

The Fascist Offensive in Punjab

A MISCHIEF AT NAKODAR FEBRUARY 2, 1986

INTRODUCTION

The news of burning of sacred "Birs" of Guru Granth Sahib in Guru Arjun Dev Gurdwara in Guru Nanak Pura Mohalla, of Nakodar in Jalandhar District spread like wild fire on February 2, 1986. There was a spontaneous strike to protest against the desecration of the holy Granth in the town that day. On February 3, 1986, lawyers stayed away Courts and students abstained from educational institutions. On a call by the Akali Dals' a protest march was organised jointly by the Sikh and Hindu communities. Citizens, including women and children participated in the procession. A strike was observed in the town.

Shiv Sena plans march

The Punjab Hindu Shiv Sena wanted to take out a procession but the authorities thought it prudent to clamp curfew at 7:00 PM on February 3. Baba Joginder Singh and the Shiv Sena leader, Ramakant Jalota, arrived at Nakodar the same day but the Baba left the town at 5:30 PM The same night the police arrested 12 Sena activists who were violating curfew restrictions and moving around with unsheathed swords.

Earlier, on February 3, some Sikh youths staged a dharna (protest) outside the Police station and the Bus Stand demanding the arrest of local Shiv Sena leader Mr. Romesh Chopra alias Khan, a vegetable commission agent, who, they alleged, was responsible for the fire. At about 4.00 PM a large number of villagers joined the youths and sieged the police station and demanded the arrest of the alleged arsonists.

The District Magistrate, Mr. S. C. Aggarwal and the Senior Superintendent of Police (SSP), Mr. Izhar Alam rushed to the town with Police re-enforcement. There was tension in the town. It ultimately led to firing by the Police on February 4, 1986, killing at least four persons and injuring many more, for which the Punjab Government announced a judicial inquiry. The All India Sikh Students Federation (AISSF) rejected the inquiry and called it as "a mere eyewash." The Federation demanded registration of criminal cases against the Deputy Inspector General of Police (DIG) and police officers responsible for killing the people. They denied the official version of "four deaths" and added that many more persons had died and over two dozen injured. The Federation observed "Black Day" on February 8, 1986, and asked the Chief Minister to resign on the ground of his failure to control the police force which had killed "innocent Sikh youths."

Officers shifted, transferred

In the meantime, the Punjab Government announced the suspension of Mr. Surjit Singh, Superintendent of Police (Detective), and Mr. Gopal Singh Ghuman, Deputy Superintendent of Police (DSP) Nakodar. Mr. Harinderpal Singh, Inspector Police and Mr. Izhar Alam were transferred. Mr. Balwant Singh, Finance Minister of Punjab observed that the police had behaved "as during Congress (1) rule."

Mr. Balwant Singh promised that the culprits responsible for burning the "Birs" of the holy Granth would be brought to book, no matter to which community or religion they belonged. Earlier, Jathedar Harcharan Singh Mahalon, Mr. Kuldip Singh Wadala and Mr. Surjit Singh Minhas sat in dharna in front of the Police Station demanding the arrest of the culprits and a judicial inquiry into the police firing. The situation in Shahkot became tense when some Shiv Sena workers, too, gathered near the Police Station. The police, however, managed to disperse them.

On February 6, the Punjab Government transferred the DIG, Mr. G. S. Bhullar, as a sequel to the incidents at Nakodar. Curfew continued in the town but all the persons who had been arrested for violation of the curfew were released. The Deputy Commissioner, S. S. Aggarwal, declared that cases against 20 Sikh youths under Section 307 IPC (Indian Penal Code) were being withdrawn.

However, Mr. R. K. Jalota and Mr. S. K. Sarwal of Shiv Sena welcomed the judicial inquiry and condemned the transfer of Mr. Alam and three other Police officers and demanded suspension of the Sub divisional Magistrate (SDM), Nakodar, Mr. Surjit Singh Rajput. They held him responsible for the disturbances in the town.

The Shiromani Gurdwara Parbandhak Committee (SGPC) constituted a two-member committee comprising Mr. Kabal Singh, senior Vice President, and Mr. Kuldip Singh Wadala, an Akali MLA from Nakodar, to inquire into the incident. They concluded that the Police officers were responsible for mishandling the situation and they should be punished. They said, "It was an act of "Anti-Panthic" forces that wanted to create a gulf between Hindus and the Sikhs".

Dr. Baldev Parkash, President Punjab Bhartiya Janata Party (BJP) said in a statement, that the burning of "Birs" of Guru Granth Sahib was a sacrilegious act and the culprits should be punished. Whosoever did it, have committed a grave offence to disrupt the peace and communal harmony. He further warned the people to beware of the forces that wanted to jeopardise the communal amity in the State.

Two views on fire

Many people thought that the fire incident was accidental. However, many others were of the view that it was the handiwork of mischievous elements. The International Human Rights Organisation constituted a 5-member Sub-Committee headed by Mr. Dev Raj Sharma, Advocate, to enquire into the circumstances leading to the incident as well as its aftermath. Other members were Mr. Gurbhajan Singh Gill, (Retd DSP), Mr. H. L. Sethi, Advocate, Mr. D. S. Gill, Advocate, and Mr. Bhalinder Singh, Advocate.

The Committee visited Nakodar and went to the Gurdwara where the five sacred "Birs" were burnt. It also visited other places including Kapurthala Road area where the Police had resorted to the firing; the Saw Mill of Natha Singh wherein one person was alleged to have been killed; the residence of Mr. Pritu, a Balmiki from two dead bodies of Sikhs were discovered and the Sherpur Bridge and village including a few farm houses; where the police allegedly beat up and arrested the villagers from their homes. The team also met the SDM, the Electricity Board Staff, advocates and many other local citizens.

I. B. man visits Nakodar

The Committee examined Mr. Sukhdev Singh Sandhu, Mr. Ravinder Singh, Mr. Sudarshan Singh Bains, Mr. Varinderpal Singh and Mr. C J Jain, Advocates; Mr. Romesh Chopra alias Khan, Mr. Mohan Singh Sectional Officer (SO) of the Punjab Works Department (PWD), Mr. Swaran Singh, Mr. Tejinder Singh, Mr. Jatinder Singh, Mr. Gurinder Singh, Mr. Pritu Balmiki, Mr. Bachittar Singh, Mr. Mohinder Singh, Mr. Sohan Singh, Bhai Sukhchain Singh Granthi, Mr. Simratpal Singh, Mrs. Gurdip Kaur wife of the Granthi, Mr. Prem Sagar, Municipal Commissioner, Piara Singh, Ex-President Gurdwara and Mr. Vijay Nayar of the Shiv Sena. Observations of several other persons who did not want to disclose their identity were also recorded.

A witness claimed that on February 2, he saw Mr. Umrao Singh, a Congress (1) leader along with Mr. Ranjit Singh Bhinder, a DSP of Intelligence Bureau (IB), getting down from a jeep. They entered the house of Pundit Narinder Nath Bhutara alias "Nindo." Pundit Nindo is said to be a patron of the Shiv Sena and a close confidant of Mr. Darbara Singh, the former Chief Minister of Punjab. Mr. Nindo had also acted as Election in-charge of Mr. Darbara Singh in the past. After Mr. Umrao Singh and the IB person left the town the Shiv Sena workers from outside started reaching the town.

According to Mr. Mohan Singh, (SO, PWD), when the news of the influx of Sena workers reached the villages, about 40-50 persons reached the outskirts of Nakodar where the DSP of Nakodar, Mr. Gopal Singh Ghuman advised them to go back. He told them that they could not be allowed to go inside the town due to curfew restrictions and assured them that the Gurdwaras

were safe. Upon which they returned to their homes.

Mr. Ramesh Chopra alias Khan admitted that he was regarded as a prime suspect from the very first day as he had been informed by Mr. Prem Sagar, the Municipal Commissioner (MC) the same evening. He added that the Sikhs had given an ultimatum to the police to arrest him by 6.00 PM on February 3. He had therefore, collected Shiv Sena activists in Mohalla Tandon and took out a procession at 6.30 PM in a show of his strength while raising inflammatory slogans, "Jai Shiv Shakti, Jai Trishul." The administration imposed curfew restrictions immediately.

Mr. Romesh Chopra denied that Mr. R. K. Jalota had stayed with Pundit N. N. Bhutara, he did not allow Bhutara's entry into the Mandir Devi Talab, the headquarters of the Shiv Sena and that no activists from outside, except Jalota and Sarwal, had entered the town. He further denied his hand in the fire incident and said that he held the Holy Granth in reverence. He alleged that Mr. Jaswant Singh, Jathedar Iqbal Singh, and Mr. Ravinder Singh, Advocate, instigated the villagers against him.

On the other hand, Mr. Ravinder Singh, Advocate, alleged that the Sikhs suspected Mr. Chopra to be a culprit and the authorities had connived with the culprits.

Accusing finger at Darbara-Balwant

A few senior Hindu Advocates of the Nakodar Bar Association revealed that on the night of February 7, 1986, a similar incident took place in the Shankar village Gurdwara where the culprit had been allegedly captured red-handed and handed over to the Police. He was said to be a Hindu from UP in the garb of Sikh and was let off. Mr. Umrao Singh and Mr. Swaran Singh belong to this village. Similar incidents took place in the Mandirs of Sarinh village and Nakodar. According to them, this type of activity could be the handiwork of none else than those who were active on the eve of operation "Blue Star."

But some Sikh advocates of the Nakodar Bar, on the other hand, blamed Mr. Balwant Singh for all the trouble at Nakodar.

THE GURDWARA INCIDENT

Gurdwara, Guru Arjan Dev Ji, is centrally located in Guru Nanakpura Mohalla of Nakodar where the five "Birs" of Guru Granth Sahib were burnt due to fire in the forenoon of February 2. Granthi, Bhai Sukhchain Singh, who lives on the Gurdwara premises along with his family, looks after the Gurdwara.

The Gurdwara has two gates, one facing the Gurdwara Hall and the other towards the left side of the Hall. The residence of the Granthi is on the right side of the main gate while its kitchen is on the left side of the gate. The "Sukhasan" room is on the right side of the half opening in the veranda that connects the room with the side gate through a passage behind the Hall. The "Sukhasan" room is not visible from inside the kitchen, the wall being windowless. If any person comes through the side gate, uses the rear passage and enters the "Sukhasan" room, causes mischief and returns, he cannot be seen either from the residence or from the kitchen.

No dhoop or jyoti

The Granthi opens (Parkash) one "bir" of the Holy Granth on the "Diwan" inside the "Sukhasan" room at 5:30 PM daily, while four "birs" in closed position (Sukhasan) are kept on the Niwar bed in the room. This "parkash" is done for devotees who want the recitation individually. Thereafter, the Granthi opens two "birs" in the main hall for the routine recitation. No, "Dhoop" or "Jyoti" is inside that "Sukhasan" room.

On the day of occurrence, February 2, 1986, Bhai Sukhchain Singh conducted his routine duties and left the Gurdwara to perform "Anand Karaj" (Marriage ceremony) at the residence of one

Sadhu Singh on the Noormahal Road. According to the Granthi, he placed the Gurdwara keys inside the "Sukhasan" room at 8.45 PM as usual and left the place.

Mrs. Gurmit Kaur, a widow and a devotee of Guru Nanakpura Mohalla who lives close to the Gurdwara, was seen cleaning the "Sukhasan" Room at 9.15 PM by many devotees of the locality. It was her routine work.

At about 9.45 PM, Mrs. Gurdip Kaur, spouse of the Granthi, while going towards the kitchen heard cracking of glass panes and saw flames leaping out of the window of the "Sukhasan" Room. She ran outside and raised the alarm. Local residents rushed to the spot and threw water to extinguish the fire.

The administration and the police were informed. The SDM Mr. Surjit Singh Rajput, and the DSP, Mr. Gopal Singh Ghuman, reached and inspected the spot. By the time the Granthi, too, came back.

The "Bir" that lay on the Diwan and open on page 792, was largely burnt. The Niwar bed became a skeleton whereas the Diwan was half burnt. The "Romalas" were also burnt. The room, windows and the door were damaged due to mounting flames of the fire. The mat flooring and cloth sheets were also burnt.

The persons and the officers present there, ruled out the possibility of any accident or negligence. Case FIR (First Information Report) No 50 dated 2.2.1986 under Section 295/439 IPC was registered at 10.35 PM in Police Station Nakodar at the instance of Mrs. Gurdip Kaur.

Accident or negligence?

It was decided by the persons present at the Gurdwara including members of the management Committee that the burnt "Birs" would be taken to Sri Goindwal Sahib for the last rites. But some Akali leaders including Mr. Ravinder Singh, Advocate and Jathedar Iqbal Singh advised against such a move. This decision contributed to the deterioration of the already tense situation.

At about 5.00 PM, the SSP Mohd Izhar Alam accompanied by the Additional Deputy Commissioner (ADC), Mr. Darbara Singh "Guru," inspected the spot and without any further enquiries concluded that the episode was accidental and the fire was caused due to negligence on the part of the Granthi. Most of the local citizens did not agree with this police version and demanded identification of and stern action against the guilty as it was a case of desecration of the Holy Granth Sahib. But the SSP remained adamant on his stand. It resulted in flaring up of the already tense situation. By the nightfall, the news of burning the Holy Granth and the inaction of the police reached the surrounding villages.

The Sub-Committee of the IHRO, inspected the Gurdwara premises and examined several residents of the Mohalla including Hindus.

The committee after careful inspection of the "Sukhasan" room and eliciting the view of experts has reached the conclusion that the fire could not be the result of an accident as there was no short circuit, the electric wire and fuse were intact. The committee also does not subscribe to the negligence theory because there was no "Dhoop" or "Jyoti" lit nor there was any candle. There was no failure in the supply of electricity that day. This conclusion is also warranted by the assertions of Mr. R. K. Gupta, in charge Sub-Division, 132 K. V. Station and Mr. Amolak Singh, Sub Divisional Officer (SDO) of the Punjab State Electricity Board (PSEB), on the subject. According to them there was neither any cut in the supply of electricity nor was there any complaint regarding power failure from Guru Nanakpura Mohalla on February 2, 1986.

CONCLUSION

Having ruled out the accident and negligence theories as explained above, the committee is inclined to believe that the fire was man-lit possibly with the aim of creating mischief. It is

inescapable for the committee to conclude that a communal clash, was the object behind the mischief. This conclusion is supported by the circumstances. The residents reported to the committee that similar incidents took place at Shankar and Sarinh villages as well as in Nakodar itself where mischief was attempted at two Gurdwaras and one Mandir before the Nakodar incident.

The committee is very much concerned and is eager to know the real reason for the presence of an Intelligence Officer, Mr. Ranjit Singh Bhinder along with Mr. Umrao Singh, a Congress (1) leader, at the home of a patron of the Shiv Sena, soon after the incident.

The committee was intrigued to hear from Mr. Ravinder Singh, a close friend of Mr. Balwant Singh, Finance Minister, Punjab, that Mr. Romesh Chopra of Shiv Sena could be the culprit. It is interesting that Mr. Ravinder Singh was instrumental in reversing the local Gurdwara Committee's move to take the burnt "Birs" to Goindwal Sahib for the last rites.

A few lawyers of Nakodar claimed that Mr. Umrao Singh and Mr. Balwant Singh were very close to each other although they belonged to two different political camps. Mr. Umrao Singh contested from Nakodar Constituency and was defeated by Mr. Kuldip Singh Wadala. Mr. Wadala and Mr. Balwant Singh are known to belong to two factions within the Akali Party. Due to a combination of political and other interests, Mr. Umrao Singh, Mr. Darbara Singh and Mr. Balwant Singh are stated to be close to each other.

A few senior Hindu Advocates, who do not want to be identified, are of the view that Mr. Darbara Singh's role in igniting the communal fire could not be beyond the realm of suspicion due to expertise available to persons like him, and because they were responsible for the very elements who had thrown cow tails in mandirs (temples) and packets of cigarettes in Gurdwara Sarovars (Sacred Pool) on the eve of the operation "blue star."

THE FIRING INCIDENT

On February 3, 1986, a protest march, in response to a call given by Akali Dal, started at 10.00 PM from Gurdwara Guru Arjan Dev Ji in Guru Nanakpura Mohalla. Sikh students of all the three local colleges also joined the march. It was organised after the police failed to apprehend the culprits. Both the communities participated, including the local advocates who in addition observed a strike that day. Akali workers a day earlier had given a call through the public address system for the march.

Mr. Kuldip Singh Wadala along with some local leaders led the march. Five Singhs carried unsheathed Kirpans in their hands as a show of tradition.

Mr. Kuldip Singh Wadala left the march when it reached Sabzimandi. The procession reached Ambedkar Chowk shouting slogans.

The murderers of Guru Granth Sahib should be arrested, the desecration of the Guru Granth Sahib shall not be tolerated.

A clash averted

According to Mr. Gurdarshan Singh Bains, Advocate, who was at Ambedkar Chowk just near his residence, when the protest march of about 1,000 persons reached the Chowk, a small rally was held in which some Sikh youths including students demanded the arrest of "Khan" in connection with the Gurdwara fire incidents. About 700/800 Shiv Sena workers who had gathered in Tandona Mohalla adjoining the Chowk, rushed towards the Chowk raising slogans.

The counter-slogan by the Sikh youth was: "Khalistan Zindabad." The local citizens started dispersing from the Chowk while the processionists mostly students and villages proceeded towards

the police station and the Shiv Sena workers towards Mandir Devi Talab. Mr. Bains testified that Shiv Sena workers were armed with unsheathed swords and lathis.

When the procession reached the Bus Stand, according to Mr. Ravinder Singh, Advocate, there were about 200 Sikh youths who held a rally there. They were demanding the arrest of Mr. Romesh Chopra again. From there they sat on "Dharna" in front of the Police Station and gave an ultimatum to the police that in case Mr. Romesh Chopra was not called for interrogation by 6.00 PM they would decide the next course of action next morning at Gurdwara Guru Arjan Dev Ji.

In the meantime, Mr. Ravinder Singh said- Mr. Kuldip Singh Wadala, Mr. Ajit Singh Khattar, Mr. Charan Singh and Mr. Jaswant Singh, Circle Jathedars requested the SSP and ADC present in the Police Station to round up Mr. Romesh Chopra so that the inflamed tempers of the Sikhs were pacified. But the SSP remained adamant and asserted that he had summoned more police forces from Kapurthala, Hoshiarpur and other districts to deal with the situation firmly.

SSP's adamant attitude

Baba Joginder Singh, too talked to the SSP and ADC at Gurdwara Guru Arjan Dev Ji at 5.00 PM but to no avail. Babaji, later pacified the Sikhs and requested the Hindus present there to help the identification of the culprits so that the whole community was not blamed for the act of one individual. He later left Nakodar.

At 6:00 PM, two Motor Cyclists, in plain clothes, visited Mohalla Tandon, according to Mr. Bains. They watched the activities of the Sena activists and brought police along with CRPF who dispersed the Sena workers, soon afterwards the curfew was clamped.

