly any DCP was sent on duty during the riots and the senior officers wasted their time at the DAP Headquarters while Delhi was burning. This was scandalous and must be avoided in future.

(d) In case it is felt that due to large scale interchangeability in the past it is difficult now to discipline the lower cadres, the present staff of the DAP from Inspector downwards should be merged with the Delhi Police and the Central Government may consider raising fresh Central Battalions which are trained in a professional manner right from the beginning. These will not have a past history of local influences which are difficult to overcome. This will also ensure that in Delhi or elsewhere this Central Police can be sent in times of crisis and is not subjected to pressures at the local level.

CHAPTER - 11

COMMISSIONER OF POLICE, DELHI SHRI SUBHASH TANDON

- 11.1. The Commissioner of Police of the Union Territory of Delhi, exercises the powers and performs the duties of direction, regulation, co-ordination, control and discipline of the Delhi Police in accordance with the Delhi Police Act of 1978. The over-all powers of superintendence of Delhi Police are, however, vested in the Administrator who is the Lt. Governor.
- 11.2. Under the new Act of 1978, wide powers have been given to the Police Commissioner for maintenance of public order and security of the State. He also exercises special powers under the Code of Criminal Procedure. During the November 1984 riots, Shri Subhash Tandon, an IPS officer of the Rajasthan Cadre, was the Commissioner of Police who had been on this post for a year and half. Before, this, it is understood that he was with the CISF and earlier he served for about 17 years in the Intelligence Bureau. He relinquished charge of this post of Police Commissioner on 12.11.1984.
- 11.3. On 31st October, 1984, Shri S.Tandon had gone to attend the CRP parade at Jharoda Kalan where he received a wireless message regarding the shooting at the Prime Minister's House. He reached the AIIMS along with Addl. C.P.(CID) Shri R.K. Ohri at about 10.05 hrs. He then issued general instructions through the South District Control to all DCPs to look to the maintenance of law and order in their respective areas. He also received a message from GOC, Delhi Area who wanted to speak to him on the telephone. According to GOC, Delhi Area, Sri Tandon got in touch with him at 11.30 PM that day in spite of his (GOC's) efforts throughout the day. Perhaps the Commissioner of Police did not consider it necessary to get in touch with GOC Delhi earlier. Sri Tandon's inability to understand the need of co-ordination and planning is evident from this delay in responding to this army gesture.
- 11.4. The Police Commissioner called a meeting of all his senior officers at the Police Headquarters where Shri Gautam Kaul's suggestion that the force should be deployed in accordance with the emergency plan was discussed. Addl. C.P. (AP&T) Shri Kulbir Singh, however, reported that he had very little force and some had been sent to PM's House for traffic arrangements. The Police Commissioner then issued general instructions for patrolling and Police presence insensitive area and safeguarding of all vital installations. According to him, all available force of Delhi Police including Home Guards were mobilized for patrolling and posting at strategic places. He also requested the Ministry of Home Affairs to provide maximum police force from paramilitary forces. Apparently seeing the trouble at AIIMS, at 17.55 hrs he had also sent out messages to other States to prevent movement of

crowds towards Delhi and instructed his own officers to check them at the borders.

