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THE BACKGROUND

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## WHY PUNJAB?

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### *Exit British, Enter Congress*

In 1849 the Sikh empire fell to the British army; it was the last of their conquests. Nearly a hundred years later when the British were about to relinquish India they were negotiating with three parties; namely the Congress Party largely supported by Hindus, the Muslim League representing the Muslims and the Akali Dal representing the Sikhs.

Before 1849, the Satluj was the boundary between the kingdom of Maharaja Ranjit Singh and other Sikh states, such as Patiala (the largest and most influential), Nabha and Jind, Kapurthala, Faridkot, Kulcheter, Kalsia, Buria, Malerkotla (a Muslim state under Sikh protection). Territory under Sikh rulers stretched from the Peshawar to the Jamuna. Those below the Satluj were known as the Cis-Satluj states.

In these pre-independence negotiations, the Akalis, led by Master Tara Singh, represented the Sikhs residing in the territory which had once been Ranjit Singh's kingdom; Yadavindra Singh, Maharaja of Patiala, spoke for the Cis-Satluj states.

Because the Sikh population was thinly dispersed all over these areas, the Sikhs felt it was not possible to carve out an entirely separate Sikh state and had allied themselves with the Congress whose policy proclaimed its commitment to the concept of unilingual states with a federal structure and assured the Sikhs that "no future Constitution would be acceptable to the Congress that did not give full satisfaction to the Sikhs."

Gandhi supplemented this assurance by saying: "I ask you to accept my word and the resolution of the Congress that it will not betray a single individual, much less a community ... If it does so, the Congress would not only seal its own doom but that of the country too. Moreover, the Sikhs are a brave people. They know how to safeguard their rights by the exercise of arms if it should ever come to that."

Regrettably, it came to that.

At the all-India committee meeting at Calcutta in 1946, Jawaharlal Nehru reiterated: "the brave Sikhs of the Punjab are entitled to special consideration. I see nothing wrong in an area and a set up in the north wherein the Sikhs can also experience the glow of freedom."

He clarified: "The Indian Union is an independent sovereign republic, comprising autonomous units with

residuary powers, wherein the idea of social political and economic democracy would be guaranteed to all sections of the people and adequate safeguards would be provided for the minorities and the backward communities and areas.”

At that time, the Congress government was opposed to the division of India. Mahatma Gandhi assured the Sikhs that partition would take place over his dead body.

But then came the bombshell: the Congress agreed to partition. It appears that all the ranting about a united India had been done in order to get the Sikhs on the Congress side so that the party could insist on the Indian boundary being drawn as far west as possible.

The Sikhs who were sitting smug in West Punjab trusting the assurances of the Congress, suddenly realised that they would have to leave their homes forever. These Sikhs of West Punjab and the Frontier were prosperous, whereas Muslims of East Punjab whose lives were also a matter of abstract calculation to the political schemers, were much poorer.

Figures published in the Statesman on September 25, 1969, show that 78 per cent of the fertile, irrigated and rich lands of the community were left in West Punjab. Prosperous colonies developed by the industrious and capable peasantry had to be abandoned. As against an area of 60 lakh acres (equivalent to 39,35, 131 standard acres) abandoned in West Punjab, only 47 lakh acres (equivalent the 2,44,830 standard acres) were available in East Punjab and the Punjab and East Punjab States Union (PEPSU),

The gap in the area was bad enough but the position was actually much worse when one considers factors such as fertility of the soil and means of irrigation. This precluded equitable exchange. Graded cuts were therefore introduced; up to 95 per cent in the case of the largest land holdings.

While the Muslim League and the Congress won their fiefdoms, the Punjabis and the Bengalis lost heavily. It was their land that was partitioned.

In the process, 40 per cent of the Sikhs were rendered homeless and almost 2.5 per cent of the total Sikh population was brutally massacred. (The figures are taken from two articles in The Tribune published on December 7 and 9, 1966).

The Congress then reneged on its assurances of a federal polity. When the Sikhs reminded Congress leaders of their pledges, Nehru simply said: "The Sikhs have missed the bus" and Sardar Patel remarked: "Times have changed."

The two Sikh members of the Constituent Assembly, Hukam Singh and Bhupinder Singh Mann, therefore declined to append their signatures to the Constitution that denied them what had been promised.

Later, at the time of formation of linguistic states, the Punjab was again left out. A series of three articles published in the Tribune on January 31, February 1 and 2, 1970, dealt with the Congress attitude to the Punjab and Nehru's daughter, Indira Gandhi was quoted as saying:

“He [Jawaharlal Nehru] was strongly opposed to the idea of a Punjabi state.”

In fact, the post-independence Nehru was a very different person from the pre-independence Nehru. This is easily demonstrated not only in the case of the Punjab, but from the way he and his ruling Congress Party dealt with the many movements that swept the country after Independence. Nearly all these movements demanded implementation of pre-independence Congress promises: some sought reorganisation of states on linguistic basis, others concerned redistribution of land.

The Central government stepped into the shoes left by the British, not only in the matter of wielding power, but also in terms of the way it dealt with popular movements. The attitude was like that of an obstinate child: “I will not do a thing because it is right or logical but only if I am forced to do it.”

The pattern was set and thereafter the only change involved a constant “upping of the ante” in terms of violence. Nearly 50 years after a non-violent movement removed colonial masters from the subcontinent, “We, the people of India” have a government whose first impulse is to train the guns on us whenever we raise a demand or voice a protest. The newspapers report and report and report: Bofors scam, securities scam, sugar scam ... riots erupt in Bombay and Bangalore ... the whole of Punjab is on fire. It matters not. The Emperor has grown so used to exposure that, leave aside clothes, he is perfectly content to do without even a fig-leaf.

People know that the government will do nothing unless their protest is violent. But this isn't a very good strategy either. Turmoil allows the government to declare that the problem is one of "law and order." (And perhaps to exacerbate the lawlessness precisely to avoid having to deal with the political issues). Events in the Punjab over the past decade constitute a "textbook example" of this approach.

It was only in 1966, that the linguistic reorganisation of the Punjab was approved. This was long after the other states had been reorganised on linguistic basis. It came about because of the pressure of the 1965 war which made the Centre realise how necessary was the goodwill of the border population and the prolonged agitation of the Akalis. The Punjab that was carved out was a truncated thing handed over with many ifs and buts.

The Centre resisted Punjabi Suba with a ferocity not seen at the time of the reorganisation of the Madras and Bombay Presidencies. The late Prime Minister Chaudhary Charan Singh was quoted in the Illustrated Weekly of India (June 10-16, 1984) as saying: "When Master Tara Singh approached the Central leaders with this demand, the then Home Minister, Sardar Patel replied: 'I am ready to concede it. But you will have only that much land as falls to your share on the grounds of population. So Punjab area would be halved. And you will have to take back all the Sikhs from the rest of India. Now you form 17 per cent of the Army. They will have to be dismissed. Are you prepared for it?'" No other state was threatened with such an ostracism of its people as the price of linguistic reorganisation.

At the root of the Centre's resistance to the demand for Punjabi Suba was fear.

