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FIRST
REPORT
ON
NEED FOR CONSTITUTION OF SIT FOR
INVESTIGATING THE CASES OF 1984 RIOTS

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J.P.Agrawal
J. S. (Judicial),MHA
MEMBER SECRETARY

Justice G.P.Mathur
(Former Judge, Supreme Court)
CHAIRMAN

The Ministry of Home Affairs, Government of India, had been receiving large number of complaints from various individuals/associations regarding the Anti-Sikh riots which took place in October-November 1984. A decision was taken to constitute a Committee to look into the grievances raised and also to oversee the implementation of the payment of additional compensation. Notification No.13028/13/2014-Delhi-1 (NC) was accordingly issued on 23rd December, 2014 for constitution of a Committee. The relevant part of the Notification is reproduced below:

“ The composition of the proposed Committee is indicated below:

- (i) Justice G.P. Mathur – Chairman
- (ii) Shri J.P. Agrawal, JS (Judicial), MHA – Member Secretary

2. The terms of reference of the Committee will be as follows:

- (i) Need for constitution of SIT for investigating the cases of 1984 riots;
- (ii) To look into the grievances related to 1984 riots;
- (iii) To oversee the implementation of the payment of additional/ enhanced compensation;
- (iv) Requirement of any other assistance for 1984 riot victims.

3. The Committee would complete its work and submit its report within three months. ”

2. The reference to the Committee is broadly on two issues. One is the need for constitution of SIT for investigation of cases of 1984 riots. The second is regarding payment of compensation and requirement of any other assistance for 1984 riot victims. The victims or next of kin of those who were killed are not living at one place but are residing at different places in Delhi and other parts of the country. Getting reports regarding payment of compensation from various departments of Government will take time as information has to be collected from each recipient. The investigation of crimes committed during the rioting and prosecution of offenders deserves priority as a period of 30 years has already elapsed. Therefore, the Committee is giving this report on the first point which is "Need for constitution of SIT for investigating the cases of 1984 Riots."

3. At about 9.20 AM on 31st October, 1984 the Security Guards fired upon Smt. Indira Gandhi, the then Prime Minister of India, at her official residence. The guards happened to be Sikhs. The assassination of Prime Minister of India by her own guards led to large scale attacks on Sikhs, their properties, business establishments and Gurudwaras in Delhi and other parts of the country. The

incidents of violence in Delhi started from the evening of 31.10.1984 and continued over several days. Large numbers of Sikhs were killed and many others were injured. Their properties were looted and burnt. The violence continued till 7.11.1984, though the situation had started improving from 3.11.1984. In view of the demands made in Parliament and also by various bodies and organizations, the Government of India constituted Commissions of Enquiry and also Committees to look into various aspects of anti-Sikh riots, the role of Police, the conduct of investigation into criminal offences and also regarding the measures which may be adopted for giving compensation, relief and rehabilitation to the victims of the riots.

4. The Central Government issued a Notification on 26.4.1985 appointing Justice Ranganath Misra, a sitting judge of Supreme Court, as a Commission of Enquiry under Section 3 of the Commissions of Enquiry Act. The terms of reference of this Commission were as under:-

- (i) to enquire into the allegations in regard to the incidents of organized violence which took place in Delhi following the assassination of the late Prime Minister, Smt. Indira Gandhi;

(ii) to recommend measures which may be adopted for prevention of recurrence of such incidents.

The Commission's sphere of enquiry was extended to Kanpur on 3.9.1985 and to Bokaro and Chas Tehsil in Bihar on 10.10.1985. The Commission submitted its Report to Government in August 1986 and the Report was tabled in Lok Sabha in January 1987.

5. Thereafter, pursuant to the recommendations made by Justice Ranganath Misra Commission the Administrator of the Union territory of Delhi, with the approval of the Union Home Ministry, Govt. of India, constituted three Committees by the Order dated 23.2.1987. A Committee consisting of Justice Dalip K. Kapoor, former Chief Justice of Delhi High Court and Ms. Kusum Lata Mittal, retired Secretary to Government of India, was constituted to enquire into delinquencies of individual police officers in the matter of controlling the situation and protecting the people within the Union territory of Delhi, the good conduct of individual police officers and further to recommend such action as may be called for. The second Committee was constituted consisting of Shri R.K. Ahuja, the then Home Secretary, Delhi Government, to determine the actual number of deaths, names and other particulars of persons who were killed

within Union territory of Delhi in the riots and also to make suitable recommendation regarding ex-gratia payment and/or other benefits to the next of kin. The third Committee was constituted consisting of Justice M.L. Jain, a former Judge of Delhi High Court, and Shri R.N. Renison, retired IPS officer (later on replaced by Shri A.K. Banerjee, retired IPS officer). The terms of reference of this Committee were as under:-

- to examine whether there were cases of omission to register or properly investigate offences committed in Delhi during the period of riots from 31st October, 1984 to 7th November, 1984.
- to recommend the registration of cases where necessary and to monitor the investigation thereof.
- to monitor the conduct of the investigation and the follow up of cases already registered by the Police and to suggest steps for effective action including fresh and further investigation, where necessary.
- to perform any other function in addition to the above.

6. The Committee, consisting of Justice Dalip K. Kapoor and Ms Kusum Lata Mittal, gave two separate Reports on 1.3.1990. The Government decided to accept the report submitted by Ms Kusum

Lata Mittal and take appropriate action against police officials on the basis thereof.

7. Shri R.K. Ahuja, the then Home Secretary, Delhi Administration, submitted a Report on 1.6.1988 to the effect that the total number of deaths which occurred during 1984 riots was 2733.

At the end of the Report, the Committee observed:

“The figure of 2733 deaths now calculated by this Committee can, therefore, be taken as the authentic figure, though it is possible that there may be marginal changes in the number due to an odd case being brought to light here and there.”

8. The Committee consisting of Justice M.L. Jain and Shri A.K. Banerjee, on the basis of an Affidavit filed by a victim of the riot, wrote a letter dated 14.10.1987 to the Additional Commissioner of Police, Delhi, for registration of a case against Brahmanand Gupta, Sajjan Kumar, Nathu Pradhan and some others under Sections 147, 148, 149, 302, 436, 201 and 114 IPC and for investigation of the case. Shortly thereafter, Brahmanand Gupta and others filed Civil Writ Petition No. 3337 of 1987 in the Hon'ble High Court of Delhi wherein Rule Nisi was issued on 24.11.1987 and the Committee was restrained from making any recommendation for registration of fresh

cases. It was also directed that no further case should be registered on the directions of the aforesaid Committee. The Writ Petition was decided by a Division Bench of the Delhi High Court by the Judgment and Order dated 4.10.1989 and the Notification dated 23.2.1987 by which the Committee of Justice M.L. Jain and Shri A.K. Banerjee was constituted, was quashed.

9. The Administrator of Union territory of Delhi, with the approval of Ministry of Home Affairs, Government of India, vide his Order dated 22.3.1990 appointed a fresh Committee consisting of Justice P. Subramanian Poti, retired Chief Justice of Gujarat High Court as Chairman and Shri P.A. Rosha, retired IPS Officer, as Member, with the following terms of reference:-

- to examine whether there were cases of omission to register or properly investigate offences committed in Delhi during the period of riots from 31st October, 1984 to 7th November, 1984.
- to recommend to the Administrator, where necessary, the registration of cases and their investigation.
- to make suggestions to the Administrator, where necessary, for the conduct of investigation and prosecution of cases.

10. The six months tenure of the above Committee came to an end on 22.9.1990. The Administrator of Union Territory of Delhi then reconstituted the Committee on 30.11.1990 with Justice J.D. Jain, a former Judge of Delhi High Court and Shri D.K. Agrawal, retired Director General of Police as Members. This Committee submitted a detailed Report on 30.7.1993.

11. Still, however, there was widespread demand from different sections of the public, particularly, the Sikh community for an enquiry into several aspects of violence, abuse of authority, remissness and apathy of law-enforcing agencies. The Central Government appointed another Commission of Enquiry and issued a Notification under Section 3 of Commissions of Enquiry Act on 8.5.2000 appointing Justice G.T. Nanavati, a former Judge of Supreme Court, to hold an enquiry into the causes and course of criminal violence and riots targeting members of the Sikh community which took place in National Capital Territory of Delhi and other parts of the country on 31.10.1984 and thereafter; the sequence of the events leading to and all the facts relating to such violence and riots; whether these heinous crimes could have been averted and whether there were any lapses and dereliction of duty in this regard on the part

of any of the responsible authorities/individuals besides some other points. The Commission submitted a detailed Report on 9.2.2005.

12. Before Justice Ranganath Misra Commission of Enquiry, 2894 affidavits were filed. The Commission also examined the police records, the reports submitted by investigating agencies and the stage of pending trials in Courts as it was in the second week of May 1986. The Enquiry Report mentions that 403 FIRs were lodged regarding incidents during the period 31st October to 7th November, 1984. Final reports (closure reports) were filed in 154 cases, charge-sheets were submitted in 240 cases and 200 cases were pending trial as on 24th June, 1986. The breakup of cases registered during the aforesaid period like murder, arson, murder with loot etc. was also given.

13. Before Justice Nanavati Commission of Enquiry, 2557 Affidavits were filed and deposition of 197 witnesses was recorded. The Report of the Enquiry Commission has given some details of criminal cases which were registered relating to anti-Sikh riots in Delhi. In Annexure X of the Report, it is mentioned that total number of FIRs which were lodged was 587 out of which 11 FIRs were quashed, in 241 cases report was filed as untraced, 225 cases have

Quashed
Untraced
Report filed

resulted in conviction while acquittal was recorded in 253 cases and 42 cases were pending trial at the time of the submission of the Report.

14. Justice J.D. Jain and Shri D.K. Agarwal Committee considered 415 Affidavits which had been filed. This Committee minutely examined the police records namely, FIRs lodged, the General Diary maintained at the Police Station, the Charge-sheets or Final Reports submitted in Courts and also the judgments of Courts wherein acquittal had been recorded. The Enquiry Report has exhaustively dealt with the manner in which the investigation was done, statements were recorded under Section 161 of Code of Criminal Procedure (for short Cr.P.C.) and the type of witnesses which were produced before the Court during the trial. Some of the judgments delivered by the courts were annexed to the Enquiry Report to substantiate the conclusions drawn.

15. The present Committee (constituted vide notification dated 23rd December 2014) has carefully gone through the Report of the Justice Ranganath Misra Commission of Enquiry submitted to the Government in August 1986, the Report of the Justice Nanavati Commission of Enquiry which was submitted to the Government on

9.2.2005 and also the Report of the Committee of Justice J.D. Jain and Shri D.K. Agarwal which was submitted to the Government on 30.7.1993.

16. This Committee has not been provided any assistance of a trained person who may have experience in the field of investigation or conduct of criminal cases in Courts. In fact besides the two members constituting the present Committee there is no one else who may either go through the affidavits which were filed earlier or the records of the Police Stations or the reports which were submitted in courts as required by Sec 173 Cr.P.C. after completion of investigation. The Committee has been given short time to submit its Report. It is not possible for the two members of the Committee to examine all the FIRs, records of the Police Stations, the closure reports filed or the relevant records of the cases where untraced reports have been submitted. Some of the files summoned by the Committee for examination have not been made available and it appears it will take long time to trace them out which will result in further delay. The Committee has to, therefore, give its opinion upon the observations and findings recorded by the aforesaid two Enquiry Commissions and the Committee of Justice J.D. Jain and Shri D.K.

Agarwal constituted to examine whether there were cases of omissions to register or properly investigate offences committed during the rioting and the conduct of investigation and prosecution of cases in courts.

17. The Report of the Justice Ranganath Misra Enquiry Commission has specifically dealt with the investigation and prosecution aspect of the offences committed and this has been done under the heading PROSECUTING THE OFFENDER on page 62 of the Report. It will be useful to reproduce the relevant part of the observations made and the findings recorded –

“..... Most of the widows who appeared before the Commission as witness had a common grievance that the persons who looted their houses, set them on fire, killed their husbands, children and near relations and brutally assaulted them as also on occasions outraged their modesty, were not being prosecuted. They had the obsession that the killers were free on the streets and were even in a position now to jeopardize their security. When the Commission was set up and it became palpable that the incidents of the riot period would be scrutinized in the inquiry, these very villains started threatening the widows and other deponents as also people of the Sikh community with dire consequences in case they came forward to file affidavits, give evidence or did any such thing or took

such action which might involve them either in proceedings before the Commission or in criminal action. In many of the affidavits, there has been clear indication of the failure of the administration to prosecute the culprits and demand of appropriate prosecutions and the due punishment to be awarded to the persons involved in the crimes. It is a fact and the Commission on the basis of satisfaction records a finding that first information reports were not received if they implicated police or any person in authority and the informants were required to delete such allegations from written reports. When oral reports were recorded they were not taken down verbatim and brief statements dropping out allegations against police or other officials and men in position were written. Several instances have come to the notice of the Commission where a combined FIR has been recorded in regard to several separate incidents. For instance, where a large mob came, got divided into groups and simultaneously attacked different houses and carried on different types of operations in the different premises, they as a fact did not constitute one incident; yet only a common FIR has been drawn up. Recording in brief narrative the incident in a common FIR would not provide a sound basis for a proper prosecution. Tagging of so many different incidents into one FIR was bound to prejudice the trial, if any, as also the accused persons, if called upon to defend themselves in due course. The Commission has noticed on several occasions that while recording FIRs serious allegations have been dropped out and though the case was in fact a serious one, in view of the

dropping out of the major allegations, a minor offence was said to have been committed. The Commission was shocked to find that there were incidents where the police wanted clear and definite allegations against the anti-social elements in different localities to be dropped out while recording FIRs. Unless the police were hand in glove with the anti-social elements in their respective localities they would not have behaved that way. The sum total effect of this has been that proper FIRs have not been recorded. There has been initially some delay in lodging/recording of FIRs on account of the fact that during the period of riots what was of primary importance for the victims was to run away from the scene and conceal from notice of the rioters so as to escape certain death. In several instances those who had not been massacred were picked up either by police or Army personnel or through other agencies or by their own efforts and shifted to Relief Camps where they were maintained for some time. Semi-normal conditions returned in different localities within 3-4 days but confidence took time to get restored and, therefore, until the victims returned to their localities quite some time after, in most of the cases they did not know what exactly had happened, so as to make a full report; nor did they know as to who exactly had died or got assaulted. There have been several instances where the lady went one way and found herself in one camp while the children went elsewhere and ultimately got lodged in a different Camp. Being terror-stricken each one ran for his or her life oblivious of what happened to others of the family. When they reached

Relief Camps there was no scope for renewing contacts unless by chance they were in one common camp and until they met or re-assembled under a common roof each one was unaware of the continued existence of the other. Only when they came back to their respective localities, scope for lodging of FIRs came. The Commission did come across instances where some FIRs were recorded in a Relief Camp but these were comparatively few. The delay in lodging of FIRs could, therefore, be reasonably explained. If properly explained, many of the lapses in the FIRs may also become acceptable. In many cases there has not been a proper investigation. The Commission checked up records of investigation of different classes of cases at random and came to find that the investigations were usually perfunctory and most of them had not been duly supervised even though they involved allegations of serious crimes. In view of the fact that bulk of dead bodies, particularly in Delhi and Kanpur had been burnt soon after the incidents, all postmortem reports were not available. Want of postmortem in such circumstances could not be used as a ground against the prosecution. The final reports submitted in these cases, particularly in regard to offences of murder, looting and arson should be reopened and further investigation undertaken as provided in s. 173(8) of the Code of Criminal Procedure. In regard to the graver offences the limitation prescribed under s. 468, Cr.P.C. has no application. Sufficient discretion also vests in the criminal court under s. 473, Cr.P.C.

to deal with situations arising in particular cases.....”

“.....The criminal activity in Delhi apart from being widespread and in greater intensity exhibited a varied spectrum of human conduct. This requires thorough investigation and careful handling. The same police who remained ineffective during the riots and against whom several allegations were advanced, whether recorded or not, were the investigating agency in respect of the FIRs. The Commission finds it not difficult at all to appreciate and accept the contention of the victims that in such circumstances proper investigation could not be expected. Since the number of deaths is considerably great and there have been number of other grave offences committed, it is necessary that the allegations should be properly looked into and investigations suitably monitored. This will mean fresh or further investigation and review of all actions subsequent thereof.”

18. The Committee of Justice J.D. Jain and Shri D.K. Agrawal examined the cases filed relating to 403 FIRs registered and investigated by respective police stations and also 1084 affidavits which were filed before the earlier Committee (Justice P. Subramanian Poti and Shri P.A. Rosha). In Chapter V dealing with non-registration of cases and their improper, faulty and perfunctory

investigation, the Committee observed as under in para 5.1 to para 5.9 of the Report:-

“ 5.1 “The Committee was astounded and deeply perturbed to notice that in a very large number of riots cases registered at various Police Stations of Delhi, a novel pattern of registration / non-registration of cases with regard to commission of cognizable offences had been evolved, viz., instead of registering a separate/distinct first information report with regard to each and every cognizable offence reported at the Police Stations by the aggrieved persons/complainants, a general, vague and omnibus type of F.I.R. was recorded at the concerned Police Station on the basis of a vague report couched in general terms and signed by some police official say S.H.O. or Sub-Inspector or even Assistant Sub-Inspector of Police to the effect that during his visit to a particular locality falling within the jurisdiction of his Police Station he noticed that the law & order situation was worsening and that violent mobs duly armed with lathis, spears etc., were attacking the business establishments/residential houses of the Sikhs and were indulging in loot and arson of their property and even committing murders of Sikhs in the locality. On the basis of such reports which were bereft of any details or particulars about any specific incident of murder, loot or arson, an omnibus F.I.R. was registered and all other subsequent reports of individual or separate incidents lodged by the aggrieved persons/complainants were linked with that omnibus F.I.R. with the result that the circumstances attending

upon each and every such incident, heinous crime or gruesome murder were not incorporated in any duly registered first information report; instead such cases were linked with the omnibus F.I.R. for purpose of investigation by examining the aggrieved persons/complainants under Section 161 Cr.P.C.....

5.3 In a large number of cases relating to the loot and arson of the properties of the Sikhs and gruesome murders of the Sikhs who had been burnt alive in a large number of cases at the hands of the violent mob, this rather ingenious procedure which is obviously not merely irregular but even illegal was resorted to by the concerned police officers with the result that at the stage of trial no corroborative evidence to the deposition of the witness was available which could have been available had a proper F.I.R. been recorded. The Courts were thus deprived of valuable material which could undoubtedly be of great help in ascertaining the veracity of deposition of the first informant. The non-registration of F.I.Rs as provided for in Section 154 Cr.P.C. thus undermined the very foundation of the prosecution case. Hence a large number of cases in which the charge-sheets were filed in Court ended in acquittal mainly because of this serious lacuna and intrinsic infirmity in the investigation.....

5.4This Committee was also distressed to notice that apart from the above mentioned illegality/infracton of statutory provision committed by the local police of various riot-affected

Police Stations, the investigation carried out was itself absolutely casual, perfunctory and faulty. For instance, somehow a practice grew up with the Investigating Officers to examine only complainant, widow or son or father of the deceased as the case may be, under Section 161 Cr.P.C. The statements so recorded were laconic, cryptic and sketchy running over just three or four lines barely covering the narration of the incident. In most of the cases such statements would end up with concluding sentence that the maker of the statement was not able to identify anyone from amongst the culprits/mob. The Investigating Officer would thus make a short shrift of the matter and throttle the grievance of victim of violence regarding murder of kith & kin or loot and arson of his/her property as the case may be at the very threshold.

5.5 Since a number of incidents of mob violence took place on a particular day in a particular locality at about the same time during 31st October, 1984 to 4th November, 1984 only it should have been possible for the local police to co-relate the various incidents and find out corroborative evidence but nothing of the kind was done and the solitary witness to the crime even when a charge-sheet was filed in the Court would by and large be the complainant alone irrespective of whether he/she had witnessed the occurrence. Indeed the whole investigation was done in such a perfunctory, casual and mechanical manner that no attempts were made even to find out the ocular witnesses to the occurrence, if any, much less corroborative evidence in any

shape or form. To crown all, no attempts were made to examine even the family members of the deceased, other than the complainant, inmates of the house and neighbors of the deceased. No attempt was made to ascertain even from the complainant if he or she had witnessed any other killing or incident of loot or arson. Such was the colossal indifference towards loss of human life and properties of Sikhs. Even Hindus who incidentally suffered in loss of life or property during the riots were no exception, so far as investigation of their grievance was concerned.

5.6 The Committee was equally concerned to notice that in most of the cases of mob violence, no attempts were made to trace out the culprits and effect recovery of weapons of offence or stolen/looted property. Strangely enough, in some cases even announcements were made by the police intimating the culprits to deposit the looted property quietly on the road-side and they would not be harmed. Such property was later taken to the Police Stations and restored to the concerned claimants. The Courts have deprecated such poor investigation and resort to such methods on the ground that in law such recoveries had no evidential value. It was pointed out that no disclosure statements of the accused persons under Section 27 of the Evidence Act were recorded, no independent witnesses, other than the local police officials were even joined to witness such recoveries. In quite a large number of cases the Courts have observed that such recoveries had been planted on the accused persons whose

names were collected long after the happening of the incidents for reasons best known to the police.

