

Ranjit Singh Narula

Affidavit of Nanavati Commission

I, Ranjit Singh Narula S/o Sardar Hari Singh aged 85 years R/o C-215 Defence Colony, New Delhi, do hereby solemnly affirm and declare:

1. In early 1965 when I was the President of the Delhi High Court Bar Association and Chairman of the State Bar Counsel of Delhi I was elevated to the Bench of the then Punjab High Court. Delhi and Simla were within the jurisdiction of the Court and were served by Circuit benches. I retired as Chief Justice of Punjab and Haryana High Court in the end of October, 1977 and came back to Delhi and since then I am settled here.

2. With effect from October 23, 1984 I was staying at Kathmandu, Nepal with my son Mr. C.S. Narula who was posted there as First Secretary in the Indian Embassy.

3. My above named son rang me up from his office at 11.00 A.M. intimating that as per telex received in the Embassy "Indira Gandhi's own two sikh guards and a clean shaven had fired on her. At 12.45 P.M. he informed me that the latest PTI telex message announced death of Indira Gandhi. Thereupon my wife and I decided to return to Delhi by the evening flight. No seat being available in the Indian Airlines late evening service I managed to get two seats in Royal Nepal Airlines Flight No. RA 205 leaving Kathmandu at 19 hours contrary to the advice given to me on telephone from the household of His Highness, the King of Nepal saying that Sikhs were being attacked and their houses looted and burnt at Delhi and some other places according to his information.

4. Notwithstanding the above advice we reached Palam Airport by the above mentioned flight at 0815 hours. I was expecting my advocate son to receive me. I was astonished to see that my son-in-law, who was a high army officer, was there at the airport in full uniform and the Airport was somewhat deserted. He had brought an army vehicle and personal security with him. On asking for the extraordinary situation, my son-in-law (Maj.Gen. Rajinder Singh) told me that we cannot be taken to our house in Defence Colony as two Sikhs' shops in the Defence Colony market near our house had been looted and were burning. He took us to my daughter's residence in the Northern Railway Colony at Sardar Patel Marg and we stayed there till the situation improved on November 4, 1984.

5. On November 1, I rang up Giani Zail Singh, the then President of India (who was personally known to me) and he advised me not to step out of my house as he did not consider even himself to be free from danger if out of Rashtrapati Bhavan. By November 2, curfew had been imposed in Delhi It was strictly enforced against the sikhs but all others were freely moving about. In the morning broadcast of BBC it was announced that 150 Sikhs had been killed and 1000 injured and there were fires all around in Delhi. It also announced that 20 Sikhs had been killed in Bokharo and 12 Sikhs were dragged in M.P. and beaten to death.

6. A telephone message from a friend of my relative Dr. Rattan Singh, who was living with his family at 8-A/2 Swasthya Vihar had been attacked and his clinic, car and two scooters had been torched and the ladies had shifted to one place and men to some other place.

7. In viewing the Local T.V. I saw crowds outside Teen Murty amongst whom two identifiable persons were continuously shouting slogans “KHUN KA BADLA KHUN SE LENGE” “SARDAR QAUM KE GHADDAR”. Large number of officials were shown to be present at the site but no one asked those persons to stop raising such inflammatory slogans. This kind of TV show continued whole day.

8. I tried each of the 5 telephone Nos. announced on TV for being contacted in case of emergency but got no response from any of those.

9. During the day of 2nd November I received telephone call from Justice O.Chinnappa Reddy, a sitting Judge of the Supreme Court of India (who had been senior most punsine Judge with me in Chandigarh) stated that he had seen personally a Sikh scooterist being beaten to death outside the house of Justice D.A. Desai and asked me if he could send his car and security to fetch me to his own house which was secure. His kind offer was declined by me.

10. On November 3, I rang up my friend S. Manmohan Singh, Managing Director, Fric India Ltd. (who used to live in a bangalow at 5 Friends Colony Main), to enquire for his welfare. He told me about the attack on Sikhs' houses in his colony but he having been saved by his non-Sikh neighbours. He advised me not to step out at all till the next day as he had been informed by a Congress friend that this programme was only for 3 days. I was also informed on the 3rd November that my son-in-law Justice S.S. Chadha of Delhi High Court and his family, who were living at 4-B Zakir Hussain Marg, had to be shifted into the High Court as his own security refused to guarantee their safety.