It was feared that "Punjabi Suba" would be only the first step down a road that would ultimately lead to secession from the Indian Union. While the Sikhs were sadder after the Congress betrayal at the time of Independence, they were also wiser. By the late '40s those who had been born in the Punjab when it was still the kingdom of Ranjit Singh were few but not totally absent and the sovereign kingdom of Punjab was still very much alive in Sikh memory. As for the people of the conglomeration of Sikh States (later known as PEPSU), for good or ill, they had never known British colonial administration as these states enjoyed a large measure of self-rule.

In the freedom struggle's roll of martyrs, Sikhs accounted for the largest number. [NOTE: Out of 2,175 who died, 1,557 (or 75 per cent) were Sikhs. Out of 2,646 sentenced to life imprisonment in the Andaman Islands, 2,147 (80 per cent) were Sikhs. Out of 127 men sent to the gallows, 92 or 80 per cent were Sikhs. In Subhas Chander Bose's Indian National Army 60 per cent of the soldiers were Sikhs]. Their deeds of reckless daring had become the legends of modern India. And yet before freedom was won "India" was a highly abstract concept. What the Sikhs sacrificed their lives for was a concrete reality - the people and the land they called their own. A man who is truly ready to die to achieve his ends is already beyond the control of any government and a free man is always to be feared.

In contrast to the Sikhs of Punjab, the Punjabi Hindus looked beyond the state's borders for their authentication.



After linguistic reorganisation of the Punjab had been accepted in principle, a linguistic survey of the state was ordered to determine exactly which areas were Punjabi-speaking. The Jan Sangh and the Congress both instigated the Hindus to lie to the enumerators. Many a Hindu householder boldly declared in chaste Punjabi: “Sadi boli Hindi hai.” (Our language is Hindi).

A free Punjab had strategic implications too. Kashmir would be cut off which in effect means that the Valley, too would be lost to India.

From the Sikh point of view, Punjabi Suba was vital. It was a question of their very identity. After partition, Bengal with its refugee camps, had more than its share of misery - so did Punjab ... but with one additional pressure added by the religio-cultural dimension.

The Sikh Gurus shaped a religious outlook that was neither Hindu nor Islamic but essentially rational and humanist in its view of man, the world and the Creator. They and their followers had developed a culture of their own and lived distinctly apart from the Hindu and Muslim worlds. Picture a great stone arch: one side is Islam, the other is Hinduism. Subtract the Islamic side, and the Hindu side must come down. Sikhism was like a pillar set beneath this arch.

With partition, the Sikhs were totally cut off from the Islamic world. Communication with peoples living to the north and west was abruptly snapped by the creation of an international border. Within India, Sikhs formed only 2 per cent of the Indian population, with 75 per cent of this population residing in the Punjab. Before the division of

the Punjab on a religious basis, they were in a minority even within the Punjab. Partition meant that the full weight of Hindu India pressed down on the Sikhs.

Other communities also faced the problem of adjusting to a 82 per cent Hindu majority state. As far as the Muslims were concerned Islamic West Asia was the anchor, while Christians could draw a sort of emotional sustenance from the Christian West. Buddhists could reach out to their fellows in the Far East.

Religions which lacked any “support base” outside the country were soon assimilated into the amorphous matrix of Hinduism. This is what had happened to the Buddhists in the early centuries of this millennium. It happened to the Jains and the Lingayats as well. After independence the various indigenous religio-cultural tribal groups felt the tendrils of Hinduism tighten around them.

The attempt to absorb the Sikhs was clear when Sikhs were included in the Hindu Code Bill. Another move was to make reservation available only to Hindu Dalits. This was a way to bring Dalit converts to Sikhism back to the Hindu fold and dissuade Hindu Dalits from ever contemplating conversion to any other religion.

Justice is denied to the minorities, the Dalits and the tribal people. India continues to refer to tribals as “under developed” people, thereby implying that they are somehow culturally - or perhaps humanly - deficient.

The Sikhs of the Punjab could not look to any “homeland” other than Punjab - but by the mid-' 80s, a large population of Sikh émigrés were well settled in UK,

Canada and the USA. When the full force of state repression was unleashed on the Punjab, these people were “witnesses” whose outcry made the international community shift its gaze to the Punjab. These “witnesses” continued to cry out against the criminal pogrom even after the battered Sikh leadership had been silenced in the Punjab.

Coming back to the Punjabi Suba movement, one reason why the Sikh demand for the promised unilingual state was resisted so fiercely was the desire to keep the Sikh character of the Punjab as diluted as possible. And yet the steadily intensifying onslaught against the Sikhs at the national level had exactly the opposite result.

### *Demography of Punjab*

A look at the government’s Census figures gives an idea of what was happening.

According to the 1991 Census the population of the Punjab is approximately 2.2 crore. This is roughly equivalent to the combined population of the neighbouring states of Himachal Pradesh and Haryana.

The Census of India’s “Paper of 1995 - Religion” provides the 1991 figures on distribution of population by religion which can be compared with the 1981 figures.

	Christian	Jain	Buddhist	Muslim	Sikh	Hindu
Punjab						
1981	1.10	0.16	0.00	1.00	60.75	36.93
1991	1.11	0.10	0.12	1.18	62.95	34.46
Haryana						
1981	0.09	0.27	0.01	4.05	6.21	89.36
1991	0.10	0.21	0.01	4.64	5.81	89.21
Himachal						
1981	0.09	0.02	1.23	1.63	1.22	95.77

	1991	0.09	9.02	1.24	1.72	1.01	95.90
Delhi							
	1981	0.99	1.19	0.11	7.75	6.33	83.60
	1991	0.88	1.00	0.15	9.44	4.84	83.67
Chandigarh							
	1981	0.99	0.42	0.10	2.02	21.11	75.27
	1991	0.78	0.24	0.11	2.72	20.29	75.84

Over the past decade the Hindu population relative to the total Punjab population has shown a declining trend in Punjab but rose in Himachal, Delhi and Chandigarh.

The emigration of Hindus from the Punjab is also a factor in the decline of Punjab's Hindu population from 36.93 per cent to 34.46 per cent. The vast majority of Hindus who left Punjab belonged to the upper castes. This accounts for the increase in Scheduled Caste population from 26.87 per cent to 28 per cent. This growth is more than what can be explained by a higher birth rate among this segment.

As repression unleashed on the Sikhs peaked in the 1991-93 period, it may be reasonably assumed that the percentage of Sikhs in the Punjab (62.95 per cent in 1991) has risen still further - perhaps crossing 65 per cent - since the 1991 Census was conducted.

Lack of precise figures precludes an incontrovertible analysis of the migration of Sikhs back to the Punjab but it can safely be said that thousands of Sikhs returned to Punjab, because of a feeling of insecurity in the states where they had formerly resided. This is also reflected in the figures. They have come mostly from adjoining states but also from more distant ones such as Madhya Pradesh

and Bihar - the states which constitute the "Hindi Belt." Some Sikhs formerly residing in these states have shifted southward or eastward instead of to the Punjab. This accounts for the increase in Sikh population in non-Hindi-speaking Indian cities such as Calcutta, Guwahati, Bombay, Pune, Hyderabad, Bangalore, Madras and other smaller cities.