5.7 It may be pertinent to mention here that in a large number of cases the grievance of the deponents is that written reports of the incidents lodged by them were not received by the police officers on duty even in respect of heinous crime and gruesome murders when the names of the culprits were mentioned therein and still worse if the names of culprits included some police officials, influential persons of the town or political bigwigs. Such allegations were repeated by the deponents when examined by the Committee for eliciting some clarification or confirmation of the affidavit.

5.8 Yet another malpractice which came to light was that a kind of format had been prepared at some Police Stations for the aggrieved persons to submit their complaints. The form contained various columns, including names and addresses of the complainants, the damage to the persons, the kind and description of the looted/burnt properties and the quantum of loss suffered by them etc. Unfortunately, however, there was no column therein under which the complainant could write the facts attending on the incidents of murder, the name of the deceased and the names of the culprits if any known to them. Such pieces of information when produced in Court were bound to recoil on the prosecution on the ground that the same were bereft of the details of the incident, the names of the witnesses and the names of the accused persons, if any. Evidently, this

illegal procedure caused incalculable harm to the aggrieved persons/complainants and many a murder was not even reported to the police. A copy of such a format is annexed at Annexure 'Z' of the Report.

5.9 The Committee also noticed with deep concern that in a large number of cases the incidents reported by the aggrieved persons were not reflected in the charge-sheets even though such aggrieved persons had been examined under Section 161 Cr.P.C. and were cited as Prosecution Witnesses with the result that no distinct/separate charges were framed by the Court in respect of each and every offence as required by the provisions contained in Section 212 and 218 Cr.P.C. The charge-sheets filed in Court were mostly couched in general terms without specifically referring to particular incidents. However, the Committee was astounded to notice that in a large number of charge-sheets filed in Court, several accused persons numbering even 100 and more were arraigned to stand trial together even though allegations against them or some of them were totally distinct and the offences were not co-related to each other in the sense that they did not form part of the same transaction or series of transactions. The obvious result was that such cases ended in acquittal of the accused persons due to utter confusion caused by the indiscriminate mixing of charges and want of marshalling the evidence.

5.11 Still worse it was noticed that although a large number of Prosecution Witnesses had been cited in the list attached to the charge-sheet, only a few of them were actually examined at the trial on some pretext or the other. In quite a large number of cases even the solitary ocular witnesses were not examined even though a number of adjournments had been granted by the Court on the pretext that they were not traceable with the result that they inevitably culminated in acquittal. It may be pertinent to mention here that several such witnesses who happened to be widows etc. of the deceased could be successfully traced out by the concerned staff of the Committee for examination by the Committee.

5.12 The last but not the least, the Committee records with a sense of deep anguish that the cases of loot and arson committed by the riotous mobs on a large scale resulting in immense damage to and loss of the business establishments, vehicles and other valuable assets of the Sikhs were by and large shelved in cold storage and no heed was paid or concern shown by the Investigating Officers of various Police Stations to probe such cases except recording the laconic and cryptic statements under Section 161 Cr.P.C. of the aggrieved persons/complainants. Virtually no attempt was made to identify and trace out the culprits and recover the looted property and bring them to book.

..... All the same the fact remains that the cases of loot and arson of the business establishments and vehicles etc., belonging to the Sikhs occurred at a massive scale

and mostly during the day time. Hence the Committee is of the view that it should not have been very difficult for the Investigating Officers to gather the necessary information from sources other than the deponents and trace out the culprits. The mere fact that a victim of the crime is unable to furnish the names or provide any clue to the identity of the miscreants does not absolve the concerned police officer from discharging his statutory duty of investigating properly and with a sense of dedication. However, sincerity of purpose and dedication of duty were totally lacking in such cases.

19. The Committee of Justice J.D. Jain and Shri D.K. Agarwal has in its Report referred to certain specific cases which show that the investigation of the cases was done in a very casual manner and even eye-witnesses of the incident, who were close relatives of the deceased, were neither examined under Section 161 Code of Criminal Procedure, nor they were examined as witnesses in the Court. File No. 30/2482/85/JPRC/SP/90/ relates to an Affidavit by Smt. Nirmal Kaur, widow of Harbans Singh r/o Gali No.5, Sagarpur, Delhi Cantt.. It was stated in the affidavit that on 1st November 1984, a violent mob which was being led by one Raj Bania belonging to the same locality gave beatings to her husband with iron rods, sprinkled kerosene oil on him and burnt him alive. The grievance of Smt. Nirmal Kaur had

been linked with FIR No.410/84 which had been lodged by Sub Inspector Ramesh Rana and was of a general type. In the criminal case in the Court of Learned Additional Sessions Judge two daughters of Smt. Nirmal Kaur, namely Karamjit Kaur, aged 17 years and Gurpreet Kaur, aged 12 years were not examined as eye-witnesses. Their statements had also not been recorded under Section 161. The case ended in acquittal. File No. 114/2421/85/JPRC/SP/90/ relates to an Affidavit filed by Shri Sudershan Singh where in it was mentioned that his father Harchand Singh, brother Darshan Singh and his neighbor Nirmal Singh were killed by a mob in the night of 2nd/3rd November 1984. Among the culprits, he mentioned the names of Balwan Khokhar, Sajjan Kumar, Mohinder Singh Yadav, and some others. FIR No.418/84 had been registered on the basis of the written statement of Smt. Surjeet Kaur, widow of Harchand Singh. In this case, the prosecution cited 6 witnesses, out of whom 5 were police officers. But Smt. Surjit Kaur was not examined on the ground that her whereabouts were not known. Her daughter Bobby, who was an eye-witness was not cited as witness in charge-sheet. The triple murder ended in acquittal. Similarly, in Sessions case No.111/85 regarding murder of Chhatar Singh and Niranjana Singh, the only eye-

witness Smt. Somwati, widow of Chhatar Singh was not examined on the ground that she was not available at the given address. The Committee has given several instances and details of cases where the widow of the deceased or mother of the deceased who were eye-witnesses of the incidents, were not examined in Court on the ground that they were not traceable.

20. Justice Nanavati Commission, in its Report has, briefly, given some details of the rioting in each Police Station and the steps taken by the police. The facts mentioned show that there was a deliberate attempt by the Police to minimize the number of deaths and also not to register the FIR regarding the incidents.

21. The observations made by the Commission regarding some of the Police Stations is reproduced below.

Police Station Delhi Cantt. (Page 58):

“The area falling within this Police Station was one of the worst affected areas of Delhi.....Incidents of arson and looting started in this area from the evening of 31-10-84. Killing of Sikhs on a large scale took place on 1-11-84 and 2-11-84. According to the police record 246 Sikhs were killed in this area between 31-10-84 and 5-11-84. It is stated by the Carnage Justice Committee that as many as 426 persons were

brutally killed in this area by the rioting mobs. The Ahuja Committee in its report determined the number of deaths at 341. According to the police record, 6 Gurudwaras, 385 houses, 110 shops and 45 vehicles were burnt. The police had received about 150 complaints regarding murders and incidents of arson and looting.Even though more than 340 Sikhs were killed in this area and a large number of houses and other properties were burnt, only 5 FIRs were recorded by the Police.

Police Station Seema Puri (Page 78) :

Shri R.C. Thakur was the Station House Officer of this Police Station. Many incidents of violence had happened in this area between 31-10-84 and 1-11-84. According to the police record 32 Sikhs were killed. Ahuja Committee found that probably 247 Sikhs were killed. The affidavits before Justice Misra Commission indicated deaths of about 203 Sikhs. The Delhi Administration paid compensation to about 205 persons. On the basis of the record it appears to the Commission that more than 200 Sikhs were killed in this area.”

Police Station Gandhi Nagar (Page 83):

The Police record mentions only 30 deaths in this area but according to the record of the Relief Commissioner 51 persons were killed between 1-11-84 and 3-11-84. 20 persons had filed affidavits before Justice Misra Commission in respect of the incidents in this area. 4 Gurudwaras, 56 shops and 24 vehicles

were looted or burnt..... In spite of so many incidents and so many deaths having taken place in this area, the police had registered only one FIR on 1-11-84, 3 FIRs on 2-11-84 and 2 FIRs on 3-11-84. FIR No. 319 registered on 3-11-84 was in respect of killing of three persons. Even though 2 persons were named therein as accused, Sub Inspector Om Prakash arrested them under Section 107 and 105 of the Criminal Procedure Code and not under Section 302 Indian Penal Code with the result that they were able to obtain bail in the Court.

Police Station Kalyanpuri (Page 85):

..... This area was one of the worst affected areas of Delhi. The incidents of arson, looting and killing had continued almost continuously from 1-11-84 till 3-11-84. According to the police record 154 Sikhs were killed in this area during those days. The Ahuja Committee estimated that about 610 deaths had taken place in this area. The figure disclosed by the police records does not appear to be correct as no effort was made to register all the deaths. Large number of dead bodies were allowed to be burnt or were carried away in vehicles either by the police or by the rioters. On the basis of the affidavits filed by witnesses to the incidents it would appear that 300 to 400 Sikhs were killed in this area.

.... In spite of so many incidents of arson, lootings and killing in that area, only 3 FIRs were recorded on 1-11-84. FIR 422 and 423 were of general nature. The fact that weapons, which

were with Sikhs, were taken away, receives some support from FIR 424. Surprisingly, all the arrests made pursuant to FIR 424 were of Sikhs.

... Even though large number of Sikhs were killed and there was widespread damage in those two blocks and other areas of Kalyanpuri Police Station vital information appears to have been suppressed deliberately by the police at all levels and gravity of the situation was tried to be minimized.

Police Station Shahdara (Page 95) :

According to the Police record 114 incidents of arson, 36 incidents of looting and 33 deaths of Sikhs were reported at this Police Station between 1-11-84 and 5-11-84. According to the affidavits filed before Justice Mishra Commission about 580 deaths had taken place in this area. According to the estimate of the Relief Commissioner deaths were 258. Ahuja Committee has concluded that 171 deaths had taken place in this area.

Police Station Sultanpuri (Page 110) :

..... This area was one of the worst affected areas of Delhi. Here the violent attacks on Sikhs and their properties were on a large scale. The blocks mainly affected were A-4, C-4 and F Block.

.... In spite of so many incidents, which took place in A-4 Block on 1-11-84, only one FIR (FIR No. 250) was recorded by the Police. During the investigation of that FIR, murders of 137

persons at different places of Sultanpuri were included in it.....

In FIR No.250 incidents involving deaths of 137 Sikhs and 88 cases of looting of houses were investigated.

In FIR No. 251 incidents involving death of 24 Sikhs and 66 cases of looting or house burning were investigated.

In FIR No. 252, 95 death of Sikhs and 71 cases of looting and damaging houses were investigated. In this case 32 persons were arrested and charge-sheeted. 3 accused were convicted and 29 acquitted.

Police Station Nangloi (Page 117) :

This area was also very badly affected by the riots. Between 1-11-84 and 3-11-84, about 122 Sikhs were killed, 5 Gurudwaras and 34 vehicles belonging to Sikhs -were burnt. Violent attacks by riotous mobs started from the morning of 1-11-84. At about 10 AM, house of Gurubachan Singh, r/o Y Block, JJ Colony was attacked by a mob of 500 to 700 persons. He has stated in his affidavit that he had seen Shri Sajjan Kumar who was the Congress (I) MP of that area directing the mob to attack Sikhs. About 10 policemen were also present near that place and they were also encouraging the mob to kill Sikhs.The case diary and the papers clearly show that the Police had not maintained correct record with respect of that incident and even had tried to manipulate the same with the result that no charge was framed for the murder of Bawa Singh.

.... Rohtas Singh, who was Investigating Officer in this case, does not appear to have investigated the case honestly. The alterations made in the case diary lead to this inference. In spite of the fact that Gurdeep Kaur and Kuldeep Kaur were the eye-witnesses, no separate case for the murders of Bawa Singh, Kulwant Singh and Avtar Singh was registered and no evidence was collected and thus the murderers were not put up for trial.

.....”

22. The extracts from the reports of the Justice Ranganath Misra Commission, Justice Nanavati Commission and also the Committee of Justice J.D. Jain and Shri D.K. Agrawal clearly show that quite often only one FIR was lodged relating to large number of separate incidents involving brutal murder of many Sikhs. In number of cases, after assaulting the victims, kerosene was poured on them and they were burnt alive. Each murder or killing was a separate offence under Section 302 IPC which required proper investigation. The attack launched by the assailants was on different houses and residences of the victims in an area or locality and the assault was witnessed by the family members of the victims who were present in their own house or in the immediate vicinity. The same persons or members of family of one victim could not be witness of an incident happening at some other house at some distance. The

lodging of one composite FIR relating to several or many killings as completely contrary to the mandate of law as contained in Section 154 of Code of Criminal Procedure. The statement of the witnesses of each killing had to be separately recorded under Section 161 Cr.P.C. but this was not done. At most the statement of only one member of the family of the deceased was recorded under Section 161 Cr.P.C.. Even this statement was very cryptic and sketchy, very often only in 3 or 4 lines, bereft of any detail. Even where the names of the assailants were mentioned by the eye-witnesses of the incidents, the same were deliberately not mentioned. No proper investigation of a crime can be done where a single FIR has been recorded relating to large number of killings at different houses or residences in a locality. Thus, there can not be slightest manner of doubt that an effort was deliberately made right from the beginning to minimize, as far as possible, the number of killings, to shield the assailants by not mentioning their names and to weaken the prosecution case by recording statement under Section 161 Cr.P.C. of only one or two eye-witnesses of the incidents and even that statement was recorded in a very cryptic manner without giving any detail or full description of the incident. In fact, there has been no

proper investigation of the offences committed, as required by law, and some kind of sham effort had been made to give it a shape of investigation and thereafter a report has been filed in the concerned Court. The investigation in many offences including killing, looting and burning of houses and business establishments have been closed as untraced.

23. Even in those cases where charge-sheet was submitted for prosecution of the offenders, the conduct of the cases on behalf of the State has been extremely bad. It appears from the Report of the Committee of Justice J.D. Jain and Shri D.K. Agarwal (where copies of the some of the judgments delivered by the Session Judges have been annexed and details of some trials have been given) that family members who actually saw the commission of the crime and were the most important and material witnesses, were not produced in Court. In some cases only policemen were produced as witnesses who were not eye-witnesses of the incidents and thus there was no evidence before the Court on which any finding of guilt could be recorded and consequently the cases ended in acquittal. There are also cases in which the most important eye-witness of the commission of the crime, like the widow or other family members of the deceased were

not examined on the pretext that they were not available at the place of their residence and were not traceable. Some of the eye-witnesses may have gone away from their original place of residence where the killing or burning of the house had taken place and may have moved away to a different locality or to some other city. This, they may have done for their own safety and under sheer force of circumstance. But it was not difficult for the police or State machinery to find out their whereabouts even if they were living in some other cities and to have produced them as witness in the Court. The apathy of the State machinery in properly conducting the prosecution of the offenders is writ large. In fact, in many cases, it was a foregone conclusion that no conviction was possible. A mere formality was done to present a picture that the State has done its duty in investigating the case, submitting the charge-sheet and prosecuting the offenders and it was the Courts which gave judgment acquitting the accused. In a criminal case, unless the prosecuting agency acts diligently and produces all the relevant evidence and material, the Courts cannot record a finding of guilt and convict an accused. It is on account of apathy of the State machinery that many genuine cases where the offenders who were guilty of having committed serious crimes of

murder by assault and burning and also of looting property got a verdict of acquittal in their favour.

24. The incidents, no doubt, happened in the period 31st October to 7th November 1984 and a period of 30 years has elapsed. The Code of Criminal Procedure provides a period of limitation for taking cognizance of an offence only for such offences which are punishable with imprisonment for a term not exceeding 3 years vide Section 468. Even here, by virtue of Section 473, the Court has been given power to take cognizance of the offence after expiry of period of limitation of 3 years if the delay has been properly explained. The offences alleged to have been committed during the period of rioting are murders, robberies and setting on fire residential premises and business establishments which are punishable with death sentence, imprisonment for life or imprisonment for 10 years as the case may be. Thus, in law, there is no period of limitation for taking cognizance of various serious offences committed during the riots.

25. The Law seeks to protect life and limb; it endeavors to guard family relations from aggressive disruption from outside; it provides redress against violation of property rights. Furthermore, the law has played a role in creating safeguards against civil disorder. Thomas

Hobbes said – “the safety of the people is the supreme law” Human welfare demands, at a minimum, sufficient order to ensure that basic needs are satisfied, not in a state of constant chaos and conflict, but on a peaceful, orderly basis with a reasonable level of day to day security.

26. The crime must be prevented by some means or other; and consequently whatever means appear necessary to that end, whether they be proportional to the guilt of the criminal or not, are adopted, rightly, because they are adopted upon the principle which alone justifies the infliction of punishment at all. The very end for which human government is established, requires that its regulations be adopted to the suppression of crimes.

27. The overall aim of the people or a good Government is to maximize the happiness of the entire society. Crime is a reduction in happiness. Punishment is considered as one of the measures for dealing with the crime. It will not be out of place here to briefly advert to the theory and purpose of punishment. This has been stated in a very concise form in 21 American Jurisprudence (2d) Note 576 in following words:

“ The term ‘punishment’ may be defined as any pain, penalty, suffering or confinement inflicted on a person by authority of law and the judgment or sentence of a court for some crime or offence committed by him.....

..... It is said that the purpose of imposing penalties is not expiation or atonement of the offence committed, but prevention of future offences of the same kind, the reformation of the wayward and the protection of the society.”

Section 15 of Salmond on Jurisprudence (Twelfth Edition by P.J. Fitzgeralds) deals with the topic – The Purpose of Criminal Justice : Punishment. It will be useful to quote the views of the learned author (Page 94) :

“ We can look at punishment from two different aspects. We can regard it as a method of protecting society by reducing the occurrence of criminal behavior or else we can consider it as an end in itself. Punishment can protect society by deterring potential offenders by preventing the actual offender from committing further offences and by reforming and turning him into a law-abiding citizen.

Page 95 : The deterrent theory, by contrast, would reject as totally unfitted for any penal system any measures inadequate to dissuade offenders from further offences.

If criminals are sent to prison in order to be there transformed into good citizens by physical, intellectual and moral training,

prisons must be turned into dwelling houses far too comfortable to serve as any effectual deterrent to those classes from which criminals are chiefly drawn. Further difficulty arises with the incorrigible offender. Some men appear to be beyond the reach of any correctional influences and yet they cannot just be abandoned as totally unfit for punitive treatment of some sort. The protection of society demands at least a measure of disablement to restrain such persons from further harmful activity.

Page 97: It is needful, then, in view of modern theories and tendencies, to insist on the importance of the deterrent element in criminal justice. The reformatory element must not be overlooked, but neither must it be allowed to assume undue prominence. How much prominence it may be allowed is a question of time, place and circumstance.”

28. In jurisprudence by R.M.W. Dias (Fifth Edition – First Indian Reprint 1994) in Chapter VI dealing with Control of Liberty, the author has expressed his views in following words on page 120 and 121:

“Enforceability of a law depends on the observance by the officials concerned of other laws giving effect to the penalty. Once they are discouraged because lack of interest in upholding laws, the practical foundation of law enforcement as a whole is eroded.....

It is important to remember that those loyal to standards and laws should not be betrayed. Removal of laws as a concession to dissidents is more likely to bring about the loss of their confidence and faith. The easing of laws and penalties on anti-social conduct may conceivably result in less freedom and safety for the law-abiding. As Dietze puts it : 'Just as the despotic variant of democracy all too often has jeopardized human rights, its permissive variant threatens these rights by exposing citizens to the crimes of their fellow-men'. Mere condemnation of such behavior and words of sympathy with victims are never enough without firm action giving practical effect to such sentiments. The more law-abiding people lose confidence in the law and those in authority to protect them, the more will they be driven to the alternative of taking matters into their own hands, the perils of which are unthinkable and are nearer than some liberally-minded philanthropists seem inclined to allow."

29. Punishing an accused may afford the victim or his family a measure of lawful vengeance, which conceivable could diffuse a potentially retaliatory scenario in which the victim and his family seek to take justice into their own hands. General deterrence is not aimed at the accused or the criminal. Rather the sentence is meant "to send a message" to others. The accused is made an example of what will happen to other persons to commit that crime. A sentence may often be justified solely as an expression of society's outrage at heinous anti-social behavior. In his statement to Royal Commission

on Capital Punishment Lord Denning said that the ultimate justification of any punishment is not that it is a deterrent but that it is the emphatic denunciation by community of a crime. (Punishment and Responsibility by H.L.A Hart, Oxford University Press). Eminent jurists are however unanimous that the chief value of punishment consists in its deterring or preventing crime and protection of society. Therefore it is wholly wrong to undermine the value or impact of punishment which is absolutely essential for protection of law abiding people and the society.