- 11.5. However, while the Police Commissioner went through the motions expected of a head of a police organization, he perhaps could not assess the situation properly and therefore did not consider it necessary to call in the Army on 31st October, 1984. Since the CP was complaining of being under-staffed, the Lt.Governor suggested to him on 1.11.84 at 07.00 hrs in the morning at Prime Minister's residence that he should call in the army. Even then the Commissioner of Police indicated that he would first like to take a round of the city, assess the situation and then indicate the course of action to the Lt.Governor. At about 10.00 AM, the Police Commissioner finally suggested to the Lt.Governor that the army should be called in.
- 11.6. It is clear from the examination of the events in various police districts that trouble had already started in the afternoon of 31st October, 1984 at the AIIMS. Thereafter trouble continued in various parts of the city throughout the evening and night of October 31st and morning of 1st November, 1984. Information regarding riots was puring into the Controls of the District as well as the PCR continuously, yet, on the one hand, the Police Commissioner kept complaining that he did not have sufficient staff, on the other hand, he was hesitant or reluctant to call in the army. This resulted in a loss of 24 hours which could easily have been avoided and which proved to be critical in bringing about order subsequently.
- 11.7. In addition to the Delhi Police and the Delhi Armed Police, a number of Companies of Para-Military Forces had been air-lifted from other places by the Home Ministry bringing the total strength of Para Military forces to 61 Coy by the morning of 1st November, 1984. In the ordinary course, one would have expected that this force would have been sufficient. The situation, however, went from bad to worse and the Police Commissioner had no option but to call in the military mainly because his own force was not coming up to the mark nor behaving properly.
- 11.8. According to Gen. Vaidya, he had already ordered the movement of a Brigade from Meerut to Delhi at about 10.30 AM on 31.10.84 and this Brigade had reached Delhi on 31st October by mid-night. This plus the available strength at Delhi which consisted of a full Brigade Regiments Centre and Engineering Regiment and 2 Regiments of Artillery consisting of about 6,000 men, (apart from the Brigade which had moved in from Meerut) were readily available for assisting the civil administration if Shri Tandon and the Lt. Governor had decided to call in the army on 31.10.84 itself. Delay in decision-making on the part of these two functionaries was detrimental and resulted in the situation taking an ugly turn.

11.9. We do not have the Log Book of the Commissioner of Police, in spite of repeated requests, but Shri Tandon had moved round the city himself, as per his own admission, and had seen the trouble brewing at many places. His Police Control Room was receiving messages from all over the city and according to his own admission he was reviewing the situation from time to time. It is, therefore surprising that he has stated before the Misra Commission that :

“ until 12.15 PM on 1.11.84 there was no report at Police Headquarters that the situation had gone out of control.”

This under-statement, to say the least, cannot be accepted. Either his senior officers manning the Control Room were not giving him correct information or else his personal assessment of the situation was completely faulty.

11.10. While the Police Commissioner had issued necessary orders, he did not ensure or check up whether these were being complied with or implemented by his subordinates. As has been discussed in earlier Chapters, neither the orders under section 144 Cr. P.C. nor the orders regarding curfew were implemented. Even when he issued ‘Shoot-at-sight’ orders to prevent arson, loot and killings, barring a few officers, others did not seem to have taken these orders seriously and most of the firing was done in the ‘air’. His orders of sealing the borders also were not taken seriously by most of the subordinate staff and miscreants entered Delhi both by trains and buses and joined hands with the local mobs in their nefarious activities. The Prime Minister also expressed his displeasure about the handling of the situation to Shri Gavai, Lt.Governor, as per his own admission.

11.11 According to Shri Gavai, he was summoned by the Prime Minister at about 5.30 PM on 2.11.1984. The Prime Minister expressed his unhappiness over what was happening and ‘wanted the situation to be brought under effective control within 15 minutes failing which severe action was threatened.’

11.12 Later, in an unscheduled two-minute broadcast to nation Mr. Gandhi said communal madness would destroy the country and everything it stood for. He assured the people that the government will safeguard the life and property of every citizen, irrespective of his case, creed and religion.

Following is the text of Mr. Gandhi’s broadcast:-

“ Fellow citizen: it is with a heavy heart that I speak to you this evening.

‘While hundreds of millions of Indians are mourning the tragic loss of their beloved leader, some people are casting a slur on her memory by indulging in acts of hatred and violence. Disgraceful incidents of

arson, loot and murder have taken place. This must stop forthwith. The Government will ensure the safety of life and property of every citizen irrespective of his caste, creed or religion.

‘ Indira Gandhi gave her life so that a united India should live and prosper. Anything that create a division between brother and brother comes in the way of national unity. This violence is only helping the subversive forces to achieve their ends. Communal madness will destroy us. It will destroy everything India stands for. As a Prime Minister of India, I cannot and will not allow this.