Labour has been flowing into the Punjab since the early 1970's or perhaps the late 1960's. This has been a continuous trend. The 1981 Census found 9 lakh migratory labourers in the Punjab. Of this 9 lakh it was assumed that at least 7 lakh were Hindus (thus comprising 4.16 per cent of the total population). Of the remaining 2 lakhs, these may be Hindus, or Scheduled Castes, or Muslims or others but they were not Sikhs. If we subtract the migratory labour (4.16 per cent Punjab's total Hindu population) then the 1981 Hindu population (including Dalits and other Backward Castes) comes down from 34.46 per cent to 30.30 per cent. 40 per cent of this population is Dalit, the balance is divided between the OBCs and the upper castes in the ratio of 60 : 40. 1991 figures for migratory labour have not been published yet but it can be roughly estimated that the figure will not be less than 12 lakh.

M.S. Dhimi, who has spent years analysing population trends, estimates that among Hindus, roughly 39 per cent belong to the higher castes (as against 4 per cent "high caste" Sikhs); among the peasant castes, Hindus account for about 12 per cent while Sikhs are concentrated here with 64 per cent; artisan caste Hindus are about 9 per cent while artisan caste Sikhs are about 12 per cent; the Scheduled Castes are divided into about 40 per cent Hindus and 20 per cent Sikhs.

The 1991 Census figures show that on the all India canvas over the past decade the population of Buddhists has shown over all growth of 35.98 per cent, Muslim growth stands at 32.76 per cent and growth-of Sikhs is 25.48 per cent. This is higher than the national average growth of 23.79 per cent. The figures indicate a drift of the Dalits and tribals toward these religions.

The 1981 Census found the population of the Punjab to be 16.8 million. The Sikh population has been steadily growing in the state since the '70s. In 1971 it was 60.25 per cent, in 1981 it was 60.75 per cent and in 1991 it rose to 62.95 per cent. The 1995 estimate would be in the neighbourhood of 65 per cent.

In the absence of published figures for 1991, we go back to the 1981 figures to get a location-wise distribution of the various religious groups. In 1981, 66 per cent Hindus were in the urban areas.

Farming castes are predominantly Sikh while non-land-owning higher castes following non-agricultural occupations are greatly represented among Hindus. In terms of religious composition around 91 per cent farming castes are Sikhs while nearly 9 per cent are Hindus. The Sikh farmers are predominantly Jat Sikh - 82 per cent belong to this category alone. The non land owning Hindu castes account for about 13 per cent of the total population of the Punjab.

While the higher caste groups (Brahmins, Rajputs and Khatri, Aggarwals) account for about 13 per cent of the

total population among this group, 86 per cent of these are Hindus and 14 per cent are Sikhs.

Of the total Hindu population in 1981, 48 per cent live in urban areas and 52 per cent in rural areas. The corresponding figures for Sikhs is 15 per cent urban and 85 per cent rural. Nearly two-thirds of the total Sikh population belongs to the farming castes.

(Interpretation of the 1981 Census is taken from studies conducted by M.S. Dhami).

Regarding the Sikhs, speaking in terms of caste is not strictly acceptable. When the Government of India Census enumerates them on the basis of caste it is a deliberate drag toward Hinduism. De facto, Sikhs have not been totally free of caste and its practices but the 'concept has no place in the Sikh religion. The manifestation of caste was further reduced under the impact of militancy. Caste has been practised among the Sikhs mainly in relation to marriages but even here there are enough exceptions to show that the caste barriers are not impermeable.

### *Articulation and Silence*

As former DGP K.S. Dhillon wrote in "A decade of militancy and violence in Punjab, 1981-1991 : "The Indian National Congress pursued partisan politics of the worst kind in order to keep the Sikh political party, the Akali Dal, from coming to power in Punjab. The Congress moves were not only to dislodge the Akalis from power but to finish them off altogether as the legitimate political voice of the Sikhs."

“Legitimate political voice” is the nub of the problem throughout India but the Sikh demand for a voice is particularly strong. This is largely due to the very positive way in which Sikhs see themselves.

Sikhs are proud of their religion and regard the Gurus as men ahead of their time in their opposition to superstition and the feudal order. With the spread of education, young Sikhs have not rejected the tenets of their faith, but rather grown impatient with failure to implement these tenets in letter and spirit.

They are proud of their history and their capacity to come through against heavy odds. They had suffered heavy losses of life and property in 1947 when Punjab was divided between India and Pakistan and when India and Pakistan went to war in 1962 and again in 1971, not only were the Sikh soldiers in the vanguard of the action both times, but villages which were in the line of fire were inhabited almost exclusively by the Sikhs and it was over their fields that the tanks rolled and the enemy aircraft flew. The villagers had literally fed the army and had a very positive attitude toward the soldiers, many of whom were the Sikhs.

India Today dated April 13, 1998 pointed out that, “In 1947, nearly 90 percent of the Indian Army was from North Western India, almost all from the rural areas ...

Till as late as 1965-66, 31 percent of those recruited came from Punjab and 18 percent from Uttar Pradesh, mainly from its mountain areas. Since 1984, the Army has based its recruitment on a calculation of the ‘recruitable male population’ (RMP), determined from the proportion of



males between the ages of 17 and 25 in the population of a particular state.” This reduced recruitment of Sikhs into Army and paramilitary forces to 2.2 percent. This development is strange when one considers that for entry into other type of services, the criterion is merit but in military service, where Punjab’s village youth can show merit surpassing others, they are confronted with a quota system. This is a clear indication of Indian government’s lack of trust in the Sikhs as a community.

In colonial times, the British put the Sikhs at the top of their list of “martial races” - meaning those they considered excellent material for recruitment into the army. “Martial race” is a misleading label although many Sikhs continue to take pride in it. In terms of career opportunities this label helped the Sikhs at one time, but it has also harmed the Sikhs. It has been a major element in the false image of the Sikh as a violent, brutal, ruthless man. A Sikh is a soldier of conscience and not a soldier per se. The direction of his Guru is quite clear on this: the sword is to be drawn only when all other means of resolving a conflict fail. Mercenary soldiering was a compulsion and an aberration not permissible by his faith.

It is true that the Sikhs have had to fight to survive and they have scrupulously maintained the military ethos enjoined on them by Guru Gobind Singh, but that is a very different thing from one who is ready to kill for any reason, or no reason at all. The Sikh is not “naturally” more violent, brutal and ruthless than the rest of humanity. In many ways the kingdom of Ranjit Singh was more progressive than the imperial regime: capital punishment was abolished and the lives and properties of the minorities were safe. For that matter minorities were never

persecuted in any of the Sikh states. The Sikh tradition forbids forcible conversion, indeed, it was to counter an attempt to forcibly convert the Brahmins of Kashmir (ideological opponents of the Sikhs) that the ninth guru, Guru Teg Bahadur, sacrificed his life.

During the Emergency (1975 to 1977) when the movement fizzled out in the rest of the country, Punjab continued to oppose the Central government. Some 50,000 courted arrest in the state during this time and some of the key leaders of the movement were sheltered in the Darbar Sahib complex.