30. Justice Ranganath Misra Commission also observed (Page 62)

“..... The desire to punish is deeply ingrained in man. Law is said to be a regulator of human conduct and those who do not behave according to the set pattern of society and thus commit crimes expose themselves to the process of law. The sharp teeth of law are supposed to bite the deviators.

.....The Commission is inclined to agree that unless the wrong-doers are punished appropriately in accordance with Law, apart from the fact that the victims will go totally unsatisfied and this social failure will lurk in their minds for years to come and is likely to be misunderstood as a treatment of partiality, the wrong-doer would feel encouraged and get emboldened to look forward to fish in troubled waters. It is, therefore, necessary and the Commission is of the firm

opinion that every wrong-doer should be punished in accordance with law and every victim should have the satisfaction that the wrong done to him/her has been avenged in terms of , and according to, the scale of justice. Where the community machinery fails to avenge, private enterprise starts. This again has a very detracting force on society and its control and no room for that should be left.”

31. The Committee is, therefore, clearly of the opinion that the cases of rioting which took place in Delhi in October-November 1984 should be properly investigated and after collection of evidence, prosecution should be launched against those who are found to have committed criminal offences. For this purpose, a Special Investigating Team (SIT) be constituted which should be headed by a senior and experienced person. The SIT should examine the records afresh from the Police Stations concerned, and take all such measures which are enjoined under Law for a thorough investigation of the criminal cases and wherever appropriate file charge-sheet in Court for prosecution of the offenders.

32. The SIT, while conducting investigation of cases, should keep in mind certain statutory provisions which create a bar on second prosecution. Article 20 sub clause (2) of the Constitution of India says that no person shall be prosecuted and punished for the same offence

more than once. Sub Section (1) of Section 300 Code of Criminal Procedure reads as under :

Sec 300 (1) - "A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which he might have been convicted under sub-section (2) thereof."


32. Sub-section (2) to (6) of Section 300 Cr.P.C. provide some contingencies where acquittal or conviction for an offence may not create a bar for subsequent trial. Article 366 of the Constitution which is a definition clause does not define the word "offence" and therefore in view of Article 367 of the Constitution, the definition of the word "offence" has to be seen in General Clauses Act where it is defined in Sec 3 (38). The same definition of the word "offence" is given in Section 3(n) of Code of Criminal Procedure and it means any act or omission made punishable by any Law for the time being in force. Several offences may have been committed in the same or single incident and therefore "incident" should not be confused with

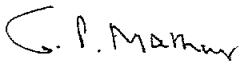
“offence”. The bar created by Sec 300(1) Cr.P.C. is against second trial for the same “offence”.

33. The Committee of Justice J.D. Jain and Shri D.K. Agarwal has noticed that where several murders were committed and property was looted, the offenders were prosecuted only for an offence under Section 411 and 412 IPC (dishonestly receiving or retaining property stolen in the commission of dacoity). Acquittal in a trial under Section 412 IPC in such a case would not bar subsequent prosecution for murder under Section 302 IPC. The Report shows that there are cases where the offenders were not prosecuted for serious offences but were tried only for some minor offences.

34. To conclude, the Committee is of the opinion that a Special Investigation Team (SIT) may be constituted which should be headed by a senior and experienced officer. The S.I.T. should examine the records of the Police Stations and also the files of Justice J.D. Jain and Shri D.K. Agarwal Committee in appropriate serious cases. Those cases where there is a statutory bar to prosecution, need not be investigated as it will be an exercise in futility. Where after investigation sufficient evidence is found available which may result

in a verdict of conviction, charge-sheet should be filed against the accused in the proper court.


22/01/2015
(J.P. Agrawal)


(Justice G.P. Mathur)
22-1-2015

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SECOND REPORT

BY

THE COMMITTEE ON
1984 ANTI-SIKH RIOTS

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J.P.Agrawal
J. S. (Judicial),MHA
MEMBER SECRETARY

Justice G.P.Mathur
(Former Judge, Supreme Court)
CHAIRMAN

The Ministry of Home Affairs, Government of India, vide Notification No. 13028/13/2014-Delhi-I(NC) dated 23rd December 2014 constituted a Committee to look into the grievances of victims of Anti-Sikh riots which took place in October-November 1984. The terms of reference of the Committee are as under:

- (i) Need for constitution of SIT for investigating the cases of 1984 riots;
- (ii) To look into the grievances related to 1984 riots;
- (iii) To oversee the implementation of the payment of additional/enhanced compensation.
- (iv) Requirement of any other assistance for 1984 riot victims.

It is mentioned in the Notification that the Committee would complete its work and submit its report within three months.

2. The Committee was of the opinion that the investigation of heinous crimes committed during rioting wherein more than 2733 persons were killed in Delhi, huge amount of property was looted and burnt and also prosecution of those who committed these crimes deserved priority as a period of 30 years had elapsed. Therefore, the Committee initially took

up the first point, namely, "Need for constitution of Special Investigation Team (SIT) for investigating the cases of 1984 Riots."

3. After consideration of the Reports of Justice R.N. Misra Commission of Enquiry which was submitted to the Government in August 1986, Justice G.T. Nanavati Commission of Enquiry which was submitted to Government on 9th February 2005, the Report of the Committee of Justice J.D. Jain (Retired Judge of the Delhi High Court) and Shri D.K. Agarwal (Retired DG of Police) which was submitted on 30th July 1993 and also other material this Committee submitted a Report to the Home Ministry on 22nd January 2015 on the first point.

4. The recommendation made by the Committee is contained in the last paragraph of the Report and the same is as under:-

"To conclude, the Committee is of the opinion that a Special Investigation Team (SIT) may be constituted which should be headed by a senior and experienced officer. The S.I.T. should examine the records of the Police Stations and also the files of Justice J.D. Jain and Shri D.K. Agarwal Committee in appropriate serious cases. Those cases where there is a statutory bar to prosecution need not be investigated as it will be an exercise in futility. Where after investigation sufficient evidence is found

available which may result in a verdict of conviction, charge-sheet should be filed against the accused in the proper court.”

5. The Ministry of Home Affairs appointed two Committees on 13th August 2005 regarding rehabilitation of victims and payment of compensation in case of death or injury or damage to property. The Committee of Shri D.K. Shankaran, Secretary (Border Management) MHA gave a Report regarding rehabilitation of victims and compensation for damaged residential and commercial properties, including industrial properties and machines, etc. on 24th October 2005. The Committee of Shri K.P. Singh Special Secretary (Home) MHA submitted a Report on 23rd October 2005 regarding adequacy and uniformity of compensation to the surviving family members of the persons killed or injured. The main recommendations made by the Committee were as under:-

- “(a) The compensation in case of death during 1984 riots should be Rs.7 lakhs as on October, 1984.
- (b) The amount of Rs.7 lakhs will be reduced by the amount already paid (different amount by different states) and on the balance amount, interest at 5.25% may be paid.
- (c) In case of injuries, compensation @ Rs.1.25 lakhs should be provided to all injured persons in all the affected States

during 1984 riots. The amount already paid should be deducted from this amount.

- (d) The concerned State Governments should be persuaded to pay the additional compensation. However, if the State Governments express their inability due to financial constraints, the Government of India may be requested to come to the help of those States.
- (e) All death cases which took place in trains during 1984 riots should also be considered for payment of additional compensation as mentioned in (a) and (b) after due verification. The Punjab Government, the Ministry of Defence and the Ministry of Railways should be requested to provide necessary assistance in identifying such cases.
- (f) No new claims for death or injury compensation should be entertained. Only those who received compensation earlier should be eligible for the enhanced compensation. However, if there are any pending or disputed cases which are awaiting decision for want of the necessary proof/evidence, such cases can be considered if they are finally accepted as genuine claims"

6. The Ministry of Home Affairs, Government of India, thereafter, issued an Order on 16th January 2006 sanctioning following ex-gratia amount and other assistance to the victims of 1984 riots in case of death or injury. Rehabilitation grant was also provided to those families who had migrated to Punjab from other states:-

- “(i) Ex-gratia amount @ Rs.3.5 lakh would be paid in each case of death during the riots. This will be in addition to the amount already paid by the respective State Governments;
- (ii) Ex-gratia amount in case of injuries will be paid @ Rs.1.25 lakh minus the amount already paid by the State Governments;
- (iii) All death cases which took place in trains during the 1984 riots would also be considered for payment of ex-gratia after due verification. The Government of Punjab, Ministry of Defence and Railways are to assist in verification of claims and identifying such cases;
- (iv) No new claims for grant of ex-gratia for death or injury would be entertained. Only those who received ex-gratia earlier should be eligible for the enhanced additional ex-gratia amount. However, if there are any pending or disputed

cases which are awaiting decision for want of the necessary proof/evidence, such cases can be considered if they are finally accepted as genuine claims;

- (v) The State Governments may grant pension to all the widows and old aged parents of those who were killed in the 1984 riots at the uniform rate of Rs.2500/- per month for the whole life from a prospective date. Wives of those who have suffered disability of 70% or more and those who are missing since 1984 may also be provided pension at the same rate;
- (vi) Approximately, 22,000 families of victims of the riots, which migrated to Punjab from other riot affected States and are still living there, would be paid Rehabilitation Grant @ Rs.2 lakh per family. Similarly placed families of victims of the riots living in other States may also be given Rehabilitation Grant at the rate of Rs.2 lakh per family."

There was also provision for payment of compensation in cases of damage to property whether residential, commercial or industrial.

7. The order provided that the entire exercise of payment of compensation and rehabilitation grant was to be performed by the respective State Governments. The expenditure incurred by the State

Governments in payment of compensation for death, injury or damage to property was to be reimbursed by the Central Government.

8. The Ministry of Home Affairs, Government of India, issued another order on 16th December 2014 for providing additional compensation to the next of kin of persons who were killed in 1984 Anti-Sikh riots. The relevant part of the Order is reproduced below:-

- (i) In addition to the amount already paid, the next of kin would be given enhanced relief of Rs. 5.00 lakh per deceased person;
- (ii) The concerned State/Union Territory Governments would identify legal heirs of the deceased persons with all other relevant details;
- (iii) As approved earlier by the Central Government, the States/Union Territories would disburse the money from their own funds and Ministry of Home Affairs would reimburse the amount on receipt of Utilization Certificates from the State/Union Territories.

The Order has been sent to all the State Governments where incidents of rioting took place, for initiating action for payment of additional compensation.

9. The payment of additional amount of Rs.5 lakhs to the next of kin of a deceased person is to be done by the State Government/Union Territory and therefore this Committee sent a letter to Chief Secretaries of all the States and Union territories on 27th January 2015 requesting them to inform the current position of the implementation of the decision of the Central Government. Since no reply was received from any of the State Government or Union territory, the Committee sent a reminder to all the State Governments and Union territories on 16th February 2015. The Committee has also sent letters to Secretary, Ministry of Defence and also Chairman & Ex-Officio Principal Secretary, Ministry of Railways on 20th February 2015 enquiring whether their Ministries had identified any one as victim of 1984 Anti Sikh riots for payment of compensation or for providing any assistance. However, till today no reply has been received except from Government of NCT Delhi

10. The Government of NCT Delhi has written a letter to the Ministry of Home Affairs, Government of India that an amount of Rs.122.95 crores will be required for payment of enhanced compensation of Rs. 5 lakhs to the next of kin of each deceased and that it did not have sufficient funds for the said purpose. It has requested the MHA to make available the said amount for disbursement. A copy of the letter which has also been sent

to the Committee is attached as Annexure A to the report. For this purpose, necessary steps have to be taken by the UT Division of M.H.A.

11. The Committee has received representations from some Sikh families wherein a prayer has been made that suitable employment may be given to one member of the family of a person who was killed in the riots. Representations have also been received regarding waiver of interest on the loan taken by a person who was killed in the riots or the loan taken by the dependents of the deceased. These matters require proper investigation of facts for which necessary steps are being taken by the Committee and it will take some time.

12. The payment of enhanced compensation of Rs.5 lakhs to the next of kin of a deceased is of immediate priority. The Committee has sent letters and reminders to all the State Governments/Union Territories but on account of the fact that reply has not been received from the respective Governments, it could not be ascertained whether enhanced compensation has been paid and, if so, to how many victims.

13. The Joint Secretary (UT) of Ministry of Home Affairs vide his letter dated 30th January 2015 had sought the opinion of the Chairman of the Committee regarding the composition of Special Investigating Team (SIT). The Chairman had given his opinion on 2nd February 2015. According to

newspaper reports S.I.T. has been constituted. However, till today the members of S.I.T. have not met the Chairman. There has been no interaction or discussion regarding the manner in which the S.I.T. should proceed or would function.

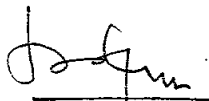
14. The Committee has sent letters to Chief Secretaries of the following States/Union Territories:-

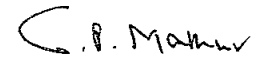
- (1) Uttar Pradesh
- (2) Madhya Pradesh
- (3) Chattisgarh
- (4) Haryana
- (5) Bihar
- (6) Jharkhand
- (7) Jammu & Kashmir
- (8) Himachal Pradesh
- (9) Orissa
- (10) Maharashtra
- (11) Uttarakhand
- (12) Punjab
- (13) NCT of Delhi
- (14) Tamil Nadu
- (15) West Bengal
- (16) Union Territory of Chandigarh

15. The Committee was given three months time to complete its work and submit its report by the Notification dated 23rd December 2014 which period will expire on 22nd March 2015. The Committee is unable to

complete the work assigned to it regarding point No. (iii) relating to payment of additional/enhanced compensation within the time granted on account of want of response from the respective State Governments/Union Territories.

16. Regarding grant of employment to a member of the family of a deceased, enquiry has to be made from the concerned State Government. Likewise, waiver of interest on loan taken by the deceased or by the dependents of the deceased, enquiry has to be made from the concerned Bank. This exercise is likely to take time and the Committee cannot give any recommendation until complete response is received.


18/3/2015
(J.P. Agrawal)


18-3-2015
(Justice G.P. Mathur)

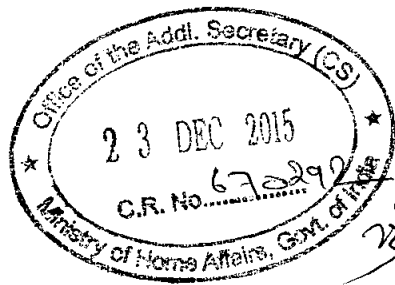
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उपसचिव मंत्रालय

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THIRD REPORT
OF
THE COMMITTEE FOR 1984 ANTI SIKH RIOTS VICTIMS'
GRIEVANCES

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22/12/15

December 18, 2015

G. P. Mathur
Justice G.P. Mathur
(Former Judge, Supreme Court)
CHAIRMAN

The assassination of Smt. Indira Gandhi, the then Prime Minister of India, on 31-10-1984 by her own security guards, who were Sikhs, triggered anti Sikh riots in Delhi and other parts of the country. The incidents of violence in Delhi started from the evening of 31.10.1984 and continued till 7.11.1984, though the situation had started improving from 3.11.1984. Violent attacks were made on Sikhs and their properties in Delhi and some other cities in the country. Large number of Sikhs were killed and many were seriously injured. Their properties were ransacked, looted and burnt. Incidents of violence also took place in Kanpur in the State of Uttar Pradesh and Bokaro and Chas tehsils in the State of Bihar. High functionaries, both executive and political of Government of India, besides Ministry of Home Affairs had been receiving complaints and representations from large number of individuals and associations for providing relief to the victims of 1984 anti sikh riots and punishing the culprits. Accordingly, the Ministry of Home Affairs, Govt of India, vide Notification No.13028/13/2014-Delhi-I(NC)

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dated 23-12-2014 constituted a Committee to look into the grievances related to 1984 riots. A copy of the Notification is reproduced below:

“No. 13028/13/2014-Delhi-I(NC)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi
Dated the 23rd December, 2014

OFFICE MEMORANDUM

Subject: Constitution of a Committee to look into the grievances related to 1984 riots.

The undersigned is directed to say that this Ministry has been receiving a large number of complaints from various individuals/associations in the matter of 1984 Anti Sikh Riots. Therefore, it has been decided to constitute a Committee to oversee the implementation of the payment of additional compensation and to look into the large number of grievances being received from various individuals/associations in the matter of 1984 Anti Sikh Riots. The composition of the proposed Committee is indicated below:

1. Justice G.P. Mathur – Chairman
2. Shri J.P. Aggarwal, JS(Judicial), MHA-Member Secretary

2. The terms of reference of the Committee will be as follows:

- (i) Need for constitution of SIT for investigating the cases of 1984 riots;

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- (ii) To look into the grievances related to 1984 riots;
 - (iii) To oversee the implementation of the payment of additional/enhanced compensation.
 - (iv) Requirement of any other assistance for 1984 riot victims.
3. The Committee would complete its work and submit its report within three months.

Sd/-
(Hemlata)
Under Secretary (Delhi)
Tel/Fax – 23094387

The Committee started the work assigned to it from 26th December, 2014 and submitted a Report on the first point on 22nd January, 2015. The tenure of the Committee was extended upto 31st December 2015 after submission of the Second Report.

2. At this stage it will be appropriate to mention in short about the earlier Commissions of Enquiry and Committees which had been appointed by Govt of India relating to 1984 Anti Sikh riots. On 26th April, 1985 the Central Government issued a Notification appointing Justice R.N. Misra, a sitting Judge of the Supreme Court, as an Enquiry Commission. The terms of reference of the Commission were as under:

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- “(i) to inquire into the allegations in regard to the incidents of organized violence which took place in Delhi following the assassination of the late Prime Minister, Smt. Indira Gandhi;
- (ii) to recommend measures which may be adopted for prevention of recurrence of such incidents.”

By a Notification dated 10.10.1985, the first aspect referred to the Commission was modified to also include Kanpur in State of Uttar Pradesh and Bokaro and Chas tehsil in State of Bihar. The Commission received in all 2905 affidavits and recorded evidence of 128 witnesses. The Commission submitted its Report to the Government in August 1986 which was tabled in the Lok Sabha in January 1987. The Commission found that the incidents which took place on 31.10.1984 and thereafter, were by way of involuntary reaction of a deep sense of grief, anguish and hatred for the assassins. That spontaneous reaction of the people soon transformed itself into riotous activity with participation and monitoring thereof by anti-socials due to

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passivity of the Delhi police. The Commission also found that the police was either indifferent or negligent in performance of its duties while those incidents were taking place and at times it also connived at or participated in them. There was failure on the part of higher police officers to make a proper assessment of what was brewing in the city. The Commission recommended an inquiry by a high authority to inquire into the conduct of the police and to find out against which police officers action deserved to be taken. It also recommended appointment of a high officer to determine the number of Sikhs killed during those riots. It also made certain recommendations as regards payment of compensation to the victims, their rehabilitation, re-organization of the police, forming of combines of local residents and educating people.

3. Pursuant to the recommendations made by Justice R.N. Misra Commission, the Administrator of Union territory of Delhi, with the approval of the Ministry of Home Affairs,

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Government of India, constituted three Committees on 23.2.1987.

4. A Committee was formed of Shri R.K. Ahuja, the then Home Secretary Delhi Government, to determine the actual number of deaths and the names and other particulars of persons who were killed within the Union territory of Delhi in the riots and also to make suitable recommendations regarding ex-gratia payment or/other benefits to the next of kin. Shri Ahuja submitted his report on 1.6.1988 according to which the total number of deaths which occurred in Delhi during 1984 riots was 2733. At the end of the Report, the Committee observed:

“The figure of 2733 deaths now calculated by this Committee can, therefore, be taken as the authentic figure, though it is possible that there may be marginal changes in the number due to an odd case being brought to light here and there.”

5. A Committee consisting of Justice Dalip K. Kapoor, former Chief Justice of Delhi High Court and Mrs. Kusum

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Lata Mittal, retired Secretary to Government of India, was constituted to enquire into delinquencies of individual police officers in dealing with the situation and protecting the people within Union territory of Delhi, the good conduct of individual police officers and further to recommend such action as may be called for. The Committee could not function amicably as there was difference of opinion amongst the members with regard to the modalities to be adopted for continuing the enquiry. Ms. Kusum Lata Mittal was of the view that the Committee should examine only the available records and submit its report on the basis thereof. Justice Dalip K. Kapoor was of the view that the Committee should collect other material which was not on the record and submit its report after considering all the relevant material. Both the members submitted their reports separately on 1.3.1990. After examining the two reports the Ministry of Home Affairs decided to accept the Report submitted by Ms Kusum Lata Mittal and take action against

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the police officials on the basis there of, wherein 72 police officials were indicted for their lapses in controlling the riots.