Mr. Bains testified: "Mr. Ramakant Jalota and Mr. R K Sarwal, Shiv Sena leaders along with a large number of their members and workers from outside the Mohalla Tandon area reached there before the curfew was imposed. On February 4, 1986, Villagers collected in the Malri Sahib Gurdwara. About 40/50 persons including Mr. Sukhdev Singh Sandhu, Advocate, reached Malri Bridge at about 10.00 PM. By the time Baba Joginder Singh and Subedar Harcharan Singh Rode arrived at the bridge, where the police did not allow them to go to the town as there were curfew restrictions. Babaji then appealed to the people gathered there to disperse.

At about 10.30 PM about 100 persons led by Nihang Pargat Singh of Rauli village entered the town from Mehatpur side escorted by a Sikh Inspector of the Punjab Police and the CRPF. This Jatha reached near Ambedkar Chowk without any hindrance inspite of the curfew restrictions.

About 100 workers of Shiv Sena led by Mr. R. K. Jalota, Mr. Sarwal and Mr. Romesh Chopra alias Khan, according to Mr. Sudarshan Singh Bains, Advocate, who lives near the Chowk, came out of Mohalla Tandon. Both the parties raised slogans. The CRPF intervened near the shop of Pundit Narinder Nath Bhutara and the Sikh Jatha (group) was then escorted out of this town.

A Nihang's emergence

This Jatha reached Sherpur Bridge where villagers had already collected. By 2.30 PM more than 500 persons had gathered there. No one was leading the assembly. Mr. Sukhdev Singh Sandhu, Advocate, was also present there. He testified that Mr. Jaswinder Singh, President, Akali Dal, Youth Wing, Mr. Paramjit Singh Malhi, Secretary, District AISSF Giani Roshan Singh of United Akali Dal (UAD) and Mr. Harminder Singh Sandhu, Convenor, AISSF Lyalpur Khalsa College, Jalandhar, addressed the assembly. Mr. Sandhu denied that any provocative speech was made. All witnesses blamed the Administration for not taking tactful steps to defuse the tense situation and condemned the officers who refused to talk to the Sikhs.

Mr. Sandhu deposed that he along with Mr. Bachittar Singh, Mr. Mohinder Singh and two others were authorised by the persons present, to request the authorities to assure the Sikhs that "Khan" would be apprehended, and to allow five persons, to see (have "Darshan" of) the burnt holy "Birs"

at the Gurdwara so that, on return, they could take the people in confidence about the damage done to the Gurdwara. But the officers did not budge.

Then Nihang Pargat Singh told the gathering at 3.30 PM that they had been through the bazaars, no body would object to their peacefully proceeding to the Gurdwara for "Darshan," according to Mr. Sandhu.

Processionists allowed

On this assurance, the Police present at the Bridge gave way to the people who peacefully proceeded towards the town and reached near Natha Singh Saw Mills where police and Para-military forces were deployed in strength. The force was led by Mr. Ashwini Kumar Sharma, SP (Detective) and Mr. Jaskirat Singh, Inspector, Station House Officer (SHO), etc.

Mr. Sandhu stated that at this spot, the forces after throwing 2/3 tear gas shells started indiscriminate firing without any warning. The processionists were unarmed. One Ravinder Singh of Litran, a close relative of Jathedar Harcharan Singh Mahalon, was killed on the spot. Mr. Harminder Singh Sandhu rushed towards the Saw Mill to escape from Police fire, where Inspector Jaskirat Singh challenged him. Sandhu was about six feet inside the Saw Mill. He stopped. Mr. Jaskirat Singh fired at point-blank range with his service revolver hitting the victim's face. He fell down. Mr. Amarjit Singh Dhillon of AISSF Jalandhar rushed to his colleague's rescue and to offer him a glass of water. Mr. Jaskirat Singh prevented Mr. Dhillon from going near the injured young person. Both the young persons were arrested.

Fire is opened

The people ran helter-skelter. Jasbir Singh Jassi, gunman of DSP Nakodar, opened a burst with his sten-gun. Just after, two dead bodies were lifted by the people from near the house of Priti Balmiki where one bullock was killed and the other disabled with bullets.

The police, para-military forces and the mounted police continued firing while chasing the people up to Sherpur and Hussainpur villages. They raided and searched the houses of Sherpur village and broke open the doors. They gave severe beatings with rifle butts and lathis to whoever came in their way. They arrested more than 20 persons from Sherpur village including Mr. Sukhdev Singh Sandhu, Advocate, who was sitting with Jathedar Iqbal Singh, in his house.

The mounted police did not stop firing even at the farm housed 2 KM away from the place of occurrence. According to the residents of Sherpur village a reign of terror was let loose. They showed several spent bullet cartridges, said to have been fired by the Mounted Police in the fields near Hussainpur. They also showed bullet marks on the walls of the houses of the other side of the village. The police registered a case FIR No 54 dated 4.2.86 under Sections 307/362/427/332/188/148/149, 511 of IPC and 25/27 of Arms act, at Police Station (PS) Nakodar against the victims of Police high-handedness.

THE FINDINGS

According to FIR No 54 lodged by Inspector, Jaskirat Singh, SHO, PS Nakodar, the Police received information at 1.00 PM that 250/300 armed persons after hijacking a Bus were coming to Sherpur bridge to enter the curfew bound town. Under the command of SP (Operations) Mr. Ashwani Kumar Sharma, a big Police force including Mr. Gopal Singh Ghuman, DSP, Patel of CRPF, Hardial Singh, Inspector, Jalandhar along with other officers of the District rushed to the Sherpur Bridge along with tear gas squads and the forces of BSF (Border Security Force) and CRPF (Central Reserve Police Force).

Concoction by SHO

According to the Police Inspector, Jaskirat Singh, 700/800 persons armed with unsheathed Kirpans and pick-axes collected at the Sherpur Bridge. Mr. Harminder Singh Sandhu, Mr. Paramjit Singh

Malhi, Mr. Roshan Singh Mehmowal, and Mr. Sukhdev Singh Sandhu, Advocate, were also present and performed "ardas" (prayer).

"Today by disobeying the Curfew order we will oppose the police and by entering the town we will take revenge on the other party and just as we had snatched rifles from the youth workers in Amritsar, we will snatch them from the Police."

The FIR further recorded that the police gave a warning through the public address system and resorted to a lathi charge, fired from riot guns and exploded tear gas shells, but to no avail. Rather the mob started firing at the police party and thereafter the police and the CRPF opened fire in self-defence killing three unidentified persons and injuring eight on the spot. Mr. Harminder Singh Sandhu and Giani Roshan Singh were amongst the injured. I too fired two shots from my service revolver and arrested 14 persons from the spot.

After site inspection and meeting persons connected with the incident, the Committee is of the view that the contents of the Police version contained in the FIR are a sheer concoction and is far removed from the reality.

The persons participating in the procession wanted to have "Darshan" of the burnt "birs". They were peaceful, non-violent and un-armed.

Was "ardas" performed?

The gathering at the Sherpur Bridge, did not perform "ardas" as alleged by the police. Rather they requested the administration to allow only five representatives to have "Darshan" of the burnt "birs" in the Guru Arjan Dev Ji Gurdwara. On refusal, Nihang Pargat Singh convinced the gathering that the Administration would not object to the peaceful procession being taken to the Gurdwara as they had reached there escorted by the police through the bazaars of the town where Shiv Sena workers freely roaming about. On hearing this assurance the villagers started proceeding towards the Gurdwara. The police force at the bridge gave way. When this procession reached near the Saw Mill of Natha Singh, the police stationed near the Octroi Post after throwing 2/3 tear gas shells started indiscriminate firing, killing on the spot one Ravinder Singh of Littran, a close relative of Jathedar Mohalan, two Sikh youths in the nearby lane and one bullock of Preetu Balmiki while injuring the second one as a result of the firing.

As a result of the sudden fire, the people ran helter-skelter. Mr. Jasbir Singh Jassi, a gun-man of DSP, Nakodar, opened a burst of fire from his stengun on the fleeing villagers. Some Sikh youths including Mr. Harminder Singh Sandhu rushed towards the Saw Mill of Natha Singh for safety. SHO Jaskirat Singh allegedly fired at Mr Sandhu at point-blank range after challenging him by name. The committee regards Sandhu's death as plain, unprovoked murder.

Any evidence does not support the police allegation about the attempt to set a Bus on fire.

The arrest of Giani Roshan Singh on the spot is not borne out by any evidence. He was apprehended and beaten near Hussainpur, while he was coming to Nakodar on his scooter along with his son Jatinder Singh. Mr. Sukhdev Singh Sandhu, Advocate was arrested from Sherpur from the house of Mr. Iqbal Singh, according to witnesses.

SP Sharma gave order

The local SDM stated that SP (Operations) Ashwini Kumar Sharma gave the firing order on the spot, while ADC and SSP were sitting at the police station.

The IHRO Committee is of the view that, indiscriminate firing without warning was not only excessive but was also unjustified, considering all the circumstances of the happenings. There are many unanswered questions for the district administration.

The Committee is unable to believe the death toll of the firing, and it may well be more than four. There is no evidence to disbelieve the figure given out by the district administration. However, the number of those injured may be more than the officially stated figure because many people appear to have dispersed to get private medical assistance.

THE CONCLUSIONS

After the five holy "Birs" of Guru Granth Sahib at Gurdwara of Nakodar were burnt, a case FIR No 50, dated 2.2.1986 under Sections 295/436 IPC (injuring religious sentiments and setting fire) was registered at Police Station Nakodar at 10:35 PM. In spite of the registration of the case, the police seemed to be in no hurry to conduct investigations. The matter was obviously very serious but the police took it lightly. Due to this inaction on the part of the police, the Sikh community felt deeply aggrieved and a section of the community suspected, on the same day, the hand of Mr. Romesh Chopra alias "Khan" in this mischief.

Chopra not arrested

Next day on February 3, the ADC and SSP reached Nakodar. The local leaders including Mr. Kuldip Singh Wadala MLA and Baba Joginder Singh apprised the officers of the gravity of the situation and requested them to "at least round up Romesh Chopra". But the ADC and SSP "flatly" refused to touch Mr. Chopra due to reasons best known to them. Meanwhile Shiv Sena workers assembled at Nakodar from outside led by Mr. R K Jalota and Mr. S K Sarwal. There was no evidence of any official effort at curbing the entry of these outsiders. Nor any effort was made to stop them from raising provocative slogans or from marching during curfew hours with unsheathed swords.

Despite repeated requests from various quarters, the SSP remained adamant and threatened, in presence of ADC, the leaders, saying, "I would not at any cost, apprehend Khan and would tackle the situation with a firm hand by calling police re-enforcement from other Districts also" which further aggravated the already explosive situation.

On February 4, 1986, about 100 villagers were permitted to pass through the bazaars escorted by the police and CRPF and allowed to join another assembly of Sikhs at Sherpur bridge despite the Curfew restrictions. This act of the administration provoked the Shiv Sena men, who led by Jalota, Sarwal and Chopra came out in the streets to make a show of their strength. Luckily, no clash took place.

SSP & ADC - the game

Bonafide of the ADC and the SSP are suspect, in as far as they permitted a Sikh Jatha to take out a procession through the bazaars of the town. This Jatha should not have been allowed to enter the town and should have been diverted through the by-pass. Whatever the real intentions of the district administration the Committee cannot help observing that circumstances were so created, as to make a frontal clash inevitable. It is another thing that such a clash did not take place, to the good luck of the people of Nakodar and its surrounding area.

Unarmed devotees from ten villages, who wanted to visit Gurdwara and to see the burnt "Birs" for themselves were encouraged by the Police to move to the outskirts of the town. When the devotees reached a place from where they could not safely escape or disperse, they were subjected to indiscriminate firing. It is a fact that the firing was without warning, without neither resorting to Lathi-charge nor using the riot guns. However, only two or three tear gas shells were exploded, just before the firing, killing four persons and injuring many.

This tragedy could have been averted had the administration listened to the request of the devotees for allowing only five representatives to be escorted to the Gurdwara.

The trigger-happy Inspector, Jaskirat Singh, shot Harminder Singh with his service revolver from close range when the boy was taking shelter. It is a cold-blooded murder by a public servant supposed to be responsible for the protection of lives and liberty of the public.

The police firing on the order of SP (Operation) Ashwani Kumar Sharma, SP of CRPF even did not spare the two bullocks of poor Pritu Balmiki causing a loss of about Rs. 5000. Even a bullet mark on the wall inside his compound could be seen. The police ran amuck and continued chasing the fleeing people beyond two kilometres from the place of occurrence, beating them and firing upon them incessantly.

Excessive force used

The mental set up of the police force can be gauged from an instance wherein on February 4, on Swaran Singh s/o Sohan Singh of Sherpur village was severely beaten with rifle butts and lathis when he was giving water to an injured person. He showed us his back and limbs, which carried many criss-cross lashes of lathi blows. His HMT watch was taken away by a Sikh Policeman. He was arrested and thrown in a vehicle to be put in the lockup. Neither he was given any medical aid nor was he produced in any Court till his release on February 6 after 9.00 PM

There is another instance wherein an old Akali worker Roshan Singh of Mehmonwal was beaten so recklessly when the police ran amuck that his legs and arms got multiple fractures. Roshan Singh was travelling by his Scooter No PAJ-6923 near Hussainpur more than two kilometres away from the occurrence when he was given a thrashing and his scooter was taken away by the Police. It was revealed that this man was beaten up because he had an altercation with Surjit Singh, SP (D) a day earlier when he blamed the police for conniving with the culprits of the sacrilege of Holy Granth.

The role of Local Administration i.e. SDM and DSP virtually eclipsed at 5.00 PM on 2.2.1986 when the ADC and the SSP took direct charge of the situation reaching Nakodar, following a telephone message from the SDM.

When the situation became tense in the evening, the SDM suggested to the ADC and the SSP to round up the subject, Mr. Romesh Chopra, to defuse the situation. But the suggestion was rejected. Thereafter, the ADC and the SSP took command of the situation.

The SDM revealed that he received a telephone message from Mr. Balwant Singh, the Finance Minister; when he was sitting with the SP (D) Surjit Singh at the police station asking him to hand over the dead bodies to their relatives. The SDM replied that the police was reluctant to do so and he may talk to SP (D) who was sitting next to him. But the Minister refused to talk to the Police. The SDM further revealed that the ADC and the SSP remained in constant touch with Chandigarh. He also disclosed that three dead bodies had been identified by the February 4 night.

Despite the identification of the dead bodies, the administration did not hand over bodies to their relatives. The dead bodies were cremated by the Administration as "unidentified and unclaimed". Even the post-mortem examination was conducted at midnight.

THE POLICE FIRES IN CHANDIGARH MARCH 21, 1986

Pursuant to our appointment as a fact finding enquiry committee by Mr. Justice A S Bains (Retd) on behalf of International Human Rights Organisation to appraise the desirability, necessity or justification of the police firing in Chandigarh on March 21, 1986; we KTS Tulsi, Advocate and Sanjeev Gaur, Correspondent, The Telegraph, started our work on March 22, 1986. In all we examined sixteen witnesses.

We have carefully examined the version of the Chandigarh Administration, Punjab Government, All India Sikh Students Federation, Damdami Taksal and the statements of independent eye witnesses. We divide our report into two parts:

- a) Sequence of events, and
- b) Conclusions

SEQUENCE OF EVENTS

According to the direct evidence available with us, the demonstrators started their journey for the purposed gherao of the Punjab Assembly in two groups. The first group made its way to Chandigarh in about 60 trucks under the leadership of Baba Joginder Singh. The Punjab Police stopped this Jatha near Jagraon, on 20th afternoon. It has transpired that during their stoppage at Jagraon at least two leaders representing the protesters established contact with the Chief Minister of Punjab, Mr. Surjit Singh Barnala. One of them established telephonic contact from Jagraon itself while the other leader spoke to the Chief Minister(CM) of Punjab over the telephone from Kapurthala. These leaders tried to impress upon the CM that they should be allowed to pass and assured him that the protest would be peaceful. They also suggested that the CM should receive their memorandum near the Vidhan Sabha (Assembly). The CM expressed his inability to accept their suggestion for security reasons but suggested that the memorandum could be given to one of the Ministers. This suggestion was not acceptable to the other side.

Whatever else may have transpired, one thing is certain that the Punjab Government did not try to prevent the further movement of the jathas (groups).

The second group reached Chandigarh by the morning train from Amritsar. They numbered about one thousand. When they reached Chandigarh Railway Station, no attempt was made to stop their entry. Similarly, when the jathas led by Baba Joginder Singh reached Chandigarh around 1:00 AM, on March 21, Chandigarh Administration made a symbolic protest against their entry. However, they accepted the assurance of the leader that the protest would be conducted peacefully and that they would allow themselves to be searched. At the same time the administration took immediate steps to reinforce their force and got 8-9 companies of BSF airlifted on 21st morning to be able to meet any eventuality.

THE INCIDENT

About seven to eight thousand demonstrators, who had spent several hours at the Parade Ground in a peaceful manner and were instructed by Baba Joginder Singh to remain peaceful under all circumstances, started their trek for Vidhan Sabha around 10:00 AM. The head of the procession reached the first barricade around 10:35 AM. They crossed

the first barricade without let or hindrance. Then, they broke through the second barricade but the police did not try to forcibly obstruct their progress. The demonstrators were moving at a brisk pace and for about twelve minutes, they moved unchecked. Many of these (in the front section) had unsheathed swords and lathis but no confrontation with the police took place. Tear-gassing had not made any impact.

Suddenly the scent changed. The police decided that further progress of the procession had to be halted. Lathi charge was ordered and CRPF stationed on the lake side of the crossing was moved up. The crowd became unruly and some of the protesters picked up stones lying nearby and threw them at the police. Others wielded their kirpans and pushed the CRPF back from where they had started. Sensing more trouble armed police persons inside the island opened fire. Simultaneously, the police at the first barricade also launched a vigorous lathi charge and chased protesters from the first barricade towards the second barricade. People between the first and the second barricade were trapped while those who were behind the first barricade ran back and were saved.

In the meantime, the head of the procession had already reached the Vidhan Sabha. There was no police arrangement worth the name in the secretariat or Vidhan Sabha compound. The usual police on duty did not stop the procession. Initially there was much confusion amongst them what they should do, having reached their destination, but soon the leaders asserted themselves and ordered every one to sit down.

During this confusion, one unfortunate incident did take place and we have carefully examined its time and manner. Mr. Ohri, DIG (Deputy Inspector General) Security, Punjab who was sitting in his office in Vidhan Sabha, on learning of the arrival of the demonstrators in the compound was alarmed and rushed outside. He ordered closure of all doors and sent for re-enforcement from the Secretariat. As he was taking these steps, some young men from the demonstrators came to him and said, "D. C. Sahib, they are killing our people. Please tell them to allow them to come here." As Mr. Ohri stalled for time waiting for re-enforcement to arrive, and repeatedly assured them that he would do whatever was possible, these boys got restless, caught hold of him from the arm and asked him to come with them in their jeep. The jeep did not start and in the meantime, he was rescued by other police officers on duty that recognised him.

We have carefully examined whether this was the provocation for lathi charges or firing. The evidence on all sides is unanimous that this incident is subsequent to firing and is therefore not related in any manner with the police action.