The Sikhs have advocated a federal structure for the Indian state for decades. One reason why the Central government came down on the Sikhs with a heavy hand was the desire to quell this demand. However, they were too late; several other states and popular movements now want radical reform of the Indian Constitution which will give more powers to the states.

The Sikhs see themselves as a people who thrive on hard work and risk-taking and point to Punjab's economic growth rate - highest in the Indian Union. In fact, as Sikhs see it, if they could just shake off the drag exercised by the Indian Union, they could move into the Hong Kong-Taiwan-Korea league. This operates at the individual level also: there is hardly a single Sikh family without at least one prosperous relative abroad.

In contrast to the Sikh's self-image and a fairly progressive reality to back it up, the administrative system of India in general and Punjab in particular still bears the parasitical character of a colonial regime and the political

system is manipulated with a view to preventing the emergence of new elites.

This operates at the micro-level of individuals and upward through larger and larger collectivities. During the past decade, it has been common to hear Sikh leaders speak of their struggle against the “Delhi Durbar.” (This of course, evokes the image of the Gurus standing against the oppression of the Mughal emperors). The Congress-ruled Central government is seen as an “imperial order” differing from the British only in its disregard for natural justice and rule of law. So determined was it to maintain Punjab’s “colonial” status that when its local strap, the Punjab Pradesh Congress, ceased to be effective, it had no hesitation in setting aside - for nearly 10 years - the people’s democratic right to elect not only their state and parliamentary representatives, but even Panchayat (village council) members, and office-bearers of workers and student unions.

In this situation, the intensification of militancy comes as no surprise: tyranny allows but one answer and that is rebellion. But please note the word “intensification.” A radical strand, militants-in-the-making, had been evolving in Punjab throughout the 70s.

This was a decade of very rapid change. Although the state became heavily involved in boosting agricultural production through subsidised seed and fertiliser and institutionalised finance, because prices were kept to the artificially low price, the farmers’ real profits did not increase.

This was the era of hybrid seeds, mechanisation, enforced supplementary tubewell irrigation, support prices and an integrated marketing system. In any case, a farmer benefited to the extent that he had land ... but the majority of farm families held less than 5 acres and holdings were further fragmented as sons grew to adulthood. Economists of the Punjab Agricultural University warned that holdings under 15 acres were not economically viable. The farmers debt burdens increased to staggering levels throughout this period. Punjab was being milked to alleviate the poverty of the rest of India.

The grimmest evidence of what the Punjab farmer was going through was the rising suicide rate: one village, Gulahri, district Sangrur, Munak sub-tehsil, just inside Punjab's border with Haryana, registered nine suicide deaths in two years. Victims ranged from 18 to 55 years and some of them were farmers with substantial holdings. The nearby villages, Bangan, Chotian, Balran, Churalkalan, Bhakorakalan and Basera lost 18, 25, 30, 12, 10 & 9 farmers and farm labourers respectively in a span of four years. In November 1998 the nearby villages Bahadurpur and Lehal Kalan reported 20 and 22 suicides respectively. Out of these 20 committed suicide during the 10 months of 1998. Situation in the other Punjab villages is not much different. Even if we take one suicide in two villages the 13,000 villages would account for a minimum 6,000 deaths annually in rural Punjab. This indicates a policy of economic genocide at the worst and wilful criminal neglect of the farming community in Punjab at the least amounting to state economic terrorism directed against the Punjab peasantry which is essentially Sikh. A recent survey conducted at the behest of the Punjab government points to a sharp increase in rural

indebtedness. Rural death has mounted to Rupees 5,700 crore. The interest burden alone is 1,100 crore amounting to 11 percent of the net income from crop production. 70 percent farmers are in debt. When so many people end their lives, something is very wrong not just with them but with society and the state of Punjab.

For the artisans - the electricians, masons, carpenters, welders etc. - the oil-rich Gulf countries beckoned. During these years close to 10 lakh skilled workmen found employment for varying periods in the Gulf and annual remittances through Punjab banks in 1978-79 exceeded Rupees 30 crore. (V.S. Mahajan, "Inward Remittances through Punjab Banks, published 1983). But not every man had an easily saleable skill or the resources to put himself on a plane bound for these lands of opportunity.

And while these Punjabi workers were sending home the dinars all right, the influx of foreign exchange did not particularly benefit the Punjab entrepreneur. It was in the hands of the Reserve Bank to determine who would avail of the hard currency purchasing power created by the remittances. The vast majority of the beneficiaries were industrialists in other states, not Punjab.

Resources mobilised by Punjab's commercial banks are not utilised in the state. Bank deposits in Punjab due to remittances from over 1 million Sikhs abroad are quite high but 70 per cent of these deposits are diverted to the banks' branches in other states where it provides credit to businessmen there.

Aside from increasing the gap between the have's and have-not's, and thereby fuelling discontent, Punjab's rising

prosperity had one very negative consequence that touched nearly every family: increase in the consumption of alcohol or drugs.

Seventy-five per cent of the state revenue was derived from excise - indeed this was virtually the only tax which the state was empowered to levy. Seeing this as an easy way to fill the coffers the state went full steam ahead, setting up liquor vends in nearly every village, thereby making the drinking habit extremely easy to come by. During the period 1977-97, the sale of Punjab Medium liquor had gown up from 10 million MI. to 37 million MI., and of Indian made foreign liquor from 4 million MI. to 21 million MI. Sant Jarnail Singh Bhindranwale is often portrayed as a man obsessed with hatred for Hindus but in fact, if the Sant was obsessed with hatred for anything, it was intoxicants. His battle cry was "*Nashe Chado, Amrit Chako, Singh Sajo*" - give up intoxicants, receive baptism, uphold Sikh values. When militants forced the closure of village vends they received enormous popular support.

It is well known that British colonial governments trafficked in opium and encouraged addiction to this substance. In China, resistance to British drug-pushing resulted in the Opium War. Has the Government of India adopted this old strategy to debilitate potential opposition to the Central government's dominance? Aside from the promotion of liquor consumption, evidence regularly surfaces that security forces are involved in transporting drugs to politically sensitive areas.

On September 8, 1995, The Statesman reported that the Bikaner police was involved in smuggling of ganja and heroin. On August 13, 1995, the Hindustan Times reported

that two CRPF trucks with an escort of heavily armed CRPF jawans had been intercepted by Excise officials at the Didarganj check post near Patna. The trucks were carrying 32 quintals of ganja and were said to be on their way to the troubled state of Manipur. In July of the same year at the same check post, ganja worth Rupees 40 lakh was seized from an Army truck guarded by nine retired jawans of the Manipur Rifles in uniform.

In early 1997 Border Security Force Commandant Hari Singh and three of his subordinates were court marshalled and found guilty of smuggling a chemical used to convert opium into heroin into Pakistan across the international border at Mamdot. Also in early 1997, a BSF joint director (Intelligence) was arrested at Amritsar and charged with helping narcotics smugglers.

The quantum of smuggling may be very large indeed; no doubt individual “bad apples” in the paramilitary forces are involved but do these operations point to involvements at higher levels?