6. Another Committee was constituted consisting of Justice M.L. Jain, a former Judge of Delhi High Court, and Shri R.N. Renison, retired IPS officer (later on replaced by Shri A.K. Banerjee, retired IPS officer). The terms of reference of this Committee were as under:-

- to examine whether there were cases of omission to register or properly investigate offences committed in Delhi during the period of riots from 31st October, 1984 to 7th November, 1984.
- to recommend the registration of cases where necessary and to monitor the investigation thereof.
- to monitor the conduct of the investigation and the follow up of cases already registered by the Police and to suggest steps for effective action including fresh and further investigation, where necessary.
- to perform any other function in addition to the above.

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7. The Committee, on the basis of an Affidavit filed by a victim of the riot, wrote a letter dated 14.10.1987 to the Additional Commissioner of Police, Delhi, for registration of a case against Brahmanand Gupta, Sajjan Kumar, Nathu Pradhan and some others under Sections 147, 148, 149, 302, 436, 201 and 114 IPC and for investigation of the case. This action was challenged by, Brahmanand Gupta and others who filed Civil Writ Petition No. 3337 of 1987 in the Hon'ble High Court of Delhi wherein Rule Nisi was issued on 24.11.1987 and the Committee was restrained from making any recommendation for registration of fresh cases. It was also directed that no further case should be registered on the directions of the aforesaid Committee. The Writ Petition was decided by a Division Bench of the Delhi High Court by the Judgment and Order dated 4.10.1989 and the Notification dated 23.2.1987 by which the Committee of Justice M.L. Jain and Shri A.K. Banerjee was constituted, was quashed.

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8. The Administrator of Union territory of Delhi, with the approval of Ministry of Home Affairs, Government of India, vide his Order dated 22.3.1990 constituted a fresh Committee consisting of Justice P. Subramanian Poti, retired Chief Justice of Gujarat High Court as Chairman and Shri P.A. Rosha, retired IPS Officer, as Member, with the following terms of reference:-

- to examine whether there were cases of omission to register or properly investigate offences committed in Delhi during the period of riots from 31st October, 1984 to 7th November, 1984.
- to recommend to the Administrator, where necessary, the registration of cases and their investigation.
- To monitor the conduct of the investigation and the follow up of cases already registered by the Police and to suggest steps for effective action including fresh and further investigation, where necessary.
- To perform any other function in addition to the above.

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9. The six months tenure of the above Committee came to an end on 22.9.1990. The Administrator of Union Territory of Delhi then reconstituted the Committee on 30.11.1990 with Justice J.D. Jain, a former Judge of Delhi High Court and Shri D.K. Agrawal, retired Director General of Police as Members. This Committee submitted a detailed Report on 30.7.1993.

10. Paragraphs 6.1, 6.2 and 6.3 of Chapter VI of the Report of the aforesaid Committee, are reproduced below:-

“6.1 The preceding paragraphs amply demonstrate that the investigations undertaken by the Delhi Police into the cases arising out of the 1984 riots were sadly lacking in efficiency, purposefulness and even in compliance of various provisions of the Criminal Procedure Code and Indian Evidence Act. While in some cases the integrity of the Investigating Officers appeared suspect, in others they appeared keen on merely going through the motion of investigation rather than pursuing the matter in a methodical manner with a view to identifying the perpetrators of the crime,

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collecting adequate evidence against them and bringing them to book in an effective manner.

- 6.2 Still worse, the Committee found no evidence of superior police officers having provided leadership and guidance to the investigating staff. It appeared that the Investigating Officers usually of the rank of Assistant Sub Inspectors/Sub Inspectors were free to handle the cases with them in whatever manner they liked. In several cases, the investigations had abruptly stopped for no good reason; in some cases, the accused persons even though named in the F.I.R. and their involvement confirmed by several witnesses had been left out without any convincing grounds; and in many cases various mandatory provisions of law pertaining to recovery of stolen property etc. were violated. Yet, not a single finger appeared to have been raised by any supervisory officer.
- 6.3 Proper and honest investigation is one of the important pillars on which our system of criminal administration rests. The need for a devoted and dedicated machinery to investigate into the

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criminal cases in accordance with the provisions of law, rules and regulations, needs no emphasis.”

11. As there was wide-spread demand from different sections of the public, particularly the Sikh community, for an inquiry into several aspects of violence, abuse of authority, remissness and apathy of law enforcement agencies and those who were in position to exercise control over them, excesses committed and action taken or purported to be taken in the wake of criminal riots which broke out on 31st October 1984, the Central Government thought it necessary to appoint a Commission of Inquiry consisting of Justice G.T. Nanavati, a retired Judge of Supreme Court, under Sec 3 Commissions of Inquiry Act, 1952 and issued a notification to that effect on 08-05-2000. The terms of reference as mentioned in the said notification are set out below.

- (i) The Commission shall make an inquiry with respect to the following matters:

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- (a) to inquire into the causes and course of the criminal violence and riots targeting members of the Sikh community which took place in the National Capital Territory of Delhi and other parts of the country on 31st October, 1984 and thereafter;
 - (b) the sequence of the events leading to and all the facts relating to such violence and riots;
 - (c) whether these heinous crimes could have been averted and whether there were any lapses or dereliction of duty in this regard on the part of any of the responsible authorities/individuals;
 - (d) to inquire into the adequacy of the administrative measures taken to prevent and to deal with the said violence and riots;
 - (e) to recommend measures which may be adopted to meet the ends of the justice;
 - (f) to consider such matters as may be found relevant in the course of the inquiry.
- (ii) The inquiry by the Commission shall be in regard to:

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- (a) complaints or allegations that may be made before the Commission by any individual or association in such form and accompanied by such affidavits as may be specified by the Commission, and
- (b) such instances relatable to paragraph 2(i)(a) to (f) as may be brought to its notice either by the Central Government or the Government of the National Capital Territory of Delhi or the State Governments concerned.”

12. Justice Nanavati Commission submitted its report on 9.2.2005 and the same was placed before both the Houses of Parliament on 8.8.2005. The Government accepted the recommendations contained in the Report of the Commission and it was also decided to take necessary follow up action.

13. Thereafter the Government constituted two Committees. A Committee was constituted headed by Dr D.K. Sankaran, Secretary (Border Management), to look into the need for providing employment/other source of livelihood and issues relating to rehabilitation. The

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Committee gave its report on 24.10.2005 regarding rehabilitation of victims, compensation to be paid for damaged residential/commercial properties and also industrial properties and machines, etc. Another Committee was constituted which was headed by Shri K.P. Singh, Special Secretary (Home) Ministry of Home Affairs, to go into the adequacy and uniformity of compensation given to the surviving family members of those who were killed or seriously injured and also to work out the additional compensation to be given in the case of death or injury. The Committee gave its report on 23.10.2005 and recommended as under:-

- (a) The compensation in case of death during 1984 riots should be Rs.7 lakhs as on October, 1984.
- (b) The amount of Rs. 7 lakhs will be reduced by the amount already paid (different amount by different states) and on the balance amount, interest at 5.25% may be paid.
- (c) In case of injuries, compensation @ Rs.1.25 lakhs should be provided to all injured persons in all the

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affected States during 1984 riots. The amount already paid should be deducted from this amount.

- (d) All death cases which took place in trains during 1984 riots should also be considered for payment of additional compensation as mentioned in (a) and (b) after due verification. The Punjab Government, the Ministry of Defence and the Ministry of Railways should be requested to provide necessary assistance in identifying such cases.”

14. After considering the aforesaid two reports given by the Committees headed by Dr. D.K. Sankaran regarding relief and rehabilitation for victims and the Committee headed by Shri K.P. Singh regarding compensation for death and injury cases, the Ministry of Home Affairs, Government of India issued Order No.U.13018/46/2005-Delhi.I(NC) dated 16th January 2006 sanctioning rehabilitation package to provide relief to the victims of 1984 riots. The relevant part of the order is reproduced below:-

“I am directed to say that in pursuance of the assurances given by the Prime Minister and the Home

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Minister during discussion on the Report of Justice Nanavati Commission of Inquiry into 1984 riots in the Lok Sabha and the Rajya Sabha, the matter has been considered by the Government and it has been decided to sanction ex-gratia amount and other assistance to the victims of 1984 riots as mentioned below:

- (i) Ex-gratia amount @ Rs.3.5 lakh would be paid in each case of death during the riots. This will be in addition to the amount already paid by the respective State Governments;
- (ii) Ex-gratia amount in case of injuries will be paid @ 1.25 lakh minus the amount already paid by the State Governments;
- (iii) All death cases which took place in trains during the 1984 riots would also be considered for payment of ex-gratia after due verification. The Government of Punjab, Ministry of Defence and Railways are to assist in verification of claims and identifying such cases;
- (iv) No new claims for grant of ex-gratia for death or injury would be entertained. Only those who received ex-gratia earlier should be eligible for the enhanced additional ex-gratia amount. However, if there are any pending or disputed

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cases which are awaiting decision for want of the necessary proof/evidence, such cases can be considered if they are finally accepted as genuine claims;

- (v) Ex-gratia for damaged residential properties would be paid @ 10 times the amount originally paid after deducting the amount already paid;
- (vi) Ex-gratia for damaged uninsured commercial/ industrial properties would be paid @ 10 times the amount minus the amount already paid;
- (vii) Children/family members of those who died in the riots of 1984 will be given preference in recruitment in para-military forces, IR Battalions, State Police Forces, Public Sector Undertakings and other State and Central Government Departments by giving necessary age relaxation;
- (viii) The Central Government/State Governments may launch a special recruitment drive to accommodate eligible members from riot affected families;
- (ix) Those who had lost their jobs in other States would be allowed to rejoin by treating the period of absence as 'dies-non';

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- (x) Those who had to leave their jobs due to riots and have already crossed the age of superannuation may be given necessary pensionary benefits by relaxing the normal rules to the extent possible;
- (xi) The State Governments may grant pension to all the widows and old aged parents of those who were killed in the 1984 riots at the uniform rate of Rs.2500/- per month for the whole life from a prospective date. Wives of those who have suffered disability of 70% or more and those who are missing since 1984 may also be provided pension at the same rate;
- (xii) Approximately 22,000 families of victims of the riots, which migrated to Punjab from other riot affected States and are still living there, would be paid Rehabilitation Grant @ Rs. 2 lakh per family. Similarly placed families of victims of the riots living in other States may also be given Rehabilitation Grant at the rate of Rs.2^{lakh} per family.

2. It has further been decided that the entire expenditure on payment of ex-gratia for residential properties and damaged uninsured commercial/ industrial properties and rehabilitation grant as

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indicated at para 1(xii) above would be borne by the Central Government. The expenditure on payment of pension to the widows and old aged parents of those who were killed in 1984 riots, wives of those who have suffered disability of 70% or more and those who are missing since 1984 should be borne by the respective State Government.”

15. Nearly 9 years after the aforesaid Order had been issued, the Ministry of Home Affairs Government of India issued another Order bearing No.13018/46/2005-Delhi.I(NC) on 16th December 2014 granting enhanced relief of Rs. 5 lakh for family members of each deceased person who died during 1984 anti Sikh riots. The Order is reproduced below:-

“I am directed to refer to this Ministry’s letter of even number dated 16.01.2006, vide which the Central Government announced the ‘Rehabilitation Package 2006’ and had sanctioned ex-gratia amount and other assistance for the victims of 1984 anti-Sikh riots.

2. As the aforesaid ‘Rehabilitation Package, 2006’ was with total financial outlay of Rs.714.76 crore and till date, a sum of Rs.534.20 crore has been reimbursed by this Ministry to the concerned State

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Governments after receiving Utilization Certificates from them, an amount of Rs.180.56 crore is available under the said Rehabilitation Package. Therefore, this Ministry has considered providing additional compensation to the next of kin to the persons, who died in 1984 anti-Sikh riots.

3. Therefore, the Central Government has approved the following:

- (i) In addition to the amount already paid, the next of kin would be given enhanced relief of Rs.5.00 lakh per deceased person.
- (ii) The concerned State/Union Territory Governments would identify legal heirs of the deceased persons with all other relevant details;
- (iii) As approved earlier by the Central Government, the States/Union Territories would disburse the money from their own funds and Ministry of Home Affairs would reimburse the amount on receipt of Utilization Certifications from the States/Union Territories.

4. In view of the above, all States/UT Governments are requested to initiate the necessary action for implementing the aforesaid decision of the Union Government.

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5. This issues with approval of the Competent “ Authority.”

16. The terms of reference to the present Committee, which has been constituted vide Notification No.13028/13/2014-Delhi-I(NC) dated 23rd December 2014 are mainly on two issues. The first point of reference is “Need for constitution of an SIT for investigating the cases of 1984 riots.” The second point of reference broadly covers the issues of implementation of payment of additional/enhanced compensation, requirement of any other assistance for riot victims and to look into their grievances. The anti-Sikh riots started on 31st October 1984 and a period of 30 years had already elapsed even before constitution of the Committee. The Committee was, therefore, of the opinion that the investigation of the crimes committed during the riots and the prosecution of offenders deserved priority and consequently it first addressed the issue of “need for constitution of an SIT for investigating the cases of 1984 anti-Sikh riots.” The Committee has not been provided any assistance of a trained person who may have experience in the field of investigation of criminal cases or conduct of trial of criminal cases in Courts. Except for a Principal Private Secretary, the Chairman has no other staff to assist him in any manner. When the Committee was constituted on 23rd December 2014, Shri J.P. Aggarwal, Joint

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Secretary(Judicial), Ministry of Home Affairs was made the Member Secretary. Shri J.P. Aggarwal belongs to Central Secretariat Service and had never handled any work relating to investigation of criminal cases or conduct of criminal cases in Courts. He was over busy in the work of his own Ministry and also in attending numerous meetings. The entire work had to be done by the Chairman who was rendered assistance by his PPS. The two Commissions of Enquiry which had been instituted in April 1985 and then in May 2000 had examined voluminous evidence which had been adduced from the side of the victims and also by the officers of the State. Justice R.N. Mishra Commission examined the police records, reports submitted by Investigating Agencies and also the stage of pending trials in Courts as the position was in the second week of May 1986. As many as 2894 affidavits were filed before the Commission. The Inquiry Report mentions that 403 FIRs were lodged regarding the incidents which occurred during rioting. Charge-sheets were submitted in 240 cases, Final Reports (Closure Reports) were filed in 154 cases and 200 cases were pending trials as on 24.6.1986. The Report also gave break-up of cases registered during the aforesaid period, like murder, arson and dacoity. The second Inquiry Commission, i.e. Justice Nanavati Inquiry Commission recorded deposition of 197 witnesses and received 2557

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affidavits. It also gave details of the FIRs which were lodged wherein untraced reports were filed in 241 cases, 225 cases resulted in conviction and acquittal was recorded in 253 cases. The Committees of Justice J.D. Jain and Shri D.K. Agrawal considered 415 affidavits. It also examined police records, viz the FIRs lodged, the charge-sheets and final reports submitted in Court and also the judgments of Courts wherein acquittal had been recorded. Since, in the initial Notification issued on 23rd December 2014, this Committee was given only 3 months time to submit its report and as in the said period it was not possible to examine all the FIRs, records of the police stations, the closure reports filed or the relevant records of the cases where untraced reports had been submitted, it was considered proper to give the opinion on the observations and findings recorded by aforesaid two Inquiry Commissions and also by the Committee of Justice J.D. Jain and Shri D.K. Agrawal. This Committee accordingly gave a report on 22nd January, 2015 and a copy of the same is attached as Annexure-I to this Report. The concluding portion of the Report and the recommendation made therein are reproduced below:-

“31. The Committee is, therefore, clearly of the opinion that the cases of rioting which took place in Delhi in October-November 1984 should be properly investigated and after collection of evidence,

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prosecution should be launched against those who are found to have committed criminal offences. For this purpose, a Special Investigating Team (SIT) be constituted which should be headed by a senior and experienced person. The SIT should examine the records afresh from the Police Stations concerned, and take all such measures which are enjoined under Law for a thorough investigation of the criminal cases and wherever appropriate file charge-sheet in Court for prosecution of the offenders.

32. The SIT, while conducting investigation of cases, should keep in mind certain statutory provisions which create a bar on second prosecution. Article 20 sub clause (2) of the Constitution of India says that no person shall be prosecuted and punished for the same offence more than once. Sub Section (1) of Section 300 Code of Criminal Procedure reads as under :

Sec 300 (1) - "A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which

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he might have been convicted under sub-section (2) thereof.”

32A. Sub-section (2) to (6) of Section 300 Cr.P.C. provide some contingencies where acquittal or conviction for an offence may not create a bar for subsequent trial. Article 366 of the Constitution which is a definition clause does not define the word “offence” and therefore in view of Article 367 of the Constitution, the definition of the word “offence” has to be seen in General Clauses Act where it is defined in Sec 3 (38). The same definition of the word “offence” is given in Section 3(n) of Code of Criminal Procedure and it means any act or omission made punishable by any Law for the time being in force. Several offences may have been committed in the same or single incident and therefore “incident” should not be confused with “offence”. The bar created by Sec 300(1) Cr.P.C. is against second trial for the same “offence”.

33. The Committee of Justice J.D. Jain and Shri D.K. Agarwal has noticed that where several murders were committed and property was looted, the offenders were prosecuted only for an offence under Section 411 and 412 IPC (dishonestly receiving or

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retaining property stolen in the commission of dacoity). Acquittal in a trial under Section 412 IPC in such a case would not bar subsequent prosecution for murder under Section 302 IPC. The Report shows that there are cases where the offenders were not prosecuted for serious offences but were tried only for some minor offences.

34. To conclude, the Committee is of the opinion that a Special Investigation Team (SIT) may be constituted which should be headed by a senior and experienced officer. The S.I.T. should examine the records of the Police Stations and also the files of Justice J.D. Jain and Shri D.K. Agarwal Committee in appropriate serious cases. Those cases where there is a statutory bar to prosecution, need not be investigated as it will be an exercise in futility. Where after investigation sufficient evidence is found available which may result in a verdict of conviction, charge-sheet should be filed against the accused in the proper court.”

17. Shortly after the aforesaid Report was submitted by the Committee, the Ministry of Home Affairs (UT Division) sent a letter to the Chairman of the Committee on 31st January 2015

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wherein it was mentioned that the Ministry had accepted the recommendation to constitute a Special Investigation Team (SIT) for investigation into the cases of 1984 riots. It was also mentioned therein that the Ministry intended to constitute a Five Member SIT. The Chairman was asked to give his suggestion regarding the size and composition of the SIT. A true copy of the letter is attached as Annexure-II to this Report. A reply to the said letter was given by Chairman on 2.2.2015. It was suggested therein that the SIT will be required to give guidance and will have overall supervision of investigation of criminal cases and their prosecution in the Court and therefore it should be a three Member body headed by senior police officer not below the rank of an Inspector General of Police and another police officer of the rank of Senior Superintendant of Police and a third person from legal field who has good knowledge of criminal law and has experience of conducting criminal trials in the Court of Sessions. It was also suggested that for proper prosecution of criminal cases it was necessary to produce close relatives and neighbours of the

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deceased, who had seen the incident, as witnesses in the Court. The tracing out of those persons may pose some problems and therefore SIT would need services of sufficiently large number of Assistant Sub Inspectors, Sub Inspectors and Inspectors of Police who are proficient in this type of work. It was also suggested that if at later stage it is felt that volume of work with the SIT is very heavy and three members are not able to cope up with the same, the SIT can be expanded and some more members can be inducted. A copy of the letter is attached as Annexure III to this Report.

18. Shri J.P. Agrawal, Joint Secretary (Judicial) who was Member Secretary of the Committee relinquished office on 1st May 2015. Thereafter Dr. R.K. Mitra, joined as Joint Secretary (Judicial) and Member Secretary of the Committee.

19. Some representations have been received in this office seeking appointment on a Government job on the ground that main bread earner was killed in 1984 anti Sikh riots. It is important to note that a period of 31 years has already elapsed

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since the happening of the riots. The nature of compassionate appointment was explained by Supreme Court in Umesh Kumar Nagpal v/s State of Haryana and others 1994 Vol.(4) Supreme Court Cases 138 and it was held therein that the object of compassionate appointment is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment. It was further held that compassionate appointment cannot be granted after a lapse of reasonable period which must be specified in the rules. The object of appointment is to enable the family to get over the financial crisis, which it faced at the time of death of the sole bread winner. The compassionate appointment cannot be claimed and offered after the lapse of time and after the crisis is over. In view of the long period which has elapsed, it would not be appropriate to frame any rule/policy now to give compassionate appointment to a family member of a victim of anti-Sikh riots.