CONCLUSION

1. The incident shows that there was serious lack of co-ordination between the Punjab government and Chandigarh Administration. The two Governments seem to have acted in compartmentalised fashion even in situations that pose a common problem.
2. The strategy of the Chandigarh police in making its last bid to stop the agitators at the second barricade while leaving the Vidhan Sabha is impractical and unimaginative. If the same force, in the same strength had been deployed at the Vidhan Sabha, the entire incident may have been averted.

You grant the democratic right to present a memorandum to your elected representatives on the one hand and take it away with the other. Once the right has been conceded on the assurance of peaceful protest, it cannot be robbed when the same is about to be exercised.

The police must devise a strategy that can balance the exercise of democratic rights and public safety. This could only have been done if the protesters had been allowed to reach the Assembly, and police force deployed in a manner that could take care of all possible dangers to public safety.

We find that it was lopsided planning of the Chandigarh police that may have prompted avoidable police action. In this regard, we strongly feel that a sound convention should emerge in Chandigarh so that members of the public can assemble near the Assembly at a particular place where their leaders accept their memoranda. Such a convention already exists in Orissa where the public is allowed to go up to the Assembly gate and a Minister or Chief Minister comes to accept the same. Entire police arrangement is done only near the Assembly.

3. We are unable to find any just reason that may have prompted the Police to change its prior decision to let the demonstrators go through after breaking the barrier and after one third of the procession had passed to alter the same, order lathi charge and firing. This only shows lack of unity of command, confusion in their minds, poor mob management and scants regard for democratic values or human lives.

All accounts show that there was no untoward incident until the order to enforce lathi charge was given. There was no change in the situation from the time when the protesters had broken through the barrier until the lathi charge.

Despite police action of lathi charge and firing, those who reached the Assembly conducted themselves in an orderly manner. There was not a single case of attack on police persons or civilians by any of the processionists who turned back and came to sector 17. To have apprehended danger at their hand in the event of their reaching the Assembly was an error of judgement on the part of managers of the police force.

4. No warning to the crowd as required under section 129 of the CrPC was given before resorting to Lathi Charge or firing, nor any announcement to that effect was made on public announcement system.

We are aware that law & order is a ticklish problem and what steps would succeed in a particular situation is at best a matter of individual assessment made impulsively in the midst of surcharged atmosphere. Therefore, one has to give allowance for the fact that decision to use a certain force was taken in a situation where many amongst thousands were carrying unsheathed swords and police could have imagined that the worst might happen.

But the force that eventually became used was far more than the requirements of the situation. Even after the firing ceased CRPF continued to chase members of the crowd who were running back and beat them up mercilessly. This accounts for an exceptionally high number of injured (38) who bore lathi injuries. Two Sikh youths were killed in the indiscriminate firing by the security forces.

Regarding the alleged attack on the police by the crowd, it may be stated that only five policemen are found to have received medical attention (injury by blunt weapon) and the claim of Inspector General Police (IGP), Chandigarh given at the time of press briefing on 21st March, that of 15 police officer having received injuries, is found to be incorrect.

THE MASSACRE AT ANANDPUR SAHIB MARCH 26, 1986

The historic "Holla Mohalla" festival started when Guru Gobind Singh created the Khalsa in 1699. It is held every year at Anandpur Sahib. The grounds in front of the historic Takht Sri Keshgarh Sahib were the venue of the festivities on March 26, 1986, where seven persons are said to have been killed and several injured by a police firing on the followers of Damdami Taksal and the All India Sikh Students Federation (AISSF).

The claim of the authorities was that the police had to swing into action to save the lives of the Chief Minister of Punjab, Surjit Singh Barnala, his ministerial colleagues and Akali leaders present on the stage from the violent demonstrators.

While the Taksal and AISSF alleged that the police fired indiscriminately at the peaceful processionists who wanted just to continue towards the Akali Dal congregation to voice their demands including the release of Bhai Mohkam Singh of the Damdami Taksal arrested by the police on his way to Anandpur Sahib a day earlier.

Official sources gave the names of those killed as Ranjit Singh, Major Singh, Sukhwinder Singh, Satnam Singh, Puran Singh and Kulwinder Singh. The seventh body, the sources said, could not be identified. They put the number of injured in the firing at 15.

Representatives of the Taksal and the AISSF alleged that the number of the dead exceeded 15 and the number of those injured was 30. But according to unofficial sources at least 12 persons died. There were also conflicting versions about the burning of the canopy under which Shiromani Gurdwara Parbandhak Committee (SGPC) was holding its Diwan (congregation). The authorities blamed the Taksal-AISSF group for the arson. Some persons claimed that the fire was caused by tear-gas shells. However, many others were of the view that it was the handiwork of the police forces who wanted to justify its unprovoked firing and killing.

To resolve the controversies and to enquire into circumstances leading to the incident the International Human Rights Organisation constituted a 4-member subcommittee consisting of Shaukat Ali Advocate, D. S. Gill, Lt Col Harbans Singh Kahlon and Gurdev Singh as members.

The Committee visited Anandpur Sahib, made on the spot enquiries and met the local Sub-Divisional Magistrate (SDM), hospital authorities including the police officials. The committee also noted the versions of Takht, AISSF and Gurdwara Sri Keshgarh Sahib management.

The committee examined Mr. Ajaib Singh, Manager Takht-Sri Kesgarh Sahib, Nihang Baba Pritam Singh of Budha Dal, Bibi Avinash Kaur, Vice-President, Istri Akali Dal, Mr. Harjit Singh of village Kabe, Mr. Ram Dev, pharmacist, Dr. Kiranjit Kaur, Dr. Satbir Singh, Mr. M S Balraj, Head Mohrar of the Police Station, Anandpur Sahib, along with eye witnesses Mr. Joginder Singh, Tea Stall owner, Mr. Iqbal Singh, Depot holder, Mr. Bihari Lal of Luxmi Studio, Dr. Mann Singh, Mr. Jagdish Singh, another Tea stall owner. The committee also heard Mr. Mohinder Singh, Jawanda, President, Punjab Khetibari Zimidara Union and Mr. Sarabjit Singh Ropar, a student leader. They were said to be present at the place of occurrence.

The committee after carefully examining the evidence and other facts gave the sequence of events as under:

SEQUENCE OF EVENTS

After the arrest of Bhai Mohkam Singh of the Taksal, while he was proceeding to Anandpur Sahib to attend the function, Mr. Harinder Singh Kahlon and Mr. Sarbjit Singh Ropar of the AISSF; according to Mr. Ajaib Singh, Manager, Takht Sri Kesgarh Sahib, held a meeting with Mr. Gurdev Singh, Secretary, Mr. Surjan Singh Thekedar, Mr. Piara Singh Padeana, Mr. Harbans Singh Ghuman, of Akali Dal (L) at the residence of Jathedar Harcharan Singh Mahalon on the evening on March 25. The federation leaders asked the leaders of the Akali Dal (L) to convey their message to the Government that in case Bhai Mohkam Singh was not released by 10:00 AM tomorrow, the "Sangat" (Sikh congregation) would not allow Barnala to speak from there.

The Akali leaders did convey the message. The response of Mr. Barnala came through Jathedar Mahalon asking the nominees of Taksal and AISSF to see him at Chandigarh early next morning. Two nominees accordingly went to Chandigarh, but to no avail. They were asked to go back as Mr. Barnala was reaching at Anandpur Sahib by 10:00 AM. By the time Mr. Barnala was reached Anandpur Sahib, the Federation sources intimated, according to Mr. Sarbjit Singh Ropar, the intention of the Governments to resist the youth in case they tried to disrupt the Akali Dal Conference. They had instructions from the Centre to curb the youths at "Holla Mohalla," Mr. Sarbjit Singh further revealed. A Chandigarh-based journalist who obtained the information from Dr. Attar Singh, who was very close to Barnala, confirmed this version.

Mr. Barnala reached at Anandpur Sahib at about 11:00 AM. Thereafter, at a secret meeting the Taksal and Federation representatives decided not to allow him to speak from the venue as he had failed to release Bhai Mohkam Singh. Mr. Harinder Singh Kahlon made it public at 11:45 AM, that all the Sangat present there would peacefully proceed to the Akali Dal congregation at the time when Mr. Barnala stood up to speak to voice their demands including the release of Jodhpur detainees and the youths in jails and/or implementation of the Anandpur Sahib resolution.

A message came to the militants at 1:50 PM, that Mr. Barnala had reached the venue. Mr. Tarlok Singh, the father of Bhai Satwant Singh (then the accused in Indira Gandhi murder case) was then addressing the congregation. After a few minutes Mr. Kahlon stood up and announced the programme.

Mr. Kahlon and Mr. Sarbjit Singh Ropar addressed the "Sangat" while standing on a tractor seat just in front of their canopy. They were appealing to the masses to remain

peaceful. By 2:00 PM, the congregation was surrounded by the police and para-military forces. They started this job from 11:00 AM, after Barnala reached Anandpur Sahib.

The Sikh masses led by Mr. Kahlon, Mr. Sarbjit Singh, Bibi Bimal Kaur Khalsa (widow of Beant Singh- one of the assassins of Indira Gandhi), father and mother of Satwant Singh, and other activists of the Taksal and the federation started moving towards the Akali Dal congregation. The police forces started throwing tear-gas shells on the gathering without any warning. The teargas affected the police forces as the flow of the air was towards them. The people ran helter-skelter. The police forces withdrew a little and a few people continued towards the Akali Dal congregation. They had hardly moved 50 yards away, according to eye witnesses, when the Police started firing from the side of Akali Dal congregation. Two persons were killed on the spot, one was an old person of 70 and the other, a youth of 22. Some activists of Taksal and Federation lifted the bodies from there and brought them near their stage. After 15 minutes the firing stopped, the militants again started their stage and appealed to the people to collect there again.

After about 10 minutes, the police forces again opened fire from all directions barring the Keshgarh Sahib side. The maximum number of killings and injured was reported from the venue of militants when they restarted the congregation.

Official Version

The committee saw Mr. Diljit Rai, SDM Anandpur Sahib, who showed inability to say anything regarding the incident. However, he said whatever the District Magistrate, Ropar had given to the Press was the official version. Otherwise, he had instructions not to speak. On being questioned who ordered the firing, he asked the committee to read the First Information report by the Police (FIR).

The committee visited the Police Station and contacted head Mohrar M. S. Balraj who refused to say anything. He, however, revealed that the FIR was not available in the Police Station.

When the Committee approached the Judicial Magistrate, it was learnt that the FIR was not even available in the court's file. However, an Advocate informed the Committee that FIR's 1 to 20 dated 26.3.1986 were registered at Police Station Anandpur Sahib under sections 307, 353, 332, 148, 149 Indian Penal Code (IPC) and 25/54/59 Arms Act.

The Civil Hospital authorities were tight-lipped about the patients with firearm injuries. However, Mr. Ram Dev, a Pharmacist revealed that the dead body of an old person of 70 came to the hospital. He was cremated by the Municipal Committee. After the cremation, he was identified as Gurdip Singh son of Chanan Singh of Nakodar.

A list of the injured was however, affixed on the wall of the hospital. The number of the injured mentioned were 24. Out of them seven persons were declared unknown.

Findings

1. The persons killed are much more than the official version of seven. Twelve persons are said to have been killed. But Nihang Baba Pritam Singh disclosed that three dead bodies were taken away by a private Matador and tractor. Some people revealed that the Federation activists did take away some dead bodies in a truck. The committee feels that

more than 15 persons had been killed while the injured were many more- might be about 50. According to Baba Pritam Singh, the number of the injured was 52.

2. The protesters were unarmed, according to eye witnesses. However, about 15 persons were carrying Kirpans. They were peaceful and non-violent. The Police version, the committee feels, is a sheer concoction and is far from the reality. In fact, the Police wanted to justify its brutal killing by blaming the youths.

3. The Police allegation about the attempt of the militants on the life of Barnala is also not borne out of facts. The bonafide of the authorities are suspect in so far as they started indiscriminate firing under the garb of protecting the Chief Minister.

4. The Committee is of the view that, indiscriminate firing was not only excessive but was unjustified considering all the circumstances of the happenings.

No, Lathi charge was resorted to by the Police. After stopping the firing for a while the police re-started firing on peaceful gathering near the stage of the militants. The firing from all directions on the peaceful congregation for more than 45 minutes can not be justified. All these killings were the brutal murders of the people by the Police for which the State authorities are responsible.

The extent of blind firing made by the police and the para-military forces could be gauged from the fact that a few persons sitting on the rooftop of the Langar (Kitchen) building were also killed. One person was killed at Lohgarh Sahib Gurdwara, more than 1 km away from Keshgarh Sahib. A few bullet marks could be seen on the walls of Agampur village and another woman was injured while she was walking along the railway track.

5. All eye witnesses denied that there was any firing from the Keshgarh Sahib Gurdwara or from the truck of the pilgrims. One woman who was present near the Akali Dal congregation disclosed that a body guard of Finance Minister Balwant Singh fired in the air when there was a confusion including the Chief Minister sped way be cars mostly leaving their body guards behind. The Police started firing on the mob after the Ministers had left the venue.

The personal Assistant of a Minister confirmed the woman's version as far as it related to the firing by the bodyguard of Balwant Singh.

6. According to some witnesses, the Shamiana (canopy) caught fire due to tear-gas shells, but many people revealed that the Shamiana including a Roadways bus, a jeep, a few Fiat cars, two tractors, etc., were burnt after the incident of firing was over, and it was the handiwork of the Police forces.

7. The dead bodies were not given to the relatives of the deceased. However, Mr. Ajaib, Manager, disclosed that two dead bodies were cremated by AISSF and Taksal workers at Pataal Puri on March 29.

CONCLUSION

The Committee is of the view that this massacre was avoidable, had Mr. Surjit Singh Barnala abstained from addressing the Akali Dal conference, had the government released

Bhai Mohkam Singh, or had the authorities stuck to the norm of using minimum force to disperse an unruly mob.

Finally, the Committee is inclined to believe that the State Government's action at the Holla Mohalla was premeditated and was planned and executed on the Centre's instructions.

A COUNTER- MASSACRE AT LUDHIANA MARCH 28, 1986

On March 28, 1986, at 6:40 AM, in Dresi Ground, Ludhiana, the militants shocked the Ludhiana citizens by killing 10 persons and injuring 13 (though unofficial) version gives 13 dead and 13 injured). The strike caught the Police unaware as it was the normal change-over of duties when the shooting took place. The site attracts morning walkers and Rashtriya Seva Sangh (RSS), a right wing Hindu organisation volunteers, this being the only vacant piece of land in this congested, Hindu dominated locality.

The incident gave birth to many controversies and created a sense of disquiet against the police and the civil administration. The Press came down heavily on the Punjab Government. All the Opposition politicians and the newly formed Hindu militant Shiv Sena demanded with one voice, the dismissal of the Barnala administration and the induction of the Army in Punjab. These parties were of the view that the police were "aiding and abetting terrorists."

The version given by the people on the spot and on the route taken by the militants was as under:

- (a) A Police Yellow Motor Cycle borne by three terrorists in Police uniform.
- (b) A Chetak Yellow scooter borne by two terrorists in civil clothes.
- (c) These terrorists came from the Police Station No. 4 and vanished either into the City Police office or Sadar Police Station.

The above versions given by vocal sections of one community caused much illwill amongst the citizens and against the administration. To sift evidence and to bring out facts before the citizens, the International Human Rights Organisation appointed a sub-committee headed by Col. Chanan Singh Dhillon (President Punjab Kalyan Forum), the other members being G. D. Hans, former Judicial Magistrate, Tarsem Sharma, Mukeshinder Singh, Advocates and Gurbhajan Singh Gill, a former Police officer.

Sequence of events

The Committee inspected the site of the incident and made enquiries on the spot. At least half a dozen vendors around the Kuldip Park, the place of the incident in the Dresi ground were contacted, who declined to say anything about the incident. They were not prepared even to pinpoint the spot. The Committee then contacted the Acting SHO of Police Station

Division No. 4, Ludhiana, who could not say anything because he had taken over charge only after the incident. However, he co-operated and produced Night Munshi Head Constable (HC) Jagdish Singh who was present in the police station at the time of the incident.

According to Jagdish Singh, while he was unloading his rifle after his night duty as Night Moharar, to be ready for change-over, he heard a burst of fire in the direction of Dresi Ground. He reloaded his rifle, hung his bandoleer in the arm, and rushed out of the police station. As he approached the Punjab State Electricity Board's office around the corner, Sat Pal, rickshaw-wala, met him, told him about the firing, and accompanied him along carrying his bandoleer. Just before nearing the PSEB office, he heard another burst of fire, and in response, he fired some shots towards Dresi Ground over the buildings. It may be stated that the visibility of Dresi Ground is barred from the Thana Road up to the east end of the Kuldip Park by buildings. The distance between the police station and place of incident is more than 100 meters. Head Constable Jagdish Singh further stated that it took 2-3 minutes to reach the spot. In between, he kept on firing, but his rifle jammed after 6-7 rounds. When he was rectifying the jam, Sat Pal told him that the culprits had moved to the other side of the overhead tank. He restarted firing when he was stopped by a group of people who told him that the culprits had moved towards the Mandir and that he being alone, should not take risk. But, inspite of the imminent danger to his life, with the timely co-operation of Sat Pal rickshaw-wala, he kept on moving undaunted. In the meantime, Constable Pargat Singh arrived. He left reinforced. Constable Pargat Singh encouraged him from the rear and fired some shots. The Assistant Sub Inspector (ASI) with Constable Kulwant Singh joined too. During this period, the culprits had disappeared and they (police) found themselves surrounded by the mob. The mob became violent, abusive and started pelting stones on the police party that retreated to the police station, finding themselves in a precarious state.

In the meantime, the Control Room was informed and a sizeable police contingent arrived at the scene within 15 minutes. The unruly mob attacked this force who had to fire in the air to scare away the unruly elements and to rescue the Superintendent Of Police (City), P. M. Ads, Additional Deputy Commissioner, S. P. Karkara and Magistrate, J. L. Malhotra. More than 10 police officers were injured who were given medical aid. During our talk with several police officials, we gathered that the police officers were still afraid of visiting this area due to the hostility of the predominant community.

The version given by Head Constable Jagdish Singh has fully been corroborated by some eye-witnesses of the locality who do not want to be identified. Sat Pal also corroborated the statement. According to him, a grey colour scooter was parked on the west side of the park and a black old Bullet motor cycle on the Northern side of the park.

The Committee traced the route taken by the culprits: they moved from the Dresi Ground, Old Sabzi Mandi killing one, crossed the G. T. Road near Kapoor Hospital killing one, then to Arya Higher Secondary School killing one and injuring another, Domoria Bridge killing one auto-rickshaw driver and finally towards the Kailash Cinema road.

The Committee then tried to contact people on this route. They were not prepared to talk on this subject. Some of them advised us to talk to their Mohalla Pardhans (local leaders) and group leaders. However, a few gave the description of the scooter-borne three persons, one was with a black turban driving the vehicle while two clean shaven on the pillion. The

colour of the scooter is stated to be pale green. Maggo (Pakora wala) and his neighbouring shopkeeper in front of the Arya Higher Secondary School who are said to have seen the killings there, declined to say anything.