Has narcotics-smuggling become a source of funds to support the state? Punjab Governor Lt Gen B.K.N. Chhibber’s smiling photograph was published on the front page of Indian Express in March, 1997. Trading smiles with the governor was Karamjit Singh Manchanda, a resident of Moga, an accused in 14 criminal cases including narcotics smuggling. A smiling Police DIG Bakshi Ram also shares the sofa with the governor and the smuggler. Manchanda told Express: “Had the governor not helped me in police matters, things would have been very difficult.” In another photograph, the governor is seated

between Manchanda and one Piara Singh, presently behind bars on account of alleged links with terrorists.

That narcotic money was used for vigilante activity is well known but, what perhaps is not so well known is, that this money was also being used to prop up break away Sikh sects and state friendly Sikh Saints in order to undercut Sikh identity and Sikh political agenda. Lavishly funded congregations of these favoured groups showed unmistakable signs of generous money flow through unknown means.

On July 21, 1997, a press report (“Punjab” steps for better policing”) brought an interesting development to light. The report said: “Another factor that engages the attention of the police pertains to the information sought by the Additional Director General of Police (Crime) from the districts. Over three months ago, he is reported to have asked for detailed reports on two issues - ‘a certificate’ as to how the case property in respect of drugs, narcotics etc. has been disposed off; and second, if the ‘material’ (case property) stored in the *malkhanas* of each police station tallied with the records being maintained in respect of AK-47s, private citizens’ arms deposited with the *thanas*, ammunition, explosives and cash.

“The information was sought for the period January 1, 1985 to December, 1996. This has sent alarm signals. Despite reminders (with information to the Director General of Police) no district has furnished this information, though, one pertaining to drugs and narcotics was sought on the explicit orders of the Punjab and Haryana High Court which wanted a certificate of disposal of the same. It had sought this on the premises that the



same case property confiscated from one person(s) was being recycled, reused, replanted and misused in implicating many others.

Some Senior Superintendents of Police have replied that there were floods or even thefts in respect of 'material' (case property) lying in the *malkhanas*. To this, the Additional Director General of Police is reported to have warned them not to use 'fraudulent' means to hoodwink. The Director General of Police is silent. Is there his tacit support to the SSPs?"

Rumours of Punjab Governor Surendranath's substantial wealth - discovered after his death in a plane crash - are related further on. Where did that money come from? What was it for? Where did it go?

In these years neither the Congress nor the Akalis addressed these problems. In the eyes of the "Very Ordinary Person", the composition of these parties made them part of the problem and not part of the solution. The State had made short work of the Punjab Naxalites in the early '70s and anyway the Leftist approach trampled on elements of the common man's psyche which he held dear - notably his Sikh faith and traditions of family and village life. When it came to visualising a revolutionary hero, the Sikh had no need for Mao Tse Tung or Che Gueverra. He had a beau ideal sprung from his own soil in the person of Guru Gobind Singh.

The ideologies not only of the Left but of the Congress and Janata Dal address themselves to the eradication of class inequalities - perhaps to distract attention from the fact that the leadership of each of these, groups is

overwhelmingly composed of upper caste Hindus. But class is not a concept that gets right into the actual nerves of the common Indian. Caste is a much more heavily charged entity. Sikhism's rejection of caste makes it highly "revolutionary" in the Indian context. From Guru Nanak to Guru Gobind Singh, the thrust was toward creation of a new society in which caste hierarchy was replaced by the community of believers. The mystical strand of the Sikh faith is balanced by an ethical standard that is explicitly this-worldly and utilitarian.

Now while the ordinary Sikh was critical of the Akalis he did tend to concede that they were the only option when it came to representing Sikh interests.

Realising this, the Punjab Congress first of all, tried to "out-Sikh" the Akalis. During the chief ministership of Giani Zail Singh Punjab witnessed a lavish spectacle along some 200 km of resurfaced road which had been grandly renamed the Guru Gobind Singh Marg. From somewhere the state government got hold of two horses which were claimed to be descendents of Guru Gobind Singh's horse and these animals were paraded down the new road at the head of a splendiferous procession.

After the circus however it was found that the voters remained obstinately concerned with bread. Another tack was tried. The new approach involved propping up religious sects and Sants whose call to "cleanse the Panth" appealed strongly to the Sikh masses. Their campaigns in effect, undercut the Akalis. Akali politicians had tasted power and its corruptions and few of them could honestly claim to have held unswervingly to the principles of service and simplicity identified with the Gurus.

A religious sect called the Sant Nirankaris came in handy to the Congress in the late 1970's. Their leader, Baba Gurbachan Singh held a special diwan in Amritsar on the Sikh New Year, Baisakhi Day, April 13, 1978. This was a bait guaranteed to enrage orthodox Sikhs and sure enough, they responded to the provocation. The Nirankaris were armed and ready for the protesters: they shot 13 Sikhs; two Nirankaris and two passers-by were also killed in the melee.

In his book, *The Sikhs in History*, Sangat Singh cites an interview published in the Hindi magazine *Dinman* (January 30, 1988) in which Zail Singh admitted: "I did organise the Dal Khalsa. My objective was to participate in the Sikh gurdwara politics." Sangat Singh adds: "In a candid moment he stated that he did so as he was told by his leader Indira Gandhi, whom he followed blindly."

Perhaps this radical stream of Sikh opinion would have taken off anyway without the sly encouragement of the Congress but history must record that the Congress indeed did its little bit to speed up the process.

[NOTE: Bills for Sant Jarnail Singh Bhindranwale's press conference (held on April 13, 1978) were paid by the office of Chief Minister Zail Singh and just a few days before the attack on the Harmandar Sahib (Golden Temple) complex, Rajiv Gandhi saw fit to issue a "no-objection certificate" to the Sant. To the chagrin of the Congress, Bhindranwale turned out to have his own game plan and he managed to use the Congress more than the Congress managed to use him. The Congress did succeed in progressively upping the ante. After the wholly

unnecessary firing at Chowk Mehta, headquarters of the Damdami Taksal when the police went to arrest the Sant, he was forced to take up residence within the Golden Temple complex. Events thereafter moved inexorably toward the conflagration of Bluestar].

The Central government gets the credit for supplying the strongest catalyst that precipitated militancy from the matrix of religio-social radicalism: that was Operation Bluestar. With the first artillery blast, the Akalis were rendered irrelevant and the full responsibility for articulating the interests of the Panth passed to the diffuse but no less real section called the militants.

The Congress-ruled Government of India found wider propaganda applications for the Punjab conflict and in the process the militants were hardened and the citizens grew more cynical the more the government tried to score propaganda victories.

If only it could have been some tournament match on a chessboard. But it wasn't: the pawns were men, women and children and the most tragic victim was respect for the rule of law.

Communal enmity is totally non-existent in the countryside. Of course, there still persists a hangover of pre-independence conflict between Hindu moneylender and Sikh peasant debtor, at least in the minds of the older generation. In 1981-82 Punjab saw agents provocateurs strike again and again, desecrating temples with severed cow heads and fouling gurdwaras by throwing packets of bidis or cigarettes before the sacred Guru Granth Sahib. Certainly people were offended but they were not fooled

into resorting to communal riots - which was obviously the intention of those who masterminded these acts. Thirty Congress MLAs submitted a letter to the President naming the culprits, men who were close to the leader of Punjab's Congress government, Chief Minister Darbara Singh. Vehicles carrying cow heads had been stopped and ownership of the cars was traced to these men.