20. A representation has been received from one Jasvinder Singh, who claims to be Chairman of "1984 Sikh Massacre Affected Welfare Society of SAS Nagar, Mohali" stating that

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immediate directions may be issued to the Banks/Financial Institutions to refrain from taking any coercive action for recovery of loan or auctioning of properties of riot affected families. The prayer made is that a scheme be framed to grant relief in the matter of interest or penal interest which the banks are charging on the loans taken by certain sikh families who claim to have been affected in the 1984 anti Sikh riots on account of their displacement from original place of residence or damage to the property suffered by them. It will be relevant to mention here that Writ Petition (Civil) No.457 of 1988 (Harjeet Singh and other v/s Union of India and others) was filed under Article 32 of the Constitution of India before Hon'ble Supreme Court by certain persons belonging to Sikh community, who were living in Delhi at the time of riots, praying for grant of certain reliefs regarding waiver of interest and penal interest on loans which they had taken from the banks for setting up business. Pursuant to the directions issued by the Supreme Court, the Reserve Bank of India advised the banks by its Circular No. RPCD No.PLFS.BC67/PS-126(D)-89/90 dated 23rd December, 1989 as under:-

“(i) The banks should make a review of the credit facilities granted to all the November, 1984 riot affected borrowers taking into account their repaying capacity, the operations in their accounts, the nature and type of the securities available, the present condition of the securities, other

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assets, if any, owned by them and all other relevant factors.

(ii) On the basis of the review, banks should decide relief as may be considered reasonable. The reliefs may include further extension of time for repayment of dues, entering into compromise arrangements and in cases where there are no reasonable chances of recovery of dues, write off of the amount due from the borrowers concerned.”

21. Thereafter a decision was taken by the Government of India to extend relief in deserving cases by way of reduction of interest on Bank loans to 6% per annum in the case of borrowers affected by the riots. Accordingly, a ‘Central Interest Subsidy Scheme for November 1984 Riot Affected Borrowers’ was prepared and issued by Reserve Bank of India, vide its Circular RPCD No. PLFS/BC-22/PS-126D/90/91 dated 19th September 1990. The main features of the Scheme are as under:-

“(i) The banks shall charge interest at six per cent per annum on all eligible outstanding loans in a deserving case as on 31st December, 1989, for the period from 1st November, 1984 if the loan is granted on or before 1st November, 1984 or from the date of grant of loan if granted subsequently, to 31st December, 1989;

(ii) The borrower shall be advised by the Bank of account as also the balance outstanding in the accounts as on 31st December, 1989 and the date on which relief is provided;

(iii) The relief granted by the banks shall be reimbursed to the banks by the Central Government.

(iv) The entire interest that has accrued on the outstanding loan amounts after 31st December, 1989 shall be borne by the borrowers.”

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22. The Scheme of charging six percent interest on loans was applicable for the period 1st November 1984 to 31st December 1989. It is apparent that the Interest Subsidy Scheme was not available after 31st December 1989.

23. In the representation sent by Shri Jasvinder Singh, a list of persons who had taken loan, has been annexed and the same contains 136 names. Most of these loans have been taken after the year 2000. The loans have been taken long after the riots in the years 2000, 2003, 2006 and 2008 and it is not possible to recommend any waiver of interest or penal interest on such loans as the scheme formulated by the Reserve Bank of India was only available till the year 1989. That apart, the list further shows that many loans were taken from private Banks, like HDFC Bank Limited, India Bulls, ICICI Bank, Citi Bank, Centurian Bank and some Cooperative Banks over which the Government of India or Reserve Bank of India cannot exercise any kind of control regarding waiver of interest.

24. A Member of the SIT (1984 riots) which was constituted by the Ministry of Home Affairs on 12th February, 2015 sent a letter dated 17th November 2015 to the Deputy Secretary, Ministry of Home Affairs, Government of India, seeking clarification of the term "closed cases" and "appropriately serious criminal cases" used in the terms of reference of SIT and specifically whether the term "closed cases" would include only the cases in which

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cancellation/untraced report were filed by the police or also those cases which resulted in acquittal/discharge. The Delhi (I) Division of Ministry of Home Affairs forwarded the said letter to this Committee for clarification. Though the SIT was constituted by Ministry of Home Affairs and not by the present Committee, but in view of the request made by the Ministry, the Chairman gave his opinion on 8th December 2015. It was mentioned therein that in the Report submitted by this Committee on 22nd January, 2015 it was clearly stated that those cases where there is a legal bar on the prosecution, need not be investigated. It was also mentioned that in para 32-33 of the Report submitted on 22nd January, 2015, it had been explained that such cases where a verdict of acquittal has been recorded by the Court of Sessions after a full trial need not be investigated in view of the bar created by Article 20(2) of the Constitution of India and Section 300(I) Code of Criminal Procedure for a second trial. A copy of the letter dated 17th November 2015 of Shri Kumar Gyanesh, Member SIT and the note of the Chairman dated 8th December 2015, are attached as Annexure IV and V.

25. As mentioned earlier, the Ministry of Home Affairs, Government of India had issued an Order on 16th December 2014 directing that in addition to the amount already paid in pursuance of rehabilitation package 2006 dated 16th January 2006, the next of kin of the persons who died in 1984 anti Sikh riots would be

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given an additional amount of Rs.5 lakh per deceased person. A letter was accordingly sent by the Committee to the Chief Secretaries of all the concerned States on 27th January, 2015 seeking information regarding status of implementation of the order and a copy of the said letter is annexed as Annexure VI. Thereafter, reminders were also sent on 16th February 2015 and 1st May 2015 to Chief Secretaries of all the states. Since replies were not received, another reminder was sent to all the Chief Secretaries of the concerned states on 29th May 2015. A copy of the same is attached as Annexure-VII to this Report.

26. The Additional Secretary (Revenue) Government of National Capital territory of Delhi sent a letter on 26th February 2015 stating that the Government of Delhi has requested Ministry of Home Affairs, Government of India, to release funds of Rs.122.95 crores so as to enable the Delhi Government to release the additional amount to next of kin/legal heirs of the deceased persons of 1984 anti Sikh riots. A copy of this letter is attached as Annexure-VIII to this Report.

27. The Director (Finance) of Home Department of Government of Jammu & Kashmir has sent a letter dated 26.6.2015 that funds had been released in favour of Divisional Commissioner, Jammu, for providing an enhanced ex-gratia relief of Rs.5 lakhs to the next of kin of 17 persons who had died in the riots and the list of beneficiaries was annexed along with

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the letter. A true copy of letter is attached as Annexure-IX to this Report.

28. Since replies were not received from the concerned State Governments, the Chairman of the Committee sent a letter on 18th November 2015 to the Chief Secretaries of concerned States requesting them to send the status report regarding payment of additional compensation of Rs.5 lakhs at the earliest. A copy of the letter sent to Chief Secretary, National Capital Territory of Delhi, is attached as Annexure-X to this Report.

29. A number of riot-affected families had migrated from Delhi and some other parts of the country to the States of Punjab, Haryana and Union territory of Chandigarh for their safety. Accordingly, the Chairman had a meeting on 3rd December, 2015 with Additional Chief Secretary (Revenue) -cum- Financial Commissioner of Punjab Government and Home Secretary of Haryana and on 4th December 2015 with Deputy Commissioner of Union territory of Chandigarh to get complete information regarding payment of compensation and rehabilitation of such migrant families.

The relief provided to the migrant families in the State of Punjab

is as under:

Migrant families who migrated to Punjab from 1.11.1984 to 12.12.1985 and registered with the Deputy	-	Red Cards were issued to 26835 families
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Commissioners of the districts before 15.1.1986. This period was extended from time to time

Rehabilitation Grant @ Rs.2 lakhs per family paid to - 15409 families

The State Govt is paying subsistence Allowance @ Rs.5,000/- per month to the widows, parents, person having disability above 70%, children and widows of missing persons - 662 persons

Marriage grant to the dependent sisters/daughters of killed persons - Rs.25000 per person

Govt jobs (2014-15) Employment on compassionate Grounds in Group C and D are given to the dependents of those who were killed in riots. This was done according to their educational qualifications. 70 persons

Facility of free education and stipend @ Rs.300-500 p.m. at school/college level is being given to the children of killed persons

2% reservation for admission in Medical and technical course to the children of persons killed in terrorists' activity and also in anti-Sikh riots.

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The Punjab Government has also given 2017 houses and 707 sites for booths at Ludhiana, Patiala and SAS Nagar to some of the migrant families. Houses were allotted at the prevailing rate of the year 1991-92 and booth sites were allotted at the rate of 50% of the last auction price. The houses and booths sites were initially given for temporary occupation only. There was no scheme for permanent allotment thereof. However, after sometime such persons who had occupied the houses and booths sites as a temporary measure were allotted the same at the rate fixed by the Government. This scheme has been closed.

30. In the Order issued by Ministry of Home Affairs, Government of India on 16th January 2006, it was provided in para 1(xii)) that a rehabilitation grant of Rs. 2 lakhs per family shall be provided to those who had migrated to the State of Punjab and other states in the country from riots affected States and who are still living there. During the meeting with the Additional Chief Secretary (Revenue) and Financial Commissioner, Government of Punjab, it was brought to the notice of the Chairman of the Committee, that the said scheme had been closed by the Government of India

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on 31.12.2012. The process of verification of the families which had migrated to Punjab from Delhi and other parts of the country is still going on and has not been completed. The Government of Punjab wants that the scheme should be reopened as the Deputy Commissioners of some districts have recommended 72 cases for grant of rehabilitation grant and the verification of 948 cases was still pending before the concerned Deputy Commissioners. Therefore, the Committee recommends that the scheme of payment of Rs.2 lakhs as rehabilitation grant as provided in Para 1(xii) of the Order dated 16th January 2006 should be reopened for certain period and the State Government of Punjab may be asked to complete the process of verification within a fixed period as may be considered reasonable and proper.)

31. The Committee further recommends that a scheme for providing skill and also upgradation of skill may be introduced which may enable the family members of the victims of 1984 anti-Sikh riot to either get a suitable employment or to start their own small scale industry or trade. The facilities for providing skill and upgradation of skill may be provided without putting any restriction on number of family members who may want to avail such facility. 7

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32. The Committee is not in a position to give any report regarding implementation of order dated 16th December 2014, issued by the Ministry of Home Affairs regarding payment of additional compensation of Rs. 5 lakhs to the next of kin of each deceased as all the States, except for the State of J&K, have not given any reply inspite of repeated reminders.

December 18, 2015

G.P. Mathur
Justice G.P. Mathur
Former Judge, Supreme Court)
CHAIRMAN

Annexure - I

**REPORT
ON
NEED FOR CONSTITUTION OF SIT FOR
INVESTIGATING THE CASES OF 1984 RIOTS**

.....

**J.P.Agrawal
J. S. (Judicial),MHA
MEMBER SECRETARY**

**Justice G.P.Mathur
(Former Judge, Supreme Court)
CHAIRMAN**

22-1-2015

The Ministry of Home Affairs, Government of India, had been receiving large number of complaints from various individuals/associations regarding the Anti-Sikh riots which took place in October-November 1984. A decision was taken to constitute a Committee to look into the grievances raised and also to oversee the implementation of the payment of additional compensation. Notification No.13028/13/2014-Delhi-1 (NC) was accordingly issued on 23rd December, 2014 for constitution of a Committee. The relevant part of the Notification is reproduced below:

“ The composition of the proposed Committee is indicated below:

- (i) Justice G.P. Mathur – Chairman
- (ii) Shri J.P. Agrawal, JS (Judicial), MHA – Member Secretary

2. The terms of reference of the Committee will be as follows:

- (i) Need for constitution of SIT for investigating the cases of 1984 riots;
- (ii) To look into the grievances related to 1984 riots;
- (iii) To oversee the implementation of the payment of additional/ enhanced compensation;
- (iv) Requirement of any other assistance for 1984 riot victims.

3. The Committee would complete its work and submit its report within three months.”

2. The reference to the Committee is broadly on two issues. One is the need for constitution of SIT for investigation of cases of 1984 riots. The second is regarding payment of compensation and requirement of any other assistance for 1984 riot victims. The victims or next of kin of those who were killed are not living at one place but are residing at different places in Delhi and other parts of the country. Getting reports regarding payment of compensation from various departments of Government will take time as information has to be collected from each recipient. The investigation of crimes committed during the rioting and prosecution of offenders deserves priority as a period of 30 years has already elapsed. Therefore, the Committee is giving this report on the first point which is "Need for constitution of SIT for investigating the cases of 1984 Riots."

3. At about 9.20 AM on 31st October, 1984 the Security Guards fired upon Smt. Indira Gandhi, the then Prime Minister of India, at her official residence. The guards happened to be Sikhs. The assassination of Prime Minister of India by her own guards led to large scale attacks on Sikhs, their properties, business establishments and Gurudwaras in Delhi and other parts of the country. The

incidents of violence in Delhi started from the evening of 31.10.1984 and continued over several days. Large numbers of Sikhs were killed and many others were injured. Their properties were looted and burnt. The violence continued till 7.11.1984, though the situation had started improving from 3.11.1984. In view of the demands made in Parliament and also by various bodies and organizations, the Government of India constituted Commissions of Enquiry and also Committees to look into various aspects of anti-Sikh riots, the role of Police, the conduct of investigation into criminal offences and also regarding the measures which may be adopted for giving compensation, relief and rehabilitation to the victims of the riots.

4. The Central Government issued a Notification on 26.4.1985 appointing Justice Ranganath Misra, a sitting judge of Supreme Court, as a Commission of Enquiry under Section 3 of the Commissions of Enquiry Act. The terms of reference of this Commission were as under:-

- (i) to enquire into the allegations in regard to the incidents of organized violence which took place in Delhi following the assassination of the late Prime Minister, Smt. Indira Gandhi;

(ii) to recommend measures which may be adopted for prevention of recurrence of such incidents.

The Commission's sphere of enquiry was extended to Kanpur on 3.9.1985 and to Bokaro and Chas Tehsil in Bihar on 10.10.1985. The Commission submitted its Report to Government in August 1986 and the Report was tabled in Lok Sabha in January 1987.

5. Thereafter, pursuant to the recommendations made by Justice Ranganath Misra Commission the Administrator of the Union territory of Delhi, with the approval of the Union Home Ministry, Govt. of India, constituted three Committees by the Order dated 23.2.1987. A Committee consisting of Justice Dalip K. Kapoor, former Chief Justice of Delhi High Court and Ms. Kusum Lata Mittal, retired Secretary to Government of India, was constituted to enquire into delinquencies of individual police officers in the matter of controlling the situation and protecting the people within the Union territory of Delhi, the good conduct of individual police officers and further to recommend such action as may be called for. The second Committee was constituted consisting of Shri R.K. Ahuja, the then Home Secretary, Delhi Government, to determine the actual number of deaths, names and other particulars of persons who were killed

within Union territory of Delhi in the riots and also to make suitable recommendation regarding ex-gratia payment and/or other benefits to the next of kin. The third Committee was constituted consisting of Justice M.L. Jain, a former Judge of Delhi High Court, and Shri R.N. Renison, retired IPS officer (later on replaced by Shri A.K. Banerjee, retired IPS officer). The terms of reference of this Committee were as under:-

- to examine whether there were cases of omission to register or properly investigate offences committed in Delhi during the period of riots from 31st October, 1984 to 7th November, 1984.
- to recommend the registration of cases where necessary and to monitor the investigation thereof.
- to monitor the conduct of the investigation and the follow up of cases already registered by the Police and to suggest steps for effective action including fresh and further investigation, where necessary.
- to perform any other function in addition to the above.

6. The Committee, consisting of Justice Dalip K. Kapoor and Ms Kusum Lata Mittal, gave two separate Reports on 1.3.1990. The Government decided to accept the report submitted by Ms Kusum

Lata Mittal and take appropriate action against police officials on the basis thereof.

7. Shri R.K. Ahuja, the then Home Secretary, Delhi Administration, submitted a Report on 1.6.1988 to the effect that the total number of deaths which occurred during 1984 riots was 2733.

At the end of the Report, the Committee observed:

“The figure of 2733 deaths now calculated by this Committee can, therefore, be taken as the authentic figure, though it is possible that there may be marginal changes in the number due to an odd case being brought to light here and there.”

8. The Committee consisting of Justice M.L. Jain and Shri A.K. Banerjee, on the basis of an Affidavit filed by a victim of the riot, wrote a letter dated 14.10.1987 to the Additional Commissioner of Police, Delhi, for registration of a case against Brahmanand Gupta, Sajjan Kumar, Nathu Pradhan and some others under Sections 147, 148, 149, 302, 436, 201 and 114 IPC and for investigation of the case. Shortly thereafter, Brahmanand Gupta and others filed Civil Writ Petition No. 3337 of 1987 in the Hon'ble High Court of Delhi wherein Rule Nisi was issued on 24.11.1987 and the Committee was restrained from making any recommendation for registration of fresh

cases. It was also directed that no further case should be registered on the directions of the aforesaid Committee. The Writ Petition was decided by a Division Bench of the Delhi High Court by the Judgment and Order dated 4.10.1989 and the Notification dated 23.2.1987 by which the Committee of Justice M.L. Jain and Shri A.K. Banerjee was constituted, was quashed.

9. The Administrator of Union territory of Delhi, with the approval of Ministry of Home Affairs, Government of India, vide his Order dated 22.3.1990 appointed a fresh Committee consisting of Justice P. Subramanian Poti, retired Chief Justice of Gujarat High Court as Chairman and Shri P.A. Rosha, retired IPS Officer, as Member, with the following terms of reference:-

- to examine whether there were cases of omission to register or properly investigate offences committed in Delhi during the period of riots from 31st October, 1984 to 7th November, 1984.
- to recommend to the Administrator, where necessary, the registration of cases and their investigation.
- to make suggestions to the Administrator, where necessary, for the conduct of investigation and prosecution of cases.

P.13

10. The six months tenure of the above Committee came to an end on 22.9.1990. The Administrator of Union Territory of Delhi then reconstituted the Committee on 30.11.1990 with Justice J.D. Jain, a former Judge of Delhi High Court and Shri D.K. Agrawal, retired Director General of Police as Members. This Committee submitted a detailed Report on 30.7.1993.

11. Still, however, there was widespread demand from different sections of the public, particularly, the Sikh community for an enquiry into several aspects of violence, abuse of authority, remissness and apathy of law-enforcing agencies. The Central Government appointed another Commission of Enquiry and issued a Notification under Section 3 of Commissions of Enquiry Act on 8.5.2000 appointing Justice G.T. Nanavati, a former Judge of Supreme Court, to hold an enquiry into the causes and course of criminal violence and riots targeting members of the Sikh community which took place in National Capital Territory of Delhi and other parts of the country on 31.10.1984 and thereafter; the sequence of the events leading to and all the facts relating to such violence and riots; whether these heinous crimes could have been averted and whether there were any lapses and dereliction of duty in this regard on the part

of any of the responsible authorities/individuals besides some other points. The Commission submitted a detailed Report on 9.2.2005.

12. Before Justice Ranganath Misra Commission of Enquiry, 2894 affidavits were filed. The Commission also examined the police records, the reports submitted by investigating agencies and the stage of pending trials in Courts as it was in the second week of May 1986. The Enquiry Report mentions that 403 FIRs were lodged regarding incidents during the period 31st October to 7th November, 1984. Final reports (closure reports) were filed in 154 cases, charge-sheets were submitted in 240 cases and 200 cases were pending trial as on 24th June, 1986. The breakup of cases registered during the aforesaid period like murder, arson, murder with loot etc. was also given.

13. Before Justice Nanavati Commission of Enquiry, 2557 Affidavits were filed and deposition of 197 witnesses was recorded. The Report of the Enquiry Commission has given some details of criminal cases which were registered relating to anti-Sikh riots in Delhi. In Annexure X of the Report, it is mentioned that total number of FIRs which were lodged was 587 out of which 11 FIRs were quashed, in 241 cases report was filed as untraced, 225 cases have

resulted in conviction while acquittal was recorded in 253 cases and 42 cases were pending trial at the time of the submission of the Report.

14. Justice J.D. Jain and Shri D.K. Agarwal Committee considered 415 Affidavits which had been filed. This Committee minutely examined the police records namely, FIRs lodged, the General Diary maintained at the Police Station, the Charge-sheets or Final Reports submitted in Courts and also the judgments of Courts wherein acquittal had been recorded. The Enquiry Report has exhaustively dealt with the manner in which the investigation was done, statements were recorded under Section 161 of Code of Criminal Procedure (for short Cr.P.C.) and the type of witnesses which were produced before the Court during the trial. Some of the judgments delivered by the courts were annexed to the Enquiry Report to substantiate the conclusions drawn.

15. The present Committee (constituted vide notification dated 23rd December 2014) has carefully gone through the Report of the Justice Ranganath Misra Commission of Enquiry submitted to the Government in August 1986, the Report of the Justice Nanavati Commission of Enquiry which was submitted to the Government on

9.2.2005 and also the Report of the Committee of Justice J.D. Jain and Shri D.K. Agarwal which was submitted to the Government on 30.7.1993.