However, it may be stated that a permanent post of CRPF is stationed in this very school. They came out only when the Mohalla people banged at their gate repeatedly and then took possession of the casualties. It may be mentioned here that RSS functionaries meet at this school normally, for the morning exercises.

Further down at the Deepak roundabout, the tea shop owner (Amarjit Kumar by name) in front of whose shop, a person was fired at, declined to say anything. His shop was said to be open at the time of firing. Some of these customers and the owners of Kohli General Store opposite the Tea shop stated that the shop of Amarjit was open and that he (Amarjit) had seen the assailants. Passing through Domoria Bridge, the Committee contacted Gurdas Ram, Toilet Attendant. He confirmed the number of culprits as three, driven by a turbaned person with two clean shaven on the pillion. He stated that these persons fired and killed the Auto Rickshaw person just across K. L. Dairy. He hid himself in the toilets and did not see as to which direction, the scooter went. The Committee contacted Surinder Kumar of the Dairy who confirmed the number of the assailants and the description of the scooter. He further disclosed that after being hit, the Auto-rickshaw person was gravely injured and crawled to their shop. Surinder Kumar ran up to the roof of his building and he saw the same scooter and the assailants taking a round about turn and sped towards Kailash Cinema (Square).

FINDINGS

The Committee after through examination of the incident is of the view that the police action was prompt but their action was marred by the low strength available in the police station, (Police strength posted SHO-1, NGO-3, HC-8, CS-36, available 0-1 1-7). The depletion in strength was caused by the deployment of the force at Holla Mohalla, Anandpur Sahib. Second, the time chosen by the culprits also went against the police. Third, the local citizens did not co-operate. They, in fact, interfered in the operation of the police. The alert was sounded immediately but the re-enforcement could not act effectively, due to the hostile attitude of the mob gathered at the Dresi ground.

CONCLUSION

This grim tragedy, which caused death and injuries to so many innocent people, stays a painful memory to the citizens. The attack on peaceful citizens, who came out for a walk and to do exercise, reminds one of clandestine tactics played by two factions of the erstwhile ruling party. Even the places of worships were not spared where tail and ears of dead cows were thrown by overt and covert means to thrive on the discord so created. This incident seems to be a similar attempt to create a permanent and vertical wedge between the two dominant communities. The story that the police personnel are involved in the incident is inspired and motivated.

The Committee feels that such murderous attacks help newly raised groups and mob militancy.

Ludhiana, on earlier occasions was saved by the vigilant public and local administration. But it seems that rivalry between the new militant Hindu groups aided and abetted by the

politically disgruntled elements has succeeded in disturbing not only the peace of the people but also effectively blocked the operation of the police for nabbing the culprits.

The Committee is of the view that the aim behind the ghastly incident was to blackmail the administration, create conditions to immobilise the law and order force, force the Central Government to intervention to destabilise the state Govt. and thus avenge the political defeat. The statements by certain people and parties in the Press clearly indicate this intention.

Whatever, be the claims of different militant groups owning responsibility for the incident, the Committee feels that this episode is the handiwork of certain newly formed militant groups, presumably playing in the hands of certain influential elements who took advantage of the reaction caused by the incident at Anandpur Sahib and made RSS Shakhas as their targets. There seems to be a political motive behind the massacre as the Akali Dal and the BJP have been political partners and were considered to be close to each other as unitedly condemned the Nakodar episode.

The Committee also feels that political interference has eroded the credibility of the police force. The political opportunists should be held at bay and the police allowed to perform its duties independently. However, the police bosses should not provide latitude to the police officials who indulge in fake encounters such as in case of Navdeep Singh of Tarn Taran.

The IHRO Secretariat examined the findings of the committee. It also examined other material made available from different sources. The IHRO believes that the massacre at the Dresi grounds is the direct reaction against the firing at Anandpur Sahib. The IHRO holds the Barnala Government, propped by the Centre, responsible for the loss of innocent lives both at Anandpur Sahib and at Ludhiana.

THE OPERATIONAL BLACK THUNDER I

30 APRIL, 1986

What became subsequently known as Operation Black Thunder I (April 30, 1986) whereby the Indian security forces recaptured the Golden Temple complex, Amritsar, from different varieties of militants was an important event in the current history of Punjab, after Operation Blue Star (June 3-7, 1984).

The International Human Rights Organisation activists, D. S. Gill, Gurcharan Singh Grewal, Avtar Singh Gill, G. S. Bal and Bhupinder Singh Somal, in a team had enquired into the events and had compiled a detailed report. The report in a summarised form is being reproduced below.

The period between June 1984 and April 1986 saw several ups and downs in Sikh politics. The Akali Dal led agitation has fizzled out in the wake of operation Blue Star. Militant Sikhs who were in disarray tried to reassemble their forces culminating in the January 26, 1986, Sarbat Khalsa (Sikh congregation at the Akal Takht), in the Golden Temple Complex. Within the militants, there were strands of thought and action. The Panthic Committee comprising hard-core militants led an armed struggle against the Indian State while a large number of militants followed Baba Joginder Singh, father of Sant Jarnail Singh Bhindranwale. The Baba led militants were operating semi-underground while the Panthic committee led militants were acting completely underground.

On the other hand, the Shiromani Akali Dal led by Surjit Singh Barnala, and Balwant Singh, with Parkash Singh Badal, Gurcharan Singh Tohra, etc., trailing behind the Akali "haves," ran the State with the active co-operation and guidance of the Congress-(I) led Union Government. The Centre was quite worried about the re-emergence of militancy as an organised force even after the power had been allowed to be transferred to the Akali Dal. The Barnala ministry was embarrassed by the occupation of the Darbar Sahib complex by militants although the SGPC was in the hands of the ruling party. The Badal-Tohra faction that was virtually kept out of effective levers of power was not willing to confront the militants. This faction, in fact, was in favour of a compromise so that it could tilt the balance of Sikh power in its favour to the detriment of the ruling faction.

Delhi was watching Punjab with keen interest. It strengthened its security forces and intelligence system in Punjab. The Barnala Ministry's Home Affairs were, in fact, in the Union Home Ministry's hands, probably with an arrangement arrived at even before the Akali Ministry was installed into power. The execution of selected targets by militants was continuing. Every such development came as a big blow to the prestige of the Congress (I) Government at the Centre. The media and the public opinion elsewhere in the country attributed every militant action to their positions in the Darbar Sahib complex. On the other hand, the ruling group at Delhi was being cornered as a result of the growing opinion that the Operation Blue Star was unwisely conceived and executed.

In this scenario, the Government of India was pressing the Barnala Government hard to evict the militants from the Darbar Sahib complex but Surjit Singh Barnala was dragging his feet. There was a pincer movement against him from the Centre and the militants. He finally opted for Delhi and against the militants. Barnala accepted the first step Delhi took to recontrol the situation- the appointment of J. F. Rebeiro as Director General,

Police, Punjab. Rebeiro was a Christian, not a Hindu. His command of the security forces in Punjab prima facie absolved him of the charge of being a Hindu communalist out to crush Sikhs. Second, Rebeiro was skilled in Portuguese fascist police training methods.

There was obviously a Central plan at hand for Punjab. Delhi was planning to invade the Golden Temple complex. It was waiting for a suitable opportunity. Its only concern was that the action at the Darbar Sahib should ostensibly be taken by the Barnala Government and that it should not look like a Hindu action against the Sikh historic temple. Delhi persuaded Balwant Singh to play its card. He shaped the scheme of things by holding a so-called "Sarbat Khalsa" at Anandpur Sahib on February 16, 1986. General Jagjit Singh Arora was another active player of Delhi's game that he was later duly rewarded. Arora became a Member of Parliament (MP, Rajya Sabha).

Circumstances leading to the "action"

Immediate "provocation" to the operation undoubtedly was provided by the "declaration" on April 29 of "Khalistan" by the Panthic Committee. The news was received by Mr. Barnala when he was having tea with Mr. N. T. Rama Rao and Mr. Jyoti Basu at the Parliament House annexe where a reception was organised for "non-Congress (I)" Chief Ministers by opposition MPs. Most opposition parties fondly regarded Barnala as a non-congress Chief Minister.

The announcement was dismissed by most as a non-event. Mr. Rama Rao said there was no need to panic and advised Barnala to ignore the "declaration." Mr. Basu said no cognisance should be taken of such an incident. Meanwhile, Mr. Barnala described the proclamation as "absurd, senseless and sacrilegious" that showed that "those elements and their foreign collaborators have become desperate in the face of firmness shown by his government."

As stated above, the Centre was ready with its plans. Far from treating the Panthic Committee's announcement as a non-event, Rajiv Gandhi summoned Barnala at night, revealed his cloak-and-dagger tactics. Barnala agreed to accompany Arun Singh and Arjun Singh to make a mid-night trip to Amritsar to meet Rebeiro. The operation Black Thunder I had been planned although Barnala announced at a prolonged Cabinet meeting held at Chandigarh the next day- hours before the Amritsar action- that members of the Panthic Committee had vacated the complex.

The IHRO Committee did not feel the necessity of obtaining the official version as Rebeiro at different Press conferences had narrated the story starting with raids on Guru Nanak Niwas, Guru Ram Das Sarai and Akal Rest House at 4.50 PM on April 30.

The operation lasted 14 hours. It was supervised by the Punjab Director General of Police (DGP) himself. According to him the operation was mainly carried out by the police through assistance was obtained from para-military forces. About 200 para-military jawans (Private) made search operation in the inns of the Golden Temple Complex. In all, three thousand security persons were deployed around the complex.

Mr. Rebeiro revealed that the operation was done in the wake of threats posed by the declaration of "Khalistan" by the Panthic Committee. About 100 persons were rounded up on April 30 including Akal Takht acting Jathedar Gurdev Singh.

He further claimed that there was no resistance and no exchange of fire, and security forces used the minimum force. However, about 200 "stun grenades" were exploded which were non-lethal in nature but caused some damage to two rooms of the "Parkarma."

The operation was carried out in two phases. The first lasted two hours. It involved a search operation that was done smoothly. The second phase started at 10.30 PM when more than 300 commandos resorted to firing.

Among 300 persons rounded up from the Harimandar Sahib at 6 AM on May 1, included acting Jathedar of Akal Takht who surrendered on the advice of Giani Puran Singh, head priest of the Golden Temple.

The security forces seized some weapons from the complex including one pistol, one revolver, a .303 rifle, a .12 bore gun, 20 cartridges of various bores, 15 swords and 10 spears along with a number of documents and Khalistan literature, according to Rebeiro.

Out of 378 persons rounded up, 233 were arrested and others were let off. Of the arrested, 37 were non-Sikh Bangladesh citizens. The police registered cases of sedition against 56 persons, while the detention of the remaining 174 was of a preventive nature, the state police chief added.

He asserted that at no stage did he seek Army assistance for the action. The purpose of the action had been achieved. The complex would be handed over to the SGPC "The declaration of "beginning of the battle" for Khalistan was the provocation for storming the Temple to liberate it from the anti-nationals," he stated.

He, however, admitted that the police could not keep secrecy and the persons who actually made the "declaration" had escaped. He said that one person had died and two were injured. He stated that only three rounds were fired during the entire operation.

Facts about the "operation"

The official version of the incident by the DGP is approximately supported by the evidence available. However, there are few exceptions to the way it was carried out and some undisclosed facts and circumstances that was revealed when the matter was properly investigated and analysed by the Committee.

Bibi Harinderjit Kaur testified, that hundreds of swords-wielding youths wearing saffron turbans were seen on the Parkarma (pavement around the sacred pool) when police and security forces poised to enter the Parkarma and there was no exchange of fire as 12 trucks carrying the security forces entered the complex.

Jaspal Singh of United News of India (UNI) disposed that five Battalions of commandos were airlifted under the command of two Major Generals of the Indian Army. Three belonged to the Army known as "Black Cats" and two to Border Security Force (BSF). About of 600 commandos were involved. But he was not sure whether all the commandos were pressed into the operation. He further stated that the commandos entered the Complex with their shoes on.

Another journalist Mohinder Singh rebutted the allegation that the operation was mainly conducted by the police. The commandos under the orders of Army Generals conducted the main operation in the Parkarma and Harimandar Sahib.

The Police and commandos armed with automatic weapons searched the inns of the complex, Bibi Rajwinder Kaur stated. She also saw blood stains on the floor of Room Number 28 of Guru Nanak Niwas where an AISSF convened meeting had just ended. She further contradicted the allegation of the Police that no woman or child was rounded up. She, along with Bibi Harinderjit Kaur and a boy of eight were detained and lodged in Akal Rest House's room number 28 under the surveillance of security persons.

Bibi Harnam Kaur, an old lady worker of Istri Akali Dal saw blood stains in front of Jora Ghar (Shoe-Deposit House), near Guru Nanak Niwas and also on the second floor of Langar building where, according to her, four persons were feared to be killed and two Central Reserve Police Force (CRPF) persons injured in a scuffle. The Committee also inspected the spot and found a bundle of black hair.

However, a few journalists ruled out the possibility of resistance from any quarter except Parkarma and Darshani Deori. An eye witness stated that a boy of 15 was shot dead near Dukhbhanjni Beri and Mr. Ranjit Singh, Manager, Darbar Sahib, stated the names of injured as Mr. Nishan Singh, Mr. Harjit Singh and another Bihari Singh, all sevadars of SGPC.

The recovery of arms by the police including one gun and a rifle seems to be correct. The gun and rifle are licensed in the name of Jathedar Gurdev Singh. The press reports regarding the theft of the gold of Shri Akal Takht Sahib were vehemently denied by Baba Arjan Singh, an assistant of Sant Uttam Singh of Khadoor Sahib. The gold is lying intact under the custody of "Kar Seva" babas. These reports seem to be politically motivated.

The different versions about the dead and the injured could not be supported by any evidence, but according to Bhai Bakhshish Singh, two dead bodies were lifted from Darshani Deori by the security persons, whom he saw when he was reciting the holy book by the side of Akal Takht.

Political repercussions

The Sikhs, all over the world, were shocked. The operation, had quick repercussions.

There was a crisis in the Akali Dal. The Akali "have-nots" were upset over the "State Government's action." They were perturbed that even a Panthic Government could send forces in the Golden Temple complex. As many as 27 ruling party Members of Legislative Assembly (MLAs) resigned from the Akali Dal (L) to form a new Akali party of their own. The Barnala Government was left in a minority. It received support from Congress (I) as well as from the Communist Party of India (CPI) and the Bhartiya Janata Party (BJP). There was no danger so long as the Centre wanted Barnala to continue. But the Ministry lost legitimacy among the Sikh masses.

This operation was God-sent to the militants. None of them were inside when the operation took place. They quietly left the place after making the announcement. However, the group led by Baba Joginder Singh was nabbed by the police. The operation thus resolved the Panthic Committee versus Baba Joginder Singh tussle to the detriment of the Baba. The armed militant youths continued and stepped up violence outside the complex.

A significant aftermath of the operation was that the ruling family a Delhi claimed that the operation Blue Star was not a mistake as the "Panthic Government" itself had to enter

forces inside the Sikh holy place. This propaganda further eroded the Barnala Ministry's credibility. With stepped-up violence, the Ministry was sacked after about 13 months. In fact, the events subsequent to the operation Black Thunder- I, were foreseen by Delhi, which had appointed S. S. Ray and J. F. Rebeiro to take over Punjab well in advance.

THE DERA BABA NANAK KILLINGS AUGUST 30, 1986

The International Human Rights Organisation constituted a 3-member Sub-committee consisting of Dr Rajinder Paul Singh (Sociologist), Mr. Mohinder Singh Jawanda, and Mr. Gurcharan Singh Ghuman, Advocate; to enquire into the killings of 10 Sikh young men in an alleged encounter on August 30, 1986, with the Border Security Force (BSF) in Dera Baba Nanak Sector of Gurdaspur district. It was the biggest killings of the so called terrorists by the security forces since the Punjab Director General of Police Mr. J. F. Rebeiro took charge of the combined forces of BSF and CRPF deployed in Punjab.

The police claimed that the dead included Mr. Gurinder Singh alias Jinda of Bhagowal and Mr. Surta Singh of Harchowal, both belonging to Gurdaspur district, who were allegedly in the "B Plus" category of the terrorists in the police record carrying award of Rs. 50,000/- each on their heads. It was further claimed that the identity of the remaining alleged terrorists could not be established as none came forward to claim their bodies.

It was asserted that the alleged encounter took place when about 10 persons were trying to enter India from Pakistan crossing over the Ravi in the Dera Baba Nanak sector.

However, the public at large disbelieved the official version of the incident. Sikh youths were already in the custody of the security forces and they were murdered by the BSF. A highly placed Punjab Government official confirmed the people's belief before a Journalist that the victims were already in the custody of the security forces.

These large scale killings of the Sikh youth in one go, caused acute embarrassment to the Punjab Chief Minister, Surjit Singh Barnala who reached sharply by announcing a Ministerial Committee to enquire into the incident. This official committee reported that the young persons were killed in a fake encounter. The two-member enquiry panel appointed by the Akali Dal led by Mr. Parkash Singh Badal, former chief minister of Punjab, also agrees and described the incident as cold blooded murder.

Even the Amritsar police who had gone to the spot to identify the dead, maintained that the killings were "uncalled for." Furthermore, Mr. PPS Gill of The Tribune reported that the killed young persons were already with the security forces the previous night.

To resolve the issue and clear the cobwebs of doubt, the IHRO enquiry panel after co-opting Mr. G P Singh, Advocate (Hebawal), Mr. Kanwaljit Singh Sandhu (Secretary, Bar Association, Baba Bakala), Mr. Swinder Singh Randhawa, Advocate (Batala) and Mr. Major Singh Kler (Former President, Bar Association, Baba Bakala) visited the Dera Baba Nanak sector, inspected the place of occurrence of the incidents and enquired from several villagers.

The team tried to contact the BSF personnel but they were informed by BSF officials present there that the "concerned Battalion" had already been transferred. The committee also met Mr. Gurmail Singh, SHO of Dera Baba Nanak where the FIR was lodged by a BSF Sub-Inspector Dula Singh.

The enquiry team contacted more than 100 people of the villages of Ratter Chhettar, Golla Dholla, Dharam Kot, Shehzadan, Thetherke, Bhagowal, Harchowal, Leel Kalan,

Buttar, Batala, Harsha Chhina, Ghania and Sultanwind area Amritsar including a reputed man of the area Pundit Dev Raj, Sarpanch (village head) of Golla Dholla village.

The Committee recorded the statements of Mr. Inder Singh, ex-Serviceman and member Panchayat, Mr. Sunder Singh, a priest, Mr. Lakhwinder Singh, Mr. Amrik Singh, a Jathedar of Dera Baba Nanak, the wife of Mr. Harbhajan Singh Randhawa of Dharamkot and mother of Mr. Amrik Singh of Ghania who are alleged to have identified the dead bodies. The committee also interviewed some journalists who had visited the spot. Observations of several others who did not want to be identified were also recorded.

Mostly the people of the border area fear BSF repression usually let loose while the villagers work in their fields. Hindus, Christians and Harijans were equally feeling terrorised by the security forces.