‘ Tomorrow , the mortal remains of Indira Gandhi will be consigned to sacred flames. She had said: “ Do not shed blood: Shed hatred.” Let this guide us.’ (Times of India dt/- 2.11.84)

- 11.13. Again at about 10.00 PM on 2.11.84, Lt. Governor was called to the Prime Minister’s House along with the Commissioner of Police. A meeting of Members of Parliament was going on and there was general complaint that telephone No. 100 was not working or there was no response over it. General Manager of the Telephones had also been called and was present at the meeting. The Prime Minister wanted a stock-taking of the situation. Prime minister also gave a personal interview to Shri Gavai where he told him: “Gavai Ji I feel that you should have acted more swiftly in calling in the Army”. This shows the real concern of the Prime Minister for what was happening. Unfortunately, the Delhi Police Administration completely failed and brought disgrace to the nation.
- 11.14. From the statements of Shri P.G. Gavai, the then Lt.,Governor and Shri Tandon it is clear that even when the military was called in on 1.11.84 there was quite a lot of confusion about co-ordination with the Army. The Army is used to dealing with magistrates and not directly with the police. At the insistence of the GOC, a meeting had, therefore, to be called by the LG himself. This further delayed matters. Thereafter the operational modalities had to be worked out. The army when it did move in, wanted to know where the magistrates were as they were not inclined to take orders from the police. Overnight a number of magistrates had to be appointed to co-ordinate with the Army. The Army Officers had also to be told that the police under the police Commissioner system had magisterial powers. All this added to the confusion of co-ordination , and resulted in avoidable delay at a time when every minute counted.
- 11.15. At the field level, the subordinate staff at many places did not give proper guidance to the army contingents who were in some places moving about like a lost force. This was particularly true of the East District. In the South District, we have instances where they were being misguided as per statement of major Sandhu, dated 23.4.1986 before the Misra Commission. A lot of precious time was thus lost and this has poignantly brought to the fore-front the dire need of

streamlining the procedure so that there can be proper co-ordination between the army and the civil administration in times of emergency.

- 11.16. It might be useful to learn a lesson from what happened during November, 1984 riots and 'mock' exercise should be jointly held at regular intervals in future so that the various wings of civil administration and the army can function in unison without any loss of time in times of need. This is very necessary, as Delhi being the Capital of the country, cannot afford to be in a state of unpreparedness for any eventuality.
- 11.17. Shri Tandon has blamed officers at the level of SHOs for delinquency. According to him, some who were at fault were SHO Sultanpuri, SHO Delhi Cantt. SHO Srinivaspuri, SHO Krishan Nagar and Sub Inspector Lakshmi Kant of New Friends Colony Police Post. What Shri Tandon failed to realize was that delinquency was not only at the level of SHOs but even at senior levels. Shri Jatav, Addl. C.P. was, for instance, holding the view till the evening of 1st November, 1984 that the situation was not going out of control. He was probably feeding such information to Shri Tandon who was unable to see through or make his own assessment regarding this underplaying of events.
- 11.18. Rumours regarding the drinking water being poisoned and train-loads of dead bodies of Hindus coming from Punjab by train were spreading like wild fire in the city. Instead of preventing the rumour from spreading and taking adequate measures to publicize their incorrectness through the Government media, the exact opposite was happening. The first rumor about the water being poisoned seems to have started from PCR. Deponents from various parts of Delhi indicate that the police vans were broadcasting the news (Poonam Muttereja-2510; Jaya Jaitley-2702; Aseem Srivastava-2676; Lalita Ram Das-2698; Jaya Srivastava-2705; and N.D.Pancholi-2662). At 21.08 hrs on 1.11.84, we find a message from 1-40 PCR to 1-68 PCR Van in North District. The message reads as follows :-

'The water tank in Jubilee Hall Hostel of Delhi University has been poisoned by students.' Thereafter there are messages in the PCR at 21.30, 22.37, 22.47, 22.48, 22.50 hrs and these messages continued for quite some time until mid-night. In some localities the rumor was so wide-spread that at mid-night an enquiry was made from PM's House whether anyone had died by drinking poisoned water. This message is found in the PCR 'A' Net at 00.05 hrs on 2.11.84. It is only thereafter that the Municipal Corporation of Delhi Commissioner announced that this rumor was false and that anybody spreading such rumors would be arrested. Since the rumor had itself presumably started from the PCR, no arrests were made in this connection. Regarding train load of dead bodies from Punjab, police officers were themselves heard making such statements according to a number of deponents. The psychological repercussions of such rumors can well be imagined.