16. This Committee has not been provided any assistance of a trained person who may have experience in the field of investigation or conduct of criminal cases in Courts. In fact besides the two members constituting the present Committee there is no one else who may either go through the affidavits which were filed earlier or the records of the Police Stations or the reports which were submitted in courts as required by Sec 173 Cr.P.C. after completion of investigation. The Committee has been given short time to submit its Report. It is not possible for the two members of the Committee to examine all the FIRs, records of the Police Stations, the closure reports filed or the relevant records of the cases where untraced reports have been submitted. Some of the files summoned by the Committee for examination have not been made available and it appears it will take long time to trace them out which will result in further delay. The Committee has to, therefore, give its opinion upon the observations and findings recorded by the aforesaid two Enquiry Commissions and the Committee of Justice J.D. Jain and Shri D.K.

Agarwal constituted to examine whether there were cases of omissions to register or properly investigate offences committed during the rioting and the conduct of investigation and prosecution of cases in courts.

17. The Report of the Justice Ranganath Misra Enquiry Commission has specifically dealt with the investigation and prosecution aspect of the offences committed and this has been done under the heading PROSECUTING THE OFFENDER on page 62 of the Report. It will be useful to reproduce the relevant part of the observations made and the findings recorded –

“..... Most of the widows who appeared before the Commission as witness had a common grievance that the persons who looted their houses, set them on fire, killed their husbands, children and near relations and brutally assaulted them as also on occasions outraged their modesty, were not being prosecuted. They had the obsession that the killers were free on the streets and were even in a position now to jeopardize their security. When the Commission was set up and it became palpable that the incidents of the riot period would be scrutinized in the inquiry, these very villains started threatening the widows and other deponents as also people of the Sikh community with dire consequences in case they came forward to file affidavits, give evidence or did any such thing or took

such action which might involve them either in proceedings before the Commission or in criminal action. In many of the affidavits, there has been clear indication of the failure of the administration to prosecute the culprits and demand of appropriate prosecutions and the due punishment to be awarded to the persons involved in the crimes. It is a fact and the Commission on the basis of satisfaction records a finding that first information reports were not received if they implicated police or any person in authority and the informants were required to delete such allegations from written reports. When oral reports were recorded they were not taken down verbatim and brief statements dropping out allegations against police or other officials and men in position were written. Several instances have come to the notice of the Commission where a combined FIR has been recorded in regard to several separate incidents. For instance, where a large mob came, got divided into groups and simultaneously attacked different houses and carried on different types of operations in the different premises, they as a fact did not constitute one incident; yet only a common FIR has been drawn up. Recording in brief narrative the incident in a common FIR would not provide a sound basis for a proper prosecution. Tagging of so many different incidents into one FIR was bound to prejudice the trial, if any, as also the accused persons, if called upon to defend themselves in due course. The Commission has noticed on several occasions that while recording FIRs serious allegations have been dropped out and though the case was in fact a serious one, in view of the

dropping out of the major allegations, a minor offence was said to have been committed. The Commission was shocked to find that there were incidents where the police wanted clear and definite allegations against the anti-social elements in different localities to be dropped out while recording FIRs. Unless the police were hand in glove with the anti-social elements in their respective localities they would not have behaved that way. The sum total effect of this has been that proper FIRs have not been recorded. There has been initially some delay in lodging/recording of FIRs on account of the fact that during the period of riots what was of primary importance for the victims was to run away from the scene and conceal from notice of the rioters so as to escape certain death. In several instances those who had not been massacred were picked up either by police or Army personnel or through other agencies or by their own efforts and shifted to Relief Camps where they were maintained for some time. Semi-normal conditions returned in different localities within 3-4 days but confidence took time to get restored and, therefore, until the victims returned to their localities quite some time after, in most of the cases they did not know what exactly had happened, so as to make a full report; nor did they know as to who exactly had died or got assaulted. There have been several instances where the lady went one way and found herself in one camp while the children went elsewhere and ultimately got lodged in a different Camp. Being terror-stricken each one ran for his or her life oblivious of what happened to others of the family. When they reached

Relief Camps there was no scope for renewing contacts unless by chance they were in one common camp and until they met or re-assembled under a common roof each one was unaware of the continued existence of the other. Only when they came back to their respective localities, scope for lodging of FIRs came. The Commission did come across instances where some FIRs were recorded in a Relief Camp but these were comparatively few. The delay in lodging of FIRs could, therefore, be reasonably explained. If properly explained, many of the lapses in the FIRs may also become acceptable. In many cases there has not been a proper investigation. The Commission checked up records of investigation of different classes of cases at random and came to find that the investigations were usually perfunctory and most of them had not been duly supervised even though they involved allegations of serious crimes. In view of the fact that bulk of dead bodies, particularly in Delhi and Kanpur had been burnt soon after the incidents, all postmortem reports were not available. Want of postmortem in such circumstances could not be used as a ground against the prosecution. The final reports submitted in these cases, particularly in regard to offences of murder, looting and arson should be reopened and further investigation undertaken as provided in s. 173(8) of the Code of Criminal Procedure. In regard to the graver offences the limitation prescribed under s. 468, Cr.P.C. has no application. Sufficient discretion also vests in the criminal court under s. 473, Cr.P.C.

to deal with situations arising in particular cases.....”

“.....The criminal activity in Delhi apart from being widespread and in greater intensity exhibited a varied spectrum of human conduct. This requires thorough investigation and careful handling. The same police who remained ineffective during the riots and against whom several allegations were advanced, whether recorded or not, were the investigating agency in respect of the FIRs. The Commission finds it not difficult at all to appreciate and accept the contention of the victims that in such circumstances proper investigation could not be expected. Since the number of deaths is considerably great and there have been number of other grave offences committed, it is necessary that the allegations should be properly looked into and investigations suitably monitored. This will mean fresh or further investigation and review of all actions subsequent thereof.”

18. The Committee of Justice J.D. Jain and Shri D.K. Agrawal examined the cases filed relating to 403 FIRs registered and investigated by respective police stations and also 1084 affidavits which were filed before the earlier Committee (Justice P. Subramanian Poti and Shri P.A. Rosha). In Chapter V dealing with non-registration of cases and their improper, faulty and perfunctory

investigation, the Committee observed as under in para 5.1 to para 5.9 of the Report:-

“ 5.1 “The Committee was astounded and deeply perturbed to notice that in a very large number of riots cases registered at various Police Stations of Delhi, a novel pattern of registration / non-registration of cases with regard to commission of cognizable offences had been evolved, viz., instead of registering a separate/distinct first information report with regard to each and every cognizable offence reported at the Police Stations by the aggrieved persons/complainants, a general, vague and omnibus type of F.I.R. was recorded at the concerned Police Station on the basis of a vague report couched in general terms and signed by some police official say S.H.O. or Sub-Inspector or even Assistant Sub-Inspector of Police to the effect that during his visit to a particular locality falling within the jurisdiction of his Police Station he noticed that the law & order situation was worsening and that violent mobs duly armed with lathis, spears etc., were attacking the business establishments/residential houses of the Sikhs and were indulging in loot and arson of their property and even committing murders of Sikhs in the locality. On the basis of such reports which were bereft of any details or particulars about any specific incident of murder, loot or arson, an omnibus F.I.R. was registered and all other subsequent reports of individual or separate incidents lodged by the aggrieved persons/complainants were linked with that omnibus F.I.R. with the result that the circumstances attending

upon each and every such incident, heinous crime or gruesome murder were not incorporated in any duly registered first information report; instead such cases were linked with the omnibus F.I.R. for purpose of investigation by examining the aggrieved persons/complainants under Section 161 Cr.P.C.....

5.3 In a large number of cases relating to the loot and arson of the properties of the Sikhs and gruesome murders of the Sikhs who had been burnt alive in a large number of cases at the hands of the violent mob, this rather ingenious procedure which is obviously not merely irregular but even illegal was resorted to by the concerned police officers with the result that at the stage of trial no corroborative evidence to the deposition of the witness was available which could have been available had a proper F.I.R. been recorded. The Courts were thus deprived of valuable material which could undoubtedly be of great help in ascertaining the veracity of deposition of the first informant. The non-registration of F.I.Rs as provided for in Section 154 Cr.P.C. thus undermined the very foundation of the prosecution case. Hence a large number of cases in which the charge-sheets were filed in Court ended in acquittal mainly because of this serious lacuna and intrinsic infirmity in the investigation.....

5.4This Committee was also distressed to notice that apart from the above mentioned illegality/infraction of statutory provision committed by the local police of various riot-affected

Police Stations, the investigation carried out was itself absolutely casual, perfunctory and faulty. For instance, somehow a practice grew up with the Investigating Officers to examine only complainant, widow or son or father of the deceased as the case may be, under Section 161 Cr.P.C. The statements so recorded were laconic, cryptic and sketchy running over just three or four lines barely covering the narration of the incident. In most of the cases such statements would end up with concluding sentence that the maker of the statement was not able to identify anyone from amongst the culprits/mob. The Investigating Officer would thus make a short shrift of the matter and throttle the grievance of victim of violence regarding murder of kith & kin or loot and arson of his/her property as the case may be at the very threshold.

5.5 Since a number of incidents of mob violence took place on a particular day in a particular locality at about the same time during 31st October, 1984 to 4th November, 1984 only it should have been possible for the local police to co-relate the various incidents and find out corroborative evidence but nothing of the kind was done and the solitary witness to the crime even when a charge-sheet was filed in the Court would by and large be the complainant alone irrespective of whether he/she had witnessed the occurrence. Indeed the whole investigation was done in such a perfunctory, casual and mechanical manner that no attempts were made even to find out the ocular witnesses to the occurrence, if any, much less corroborative evidence in any

shape or form. To crown all, no attempts were made to examine even the family members of the deceased, other than the complainant, inmates of the house and neighbors of the deceased. No attempt was made to ascertain even from the complainant if he or she had witnessed any other killing or incident of loot or arson. Such was the colossal indifference towards loss of human life and properties of Sikhs. Even Hindus who incidentally suffered in loss of life or property during the riots were no exception, so far as investigation of their grievance was concerned.

5.6 The Committee was equally concerned to notice that in most of the cases of mob violence, no attempts were made to trace out the culprits and effect recovery of weapons of offence or stolen/looted property. Strangely enough, in some cases even announcements were made by the police intimating the culprits to deposit the looted property quietly on the road-side and they would not be harmed. Such property was later taken to the Police Stations and restored to the concerned claimants. The Courts have deprecated such poor investigation and resort to such methods on the ground that in law such recoveries had no evidential value. It was pointed out that no disclosure statements of the accused persons under Section 27 of the Evidence Act were recorded, no independent witnesses, other than the local police officials were even joined to witness such recoveries. In quite a large number of cases the Courts have observed that such recoveries had been planted on the accused persons whose

names were collected long after the happening of the incidents for reasons best known to the police.

5.7 It may be pertinent to mention here that in a large number of cases the grievance of the deponents is that written reports of the incidents lodged by them were not received by the police officers on duty even in respect of heinous crime and gruesome murders when the names of the culprits were mentioned therein and still worse if the names of culprits included some police officials, influential persons of the town or political bigwigs. Such allegations were repeated by the deponents when examined by the Committee for eliciting some clarification or confirmation of the affidavit.

5.8 Yet another malpractice which came to light was that a kind of format had been prepared at some Police Stations for the aggrieved persons to submit their complaints. The form contained various columns, including names and addresses of the complainants, the damage to the persons, the kind and description of the looted/burnt properties and the quantum of loss suffered by them etc. Unfortunately, however, there was no column therein under which the complainant could write the facts attending on the incidents of murder, the name of the deceased and the names of the culprits if any known to them. Such pieces of information when produced in Court were bound to recoil on the prosecution on the ground that the same were bereft of the details of the incident, the names of the witnesses and the names of the accused persons, if any. Evidently, this

illegal procedure caused incalculable harm to the aggrieved persons/complainants and many a murder was not even reported to the police. A copy of such a format is annexed at Annexure 'Z' of the Report.

5.9 The Committee also noticed with deep concern that in a large number of cases the incidents reported by the aggrieved persons were not reflected in the charge-sheets even though such aggrieved persons had been examined under Section 161 Cr.P.C. and were cited as Prosecution Witnesses with the result that no distinct/separate charges were framed by the Court in respect of each and every offence as required by the provisions contained in Section 212 and 218 Cr.P.C. The charge-sheets filed in Court were mostly couched in general terms without specifically referring to particular incidents. However, the Committee was astounded to notice that in a large number of charge-sheets filed in Court, several accused persons numbering even 100 and more were arraigned to stand trial together even though allegations against them or some of them were totally distinct and the offences were not co-related to each other in the sense that they did not form part of the same transaction or series of transactions. The obvious result was that such cases ended in acquittal of the accused persons due to utter confusion caused by the indiscriminate mixing of charges and want of marshalling the evidence.

5.11 Still worse it was noticed that although a large number of Prosecution Witnesses had been cited in the list attached to the charge-sheet, only a few of them were actually examined at the trial on some pretext or the other. In quite a large number of cases even the solitary ocular witnesses were not examined even though a number of adjournments had been granted by the Court on the pretext that they were not traceable with the result that they inevitably culminated in acquittal. It may be pertinent to mention here that several such witnesses who happened to be widows etc. of the deceased could be successfully traced out by the concerned staff of the Committee for examination by the Committee.

5.12 The last but not the least, the Committee records with a sense of deep anguish that the cases of loot and arson committed by the riotous mobs on a large scale resulting in immense damage to and loss of the business establishments, vehicles and other valuable assets of the Sikhs were by and large shelved in cold storage and no heed was paid or concern shown by the Investigating Officers of various Police Stations to probe such cases except recording the laconic and cryptic statements under Section 161 Cr.P.C. of the aggrieved persons/complainants. Virtually no attempt was made to identify and trace out the culprits and recover the looted property and bring them to book. All the same the fact remains that the cases of loot and arson of the business establishments and vehicles etc., belonging to the Sikhs occurred at a massive scale

and mostly during the day time. Hence the Committee is of the view that it should not have been very difficult for the Investigating Officers to gather the necessary information from sources other than the deponents and trace out the culprits. The mere fact that a victim of the crime is unable to furnish the names or provide any clue to the identity of the miscreants does not absolve the concerned police officer from discharging his statutory duty of investigating properly and with a sense of dedication. However, sincerity of purpose and dedication of duty were totally lacking in such cases.

19. The Committee of Justice J.D. Jain and Shri D.K. Agarwal has in its Report referred to certain specific cases which show that the investigation of the cases was done in a very casual manner and even eye-witnesses of the incident, who were close relatives of the deceased, were neither examined under Section 161 Code of Criminal Procedure, nor they were examined as witnesses in the Court. File No. 30/2482/85/JPRC/SP/90/ relates to an Affidavit by Smt. Nirmal Kaur, widow of Harbans Singh r/o Gali No.5, Sagarpur, Delhi Cantt.. It was stated in the affidavit that on 1st November 1984, a violent mob which was being led by one Raj Bania belonging to the same locality gave beatings to her husband with iron rods, sprinkled kerosene oil on him and burnt him alive. The grievance of Smt. Nirmal Kaur had

been linked with FIR No.410/84 which had been lodged by Sub Inspector Ramesh Rana and was of a general type. In the criminal case in the Court of Learned Additional Sessions Judge two daughters of Smt. Nirmal Kaur, namely Karamjit Kaur, aged 17 years and Gurpreet Kaur, aged 12 years were not examined as eye-witnesses. Their statements had also not been recorded under Section 161. The case ended in acquittal. File No. 114/2421/85/JPRC/SP/90/ relates to an Affidavit filed by Shri Sudershan Singh where in it was mentioned that his father Harchand Singh, brother Darshan Singh and his neighbor Nirmal Singh were killed by a mob in the night of 2nd/3rd November 1984. Among the culprits, he mentioned the names of Balwan Khokhar, Sajjan Kumar, Mohinder Singh Yadav, and some others. FIR No.418/84 had been registered on the basis of the written statement of Smt. Surjeet Kaur, widow of Harchand Singh. In this case, the prosecution cited 6 witnesses, out of whom 5 were police officers. But Smt. Surjit Kaur was not examined on the ground that her whereabouts were not known. Her daughter Bobby, who was an eye-witness was not cited as witness in charge-sheet. The triple murder ended in acquittal. Similarly, in Sessions case No.111/85 regarding murder of Chhatar Singh and Niranjana Singh, the only eye-

witness Smt. Somwati, widow of Chhatar Singh was not examined on the ground that she was not available at the given address. The Committee has given several instances and details of cases where the widow of the deceased or mother of the deceased who were eye-witnesses of the incidents, were not examined in Court on the ground that they were not traceable.

20. Justice Nanavati Commission, in its Report has, briefly, given some details of the rioting in each Police Station and the steps taken by the police. The facts mentioned show that there was a deliberate attempt by the Police to minimize the number of deaths and also not to register the FIR regarding the incidents.

21. The observations made by the Commission regarding some of the Police Stations is reproduced below.

Police Station Delhi Cantt. (Page 58):

“The area falling within this Police Station was one of the worst affected areas of Delhi.....Incidents of arson and looting started in this area from the evening of 31-10-84. Killing of Sikhs on a large scale took place on 1-11-84 and 2-11-84. According to the police record 246 Sikhs were killed in this area between 31-10-84 and 5-11-84. It is stated by the Carnage Justice Committee that as many as 426 persons were

brutally killed in this area by the rioting mobs. The Ahuja Committee in its report determined the number of deaths at 341. According to the police record, 6 Gurudwaras, 385 houses, 110 shops and 45 vehicles were burnt. The police had received about 150 complaints regarding murders and incidents of arson and looting.Even though more than 340 Sikhs were killed in this area and a large number of houses and other properties were burnt, only 5 FIRs were recorded by the Police.

Police Station Seema Puri (Page 78) :

Shri R.C. Thakur was the Station House Officer of this Police Station. Many incidents of violence had happened in this area between 31-10-84 and 1-11-84. According to the police record 32 Sikhs were killed. Ahuja Committee found that probably 247 Sikhs were killed. The affidavits before Justice Misra Commission indicated deaths of about 203 Sikhs. The Delhi Administration paid compensation to about 205 persons. On the basis of the record it appears to the Commission that more than 200 Sikhs were killed in this area.”

Police Station Gandhi Nagar (Page 83):

The Police record mentions only 30 deaths in this area but according to the record of the Relief Commissioner 51 persons were killed between 1-11-84 and 3-11-84. 20 persons had filed affidavits before Justice Misra Commission in respect of the incidents in this area. 4 Gurudwaras, 56 shops and 24 vehicles

were looted or burnt..... In spite of so many incidents and so many deaths having taken place in this area, the police had registered only one FIR on 1-11-84, 3 FIRs on 2-11-84 and 2 FIRs on 3-11-84. FIR No. 319 registered on 3-11-84 was in respect of killing of three persons. Even though 2 persons were named therein as accused, Sub Inspector Om Prakash arrested them under Section 107 and 105 of the Criminal Procedure Code and not under Section 302 Indian Penal Code with the result that they were able to obtain bail in the Court.

Police Station Kalyanpuri (Page 85):

..... This area was one of the worst affected areas of Delhi. The incidents of arson, looting and killing had continued almost continuously from 1-11-84 till 3-11-84. According to the police record 154 Sikhs were killed in this area during those days. The Ahuja Committee estimated that about 610 deaths had taken place in this area. The figure disclosed by the police records does not appear to be correct as no effort was made to register all the deaths. Large number of dead bodies were allowed to be burnt or were carried away in vehicles either by the police or by the rioters. On the basis of the affidavits filed by witnesses to the incidents it would appear that 300 to 400 Sikhs were killed in this area.

.... In spite of so many incidents of arson, lootings and killing in that area, only 3 FIRs were recorded on 1-11-84. FIR 422 and 423 were of general nature. The fact that weapons, which

were with Sikhs, were taken away, receives some support from FIR 424. Surprisingly, all the arrests made pursuant to FIR 424 were of Sikhs.

... Even though large number of Sikhs were killed and there was widespread damage in those two blocks and other areas of Kalyanpuri Police Station vital information appears to have been suppressed deliberately by the police at all levels and gravity of the situation was tried to be minimized.

Police Station Shahdara (Page 95) :

According to the Police record 114 incidents of arson, 36 incidents of looting and 33 deaths of Sikhs were reported at this Police Station between 1-11-84 and 5-11-84. According to the affidavits filed before Justice Mishra Commission about 580 deaths had taken place in this area. According to the estimate of the Relief Commissioner deaths were 258. Ahuja Committee has concluded that 171 deaths had taken place in this area.

Police Station Sultanpuri (Page 110) :

..... This area was one of the worst affected areas of Delhi. Here the violent attacks on Sikhs and their properties were on a large scale. The blocks mainly affected were A-4, C-4 and F Block.

.... In spite of so many incidents, which took place in A-4 Block on 1-11-84, only one FIR (FIR No. 250) was recorded by the Police. During the investigation of that FIR, murders of 137

persons at different places of Sultanpuri were included in it.....

In FIR No.250 incidents involving deaths of 137 Sikhs and 88 cases of looting of houses were investigated.

In FIR No. 251 incidents involving death of 24 Sikhs and 66 cases of looting or house burning were investigated.