Through all the years of strife and horrendous events, communal riots never erupted in a single city in Punjab. As far as the ordinary person was concerned, what did happen was an intensification of "tactful reserve" between friends and neighbours. Hindus might ask each other "what will those crazy sardars do next" and between themselves Sikhs might decry "those damned Hindus" but individual relationships rarely broke as a result of what people read in the newspapers - rather cynicism regarding what one read in the papers grew rapidly.

### *Economics*

Man carves up the land and attaches international and state labels to each chunk; nature too sets boundaries but they rarely conform to those of human making. Topographically, both East and West Punjab, as well as Multan, Sindh, parts of Baluchistan, the Northwest Frontier Province, and right on up into the Kashmir and Himachal Pradesh are all part of the Indus basin.

The literal meaning of "Punjab" is "five rivers"; before partition these were the Jhelum, the Chenab, the Ravi, the Beas and the Satluj - tributaries of the Indus. The territory on the Indian side of the border is still called Punjab but to be absolutely accurate, it is now only "dhai-ab" - "two and

a half rivers.” Partition left East Punjab with the Satluj, the Beas, and part of the Ravi.

It must never be forgotten that water has always been of the most vital importance in Punjab. Just how important can be seen from the fact that less than a hundred years ago it was common for wells in this area to be guarded by armed men. Partition was only the beginning of a series of drastic reductions in the state’s water resources. Each cut was felt as though it were literally a wound.

Montgomery, in West Punjab, was the first of the canal colonies. In the first quarter of this century assured irrigation turned this once barren land into a vast garden whose productivity exceeded the dreams of the British engineers and Punjabi farmers alike. Lyallpur, Campbellpur, Sheikhpura and Gujrat were developed on the same pattern with excellent results. These colonies were in turn the model for Maharaja Ganga Singh of Bikaner. His dream of greening the arid plains of northern Rajasthan hinged on the construction of a canal that would bring the waters of the Satluj south.

This is a good place to mention that when one tries to carry water to areas hundreds of miles away one loses quite a lot along the way in evaporation and seepage. Greater overall productivity would result were this water to be used nearer its source.

The canal was constructed in the 1920’s and Bikaner’s settlement with Punjab stipulated that Rajasthan would pay sewerage charges to Punjab and settle a certain number of Punjabi farmers in the new canal colonies of Sriganganagar.

Colonial Punjab freely negotiated an agreement on river water; after independence “free” Punjab has had no say in the dispersal of its primary resource.

Not long after independence, through an administrative fiat, more water was allocated to Rajasthan on the plea that this was surplus water. In 1966 the state was divided on a linguistic basis into Punjab and Haryana. Haryana had no riparian right to the water but some water was given to it anyway on the plea that it was a successor state. Through yet another administrative verdict, the Centre ordered still more water to be given to Haryana and for the purpose, a new canal was sanctioned: the Satluj-Yamuna Link (SYL) canal. On the other hand, Haryana a riparian state to the river Yamuna refuses to share its riparian rights with Punjab.

The Akali Dal was already concerned at this whittling away of water resources and the prospect of losing still more via the SYL brought them out in protest. Punjab’s Akali government had earlier filed a case in the Supreme Court but meanwhile Indira Gandhi returned to power in the Centre in 1979. She dismissed the Akali government and installed a Congress puppet regime led by Chief Minister Darbara Singh. The river waters case was immediately withdrawn ... but even this Congress chief minister had enough feeling for his state to confess that he had withdrawn the case under duress.

Four years later, the Bharatya Kisan Union, a farmer’s organisation, challenged the constitutionality of Sections 78 to 80 of the Punjab Reorganisation Act in the Punjab and Haryana High Court. These sections pertain to powers

over Punjab's river water resources. Chief Justice S.S. Sandhwalia constituted a full Bench to hear the case and on Friday, November 23, 1983, announced that hearing would begin on November 25. But by Sunday night, Sandhwalia was suddenly transferred to the Patna High Court and thereafter the Attorney General made an oral application to the Supreme Court that the case should be transferred from the lower court to the apex court. The request was granted but, after more than a decade, the case is still pending.

Losing water resources in this way is particularly galling to the Punjabis because, international law and the Indian Constitution both declare that a river's waters and the electricity generated from it belongs exclusively to the state through which it flows and no other state may claim it by right. As per the Constitution, irrigation and hydel power are state subjects.

In fact, things work very differently. Since the Centre is the money-sanctioning and permitting authority for the construction of dams and irrigation canals, it virtually dictates what a state can or cannot do with its water. Even if the state can raise enough finance to harness its rivers, any project costing more than Rupees 80 lakh is forbidden without the Centre's approval.

Agricultural experts calculate that 5 to 6 acre feet is needed annually to produce grain on an acre of land under paddy-wheat rotation. Punjab has a total area of 105 lakh acres of which 95 per cent are cultivated. Simple arithmetic therefore shows that Punjab's annual water requirement is about 52.5 MAF.



Without reference to the Supreme Court, the Centre has distributed water to Rajasthan, Haryana, and Delhi (to be used in the Yamuna basin and the Thar desert in Rajasthan far beyond the basin of the Ravi, Beas and Satluj). Punjab, the only riparian state, gets a mere 5 MAF out of the total.

Riparian rights are based on the principal that only those areas which are subject to flood damage by the river have riparian rights. Neither Rajasthan, nor Haryana nor Delhi are anywhere near the Punjab rivers.

Although Punjab's water and the electricity produced by it are sent to other states, only Punjab suffers flood damage from the rivers. In 1988 the Central government admitted a loss of Rupees 27,000 crore and 900 lives from the September floods that struck Punjab ... but not a drop of compensation was given to the civil population.

While Punjab's water is taken by canals to Rajasthan, Haryana and Delhi, Punjab is compelled to tap ground water to meet its needs and at the rate at which it is being drawn through the state's 14 lakh tubewells, groundwater is being depleted at an alarmingly rapid rate. This means that the farmers must frequently deepen their wells - a proposition which adds considerably to the already very costly business of sinking a well, buying, maintaining and running the pump set and tending the water channels.

Tubewell irrigation is a financial burden which is already almost unbearable. Experts say that it will soon become un-remunerative to tap ground water and areas presently under cultivation will become a desert.

The incline of the land along the Shivalik foothills through which the three major rivers and a multitude of minor streams flow gives Punjab immense hydro-electric potential. Full utilisation of this resource would guarantee Punjab's energy needs for the foreseeable future with surplus available for marketing.

Like the water itself, the electricity generated from Punjab's rivers is distributed to non-riparian states and it is interesting to note that the three major reservoirs, namely the Guru Gobindsagar behind Bhakra dam, and the reservoirs of the Pong and Salal dams were kept outside Punjab territory by a mere one to three kilometres. The control of the Bhakra-Beas Management Board which runs the Bhakra hydel units was earlier vested in Punjab but that was also taken away by the Centre.

While hydro-electricity generation in Punjab is largely distributed to other states entailing considerable transmission losses, coal is freighted to Punjab over a distance of 800 KMs to run thermal power stations to meet Punjab's energy shortfall. Thermal power is much costlier and more polluting than hydro electric power.