11. After the carnage in which approximately 4000 innocent Sikhs were massacred in Delhi alone, many the Human Rights Groups and the prominent citizens demanded a Commission of Enquiry to enquire into the incident of violence. The then Central Government did not agree to constitute any Commission of Enquiry. Faced with this situation, the Human Rights Group and prominent citizens formed their own groups to enquire into the violence. The details of those groups are mentioned below:

a) Citizens Commission which was formed by eminent citizens of the country which included:

Sh. S.M. Sikri – Former Chief Justice of India

Sh. Badr-Ud-Din Tyabji – Former Commonwealth Secretary and Vice-Chancellor, Aligarh Muslim University

Sh. Rajeshwar Dayal – Former Foreign Secretary, Visiting Fellow, Oxford University

Sh. Govind Narain – Former Governor of Karnataka and Home and Defence Secretary

Sh. T.C.A. Srinivasvaradan – Former Home Secretary

After detailed enquiry they released a Report under the name “Report of the Citizen s Commission.”

b) People's Union of Civil Liberties, People Union of Democratic Rights, and other leading organizations of Human Rights joined hands together to enquire into this violence. After a detailed enquiry they published the Report under the name "WHO ARE GUILTY". This report was released by the said organizations in the name of their President Prof. Rajni Kothari, an eminent economist and social worker and Mr. Govind Mukhoty, Senior Advocate of the Supreme Court of India, respectively.

c) The Citizens For Democracy and organizations formed by the Late Lok Naik Jai Prakash Naryan formed a group consisting of the following persons to hold an enquiry into the violence:

(i) Amiya Rao (ii) Arubindo Ghosh (iii) N.D.Pancholi.

They published their report under the name "Truth About Delhi Violence". This report was released by Justice V.M. Tarkunde, a renowned Human Rights Activist and leading Jurist of the country.

The above mentioned three reports are enclosed herewith as ANNEXURES-A, B & C respectively.

12. The People Union of Democratic Rights (PUDR) filed a writ petition in the High Court of Delhi seeking directions to the Government to constitute a Commission of Enquiry. This writ petition was heard by a Division Bench of Delhi High Court headed by Justice Rajinder Sachar, the then Judge of Delhi High Court. During the course of hearing Justice Sachar criticized the law enforcing agency in the open court for their failure to control this violence. However, this matter was withdrawn from Justice Sachar and was listed before another Division Bench.

13. The above mentioned writ petition was dismissed by the Division Bench of the High Court.

14. Another Writ Petition was filed by a journalist of Indian Express, Rahul Kuldip Bedi seeking action against the police officials who had failed to control the mass killing of 400 innocent Sikhs in just one Block of Trilokpuri i.e. Block No.32 in spite of the fact that the petitioner Rahul Bedi brought the fact of the massacre to the notice of police officials in the Police Headquarters while massacre was going on at full speed. This writ petition was dismissed by the Delhi High Court on the ground that the Government had appointed Ved Marwah Committee, a one man Enquiry Committee to enquire into the role of Police during this violence. A copy of the order passed by Delhi High Court in the writ petition is attached as ANNEXURE-D.

15. During the proceedings of the Marwah Committee, it is reliably learnt that most of the police officers informed Mr. Ved Marwah about the instructions whatever they had received from higher authorities. Mr. Ved Marwah had prepared handwritten notes of the same during the examination of police officers. Mr. Ved Marwah used to direct the Police officers, who appeared before him, to also give him in writing. However, while giving the information in writing most of the police officers did not mention objectionable things which they otherwise told Mr. Marwah. Certain news items appeared in the newspapers regarding the proceedings of Marwah Committee. A suit was filed by two Dy.Commissioners of Police who were in charge of East Delhi and South Delhi during November, 1984, both

worst affected areas. Justice M.K. Chawla of Delhi High Court granted the stay against the proceedings of Marwah Committee on inter alia on the ground that (i) no enquiry can be held outside the scope of the Public Enquiry Act and (ii) Ranganath Misra Commission of Enquiry had since been constituted on the same subject; and that permitting the publication of Ved Marwah ;Enquiry Report would affect the reputation and career of the police officers who were plaintiffs in the suit. A copy of the order of Justice M.K. Chawla is annexed herewith as ANNEXURE – E. It is note worthy that Justice Ranganath Misra did not identify guilty police officials on the ground that his terms of reference did not permit him to do so.