In FIR No. 252, 95 death of Sikhs and 71 cases of looting and damaging houses were investigated. In this case 32 persons were arrested and charge-sheeted. 3 accused were convicted and 29 acquitted.

Police Station Nangloi (Page 117) :

This area was also very badly affected by the riots. Between 1-11-84 and 3-11-84, about 122 Sikhs were killed, 5 Gurudwaras and 34 vehicles belonging to Sikhs -were burnt. Violent attacks by riotous mobs started from the morning of 1-11-84. At about 10 AM, house of Gurubachan Singh, r/o Y Block, JJ Colony was attacked by a mob of 500 to 700 persons. He has stated in his affidavit that he had seen Shri Sajjan Kumar who was the Congress (I) MP of that area directing the mob to attack Sikhs. About 10 policemen were also present near that place and they were also encouraging the mob to kill Sikhs.The case diary and the papers clearly show that the Police had not maintained correct record with respect of that incident and even had tried to manipulate the same with the result that no charge was framed for the murder of Bawa Singh.

.... Rohtas Singh, who was Investigating Officer in this case, does not appear to have investigated the case honestly. The alterations made in the case diary lead to this inference. In spite of the fact that Gurdeep Kaur and Kuldeep Kaur were the eye-witnesses, no separate case for the murders of Bawa Singh, Kulwant Singh and Avtar Singh was registered and no evidence was collected and thus the murderers were not put up for trial.”

22. The extracts from the reports of the Justice Ranganath Misra Commission, Justice Nanavati Commission and also the Committee of Justice J.D. Jain and Shri D.K. Agrawal clearly show that quite often only one FIR was lodged relating to large number of separate incidents involving brutal murder of many Sikhs. In number of cases, after assaulting the victims, kerosene was poured on them and they were burnt alive. Each murder or killing was a separate offence under Section 302 IPC which required proper investigation. The attack launched by the assailants was on different houses and residences of the victims in an area or locality and the assault was witnessed by the family members of the victims who were present in their own house or in the immediate vicinity. The same persons or members of family of one victim could not be witness of an incident happening at some other house at some distance. The

lodging of one composite FIR relating to several or many killings was completely contrary to the mandate of law as contained in Section 154 of Code of Criminal Procedure. The statement of the witnesses of each killing had to be separately recorded under Section 161 Cr.P.C. but this was not done. At most the statement of only one member of the family of the deceased was recorded under Section 161 Cr.P.C.. Even this statement was very cryptic and sketchy, very often only in 3 or 4 lines, bereft of any detail. Even where the names of the assailants were mentioned by the eye-witnesses of the incidents, the same were deliberately not mentioned. No proper investigation of a crime can be done where a single FIR has been recorded relating to large number of killings at different houses or residences in a locality. Thus, there can not be slightest manner of doubt that an effort was deliberately made right from the beginning to minimize, as far as possible, the number of killings, to shield the assailants by not mentioning their names and to weaken the prosecution case by recording statement under Section 161 Cr.P.C. of only one or two eye-witnesses of the incidents and even that statement was recorded in a very cryptic manner without giving any detail or full description of the incident. In fact, there has been no

proper investigation of the offences committed, as required by law, and some kind of sham effort had been made to give it a shape of investigation and thereafter a report has been filed in the concerned Court. The investigation in many offences including killing, looting and burning of houses and business establishments have been closed as untraced.

23. Even in those cases where charge-sheet was submitted for prosecution of the offenders, the conduct of the cases on behalf of the State has been extremely bad. It appears from the Report of the Committee of Justice J.D. Jain and Shri D.K. Agarwal (where copies of the some of the judgments delivered by the Session Judges have been annexed and details of some trials have been given) that family members who actually saw the commission of the crime and were the most important and material witnesses, were not produced in Court. In some cases only policemen were produced as witnesses who were not eye-witnesses of the incidents and thus there was no evidence before the Court on which any finding of guilt could be recorded and consequently the cases ended in acquittal. There are also cases in which the most important eye-witness of the commission of the crime, like the widow or other family members of the deceased were

not examined on the pretext that they were not available at the place of their residence and were not traceable. Some of the eye-witnesses may have gone away from their original place of residence where the killing or burning of the house had taken place and may have moved away to a different locality or to some other city. This, they may have done for their own safety and under sheer force of circumstance. But it was not difficult for the police or State machinery to find out their whereabouts even if they were living in some other cities and to have produced them as witness in the Court. The apathy of the State machinery in properly conducting the prosecution of the offenders is writ large. In fact, in many cases, it was a foregone conclusion that no conviction was possible. A mere formality was done to present a picture that the State has done its duty in investigating the case, submitting the charge-sheet and prosecuting the offenders and it was the Courts which gave judgment acquitting the accused. In a criminal case, unless the prosecuting agency acts diligently and produces all the relevant evidence and material, the Courts cannot record a finding of guilt and convict an accused. It is on account of apathy of the State machinery that many genuine cases where the offenders who were guilty of having committed serious crimes of

murder by assault and burning and also of looting property got a verdict of acquittal in their favour.

24. The incidents, no doubt, happened in the period 31st October to 7th November 1984 and a period of 30 years has elapsed. The Code of Criminal Procedure provides a period of limitation for taking cognizance of an offence only for such offences which are punishable with imprisonment for a term not exceeding 3 years vide Section 468.

Even here, by virtue of Section 473, the Court has been given power to take cognizance of the offence after expiry of period of limitation of 3 years if the delay has been properly explained. The offences alleged to have been committed during the period of rioting are murders, robberies and setting on fire residential premises and business establishments which are punishable with death sentence, imprisonment for life or imprisonment for 10 years as the case may be. Thus, in law, there is no period of limitation for taking cognizance of various serious offences committed during the riots.

25. The Law seeks to protect life and limb; it endeavors to guard family relations from aggressive disruption from outside; it provides redress against violation of property rights. Furthermore, the law has played a role in creating safeguards against civil disorder. Thomas

Hobbes said – “the safety of the people is the supreme law” Human welfare demands, at a minimum, sufficient order to ensure that basic needs are satisfied, not in a state of constant chaos and conflict, but on a peaceful, orderly basis with a reasonable level of day to day security.

26. The crime must be prevented by some means or other; and consequently whatever means appear necessary to that end, whether they be proportional to the guilt of the criminal or not, are adopted, rightly, because they are adopted upon the principle which alone justifies the infliction of punishment at all. The very end for which human government is established, requires that its regulations be adopted to the suppression of crimes.

27. The overall aim of the people or a good Government is to maximize the happiness of the entire society. Crime is a reduction in happiness. Punishment is considered as one of the measures for dealing with the crime. It will not be out of place here to briefly advert to the theory and purpose of punishment. This has been stated in a very concise form in 21 American Jurisprudence (2d) Note 576 in following words:

“ The term ‘punishment’ may be defined as any pain, penalty, suffering or confinement inflicted on a person by authority of law and the judgment or sentence of a court for some crime or offence committed by him.....

..... It is said that the purpose of imposing penalties is not expiation or atonement of the offence committed, but prevention of future offences of the same kind, the reformation of the wayward and the protection of the society.”

Section 15 of Salmond on Jurisprudence (Twelfth Edition by P.J. Fitzgeralds) deals with the topic – The Purpose of Criminal Justice : Punishment. It will be useful to quote the views of the learned author (Page 94) :

“ We can look at punishment from two different aspects. We can regard it as a method of protecting society by reducing the occurrence of criminal behavior or else we can consider it as an end in itself. Punishment can protect society by deterring potential offenders by preventing the actual offender from committing further offences and by reforming and turning him into a law-abiding citizen.

Page 95 : The deterrent theory, by contrast, would reject as totally unfitted for any penal system any measures inadequate to dissuade offenders from further offences.

If criminals are sent to prison in order to be there transformed into good citizens by physical, intellectual and moral training,

It is important to remember that those loyal to standards and laws should not be betrayed. Removal of laws as a concession to dissidents is more likely to bring about the loss of their confidence and faith. The easing of laws and penalties on anti-social conduct may conceivably result in less freedom and safety for the law-abiding. As Dietze puts it : 'Just as the despotic variant of democracy all too often has jeopardized human rights, its permissive variant threatens these rights by exposing citizens to the crimes of their fellow-men'. Mere condemnation of such behavior and words of sympathy with victims are never enough without firm action giving practical effect to such sentiments. The more law-abiding people lose confidence in the law and those in authority to protect them, the more will they be driven to the alternative of taking matters into their own hands, the perils of which are unthinkable and are nearer than some liberally-minded philanthropists seem inclined to allow."

29. Punishing an accused may afford the victim or his family a measure of lawful vengeance, which conceivable could diffuse a potentially retaliatory scenario in which the victim and his family seek to take justice into their own hands. General deterrence is not aimed at the accused or the criminal. Rather the sentence is meant "to send a message" to others. The accused is made an example of what will happen to other persons to commit that crime. A sentence may often be justified solely as an expression of society's outrage at heinous anti-social behavior. In his statement to Royal Commission

on Capital Punishment Lord Denning said that the ultimate justification of any punishment is not that it is a deterrent but that it is the emphatic denunciation by community of a crime. (Punishment and Responsibility by H.L.A Hart, Oxford University Press). Eminent jurists are however unanimous that the chief value of punishment consists in its deterring or preventing crime and protection of society. Therefore it is wholly wrong to undermine the value or impact of punishment which is absolutely essential for protection of law abiding people and the society.

30. Justice Ranganath Misra Commission also observed (Page 62)

“..... The desire to punish is deeply ingrained in man. Law is said to be a regulator of human conduct and those who do not behave according to the set pattern of society and thus commit crimes expose themselves to the process of law. The sharp teeth of law are supposed to bite the deviators.

.....The Commission is inclined to agree that unless the wrong-doers are punished appropriately in accordance with Law, apart from the fact that the victims will go totally unsatisfied and this social failure will lurk in their minds for years to come and is likely to be misunderstood as a treatment of partiality, the wrong-doer would feel encouraged and get emboldened to look forward to fish in troubled waters. It is, therefore, necessary and the Commission is of the firm

opinion that every wrong-doer should be punished in accordance with law and every victim should have the satisfaction that the wrong done to him/her has been avenged in terms of , and according to, the scale of justice. Where the community machinery fails to avenge, private enterprise starts. This again has a very detracting force on society and its control and no room for that should be left.”

31. The Committee is, therefore, clearly of the opinion that the cases of rioting which took place in Delhi in October-November 1984 should be properly investigated and after collection of evidence, prosecution should be launched against those who are found to have committed criminal offences. For this purpose, a Special Investigating Team (SIT) be constituted which should be headed by a senior and experienced person. The SIT should examine the records afresh from the Police Stations concerned, and take all such measures which are enjoined under Law for a thorough investigation of the criminal cases and wherever appropriate file charge-sheet in Court for prosecution of the offenders.
32. The SIT, while conducting investigation of cases, should keep in mind certain statutory provisions which create a bar on second prosecution. Article 20 sub clause (2) of the Constitution of India says that no person shall be prosecuted and punished for the same offence

more than once. Sub Section (1) of Section 300 Code of Criminal Procedure reads as under :

Sec 300 (1) - "A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which he might have been convicted under sub-section (2) thereof."

32. Sub-section (2) to (6) of Section 300 Cr.P.C. provide some contingencies where acquittal or conviction for an offence may not create a bar for subsequent trial. Article 366 of the Constitution which is a definition clause does not define the word "offence" and therefore in view of Article 367 of the Constitution, the definition of the word "offence" has to be seen in General Clauses Act where it is defined in Sec 3 (38). The same definition of the word "offence" is given in Section 3(n) of Code of Criminal Procedure and it means any act or omission made punishable by any Law for the time being in force. Several offences may have been committed in the same or single incident and therefore "incident" should not be confused with

“offence”. The bar created by Sec 300(1) Cr.P.C. is against second trial for the same “offence”.

33. The Committee of Justice J.D. Jain and Shri D.K. Agarwal has noticed that where several murders were committed and property was looted, the offenders were prosecuted only for an offence under Section 411 and 412 IPC (dishonestly receiving or retaining property stolen in the commission of dacoity). Acquittal in a trial under Section 412 IPC in such a case would not bar subsequent prosecution for murder under Section 302 IPC. The Report shows that there are cases where the offenders were not prosecuted for serious offences but were tried only for some minor offences.

34. To conclude, the Committee is of the opinion that a Special Investigation Team (SIT) may be constituted which should be headed by a senior and experienced officer. The S.I.T. should examine the records of the Police Stations and also the files of Justice J.D. Jain and Shri D.K. Agarwal Committee in appropriate serious cases. Those cases where there is a statutory bar to prosecution, need not be investigated as it will be an exercise in futility. Where after investigation sufficient evidence is found available which may result

in a verdict of conviction, charge-sheet should be filed against the accused in the proper court.

(J.P.Agrawal)

(Justice G.P.Mathur)

T.C.

G.P.Mathur

.....

No.13018/02/2015-Delhi-I(NC)
Government of India
Ministry of Home Affairs
(UT Division)

North Block, New Delhi
Dated the 30th January, 2015

To,
Hon'ble Justice G.P. Mathur
Chairman

Sir,

This Ministry places its deep appreciation for the expeditious submission of report dated 22.1.2015 on the "Need for constitution of SIT for investigating the cases of 1984 riots".

2. The Ministry accepts your recommendation to constitute a Special Investigation Team (SIT) for the investigation into the cases of 1984 riots. Keeping in view the complexity of cases mentioned in your report, the Ministry feels that the SIT should be a composite team of investigators, prosecutors as well as legal experts to address all connected issues comprehensively.

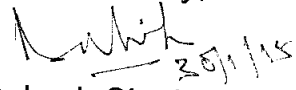
3. The Ministry intends to constitute a 5 member SIT in which two can be from legal field i.e.

- (i) Chairperson- [Additional DG / DG level officer]
- (ii) Member - [One IG level officer from Delhi Police]
- (iii) Member - [Another IG level officer working in CAPF / MHA subordinate office]
- (iv) Member - Legal field
- (v) Member - Legal field

Ministry would be obliged if you could give your valuable suggestions on the size and composition of the SIT and also suggest few names from the legal field who could spare time for this onerous time bound work.

Further, it is urged that the Committee may submit its report on the remaining terms of reference, as quickly as possible.

Yours faithfully,


(Rakesh Singh)
Joint Secretary (UT)

T.C.
G.P. Mathur

CONFIDENTIAL

2-2-15

From:
Justice G.P. Mathur (Retd)
CHAIRMAN OF THE COMMITTEE

To :
The Home Secretary,
Ministry of Home Affairs,
New Delhi.

My dear Shri Goswami,

This is with reference to letter No. 13018/02/2015Delhi-I(NC) dated 30th January 2015 sent by Shri Rakesh Singh, Joint Secretary (UT) which was delivered at my residence same day late in night.

- (1) The Special Investigation Team (SIT) will be required to give guidance and will have overall supervision of investigation of criminal cases and their prosecution in Court. It should not be 'top heavy'. Sometimes, there is difference of opinion amongst members of a large body and decision making gets delayed. I am of the opinion that the Special Investigation Team (SIT) for investigating 1984 riot cases should have three members and not five. It should be headed by a senior Police officer not below the rank of an Inspector General of Police and another Police officer of the rank of Senior Superintendent of Police. The Police officers should be such who have experience of supervising investigation of criminal cases. The third person should be from legal field who has good knowledge of criminal law and has experience of conducting criminal trials in the Court of Sessions. A lawyer or a Judge who has done only appellate work in High Court would not be suitable for this purpose.
- (2) The most important task of the SIT would be to collect the evidence which is credible, cogent and clinching in nature. The evidence should be such that if led properly in Court during trial it

is able to substantiate the charge resulting in conviction. Therefore, the SIT would require sufficient number of field staff like Assistant Sub Inspectors, Sub Inspectors and Inspectors of Police. They would contact the witnesses, record their statements under Section 161 Code of Criminal Procedure and gather other evidence. From the little interaction I had with some of the Sikh delegations who met me and also from the reports of other Committees, it appears that many victims or eye-witnesses of the crime (relations or neighbours of those who were killed) are no longer living at their original place of residence. They have moved away either to some other locality in Delhi or to places in different states. Some have settled in Punjab and Haryana. In fact, the Committee of Justice J.D. Jain and Shri D.K. Agarwal has noticed in its Report that in many criminal trials the widow or close family members of the deceased (person killed in rioting) were not produced as witnesses, as the prosecution gave a report that they were not traceable. Therefore, tracing out the close relatives or neighbours of the deceased who are eye-witnesses of the incidents and would be the best witnesses in trials, may pose some problem. The members of the SIT can not do this job. The SIT would, therefore, need the services of sufficiently large number of Assistant Sub Inspectors, Sub Inspectors, and Inspectors etc. who are proficient in this type of work. I may add that only such police personnel should be taken as supporting staff who have actually worked in Districts and have experience of investigation of criminal cases. Normally, the members of the Central Para Military Forces like BSF, CRPF, CISF, ITBP etc. have no experience of conducting investigation of criminal cases and they may not be very useful.

- (3) If, at a later stage, it is felt that the volume of work with the SIT is very heavy and three Members are not able to cope up with the same, the SIT can be expanded and some more Members can be inducted.

- (4) At present I am not in a position to suggest any one's name to be included in the legal field.
- (5) Regarding the other terms of reference, they basically relate to payment of compensation to the victims or their family members. The compensation amount has to be disbursed by the State Governments. The Committee has written letters to all the State Governments requesting them to expedite the process and give a Report. No reply has been received so far. The Committee would try its best to complete the job assigned to it as early as possible but much will depend upon the response received from the State Governments.

Yours sincerely,

(G.P. Mathur)

J.C.

G.P. Mathur

Annexure - IV

1/SIT (1984 Riots)/MHA-2015-157

Special Investigation Team

Ministry of Home Affairs / Grih Mantralaya

Govt. of India / Bharat Sarkar

646899/2015/D5(ANL) A-12
19/11/15
No 53 ADMIN/SIT Riots 1984
12-11-15

169

2nd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003

Dated, the 17 November, 2015

Subject: - Seeking clarification on the term "Closed Cases" used in the term of the reference of SIT (1984 Riots).

A Special Investigation Team (SIT) for investigating / re-investigating the cases of 1984 Riots has been constituted by the order of the competent authority of MHA vide order No. 13018/13/2014- Delhi-I_(NC), dated 12.02.2015. The SIT was required to complete the exercise within a period of six months. The time frame has now been extended up to August, 2016.

As per the terms of reference, the SIT has "to investigate / re-investigate the appropriately serious criminal cases which were filed in the NCT of Delhi in connection with the 1984 Riots and have since been closed". However, the term "Closed Cases" has not been clarified / defined. Though, SIT has already begun the scrutiny of cancelled cases but clarification of the term "Closed Cases" is required to proceed further.

It is requested to kindly provide clarification on the following issues:-

1. Clarification of the term "Closed Cases" and "Appropriately Serious Criminal Cases" used in the term of reference of SIT and the definition as it is not provided in Cr. P.C.
2. Whether the said term i.e. "Closed Cases" would include only the cases in which cancellation / untraced report were filed by the police or the cases which resulted into acquittal / discharged should also be included in the light of the recommendation of the Justice G.P. Mathur Committee.

An early reply is solicited.

(Kumar Gyanesh)
Member, SIT (1984 Riots), MHA

To
Sh. M. V. Vijayan
Dy. Secretary (ANL)
Ministry of Home Affairs
North Block, New Delhi.

T.C.
G.P. Mathur

11/11/15
S. V. (copy)
8/11/15
SC

F. No. 13028/13/2014-Delhi- I (NC)
Ministry of Home Affairs/ गृह मंत्रालय
Government of India/ भारत सरकार
(Judicial Division)

NDCC-II, 4th Floor,
Jaisingh Road,
New Delhi- 110001.

Dated the 27th January, 2015

To
The Chief Secretary,
(Governments of Uttar Pradesh, Madhya Pradesh, Chattisgarh,
Haryana, Bihar, Jharkhand, J&K, Himachal Pradesh, Orissa,
Maharashtra, Uttarakhand, Punjab, NCT of Delhi, Tamil Nadu, West
Bengal and Union Territory of Chandigarh)

**Sub: Proceedings of the Committee constituted to look into the
grievances related to 1984 Anti-Sikh Riots.**

As you may be aware that the Ministry of Home Affairs vide its Notification through OM No 13028/13/2014-Dehi-(I)-NC dated 23rd December, 2014 has constituted a Committee to oversee, inter alia, the implementation of payment of additional compensation and look into the grievances in the matter of 1984 Anti Sikh Riots, under the Chairmanship of Justice G.P. Mathur, former Judge, Supreme Court of India. In this regard, the Government of India's decision for grant of enhanced relief of Rs. 5 lakh per deceased person who died during 1984 Anti-Sikh Riots and conveyed to you vide this Ministry's letter No. 13018/46/2005-Delhi-I (NC) dated 16.12.2014 may also be kindly noticed.

