

REPORT  
OF  
JUSTICE RANGANATH MISRA COMMISSION OF INQUIRY

VOLUME I

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### Abbreviations

1. AIIMS - All India Institute of Medical Sciences.
2. BRVRC - Bokaro Riot Victims Rehabilitation Committee.
3. CCPH - Citizens' Committee for Peace & Harmony.
4. CJC - Citizens' Justice Committee.
5. DSGMC - Delhi Sikh Gurudwara Management Committee.
6. KRICC - Kanpur Riots Inquiry Coordination Committee.

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## INTRODUCTION

### I

#### (a) Setting up of the Commission

On April 26, 1985, the Central Government announced in Parliament then in session, the appointment of a Commission under section 3 of the Commissions of Inquiry Act, 1952, and by Notification in the Gazette of India Extraordinary of the same date this Commission was duly constituted with the following terms of reference :

- (i) to inquire into the allegations in regard to the incidents of organised 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.

Following the accord between the Prime Minister of India and the late Shri Harchand Singh Longowal, the Akali leader, on July 24, 1985, the Commission's sphere of inquiry was extended to Kanpur in the State of Uttar Pradesh and Bokaro in the State of Bihar by Notification dated September 3, 1985. After the Commission visited Bokaro for a preliminary inquiry, it transpired that the major part of the incidents took place within the Chas area which was outside Bokaro Tehsil and on a reference made by the Commission indicating this fact, the Central Government modified the terms of reference by Notification dated October 10, 1985, to cover the incidents within the Bokaro Tehsil as also the Chas Tehsil. The first aspect referred to the Commission now reads thus :

"to inquire into the allegations in regard to the incidents of organised violence which took place in Delhi and the disturbances which took place in the Bokaro Tehsil, in Chas Tehsil and at Kanpur following the assassination of the late Prime Minister, Shrimati Indira Gandhi."

Following the assassination of the late Prime Minister, there was riotous upsurge at Delhi and several other places in the country. Hundreds of Sikhs were killed; several others were injured and manhandled; their houses and other properties

were burnt down as a result of arson; many of them were rendered homeless. The Home Minister made a statement on the floor of the Rajya Sabha that the number of Sikhs killed in Delhi during November 1984 riots was 2146; 586 persons were said to have been killed in other parts of the country during that period.

From the terms of reference it is clear that so far as Delhi riots are concerned, the Commission has to inquire into the allegations in regard to incidents of "organised violence" while in regard to the other named places the inquiry is into the "disturbances" following the assassination of the late Prime Minister, Smt. Indira Gandhi. The effect of the distinction would be appropriately dealt with at the relevant place.

## II

### (b) Functioning of the Commission

On June 1, 1985, Shri R.L. Gupta, a member of the Delhi Higher Judicial Service, reported to duty as Secretary to the Commission. On July 6, 1985, the building at 5 Dr. Rajendra Prasad Road was placed at the disposal of the Commission for housing the Commission's establishment. Provision for furniture and furnishing the building in order to make the rooms suitable took some more time.

On July 9, 1985, the Notification by the Commission inviting all persons acquainted with the subject-matter of inquiry to furnish to the Commission information in the form of affidavits relating to the allegations in regard to the incidents of organised violence which took place in Delhi following the assassination of Smt. Indira Gandhi and the measures that may be adopted to prevent recurrence of such incidents was duly published in 25 newspapers with wide circulation of which 6 were English, 7 Hindi, 5 Urdu and 7 Punjabi. A month's time was allowed for filing of such

affidavits.

One of the first groups which came before the Commission was styled as "Citizens' Justice Committee". It maintained that several wellplaced public spirited persons, including Mr. Justice S.M. Sikri, a retired Chief Justice of the Supreme Court of India, Mr. V.M. Tarkunde, a former Judge of the Bombay High Court and now a Senior Advocate of the Supreme Court, Mr. Soli J. Sorabjee, a Senior Advocate of the Supreme Court, Air Chief Marshal Arjan Singh (Retd.) and Lt. Gen. J.S. Aurora (Retd.) were, among others, members of the Committee and the object of the Committee was to protect the interests of the riot victims belonging to the Sikh community. By Order dated July 29, 1985, the Commission accorded recognition to the Committee as the representative body of the riot victims.

Since the conduct of the Delhi Police was under cloud and as in the inquiry that was to follow investigation into allegations of dereliction of duty on their part was likely to be inquired into, the Commission directed that an independent Investigating Agency be constituted excluding Delhi Police and accordingly made an order for the setting up of such an Agency.

Grievance was made that the victims were afraid of filing affidavits disclosing the true state of affairs as such disclosure was bound to be against people in the party in power, officers of Government and mainly the police as also influential persons of the respective localities. Initially the Commission was of the view that unless concrete incidents were placed before it, it would be difficult to assume a genuine basis for such apprehension. By August 9, 1985, which was the last date for receipt of affidavits in terms of the Commission's Notification, a solitary affidavit had been received. The Commission, therefore, extended the time for receipt of affidavits by one further month and issued fresh Notification in several newspapers publicising the fact of

such extension. The information was also duly given out through the All India Radio and Doordarshan. Within the extended time, 2905 affidavits were received by the Commission in regard to the incidents of Delhi.

With the inclusion of Kanpur, Bokaro and Chas, public notice relating to Kanpur was directed to be issued on September 9, 1985, requiring affidavits to be filed by October 29, 1985. The said Notification was issued in 15 newspapers having circulation in Kanpur area of which 4 were English, 5 Hindi and 6 Urdu. Kanpur was subjected to unusual floods in October 1985 and on that ground the Commission was moved for extending the date of receipt of affidavits by some more time. On October 18, 1985, the Commission allowed extension till November 14, 1985. The Chief Metropolitan Magistrate of Kanpur was authorised to receive affidavits that may be presented before him. Parties were given the liberty to personally file or send their affidavits by post to the office of the Commission at Delhi. Within the extended period a total number of 675 affidavits were received from Kanpur.

With the amended Notification with reference to Bokaro and Chas, public notice was ordered to be issued on October 11, 1985, and was actually published in 11 newspapers of which 4 were English and 7 Hindi, requiring affidavits to be filed within 30 days therefrom. Time was extended up to December 5, 1985. Option was given to the persons intending to file affidavits before the Commission either to send them by post or have the same filed in person at Delhi or to file them before the Judicial Magistrate, Chas. In all, 172 affidavits relating to incidents in Bokaro and Chas were filed before the Commission. Appropriate consent had been taken from the High Courts of Patna and Allahabad for availing the services of the respective Judicial Officers.

Though the CJC wanted the inquiry for all the four



places to be conducted at Delhi, the Commission found that there were locally based parties who had come forward to participate in the inquiry in response to its Notifications and to have the inquiry conducted at Delhi would not be convenient to them. Several affidavits had been filed by inhabitants of these areas who also wanted the inquiry to be conducted locally. The Commission, therefore, directed that the inquiry would be separately done at the respective places. On account of proximity and on the representation of parties, inquiry for Chas was directed to be also done at Bokaro.

The State Governments of Bihar and Uttar Pradesh were accordingly requested to provide suitable accommodation at the two places for the sittings of the Commission and without much delay appropriate accommodation was placed at the disposal of the Commission at both the places.

### III

#### (c) Representation of parties

Different groups and parties applied to the Commission at the three places for being allowed to participate in the inquiry. These applications were made at different times and were disposed of as and when made. On October 18, 1985, the Commission directed a consolidated list of individuals and/or societies permitted to participate before the Commission in respect of the inquiry at Delhi to be drawn up and notified. The Commission did not intend to shut out the inflow of information and, therefore, accepted all the requests. The following were the groups or societies which were permitted so far as the inquiry at Delhi is concerned :

1. Citizens, Justice Committee;
2. Shiromani Akali Dal;
3. Delhi Sikh Gurudwara Management Committee;
4. Citizens' Committee for Peace and Harmony;
5. Vidhi Chetna;
6. Citizens' Forum for Truth;
7. Arya Samaj. (Nagrik Suraksha Samiti)

Apart from these, the Union of India and the Delhi Administration were to participate in the inquiry. An application was filed on behalf of Nagrik Ekta Manch for being permitted to participate in the inquiry. The Commission did not agree to accede to the request but gave limited leave to the Manch to appear before it and participate in the inquiry confined to cross-examination of deponents from whom the Manch claimed to have obtained some affidavits and filed the same before the Commission. On January 10, 1986, two applications were filed, one on behalf of People's Union for Democratic Rights and the other on behalf of People's Union for Civil Liberties. The Commission refused to accept these applications by order dated January 21, 1986.

At the inquiry at Kanpur, the Citizens' Justice Committee, the Kanpur Riots Inquiry Co-ordination Committee, All India Motor Transport Congress, U.P. Motor Transport Association, City Lok Dal, Akali Dal (Master Tara Singh Group), National Integration Central Peace Committee and Arya Pratinidhi Sabha, appeared and asked for permission to be represented in the inquiry. By Order dated December 12, 1985, the Commission accorded permission to each of them. The Kanpur Youth Bar Association agreed to get represented by an Advocate during the hearing when the prayer on its behalf was not accepted. On that day the Commission directed that no further request for being impleaded/represented in the inquiry would be accepted. The Union of India and the Government of Uttar Pradesh were duly represented before the Commission at the Kanpur inquiry. On January 13, 1986, an application was made by the Secretary-General, All India Qami Ekta Committee, Kanpur, for being impleaded as a party before the Commission. By an order of that date, after hearing the applicant through its Advocate, the application was rejected. The Commission has been informed that a writ petition was filed in the

Allahabad High Court challenging the order and when the High Court declined to interfere an unsuccessful attempt was made before the Supreme Court.

In the inquiry at Bokaro, the CJC, the Guru Singh Sabha, Bokaro Riot Victims Rehabilitation Committee, apart from the Government of Bihar and Union of India, appeared. Twenty local groups filed applications on December 13, 1985, for being impleaded. By then the last date for filing of affidavits had expired and by an order made on that day, the Commission indicated that no opportunity would be available to the parties to file any affidavit but leave was granted to them to watch the proceedings, if they so liked, with liberty to suggest questions to the Commission in course of cross-examination of witnesses, if any.

Parties appearing before the Commission for the Delhi inquiry were called upon to disclose their stand in writing in regard to the first aspect referred to it. The CJC adopted the following stand :

"From the materials available to the Committee, prima facie, it appears that the violence in Delhi was premeditated, organised and was perpetrated methodically in a systematic manner so as to lead to the irresistible conclusion of central direction, guidance and control. This task was without doubt performed with the complicity, connivance and active involvement of the administration as well as the members of the ruling party."

The Delhi Sikh Gurudwara Management Committee adopted an allied stand by stating :

"The stand of the DSGMC is that the mass violence and carnage which took place in Delhi and other parts of the country from 31st October to 7th November, 1984, on the assassination of the Hon'ble the then Prime Minister, Shrimati Indira Gandhi, was an organised violence. It was committed in the same pattern not only in Delhi but also in other parts of the country including Kanpur and Bokaro against the Sikh community."

The Shiromani Akali Dal (L) adopted this stand. The Nagrik Suraksha Samiti (Arya Samaj) adopted the following stand :

"The stand of the Samiti is that the riots, arson and looting which took place in the wake of assassination of Smt. Indira Gandhi were not the handywork of any organised group of people. To say that the riots were organised is wholly incorrect. The fact and the truth of the matter is that the riots, arson and looting which took place immediately on the assassination of Smt. Indira Gandhi were all sporadic and spontaneous and got erupted on grave provocation and anger on account of the tragic assassination of the late Prime Minister, Shrimati Indira Gandhi who was greatly loved and respected by the people at large.

Mrs. Gandhi's tragic assassination aroused a sudden and tremendous feeling of shock, distress and an uncontrollable anger amongst the people. A section of the people who could not control themselves reacted sharply; and in the spate of anger, went on a spree killing, looting and burning shops and houses belonging to members of the Sikh community. The said unidentified section of the people had in their mind the events that had taken place in Punjab earlier and had known the atrocities committed by some members of the Sikh community as extremists. The assassination of Smt. Gandhi was the most heinous and sinful act of a handful of Sikhs but the people in their anger went to take revenge on members of the Sikh community as the assassins belonged to the said community. ... "

Some other parties took a similar stand.

The Union of India did not adopt any stand and informed the Commission that the question has to be inquired into and decided by the Commission and Central Government had no view to express. It assured all co-operation in the inquiry and said that the Report was awaited.

The Delhi Administration denied the allegation of organised violence and stated that all possible steps were taken to quell the riots at shortest time possible.

At Kanpur, the Kanpur Riots Inquiry Co-ordination Committee which emerged as the spokesman of the victims implicated the District Administration - the District Magistrate and the Police in the main - for what happened and also contended that the riots were organised. The State Government, on the other hand, denied all that and maintained that every possible step had been taken to meet the riotous situation and restore normalcy.

At Bokaro, on behalf of the victims the stand taken was of negligence of the local administration and the lead and

help extended by local leaders. The State of Bihar denied the allegations and maintained that prompt steps were taken by the Administration as a result of which the situation was brought under full control within a few hours.

IV

(d) Collection of facts

Applications were moved before the Commission in the Delhi inquiry by the CJC for direction for production of documents. A long list thereof was given. After the list was scanned the Commission was of the view that it would be more expedient to allow interrogatories on specific aspects than calling for the documents. The suggestion of the Commission was accepted by the CJC and two applications were filed for leave to put interrogatories to the Delhi Administration, the Union of India and certain other parties. Agreeing with the objections of the Delhi Administration and the Union of India, the Commission found that a few of the interrogatories were on irrelevant aspects and certain information in public interest could not be required to be disclosed. On these two grounds a few of the interrogatories were not permitted to be put but the Commission accorded leave for most of them. The interrogatories were duly answered and the answers were supplied to the parties. Similar procedure was followed at Kanpur and Bokaro. Certain documents were called from non-governmental agencies and wherever available the same were also produced and made available to parties.