11.19. The level of confusion which prevailed during the riots is also evident from the fact that the number of casualties and those injured in police action vary according to different reports. Shri H.C.Jatav, Addl. C.P.(Delhi Range) in his d.o. letter No. 2797/P.Sec.® Delhi dated 11th/13th November, 1984 addressed to the Commissioner of Police, a copy of which he also sent to the Misra Commission, has claimed that in his Range alone 17 persons were killed and 20 injured. The break-up given by him is : North District –12 killed; Central District- 2 Killed and 6 injured, East District – 3 Killed and 14 injured. Shri J.P.Singh, Deputy Commissioner of Police (HQ-II) in his d.o. letter no. 5682/X-I dated 4.3.1986 addressed to the Secretary of the Misra Commission, on the other hand, has enclosed a list containing particulars of 7 killed and 4 injured as a result of police firing in the whole of Delhi during the November, 1984 riots. A scrutiny of these figures indicates that only 5 persons killed figure in FIR No. 998 dated 1.11.84 relating to PS Kotwali; FIR 797 dated 1.11.84 relating to PS Karol Bagh; FIR 320 dated 3.11.84 relating to PS Pahar Ganj. Of these, 2 were killed in a joint operation by the Army and the police in PS Pahar Ganj; 2 were killed when the police was 'firing in the air' in PS Karol Bagh and PS Gandhi Nagar; and one was killed in Chandni Chowk when Shri M.Periera, Addl. DCP had resorted to firing. Other deaths do not figure in the FIRs as a result of police firing. Thus these figures also, supplied by DCP (HQ-II) are not quite correct. The third set of figures are those which are found in the statement of Shri J.S.Jamwal, GOC Delhi Area before the Misra Commission. According to him, in army action 8 persons were killed and 16 injured in the whole of Delhi. The only common incident where there is joint action relates to PS Pahar Ganj where 2 persons died (FIR 1349). It is indeed surprising that even up to March, 1986, the Delhi Police was not in possession of the correct set of figures of people killed or injured during the riots on account of police/Army firing. It is also surprising that people are said to have been killed when the police resorted to firing 'in the air' as indicated above. How people can die if firing is done 'in the air' surpasses comprehension .

11.20. Shri M.M.K. Wali who was the then Home Secretary, Union of India and later who took over from Shrei Gavai as Lt.Governor, Delhi on 4th November, 1984 has made a very pertinent remark in his statement before the Misra Commission on 8th April, 1986. He says that " the non-transferability of the Police Force from Delhi is a draw-back. There is no sense of professional pride in the Delhi Police and badly needs to be built up. The civilian Police Force may not ordinarily require much of arms training but the basic training is necessary which is wanting. Motivation is also absent. The net result of these draw – backs has been that the Police Force did not have the adequate capacity to rise to the occasion." From this statement the pathetic state of the Police set-up in Delhi becomes quite evident.

11.21. From the fore-going discussion it has become amply clear that the Head of Police Administration in Delhi should be a person who has a

balanced personality and does not have any hang-ups of Army Vs. Police or IPS Vs. IAS., a person who can co-ordinate all the agencies with maturity and balance of mind which were unfortunately not found in Shri Tandon who was the incumbent of the post of the Commissioner of Police during November, 1984 riots.

- 11.22. On an overall assessment, it would not be incorrect to say that though Shri Tandon may have been a well-intentioned Officer, he miserably failed to cope with the crisis situation with which he was faced and, coordinate the different agencies to the best of advantage. He was also unable to anticipate, properly plan, coordinate and provide effective leadership even to the Police Force under his charge. One of the basic reasons for this could have been that the subordinate staff at various levels does not look up to the Commissioner of Police, Delhi as their administrative leader in the real sense of the term but have links with local centers of power which they develop over a period of time as most of them are not transferable outside Delhi. Some suggestions regarding this aspect of Police Administrations are being given separately under the head 'General Conclusions.'