16. An application in the said suit was filed by Lt. General J.S. Arora for vacating the stay. I was appearing as a Counsel in the said application. However, we did not succeed in getting the stay vacated. A copy of application is annexed herewith as ANNEXURE-F. Amnesty International and Human Rights Organization USA were threatening to organize an enquiry at these happenings if Government of India did not appoint a Commission of Enquiry. In the mean time the then Prime Minister Rajiv Gandhi entered into a pact with Sant Harchand Singh Longowal President of Shiromani Akali Dal in April, 1985. One of the terms of the “Rajiv Longowal accord” was that Commission of Enquiry should be constituted to enquire into the violence in Delhi. Subsequently, the names of Kanpur, and Bokaro were also added alongwith Delhi. Accordingly the Central Government constituted a Commission of Enquiry headed by Shri Rangnath Misra, the then sitting Judge of Supreme Court to enquire into this violence. However, the terms of reference of this Commission were very limited and highly defective. The terms of reference of this Commission were limited only to see whether the violence was organized. Subsequent to the constitution of Justice Misra Commission of Enquiry all the Human Right Groups decided to join hands together to represent the case of victims before the Commission and constituted a body under the name of ‘Citizens’ Justice Committee (CJC) which was headed by the former Chief Justice of India, Justice S.M. Sikri. I was one of the members of the Committee. List of the members of the CJC is at ANNEXURE-G.

17. The Misra Commission published a notification inviting affidavits and fixed the last date for filing the affidavits. Only one affidavit was received by the Commission. Justice Misra called the members of CJC to discuss this matter. Justice Misra asked the reasons for people not coming forward. The members of CJC informed him that the victims had lost faith in the Government and the system due to the reason that the law enforcing agencies instead of protecting the victims had either connived with the mobs or remained silent spectators. Justice Misra asked the members of the CJC to assure the victims on his behalf that he would do justice and they should come forward to file their affidavits and give their evidence.

18. The CJC opened its offices for rendering the legal aid to the victims, for preparing their affidavits and also conveyed the message of Justice Misra to the victims through the volunteers who were working for the rehabilitation of the victims.

19. The CJC filed the application before Misra Commission for summoning various documents from the Government. The CJC also filed interrogatories. Large number of documents as well as reply to the interrogatories were given by the Government. Neither copies thereof were supplied by the Commission to CJC nor the contents of the same disclosed to it..

20. Due to various reasons which are detailed in the representation covering 26 pages filed before the Misra Commission, the CJC decided to withdraw from the proceedings of Misra Commission. Copy of the said statement running into 26 pages is annexed herewith as ANNEXURE-H.

21. The CJC had submitted in the said representations that whatever material CJC had with it, had already been placed before the Commission and since the Commission was not supplying the documents and the statements of various witnesses recorded by the Commission who were summoned at the instance of CJC, it (CJC) had been reduced to a level where it had no role to play in the proceedings.

22. On receipt of those submissions, Justice Mishra called the Secretary of CJC Mr. H.S. Phoolka, Advocate and asked him to convey to the members of the CJC to review their decision of withdrawal from the proceedings. An urgent meeting of the CJC was called on the same evening where the matter was discussed in detail. Since Justice Misra had declined to supply the documents, or the statements of the witnesses recorded by him in camera, the members of CJs decided that its further participation in the proceeding was pointless and decided that it was not possible to review the decision of withdrawal. As a matter of Respect to the Hon'ble Judge, the President of CJC Justice S.M. Sikri, (Retired) who had been himself a Chief Justice of India, wrote a small letter to justice Misra conveying the decision of the CJC. It is surprising that in the Report of Misra Commission this small one page letter is annexed but there is absolutely no mention of 26 page submissions which had given the detailed reasons for the withdrawal.

23. We were also shocked to find a mention in the report of the Misra Commission that Mr. HKL Bhagat, the then Union Minister, was not guilty. It is submitted that Justice Mishra had refused to issue section 8-B notices to anyone or to identify anyone for their role in this violence on the ground that his terms of reference did not permit him to do so. But it is more strange that neither guilty persons were identified nor any enquiry regarding the persons who were guilty was held, but 'Not Guilty Certificate' was awarded to H.K.L. Bhagat.

24. During the course of proceedings of Misra Commission, the CJC had requested the Misra Commission to call for the records of the Ved Marwah Committee. The CJC had also informed the commission that in the written notes prepared by Mr. Marwah during the course of examining police personnel were very important and should also be called. During the above mentioned meeting of Mr. Phoolka with the Judge told Mr. Phoolka that the record of Marwah Committee had been received by the Commission, but the handwritten notes prepared by Mr. Marwah have been destroyed under the instructions of higher authorities. This is a very important fact which clearly shows that the people in high position were trying to protect the guilty by destroying crucial evidence instead of punishing them. However, there is absolutely no mention of this in the Report of Justice Misra.

25. That during December, 1993 the then Chief Minister, Delhi, Madan Lal Khurana constituted an Advisory Committee to review the cases of delay in punishing the guilty of 1984 carnage and suggest steps to expedite justice was appointed as the Chairman of the said Committee. We submitted our First Report to the Chief Minister, a copy of which is ANNEXURE-I. The contents of the said report are not reproduced herein for the sake of brevity. The said Report gives detailed account of the developments which took place upto the end of 1993.