V

Before the Commission, for the inquiry at the respective places, the Commission directed some of the deponents to be cross-examined. It may be stated that most of these deponents were picked up at the instance of the victims. Their affidavits were taken as evidence-in-chief and cross-examination was

allowed to be done by the Union of India and the respective State Governments/Administration as was necessary and on behalf of victims where the stand taken in the affidavit was in support of the Administration. The persons so examined were : Delhi 128, Kanpur 97, Bokaro 45. At the instance of some of the other parties questions were suggested to the Commission and wherever it was satisfied, the said questions were put and answers were obtained. Wherever such deponents wanted to make any further statement, the Commission made a separate record of it for its purpose. These statements usually related to problems of rehabilitation.

## VI

### (e) Interference with the working of the Commission

#### Representation of victims :

While deponents were being cross-examined, constant complaints used to be received of interference and harassment at all the three places. Some of the victims stated that they were threatened by the local police, rioters of the locality as also others and were told not to appear before the Commission. In view of the grievance made and the multiplying complaints, the Commission had to send its officers from the Investigating Team to different areas with a view to generating confidence in the victims and the summoned deponents in the main. On several occasions the Commission had even to direct police protection to be provided to persons who had been or were about to be examined before it.

The Commission indicated to the parties appearing before it that while it would look into all the affidavits filed before it - whether the deponent was cross-examined or not - and if the deponent was cross-examined, take the evidence also into consideration, it suggested that some of the events

covered by the affidavits could also be investigated by its Agency. On behalf of the victims a good number of incidents were given covering Delhi, Kanpur and Bokaro and the Investigating Agency made thorough inquiries and submitted reports, the conclusions whereof have been supplied to the parties. Reference to the reports of the Investigating Agency is made in another part of this Report.

## VII

### (f) Camera Proceedings

The inquiry was a sensitive one. Wrong reports started featuring in the Press relating to the proceedings before the Commission. When evidence came to be taken, tainted news appeared with greater frequency. In periodicals writings appeared based upon wrong premises. Even though the CJC was appearing before the Commission through Advocates, some of the persons connected with the said Committee started giving wrong versions of events to the Press. The Commission was, therefore, obliged to direct that the inquiry would be in camera and made an order requiring the Press not to publish news and particulars about the proceedings before the Commission. The Commission places on record that the Press has mostly behaved responsibly and was co-operative after the direction was given. The Illustrated Weekly published from Bombay, however, exhibited scanty regard to the direction and in its issue dated May 25-31, 1986, published a write-up said to be by Harji Malik. The Commission has noticed that the write-up is contrary to facts and is a total misrepresentation of the situation.

## VIII

### (g) Citizens' Justice Committee notifies its withdrawal from the Inquiry

By March 31, 1986, substantial progress had been made

in the inquiry by the Commission. So far as the inquiry at Bokaro was concerned, it was over and written submissions remained to be filed. Relating to the inquiry at Kanpur, the Commission had finished examination of witnesses and the date for oral arguments had been fixed. The last lap of oral evidence remained to be taken at Delhi and that had been scheduled to begin from April 2, 1986. At this juncture, on March 31, 1986, a long statement was filed in the office of the Commission by the CJC notifying its withdrawal from the proceedings and in the statement the action was sought to be justified. On April 1, 1986, Mr. Phoolka, counsel for the Committee was sent for and when questioned, disclosed that the Committee was his client and as the client had asked him not to appear he had nothing more to say. It was explained to Mr. Phoolka that the Committee had taken a special responsibility to represent the riot victims and in case the Commission had previous notice of the Committee's non-co-operation, other steps could have been taken. The inquiry was posted for the next day and there was hardly time to make any alternative arrangements. Besides, it was also pointed out that most of the facts placed in the statement were either irrelevant or were assumptions without foundation. Mr. Phoolka wanted time saying that he would contact the senior counsel and request them to appear. They, however, did not turn up. Next day Mr. Phoolka came with a letter from Mr. Justice Sikri who happens to be the President of the Committee wherein it was stated :

"The Citizens' Justice Committee (CJC) has filed on 31.3.1986 before the Honourable Commission its submissions pertaining to the matter of the continued presence and participation of CJC in the proceedings of the Commission.

In view of the discussion which took place yesterday between your Lordship and Mr. Phoolka, and out of deference to certain observations which you were



pleased to make during the course of the discussion, an emergent meeting of the CJC was convened yesterday evening.

After deep and careful reconsideration of the matter, CJC regretfully finds itself unable to alter its previous decision as set out in the said submissions.

CJC would like to make it absolutely clear that its decision and the said submissions filed by it do not in any manner imply lack of personal confidence in your Lordship or any mark of disrespect for the Commission.

For reasons already stated in the said submissions CJC is of the view that the procedure adopted and followed by the Commission has rendered its continued presence and participation ineffective and pointless."

Full text of the letter is at Appendix '1' in Vol. II.

It is a fact that the CJC was the premier group representing the victims at Delhi. Its sudden withdrawal from the proceedings, particularly when the inquiry had been posted on April 2, 1986, did create some amount of embarrassment in the working of the Commission. The Commission places on record its disapproval of the manner in which CJC withdrew from the proceedings. Having persuaded the Commission to accept the position that it was a public spirited organisation consisting of socially oriented and highly placed citizens capable of effectively representing the victims and their cause the Committee had taken upon itself the onerous duty of a trustee and when it suddenly backed out it did fail to discharge the responsibility it had voluntarily undertaken. Surprisingly, Mr. Tarkunde thought it appropriate to justify the stand of the Committee by going to the Press and made a statement on the basis of which there appeared a publication in one of the fortnightly magazines soon after the withdrawal from the proceedings. The Commission did not consider it appropriate to join issue through the Press. The Committee perhaps did not want the situation to become quiet and disclosed materials not being facts to form the basis of a write-up in yet another magazine - this time a weekly. Having withdrawn from the proceedings, the Committee should not have helped a debate to be raised in the Press. The Press was aware of the position

that the proceedings were in camera and publication was not to be made. When the matter was before the Commission and the Report was yet to be drawn up, the magazine should not have made the publication prompting to the Commission what it should do. In the opinion of the Commission, this is an irresponsible act.

The DSGMC which was already appearing before the Commission started representing the victims during the remainder of the proceedings.

## IX

### (h) Examination of persons other than deponents

The Commission examined some of the public officers - civil as also defence personnel - who held offices in the administrative hierarchy during the riots. In respect of the inquiry at Delhi the following were examined :

1. Shri P.G. Gavai, former Lt. Governor (up to 3.11.84)
2. Shri M.M.K. Wali, former Lt. Governor (from 4.11.84)
3. Shri S.C. Tandon, former Commissioner of Police
4. Shri Ved Marwah, present Commissioner of Police
5. Shri Gautam Kaul, Addl. Commissioner of Police
6. Shri H.C. Jatav, Former Addl. Commissioner of Police
7. Shri O.P. Yadav, former SHO, Nizamuddin Police Station
8. Shri R.S. Sethi, former District Magistrate
9. Gen. A.S. Vaidya, former Chief of Army Staff
10. Maj.Gen. J.S. Jamwal, GOC, Delhi Area
11. Maj. J.S. Sandhu of the Sikh Light Infantry

Shri P.V. Narasimha Rao, then the Minister of Home Affairs of the Central Government was asked to explain certain aspects relevant to the inquiry. Director General of Door-darshan and Director-General of All India Radio also appeared before the Commission pursuant to directions made by it. Lt.Gen. J.S. Aurora (Retd.) appeared before the Commission when requested and filed a written statement which has been kept on record and taken into consideration.

In regard to the inquiry at Kanpur, Brig.R.K. Kohli, the then Station Commander of Kanpur, Shri Brijendra, a member of the Indian Administrative Service and then Distt.Magistrate

of Kanpur, Shri Nirmalendu Basu, Works Manager at the Small Arms Factory at Kanpur, Shri D.K. Gupta, then City Magistrate of Kanpur, and Capt. Bareth of the Maratha Light Infantry on duty at Kanpur during the riots, were examined.

The Commission was asked to permit cross-examination of these witnesses on more than one occasion but it was of the view that it would not be expedient to allow cross-examination. The request has, therefore, not been entertained.

The Commission visited certain affected areas and a Relief Camp at Delhi without any formal program. It made a visit to Panki Railway Station in Kanpur area. It also made a local inspection of an area within Dashmesh Nagar at Bokaro. A memorandum of local inspection was drawn up which is available in Vol. II at p. 3, Appendix 2.

DELHI

I

(a) General

In 1912 the province of Delhi was carved out and was placed in the administrative charge of a Chief Commissioner. In 1952 Delhi became a Part 'C' State and with effect from November 1, 1956, by the Seventh Amendment Act of the Constitution, Delhi became a Union Territory and came to be administered by the President through an Administrator appointed under sub-Article (1) of Article 239 of the Constitution - initially designated as Chief Commissioner and later Lieutenant Governor. Under Article 239A Parliament has authority by law to create, for certain Union Territories, a body to function as its legislature but Delhi is not covered and for its administration, Parliament has enacted the Delhi Administration Act, 1966, under which detailed provisions have been made for the carrying on of the administration. Section 27(3) of the Delhi Administration Act provides :

"The functions of the Administrator with respect to law and order in Delhi, including organisation and discipline of the police force and with respect to such other matters as the President may from time to time specify in this behalf, shall be exercised by him in his discretion."

Section 30 of the Act further provides :

"Notwithstanding anything in the Act, the Administrator and the Members of the Executive Council shall be under the general control of and comply with such particular direction, if any, as may from time to time be given by the President."

In consonance with the provisions of the Act, Rules of Business have been framed. Maintenance of law and order subject to the control of the Central Government is thus a matter vested in the Lt. Governor to be exercised in his discretion.

On October 31, 1984, Shri P.G. Gavai was the Lt. Governor. Delhi has a Commissioner of Police as the head of the police establishment and at the relevant time Shri S.C. Tandon, IPS, held that post. The Union Territory has a large chunk of urbanised area under municipal administration and the remaining part which is rural is divided into two tehsils - Delhi and Mehrouli. The entire Union Territory is one revenue district in charge of a District Magistrate. By 1984, the Union Territory had been divided into five police districts, each being called a Range in charge of a Deputy Inspector General of Police (later, Addl. Commissioner of Police). For administrative convenience, an officer of the rank of Addl. District Magistrate came to be in charge of each of these five districts (now six - with New Delhi having become a separate unit). In October/November 1984, Shri R.S. Sethi, a member of the Indian Administrative Service, was the District Magistrate.

There are several Addl. Commissioners of Police earmarked for specific purposes such as Administration, Head - quarters, Range, etc. Below the Deputy Commissioner of Police in every Range there are Asstt. Commissioners of Police. The Union Territory of Delhi was then divided into 63 Police Stations. Each police station is in charge of a Station House Officer of the rank of Inspector and to every such police station are attached a number of Sub-Inspectors, Asstt. Sub-Inspectors, Head Constables and Constables.

From the census figures of 1941 it appears that the Union Territory had a population of 9,17,939 while the city of Delhi had a population of 6,95,686. There was a rapid escalation in the population following partition of India and independence. The census figures of 1951, 1961, 1971 and 1981 are given below :

<u>Year</u>	<u>Urban</u>	<u>Rural</u>
1951	14,47,134	3,06,938
1961	23,59,408	2,99,204
1971	36,47,023	4,18,675
1981	57,68,200	4,52,206

The Sikh population in Delhi suddenly increased following the partition of the country and as per the 1981 census, the Sikh population of Delhi was 3,93,921 which works out to 6.33% of the total population of Delhi. The urban area has in recent years greatly spread out. Many outlying villages have come into the urban belt. Though there has been a swift rise in the population as also in the territorial belt and with urbanisation, criminal activity has increased and need for police control has also become more and more pressing, commensurate expansion of the police is said to have not taken place.

There exists acute problem of residential accommodation within the urban area though with development activity and anxiety to build more of accommodation the city's urban canvas has expanded and lots of new accommodation have been and are coming up. Since building activity is not commensurate, even people belonging to the middle income groups do not find residential accommodation for themselves. Thousands of people come to Delhi in search of employment. The acute shortage of accommodation has led to the appearance of jhuggis in and around all possible places. Notwithstanding constant vigil exercised by the Delhi Development Authority as also the Municipal Corporation, unauthorised constructions come up every now and then and jhuggis in due course get regularised as authorised colonies. The existence of jhuggis with their poverty stricken and underfed people in close proximity of multi-storeyed modern fashionable buildings with the rich

section of the society often gives rise to peculiar problems. Incompatibility in the living process between the two classes of people brings about in the poor section a sense of frustration and generates a sense of hatred as also a lust for the property of the well-to-do. In recent years respect for human life has been fast vanishing. Fear of, and regard for, law are also reduced. Moral convictions have perished. There is, therefore, anxiety to avail every opportunity by the jhuggi dwellers to cut the rich to size. /

For more than a decade there has been consistent demand for augmenting the police force of Delhi. When the Delhi Police Act, 1978, was enacted to build up a vitalised police force the demand was examined in departmental records and a good number of conferences and debated as a basic issue. There was, however, no positive outcome of these exercises.

In recent years, in and around Delhi, there has been sizeable growth of industrial activity. Industrialisation has brought about increase of industrial labour and with it has come more of criminal activity. The criminal population within Delhi has also been on the increase day by day. Hardly a day passes free from criminal incidents. Broad daylight looting of Banks, killing of men, stabbing of persons, burning of brides, commission of suicides and a wide range of other criminal activities appear to have become a part of the daily normal routine of life in this region. There used to be regular police beats which on account of pressure of work have been abandoned for some time.