CHAPTER – 12

A GENERAL CONCLUSIONS

- 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 the AIIMS. 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 was there lack of leadership but also non-implementation of even the piece-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 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.
- 12.3. Instructions were issued to safeguard sensitive places and seal the borders so that the miscreants from outside Delhi should not enter the city. These orders were also not implemented resulting in mobs from outside Delhi entering the city and taking advantage of the turbulent atmosphere along with the local crowds.
- 12.4. The police also miserably failed to make immediate preventive arrests and take other precautionary measures as a result of which the miscreants had a field day. They roamed around freely for several days without any fear, indulging in arson, loot and killings. At many places, these mobs were led by local leaders who supplied the mobs with inflammable materials like kerosene, petrol, etc. to indulge in their nefarious activities, unchecked by the law enforcement machinery.
- 12.5. Not only did the police not make preventive arrests, they also did not control the mobs by bursting tear gas shells or resorting to lathi charge in the early stages of the riots. They also did not resort of effective firing. In most places, the firing was done in the 'air' giving the mobs the impression that the police was not going to interfere with their unholy activities.
- 12.6. 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 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 taken the information of these independent public minded citizens seriously. As Dr. Sushila Nayar rightly laments in her letter to the Union Home Minister (ref. To in Chapter VII page 267)

“ This poison in the police is dangerous for our country.”

- 12.7. The Police Commissioner not only failed to make a correct assessment of the situation which resulted in delay in calling in the army but there was also subsequent lack of co-ordination at various levels. The DAP contingents were sent to places without senior officers commanding their men and without proper briefing as a result of which they had no clear concept of what was expected from them. Some even returned to Lines on the pretext that crowds were not letting them proceed to their destination. The local police in many places did not properly guide the army personnel and this resulted in arson, loot and killings continuing even after the army had been called in belatedly. Trouble therefore did not subside as quickly as it should have after the mobilization of the DAP, Central Forces, and, the army.
- 12.8. The intelligence system of the Commissioner of Police seemed to have totally failed him. It gave the C.P. no advance warning of what was brewing. It also does not seem to have kept him informed when lower functionaries were misbehaving, taking sides with the mobs, and, allowing the situation completely to go out of hand. Having worked in the IB for a number of years one would have expected Commissioner of Police to gear up this agency in the Capital during his tenure. But sadly this was not to be. This resulted in the killing of thousands of innocent people in a most gruesome and horrifying manner besides arson and looting on an unprecedented scale, to hide which the cases were not registered by the local police.
- 12.9. A unique and novel method was evolved by the police to make recoveries of looted property. They announced that those who had stolen property should unload it in front of the places from where they had stolen it or in front of the police stations otherwise they would be taken to task. This resulted in general amnesty and the miscreants going scot free. It was obviously not possible to link the crime with the offenders by following this method. This procedure of giving general amnesty to all the offenders also made subsequent investigation well-nigh impossible.
- 12.10. While Addl. Commissioner of Police Shri Gautam Kaul gave instructions to his staff to register as many cases as possible and set up special investigation teams, Shri H.C.Jatav, Addl. C.P. gave exactly the opposite orders and even justified the lumping together of cases into one FIR. Shri Kaul's orders were surprisingly ignored by the local functionaries and this resulted in a large number of cases not being registered or investigated. However, in respect of this aspect, the

Government has set up a Committee and they will be submitting their findings separately.

- 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.
- 12.12. The extent of indiscipline in the police is also evident from the fact that even those culprits who were caught red-handed by Shri Gautam Kaul, the then Addl. C.P. were let off by his subordinates once his back was turned, in spite of his specific orders. In another case, an Inspector refused to take arrested persons to the Thana on orders from senior officers saying he had other work to do and strangely he is supported by Shri Jatav, Addl. C.P. instead of being taken to task and punished. This is not surprising because in Subzi Mandi Sri Jatav himself let off the miscreants caught by the public.
- 12.13. Rumors 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 appears 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 rumor 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 in this report. After verification, they should have stoutly denied this rumour and rounded up people spreading the same. Instead of this, the rumor was allowed to float for over 24 hours. The result can well be imagined. Similar is the case about the rumor that train loads of dead bodies had arrived at railway stations from Punjab, which were found to be completely incorrect. As a matter of fact, the dead bodies which did arrive were those of Sikh Victims who had been killed by the mobs at Tughlakabad, Nizamuddin, Palam at Railway Stations and in the trains.
- 12.14. There seem to be no clear curt orders about firing and when it is to be resorted to by the police. We find that most of the police firing was done in the 'air' and this certainly did not deter the mobs from carrying on their nefarious activities in most places. Shooting is resorted to as a last measure to control an ugly situation. If it is not to be effective, then there is no sense in resorting to it and only indicates a lack of will to deal with the situation firmly. It is understood that the police had a proposal to have special rubber bullets which would