Place of occurrence

The place of occurrence is about 1.5 km away from the 500-metre border belt that remains under curfew from 6:00 PM to 6:00 PM. The alleged encounter took place in the field of Mr. Gurcharan Singh, ex-Sarpanch of village. Thetherke near the Road Picket of BSF adjoining villages, Ratter Chhettar, Golla Dholla, Dharamkot, Shehzandan and Ghania in the Dera Baba Nanak police station of Gurdaspur district.

This picket was operated by the BSF Battalion-18, headed by its Commander Mr. Chhabra who had been shifted immediately after the occurrence of this incident. All the surrounding villages except Dharamkot lie on the outskirts of the "Dhussi" Bandh (flood barrier) of the Ravi, which is about 1 km East of Indo-Pak border. The riverine tract is such that any person coming across the river must get his feet muddy.

The place of occurrence is quite visible from the old ferry at Dharamkot. Some Indian territory also lies across the Ravi towards Pakistan and the cultivators visit their fields on permission granted by the BSF. They always feel under the grip of death while passing through this zone to get permission chits from the BSF pickets.

Official version of the incident

According to FIR No 182 dated 30.8.86 U/S 307 IPC, 25.54/59 Arms Act and the Passport Act, registered at Police Station, Dera Baba Nanak on the basis of a written complaint of Mr. S. S. Shah, for the Commandant of Battalion 18, the alleged encounter took place in village Thetherke at 4:30 AM, on 30.8.1986, while the Director General Police Mr. Rebeiro reported that the encounter continued from 2.30 to 4:30 AM. The BSF alleged, that more than 10 Pak-trained Sikh youths were coming from Pakistan armed with rifles, sten guns, pistols and revolvers, and when challenged by BSF Naka (patrol) Party they opened fire and the encounter took place in which one group of 10 persons was killed while the other retreated into Pakistan using a boat.

The Local police claimed that BSF handed over one hand grenade, two .12 country made pistols and one country made .303 pistol to the police, the DGP did not confirm the local police's version to the Press on the same day in the evening at Chandigarh.

According to the Gurdaspur SSP, Mr. J. P. Viridi, the alleged intruders used two tractor tubes for five persons each to cross the river. Contradicting both the above versions, Mr. Viridi claimed that 3 rifles of .303 bore and one hand grenade were recovered from the person of

the dead while his DIG Mr. P. C. Dogra after visiting the spot disclosed that the recovery was of one hand grenade and three revolvers.

The people's version of the incident

The people of the Dera Baba Nanak sector were so afraid of the BSF that they talked in hushed tones and did not like to disclose their names saying "If our names are known to the BSF, we shall have to face yet another "fake encounter." However, some persons did come forward to speak about the facts of the incident.

An important witness from the village Ratter Chatter in confidence described the incident saying, "At about 6 PM on August 29 the BSF reached the village, clamped curfew, threatened the villagers of dire consequences in case anybody dared to come out of their doors. People feared the repetition of an earlier incident wherein one mentally deranged "Kaddu," a Christian, was killed in fake encounter, a couple of days earlier. At about 8:00 PM, two motor vehicles passed on the close-by "Dhussi" Bandh while cries of "Bachao, Bachao" (help), were heard from one of the vehicles. I also heard two shots fired from that side."

"After 5.30 next morning I heard a burst of fire accompanied by some noise and cries. People climbed the "Dhussi" and heard some firing from one weapon. Only the BSF Jawans were visible. We went on further at about 7:00 AM but even then the BSF gave us a beating to disperse us. Several persons including Pundit Hari were injured. We were not allowed to visit our fields but after 10:00 AM, some persons of Gholla Dholla informed us that the BSF had killed 10 persons and the dead bodies have been taken away in the cart of Satnam Singh."

Mr. Inder Singh, ex-serviceman and a member of the Gholla Dholla Panchayat, who was also beaten up by the BSF corroborated the above statement adding further, that he being an ex-serviceman, was confident that the firing was one-sided and with one weapon. Some BSF Jawans took them along with the cart of Satnam Singh to load the dead bodies. Nine dead bodies were lying in the open field, of Mr. Gurcharan Singh of village Thetherke, within an area of 1 Marla. The 10th was a little away. Some of the dead persons had their shoes on but none of them had any marks of slush, etc., nor were their clothes wets. Every one of them was wearing brand new 'Gatras.' Some dead bodies with broken limbs appeared decomposed.

Mr. Satnam Singh, the cart-man of the Gholla Dholla, corroborating the statement of Mr. Inder Singh "Fauji" added that the dead bodies were lifted from the "field" and taken to the BSF picket in his cart. He also confirmed, that some dead bodies were decomposed with limbs broken and the skin from the back of one was peeled off badly.

Bhai Sunder Singh, a priest of Shehzad Kalan in the presence of more than 100 persons gathered in the village Gurdwara, nearly repeated the versions of a witness of Ratter Chhatter village and Mr. Inder Singh "Fauji." None of the audience contradicted his statement. Almost everybody present there was of the view that the persons were already in the BSF custody and they had been killed after having been interrogated.

Jathedar of Dera Baba Nanak, Mr. Amrik Singh stated that he had seen the dead bodies before their post-mortem examination. All bore severe injuries and had shot wounds on upper parts of the bodies. The corpses of Mr. Surta Singh, Harbhajan Singh Shaheed and Kulwant Singh were quite decomposed with legs and arms fractured and the skin on their

backs was peeled off. He also revealed that "Kaddu" was also killed in fake encounter by the same unit of the BSF.

A close confidant of Jathedar Amrik Singh claimed that Mr. Surta Singh Harchowal never visited Pakistan and had been trying to surrender for the last few months. He had approached Jathedar Amrik Singh a few weeks earlier for this purpose and this fact was brought to the notice of the ministerial team in presence of the senior officers. He disclosed, that the government enquiry was conducted in the presence of high police officials, where "mufti" clad (civil dress) BSF persons were noting down the names of the witnesses with brief notes. He further revealed that there were 12 youths in the custody of BSF that sent two of them to collect ransom money at the rate of Rs. 1000/- per head. The two could not arrange the money and did not return. Meanwhile the BSF came to know the identity of Surta Singh and Harbhajan Singh Shaheed who were tortured and killed in captivity. He further boasted to know the young person who went to collect the ransom money.

The Dera Baba Nanak SHO, Mr. Gurmail Singh expressed his inability to show the FIR and copies of the post-mortem reports of the youth. He, however, showed photographs of Kulwant Singh, Surta Singh and Harbhajan Singh Shaheed. Concerning the other snaps, he disclosed that they had been taken away by the senior officers. The SHO admitted that "Kaddu" was an insane person but the BSF had killed him in a fake encounter and a case under section 307 was registered against him at the police station.

Out of 10 killed, eight were identified according to police record. The addresses of two were incomplete while the police allegedly wanted Harbhajan Singh Shaheed, Surta Singh and Kulwant Singh. The remaining three were Gurinder Singh of Bhagowal, Harinder Singh of Sultanwind (Amritsar) and Harbhajan Singh of Harsha Chhina.

Gurinder Singh shown as "B plus" category terrorist is claimed to be alive by the "identifiers" and his parents. The respectable of Sultanwind and Harsha Chhina claimed that Narinder Singh and Harbhajan Singh had never taken part in any subversive activity nor were they members of any extremist group. It was a mystery why they were captured and killed.

FINDINGS

Just as in case of every crime some tell-tale marks are left behind, the IHRO probe team after inspecting the place of occurrence and collecting evidence has found many such clues and signs.

- a) Timing: The DGP Punjab, fixes the time of "encounter" between 2:30 AM, and 4:30 AM, while the FIR mentions the time at 4:30 AM. The correct time of occurrence on the basis of evidence available is about 6:00 AM. In fact, the victims were already in the custody of the BSF and were brought to the spot at about 9:00 PM, the previous evening when the residents of the surrounding villages heard the cries of the victims for help from the running motor vehicle.
- b) Place of ingress: The BSF claims that two extremist groups crossed the river into India. One comprising 10 persons crossed the using two rubber tubes while the other was in a boat. The river nearby is shallow and the cultivators cross the river on foot to look after their crops on the other side. Anybody crossing the river would certainly get his clothes wet, feet or shoes muddy because of the swampy nature of

the place. But there were no signs of any slush on their feet or shoes nor were their clothes wet which evidently reveals that none of the victims has crossed the river. The use of rubber tubes or a boat appears a mere concoction.

- c) Recovery of arms and ammunition: There is confusion amongst the officials about the number and kind of arms recovered from the person of the victims. None of the officers has so far claimed to recover live or empties of any ammunition from the place of occurrence. Probably the BSF forgot that the weapons allegedly recovered could not fire without the use of ammunition. Had the victims any firearm, they would have used the hand grenade at least while no member of BSF party had any injury. It proves that the victims were unarmed.
- d) Position of the Dead: The position of the dead bodies lying in an area of 1 Marla clear land rules out the "encounter theory." Three of the dead bodies were quite decomposed, with limbs fractured and skins peeled off, which shows that these persons were earlier killed by torture while the others were slain at point-blank range in cold blood.
- e) Identification and Cremation: Out of the ten victims, the eight are claimed to have been identified. As parents and guardians of Gurinder Singh claim him to be alive, some other person whose identity is being concealed, has been presumably murdered in the name of Gurinder Singh. Despite claims of their relatives, the dead bodies other than of Surta Singh were not handed over to them. All this was probably done to conceal the signs of torture on the dead bodies.
- f) Photographs: All photographs except those of Surta Singh, Harbhajan Singh Shaheed and Kulwant Singh had been removed away from the police record. This included even those two unidentified persons. It is yet another mystery. The question is who were these unfortunate persons. This demands a deeper judicial probe.

CONCLUSIONS

The IHRO Sub-Committee after inspecting the spot and analysing the evidence available with the committee, replying upon its findings, comes to the following conclusions:

- 1) The Committee is unable to believe the "encounter theory" propagated by the BSF and high officials of the police as there is sufficient evidence to believe that the victims were already in the custody of the BSF. So the Committee did not feel inclined to go into the facts and circumstances leading to the arrest, surrender or capturing of the victims by the security forces.
- 2) The killings of the Sikh youths in a "staged encounter" appear to be a retaliatory action against an incident wherein 4 BSF persons were injured when certain extremists allegedly ambushed BSF pickets at Gidderpindi and Kabirpur on the Jalandhar-Kapurthala Road, a couple of days earlier.
- 3) The Committee rules out the BSF story that the victims were entering India after crossing over the Ravi from Pakistan. Because there were no signs of wetness or, slush on the feet, shoes, legs and clothes of the victims, there was also no reason or necessity for the victims to carry the huge tractor-tubes along up to a distance of 1.5 km from the flowing water.

- 4) The Committee believes that the 10 Sikh young persons were murdered by the BSF as there is no evidence available to brush aside the facts stated above. The Committee further feels concerned and is anxious to know as to why no BSF person was injured in the "encounter" when they were allegedly attacked by two extremist groups numbering more than 10 armed with pistols, revolvers, sten-guns and hand grenades and further as to how could it be that almost all the victims were killed in an area of 1 Marla clear land even though the "encounter" allegedly continued from 2.30 to 4:30 AM, (2 hours) at night.

- 5) The Committee views this episode as apart of a deep-rooted conspiracy of the Centre and its "collaborators" to annihilate the Sikh youth by security forces and to terrorise the people particularly belonging to the border districts of Punjab. The killing of four young persons by the BSF in the Khemkaran sector immediately thereafter is yet another pointer towards this direction. It is further intrigued that the BSF, instead of engaging itself to protect the borders, has started butchering their own people just to oblige the anti-Sikh bureaucracy among the civil and para-military services.

THE BRAHMPURA INCIDENT DECEMBER 27, 1986

The International Human Rights Organisation and the Indian Minorities and Dalit Front held the CRPF guilty of burning Guru Granth Sahib, raping women, beating up an old person to death and torturing the people on December 27, 1986, at Brahmpura.

The Committee visited the village on January 2 and January 7, 1987, and enquired into the incidents from a cross section of the village population.

Mr. Daljit Singh, village Sarpanch confirmed the burning of Guru Granth Sahib by the CRPF. He told the Enquiry Committee that when he protested against this sacrilege of Guru Granth Sahib he was threatened with dire consequences and was shot by a CRPF man. The bullet pierced through the body of Guru Granth Sahib.

Mr. Gurdit Singh, an old person of 65 was beaten with rifle butts until he fell unconscious. Later on, he was admitted to Guru Teg Bahadur Hospital and then Kakar Hospital where he succumbed to his injuries. His son S. Jagjit Singh, an educated farmer, was also beaten mercilessly and was made to sit without any warm clothing in the chilly night along with other 20 persons from the village.

Mr. Sudarshan Singh, warden of the Central Jail, Amritsar and Gulbagh Singh, a constable of the CRPF, were also among the victims. They were not spared although they showed their identity cards. They blamed Gulbagh Singh, a Lance Naik who had come to visit his sister, was also thrashed.

The committee saw about 40 broken doors of the houses and interviewed about 50 persons in the village. Women complained of maltreatment at the CRPF hands and they reported about five rape cases. A few other young women were molested.

The Committee met all the three Hindu families living in the village, who also complained against the misbehaviour of the CRPF persons.

Mr. Jawahar Lal son of Dr. Prem Nath was beaten with butts when he was taking shelter in the house of the village Sarpanch. He was called traitor when he spoke a few good words about the Sarpanch and the Sikhs of the village. The police also beat Mrs. Suhagwati, an old woman and spouse of Mr. Mukand Lal, shop-keeper of the village, and her spouse fell unconscious not bearing the shock. All the three Hindu families talked of a cordial atmosphere prevailing in the village and they denied any communal harassment at the hands of the Sikh residents. They showed full faith in the majority community of the village and blamed the CRPF for committing atrocities on the villagers.

Mr. Gurdial Singh and Bhag Singh, two brothers told the committee that Mr. Avtar Singh Brahma along with his two associates came to their house on that fateful night of December 27, 1986, and asked them to install the loudspeaker. They installed the loudspeaker without any hesitation and Avtar Singh Brahma addressed the villagers as well as the CRPF persons who were stationed in the Girls School of the village. The two brothers stated that Brahma warned the CRPF persons against harassing the villagers in search of him. He also challenged the police to arrest him as he was now present in the village. He advised the villagers not to come out of their houses as there could be encounter. Almost all the

villagers interviewed by this Committee confirmed the version of Gurdial Singh and Bhag Singh. Mr. Avtar Singh made these announcements at about 9:30 PM, and left the village thereafter, whereas the CRPF struck the village after 10:30 PM Mr. Brahma also fired a few shots in the air, but there was silence in the CRPF camps then. The whole village in one voice was demanding justice by punishing the guilty CRPF persons.

AN OVERVIEW OF KILLINGS BY TORTURE JULY 16, 1987

International Human Rights Organisation team led by its Chairman, Mr. Ajit Singh Bains visited the border districts of Amritsar and Gurdaspur. It was noticed that the security forces and the Punjab Police have established several centres where inhuman and sadistic tortures are inflicted on the Sikhs. Corruption is rampant and the interrogation officers have been extorting money for the release of innocent persons. The persons killed here are said to be disposed of in clandestine manner and most of them are thrown in the water ways or fields and these cases are publicised as the handiwork of rival militant groups. Some of such centres are located at Mall Mandi, near Jhabal, and Old Jail in Amritsar, Qadian, Dina Nagar & Shahpur Kandi Rest House in Gurdaspur District. The public holds Mohd Izhar Alam, SSP, Rajinder Singh, SP (D) and DSP Gurmel Singh responsible for these tortures and murders.

One Suba Singh, JBT teacher of Talwandi and Jaspal Singh, vice-president of AISSF arrested from Dina Nagar were taken in custody and tortured to death at the Shahpur Kandi Rest House but were shown to have been killed in an encounter with the BSF at Kamalpur and Bani Lodhi respectively.

The BSF and CRPF had cross firing where in one BSF Jawan (Private) was killed and another injured. To justify the firing, they conspired, raided the home of Niranjana Singh of Veroke and killed his son and pregnant daughter. SDM Batala during his enquiry, held the BSF guilty but no action was taken by the Govt, so a private complaint is pending in the court.

Ranjit Singh Baba of Dayalgarh, Gurmej Singh Dhilwan and Makhana Singh Chhith were rounded up at a tube-well in village Kala Balmini. They were interrogated by Inderjit Singh Sandhu of BSF and Sumed Singh Saini, SP and later murdered in a fake encounter.

Mangal Singh and Gurnam Singh visiting some person at village Mand in Police Station Sri Hargobindpur were interrogated by Mr. A. P. Pandey (SSP) who later got them murdered in fake encounter. Piara Singh Sarpanch protested against this brutal act but he too was killed.

Karam Singh Babbar, Balkar Singh Fauji and Mastan Singh Kalanaur were rounded up at different places but were killed in fake encounters after interrogation in Gurdaspur.

A STATE OF KILLINGS IN FARIDKOT DISTRICT JULY 28, 1987

The International Human Rights Organisation collected information to the effect that more than 50 Sikh youths had been killed in fake encounters by the security forces in Faridkot district alone since the imposition of Central rule in Punjab on May 12, 1987.

The aim of the Centre and its collaborators was to annihilate youths and bring the Sikh community to submission so that its struggle for rights under the existing Constitution and for autonomy were put down with brutal force.

The report was based on a series of detailed accounts collected by a five-member team of the IHRO that visited the places where such fake encounters were purported to have taken place.

At least a dozen youths were killed by the security forces but an announcement was not made either locally or at the State headquarters. Most of these youths were brought from outside Faridkot district and killed in the district.

Twenty-six "unidentified" youths were shown to have been killed by the security forces in encounters and announcements of these encounters were officially made. All of them were suspected to be known to the police and were in their custody after they were rounded up from different places.

Three youths- Gurdev Singh Sattanwala, Gurmail Singh Preetnagar Moga and Nirmal Singh along with two others- were arrested at Ajitwala together with a truckload of arms but were killed near Kapure on June 13. In this case, no announcements of the whereabouts of the two youths were made but it was suspected that they too had been eliminated.

One Babu Singh of Kaleke was picked up from the Moga Bus Stand on June 30. After interrogation and torture, Babu Singh was killed near Moga Octroi Post No 3 and his dead body was cremated as "unidentified."

Others killed by the security forces included Jaswant Singh Santu of Killi Chahal, Sukhdev Singh Deba of Muktsar, Bhupinder Singh of Mithu Khera, Amrik Singh Duneka, Manjit Singh Mini Baba of Moga, Bhag Singh of Santuwal, Sukhwinder Singh of Lohama and Kuldip Singh Raonke of Kaleke.

The enquiry Committee could not know the fate of Harbhajan Singh Khosa of Marak, Baldev Singh Manakpur, Bhupinder Singh Jarewal and Balbir Singh Rauli who were picked up by the Moga police in May 1987.

The IHRO requested Amnesty International to pay attention to the blatant violation of human rights and the rules of law by the Central authorities in Punjab through their hired persons.