(b) Incidents

(i) October 31, 1984 :

Around 9.20 a.m., two Sikh security guards fired upon Prime Minister Smt. Indira Gandhi at 1 Safdarjang Road, her official residence. She was hurriedly removed to the All India Institute of Medical Sciences for medical attention. This information spread like wild fire. Thousands of residents

of Delhi started gathering at the AIIMS. By the time the Commissioner of Police reached the AIIMS at 10.05 a.m., the crowd was swelling up on the Aurobindo Marg outside AIIMS and the South District Police under the Deputy Commissioner of Police had become busy making arrangements to keep the AIIMS Complex clear and free. By 1 p.m. the crowd at the AIIMS had swelled up to well above 30,000. The exact condition of Smt. Gandhi was not being disclosed to the mob which was gradually becoming impatient. By the afternoon the newspapers, however, started publicising that Smt. Gandhi had succumbed to her injuries and doctors had failed to resuscitate her to life. CJC asked for production of certain newspapers which the Commission directed to be called for. References to some of them are made here. The Indian Express Editor has informed the Commission in answer to an interrogatory suggested by CJC :

"The second Special Supplement was issued around 1 or 1.15 P.M. under the banner heading : Mrs. Gandhi assassinated."

The Hindustan Times brought about a Special Supplement with the headline "Indira Gandhi is dead".

The Statesman in answer to the interrogatory has replied :

"Second edition at about 1.45 p.m. - Mrs. Gandhi was no more, it is feared ..."

A Special edition was brought out at about 3.15 p.m. announcing of Smt. Gandhi's assassination.

Between 2 and 3 in the afternoon sporadic incidents started taking place. Initially these were confined to shouting of slogans against the Sikhs calling them as traitors, pulling out Sikh passengers from buses and manhandling them. Additional Commissioner of Police Jatav says, by 2.30 p.m. he received information of trouble in South Delhi of pelting of stones and assault on Sikhs.

Police Commissioner Tandon has stated that around 12.30 p.m. he had been called to the Prime Minister's residence



by M/s.Fotedar and V.S. Tripathi. There the Lt. Governor was also present. He was advised to look after the security and to keep the roads around the Prime Minister's residence clear. At that point of time it was felt that the body of the Prime Minister would be brought from the AIIMS to her residence. Around 4 p.m. Police Commissioner Tandon was told that there would be delay in release of the body. Shri Rajiv Gandhi was then away in West Bengal and appears to have returned to Delhi in the later half of the afternoon. By about 5.30 p.m. the President who was away from India returned and straight drove to the AIIMS from Palam. The Presidential cavalcade appears to have been attacked by some persons out of the angry mob still waiting at the AIIMS and some of the vehicles were damaged by throw of stones. Around that time trouble started in Jorbagh and INA Market areas. Vehicles of Sikhs started being stopped and their turbans were removed and set on fire. By the evening time mobs collected at several places had started stopping transport vehicles as also scooters, motor-cycles and cars either driven by Sikhs or in which Sikhs were found travelling. The initial shout of condemnation of Sikhs began to take a serious turn. Some of the mobs were only of hoodlooms; others were groups of people of different ages. By the evening from different areas several reports of taxis and transport vehicles of Sikhs being set on fire started pouring in.

It is a fact that the Press Trust of India had sent the following message at 10.54 hours on that day :

"Among the assailants were two Sikhs and one clean shaven Sikh, unofficial reports said."

When in the evening news of her death was published, the fact that assailants were Sikh guards was stated. During the night the crowds increased and started moving from place to place. The houses owned/occupied by Sikhs were identified. Free and

open threats were administered to members of that community wherever they were found. Several incidents of brutal physical assault took place.

Soon after the occurrence in the morning the Home Secretary had issued wireless messages to all the States, including the Delhi Administration, alerting them against apprehended trouble. On the basis of such alert, Additional Commissioner of Police, Shri R.K. Ohri, had sent out wireless messages to all Distt. Deputy Commissioners of Police to the following effect :

"You are advised to intensify patrolling and strengthen police presence in communally sensitive areas, especially near Gurudwaras, Temples, Mosques, etc. and keep a sharp look out for mischief mongers. Special attention may also be paid to the safety of vital installations. Necessary steps may be taken to curb any rumour-mongering and effective action taken against those spreading rumours. Similarly, watch may be kept on known bad characters and goondas. All Distt. DCPs may also maintain in reserve for meeting any unforeseen situation."

The then Home Secretary, Shri M.M.K. Wali has told the Commission that between 11 and 11.30 a.m. of that day he had talked to the Lt. Governor as also the Commissioner of Police to ensure that the situation should be watched with great care and caution. It appears from his evidence that the Home Minister, the Cabinet Secretary and the Principal Secretary to the Prime Minister were away from Delhi at that time. These people returned to the capital between 3 and 3.30 p.m. This statement of the then Home Secretary has been supported by Lt. Governor Gavai.

Police Commissioner Tandon has stated that in his opinion prohibitory orders under section 144, Cr.P.C. were adequate to meet the situation as it prevailed on October 31, 1984, and he, therefore, did not take any other action excepting promulgation of prohibitory orders and asking for deployment of the police force to enforce it. There were as many as

119 incidents on October 31, 1984, to which reference has been made before the Commission. These happened in different parts of Delhi and were of the nature and pattern already indicated. Several affidavits filed before the Commission refer to these incidents. For instance, a reference to the affidavit of Smt. Ravinder Kaur (no.2778) goes to show that her husband who was driving truck No.755 was killed in Shandara area during the night of October 31, 1984. The death certificate appended to the affidavit shows that the killing took place near a petrol pump in Bhajanpura area in the early morning hours of November 1, 1984. This clearly indicates that killing of people had started during the night of October 31, 1984, as found by the Commission.

From the evidence produced it appears that 13 Gurudwaras were attacked on 31st October, being Shri Guru Singh Sabha Gurudwara at Naraina, the Gurudwara at Sagarpur, Shri Guru Singh Sabha Gurudwara at Lajpat Nagar, the Gurudwara at Sheikh Sarai, the Gurudwara at Defence Colony, the Gurudwara at Gandhi Nagar, Kalgidhar Singh Sabha Gurudwara at R.K.Puram, Shri Guru Singh Sabha Gurudwara at R.K. Puram, Shri Guru Singh Sabha Gurudwara at Sarojini Nagar, Shri Guru Singh Sabha Gurudwara at Lodhi Colony, Baba Budha Singh Gurudwara at Prem Nagar and Gurudwara Sikh Sangat at Green Park Extension, South Delhi. The material on record shows that attack on these Gurudwaras started by sunset time and continued till about 11 p.m.

These incidents of October 31, 1984, appear to have been by way of involuntary reaction of a deep sense of grief, anguish and hatred for the assassins. There can be no scope to contend, and much less to accept, that at the initial stage on October 31, 1984, the violence that took place was organised. October 31, 1984, began with a usual autumn morning and no one

had any reason to apprehend that such an ugly and unfortunate incident would take place. The killing came as a bolt from the blue and took everyone unawares. Smt. Gandhi's body had been received at the AIIMS and the fact that she was dead had not been disclosed. Though some people knew that she was dead, most of the population living in different areas had not come to know of the fact of death till evening. It is in such a background that the initial incidents started taking place. These, therefore, appear to the Commission to be spontaneous reaction of the people to the then prevailing situation at the commencement but as the police did not attend to the situation and failed to make a proper assessment of what was brewing, what began as an innocent reaction to Smt. Gandhi's assassination developed into one of the darkest tragedies in independent India's history.

In the Evening News of the Hindustan Times of the 31st, the situation of that morning was thus described :

"DELHI PEOPLE DAZED

People in the capital heard in shocked disbelief news of the attempt on Prime Minister Indira Gandhi's life here this morning.

People from all walks of life were dazed on hearing that Mrs. Gandhi had been shot at and rushed to AIIMS for surgery."

In the November 1, 1984, issue of the Indian Express the situation on 31st October was reported thus :

"GLOOM DESCENDS ON CAPITAL

A pall of gloom descended on the capital as news about the shots fired at Indira Gandhi spread throughout the city ... ..

At the offices of the Delhi Pradesh Congress (I) Committee on Kali Bari Marg and the Delhi Pradesh Youth Congress (I) office on the Talkatora Road downcast workers sat on the lawns. The All India Congress (I) Committee office on Akbar Road was placed under close guard and all visitors were being screened closely. ....

On Bahadur Shah Zafar Marg, where most newspaper offices are located, one could see people wiping tears on reading this. Simultaneously the capital was overtaken with grief.

Many, however, still could not believe this. 'How is it possible?' asked an elderly lady, 'only yesterday Indira Gandhi was in Orissa, I saw her on the television addressing the jawsns'.

But as the sun set and darkness descended on the city, a pall of gloom covered the city and perhaps the country completely. People now began to believe that Indira Gandhi was dead."

The same newspaper carried the following news dated 31.10.1984 :

"The Government late on Wednesday night alerted the Army and called out the Border Security Force and the Central Reserve Police Force as the local police failed to control the wide-spread rioting and arson in different parts of the capital following the assassination of Indira Gandhi.

The main targets of the rioting mobs were Sikhs, their property, vehicles and places of worship. Curfew was imposed in Agartala, Jammu and Jabalpur while the Army was called out in Agartala and Calcutta as angry crowds went on the rampage in several parts of the country protesting against Indira Gandhi's assassination. Incidents of violence were reported from parts of Tripura, Bihar, Orissa, West Bengal, Uttar Pradesh, Jammu and Kashmir and Madhya Pradesh, reports P.T.I.

At least 30 Sikhs were admitted to various hospitals in the city (Delhi). Quite a few have been admitted to the All India Institute of Medical Sciences alone till 10 p.m. on Wednesday (31st October).

Angry mobs went about setting fire to property belonging to Sikhs, without any let or hindrance from the police. They set alight two Gurudwaras in South Delhi, the premises of four transport companies and two timber stores in the walled city.

At least 50 vehicles including trucks, cars, buses, scooters, rickshaw-scooters and motorcycles were set on fire in different parts of the city. The maximum damage to vehicles was done in Safdarjang airport area, Laxmibai Nagar and Vinay Nagar area.

Between 6 and 10 p.m. between the Prime Minister's house on Safdarjang Road and AIIMS a vehicle was seen burning every 50 yards. The police had to delay taking the body from the hospital because of the burnt out vehicles enroute 1, Safdarjang Road. Around 10.30 p.m. two trucks were ablaze at the Ring Road Crossing near Kamal Cinema. 'We cannot deal with the situation of this nature', said Mr. Gautam Kaul, Addl. Commissioner of Police, New Delhi, outside the AIIMS. ... A mail van driven by a Sikh was also burnt near Jorbagh-Safdarjang airport crossing sometime around 5 p.m. Its burnt out shell was hurriedly removed to enable the passage of the gun-carriage carrying Indira Gandhi's body.

The Delhi fire department was hard put to combat the spurt of fires in the city. A fire spokesman late in the evening (of the 31st) said that they were incapable of handling the situation in the city and perforce had to let fires rage in the capital.

Mobs of youngmen armed with steel rods and lathis stopped vehicles all over the city bragging that they had set many vehicles and places of worship on fire.

Impotent policemen stood at odd corners looking on helplessly as mobs went amuck in the walled city setting timber markets and trucks on fire. Shops belonging to Sikhs were indiscriminately looted. ... "

This is a long extract of the news item from the Indian Express dated November 1, 1984. Indisputably the contents were printed in course of the night of the 31st October and this newspaper was available for sale/distribution by early morning of November 1, 1984. CJC called for copies of this newspaper from 1.11.84 to 7.11.84 and upon orders by the Commission, the management produced them along with their letter dated 18.11.1985.

The news item was a contemporaneous publication and chances of motivated reporting would not be there. CJC with the obvious intention of relying on the news coverage called for these issues of the paper. The news shows in clearest terms that rioting in the proper sense had started in a very big way in several parts of the city on the 31st evening and except for killing which came into the process from 1.11.1984, every other form of attack <sup>on Sikhs</sup> had begun. The massive scale on which the operation had started so soon after the fact of death was circulated is clearly indicative of the fact that it was the spontaneous reaction of the people at large. The short span of time that intervened would not have permitted scope for any organising to be done. The gloom that had spread and affected the Congressmen in particular would not have permitted any such organisation to be handled. The reaction appears to have come as a flutter and sparked everywhere in a similar pattern. It was not confined to States where Congress (I) was in power. West Bengal and Tripura where C.P.(M) led governments were in office got affected too. The police was impotent from the very beginning has been clearly indicated. Their leadership was full of doubts about their capacity is also apparent. These facts have to be kept in view for drawing of appropriate conclusions at relevant places.