injure and Immobilize a person but not kill, to deal with riot situations. This proposal should be followed up so that in such situations miscreants can be handled effectively and swiftly without too many casualties. This will also encourage lower functionaries who may not resort, to firing for fear of subsequent enquiries, to act more promptly and decisively.

- 12.15. It was quite apparent that specific instructions of 'shoot at sight' issued from the office of the Commissioner of Police to curb riots were completely ignored by the lower functionaries, both at the middle as well as at the SHO levels, who permitted mobs to carry on their activities unchecked. Unless, therefore, strict discipline is restored, the police in the Capital of the country will not be able to deal with any grave situation of crisis even in future.
- 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. Apparently the subordinate staff at various levels does not look up to the Police Commissioner of Delhi as the real Head of the organization. They feel that they have support in other centers of power and therefore they can escape the consequences of their misdeeds and even ignore the police head. This situation developed in Delhi because of the fact that the majority of the police staff remains in Delhi throughout their life and cannot be transferred out. They just float around from one job to the other in Delhi and develop links with various centers of power. This erodes discipline and the Commissioner of Police finds himself somewhat helpless and unable to enforce discipline.
- 12.17. Earlier at least senior officers could be transferred out of Delhi to other Union Territories but over a period of time most of the UTs have been converted into States. Thus the situation is getting more and more acute and can be compared to what happens when there is in-breeding in any community. Government should give serious thought to this aspect and ensure that a much larger number of officers down to the level of SHO are brought to Delhi on deputation from other States. This might help in bringing about more impartiality and objectivity in the functioning of the Police Administration. This is necessary in Delhi which is the Capital of the Country and the law and order machinery here has to be exemplary, efficient, disciplined and responsive to any situation which may arise. It might be possible to achieve this over a period of time if recruitment to the Delhi Police is reduced and more and more efficient staff is brought on deputation from other States. This would ensure that the officers of proven merit are inducted into the police force of Delhi who do not have local links. This, in turn, would ensure more objectivity and impartiality in their functioning as their career prospects will not depend on the local centers of power.

- 12.18. The training of the functionaries at various levels also needs to be given a second look and geared up to meet the present requirements of the metropolis where ripples of national and international events first become visible. This also applies to the intelligence units which were not found active and did not anticipate the trouble and give proper intelligence reports to the Police Commissioner, as per his own statement.
- 12.19. Besides proper training, the Delhi Administration should organize 'mock' exercises jointly with the army so as to judge from time to time how alert and prepared the police is to meet various situation which can be envisaged in times of war, civil disturbances and communal riots etc. This should become a regular feature and it may pay rich dividends in future.
- 12.20. In a place like Delhi, the need for having active Mohalla Peace Committees which should represent all sections of the society, cannot be over-emphasized. These committee should hold meetings from time to time and be actively associated with the law and order situation in their respective areas. They should also be associated with 'mock' exercises which should be carried out from time to time as has been suggested earlier so that the general preparedness of law and order machinery as well as the activeness of the Mohalla Peace Committees can be reviewed from time to time. This might go a long way in ensuring the general preparedness of the administration and the people to meet any crisis situation.
- 12.21. Planned and effective use should be made of Home Guards, NCC retired army personnel, organised social organizations and voluntary agencies to assist the civil administration during times of crisis. This is being stressed because then only public support will be forthcoming in a larger measure as there will be a feeling of involvement on their part, which is usually lacking.
- 12.22. In the existing Police Commissioner system of Delhi the link between the Police Commissioner and the other wings of civil administration is only the L.G. In the States, where Police Commissioner system is in existence, the co-ordination is done by D.G. Police the State Home Secretary, Chief Secretary, Home Minister and the Chief Minister. Such linkages provide the necessary co-ordination with other wings of Administration which are, by and large, absent in Union Territory of Delhi. It is, therefore, necessary that in a place like Delhi the Chief Secretary and the Deputy Commissioner should in some form be associated with the law and order machinery so that the lack of co-ordination which was witnessed in 1984 November Riots is not repeated. In a crisis situation all wings of the Administration have to work in a coordinated manner and the Chief Secretary, Delhi Administration, and the Deputy Commissioner, therefore, need to be associated to bridge this gap. This aspect has also been highlighted in the evidence of Shri K.S. Sethi dated 23.4.86 before the Misra