THE POLICE CLAIMS REBUTTED AUGUST 7, 1987

The Chairman of International Human Rights Organisation, Mr. A. S. Bains issued the following statement:

I have carefully examined a Punjab police statement about the alleged encounters in Faridkot district. The statement is a propaganda gimmick borne out of guilty conscience:

The police has admitted only the 25 deaths and has still not accounted for about two dozen deaths. I repeat my charge that the number of those killed is about 50 of which at least a dozen youths belonged to other districts. They were brought to Faridkot district where it appears to have a more pliable authority.

The police claim that the encounters were genuine is prima facie incredible. In each case, a stereotyped modus operandi is given out. It is claimed that a certain number of

"terrorists" were challenged by security forces to stop. Instead of halting, these "terrorists" opened fire. The security forces returned the fire. As a result, certain number of persons was killed while one or two of them escaped. It is significant to note that none from the security forces suffered even a scratch and only the "terrorists" were killed although they were purported to be the first to open fire.

The Punjab police have laid considerable emphasis on the absence of "innocence" of those killed. The police have no authority to dub anybody "criminal." Such description can only be done by the law courts. Every citizen, in the eyes of the law, is innocent unless proved guilty by the courts. The police have no authority whatsoever, to describe any person "criminal" or "terrorist" or by any other such name unless it has evidence, produces it before a court and convinces it of the charges.

The police tendency to do away with "due process of law" and its unwise insistence on monopolising all powers of prosecution, trial and appellate authority are at odds with our secular, democratic State. That is precisely why I describe the present Punjab state as a Police State.

It is hypocritical under these circumstances to talk of non-receipt of complaints by the Punjab police about fake encounters from members of the public. Ours is the only human rights organisation internationally accepted as such. Who will furnish information and make complaints when human rights workers are constantly shadowed and harassed? Two of our prominent activists- Advocate Gurcharan Singh Ghuman and Dr Rajinderpal Singh- were arrested, the latter twice in one fortnight.

Let there be a judicial enquiry into each case of the alleged encounter. Our organisation requests Amnesty International and other human rights organisations in India and abroad to send their teams to Punjab to see for themselves the oppression let loose by the present Punjab administration.

I would like to caution my compatriots not to gloat over the fake encounters in Punjab. The problem in Punjab is political and not one of law and order. The current approach will only exasperate rather than solve the problem.

AMRITSAR- A GLIMPSE OF FAKE ENCOUNTERS MAY 12- AUGUST 22, 1987

The International Human Rights Organisation in a report claimed 73 killings of Sikh youths in fake encounters in Amritsar district between May 12 and August 22, 1987.

The report was released at a Press conference held at Chandigarh by the IHRO Chairman, Justice Ajit Singh Bains and Vice-Chairman, Mr. Sukhdev Singh.

The report, the two office-bearers of the organisation said, was based on-the-spot studies conducted by a team of civil rights activists namely Mr. D. S. Gill, Mr. Malwinder Singh Mali, Dr. Rajinder Paul Singh, Dr. Jiwan Jot Kaur and Mr. Gurbhajan Singh Gill.

The Punjab Police chief, Mr. J. F. Rebeiro, admits only 55 deaths in "genuine encounters." He also states that 18 others died of as a result of "inter-gang" clashes on the West Bengal pattern.

The IHRO, however, asserts that all the deaths have occurred either in police custody or in staged police encounters. These excesses have been confirmed by the public when the team members visited the villages in question.

Referring to the Police chief's invitation to furnish him a list of any fake encounters as well as proof to support the charge, Justice Bains and Sukhdev Singh stated that at least two cases had been brought to the notice of the enquiry group where even those making such charges had been done to death. People wonder how proof could be supplied to those who scarcely conceal these cold-blooded murders. Only an impartial enquiry by a serving judge of the Punjab and Haryana High Court could bring out the truth and the public will co-operate with such a panel.

The IHRO claimed that even Mr. Rebeiro was aware of the legal pitfalls his adventure's policy was likely to entail one day. That was why, they stated, the police chief had started collecting affidavits in his favour. But such manoeuvres could not hide the ugly face of State terrorism in Punjab. Mr. Rebeiro's repeated the claim that no "innocent" had been killed in "encounters" was itself an implied admission of the guilt.

Bains and Sukhdev Singh stated that they were able to disclose the exact places from where 26 youths were picked up by the police and killed in fake encounters. All those youths were identified and the public had proof of their arrests. Twenty-nine other youths killed in the alleged encounters remained unidentified. The enquiry committee visited all those places. It was discovered that the security forces did not have to suffer a scratch in all those incidents. People living near the alleged happenings do not bear out the police story.

The IHRO stated that there was no positive evidence to suggest that any person had been killed as a result of group clashes. Actually, in most of the claimed incidents, the public suspects a foul play on the part of the security forces. In a few cases, the Amritsar district police chief stated even before officially identifying the victims that the dead "looked like" dreaded terrorists.

The IHRO said that the current policy of liquidation of Sikh youths was creating grave communal tensions with inevitable deadly repercussions on community relation in the State and elsewhere. Most of the stray or chosen targets of Sikh youths were evidently the outcome of the State's repressive policy. This vicious circle must end.

The IHRO appealed to the right thinking leaders of national and regional political parties, workers of civil rights movements, enlightened leaders of Punjabi Hindus and the Press to intervene in favour of sanity. There must be an end to bloodshed in Punjab.

The IHRO added that the report by its activists was "interim." Further investigations were continuing. It could safely be stated that many times more deaths had taken place in Punjab than admitted officially by the Police.

THE KILLINGS IN SANGRUR JAIL OCTOBER 14, 1987

Three under trial prisoners were killed as a result of police firing in "high-security" Sangrur jail on October 14, 1987, while a score of them, including Superintendent of Jail, were injured following what the police stated a "clash" and "rioting" by the inmates. The cause of the affray reported by the police was that inmates wanted to meet Bhai Gurdev Singh, a former head priest of Akal Takht, who was shifted to that jail a few days earlier, even as the jail authorities had refused permission for such a meeting.

Since the shooting took place in judicial lock-up, the IHRO considered it a grave matter. It, therefore, constituted a five-member committee of its activists to sift the truth after a detailed on-the-spot study. The members of the committee were Mr. Gian Chand Lehragaga, Mr. Jatinder Singh Gill, an advocate of Sangrur, Mr. Gurbhajan Singh Gill, a former Deputy Superintendent of Police, Punjab, who is an expert in holding enquiries, Mr. Mohinder Singh Jawanda, a kisan leader and Mr. Malwinder Singh Mali.

The members of the enquiry met advocates, journalists and jail and police department officers. These included Mr. Rajdev Singh Barnala, Mr. Narinder Singh Sidhu, Mr. Sukhminder Singh Bhatti, advocates, and Lt Col H. S. Kahlon. The government officers whom the committee members met requested anonymity for fear of reprisals from the establishment.

Official version

A few undertrials wanted to see Bhai Gurdev Singh but the request was turned down according to the jail rules. The interview was denied because the behaviour of the inmates was not good. The undertrials were agitated as a result of this refusal of interview. They did not hear Superintendent Jail, Gurcharan Singh Grewal. So an alarm was sounded when Wassan Singh, Jagdish Singh and Balwinder Singh assaulted the Superintendent and, after the jail warders and staff armed with rifles came in, they tried to snatch weapons from them. Other undertrials attacked the warders and guards with bricks and pipes injuring many of them. In self defence, the warders fired upon the undertrials killing the above three and injuring others. The injured inmates and guards were provided medical aid immediately.

Committee's findings

Sangrur Special Jail is one of the top security jails where the alleged Sikh terrorists are lodged. According to the practice, the premises regularly and without notice are searched so that the inmates do not have access to any weapon or missile. Even small kirpans worn by the Sikh inmates are removed. No bricks or pipes can be allowed to be stored inside or near the jail barracks. The relations between the Superintendent and his deputy are far from cordial. Warders are also vertically divided into factions. There are frequent allegations that the Deputy Superintendent tries to brow-beat the superintendent and sows seeds of discontent among the jail staff as well as among the inmates. The warders inside are not a happy lot due to inadequate service conditions and due to leave restrictions.

Under this charged atmosphere Bhai Gurdev Singh was shifted from Patiala on October 13. Earlier, he was confined to Jabalpur jail in MP (Madhya Pradesh, a state in India). He is a respected Jathedar and Sikh inmates wanted to meet him but the request was turned down.

On October 14, at about 10 AM, the Sikh inmates were out of barracks in the courtyard that was locked from outside. They demanded to see Bhai Gurdev Singh again but Mr. Jagrup Singh refused permission. The inmates started raising slogans against Mr. Jagrup Singh. The Superintendent, too, reached the place and concurred with his deputy. Slogans against the Superintendent, too, were raised. Then an alarm was sounded and about 100 warders and guards, armed with rifles and lathis, reached inside the melee, many inmates and some warders, including the Superintendent, received lathi blows. After sometime peace prevailed but the jail authorities were not satisfied. Jagdish Singh Bhola, resident of Ahmedpur, police station Bhikhiwind, Amritsar district, Wassan Singh, resident of Sakhira, Amritsar district and Balwinder Singh, resident of Gill Patti, Bathinda, were picked up and were shot dead. The inmates were further infuriated and started raising slogans. The authorities became nervous and fired indiscriminately injuring more than two dozen inmates. These included Jagdeep Singh, Jagraj Singh, Piara Singh, Ranjit Singh, Basant Singh, Manjit Singh, Baldev Singh, Jagtar Singh, Gurmail Singh, Avtar Singh, Kuldip Singh, Beant Singh, Sukhwant Singh, Joga Singh, Harcharan Singh, Gurnam Singh, Darshan Singh, Labh Singh, Harminder Singh, Gurdeep Singh, Dilbar Singh, Jai Singh and Gurcharan Singh. Basant Singh later succumbed to his injuries in hospital.

The committee was distressed to know that no medical assistance was given to the injured for several hours. Attempts by advocates, press reporters and relatives of the inmates for interviews were frustrated by the Deputy Superintendent who, evidently, wanted the incident not to be known outside. According to insiders, the Superintendent was given lathi blows by the guards and warders belonging to the Deputy Superintendent's faction so that the incident assumed bigger proportion and the result should be the disgrace of the jail head.

There is also evidence that the inmates killed as a result of the firing had prior understanding that they might be made target revenge by the Deputy Superintendent. At least two of them- Jagdish Singh Bhola and Wassan Singh- were said to be marked persons. They had undertaken hunger strike while in Nabha jail to protest against the alleged fake encounter killings of Balwinder Singh and Ram Singh in Nabha jail in December 1986. They were shifted to Sangrur jail in the first week of January 1987. Both had written to the Inspector-General of Prisons in May 1987, requesting for their transfer from Sangrur jail because, they alleged, the jail authorities wanted to kill them on one or the other pretext. In June 1987, when the DIG and the AIG, Prisons, visited the Sangrur jail, they had made the request again to shift them but the request was ignored. Lt Col H. S. Kahlon who was confined in Sangrur jail from January 1987 to July 1987 verified these facts.

Mr. Rajdev Singh, Mr. Sukhminder Singh Bhatti and Mr. Narinder Singh Sidhu, advocates, filed a petition with the Designate Court, Sangrur, Mr. R. S. Sharma, bringing to his notice the facts of the case of the killings. The court, prima facie, found substance in the complaint and directed the SHO to register a FIR. The committee understands that no FIR was registered by the SHO.

On October 16, 1987, counsel Rajdev Singh and others sought interviews with certain undertrials through the Chief Judicial Magistrate, Sangrur, but the Deputy Superintendent, defying the court orders, did not allow counsel to interview their clients. Contempt of court proceedings against the Deputy Superintendent is pending against Mr. Jagrup Singh.

A few jail warders and other staff members during interviews with the members of the committee affirmed on assurance of anonymity that the inmates had no weapon of offence with them nor were they in possession of any brickbats. In fact, such missiles could not be concealed there owing to constant supervision and surprise checks. About 100 warders and guards attacked about three dozen unarmed undertrials. The attack was led by Mr. Jagrup Singh. Undertrials went halter and skelter inside the walled compound. Due to mixing up and melee a few jail warders and staff members, too, received lathi blows at the hands of the armed staff members. The circumstance of infighting makes the committee suspect that the Superintendent was intentionally beaten up by persons owing allegiance to Mr. Jagrup Singh. After the incident, water pipes were pulled out by Mr. Jagrup Singh and his persons to make it appear that the inmates had used the pipes as lathis. Actually the pipes are not so easily removable.

Role of the Press and Political Parties

The incident was reported on the next day of the occurrence by the Press largely based on the cock and bull story given out by the police. This was because the local Pressmen were not allowed to go inside the jail. The true story started coming out in the subsequent days. A few Chandigarh based Correspondents showed enterprise to rush to Sangrur to report the matter. But their efforts were stonewalled by a bureaucracy that had a lot to conceal from the public.

However, the Press in general did not follow up the event considering the gravity of the issues involved. There was not a single story based on interviews with the victims of the incident. Nor any information was gathered from the correspondence between Sangrur and Chandigarh. Photographic representation of the event was absolutely zeroed. Not one important newspaper took editorial notice of the incident.

All this may be due to intense pressure, the Press in Punjab is under from the Ray-Rebeiro team who reportedly send out threats to these news reporters who dare report any such development.

No organisation, except for IHRO and one or two Akali Dal factions, protested against the incident.

The IHRO regards the incident too serious to be ignored in this manner. Such treatment of undertrials is rare in the annals of politics in the world.

CONCLUSIONS

1. The Committee finds substance in the view that at least two of the killed inmates were marked by the police and jail authorities of Punjab as ones who deserved to be "silenced" in some or the other manner.
2. The deaths of the three Sikh youths inside Sangrur jail appear to be the result of a deep rooted conspiracy in which involved are not only the Deputy Superintendent of Sangrur jail and his faction but also certain high ups in the State.
3. The incident took place at 11 AM on October 14 but the FIR was written and sent to the Chief Judicial Magistrate at 5 PM. This delay further points to the suspicion of a joint enterprise.

4. The failure of the SHO to register a case of murder despite the order by the Designate Court, contempt proceedings against the Deputy Superintendent and the failure of the State Government or any other senior authority to hold a credible enquiry all point to the conspiracy to eliminate the marked men by hook or by crook.

Already the State police killed in similar manner Manbir Singh Chaheru, Roshan Lal Bairagi, Tarsem Singh Kohar, Manjit Singh Bhindi, Subheg Singh, Sukhdev Singh Sukha etc. All of them were killed after taking them out of judicial lock up.

An Appeal to UN, International Red Cross

The IHRO appeals to the UN Human Rights Commission, the Amnesty International, the International Red Cross as well as leaders of India's opposition political parties not to ignore the implications of the incident by a credible agency and trial of the guilty, howsoever the high-placed they may be.

TORTURE AT LADHA KOTHI (JAIL) IN SANGRUR DISTRICT

During a visit to the District jail at Nabha in December 1984, Justice S. S. Sodhi of Punjab and Haryana High Court, heard complaints from detenus lodged there that they were being transferred to Ladha Kothi, a new jail in Sangrur district in small batches were they were systematically tortured in the course of their interrogation. Justice Sodhi directed the District and Sessions Judge of Patiala to inquire.

The report of the inquiry conducted by the District and Sessions Judge confirmed these allegations. Relying on the data supplied by the Deputy Superintendent of Nabha Jail, the Sessions Judge determined that 92 prisoners had been taken out from the jail for the purpose of interrogation to Ladha Kothi between the period 30.8.1984 and 11.1.1985.

The Judge recorded the statements of six detenus who had returned from Ladha Kothi. Their statements revealed a common pattern of systematic torture inflicted on detenus who were brought to Ladha Kothi were kept in solitary confinement all the 24 hours, except when taken out for interrogation and torture. The District and Sessions Judge also reported that the Superintendent Jail was in fact a police officer who had been designated to the post and that the portion of the jail where the detenus were confined was guarded by the personnel of CRPF. No doctor was attached to the jail and the basic facilities of sanitation, food etc., were conspicuous by their absence. The judge concluded that Ladha Kothi was just an interrogation centre lacking even in the bare trappings of a jail.

The District and Sessions Judge, Patiala, held another inquiry into the allegations of torture inflicted on NSA detenus when the Supreme Court, acting on a writ petition (Criminal) 378 of 1985 filed by Mrs. Kamla Devi Chattopadhyaya, asked him to do so. The judge recorded statements of 14 detenus who had been interrogated at Ladha Kothi. The statements corroborated the findings of the earlier inquiry. Following is an excerpt from his report.

“After a round of the premises I gathered the impression that it was just an interrogation centre and was not a jail. The staff posted at Ladha Kothi jail did not belong to jail department of the State. They were either members of the Punjab police or belonged to CRPF. None of the facilities, which are provided to the detenus under the Punjab Detenus (Conditions of Detention) Order 1981, were available at Ladha Kothi jail. The detenus were not provided cots or bedding. Even blankets were not provided to give them shelter against cold. The detenus were kept in hand cuffs and shut up in cell type of rooms. They were forced to urinate and ease themselves inside these rooms. Food was not of the requisite quality nor the same was properly cooked.”

The report also mentioned that “At one time in this jail there were eight children who had been detained under NSA. Out of them, four have been released; three have been shifted to other places and the only minor namely Gurmeet Singh son of Gurbux Singh was found confined in the jail. Two women inmates of this jail have since been shifted to Jodhpur.”

Harbans Singh Ghuman, Ex-MLA two of whose sons, Jasbir Singh and Randhir Singh were lodged at Jodhpur Jail, moved another Habeas Corpus petition in the High Court of Punjab and Haryana.

Acting on this petition Justice S. S. Sodhi passed an order on 16.9.1985 appointing Mr. S. S. Dhanoa, advisor to the Punjab Governor to conduct an inquiry in relation to torture of detenus at Ladha Kothi. The order required him to recommend such consequential action as might be called for on the basis of his findings.

On 25.10.1985, the High Court modified the above mentioned order by appointing Justice C. S. Tiwana, retired Judge of Punjab and Haryana High Court, to conduct the inquiry in place of Mr. S. S. Dhanoa had in the mean while been transferred out of Punjab. A popular Government had come into power on 29.9.1985.

The government of Punjab notified appointment of this one member Commission of Inquiry under the Commission of Inquiry Act 1952 on 29.11.1985.

Scope of the inquiry

The Commission limited its inquiry to the period from 30.8.1984 to 11.1.1985 already dealt with an inquiry conducted by the District and Sessions Judge. The Commission clarified that "this inquiry has been conducted in relation to a particular period. It does not mean that prior to the period in question and after that no torture of detenus took place." Most of these detenus had been arrested in June 1984 in the wake of the Army action in Punjab from the Golden Temple, Amritsar and Gurdwara Dukhnivaran, Patiala.

Several officials of the Punjab Government; Superintendents of District Jail Nabha and Ladha Kothi, and twenty-eight other police officials who had been posted at Ladha Kothi filed their affidavits before the Commission. All the detenus who had been taken to Ladha Kothi for interrogation during the period in question likewise filed their affidavits. The Commission took six months to complete the inquiry and submitted its report on 30.5.1986.