That a state so richly blessed in hydro-electric potential should go to so much expense and trouble to bring in coal is something that defies all logic and, as if to put the final seal of absurdity on these thermal plants, at least one of them is named after the founder of the Sikh faith - an idle sop.

Assigning a value in capitalised terms to the quantities of water and electricity taken away from Punjab every year would give us a figure in the neighbourhood of Rupees

30,000 crore. This pilferage has been going on now for decades - making the value of the outflow truly astronomical.

The modernisation of Punjab's agriculture resulted in a new term entering the international lexicon of development: "Green Revolution." Yields per acre rose at a phenomenal rate and the Punjab farmer did in truth, feed the nation. The statistics are telling: Punjab covers a tiny 0.0003 per cent of the world's geographical area yet its share in global production of wheat is 2.27 per cent, of rice 2.04 per cent, of cotton 2.05 per cent.

But given the pegged grain prices, what did the farmers get for their revolutionary labours? A complex economic analysis laced\_ with figures and formulas provides an answer but the same answer pops up if one simply walks through a Punjab village:

Civic amenities are rudimentary: brick-paving with drains along the side is reserved for the more important lanes, no water purification system, no sewerage system. The gates of the more substantial farmers open up into wide courtyards but even here the "mod conveniences" will probably be defined as tractor-plus-implements and an electric churn. One is more likely to see a television than a fridge and food is still cooked over cow dung fires. The worldly goods seen in poorer households may not go much beyond a radio and a table fan. The saddest sight in the village is the school, overcrowded, understaffed and run-down; teaching aids stop at a few charts and a blackboard. No library, no laboratory, no playground.

Department of Economics, Punjabi University, Patiala, at the behest of the Punjab government carried out a survey on the educational base of Andana block in district Sangrur in early 1998 headed by Prof. Sucha Singh Gill. This is what it had to say about the education in the block:

“Amongst the primary schools unfortunately during 1996-97, 4 did not have even a single teacher, 11 had only one teacher. Out of 105 sanctioned posts, 29 posts are officially vacant. A year later in February, 1998 there was some improvement in terms of teachers posted (115) in these schools. Nevertheless, 28 posts of head teachers in these schools still remain vacant from amongst the total sanctioned teacher posts of 143. In the meanwhile, teacher-student ratio has also fallen from 75 to 55.

“The above scenario is no better in middle, high and higher secondary schools. In terms of posts sanctioned and occupied, there is a wide discrepancy irrespective of the level of school. The teacher occupancy rate of sanctioned positions is 32.35 per cent in middle schools (11 teachers), 38.10 per cent in high schools (24 teachers) and 38.89 per cent in senior secondary schools (28 teachers). In other words on an average two-thirds of the sanctioned teachers posts are vacant in different school layers. The worst is that even the position of head teachers are vacant. For instance 75 per cent of the high schools as well as senior secondary schools are without head teachers, i.e. Headmasters/Principals. The other disturbing features are frequent transfers of the teachers and non-availability of laboratory equipments and stocks.

“As a consequence of floating population of teachers and vacant posts in schools, there is poor rate of enrolment and

poor pass percentage of students of these schools in terminal board examinations and that too mostly in third division.”

The sorry state of the village school is not only an indicator of the miserable standard of living in the typical Punjabi village, it is also a pointer to the rural child's life chances. Although one hears a great deal about the state government's plans to reduce rural unemployment, the fact is that very few rural youth have enough basic education, what to speak of saleable skills, to make them employable. They are certainly in no position to compete with urban youth for white-collar jobs. “Good” jobs remain the preserve of the urban upper caste. Since the rural-urban divide is in the ratio of 70:30 and this is virtually congruent with Sikh-Hindu population distribution, it means that the rural Sikh youth are left out.

Those who do manage to go somewhere will have to go by road, since another instance of discrimination against Punjab is absence of new rail lines. The last line Punjab got was the Radcliff Line - a wavering line of red ink drawn down the map of undivided Punjab by a British bureaucrat; this is the line that created Pakistan.

In other words, the “revolutionary” rise in production has not been reflected in a commensurate rise in rural Punjab's standard of living.

The truth is that the Punjab farmer is caught in a system that operates through state-decreed prices. The 1995 procurement price for wheat was Rupees 350 per quintal, a sum that does not cover even the cost of inflation, leave alone the price hikes of labour, inputs and managerial

costs. Compare it to the landed cost of imported wheat in 1995: that was Rupees 1100 to 1200 per quintal.

To offset inflation the farmer is compelled to increase productivity through overuse of land and overdoses of chemical fertilisers. A recent study carried out by economists of Punjab Agricultural University revealed that a farmer who owned 15 acres or more could hope to make some profit but lesser holdings inevitably resulted in a deepening spiral of debt. Not more than 2 per cent of Punjab's farmers would own more than 14 acres.

The Punjab farmer has no choice but to over-use his land, even though he knows that he will suffer in the long run by doing so. For years Ludhiana district led India and the world in wheat yields per acres: in recent years it has sunk to third position within Punjab as a result of depleted soil fertility. Given the intensity of cultivation all over Punjab, the Ludhiana experience is certainly being felt over the whole state.

Even if a farmer has the money to acquire enough land to put him in the profit-making category, land ceiling legislation may get in the way. An industrialist can buy any number of factories and no restriction is placed on ownership of land or urban property but no farmer may legally own more than 18 acres or purchase land in excess of 12 acres. When one considers that 70 per cent of Punjab's population is rural and this population is almost exclusively Sikh, the land ceiling law looks highly discriminatory.

The pressure to cultivate every inch has resulted in drastic reduction of forest cover and yet the state gets minimal

Central aid for forestry - much less than either Himachal or Haryana. Haryana state which is much smaller but identical climatic and soil conditions receives three times more aid for forestry than Punjab. In 1997 the Central government further permitted Punjab to reduce its forest cover by fifty per cent. The sanction for reduction of the forest cover related to reclaimed and Panchayat (village council) lands. A great deal of talk is heard about diversification of crops for soil replenishment into horticulture etc., but the ground reality is that none of the schemes floated to help farmers shift into horticulture really paid off for the simple reason that the price control system propels the farmer toward paddy-wheat cultivation. Those farmers who experimented lost their shirts.

Bathinda farmers were told to grow grapes. They grew them but found they had no place to sell them. No wineries were set up. Kinnow-growers in the Abohar area went through the same crises and so did tomato growers around Ferozepur.

Heavy industry has been denied to Punjab on the plea that it is a border state. When a list is drawn up of per capita investment in industry, Punjab is near the bottom.

At one time the Centre denied industry to Assam on the same grounds. Assam had wanted an oil refinery at Guwahati but Nehru refused, saying that Assam was vulnerable to attack in case of war.

This provoked the then chief minister Chalia to counter: "If India can't defend Assam, then why keep Assam in India?" Assam got its refinery.

The “vulnerability” argument certainly doesn’t hold water in these days of rocket weaponry. Pakistan’s F-16s can be over Delhi with a payload of bombs in less than 20 minutes. What place is safe these days?