Commission. Without this bridge, the Police Administration becomes withdrawn and exclusive. This aspect of coordination is a felt need and needs to be seriously considered.

- 12.23. While examining the role of the Delhi Armed Police in Chapter X, it has become evident that there is an urgent need to restructure the entire Delhi Armed Police so that the force becomes effective and efficient. The shortcomings which became evident during the riots should be effectively removed. The capital of the country certainly deserves a better deal. The existing instrument in the form of Delhi Police and the Delhi Armed Police miserably failed to deliver the goods during the November, 1984 riots. As was revealed during the riots, the police which was accountable for its performance to the people of Delhi failed on this account. Their actions should have conformed to the law of the land but they did not. Finally, the police functionaries who were accountable for their performance to the Organization and the Union of India also failed on this account. The police organization must remain at a high pitch of efficiency to enforce the law impartially. Over-hauling the entire policing system of the Capital is, therefore, a crying need and does not brook further delay. It is, therefore, recommended that a small Expert Committee should work out the modalities of re-organizing both the Delhi Police and the Delhi Armed Police so that it can better serve the purpose for which it exists.
- 12.24. In the end, it is recommended that in case action is initiated against delinquent officers, it should be by an outside 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 annexure 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 delay.
- 12.25. I would like to place on record my appreciation for the assistance rendered by S/Shri C.M.Sharma Inspector General of Police and I.S. Vohra, Supdt. Of Police and the other technical staff in analyzing the police records and the evidence for the preparation of this Report. I would also like to place on record my appreciation of the services of Shri S.L.Chopra, who functioned as Secretary to the Committee, and the other secretarial staff for organizing the office of the Committee in an efficient manner.

NEW DELHI

August, 1988.

(MS. KUSUM LATA MITTAL)
MEMBER

POSTSCRIPT

1. My Report was completed towards the end of August 1988 but was not submitted as Delhi Administration desired that the other Members should also finalize his Report. The intervening period was, therefore, utilized to collect material to assess whether the conclusions arrived at were in consonance with the later developments especially the decisions of the courts.
2. From a study of the cases registered in connection with the riots and their subsequent disposal the following picture emerges. The Delhi Police registered about 391 cases during the first three days of November, 1984. Out of these cases, 225 were sent up for trial under various provisions of law. Of these 225 cases, we have been given to understand that only 11 have so far ended in conviction and 75 were acquitted ; 7 were discharged and 14 were either withdrawn or otherwise decided. At present, about 118 cases are still pending decision. The maximum number of convictions were secured in the Central District . In East District, no case has ended in conviction and in the remaining four Districts only one case each has ended in conviction.
3. A perusal of the decisions indicates that although a number of cases were registered against members of the Sikh community who were at the receiving end, not a single one so far has ended in conviction. They have either been withdrawn in the interest of communal harmony or have ended in acquittal. Another strange factor which emerges is that even cases registered against persons who were arrested on the spot have ended in acquittal. This clearly indicates that investigation and follow-up of the cases was of a very poor quality. Further, in spite of a large number of deaths which took place, only one case relating to murder has ended in conviction. This relates to FIR No. 412, P.S. Delhi Cantonment, Investigation was, however, on the basis of a subsequent complaint received from the affected person. In this case, 6 persons were convicted and awarded life imprisonment. This is an indicator to the fact that proper investigation, even after long delay, could result in successful prosecution and conviction. Details are given on page 391.
4. In the Central District, since pre-emptive action was taken in the initial stages, several cases have ended in conviction which clearly indicates that the police was alert and the follow-up also was of good quality.
5. The picture in respect of East District which was worst affected is really pitiable. Out of 89 cases registered , 59 were sent up for prosecution and not a single case has so far ended in conviction . On the other hand, 13 cases decided so far have ended in acquittal/discharge. This is a clear indicator of the attitude of the police of this District both during the riots and subsequently.