Modes of torture

Many of the detenus were able to identify their tortures by name. Modes of torture included rotation of a thick pestle over the thighs of detenus with one or two persons standing on it after the detenus were made to lie down on the floor prostrate or supine; stretching the legs apart at the ankle level to the unbearable extent while the detenus were made to sit on the floor with some persons supporting their backs with their knees, and pulling their hair backwards; tying of faecal matter around their mouths; application of electric current on their bodies etc.

The motive in torturing the detenus

The Commission concluded that: "The initial detention of several persons being illegal and none of them having been produced before a magistrate within twenty four hours of their arrest, the Government thought it better to pass orders of detention under the National Security Act...I am of the view that this kind of decision was taken by the Government that by interrogation of the detenus it should be found out whether any of them could be connected with any criminal offence. This necessitated the torture of detenus at the Ladha Kothi jail." It was for this reason that the interrogation Centre at Ladha Kothi was declared a jail by a notification dated 31.5.1984. The same day, Superintendent Police and Deputy Superintendent Police, in charge of the interrogation Centre, were declared the Superintendent and the Deputy Superintendent of the Jail respectively.

The commission cited the affidavit of Shri Ajit Kumar, Special Secretary (Home) to Government of Punjab to corroborate this conclusion. It said: "It was necessary to interview these detenus in an atmosphere free from the immediate effect and vicinity of a large number of persons suspected to have acted similarly with the same motivation." The Commission opined that: "It appears from his (Ajit Kumar) affidavit that the detenus were to be tortured at a place where their cries in agony could not be heard by any body outside the premises of torture. A palatial house at Ladha as built by Maharaja Bhupinder Singh of Patiala as a place for recreation away from any habitation. It was on account of its location at a lonely place that it was considered by the Government to be fit place for the interrogation of criminals. It was thus converted into a jail so that detenus could be detained there and tortured."

Recommendations

The Commission suggested action against twenty police officials, identified as having personally inflicted torture on various detenus, under different provisions of the Punjab Civil Services (Punishment and Appeal) Rules 1970. It further suggested that the detenus who had been tortured at Ladha Kothi be monetarily compensated. It recommended minimum of Rs 10,000 to 77 detenus; Rs 15,000 to 11 detenus who had been brought to Ladha Kothi twice and had also been tortured at Patiala and Nabha jails and Rs 20,000 each to two detenus.

(It is a summary of the report of C. S. Tiwana Commission of Inquiry. A full report is published separately. Justice C. S. Tiwana (retired) is a former President of the IHRO).

WARRANTS OF ARREST AGAINST BHAJAN LAL, UNION MINISTER, INDIA

IN THE COURT OF SHRI J S MANDER, PCS, JUDICIAL MAGISTRATE 1ST CLASS
LUDHIANA

CrI. Complaint No 83/1 of 7.11.1987.

D. S. Gill, Advocate, General Secretary, Punjab Sikh Lawyers Council (PSLC), District Courts,
Ludhiana.

Complainant

VERSUS

Shri Bhajan Lal son of not known, Member, Rajya Sabha, at present Union Environment & Forest
Minister, Government of India, New Delhi.

Accused

Complaint under the Section 115 of the Indian Penal Code

Present: Shri D S Gill, Advocate, Complainant with counsel
Shri G S Bal, Advocate.

ORDER

1. Complainant D. S. Gill, Advocate has filed this complaint under Section 115 of the Indian Penal Code against Shri Bhajan Lal, Member Rajya Sabha, at present Environment & Forest Minister, Government of India, New Delhi. Punjab Sikh Lawyers Council (PSLC) is a non-party organisation representing Sikh intelligentsia in the field of law. The said Council is mainly committed to the defence and promotion of civil liberties, human values and Constitutional rights of the people and the State of Punjab. The Council has been effectively co-ordinating with the Punjab Human Rights Organisation led by the Hon'ble Mr. Justice A. S. Bains, retired Judge of Punjab and Haryana High Court. The accused was earlier Chief Minister of the State of Haryana and now, a minister in the Union Government. It is alleged that the accused is highly biased and prejudiced against the Punjab Sikhs as a class as is evident from the treatment he, as a Chief Minister of Haryana, meted out to them and as a Union Minister, he showered humiliation upon the Sikhs.

It is alleged that on August 1987, accused threw all norms of restraint to the winds and others to kill Sikhs in a speech at Hisar where he openly instigated Armed Forces and others to kill Sikhs by branding them as terrorists.

He said, "Terrorists should be shot dead. They did not deserve to be arrested and tried by Courts of Law. Only a tough posture against such elements could help resolve the Punjab problem."

The aforesaid speech has been reported by Raman Mohan, a Staff Correspondent of 'The Tribune' (English Daily based in Punjab). It is also alleged in para No 10 of the complaint that Defence Ministry of India issued a Notification titled Baatchet as follows:

2. Being pledged to Democracy and secularism, it has been a practice of the Government to honour the religious sentiments of every community. Accordingly, police entry into the places of worship was not permitted, although there is no written law that expressly prohibits it. Government showed utmost patience in dealing with the terrorists, who had taken shelter in Gurdwaras and were issuing death warrants, killing innocent people all over the country belonging to every community. Lawlessness prevailed over long time. These terrorists, criminals, murderers, smugglers and other undesirable elements wanted by the police, taking shelter in the Gurdwaras, started organising themselves for anti-national activities. A large quantity of arms, ammunition, sophisticated transmitting equipment recovered by us during the action and Pakistani nationals

dressed as Nihangs prove their evil design. Countries inimical to us and some disgruntled ex-servicemen also helped extremists by training them. The temples were converted into fortresses and unlawful activities continued unabated. Some of our innocent countrymen were administered oath in the name of religion to support extremists and actively participate in the act of terrorism. These people wear miniature Kirpan round their neck and are called 'Amritdhari.'

3. After the registration of the complaint, Shri D. S. Gill, Advocate appeared as PW-1 and also examined PW-2 Mohinder Singh, PW-3 Doctor Rajinder Pal Singh and PW-4 Bhupinder Singh Somal, Advocate and then closed the preliminary evidence.

4. After the close of the preliminary evidence I have heard learned counsel for the complainant and perused the record very carefully and minutely. It has been argued that the accused be summoned under Section 204 Cr. P. C for having committed an offence under Section 115 IPC. Before continuing further, it is to be seen that Section 115 IPC reads as follows:

'115 Abetment of offence with death or imprisonment for life. Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for Punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable for fine.'

ILLUSTRATION

'A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for a term that may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for term that may extend to fourteen years, and to fine.'

Ex-PA is the photostat copy of the Tribune dated August 24, 1987, wherein accused Bhajan Lal has given the statement alleged in the complaint.

Our country is a democratic country where Judiciary is independent and it is for the Judiciary to determine who is terrorist and what punishment should be given to a person if he is proved to be terrorist. It is not within the power of Bhajan Lal to instigate the Authorities that terrorist should be shot dead.

Clearly, therefore, accused Bhajan Lal has transgressed the limits and norms of Union Minister and made utterances at Hisar in an utter thoughtless and irresponsible manner.

Not only he appears to have committed an offence under Section 115 IPC but also, lowered down the image of the whole Indian Judiciary in the eyes of Law which prima facie constitutes an offence of Contempt of Court also. But, however this matter will be looked into later on, as at present, there is no complaint or allegation in the complaint to this effect.

Circular issued by Army authorities, photostat copy of the same has been placed on the record that is Ex-PC. It has been reported in the Spokesman (News Weekly based in Delhi) dated September 10, 1984, that every Amritdhari A 'Terrorist, Murderer or Arsonist.' Photostat copy of the Spokesman weekly is Ex-PB. Anyway the allegations against the accused are very serious and they became highly more serious when they were made by a person who is occupying such a high chair against a particular community.

5. I am alive in the question of jurisdiction before summoning the accused as alleged instigation was addressed to the People of Punjab. As contemplated in 1978 CrL. Law Journal page 204 and 1983 CrL. Law Journal page 381, the venue of the trial in case of newspaper items can be either the Court within whose jurisdiction publication is made or the Court in whose jurisdiction the matter is circulated or distributed. Matter has been circulated in the jurisdiction of this Court. So clearly, this Court has jurisdiction to summon the accused. No permission under Section 197 CrPC

is needed as the statement was not made in the discharge of official duties by the accused. Accused is a Union Minister of the Environment and the Forest Minister and his reckless and lawless talk about the terrorists in Punjab is not a part of his official duty. I have also perused the preliminary evidence led by the complainant. According to the statement of PW-4 Bhupinder Singh Somal, Advocate, his brother was called by police number of times and then it was alleged that he was murdered by the BSF and even the dead-body had not been returned to Bhupinder Singh Somal, Advocate. This incident is alleged to have taken place on 4.9.1987. According to the arguments advanced by learned counsel for the complainant, it is maintained that such offences are committed by Armed Forces after the statement is given by the accused. This has been taken place, at a place, near Jagraon. PW-2 Mohinder Singh Jawanda, a kisan leader, has stated that subsequent to the statement issued by Bhajan Lal, many people were killed after taking them out from the jails. PW-3 Rajinder Singh who is Doctor and a civil liberties activist associated with Hon'ble Justice A S Bains, has stated that when he was in Police custody, SP Detective, Ludhiana, Shri Surjit Singh told him that he should leave Ludhiana and go to his farm in MP as they have orders from Bhajan Lal to kill any Sikh dubbing him as terrorist. He was further asked to leave the work of civil liberties.

6. Looking into the evidence and the allegations in the complaint, I am of view that the accused be summoned through non-bailable warrants, but keeping judicial restraint in view, I think ends of justice will meet if the accused is ordered to be summoned through bailable warrants in the sum of Rs 10,000 with tow sureties of the like amount.

Accordingly, the accused is ordered to be summoned under Section 115 IPC through bailable warrants in the sum of Rs 10,000/- with two sureties of the like amount. PF (Process Fee) be given within two days. Copies of the complaint and list of witnesses to be furnished. As a matter of fact, list of witnesses wherein formerly Judge of the High Court of Punjab & Haryana, Chandigarh, Hon'ble Mr. Justice A S Bains and Mr. Gurcharan Singh Grewal, Chairman, Bar Council of Punjab & Haryana High Court and 23 other very respectable witnesses have been cited including Editor-in-Chief Mr. V N Narayanan of the Tribune. To come up on 14.12.1987.

Sd/

Pronounced: 20.11.1987 Judicial Magistrate, 1st Class, Ludhiana.

Attested to be true of the original Order
Sd/- Harchand Singh Gill, Advocate.

REPORT ON THE DEATH OF SARBJIT SINGH JOHAL FEBRUARY 1, 1988

The International Human Rights Organisation received a complaint from the relatives of a 21-year-old youth of Hoshiarpur district, Sarbjit Singh Johal that he had died in police custody. In this connection, the IHRO also received a reference from the Asia Research Department of the International Secretariat of Amnesty International vide their letter of December 2, 1987.

The IHRO consequently constituted a two-member enquiry committee comprising Dr. Rajinderpal Singh, a sociologist and whole-time activist on human rights and Mr. Bhupinder Singh Somal, an advocate specialising in criminal law.

The committee visited Hoshiarpur and Amritsar districts and met relations of the deceased as well as several publicans, journalists and the police. The first information report on the death was recorded by the Verowal police station in Amritsar district but the police station authorities refused to part with the FIR without assigning any reason. The enquiry committee despite its efforts also failed to obtain the post-mortem report. Since the incident has not been taken to the court, these two vital documents remain the private property of the police.

Sarbjit Singh was about 21-22 years of age. He belonged to Jauhal village of Hoshiarpur district. At the time of operation "Blue Star," Sarbjit Singh was a student of BA (Part II) at Government College, Tanda, Hoshiarpur district. He was a member of the All India Sikh Students Federation. He was first detained under the National Security Act as a precaution and not for any specific charge against him. He was released from jail in 1986. Since the police were still in the look out of some excuse to arrest him, the young person went underground. By then he was made President of Hoshiarpur district unit of the AISSF. Till then, there was no case against him.

On September 10, 1987, Sarbjit Singh, along with his sister and another girl Manjit Kaur, was travelling by a rickshaw from Chheharatta to Amritsar. The police blocked the rickshaw near the Hall Gate. The police took Sarbjit Singh in its custody and forcibly threw out his sister and the other girl who raised an alarm but in vain. It is believed that Sarbjit Singh was identified for the benefit of the police by one Bhupinder Singh Kandi who was already in police hands.

According to any eye witness who refused to be mentioned in public the young person was arrested by the police and was removed to the Central Reserve Police Force torture camp near the Mall Mandi (cattle fair ground), Amritsar.

Sarbjit Singh was so severely tortured that he had his bones fractured and limbs broken. He succumbed to his injuries on September 13, 1987. Next day, the dead body of Sarbjit Singh was thrown near Mallah village in Verowal police station area. The police announced that Sarbjit Singh had died in an "encounter" with the police. It was also claimed that the young person was responsible for the killings of Communist leaders of Hoshiarpur district, Darshan Singh Canadian and Chanan Singh Dhoot.

On the night of September 11, 1987, one Dharm Singh was killed by the Amritsar police in a fake encounter. The police also announced that an unnamed person escaped.

Next day, namely on September 12, 1987, the dead body of Sarbjit Singh was thrown near Mallah village in Verowal police station area in Amritsar district and the police stated that the young person died as a result of an encounter.

According to an eye witness who wanted to stay anonymous, the Mall Mandi torture camp authorities killed both the young persons on September 11, 1987. The police silenced the public opinion by stating that Sarbjit Singh was a "killer" of Communist leaders, Darshan Singh Canadian and Chanan Singh Dhoot.

The Committee believes that the death of Sarbjit Singh has been the result of a conspiracy hatched by senior police officers of Punjab. There is no question of any encounter with Sarbjit Singh. The young person was politically opposed to the views of the pro-Rajiv-Longowal accord politicians of Akali Dals. The Committee members were informed that the young person was not involved in any violent activity.

The committee is distressed to hear the account of the cold-blooded murder of Sarbjit Singh. It is further informed that hundreds of similar cases have occurred in Amritsar district that are crying out for an enquiry.

THE CASE OF INDERBIR SINGH LALLI
FEBRUARY 3, 1988

This is a shocking case of the disappearance of a young person, Inderbir Singh Lalli, from the Sri Guru Tegh Bahadur Hospital, Amritsar, where he was under doctors' care as a serious patient.

In this connection, the IHRO received a complaint from Mr. Harkrishan Singh Sandhu, an advocate of Amritsar (Sandhu's address: 37, Kennedy Avenue, Amritsar), alleging that the police were behind the young man's disappearance who happened to be the advocate's son. The father stated that the young person had been abducted by the police. He apprehended that the police in a fake encounter might have killed his son.

The IHRO asked its General Secretary, Mr. D. S. Gill, an advocate, and Mr. Gurcharan Singh Bal, also an advocate, to visit Amritsar, meet all concerned and make a report on the incident.

The members of the committee met the complaint and his spouse, local journalists, Mr. Dinesh Kumar and Mr. R. Vinayak, doctors and other staff members of the hospital. The police flatly refused to co-operate and the committee had to rely on affidavits filed by the police officers concerned in a case before the Punjab and Haryana High Court for official version.

Inderbir Singh sustained a serious firearm injury in his chest on or about June 13, 1987, near Khalsa College, Amritsar. The young man's father states that the young person received the injury as a result of a stray bullet hitting him when he was near the college. The police, on the other hand, maintain that Inderbir was involved in the murder of a Congress (I) leader, Mr. Kishen Lal Sharma, and that he suffered the injury in a cross fire indulged in by the group that attacked the Congress (I) leader. The police registered a FIR in this connection.

The young person had been admitted on June 13, 1987, to the Sri Guru Teg Bahadur (SGTB) hospital by the parents. The police took him in its custody on June 14, 1987, and chained him. It is not clear whether the police formally arrested the young person and brought that matter on its record. However, from the hospital record evidently the patient was in the custody of the police. When Inderbir was shifted to the "sixth surgical ward" on November 1, 1987, the doctor concerned sent information in writing to the "head constable on duty" in the SGTB hospital. Earlier, on June 27, 1987, the Registrar of Surgery, III Unit, requested the head constable on duty to remove the patients' handcuffs to facilitate his surgery in the operation theatre and otherwise make necessary security arrangements to guard him. The police deny having put any guard at the hospital to keep Inderbir under watch in view of "the patients serious condition." The doctor concerned, in fact, stated that the question of removing the patient's handcuffs had been discussed with the head constable and a formal letter was also sent to him. It is evident from the hospital record that the police remained throughout in the picture guarding the patient. The Assistant Surgical Officer recorded on the file on January 15, 1988, that the patient was "taken from Ward at 5:00 PM, on 15.1.88 by the police (SHO on duty)" This statement of the ASO is counter-signed by the House Surgeon.

The patient's father and mother as well as a few colleagues of Mr. Harkrishan Singh Sandhu were present at the time of the police taking away the patient. The Committee verified this fact from the parents and other witnesses. The father showed copies of telegrams he gave to the Prime Minister, the Governor of Punjab and the Director-General of Police, Punjab, after he and his colleagues tried to follow the police party that took away the young person. One of these telegrams stated: "My son Inderbir Singh got discharged forcibly from ward No 1 SGTB Hospital, Removed by Sadar police in my presence. Also present Dr. Randhawa and Dr. Atul Bhatia at 5 PM today. False implication or encounter feared. Taken unknown place- Harkrishan Singh Advocate." The telegram bears the time 9:40 PM, and is numbered PI-321 Amritsar dated 15.1.1988.

Gurdev Singh, Inspector SHO police station Sadar, Amritsar, as well as Senior Superintendent, Police, Amritsar, Izhar Alam, in their affidavits filed in the Punjab and Haryana High Court on January 24, 1988, respectively, denied having taken in police custody the patient. They claimed that Inderbir Singh was still in the hospital as he was "too serious to be removed by them.

There is plenty of evidence to conclusively prove that the control of the police was in full control of the patient from June 14, 1987, to January 15, 1988, 5:00 PM, when the patient was forcibly taken away by the police party led by Inspector Gurdev Singh.

The committee recommends a high enquiry by a credible agency to ascertain the whereabouts of the patient after his removal from the hospital by the police. This could not be done without proper interrogation of the police officers concerned.

The committee regrets that the police and the State Government are not paying proper attention to this grave violation of human rights despite hue and cry raised by the entire Bar of Amritsar.

AN INCIDENT IN ENGINEERING COLLEGE, LUDHIANA SEPTEMBER 12, 1988

The International Human Rights Organisation has refuted the claim of the police that the Mess in-charge of a hostel of the Guru Nanak Engineering College, Ludhiana, was fired at and injured by the inmates of the Hostel when a Bathinda police party raided the college hostels early in the morning on September 6.

This was stated in a press release here by the IHRO General Secretary, Mr. D. S. Gill, who based his conclusion on the report of the fact finding committee consisting of Mr. Mohinder Singh Jawanda, Vice-President, and Mr. Bhupinder Singh Somal, (advocate) of the IHRO.

According to the findings of the report, the police version that the hostel inmates had fired shots from inside the premises resulting in injuries to Mr. Zora Singh, Canteen Manager, the police fired four shots in self defence and this had recovered one revolver and some empties, is a mere concoction.