(ii) November 1, 1984 :

On the previous day, apart from proclaiming prohibitory order under s. 144, Cr.P.C. and directing the police to be on the alert and take such steps to meet the situation as may be necessary, no effective steps had been taken in the various localities where trouble had either started or was brewing or was likely to happen. The inaction of the police at the early stage gave a general impression that it was not going to interfere with the mob activities. In the early morning of November 1, 1984, mobs were found on the streets prepared to undertake looting, arson, assault and even kill. The Commission has already indicated that on October 31, 1984, itself, operation had been undertaken to identify houses owned or occupied by Sikhs. The mobs that operated on November 1, 1984, were mostly from the lower strata of society coming from the jhuggis and the outlying villages. There were, however, several instances where people of the middle class as also some belonging to the richer section of the society did participate and even led the mobs. In many of the affidavits of the victims where the method and modality adopted by the mobs have been described, it has been clearly stated that there was a difference in the pattern of the operations carried in the morning and later in the day. In the morning hours crowds moved out and ordinarily threatened or terrorised the Sikh population in different areas, did small scale looting and even caused assaults. When these illegal activities were carried on by the mobs in certain areas there was resistance from the side of the Sikhs, particularly where they were of a sizeable number. The situation in many areas, therefore, became tense and provocative. In some areas while confrontation of this type proceeded and members of the Sikh community were beaten up, there had been casual retaliation. Assault on non-Sikh rioters inflicted by way of exercise of the right of self-defence was made an issue and was utilised

to provoke the mobs against the Sikhs. From early morning a rumour was spread throughout Delhi to the effect that the Sikhs had poisoned the drinking water of Delhi. Obviously this had been done by the miscreants to create further bias and prejudice against the Sikhs and create apathy in the minds of the people against Sikhs. From that morning the miscreants also started spreading another rumour that every train which came from Punjab side carried dozens of dead bodies of non-Sikhs. This was an out and out lie but was intended to create the necessary panic and bring about the proper mood in the people constituting the mobs to react against the Sikhs. Rumour is one of the cheapest tools in the hands of the trouble makers either to boost or demoralise and the gangsters had resorted to such methods.

Later in the day on November 1, 1984, the riotous mobs followed almost a uniform pattern everywhere. They came well armed with iron rods, crow-bars, kerosene in containers, inflammable powder, firearms, apart from lathis and other dangerous weapons. In some areas the kerosene stockists were made to supply kerosene. The afternoon operations became dreadful; the houses occupied by Sikhs were initially looted, the left over material which was either not considered useful for looting or was difficult to be removed was set on fire. Ordinarily, every male Sikh found in the house or in the locality was beaten to death. Wherever the gates of the compounds were closed or the doors were locked from within, with iron rods and crow-bars as also by use of force these were broken open. The riotous crowd followed the pattern of burning all the Sikhs who were either killed or were in the process of dying as a result of fatal assault and injuries. This obviously was so done to leave no trace and to make sure that no one that had been injured survived. The Commission



has come across instances where ladies who ran to the rescue of their husbands or their close male relations were also brutally assaulted and in some cases were even thrown into the fire in which the men-folk were already being burnt.

November 1, 1984, appears to have been the worst day during the riots.

When the incidents happened in the early part of the day within a few kilometres from the Police Headquarters and in areas close to the administrative establishments, these incidents had not impressed the machinery that the situation had gone out of control. The Lt. Governor came to Teenmurti Bhavan around 6.35 a.m. where the dead body of the late Prime Minister was lying in state. After making floral offering he looked for the Police Commissioner and when they met, he advised that the Police Commissioner instead of hanging around Teenmurti Bhavan should move out as there was apprehension of trouble. When the Lt. Governor suggested that the Army could be called immediately, the Commissioner of Police was of the view that he should first take a round, form his own opinion and then only on the basis of his assessment the decision for calling in the Army should be taken. Around 10 a.m. the Police Commissioner informed the Lt. Governor on telephone that the situation was going from bad to worse and that Army help should be asked for. When the Lt. Governor contacted the GOC, Delhi Area, according to the Lt. Governor the GOC replied that he had already been alerted but before the Army could move in he wanted a meeting with the Lt. Governor. The meeting took place around 1 p.m. The GOC was of the view that the number of troops available with him could operate only in two contiguous areas. The Army was ultimately asked to move into South and Central Delhi and it appears that it had become operational by the evening. Police Commissioner Tandon in his statement has also accepted the position that around

10 a.m. after returning to the Police Headquarters he was of the view that the situation had become worse in several parts of the city. Addl. Commissioner Jatav has stated that until the evening of November 1 he had no occasion to feel that the situation was going out of control.

There was no proper assessment by the police of the grave situation in the city. The Commission is satisfied from the material placed on record that on November 1, the law and order situation in Delhi had been left in the hands of the riotous mobs and the police, as will be presently discussed, failed to discharge its duty of maintaining law and order.

It is during that night that one of the greatest tragedies of the riot period took place in the Trilokpuri area. Trilokpuri is a part of Kalyanpuri Police Station. Block 32 of Trilokpuri was being inhabited by Labana Sikhs mostly belonging to the poorer section of society. In the earlier part of the day on November 1, an attempt was made to set the Gurudwara in Block 32 on fire but this attempt had been repelled by the local Sikh population. In the stone throwing that followed, a local mosque was somewhat damaged. In the afternoon the Station House Officer along with a police party had visited the area but made no proper appraisal of the situation nor did he attempt to normalise the situation by easing the tension. One Head Constable with two other police constables had been given duty from 8 a.m. till 8 p.m. that day but they withdrew from the area by 3 p.m. Trilokpuri had no light that night. Under the cover of darkness the riotous mob fell upon the Sikh community and almost wiped out everyone. 95 dead bodies were recovered from the locality. The few that survived were those who had run away under the cover of darkness and had taken shelter in huts of farm labourers from Bihar after shaving off their hair and beards.

On November 1, 1984, in several other areas of the city hundreds of crimes were perpetrated by riotous mobs. Reference to 399 incidents of various categories has been made in the affidavits and evidence placed before the Commission. As already pointed out, this was the worst day during the period of rioting. Three-fourths of the persons killed seem to have perished on this day alone in the hands of the rioters. There is clear evidence that a common pattern had been followed by big crowds. Curfew had been clamped in the afternoon. This power was available to be exercised by the Commissioner of Police. He stated that initially he did not think curfew to be necessary but later he instructed the Deputy Commissioners of Police to impose curfew when on their own assessment they were satisfied that the situation warranted it. There is clear material on record by way of admission of senior police officers in their evidence that curfew was not effective inasmuch as it could not be strictly enforced. Notwithstanding imposition of curfew, in the absence of any strict enforcement the crowds moved and operated as freely as before when there was no curfew.

Throughout the night of November 1, 1984, the riotous mobs carried <sup>on</sup> their operations. The Army had not become very effective at the initial stages as it required magisterial orders for resorting to firing; in the absence of proper guidance by officers used to the localities it had operational inconvenience; the mob taking advantage of the night and darkness in several areas used to keep away from the main roads and wider lanes as and when Army vehicles approached and once the vehicles moved away they collected to carry on their operations again.

In the evening the Prime Minister and a number of opposition leaders made a joint appeal to the people for

restoration of sanity and their appeal, inter alia, stated :

"Nation's unity and integrity must be safeguarded at all costs and this is the foremost responsibility of every citizen. ... To subject Sikhs as a whole to violence and indignity for what a few misguided persons have done, however heinous their crime, is most irrational and unbecoming of our heritage of tolerance. This madness must stop. ... From the very beginning Sikhs have been an inseparable part of India and the Sikh community has played a glorious role in the freedom struggle and in the building up of independent India. ... "

(iii) November 2, 1984 :

As already noticed, towards the evening of November 1 the Army had moved into two Districts, namely, Central and South. One full Brigade reached Delhi at 6 a.m. on November 2, 1984, another at 8 a.m. and third one at 9 a.m., the fourth Brigade came at 1.15 p.m. and the fifth around 2.30 p.m. These five Brigades had come from Meerut, Roorkee, Shahjahanpur, Alwar and Punjab respectively, and each Brigade had at least 3,000 soldiers. By evening of November 2, 1984, the Army had moved into almost every area of Delhi. The presence of Army and regular patrolling made it difficult for the riotous mobs to freely operate but until evening there had been a lot of criminal activity carried on in almost every part of Delhi. The initial difficulty of lack of Magistrates was removed by providing more Magistrates. Instructions were issued to the Army to fire in self-defence or when mob committing arson, looting or resorting to killing was noticed. With the arrival of adequate force and the Army moving about in almost every area, the situation showed signs of improvement. In the later part of the day on November 2, 1984, a group of Members of Parliament had met the Prime Minister at his residence. Lt. Governor Gavai also participated in the meeting. Notwithstanding the availability of the Army and round the clock movement of columns of it in affected areas, many incidents occurred during the day.

The Prime Minister described the communal frenzy sweeping the country following the assassination as disgraceful.

In an unscheduled brief broadcast to the nation he said :

"While hundreds of millions of Indians are mourning the tragic loss of their beloved leader, some people are casting a slur on her memory by indulging in acts of hatred and violence. Disgraceful incidents of arson, loot and murder have taken place. This must stop forthwith. The Government will ensure the safety of life and property of every citizen irrespective of his caste, creed or religion.

Indira Gandhi gave her life so that a united India should live and prosper. Anything that creates a division between brother and brother comes on the way of national unity. This violence is only helping the subversive forces to achieve their ends. Communal madness will destroy us. It will destroy everything that India stands for. As Prime Minister of India I cannot and will not allow this. Tomorrow the mortal remains of Indira Gandhi will be consigned to sacred flames. She had said, 'Do not shed blood. Shed hatred'. Let this guide us."

The Prime Minister toured some of the affected areas between 1 a.m. and 4.30 a.m. to get a first hand account of the situation in the capital.

(iv) November 3, 1984 :

From the evening of November 1, shifting of riot victims to Relief Camps had started in a small scale. On November 2 that operation had been continued. By November 3, several Relief Camps had been set up and with the assistance of the Army, police and the voluntary organisations as also the civil population the rescuing of riot victims continued and thousands of people from different areas came to life in different Relief Camps. With the Army units moving about, the morale of the victims started showing signs of improvement and some of the Sikhs who had run away from their houses for life started coming back to their own houses where they found all the property had been looted or removed and the houses had been set on fire. Most of the people lived in Camps for another 5-6 days and then started returning. From certain areas like Trilokpuri where mass killings had taken place the

widows were not prepared to return to those areas and preferred to live in Relief Camps. Their habitation and living became a problem. By the evening of November 3, 1984, there was further improvement in the situation.

(c) Consideration of affidavits

Brief reference may be made to some of the affidavits relating to incidents of damage to Gurudwaras, killing, arson, looting and assault, and allegations of miscellaneous nature. The Commission had indicated on more than one occasion during the proceedings to counsel and parties that the manner of appreciating evidence collected by it would not be as done in a criminal trial and every detail in every affidavit was not to be taken into account to find out whether there was any contradiction and on that account to discard affidavits. The Commission was interested in collecting evidence to ascertain the pattern of the occurrences and for that purpose to have a general view of acceptable material on record. It is proposed to refer to some of the affidavits relating to the incidents for the aforesaid purpose.

S. Amrik Singh (no.2301) was living in West Patel Nagar (Central Distt.). In his affidavit he has indicated :

"After that the mob proceeded to Gurudwara and they threw the holy book outside, kicked and urinated upon these books. They uprooted Nishan Saheb (religious flag of Sikhs) and looted the money chest."

It was an incident of November 1, 1984. S. Angad Singh (no.2675) of Rohtak Road (North Delhi) has also referred to an incident of November 1, 1984, with reference to the Gurudwara of his locality. He has stated :

"We saw that some persons were ransacking the Gurudwara and some were setting it on fire. About 8-9 individuals went to save the Gurudwara. When we reached there we saw that the crowd numbered about 700/800 and before we reached the Gurudwara, they had already set the Guru Granth Sahib and the "Palki Sahib" on fire. And they had ransacked the Gurudwara also."

S. Ajit Singh (no.2599), residing at Geeta Colony of Krishna Nagar Police Station (East Distt.), has referred to the

Derababa Jai Singh Gurudwara. According to him the mob burnt the Gurudwara as a result of which the entire place was damaged. S. Charanjit Singh (no.2282) was residing in Lajpat Nagar (South Distt.). On November 1, 1984, according to him, "at about 10 a.m. a violent mob came to the Gurudwara from the Ring Road side. I was at home and was told all about it by Sewadar S. Mehel Singh who along with his family and the Granthi S. Tarsem Singh was residing in the rooms of the Gurudwara. There was noise outside the Gurudwara. Hearing this noise the Sewadar and the Granthi came out but they were requested by the police to go inside and were told that the police would protect the Gurudwara as also them. When they went inside their rooms the mob comprising of 1200 to 1500 came near and started throwing stones. The mob was armed with petrol cans, sariyas, lathis etc. They collected the durries and the mob put them on fire. They went upstairs in the main hall and broke the glass door. They also burnt the holy books, Guru Granth Sahib and threw some of them. They closed the door of the room of the Sewadar and put it on fire. He was saved by the Hindu neighbours and shopkeepers." He has further stated :

"The mob went towards the Gurudwara II which is also managed by the same Committee. The mob also tried to burn it but it was saved by the Hindu neighbours who have a common wall with the Gurudwara."

In the affidavit of s. Gurcharan Singh (no.2274), living in Punjabi Bagh area (West Distt.), it has been stated :

"After sometime, two buses, 2 trucks and one matador stopped in front of the Gurudwara. Matador came inside and sacks of sugar, wheat and the tins of ghee etc. were loaded in it. In one truck 400-500 beddings and in the other cots, one locker containing cash (which could not be broken), utensils, four golden chanwars, five silver chanwars and other articles were loaded. All these people had come by the aforesaid vehicles. Then they started setting the Gurudwara on fire. To save our lives, we jumped from the back side over a dispensary and ran for our lives. ... "

These representative affidavits indicate the manner in which the Gurudwaras were attacked. The fact that local Hindus protected the Sikh residents as also their Gurudwaras from the onslaught of the riotous mobs in some areas is indicative of the fact that the Hindus as such were not out to damage properties or make an attack on the lives of the Sikhs. It would, therefore, not be correct to say that Hindus as a community carried the attack against the Sikhs, their properties and their places of worship. Many Hindus, as found by the Commission elsewhere, extended every possible help, even at considerable risk to themselves, to protect the Sikh interest. It is, however, a fact that people who constitute the anti-social element among the Hindus as also some other communities other than Sikhs had participated in the riots. From the manner of operations carried in the Gurudwaras it is patent that the real eye was on the property available to be taken away from the Gurudwaras and simultaneously an attempt was made to damage the Gurudwaras after defiling the sacred books within them.