6. In the three other Districts badly affected viz. South, North and West, the position is also unsatisfactory. In South District, 134 cases were registered. Of these, only 61 were challaned and only one ended in conviction, 38 ended in acquittal and 71 have been treated as untraced. In West District out of 37 cases registered, 24 were challaned; only one case has ended in conviction and 12 have ended in acquittal. Similarly, in North District out of 49 cases registered and 32 sent up for trial, only one has ended in conviction and 10 in acquittal. This certainly reflects on the quality of investigation and follow-up even of the cases registered.
7. As far as the Delhi Railway Police is concerned, in whose jurisdiction a large number of trains were stopped and persons slaughtered, only 7 cases were registered and they have all been closed as untraced.
8. It is worthwhile mentioning that out of the cases which have ended in acquittal/discharge, in at least three cases the FIRs themselves mention arrests of 79 persons 'on the spot'. These persons were arrested for loot/arson or under preventive sections for breach of peace. The fact that even after 'spot arrests', miscreants could go Scot free would only confirm the conclusions we have drawn that there was lack of will on the part of the police personnel to pursue these matters to a logical conclusion. Of these, two cases are from Central District; FIR 367/84, P.S.Lahori Gate (26 persons); FIR 382/84, P.S. Lawrence Road (11 persons). In 5 cases of South District, 39 persons were shown to have been arrested : FIR No. 814/84, (8 persons); FIR No. 815/84(12 persons) FIR No. 817/84 (13 persons); FIRNo. 820/84(6 persons) all relating to Defence Colony and in FIR No. 909/84 (3 persons) of PS Hauz Khas . All these cases have, however, ended in acquittal or discharge. Besides, in two cases in which property was actually recovered after cases were registered on 6.11.84 FIR No. 519/84 and 13.11.84 FIR No. 521/84 of P.S. Punjabi Bagh, all the accused were acquitted.
9. As indicated earlier, the cases against the Sikhs were either withdraw nor ended in acquittal. The following four cases were withdrawn:-
 - i) FIR No. 554/84 u/ss 302/307 IPC- PS West Patel Nagar ;
 - ii) FIR No. 474/84 u/ss 302/307/34 IPC- PS Rajinder Nagar ;
 - iii) FIR No. 798/84 u/ss 302/307/34 IPC- PS Karol Bagh; and
 - iv) FIR No. 424/84 u/ss 147/148/149/302/307 IPC- PS Kalyanpuri.

Four other cases in West District involving the Sikh community ended in acquittal or discharge – FIR No. 511/84, P.S.Punjabi Bagh; FIR No. 351/84, P.S.Nangloi ; FIR NO. 443/84, P.S. Tilak Nagar and FIR No. 469/84 PS Nizammudin, South District, which has been discussed in the Report on pages 301 and 302 , the case which was

sent up for trial not only ended in acquittal but the decision contained adverse remarks against the police.

10. The above facts in respect of the case work are only illustrative in nature and point to the fact that the conclusions arrived at in the Report are generally in conformity with the findings in respect of the good and bad work done by the police personnel to control the riots and subsequent follow-up. It has not been considered desirable to go into further details and consider all other relevant aspects as a separate Committee had been set up by Delhi Administration to exclusively look into the registration, investigation and prosecution of November 1984 riot cases. This general analysis, however, has been made only to ascertain and determine whether the conclusions drawn in the Report tally in a general way with the results of the cases so far finalized in the courts.

(KM. KUSUM LATA MITTAL)

Date 28.2.1990

MEMBER