The probe panel after making spot enquiries found that Mr. Zora Singh (ex-serviceman) was going on to his duty at 3:00 AM, as usual from his nearby residence when, all of a sudden, constables, Chaman Lal, Bhagwan Singh and Abdullah Khan of IIC of the Gujarat Special Reserve Police (GSRP) led by its in-charge, G. S. Sekhawat, fired several rounds from their .303 rifles injuring Mr. Zora Singh who fell down in the veranda while rushing towards the hostel.

According to the eye witness account, no shots were fired from inside the hostel, the report added.

The police contingent, Mr. D. S. Gill said, had a thorough search in and around the hostel but no arms or ammunition or any objectionable matter was recovered. However, a few students, who resented the shooting of their Mess Manager by the police, gave water to the injured. Mr. Manjit Singh and Mr. Jagjot Singh, both second- year Degree college students and hostel inmates, were taken into custody.

The Bathinda police party led by DSP Randev Singh and assisted by the GSRP company numbering more than 100 raided the Guru Nanak Engineering College (GNE) hostels to apprehend Bakhtawar Singh wanted by the police, Sangat Police station (Bathinda), allegedly hiding there. They did not seek permission nor did they inform the college authorities before raiding their premises at night.

The IHRO demanded a judicial inquiry into the incident as the matter was serious. The Mess employees and the students were terror struck while 75% hostel inmates left for their villages.

The human rights body urged all the educational institutions to raise a unanimous voice against the repression let loose on them and to collectively take up the matter before the higher State authorities. The management and the staff of these institutions should not hand over their wards to the police without informing their parents. The IHRO had already received several complaints on this count.

PROFESSOR RAJINDERPAL SINGH GILL'S DEATH JANUARY 26, 1989

The Ludhiana Senior Superintendent, Police, Mr. Summed Singh Saini, announced on February 15, 1989, at Ludhiana that Prof. Rajinderpal Singh Gill was one of the three "terrorists" killed in an encounter with the police on the night of January 26, 1989.

The International Human Rights Organisation has carried out an investigation of the matter. A team of three of its activists did the investigation namely Mr. D. S. Gill, Mr. Gurcharan Singh Bal and Mr. Bhupinder Singh Somal, all advocates.

The investigators have come across strong evidence to suggest that the police took Prof. Rajinderpal Singh in custody from Sector 15, Chandigarh at about noon on January 25, 1989. He usually lived in Jugiana village of Ludhiana district. He was Assistant Professor of Horticulture at Punjab Agricultural University, Ludhiana. Prof. Rajinderpal Singh Gill belonged to a political family and was associated with the United Akali Dal led by Baba Joginder Singh as a member of Advisory Board. He came to Chandigarh to meet one of his relations at Punjab University.

Prof. Rajinderpal Singh travelled by a tractor (PBR 8051) to Chandigarh. The arrest of Prof. Rajinderpal Singh was made by a police party from Ludhiana that included Shri Sant Kumar, SHO, Payal police station. The tractor was driven to Sadar police station, Ludhiana, by a police constable. This tractor was seen by a few witnesses in the Sadar Police station. These witnesses included Mr. Major Singh Mangat, advocate, who had gone to the police station to report the loss of his pistol. Mr. Mangat saw the tractor at about 10:00 PM, on January 26, 1989. He heard the SHO, Kanwarjit Singh of the Sadar police station, Ludhiana, reprimanding his juniors why they brought the tractor to the police station when the order was that it should be taken to Ladhawal near Ludhiana. This place is very close to the alleged place of encounter that, according to the police, took place at 11:55 PM, on January 26, 1989.

Prof. Rajinderpal Singh was brought to the Crime Investigating Agency (CIA) Staff head office at Ludhiana at about 10:30 PM, on January 25, along with others. Mr. Harpreet Singh, a close relation of Mr. Surjan Singh Thekedar, a senior Akali Leader, was also at the CIA staff head office when he saw the professor at about 9:00 AM, on January 26.

Prof. Rajinderpal Singh was taken to the "encounter" site along with Devinderpaul Singh of Malikpur Garibdas, Ropar district, and Prabhjit Singh of Chandigarh. All three of them were arrested from Chandigarh. They were shot dead in cold blood.

The police maintain that the encounter was genuine while the widow of the professor, Rajinder Kaur, in an affidavit filed in the court of Chief Judicial Magistrate, Shri M. M. Aggarwal, affirmed that the police arrested him at Chandigarh at noon on January 25.

Considering all these facts and circumstances the IHRO team believes that Prof. Rajinderpal Singh was killed in a fake encounter by the Ludhiana Police.

The Professor's wife, had earlier on January 27 in a telegram to the Chief Justice of Punjab and Haryana High Court brought to the court's attention that she was detained by the

Focal Point Police, Ludhiana, and that the then SP (Detective), Surjit Singh had threatened her that her husband would be eliminated in an "encounter."

One reason given by Mrs. Rajinder Kaur for the police annoyance was that they arranged the marriage of the sister of Charanjit Singh Channi with Rajinder Kaur's brother's son. For this reason the police suspected that the couple harboured Charanjit Singh Channi. The police also suspect Channi's hand in the attack on Akali leader Jagdev Singh Talwandi.

It has come to the IHRO's notice that an alternative took place between the Professor and the SSP Ludhiana while the former was in police custody. There was no solid evidence to support this allegation.

The IHRO calls upon the Government to institute a judicial enquiry into Prof. Rajinderpal Singh's murder. It also appeals to international human rights organisations to press the demand. The IHRO strongly deplores the fact the Prof. Rajinderpal Singh had been eliminated for his political views and alignments in the misplaced belief that such tactics could strengthen Akali Dal to restore normalcy in Punjab.

WHERE WOMEN ARE PARADED NAKED

MARCH 8, 1989

A team of the Nari Manch (Women's Forum), Punjab, consisting of Dr. Jiwan Jot (Convenor Nari Manch and Vice President of IHRO), Ms Kamal Sandhu, BA LL. B and Ganpat, Advocate visited Batala and Ludhiana areas to document police atrocities on women. The team interviewed the affected persons, Sarpanches (village heads), social workers and intellectuals of the area. The team was informed about many cases of police atrocities but this report is mainly about police cases concerning women.

1. Women are being harassed by the male police. There are no woman police in many Police stations and women are taken to police stations accompanied by male police only. No Sarpanch is informed before women are taken away. They are kept in illegal custody for days together.

2. Police come to villages and interrogate women like criminals. They are beaten, kicked and molested by the male police. Even the pregnant women are not spared. In the police stations they are abused, molested and physically harassed. The women taken in custody range from teenagers to old women. One incident has come to the Committee's notice where police has stripped naked and was made to parade in the police station. There are many more cases where women burst in tears instead of narrating their tales. Their tears tell the tales but they are hesitant to narrate the actual happening in the police stations due to social consequences involved especially in cases of unmarried girls. A case came to our notice where a married girl was divorced after she was maltreated in the police station due to this reason only.

3. Two categories of women are taken to police custody. First, of those families who are doubted as harbours or where "terrorists" stay at gun-point. Second, women related to those families whose sons or other relatives have joined the ranks of "terrorists." The molestation of women in both the categories is done to demoralise the people so that no one dare raise their voice against any type of injustice by the state.

An incident at Sarchur is a glaring example of these phenomena of demoralising the people. Here the Senior Superintendent of Police, Batala, Gobind Ram forced people of Sarchur and adjoining village to collect at a focal point and beat all the youth ruthlessly. Then, they were forced to abuse Surjit Kaur, an Akali Leader who was in jail for the last six months, and her daughters. When an ex-serviceman S. Charan Singh refused to abuse village daughters, he was taken in custody and kept in police station for three days. Gobind Ram threatened that if villagers dared their voice, next time he will repeat the same with village women. The SSP also threatened that he would make Surjit Kaur parade naked as and when she comes out of jail. Certain families have sent their daughters away to their relatives.

In another incident at Padda village, Ajit Singh Shah's family was beaten and kicked. The women and men were stripped naked and made to stand along with each other. Even the scarf's (Dupattas) of these women were taken away from their heads forcibly. The Panchayat members of village Padda were beaten ruthlessly and forced to draw lines on earth with their noses and then taken to Gurdwara and forced to abuse themselves as well as "terrorists" on the mike.

In another case a brother, Amarjit Singh, was forced to beat his sister Amarjit Kaur in Batala Sadar police station.

The committee has noted an entirely new kind of phenomenon. Certain armed gangs have been raised by the police that are responsible for many incidents of atrocities as well as looting, and when people go to the police to lodge FIR no notices of the complaints are taken. Glaring example of this phenomenon is the case of village Mari Buchian where Nihang Ajit Poohla, a pet of Gobind Ram, along with his nearly 40 armed goondas attacked the family of Sardar Bhagwant Singh, who was not at home that day, and the his younger brother Sardar Harpal Singh, his spouse Maninderjit Kaur and old mother and father were beaten mercilessly.

We feel the extent of repression has crossed all limits of civilised behaviour in Punjab. Although we have covered only two areas, out of which Batala area shows peak of the graph, but we feel this is the general trend of repression in Punjab today.

SECURITY FORCES AS PRIVATE SENAS (ARMIES)

MAY 21, 1989

Several persons from the Dakha area of Ludhiana District reported to the International Human Rights Organisation, Head Office that the Central Reserve Police Force (CRPF) and the Punjab Police themselves were involved in unlawful and criminal activities in that area while the rural masses had joined hands to resist and expose the forces. The IHRO asked Principal Sant Singh Sekhon, a veteran intellectual, who lives at Dakha, journalist Sukhdev Singh and advocate Mohinder Singh Grewal to investigate the matter and prepare a report.

The members of the enquiry committee met a cross section of the public. The committee came across an interesting aspect of the working of the security forces in Punjab, namely the persons in uniform today are free to plunder, to adjudicate upon private disputes and administer their set of unwritten rules. An equally interesting aspect of the matter and committee found was that the rural masses in their lakhs made a common cause to resist and expose the official agencies functioning as private Senas (armies).

During the past few days, several incidents of looting, robbery and assault occurred in Dakha, at a stone's throw from the Police station of the same name. The incidents were reported to the police that did not register any case and took no notice of the harassment to the villagers. The elders of the village formed watch and ward squads and arranged night patrols. Curiously the Inspector of Police, Mullanpur-Dakha, let it be known to the public that he did not cherish the idea of the villagers forming their own patrol parties and putting up barricades to watch and capture the intruders.

Patrolling the outskirts of the village in a routine manner, a group of young men of Dakha noticed a light white Maruti Van (DAE 1171) halt near Kirat Singh's house. It was about 10:00 PM, on May 21, 1989. The patrol party consisted of Avtar Singh, Iqbal Singh, Harbans Singh, Sammi, Charanjit Singh, Baldev Singh, etc. The party had a closer look at the van. Sitting in the van was Gurnam Singh, a son-in-law of Tarlochan Singh of Dakha, and another person who later was identified as Pargat Singh. The driver of the van was a Sikh of about 25. A green Gypsy Jeep followed the van. The patrol party saw a few armed persons of the CRPF in the Gypsy.

When he recognised Jagjit Singh, the village son-in-law with the assistance of Pargat Singh pounced upon Jagjit Singh and threw him in the van. But the other members of patrol party in a quick reflex foiled Gurnam Singh's action and freed Jagjit Singh. Actually Jagjit Singh is Gurnam Singh's wife's brother. But Gurnam Singh in an equally quick move freed himself from the rural group and immediately moved into the CRPF vehicle.

When the rural patrol party wanted to ask Gurnam Singh why he had misbehaved with Jagjit Singh and had tried to abduct him, one of the CRPF officials- one Deputy Superintendent Bikram Chand Katoch of the Jalandhar based 40 Battalion- intervened to snub the patrol persons. The patrol party raised the alarm through the public address system. Soon, hundreds of villagers reached the spot. But for a sober advice from certain village elders against taking the law into their hands, the village youths would have lynched the night intruders.

Meanwhile, Tarlochan Singh (Gurnam's father-in-law) also reached there. He revealed that the CRPF party had first entered into his house and had carried out a search of his house. There was a certain estrangement between Tarlochan Singh's daughter and his son-in-law. Evidently, Gurnam had secured CRPF's help to pressure on Tarlochan Singh so that he allowed his daughter to accompany Gurnam against her wish. The girl, Daljit Kaur, was not at home.

Concerned, Katoch admitted that he had been sent by his Commandant, (one Sikandar?) to help Gurnam recover his spouse against her wish. The villagers showed great patience and handed over the culprit CRPF persons to the nearest police station. The villagers informed Inspector Balkar Singh about the unlawful conduct and misbehaviour of the CRPF persons and requested him to register a case against them. The Inspector bravely assured the villagers that he would do the needful and asked them to return to the police station the next morning to see how he had set the CRPF officials right.

When the villagers went to the police station the next morning they learnt to their disappointment that the Inspector had let off the CRPF persons without even registering a FIR against them.

The Committee was informed by the villagers that the CRPF Gypsy was without its registration number plate. This practice is said to be common with almost all CRPF units who are allowed to pick up any person from any place without letting any one know the abducted person's destination or whereabouts.

But the public of Dakha area is agitated. They want the guilty CRPF persons, including the Commandant of 40 Battalion, punished. More than 100 representatives of 40 villages met at Mullanpur on May 25, 1989, to set up a seven-member popular committee to oppose the fascist methods of the security forces.

The IHRO committee deeply deplores the security forces conduct in Punjab in general and in Dakha area in particular. The Committee recommends that the public opinion should take due notice of the incident. Popular committee at block level should be set up to oppose unlawful methods adopted by the security forces. The public should not expect any relief in their hour of trial from the known political party leadership. Most political leaders are mere electoral thugs. The public themselves will have to take the initiatives.

**AFFIDAVIT OF CAPT. NAURANG SINGH (RETD.)
JANUARY 1988**

I, Capt. Naurang Singh (Retd.) son of Hazoor Singh, resident of village Malik, Tehsil Jagraon, District Ludhiana, do hereby solemnly declare and affirm as below:

1. That I am a retired Captain of the 10 Sikh Regiment of the Indian Army. I joined the Army in 1951. I fought in the 1962 war against China, the 1965 war against Pakistan and the 1971 war against Pakistan. I was decorated with Mention Despatch (MD), a gallantry Award. I was also awarded 18 Medals for my services. In 1971 war with Pakistan, my name was recommended for the Mahabir Chakra under the command of Lt. Col. K. C. Kailey and Brigadier Gurjit Singh Randhawa, but it was not awarded as the papers were submitted late. I was given cash rewards of Rs. 4000/- by the Central Government and Rs. 4000/- by the Punjab Government. Rajasthan State Government agreed to give me 5 acres of land in appreciation of my services.
2. That I retired from the Army in 1983 and settled in my village. Now I am engaged in the profession of agriculture. I do not take part in any party politics. It can be verified from the village Panchayat (elected representatives of the village).
3. That my elder son Balwant Singh, is serving in the Indian Army. My second son is studying in the 9th class. My two elder daughters are married and the youngest is studying in college. My younger brother is also serving in the Army as a Lt. Colonel.
4. That on 30.8.87 at about 5:30 PM, a police party consisting of more than 50 police officials in three police vans and two jeeps headed by Deputy Superintendent Police, Tara Chand, Inspector Gurmit Singh of Police Station Jagraon and Inspector Baldev Singh of Police Station Sidhwan Bet raided my house. They were carrying rifles, stenguns and revolvers. Inspector Gurmit Singh used unprintable words against me in the presence of my spouse and children. They asked me to tell the whereabouts of Harbhajan Singh Raja, who is younger brother of my son-in-law, I did not know about his whereabouts nor was I aware that he was wanted by the police so I could not tell them anything about him. They picked me up and took me to Police Station Sidhwan Bet. There were eight other persons in the two-man lockup.
5. That They brought me out of the lock-up after sun set and asked me to take off my clothes and made me completely naked. Inspector Gurmit Singh started hitting me with blows. After that they made me lie down with my face downwards and kept a wooden log about four feet in length and seven inches in diameter on the upper parts of my legs. They bent the lower parts of my legs over it and two police officers pressed my lower legs over it very hard. In this process I had to suffer unbearable pain. In between they kept on kicking me also asked me questions regarding Harbhajan Singh, about whom I had no knowledge. After this, they blindfolded me and I was kept in this position for the full next day.
6. That on 3.9.87 the police also brought Harbhajan Singh to the Police Station. On that day they sent five of us to some other place. At night, police officials took Ranjit Singh of village Sohian (aged 21 years) and Shamsheer Singh (aged 19) of Raikot out of the Police Station. Both were baptized Sikhs and belonged to the All India Sikh Students Federation. When the police party came back they told us that they had killed both of them near

Malsian Canal Bridge and asked us to get ready for being killed and shifted us to the other lock-up that was previously occupied by the two who were already killed. They kept us in this room for three days and sent us to another room only on representations by some 200 villagers.

7. That on September 13, 1987, I along with Harbhajan Singh and one Gurbax Singh 'Jassi' was produced in the court. It was shown that Baldev Singh, SHO Sidhwan Bet, arrested us on the night of September 9 after an "encounter" with the police, when we were riding a scooter. I was shown to be driving the scooter and the other two were shown to be riding on the pillion. Two pistols were shown to be recovered from Jassi and Harbhajan Singh. Moreover some writing pads of the 'Khalistan Liberation Force' and a hand grenade was shown to be found from the tool box of the scooter. In fact we were already in police custody since August 30, 1987.

In the First Information Report (FIR) my age is shown to be forty-two years whereas my actual age is sixty years. Moreover, I was shown to be driving the scooter at night whereas I have night blindness that is also shown in my retirement certificate.

8. That on 13.9.87 we were produced before the Magistrate at Jagraon, R. K. Dhir, at his residence at 10:30 PM Then we were handcuffed. The police party that took us from Police Station Sidhwan Bet to the Magistrate comprised of five Punjab officials including one Sub-Inspector and eight officials of the Border Security Force. All of them were armed with rifles, stenguns and SLRs. The Magistrate ordered that we be placed in police custody for six days, i.e., unto September 19.

9. That on 19.9.87, we were again produced before the Magistrate and we were charged under Sections 3/4,4/5 of the Terrorist and Disruptive Activities (Prevention) Act, Sections 25 - 54 - 59 of the Arms Act and Section 307 of the Indian Penal Code (Attempt to murder). We were remanded in judicial custody and were sent to the Ludhiana Central Jail that day.

10. That I was released on bail and re-arrested at the jail gate on September 30 at 6:45 PM, by the Sidhwan Bet Police. The police party comprised of four constables and one Sub-Inspector of the Punjab Police and six officials of the Border Security Force.

The Panchayat members of my village waited in the police station Sidhwan Bet for three days pressing the police to release me. On 3.12.87, the SHO told the members of the Panchayat that he could not release me. Then the members of the Panchayat contacted the Assistant Superintendent of Police, Jagraon who assured them that I could be released soon. Even after this when they came back to the Sidhwan Bet Police Station, SHO Baldev Singh told them that he would release me only if got two affidavits, one by Panchayat the other from me that I would not take part in any "unwanted political activities." After furnishing these two affidavits I was finally freed on 4.12.87. The police kept me in illegal custody without registering any case against me nor was I produced before any court.