Coming to incidents of killing, reference may be made to a few of the sample affidavits placed before the Commission. In the affidavit of Balwinder Singh (no.2331), resident of Basti Sarai Rohilla within North Delhi, he has said :

"Almost all the Sikhs abandoned the Gurudwara but my aforesaid son was on the roof of Gurudwara. Then I saw two Hindus who went to my son and one of them was Sahab Singh, resident of House No.C/3, Moti Bagh, Sarai Rohilla, Delhi. They told my son within my hearing that they were police officials and they caught hold my son from his hair and then threw him down from the roof. Then both of them came down and Sahab Singh struck iron rod twice in the head of my son. Many Hindus were present there. My son fell down. Then they sprinkled kerosene oil on my son and set him on fire. Sahab Singh was the person who did all this in my presence. ..."

The young man threw away his burning clothes and started running. He was hospitalised where he succumbed to the burns.



on November 2, 1984. It may be pointed out that in this affidavit reference to firing by the jawans of the RPF has been made. According to the deponent, in an unprovoked way the firing started and continued until the rioters had entered into the Gurudwara. The deponent appeared before the Commission as a witness and has supported the same story.

Affidavit of Smt. Prakash Kaur, residing in the Slum Tenement of Garhi (no.2340) narrates the killing operation thus :

"On 2.11.84, at about 4 p.m. about 200 to 300 non-Sikh mob came to kill me and my family members and attacked us. Door of my house was broken. At that time my sons Bakshis Singh (28) and Arjan Singh (18) and one Rajinder Singh alias Gudu (28) were taken out from our house no.192, Block 3, Trilokpuri. My husband was also taken out by the mob from the said quarter no.192 where they were hiding for safety, by breaking open the door of the quarter. They started beating my sons and husband mercilessly with iron rods and lathies. My son Arjan Singh and Rajinder Singh alias Gudu were killed on the spot by one Rama, driver, living in second street from my house in block no.30, ... Bakshish Singh tried to save himself and thus ran away. He was injured by stones. He fell down, but he again got up and started running; then he entered into one house in the area. He went up the roof of that house. The above mentioned assailants followed him and then threw him down from the roof and then they put kerosene on him while he was alive and burnt him alive. My husband Gurbachan Singh was severely beaten and he was thrown in the fire, but some persons saved his life."

Yet another incident of killing is available from the affidavit of Smt. Manmohini Kaur of Mahavir Enclave, Palam Road (no.2378). It says :

"... Hardly had we come out of our house that the mob attacked our house. They surrounded my husband and his two younger brothers and dragged them away. When my father-in-law tried to bolt the door from inside, then I was inside along with my younger son. They forcibly opened the door and the man who came first near my father-in-law gave a blow with his sword on my father-in-law's head. My father-in-law asked me to go away with my younger son. I pleaded with that assailant to kill me also. That assailant and some other persons took my father-in-law on the back lane where my husband and his two younger brothers had been dragged away. I do not know anybody from the mob because all of them were outsiders. ... The assailants remained standing there until the victims fell after getting grievously injured. I went to the place where they were beaten. They were asking for water. I ran to my house to fetch water but these persons had taken

away the lever of our hand pump. I begged my neighbours for water. My husband, one of his brothers and my father-in-law died then and there. ... "

One more instance of killing is very pathetically described in the affidavit of Smt. Padmi Kaur (no.2497), living in Sultanpuri area. The incident also took place on November 1, 1984, and she narrates :

"After some time the mob arrived, broke open our door and came inside. They caught hold of my daughter Maina Kaur forcibly and started tearing her clothes. In her self-defence my daughter also tore their clothes and also hit them. They tried to criminally assault my daughter. My husband begged them to let her go. The mob said that they would kill him "Koyi bhi Sikh ka bacha nahin bachega" (No Sikh son would be spared). They broke the hands and feet of my daughter and kidnapped her. They confined her in their home for three days. I know some of the persons in the mob. Their names are as under :

Canpat, Hari Om (brother of Gupta), Brahmanand Gupta and Jai Bhagwan both reside in A-4. Gupta has a kerosene oil depot, Romesh of B-2 and Udal resides in A-4 whose house is near the hotel, Ramu known as Bakri Wala, Mohan who has a cow. Now my daughter Maina Kaur has fallen ill and has become like a mad girl.

After this the mob attacked my husband Charan Singh, son Ashok Singh, neighbour Balwinder Singh, brothers Inder Singh and Dalip Singh, nephew Bhajan Singh, brothers-in-law Prem Singh and Dharam Singh and Dharam Singh's son Anil Singh. The mob used to hit them on heads with lathis and set them on fire after pouring kerosene oil over them. They had some kind of powder with them which caught fire when thrown on an object. All of them died there."

Another description of killing is available in the affidavit of Amrit Kaur (no.2630), resident of Mangolpuri area where the incident took place on November 3, 1984. She states :

"On 3rd November, at 4 O'clock in the morning my husband was killed before my eyes. Firstly, Ram Niwas of Plot No.Y-432 and 431, Mangolpuri collected Jai Pal, his brother Ram Narain, Puran Dhobi, his brother Kalwa, Nanu, Satvir Bhanghi and Kale Bhanghi who stays with him and Mouji Ram Bhanghi, a Bhanghi lady who is known by that name. //

First of all, Ram Niwas having 2 big iron rods, hit my husband on the head saying that "Yai sala Wadhawa Singh Hai". The incidents of 1st and 2nd have been explained by my brother Thakur Singh. This incident pertains to the morning of 3rd at about 4 O'clock which I witnessed myself. After this, Satvir Bhanghi, Mouji Ram, Kala Bhanghi, who is my neighbour, pointed out that he is the bloody Wadhawa and then Puran Dhobi hit my husband with a sword and his brother Kalwa alias Lala and Jai Pal "Brickwala" who lives in Y Block, all these reside in Y Block, killed my husband before my eyes. After that his body was thrown on a handcart and my brother Bhajan Singh was ordered to push that. My brother was also beaten

by sticks and later when he could not push the hand - cart, he was also killed and put on the same handcart and was burnt together with my husband. Three relatives had come to my house, one of them was killed on 2nd, and the other two which included my uncle Ladha Singh and the other one was my father-in-law Jassa Singh, were forcibly taken away by Ram Niwas Khatti, milk-vendor of Plot No. Y.431-432 and had burnt them alive. Afterwards Ram Niwas and his companions tried to rape me."

The last of these representative affidavits relating to killing is of Jogi Singh (no.2367) from Kalyanpuri area where the incident is said to have taken place on November 1, 1984. He narrates :

"I went to inform the parents of my Bhanja Jorawar Singh that he had been killed in Block No.11, Kalyanpuri. When I was coming after informing his parents I saw that non-Sikh mob has set on fire our Gurudwara near my house. It was about 7.30 a.m. I ran to my house and my neighbour Ch.Jagbir Singh asked me to hide myself in his house and I did so. When the mob had gone away I came out from his house. Similarly other Sikhs who were hiding in the houses of Hindus nearby also came out.

At about 4.30 p.m. on 1.11.84, non-Sikh mob of about 2000 to 3000 instigated, motivated and led by Dr.Ashok, Congress (I) Councillor of the area came there and started attacking the houses of Sikhs. A bus of my relatives namely, Wazir Singh, Bachan Singh and Mohabat Singh which was parked near my house was set on fire by them. At that time I was hiding in the house of Dal Chand Ration Shop Owner in the area and from there from the holes I was seeing everything.

Then the mob set on fire the house of Swaroop Singh who was living in my street and Swaroop Singh was brought by Dharam Deo Maji living near my house and Jai Narain who was earlier living near my house, but had shifted to Block B at that time, along with four five others who can be identified by me, and he was killed by daggers and then was set on fire by them, i.e. Dharam Deo Maji, Jai Narain and others. I saw this incident myself.

That Wazir Singh was also killed by them in a similar manner by dragging him from his house. He was killed and burnt by Dharam Deo Maji, Jai Narain and their 2/3 more companions in the presence of that big mob, where Dr.Ashok, Congress (I) Councillor was also present and he was instigating them to kill the Sikhs mercilessly."

Shri Gurcharan Singh (no.2706), resident of Lajpat Nagar area, presented a case of arson and looting. He stated :

"At 10.30 a.m. on 1.11.84 a mob led by Shri Himmat Rai (Congress worker) and brother of Sh.T.R. Malhotra Member, MCD and Shri Sain Ditta Mal of B-1/164 Lajpat Nagar came from Post Office side. The mob was comprising of 150/200 persons mostly of jhuggi jhoupris and few miscreants from Lajpat Nagar, New Delhi. ...

The mob was armed with iron rods, petrol cans, kerosene oil, lathies and some powder, stones etc. and most of the persons were armed with same type of lathies, iron rods etc. and came from Post Office side. These rioters were brought in buses which were parked near S.Avtar Singh's house in E-1st Block, Lajpat Nagar, and these buses were seen by S.Avtar Singh and others and the rioters were taken by local leaders to Gurudwara. ... My own shop, office, Gurudwara records, cash amount of Rs.4400/- of Gurudwara, Rs.3500/- of Singh Sabha School, records of school, my professional and business papers, account books were all burnt down. My four Ambassador cars bearing registration Nos. DLY 473, 474, 475 and DLY 807 were set on fire by the mob and damaged them. The police party during that time were heard saying 'Jo kuchh ho sakta hai karo' and this police party went away thereafter."

This deponent was cross-examined by the Delhi Administration at length and nothing substantial has come out in cross-examination to take away the effect of his affidavit.

Some allegation of molestation of young ladies has been made in a few affidavits. None of the deponents who was cross-examined adverted to this aspect. The Investigating Agency did pursue this matter but no evidence of dependable nature could be obtained. The Commission, keeping in view the quality of the people involved in the operations, would not have been surprised to come across a few incidents of this type.

An analytical break-up of the affidavits filed by the victims with reference to various types of incidents police-station wise has been prepared by the Commission. Similarly, the affidavits have been classified on the basis of date-wise incidents referred to therein. These are available in Volume II at pp.4-11, Appendix 3 of the Report.

Grievance has been made that even when the injured were taken to hospitals, at certain places doctors were not available; at others proper treatment was not provided and at yet others indifference was shown. Doctors belong to one of the noblest professions in the community and their professional discipline requires them to save every human life and make all possible attempts to relieve the suffering without

bothering about caste or community, status or situation of the patient. Indian doctors with their high spirit and tradition could not have allowed themselves to be obsessed by the thought that two guards of the Sikh community had murdered the democratically chosen leader of their great polity.

There is assertion that some incidents continued to happen even after the 3rd November but the Commission is of the view that the riots had ended by that date and whatever happened thereafter was of the stray type and could not be taken to be a part of the riots.

The conclusions of the Investigating Agency in respect of thirty incidents investigated by it are available in Vol.II, Appendix 4, pages 12-18.

(d) Role played by the Railway Administration

At the instance of the victims, the Northern Railway was called upon to produce certain documents and answer certain interrogatories. Prof. Madhu Dandvate, who was and also is now a Member of Parliament, was travelling by the Rajdhani Express from Bombay to Delhi on November 1, 1984. He filed an affidavit (no.2641) and was also cross-examined. He has, in his affidavit, stated :

"When the train reached Mathura station on the morning of 2nd November 1984, I found large number of armed police as well as commandos guarding the station. At this station some outsiders entered the train.

When the train reached Tughlakabad station on 2nd November morning a large number of persons carrying iron rods, axes, crow-bars etc. entered our train. They were searching for Sikh passengers in the train. They declared that no Sikh will be allowed to leave the train alive. At that time I found that some Sikhs in the adjoining compartments were pulled down by these outsiders carrying weapons. I found two Sikhs killed and thrown on the platform and then their dead bodies were set on fire on the platform. The police standing on the platform made no efforts to prevent either the killing or burning of the Sikhs.

After some time I found a railway employee in blue uniform and who was a Sikh came out from the Station Master's Office. He was immediately surrounded by a crowd of outsiders assembled on the platform and the Sikh employee was killed on the spot.

The train halted at the Tughlakabad station for more than 4 hours. The outsiders who had stormed the train had spread the rumour that area of Ashram Marg on way to New Delhi was surrounded by Sikhs and if the train moved towards New Delhi Station every Hindu in the train was likely to be attacked by the Sikhs. Frightened by these rumours, many persons in the train and particularly women, asked the train authorities not to move the train further.

I then contacted the Station Master and asked him to find out from the New Delhi Station whether there was any disturbance on the route from Tughlakabad to New Delhi. When I found that the route was safe and that there was no disturbance at all, I came back to the train and addressed passengers in a number of compartments assuring them that there was no disturbance on the route and if they keep the doors of the train closed so that no outsiders enter the train, the Rajdhani Express could reach the New Delhi Station safely. On the demand of the passengers I requested the police authorities to post an armed policeman in every alternate compartment. On doing this the passengers allowed the train to move forward and ultimately the train reached safely at New Delhi station."

He further stated in the affidavit that he discovered at least 3 more dead bodies of Sikhs lying in various compartments. He was of the view that "the murders of the Sikhs and burning of their dead bodies at the Tughlakabad station could have been definitely prevented if police at the station were not to remain passive spectators of the gruesome acts of the hooligans who had come from outside the station." His affidavit and his statement in cross-examination make it clear that at Mathura which is in the State of Uttar Pradesh, the Commandos and the police parties were ready for action when the train came on the platform. He himself stated that the situation at Tughlakabad was very different. In his reply to a question by the Commission he stated :

"The police party which was standing at the foot of the over-bridge was a group of tacit spectators. No attempt was made to extinguish the fire with which two bodies were being burnt."