The Chairman of the Committee has accordingly desired to know the current status of the implementation of the decision of the Government by the State Governments concerned. It is, therefore, requested that the status of implementation of the decision of the Government in respect of identification of such legal heirs/next of kin of the deceased persons and payment of the enhanced relief of Rs.

5 lakhs per deceased person by the State Govt. alongwith difficulty faced by your government in this regard, if any, may kindly be intimated to the Committee for its perusal and formulation of its recommendations. The information/details may kindly be conveyed to the undersigned by 15th February, positively.

With regards,

Sd/-

(J.P. Agrawal)
Joint Secretary (Judicial) &
Member Secretary to the Committee
Tele Fax: 23438113

Copy to:-

1. JS (UT) - For providing the relevant information, if any, to the Committee.
2. PS to the Chairman of the Committee - for information.

T.C.
G.P. Mann

Reminder

F. No. 13028/13/2014-Delhi- I (NC)
 Government of India/ भारत सरकार
 Ministry of Home Affairs/ गृह मंत्रालय
 (Judicial Division)

NDCC-II, 4th Floor,
 Jai Singh Road, New Delhi- 110001.

Dated: May 29, 2015

To

The Chief Secretary,

(Governments of Uttar Pradesh, Madhya Pradesh, Chhattisgarh,
 Haryana, Bihar, Jharkhand, J&K, Himachal Pradesh, Orissa,
 Maharashtra, Uttarakhand, Punjab, West Bengal, Union Territory of
 Chandigarh and NCT of Delhi)

**Sub: Proceedings of the Committee constituted to look into the
 grievances related to 1984 Anti-Sikh Riots.**

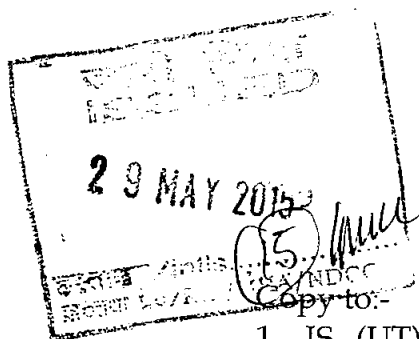
Please refer to this office letter of even no. dated 27th January, 2015
 and a subsequent reminders dated 16.02.2015 and 01.05.2015, requesting
 you to provide the current status of the implementation of the decision
 of the Government of India regarding payment of additional
 compensation to the next of the kins of 1984 Anti Sikh Riots by the State
 Government. The requisite reply/information is still awaited. The
 Chairman of the Committee has desired me to again remind you for an
 immediate reply to facilitate submission of the report to the Government,
 in time.

With regards,

(Dr. R.K. Mitra)

Joint Secretary (Judicial) &
 Member Secretary to the Committee
 Tele Fax: 23438111

o/c



1. JS (UT) - For providing the relevant information, if any, to the
 Committee.

2. JS to the Chairman of the Committee - for information.

Alphard
 29/5/15

T.C.

C.P. Manu

Annexure - VIII

Dr. (V)

4/32

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
REVENUE DEPARTMENT: RELIEF BRANCH
5-SHAM NATH MARG, DELHI-54

No.F.1(58)/Relief/Riots/Pt. file/2014/314-315

Dated:

26/2/15

To

Joint Secretary (Judicial) &
Member Secretary to the Committee
Ministry of Home Affairs
NDCC - II, 4th Floor
Jaisingh Road
New Delhi - 110 001

Sub: Proceeding of the committee constituted to look into the grievances related to 1984 Anti Sikh Riots.

Sir,

With reference to your office letter No.13028/13/2014-Delhi-I (NC) dt. 16/02/2015 on the subject cited above. This is to inform you that in pursuance of Ministry of Home Affairs order No. 13018/46/2005-Delhi-I (NC) dt. 16/12/2014, the process of verification of claims for additional compensation has duly been initiated at all the district offices of Revenue Deptt. Till date, payment to 33 beneficiaries has been made and all District offices have been allocated additional funds by way of re-appropriation vide order dated 16.02.2015 (copy enclosed) for immediate payment of enhanced compensation.

It is also submitted that Govt. of Delhi has requested Ministry of Home Affairs, Govt. of India to release funds of Rs.122.95 crores at the earliest so as to enable this Govt. to release the additional amount to the next of kin/legal heir of the deceased persons of 1984 Anti Sikh Riots. A copy of D.O. letter sent by Secretary (Revenue) to Joint Secretary (UT), Ministry of Home Affairs is also enclosed.

Yours faithfully,

Encl: As above

(DR. ANIL AGARWAL)
ADDL. SECRETARY (REVENUE)

No.F.1(58)/Relief/Riots/Pt. file/2014/

Dated:

Copy forwarded for information to the:-

1. P.S. to Secy. (Revenue), Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi.

(DR. ANIL AGARWAL)
ADDL. SECRETARY (REVENUE)

OW

T.C.

C.P. Mamm

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GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DIVISIONAL COMMISSIONER
REVENUE DEPARTMENT(HQ)
5, SHAM NATH MARG, DELHI-110054

No.F.1/Misc./NP/2008/19&4-Riots/Pl. File/2014-15/222-15 Dated: 16/02/15

ORDER

In continuation of this office sanction No. F.1/2235/Relief/NP/B&B/2014-15/35-46 dated 07/01/2015, approval of Secretary (Rev.)-cum-Divisional Commissioner, Govt. of N.C.T. of Delhi is hereby conveyed for allocation of additional funds to Revenue Districts under Office of the Divisional Commissioner, Revenue Department under Major Head "2235" E. G. (1)(1)(1)(3) - Other Charges (Voted)(Non-Plan) under Demand No. 10 for FY 2014-15 for payment of enhanced compensation to the next of kin to the persons who died in 1984 anti-Sikh Riots :-

(Amount Rupees in Thousands only)

Sl. No.	HQ/Districts	Funds Earlier Allocated to Districts (Voted)	Additional Funds now being allocated (voted)	Total Funds allocated to HQ & Districts (Voted)
(1)	(2)	(3)	(4)	(5)
Total Allocation of Funds as per approved BE 2014-15 : Rs. 110000 -In thousands)(10000 as per BE+ 100000 as per re-appropriation)				
1.	Head Quarter	68300	(-) 68300	0
2.	DC (North)	1100	(+) 7940	9040
3.	DC (North - West)	800	(+)16000	16800
4.	DC (West)	35000	(-) 10000	25000
5.	DC (North-East)	100	(+) 440	540
6.	DC (Central)	500	(+) 5248	5748
7.	DC (East)	3000	(+) 11134	14134
8.	DC (South)	200	(-)200	0
9.	DC (South - West)	500	(+)15500	16000
10.	DC (New Delhi)	50	(+) 2988	3038
11.	DC (South - East)	0	0	0
12.	DC (Shahdara)	450	(+) 16250	16700
	Total	110000	0	110000

The above additional re-allocation of funds is for making payment of enhanced compensation @ Rs. 5,00,000/- each (Rupees Five Lac each-only), in addition to the amount already paid, to the next of kin to the persons who died in 1984 anti-Sikh riots after identifying legal heirs of the deceased persons with all other relevant details, in pursuance of letter No. 13018/46/2005-Delhi-I(NC) dated 16th December, 2014 from the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi (a copy enclosed).

All the Revenue Districts shall indicate the above total allocation and expenditure against it in the regular monthly expenditure statement.

P.T.O.

This is very imp. and must be kept in file for m. a.

O.S. (Relief)

A. 12/2/15

Sh. Roshan Singh for compliance

[Signature]

*Relief 1-15
SDM III
2-15*

necessary "Utilization Certificate" for the above amount shall be furnished by the concerned Deputy Commissioner, Revenue Department, to the S.D.M., Relief Branch, Office of the Divisional Commissioner, Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi-110054, immediately after making payment of the enhanced amount of compensation so as to ensure necessary reimbursement of expenditure so incurred from Government of India.

This issues with the approval of the Secretary (Revenue)-cum-Divisional Commissioner, Govt. of NCT of Delhi.

(B.S.RAWAT)
DY. CONTROLLER OF ACCOUNTS (HQ)

No.F.1 /Misc. /NP/2008/1984-Riots/PE. File/2014-15/ 2-570 Dated: 16-2-15
Copy forwarded for information and necessary action to the:

1. P.A. to Secretary(Revenue)-cum-Divisional Commissioner, Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi-110054.
2. Special Secretary(Finance), Govt. of NCT of Delhi, Delhi Secretariat, I.P.Estate, New Delhi
3. The Addl. Secretary (Revenue), Revenue Department (HQ), Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi-110054.
4. All Deputy Commissioners,(North, West, North-West, Central, North- East, South, South-East, South-West, Shahdara, East, New Delhi) Revenue Department, Govt. of NCT of Delhi.
5. Deputy Secretary Finance(Budget), Finance(Budget) Department, Govt. of NCT of Delhi, Delhi Secretariat, I.P.Estate, New Delhi.
6. The PAOs concerned through concerned DDOs/Sr. A Os./AOs.
7. The Accounts Officer of District concerned, under Revenue District, GNCT, Delhi.
8. D.D.O., O/o the Divisional Commissioner, Revenue Department (HQ), Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi.
9. The SDM(HQ)-III/Relief, Revenue Department, Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi-110054.
10. The Sr. Audit Officer, AG(Audit),AGCR Building, I P Estate, New Delhi.
11. The Sr. Audit Officer, Directorate of Audit, Govt. of NCT of Delhi, Delhi Sectt., I P Estate, GNCT, New Delhi.

(B.S.RAWAT)
DY. CONTROLLER OF ACCOUNTS (HQ)

67/S.D.M.III
16-2-15

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Ashwani Kumar, IAS

अश्वनी कुमार, भा. प्र. से.



सचिव-एवम्-मण्डलीय आयुक्त
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
राजस्व विभाग

5, शाम नाथ मार्ग, दिल्ली-110 054

Divisional Commissioner -cum- Secretary

Govt. of NCT of Delhi

Revenue Department

5, Sham Nath Marg, Delhi - 110 054

Tel.: 2396 2825 Fax No.: 2393 1269

E-mail: divcom@nic.in

D.O. No. RA/DIV.COM/2015/22

Dated ...06/02/2015.

Dear Rakesh ji,

As you may kindly recall, Central Government has approved enhanced relief of Rs. 5 lakh to the next of kin to the persons, who died in 1984 anti-sikh riots.

In the light of direction of the Ministry, the funds to the tune of Rs. 10 crore were made available by Government of NCT of Delhi to start the disbursement. So far 33 persons, being the next of kin to deceased, have been given the enhanced relief of Rs. 5 lakhs. However, in view of the resource constraints, Govt. of NCT of Delhi has desired that the Home Ministry must be requested to initiate action for release of sum of Rs. 122.95 crore at the earliest, in advance so as to enable the Government to disburse the same.

In view of the above, MHA is requested to urgently release the funds to the tune of Rs. 122.95 crores (2459 claimants X Rs. 5 lakhs = Rs. 122.95 crores).

With warm regards,

Yours sincerely,


(Ashwani Kumar)

Shri Rakesh Kumar Singh,
Joint Secretary (UT),
Government of India,
Ministry of Home Affairs,
Room No. 193-A/2, North Block,
New Delhi-110 001.

T.C.
G.P. Mammur

124
14



GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT CIVIL SECRETARIAT

(Speed post)

Dr. R. K. Mitra,
Joint Secretary (Judicial) and,
Member Secretary to the Committee,
Ministry of Home Affairs (Judicial Division),
Government of India,
NDCC-II, 4th Floor, Jaisingh Road,
New Delhi - 110 001.

No:- Home/01/Accts/2015. /268.

Dated:- 26-6-2015.

Subject:- Proceedings of the committee constituted to look into the grievances related to 1984 Anti-Sikh Riots.

Sir,

Kindly refer your communication bearing F. No. 13028/13/2014-Delhi-1 (NC) dated 29th May, 2015 regarding the above captioned subject.

In this connection it is to inform you that the requisite information has already been submitted vide this Department communication bearing No. Home/01/Accts/2015/973 dated 27-2-2015, copy enclosed for ready reference.

However, it is reiterated that the funds stands already released in favour of the Divisional Commissioner, Jammu for providing enhanced ex-gratia relief @ Rs. 5.00 lac per case, to as many as 17 cases, as per the enclosed list, relating to 1984 Anti-Sikh Riots in the first instance. The "Utilization Certificate" has not been received so far which will be provided soon as and when the same is received from the Divisional Commissioner, Jammu.

Yours faithfully,

on file To put up
to chairman.

(Ghulam Mohammad Khan),
Director Finance.

Encl:- As above.

Venkat

2/6/15

fax 0194-2506049.

Copy to Mrs. Sulekha, Deputy Secretary of Government of India, Ministry of Home Affairs, (Jammu and Kashmir Affairs), Government of India, Room 92 B, North Block, New Delhi.

T.C.

G.P. Manwar

Annexure - IX

A- VII

~~125~~
15



GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT CIVIL SECRETARIAT

(Speed post)

Shri J. P. Agrawal,
Joint Secretary (Judicial) and,
Member Secretary to the Committee,
Ministry of Home Affairs (Judicial Division),
Government of India,
NDCC-II, 4th Floor, Jaisingh Road,
New Delhi - 110 001.

No:- Home/01/Accts/2015. 1973.

Dated:- 27-02-2015.

Subject:- Proceedings of the committee constituted to look into the grievances related to 1984 Anti-Sikh Riots.

Sir,

Kindly refer your communication bearing F. No. 13028/13/2014-Delhi-I (NC) dated 16th February, 2015 regarding the above captioned subject.

In this connection I am directed to inform you that the funds has been released in favour of the Divisional Commissioner, Jammu for providing enhanced ex-gratia relief @ Rs. 5.00 lac per case, to as many as 17 cases, as per the enclosed list, relating to 1984 Anti-Sikh Riots in the first instance. The "Utilization Certificate" will be provided soon as and when the same is received from the Divisional Commissioner, Jammu. Till date no difficulty has been reported in this regard.

Yours faithfully,

(Ghulam Mohammad Khan),
Director Finance.

☎-fax -0191-2579904.

Encl:- As above.

Copy to Mrs. Sulekha, Deputy Secretary of Government of India, Ministry of Home Affairs, (Jammu and Kashmir Affairs), Government of India, Room 92 B, North Block, New Delhi.

J.C.
C.A. Mann

12/2/2015

Ann VII

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FINAL LIST OF BENEFICIARIES WHO WERE KILLED DURING 1984 ANTI SIKH RIOTS IN RESPECT OF DISTRICT UDHAMPUR

S.No.	Name of deceased with particulars
1.	Rattan Singh S/o Chet Singh Foreman R/o (Token Bq No. 130 Div-REPU) vill-Mustanpur P/O Batala Banger District Gurdas Pur
2.	Mukhtair S/o Pritam Singh Helper R/o Vill Rousekhela P/o Badala Banger District Gurdaspur.
3.	Hira Singh S/O Mukhtair Sing R/o P/O Jawala floor mil basti Gurnam Pura Gali Kewaba Bali District Amritsar.
4.	Ranjeet Singh S/o Sadu Singh foreman Qtr No.37-G R/o village Bhatai P/o Roru bia Nalagarh district Solan (HP).
5.	Manjeet Singh S/o Sohan singh Electrician T.R. Gupta R/o village Lidupur P/O Kanuwala District Gurdaspur
6.	Satnam Singh S/o Bachan Singh Telephone operator R/o Vill-Nawan Pind Beholi Distt Gurdaspur
7.	Gian singh S/o Amar Singh R/O Vill Hargowala p/o Hargowala Distt Hoshiarpur.
8.	Rashpal singh S/o Not known R/o vill Mankam distt Hoshiarpur
9.	Tarsem Singh S/o Charan Singh Atwal R/o village and PO Baboo Jalal district Amritsar.
10.	Gurmail Singh S/o kehar Singh R/o Sansara P/o Tahfu Chak Tehsil Tarantaran District Amritsar.
11.	Bir Singh S/o Suria (FIR) R/o VPO Gall Galari district Gurdaspur.
12.	Resham Singh S/o Mapuna R/o VPO Nusapana district Hoshiarpur.
13.	Rattan Singh S/o Lal Singh R/o Vill DhanPiara P/o Narulla District Gurdaspur.
14.	Amar Singh S/o Ranje-Ram R/o VPO Rajpur Madan tehsil Bangan District Una (HP)
15.	Surinder Singh S/o Pritam singh R/o village Mathala PO Bhsut District Gurdaspur.
16.	Bhupinder Singh S/o Jaswant Singh R/o Singhpura Kallan, Baramulla
17.	Janak Singh R/o Pouni

Gian Dharma
Deputy Commissioner
Udhampur

Annexure - X

~~112~~ 24

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Alok Ranjan,
Chief Secretary
Government of Uttar Pradesh,
Lucknow

Subject:

Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhil(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

2. On reviewing the matter, it is observed that reply/information from your State is still awaited. I would, therefore, request you to kindly look into the matter and send a status report at the earliest.

With regards,

Yours sincerely,

G. P. Mathur

(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee

9/2

File No: GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

1473
25

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Anthony J C Desa,
Chief Secretary,
Government of Madhya Pradesh,
Bhopal.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhil(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

2. On reviewing the matter, it is observed that reply/information from your State is still awaited. I would, therefore, request you to kindly look into the matter and send a status report at the earliest.

With regards,

Yours sincerely,

G.P. Mathur

(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee

etc

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Vivek Kumar Dhand,
Chief Secretary,
Government of Chattisgarh,
Raipur.

Subject: Current Status of the implementation, of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

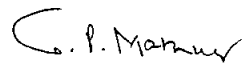
Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhil(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

2. On reviewing the matter, it is observed that reply/information from your State is still awaited. I would, therefore, request you to kindly look into the matter and send a status report at the earliest.

With regards,

Yours sincerely,



(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee



File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

145
27

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Depinder Singh Dhesi,
Chief Secretary,
Government of Haryana,
Chandigarh.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhi(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

2. On reviewing the matter, it is observed that reply/information from your State is still awaited. I would, therefore, request you to kindly look into the matter and send a status report at the earliest.

With regards,

Yours sincerely,

C.P. Mathur

(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee

8/2

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

146
28

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Anjani Kumar Singh,
Chief Secretary,
Government of Bihar,
Patna.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

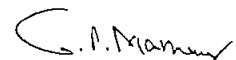
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With regards,

Yours sincerely,



(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee

8/2

147-29

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Rajiv Gauba,
Chief Secretary,
Government of Jharkhand,
Ranchi.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhi(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

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With regards,

Yours sincerely,

G.P. Mathur
(Justice G.P. Mathur)

Chairman
Justice G.P. Mathur Committee

G/L

148

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To .

Shri P. Mitra,
Chief Secretary,
Government of Himachal Pradesh,
Shimla.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhil(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

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With regards,

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(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee

o/l

149-3

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Gokul Chandra Pati,
Chief Secretary,
Government of Odisha,
Bhubaneswar.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

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(Justice G.P. Mathur)
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Justice G.P. Mathur Committee

G/L

-32.
150

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Swadheen S Kshatriya,
Chief Secretary,
Government of Maharashtra,
Mumbai.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

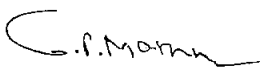
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Chairman
Justice G.P. Mathur Committee

B/L

- 33.
151

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri N. Ravi Shanker,
Chief Secretary,
Government of Uttarakhand,
Dehradun.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

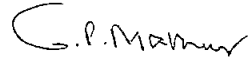
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Yours sincerely,


(Justice G.P. Mathur)
Chairman

Justice G.P. Mathur Committee



- 34 -
152

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Sanjay Mitra,
Chief Secretary,
Government of West Bengal,
Kolkata.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

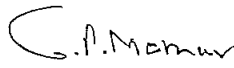
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(Justice G.P. Mathur)
Chairman
Justice G.P. Mathur Committee



-35
153

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri Vijay Kumar Dev,
Adviser to the Administrator,
UT of Chandigarh,
Chandigarh.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

Dear

Please refer to Ministry of Home Affairs letter No. 13028/13/2014-Delhil(NC) dated 27th January 2015 (Copy enclosed) followed by reminders dated 16th February 2015 and 1st May 2015 requesting the current status of the implementation of the decision of the Government regarding payment of additional compensation of Rs.5 lakhs to be paid to next of kin of each deceased who was killed in 1984 Anti Sikh Riots.

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G.P. Mathur

(Justice G.P. Mathur)

Chairman

Justice G.P. Mathur Committee

AL

A. V. M.

-36-

File No. GR/1/2015-GPMC
Office of Chairman
Justice G.P. Mathur Committee

8th Floor, 'B' Wing, NDCC-2 Building,
Jai Singh Road, New Delhi-110001.

Dated 18th November, 2015

To

Shri K. K. Sharma,
Chief Secretary,
Government of NCT of Delhi,
Delhi.

Subject: Current Status of the implementation of the decision of the Government regarding payment of additional compensation of Rs. 5 lakhs to the NOK of deceased killed in 1984 Anti Sikh Riots

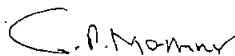
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