The evidence given by Prof.Dandvate makes several aspects clear. At Mathura advance care had been taken before the train came on to the platform to ensure that nothing went wrong while at Tughlakabad which is within the Union Territory of

Delhi no such arrangement was made and the police became silent spectators when the murders took place. Nothing has been brought out in the cross-examination of Prof.Dandvate to discard his affidavit. The Commission takes note of the fact that Prof.Dandvate is a Member of Parliament and was once upon a time Minister for Railways and there is absolutely no justification to disbelieve his evidence. /

Seven First Information Reports available on record have been taken note of in the written arguments of DSGMC. Many of these are by Railway employees.

FIR 355/84 is dated November 1, 1984, and appears to have been lodged at 12.30 p.m. The informant is one Rameshwar Dayal, Booking Clerk at Tughlakabad Railway Station. The exact narration is thus :

"At about 12.30 p.m. Bombay Janta train stationed at Railway Station Tughlakabad from Mathura. In the meanwhile a mob of about 300-350 nearby villagers holding batons, lathis, iron rods in their hands came to the Railway Station and after cornering the stationed train from all sides started dragging out the travelling Sikh passengers and started beating them with batons, lathis and iron rods and raised the slogans as 'Jan se mar do, katal kar do'. Some of these village youths were holding kerosene oil in their hands and started setting fire to the injured Sikh passengers. / Because these passengers were already injured a lot that is why they could not run here and there. Like this the gang of the village youths set fire to about 25/26 Sikh passengers by spraying kerosene oil on them. These passengers expired due to manhandling and the spraying of kerosene oil on them, whose half burnt dead bodies are lying here and there on the Railway Station, Tughlakabad and on the railway track."

FIR No.357 on 2.11.84 lodged at 10 a.m. was by the Guard of 25 Dn. Bombay-Amritsar Deluxe. This train for want of signal clearance was forced to stop at Tughlakabad Railway Station. It was alleged that 2000 men surrounded the train, removed its hosepipes and made it immobile. The men armed with lathis, sticks and iron rods pulled out the Sikh passengers, thrashed them mercilessly and set them on fire. When the police came the mob ran away. The train left Tughlakabad around 1.27 p.m. and reached Delhi at 2.05 p.m. 8 dead bodies were recovered at that place from the compartments.

FIR No.356 lodged at the New Delhi Railway Station at 7 a.m. on 2.11.84 on the basis of a memo. sent by the Asstt. Station Master, Delhi Kishanganj, with reference to the incident at Nangloi Railway Station, reads thus :

"Please arrange to remove 12 dead bodies lying on platform at Nangloi to avoid panic. Also arrange armed force to protect staff and station. Heavy mob collected in and around Railway Station. Staff not in a position to perform duties."

It is clear from these as also the other FIRs where similar allegations have been made that no arrangements were made for protecting the passengers either in running trains or when trains stopped at Railway Stations - being authorised or unauthorised stoppages. If proper care had been taken and the police had remained active and played even the normal role of policemen, as Prof.Dandvate has told the Commission, nothing untoward was likely to have happened. The Commission takes note of the difference in the arrangements at Mathura Junction in U.P. and different stations within the Union Territory of Delhi. Whether it be RPF, Govt. Railway Police or Delhi Police, all appear to have become indifferent within the Union Territory.

From the answer to the interrogatories given by the Railway Administration it is clear that 46 trains were forced to make unauthorised halts either at Railway Stations where such trains had no stoppage or outside station areas. Some of these trains were long distance ones while others were local trains. It appears that armed men came by these trains and moved into Delhi. At convenient places they got down within the Union Territory to carry on riotous activities by stopping those trains. Obviously, when information spread that riots were taking place in Delhi, disturbed conditions prevailed, lot of looted property was available; gangsters from outside got attracted; found the situation inviting and moved into the city. The Railway Administration has also given information that hundreds of Delhi bound trains were cancelled/terminated at different places - station or



otherwise - during the riots. From the dates given in regard to the unauthorised stoppage of trains and the termination of trains it is clear that unauthorised stoppages took place on 1.11.84 and a small part of the 2nd. Cancellation/termination of train services in regard to several trains was done from 2nd afternoon. What was done on 2nd afternoon should possibly have been done from 1st afternoon because by then on account of the proximity of the Headquarters, the Railway authorities should have come to know as to exactly what was happening. The claim of the Railway authorities that the RPF handled the situation properly and rose to the occasion does not appear to be a fact. If the RPF along with local police had worked properly these events would not have happened. The protection provided with the intervention of Prof.Dandvate should have been provided in the trains operating from 31st afternoon without being asked for. In that event also these casualties would not have happened. This appears to be a case of negligence and want of assessment of the situation on the part of the Railway Administration.

(e) Deaths at Delhi

The Government disclosure in Parliament took the number of killings at Delhi to 2146. Before the Commission the Delhi Administration filed a list of persons upon whose death payment of compensation had been admitted and given to the next of kin. The number of such persons was disclosed as 2212.

The Commission called upon the parties - victims as also the Administration - to produce a detailed list of persons killed during the riots. Several extensions were given to both sides. It is only when the Commission insisted that the list should be filed and no extension would be granted and if necessary, adverse inference would be drawn, the CJC filed a

list on March 31, 1986, showing the total number of deaths to be 3870. The Delhi Administration later filed a statement before the Commission admitting the number of deaths during the riots to be 2307.

Between the initial disclosure of deaths in Delhi as made in Parliament and the latest figure given by the Delhi Administration, there is a difference of 161.

At the foot of the list supplied by the CJC there has been a little arithmetical exercise. The grand total has been shown as 3949 out of which there has been a deduction of 149 on the ground of duplication and again 70 names have been added. This is how the figure of 3870 has been reached. There still appears to be an arithmetical error in the totalling of the number. The correct number should be 3874.

A copy of the list supplied by the CJC was made over to the Delhi Administration with a direction that the same may be checked up and comments as to its correctness or acceptability should be filed. In compliance with the direction the Delhi Administration has filed its comments along with an affidavit of Shri Bhatia, Joint Secretary (Home).

The First Information Reports in regard to killings at Delhi put the figure at 1419. As already stated, the Deputy Commissioner of Delhi who had verified the claims has later accepted the number of deaths to be 2307. On a comparative basis of the names disclosed in the FIRs and in the Deputy Commissioner's list, 315 persons whose names appear in the FIRs do not figure in the Deputy Commissioner's list.

The list given by the CJC does not contain full names and all the required particulars for identification. In certain cases, for instance in respect of Delhi Cantt. Police Station, the total number of deaths has been shown to be 368 but as a fact only 320 names have been given. Thus there is no mention of any name for the remaining 48 persons. Again,

in the list relating to Police Station Tilak Nagar where deaths have been shown to be of 67 persons, only 62 names have been disclosed. Reference to these two Police Stations is illustrative. Possibly, the Committee may not be blamed for this situation. In fact, a clear cut investigation into this aspect of the inquiry is not easy. On the basis of the affidavits the Commission made an attempt to collect the number of deaths but that again appeared to be both difficult as also misleading. In many affidavits names of the killed have not been specified. There are several affidavits which refer to the same deaths. Again, many deaths are not covered by any affidavit. In such a situation affidavits do not provide a sound basis for determining the number of people killed during the riots. It is in evidence that hundreds of the people so killed were burnt while they were half dead or while they were in an unconscious state or had already died. The DSGMC has specified in written arguments names of 73 people who were burnt alive, 7 who were burnt after they had become unconscious and 13 persons who were burnt after they had died. There is evidence that hundreds of charred bodies were recovered. These obviously and also those that had been burnt were not subjected to postmortem. If postmortem on other dead bodies had been made the postmortem figure itself would have provided a sound basis for determining the number of dead people. It is a fact that Delhi has a lot of floating population and hundreds of <sup>~ Sikh</sup> people from Punjab keep visiting Delhi every now and then on account of proximity and business activities, sight-seeing and other family necessities. There have been many affidavits before the Commission where reference to such visiting guests to have been affected during the riots has been made. Similarly, every now and then a number of regular residents of Delhi go over to Punjab. On the basis of ration cards where the total number of members of every card holder family is indicated, proper calculation cannot be

made because there are several people residing in Delhi who are not card holders. There are ghost ration cards in existence and ration cards also do not reflect the exact number of people in the family. Many people who had gone over to Punjab did not return soon after the riots on account of the continuing disturbed conditions. All these circumstances have made the inquiry for ascertaining the definite number of people who died difficult. The number has, however, to be somewhere between 3870 (arithmetically corrected to be 3874) and 2307 - the higher figure coming from the Committee and the lower figure having been admitted by the Delhi Administration. Placed in this situation, the Commission has not endeavoured to ascertain the exact number of people who died during the riots. Simultaneously, it is a fact that the matter cannot be taken as concluded until the exact number is ascertained by a further inquiry. Death gives rise to definite consequences and brings in certain considerations. As already found, the next of kin become entitled to a compensation of Rs.20,000/-; the recommendations of the Commission may bring about certain other benefits, and if there be a widow or dependent relations left behind, she is or they are entitled to certain advantages. It is quite likely that in some cases the next of kin may not have come forward to raise a claim on the basis of death. The manner in which the Delhi Administration has been changing the figure by conceding the claim leads the Commission to accept the position that if there be a further probe and of a closer type, it is quite likely that the number may increase. Keeping these aspects in view the Commission recommends that instead of accepting a definite number as the final list, the matter should be kept open for further examination where the number shall not go below 2307 and may not go beyond 3874. But in between the exact number should be ascertained. The modality for ascertaining this should be by the appointment of

an officer with full powers to go into the matter and he should give public notice to invite claims of death within the Union Territory of Delhi during the period of riots (October 31 to November 7, 1984) by fixing a time for raising of claims and also a date for finalising the same in accordance with a procedure behoving the rules of natural justice and the figure should be determined. As and when any new name is added to the already accepted list of 2307 by the Delhi Administration, the benefits/contemplated in respect of the dead people should be extended to the next of kin. Since delay might make the inquiry not beneficial the modality proposed in the recommendation may be implemented without delay and a time-frame should be prescribed.

AN ASSESSMENT OF THE SITUATION

On the morning of October 31, 1984, after Smt. Gandhi had been removed to the AIIMS with bullet injuries and when she succumbed to them, there was, as it were, a political vacuum. The Head of the State was away from the country in Yemen Arab Republic. On his return, Shri Rajiv Gandhi was sworn in as Prime Minister of India. By the time the mother was injured by bullets, he was away somewhere in West Bengal and before he returned she was dead. He had lost his brother four years earlier. Now the mother was dead being killed by the people detailed to guard her. He must have been indeed terribly shocked and it is difficult to describe the type of mental agony he must have then been undergoing. He was called in to shoulder the responsibility of Prime Minister of India without any time to get mentally tuned to undertake the heavy responsibility of that august office.

After being inducted into the office of the Prime Minister, he made an effective appeal to the nation through the TV at 9.50 P.M. where he said :

"My dear Countrymen,

On this the saddest day of my life I speak to you when I am totally overtaken by the dark cloud of cruel fate. Our beloved Mrs. Indira Gandhi is no longer with us. I have lost my dearest friend, we have all lost one of the greatest leaders our country has ever produced and the world has lost a harbinger of peace who was undoubtedly the greatest woman leader mankind has ever produced. ... The loss of Mrs. Gandhi is for me unbearable. In spite of her pre-occupation with her official duties, we met often. For me each such meeting was a memorable experience. ... The dastardly act of assassins which is not only heinous but a crime against humanity itself, has put the nation to test at an extremely critical juncture of our history. The unity and integrity of the nation is being challenged. Let our grief not cloud our good sense and maturity both as individuals and a nation. God shall grant us the strength to meet the new challenges."

He also instructed the people concerned to take effective steps to see that there was no deterioration in the law and order situation. If necessary, he advised that the Army may

be called in. When the news of Smt. Gandhi's death spread, thousands of mourners started calling upon the new Prime Minister to convey condolences. The dead body was taken from the AIIMS to the official residence at 1 Safdarjang Road. It was decided to keep the body in state at Teenmurti Bhavan for a few days to enable the people of India as also Heads of States of the world to pay respects to the departed soul and participate in the official funeral. Funeral was fixed for November 3, 1984. Hundreds of thousands of people started collecting in Teenmurti Bhavan to have a last glimpse of their beloved leader. Arrangements for reception of the visiting dignitaries from different countries who were coming to participate in the funeral had to be undertaken. Keeping up to protocol, Shri Rajiv Gandhi had to receive many of these dignitaries. Evidently Smt. Gandhi had been killed in the hands of the security guards on account of lapse in security arrangements. The way in which she had been killed left scope for grave doubts about the efficacy of the security. The situation had indeed been an alarming one. Whether evil designs had come to an end with Smt. Gandhi being killed was not definitely known. It is in these circumstances that Shri Rajiv Gandhi had been called upon to shoulder the arduous responsibilities of the office of Prime Minister of the largest democracy.

In the morning of November 1, Smt. Gandhi's body was taken to Teenmurti Bhavan from No.1 Safdarjang Road to lie in state so that the mourners could take the last glimpse of her physical body. The arrangement at the Teenmurti Bhavan was two-fold - VIPs were permitted to come into the room through the guided entrance to file past the dead body and those who wanted to make entries in the condolence register were permitted to do so; the common people were allowed to march past on the outer side without coming into the room. Thousands

of people thronged in the premises of Teenmurti Bhavan in the morning of November 1, 1984. The Delhi Police found it almost impossible to keep control of the situation at Teenmurti Bhavan and by the afternoon the Army had to take over the control. The low key of the Delhi Police seen at Teenmurti Bhavan was an exhibition of lack of leadership, imaginative planning and incapacity to control mobs in an odd situation.

In several of the affidavits filed before the Commission it was alleged that through the Doordarshan on November 1, 1984, a program was arranged wherein it was said "khooon ka badla khooon" (blood for blood) obviously suggesting that as Smt. Gandhi had been murdered, the community of the two murderers should also be done to death. It was suggested that Shri Rajiv Gandhi was within the Teenmurti Bhavan during the morning hours of November 1, 1984. His presence there was quite natural and he had obviously nothing to do with the TV program.

The Union of India denied having undertaken any program in which Doordarshan had permitted shouting of a slogan - 'blood for blood'. It appears that after the dead body was taken to Teenmurti Bhavan on November 1, live telecast arrangement had been made covering the dead body lying in state and the people who would move around either in the room where the dead body was kept or the crowd that would fly past on the outer side at the lower level so that millions in the country who could not come to Delhi would be able to associate themselves with what was going on at Teenmurti Bhavan. In the morning of November 1, a group of people passing through the passage at the lower level did raise the shout 'khooon ka badla khooon'. Since the live telecast arrangements had then been working, the crowd along with the shout did come on the TV and their shout was heard. When directed by the Commission, the Director-General of Doordarshan appeared before it and



explained the situation in which this part of the program had been covered and to substantiate the explanation, he exhibited that part of the cassette where the shouting crowd were seen and their shout was recorded. The Director-General explained that the officers of the Doordarshan never apprehended that a crowd paying respect to the departed leader would raise such a shout which on account of the live program would get televised. The moment this was realised the live telecast arrangement was switched off. When the cassette was played, the Commission found that the shout had been repeated for 18 times spread over 37 seconds. The impugned shouting came all of a sudden at high pitch which probabalizes the position that the Doordarshan people could not have apprehended it. It melted away as the crowd was pushed ahead by the police. From the original cassette, the Commission has made a copy. Though it had been alleged that this telecast was arranged, the Commission is of the view that neither the Prime Minister nor any one in Government had any role to play in the matter and the Doordarshan authorities did not intentionally do anything. The time lag between the objectionable matter being telecast and the switching off also is not unreasonably long to suggest, as alleged, that Doordarshan wanted it to continue. The Director-General of Doordarshan also told the Commission that care was taken thereafter to keep off any objectionable matter from being included in the live program.

There is no basis for the allegation that the All India Radio and Doordarshan had given out the news that Smt. Gandhi's assassins were two of her Sikh guards and circulation of such information through news media helped generation of anti-Sikh bias. The Commission has scrutinised the news scripts of both media for the 31st October and 1st November and it is noticed that there is no mention at all that the assassins were Sikhs. Mention of this information in

ordinary course would have been considered as usual but discretion appears to have been exercised thoughtfully in this case.

It was unfortunate that the happenings in different areas of Delhi were not being contemporaneously reported to Police Headquarters and there was, therefore, no proper feeding of what was happening even to the Administrator - Lt. Governor. Shri Gavai has admitted :

"I am inclined to agree that there was a failure in the channel of communication between local officers and the police and the district administration as also the Commissioner's level. Consequently, contemporaneous and timely reports of incidents were not received at the other end. A true picture of the situation was not emerging and decision making was, therefore, affected."

Since this was the position at the level of the Administrator, the exact picture of what was happening must not have reached the Home Minister or the Prime Minister. There is material placed before the Commission from which it appears that while Shri Rajiv Gandhi was in mourning and was busy giving occasional attention to the dead body lying in state at Teenmurti Bhavan and receiving foreign dignitaries who started arriving from the evening of November 1, 1984, he had tried to ensure maintenance of law and order and was giving directions in that regard. He requested the visiting Chief Ministers to return to their respective States and ensure that all possible steps for the maintenance of law and order were taken. When the worst had happened on November 1, Members of Parliament and other leading people started raising hue and cry and ultimately called upon the Prime Minister. An assessment of the situation was then made. The Lt. Governor was attending this meeting. Shri Gavai has told the Commission :

"... after I had met the Prime Minister in the meeting of MPs at his residence I had asked for a personal interview with him and he obliged. He told me : 'Gavaiji you should have acted more swiftly in calling in the Army'. I did not enter into any argument with

him on that score but I said : 'Sir, your mother was a great personage and that her assassination was a major calamity which had befallen the nation. Her assassination was bound to cause repercussions'."

He continued :

"In the course of this talk I pointed out that during the curfew period there were many occasions when bystanders came out of their houses just to see what was going on. Government did not expect the administration to shoot those people as curfew breakers. I further pointed out that any such move would have been a politically unwise action. After that when I was hanging about there the Prime Minister told me : 'Gavaiji, you are a heart patient and you should now take rest'."

It is in the evidence of the then Lt. Governor that he was soon advised to proceed on leave. On November 3, he wrote a letter to the President wherein he stated :

"Although I have no reason to believe that I have failed in my duties in the unprecedented circumstances, I hereby resign from the post of Lieutenant Governor out of my sense of moral responsibility.

An indication of my intention to resign was given by me to the Cabinet Secretary and also the Home Minister on 2nd November, 1984 itself, but I had withheld it as it was necessary for me to oversee the arrangements for the funeral of the late Prime Minister from our side."

The letter contains an admission of moral responsibility for what happened at Delhi. Perhaps it was something more than that. The Commission does not propose to go into that aspect and assess the extent of his responsibility. Shri Gavai had already suffered a major heart attack prior to the riots and had very likely become unfit to continue to take any physical load upon himself. He should not have been maintained in a key post like that of Administrator of the Union Territory at such a crucial period which had started soon after the Blue Star Operation. Shri Gavai is in broken health and when he appeared before the Commission, he gave the impression of having broken down after the riots and what followed thereafter. What the Prime Minister could assess on the 2nd November 1984, within two days of assuming office and after a few rounds to the riot affected areas should have been

realised long before and perhaps Shri Gavai should have been replaced after he had suffered a massive heart attack. The post of Administrator should have been manned by a very competent person - agile, astute, determined, experienced, farsighted, knowledgeable. The need for such a person for Delhi was all the more so on account of the primacy of this Union Territory as covering the seat of the country's capital and in the backdrop of the developments that had then currently taken place.

There is material on record that Shri Rajiv Gandhi moved in certain affected areas on 2nd November with a view to having a spot assessment of the situation and for boosting up the morale of the riot victims. Even on the 3rd he took another round as would be noticed later. On the morning of 4th November Shri M.M.K. Wali, the then Home Secretary was sworn in as Lt. Governor.

On November 3 the cremation took place and once the cremation was over the Prime Minister who was until then busy in receiving visiting dignitaries and overseeing the arrangements for the cremation, started devoting almost full attention to the riot situation. The Commission is of the opinion that Shri Rajiv Gandhi as the Prime Minister, notwithstanding the handicapped situation in which he then was, took all reasonable steps expected of him to meet the situation that arose following the assassination of Smt. Gandhi. He even moved into the affected areas against advice on the ground of security and made a personal assessment of the situation and boosted up the morale of the victims. His appeal on the 31st October, his address to the nation on the 1st November, the condemnation of riots in strong terms, his action in sacking the Administrator and the overall posture adopted against the mad crowd leave no scope to entertain the allegation in a couple of affidavits that he too had something to do to help

the unseemly situation.

In quite a number of affidavits there was allegation that Shri H.K.L. Bhagat, Minister in Smt. Gandhi's cabinet and continued in Shri Rajiv Gandhi's Cabinet, insinuated the non-Sikhs to take revenge on the Sikhs as two of their people had murdered Smt. Gandhi. Implicating of Shri Bhagat in the affidavits before the Commission was perhaps in the air and hundreds of affidavits were filed before the Commission, a few from Sikhs and mostly from non-Sikhs to say that Shri Bhagat had no role to play in organising the riots; on the other hand, he had helped the Sikhs and attended to their discomforts and looked after rehabilitation. The Commission has dealt with these affidavits separately and for reasons indicated there not much of reliance has been placed on most of these affidavits. Even if these affidavits are kept away, the allegations made in the affidavits from the victims' side have to be scrutinised on their own merit. Excepting a handful of affidavits where it has been alleged that Shri Bhagat had come to meetings along with some other local Congress [I] leaders in the night of the 31st October or in the morning of the 1st November, and in a few affidavits alleging distribution of money by him to boost up riots, the allegations are not very positive or specific. The Commission had no intention of separately dealing with the case of Shri Bhagat but as this was very much highlighted, was inquired into by the Investigating Agency, evidence about it was specifically led and the affidavits which the Commission has not very much relied upon were pressed into service, the Commission has thought it appropriate to deal with it. The Commission makes it clear that these are prima facie conclusions as far as he is concerned. In the list at p.219 of the written arguments of the Committee where 16 instances are cited he is said to have held a meeting of party people. The evidence regarding what

transpired at the meeting is scanty.

Shri Bhagat was a sitting Member of Parliament from East Delhi constituency wherein a bulk of the tragic incidents have happened. Some people belonging to the Sikh community have deposed before the Commission that Shri Bhagat had good relationship with the Sikhs and had helped them during the November riots. Shri Gavai, the then Lt. Governor in his evidence before the Commission has stated that on November 1, 1984, Shri Bhagat and Shri Jag Pravesh Chandra had been constantly ringing up Raj Niwas for assistance in the affected areas. Shri Gavai, on account of the treatment meted out to him, was likely to have a grievance against the Government and those in Government. His statement so far as Shri Bhagat is concerned, therefore, should be accepted as closer to truth. Shri Bhagat being a sitting M.P. and Minister was not likely to misbehave in the manner alleged. Shri R.S. Sethi, who was then the District Magistrate, has also spoken thus :

"I did not see any political leader of any party moving about to support the riotous mobs. In view of the fact that I was freely moving about during that period and came across several mobs in different areas, I am in a position to say that if they had really come out and joined the mobs, I could have seen them."

People of the Sikh community being electors of his constituency, Shri Bhagat, keeping the democratic politician's behaviour towards the elector in view, was not likely to antagonise the Sikh sympathy towards him.

There is evidence that in the election to the Lok Sabha held almost within seven to eight weeks of the riots, certain members of the Sikh community worked in support of Shri Bhagat. For instance, in the affidavit filed by Shri Tara Singh [no.2531] it is stated that he so worked for Shri

Bhagat. Some other Sikhs have also accepted that position. If Shri Bhagat had indeed played the role of an organiser of the riots, it is difficult to find even a single Sikh supporter in his camp. The rioters had no 'pick and choose' method in their operations and when they attacked a Sikh or his property they never enquired about his antecedents or party affiliation. It was an attack against the community. Shri Balwinder Singh [no.2163], a member of the Sikh community stated in his affidavit that he contacted Shri Bhagat on 1.11.84 on telephone and apprised him of what was happening. He was then told by Shri Bhagat that Sikhs and Hindus should join and put up a common front to meet the situation. He also told him that he [Shri Bhagat] was trying to ensure arrival of a CRP unit within an hour. /This is evidence of an assuring type and does indicate against the allegation with reference to Shri Bhagat. There is another material on record for consideration while dealing with this aspect. It is the case of the victims - and has either been accepted or not seriously disputed by others - that the attacking mobs used to swell up while moving on the lanes and roads - a feature to suggest that the rioters were not an organised team and were made up by a section of the community willing to play to the mood of the people, satisfy their hurt sentiments by harassing the Sikhs and share the booty. Again, if violence had been organised, it would have spread into every corner and the manner in which it abated may not have been possible. In the absence of convincing material, the Commission is not in a position to accept the allegation that Shri Bhagat had instigated the rioters.

That violence was let loose in Delhi between October 31 and November 3, 1984, is not at all in dispute. Nor is there much of dispute that this violence was essentially one-sided, namely, the non-Sikhs attacked the Sikhs and damaged, looted and burnt their properties - moveable and immoveable,

Gurudwaras and killed a few thousands of them. If the party in power or a minister or well placed person had masterminded or organised the riots, the same would have taken even a more serious turn. It is the case of all parties before the Commission that in certain areas there was no trouble of any noticeable degree and two reasons have been advanced for such a situation - (i) effectiveness of the local police; and (ii) raising of a combined defence of the local residents. If the Congress (I) party or a powerful force in the party played any role, neither of these two elements could have functioned in the manner each of them has been ascribed. The Commission, with a view to ascertaining what exactly worked to make the police passive, indifferent and callous, has perused a lot of contemporaneous records and examined several official witnesses. The Investigating Agency also did try in its own way to delve into the matter. In answer to searching questions put to the police officers, they have denied any political force to have operated behind the scene in the matter of formulation of their attitude and conduct. The manner and the setting in which the questions relating to this aspect had been asked would in ordinary course have brought out such implication if it were true to any extent.

The Commission has noticed that in a few affidavits the hand of the party politicians was alleged. Some of the deponents were cross-examined and they have not stood the test while some have not broken down. All the material on the record in the ultimate analysis is not evidence of that type relying on which the Commission can record a finding that the Congress (I) Party or some leaders in that party had organised the violence which manifested in the shape of riots. The Congress (I) Party denounced riots by regular resolutions adopted at official meetings of the party. The Commission had at the instance of the CJC collected the newspapers



published from Delhi during the 1st and 5th November, 1984. From the Hindustan Times of 2.11.1984, it appears that the Delhi Pradesh Congress Committee (I) on 1.11.1984 released the following statement :

"Unity of the country was dearest to her (Smt. Gandhi) and she has given her blood for it. The unity of India must not only be preserved and strengthened through tolerance and communal harmony but also good neighbourly relations. Violence in any form anywhere in the country must be condemned and eschewed. The incidents of violence in the capital are condemnable and every citizen must cooperate fully in maintaining peace and normalcy in the country. Use of any violence in any shape or form would only negative and weaken the ideals for which Mrs. Gandhi stood and died."

The Congress (I) Working Committee on November 1, 1984 appealed to the countrymen to exercise restraint, maintain peace and harmony among all sections of the people and to uphold the unity, integrity and security of the nation for which Indira Gandhi laid down her life.

In the face of these resolutions of November 1, 1984, by the Central and Union Territory party organs, it is indeed difficult to allege, much less discover, unseen hands of the party behind the violence perpetrated so dastardly over members of the Sikh community at Delhi. If the Congress (I) party or some of its highly placed leaders had set the rioters to operate, one would expect the Sikhs with Congress base and affinity to have escaped the depredation. No distinction appears to have been made by the rioters and there is no single instance placed before the Commission where the plea of a Sikh that he belonged to the Congress (I) had ever been acceded to by the rioters. // It is in the written submissions of DSGMC on behalf of the riot-victims that even some of the enquiries conducted unofficially had led to the conclusion of suspicion only of such implication. The evident passivity of the police - a very unusual role in police history and tradition - gave rise to the scope for suspicion. Many perhaps genuinely thought - in the situation it cannot be said to be

too far-fetched to be thought of - that it was the magic wand of the politician that tamed the police. Acting under such impression which some have believed to be true, the allegation of implication seems to have been made.

Support for the conclusion of the Commission that uncontrolled events of the 31st October transformed themselves into riotous activity with the participation and monitoring thereof by the anti-socials also can be drawn from the facts highlighted in the written arguments furnished by the DSGMC. At page 221 (of the written arguments) it has been said :

"The mob was jubilating and dancing. There was no sign of sorrow and grief on their faces. They were no mourners of the Prime Minister, Mrs. Indira Gandhi but were totally unconnected with it."

Eleven affidavits being of Smt. Trilochan Kaur (no. 2411), Smt. Gurdeep Kaur (no. 2307), Smt. Harjeet Kaur (no. 2708), Smt. Sarabjit Kaur (no. 166), Smt. Nanki Devi (no. 2550), Smt. Prakash Kaur (no. 2396), Smt. Prakash Kaur (no. 2407), Shri Tara Singh (no. 2531), Smt. Balwant Kaur (no. 2690), Shri P. Miglani (no. 2527) and Shri B.S. Kapoor (no. 2376) have been cited with reference to the conduct and behaviour pattern of the people in the mobs in pages 221 to 224. Anti-social gangsters obviously had no mourning to observe. The troubled atmosphere provided them with opportunity to plunder and otherwise satisfy their animal desires and, therefore, the conduct exhibited of the people in the mobs shows that the constituents of the mobs were the anti-social ruffians and usually not the people of Smt. Gandhi's camp or party who ordinarily were likely to exhibit mournful conduct. As already extracted from the news report, they were in low spirit everywhere after the shock.

At page 226 three instances have been cited which show that outsiders came and incited the local people to join the riots. Reference has been made to the affidavits of Smt. Prakash Kaur (no. 36), Shri Ishar Singh (168) and Shri Avtar Singh (172) - all on the victims' side - to show that outsiders came in a truck and incited the local people.

Along with these, the Commission would like to refer to an analysis presented at pages 216-218 of the written arguments where a list of "organisers of the carnage" at the local level is given. Nineteen instances have been catalogued where people associated with Congress (I) have been named as organisers. Of them fourteen are described as workers either of Congress (I) or its youth wing; four are said to be local Congress (I) leaders and the other being the Secretary of a then Congress (I) M.P. Conceding that there is no particular reason to disbelieve the allegations so tabulated, considering the position ~~commanded~~<sup>occupied</sup> by these people, the Commission is not in a position to hold that from their participation, the Congress (I) party as such can be found to have organised the violence. On the other hand, these details supplied by the DSGMC fortify the conclusion that some people (~~and others~~<sup>in the</sup>) of the Congress (I) party on their own had indulged and participated in the turmoil for considerations entirely their own. Every person who takes a dip in the Ganges is not purified. Similarly, everyone in the Congress (I) is not a Gandhi believing and practising non-violence. The party label, therefore, does not attract the party nor takes away the individual element.

The Committee in its written submissions at p. 55 has stated :

"A perusal of the record supplied by the Fire Brigade shows that the violence started in the evening (of the 31st) from areas around All India Institute of Medical Sciences. The first call which the Fire Brigade received about fire was at 5.30 p.m. on 31.10.84. A careful scrutiny of the record shows that the rioters formed different groups, started from All India Institute of Medical Sciences and indulged in violence. One of such groups proceeded towards Defence Colony from AIIMS and on the way indulged in arson at Kidwai Nagar, NDSE I & II, Andrewsganj Chowk and then at Defence Colony. Another group proceeded towards R.K. Puram from there and indulged in violence on the way.

One group proceeded towards Prithviraj Road and a different group towards Hauz Khas ... The routes followed by these groups can be easily traced on the perusal of the record of the Fire Brigade."

A map showing this route has been placed by the Committee with the timings of the incidents shown therein on the basis of the Fire Brigade records.

It is clear from these materials that arson on large scale had been undertaken by these mobs after leaving the AIIMS. In the written submissions it has been further stated at p. 56 :

"By about 8 p.m. on 31.10.84, the word spread throughout the city and at some places in the city some persons indulged in violence. But till late night the main incidents of violence in the city were reported from the areas of South Delhi where the aforesaid groups were operating."

It is reasonable to hold on the basis of what has been said above and on the basis of the news report of incidents extracted while dealing with the incidents of the 31st October, that the genesis of the riots began from the AIIMS where large crowds had gathered following the removal thereto of Smt. Gandhi in an injured condition for medical attention. Soon after the President left after his cavalcade was attacked, the dispersal of the crowd started and this crowd which had been impatiently waiting at the AIIMS for the news fate had in store, became divided into groups and moved <sup>away</sup>. There is no allegation, much less evidence before the Commission that any plan was hatched at the AIIMS and/or passed on to the crowd. There is evidence which has been noticed in the written submissions of the Committee that a good number of Sikhs had also come to the AIIMS and were in the crowd. If anything was hatched and spread, they would have known and were expected to disclose. The AIIMS was not the place where any planning could have been done. Again, that was not the time appropriate for hatching any plot. Anxiety and tension had spread everywhere and all the people who had been waiting to know whether the Prime Minister shall live or has perished could be in no mood to hatch a plan or talk to some one or group guiding them. Unless pre-planned (Smt. Gandhi's killing being

sudden there is no scope for the view of pre-planning) within such a short time and in that atmosphere no planning could have been done. Thus the stand that violence was organised is difficult to accept. On the other hand, as held earlier, the evidence fits into the position that when the incidents started taking place and the police remained passive, leading to the generation of feeling that if Sikhs were harassed no action would be taken, the situation fast deteriorated and the anti-socials got into the fray and gave the lead after taking over the situation.

It has now to be seen whether the violence was organised. The word 'organised' according to the Shorter Oxford English Dictionary means "to form into a whole with interdependent parts; to give a definite and orderly structure to; to arrange or get up something involving united action." The Oxford English Dictionary gives the meaning to be "to form into a whole with mutually connected and dependent parts; to coordinate parts or elements so as to form a systematic whole; to give a definite and orderly structure to; to systematise; to frame and put into working order; to arrange or 'set up' something involving united action." Black's Law Dictionary gives the meaning as "to systematise; to put into working order; to arrange in order for the normal exercise of its appropriate functions." Webster's Third New International Dictionary gives the meaning of the word as "to arrange or constitute into a coherent unity in which each part has a special function or relation." In Words and Phrases, Permanent Edition, the word is said to mean "to arrange or constitute in interdependent parts, each having a special function, act, office or relation with respect to the whole." Reference may be made to the chapter on Organised Crime in Criminal Investigation (IIInd Edition) by James N. Gilbert (1986 Edn.) in which at p. 434 it has been said: "They (such groups) typically

involve a sizeable number of individuals in the planning and execution. A true organised crime groups requires a continuous commitment by its members, although there may be some non-members participating for short periods of time."

"To organise" thus involves a process which requires time, men, money and an aim or goal to achieve which the organization is done. There is no material before the Commission to suggest that some Congress (I) men had undertaken any process involving the elements referred to at the AIIMS on the 31st. For reasons indicated elsewhere, the Commission has come to the conclusion that violence was not organised by the Congress (I) party or any official who matters in the party.

Even if "organised" involves the concept as mentioned above, in ordinary parlance it perhaps covers instances where a process is systematised. In that popular sense - and the Commission takes the phrase 'organised violence' in the reference by Government to have been used in that sense - the riots after spontaneous origin got into channelised methods in the hands of gangsters. It would not be wrong to say that there was organised violence at Delhi and that was done by the anti-social elements and in the riots, thousands of people who do not really belong to the classification of anti-socials did participate. Many of these participants were people from the lower ranks of the Congress (I) party and sympathisers.

The Commission has accepted the position very appropriately advanced on behalf of the victims that the entire community of the Sikhs constituting about two percent of the country's entire population could not be made to suffer for the act of two misguided persons of that community. The Commission cannot keep aside that logic while dealing with the issue of involvement of the Congress (I) party as such in organising violence. It cannot, therefore, draw a conclusion inferentially from the fact of participation of party workers

and sympathisers or some leaders at local levels that the Party was involved in organising what has perhaps been rightly called a carnage.

The Commission accepts the evidence placed before it that most of the mobs were from areas different from where they operated and only a few <sup>local</sup> people had joined such mobs to facilitate the operations. In some areas, however, local people had also organised riotous activities. In the mobs of both types people of different communities (not being Sikhs) did join. The anti-social elements monitored the activities of these mobs and played the principal role in killing, looting as also arson. In these mobs people with sympathy for the Congress (I) and associated with party activities appear to have also joined in good number. The Congress Party at the lower level - like any political party anywhere - has loose ends and from the fact of participation of people belonging to the party at that level it is difficult to accept the stand that the Congress (I) party had either organised or participated as such in the riots. Such participation was not on party basis and it seems to be a fact that a number of people belonging to the Congress (I) party at the lower level had participated in the riots. Anxiety to participate in that way perhaps was either with an avenging attitude - their leader having been done to death by two Sikh guards - or from the allurements of acquiring property by fishing in troubled waters.

As the Commission has already found, the riots at the initial stage were spontaneous and by way of reaction to the situation but later the riots developed into a set type. The change in the pattern from spontaneous reaction to organised riots was the outcome of the take-over of the command of the situation by anti-social elements. It is said that Satan too has a process and when taking to satanic activities the anti-

social elements took to their organised process. This is how - and in this sense - violence in Delhi was indeed organised but such organisation was not by any political party or a definite group of persons but by the anti-social elements which as will be shown in another part of this Report is quite a formidable and powerful element in the Indian capital. It would not be out of place to record here the finding of the Commission that the pattern followed at Kanpur and Bokaro was the same. At Kanpur serious incidents took place on October 31 itself and some on November 1, 1984. At Bokaro most of the incidents were in the morning of November 1, 1984. As found by the Commission, organised pattern in rioting appeared in Delhi after 9 or 10 in the morning of November 1. There was thus no connection in the activities of Delhi and the activities of Kanpur and Bokaro. They were all locally based; organised locally too and came with the expertise of the anti-social elements and they have a common pattern all the world over.

It is useful to refer to a passage from Hubert Blumer (quoted in 'Collective Behaviour' by A.M. Lee in Principles of Sociology - 1951) where it is said :

"Individual behaviour changes in certain respects in the presence of other people. In most instances, their presence tends to have a restricting effect on behaviour. However, under certain conditions, there is a permissiveness about a crowd situation that induces individuals to act in a less restrained way. An individual may normally never think of looting a store, but when others are doing so, he may join them. The thought that 'everybody is doing it' and the feeling that as an individual he cannot be singled out and punished for his act may be responsible for this change of behaviour."

The anti-social elements had obviously the support of a vast group of people who ordinarily would not have liked to do what the anti-socials did or do.

A detailed statement of First Information Reports, Investigations with results, charge-sheets and pending cases is in Vol. II, Appendix 5 at pages 19-28.



DAMAGE TO GURUDWARAS AND EDUCATIONAL INSTITUTIONS  
LOCATED AT DELHI

In answer to interrogatory no.48 of Application no.43 of 1985 put to the Delhi Development Authority, its Director (Works) has disclosed that 131 Gurudwaras located in different areas of Delhi were repaired by the Authority. This position has also been accepted by the Delhi Administration. It has in answer to interrogatory no.46(a) given the total number of Gurudwaras affected by arson, looting and burning to be 180. Obviously 49 of the damaged Gurudwaras were not repaired by the Authority and that explains the figures of 180 and 131. The details of these Gurudwaras are available from the answer and the list is found in Vol. II at p.29-33. Reference to the list would show that the Gurudwaras were spread over different areas of the city. There is also a disclosure that 11 educational institutions, each one founded and run by the Sikh community, had been damaged and were repaired. These educational institutions, as the particulars (Vol. II, p. 34) would show, are also spread over different parts of the city. From the fact that so many Gurudwaras and educational institutions had been damaged, it is reasonable to hold that the rioters not only had the Sikh population as their target but also kept an eye on their religious institutions. Perhaps for the first time in recent history such a large scale mobilization against religious institutions of one particular community has been done. Gurudwaras as places of worship are sacred. The scriptures kept there are holy and held in the greatest esteem by Sikhs. Guru Nanak, the founder of Sikhism, as detailed elsewhere, was a Hindu and he preached a religion and stood for a philosophy equally holy, sacred and acceptable to the Hindus. Gurudwaras as places of worship of Sikh brothers deserved to be looked upon as holy and sacred and great

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reverence should have been shown to those. The fact that Gurudwaras were made the target of widespread attack is an exhibition of conduct lacking faith, devoid of respect for religion and the rejection of the traditional approach. Mob frenzy and lust for stolen articles tempted the crowd to direct its attention towards holy places. There is evidence before the Commission that many of the Gurudwaras were looted.