But even some kinds of small and medium scale industry have been viewed with disfavour. For a long time no manufacturer in Punjab was given a license to manufacture harvester-combines because it would displace the labour which comes mostly from other states. For the same reason little encouragement has been given to the manufacture of mechanised rice transplanters.

Agro-industries are mostly on paper. In 1977-78, in the matter of value-added production, Punjab had come down to the 10th position in the country accounting for only 2.8 per cent. Punjab grows 22 per cent of India’s cotton, but spins and weaves only 3.3 per of it. It produces 30 per cent of the nation’s sugar but the farmers are able to sell only 13 per cent of their crop to mills because of lack of mill capacity.

I.K. Gujral (former Prime Minister of India) has pointed out that: “the Punjabi protest is against being treated as a producer of raw materials while value-added benefits go to others.”

Central aid to states is determined on the basis of a formula evolved decades ago by Y.N. Gadgil when he was the chief of the Planning Commission. According to this formula, Punjab gets 15 paisa in return for every rupee given to the Centre - this is the lowest in the country. At the same time the loan burden on the state has increased



from 703 crore in 1980 to 5640 crore. (It has since gone up to 6500 in 1994 and 8,500 in 1997.)

If Punjab were fiscally autonomous the cumulative annual advantage accruing to the state would amount to thousands of crores and this could well take care of Punjab's welfare needs.

### *Punjabi Problem or Sikh Problem?*

Even before the violence of Bluestar erupted, there were those who tried to change the focus of the turmoil from injustice done to the Sikhs to injustice done to Punjabis. Faced with the overwhelming evidence of five decades of discrimination, hostility and betrayal, there were those who said: "Yes, here is a raw deal- but it is a raw deal for the Hindus no less than the Sikhs. The problem is not a Sikh problem but a Punjabi problem."

The slogan of "Punjabiati" has been raised by all sorts of people but it has never really taken off. That is because "Punjabiati" was not at the heart of the conflict, "Sikhism" was.

[NOTE: One of those who cried loudest for "Punjabiati" was the Tribune editor Prem Bhatia (a man who had been careful to be on the right side of the establishment right from his pre-independence days as a young reporter.

The Left was also strong on "Punjabiati" (see the section on Vigilantes)].

In “Tryst with Terror” VN. Narayanan recounts a session with three advisors of the then prime minister, Rajiv Gandhi:

“The PM’s official advisors meet me and we engage in mutual convincing exercises. Soon, it becomes clear that they have set views on the issue. One of them says: ‘People analysing the Punjab problem deliberately hide, or inadvertently ignore, one basic historical fact:

Sikh separatism ... Their politics is based on separate identity ... The Sikh community is just not going to be satisfied whatever the government does. I have been told that both Indira Gandhi in 1984 and Rajiv now is convinced that conceding the Sikh demands would not lead to peace or the end of any problems and they will keep moving from new demands to newer demands.’

Isn’t that what democracy is all about - demands when out of power? I butt in.

‘We have no way but to make them understand that they can’t have it all their own way.’

What do we do? Bash them up? -- self.  
Silence ...

I was horrified that the makers-up of the prime ministerial mind should be so convinced themselves about Sikh separatism, the threshold of secessionism, etc. It pained me that such views were held not by unreasoning politicians but by scholar bureaucrats, well versed in history, and keen watchers of the political process.”

But perhaps the prime minister's advisors were closer to the nub of the issue than Narayanan. If Punjab is a cross, the Sikhs are the only ones prepared to carry it.

Ved Marwah, then a senior police officer on the prime minister's select committee for monitoring Punjab affairs (along with Home minister P. Chidambaram, and the prime minister himself) avers in his book, "Uncivil Wars", that the majority of the Sikhs after Operation Bluestar supported separatism. He, and other members of the select committee, saw the Punjab problem as essentially a Sikh problem.

Haryana provides an example of the very different relationship Hindus and Sikhs have with the language of Punjab. After Haryana was carved out of old Punjab in 1966, some 35 per cent was comprised of Punjabis. Hindus (roughly 22 per cent) and Sikhs (13 per cent). Despite having more than a third of the state's population comprised of Punjabi-speakers, Haryana's official second language is Telugu, a Dravidian language whose epicentre is Andhra Pradesh, a state more than a thousand miles away south of the Vindhya mountains. Less than .01 per cent of the residents of Haryana have Telugu as their mother tongue.

Over the years, both Punjabi-speaking Hindus and Sikhs residing in Haryana prospered. The Punjabi-speaking Hindus at first went all out to assimilate and merge with the local culture. But howsoever rich they grew, getting an entry into the essentially clannish and feudal "closed shop" that is Haryana politics, proved impossible. Only recently, in 1994 and 1995 have they begun to try the "Punjabi strategy" - asserting their language and separate

identity in a bid to wrest a few political crumbs. Punjabi has little meaning to the Hindus as a mode of expression; their attitude to the language is instrumental - it may be claimed when useful for wresting gains (as in Haryana) or disowned if advantage lies that way (as in the 1961 Census).

Punjabi-speaking Sikhs in Haryana have behaved very differently. They have been consistently demanding second-language status for Punjabi. (Although Sikh population in Haryana has shrunk to 5.8 per cent).

Talk of Punjabi in the Indian context is meaningless without the breaking-down of the Berlin Wall that exists between Indian and Pakistan Punjabs. It will only become meaningful when the two wings of the Punjab starts mixing freely with each other. This divide was brought about by Muslim League and the Hindu dominated Congress party on communal considerations. These considerations continued to exert mal influence on Punjabi.

Punjabi has to await reunification of a separated people. In the absence of this it will continue to suffer Sanskritisation of language and culture. The Sikhs who are almost entirely Punjabis resist Sanskritisation or Hindi-isation of Punjabi and desire autonomy for Punjab to safeguard Punjabi and Sikh identity from further erosion.

Whenever the Central government went through the drama of “talks” to resolve Punjab’s problems, it has been the Sikh leadership that has sat across the table.

Just before Punjab's Governor Nirmal Mukarji resigned on May 31, 1990, he told the Times of India correspondent that he felt the situation in Punjab was still retrievable and refused to draw a parallel between Punjab and Kashmir. He felt the Punjab problem was primarily a Sikh problem which had been, during earlier years, aggravated by the police. "The brunt of police raj was being felt by the Sikh masses who had no place to go for redressal of their grievances," he said. Writing in Seminar magazine of October, 1992, Mukarji described Sikh alienation as the basic problem in Punjab: "... virtually all Sikhs feel alienated. Those in Punjab feel so most of all, but so do those in other parts of the country and indeed all over the world. The Indian mainstream would like to believe that alienation is confined to a limited number of misguided youths, some of whom have taken to militancy. This is not true. Alienation is near universal among Sikhs ... The Sikhs, particularly of Punjab, profoundly distrust the 'Delhi darbar.' That expression to them means the totality of the so-called 'mainstream' ruling class at the centre. It does not matter which political party is in power, for on an issue like Punjab, all components of this class think alike."

Mukarji's reference to 'mainstream' is significant, "Mainstream" has been waved about by representatives of the ruling class for decades now - it is their banner but also rather like the matador's cape, used to deflect the attention of "non-mainstream" groups from substantive, bread-and-butter issues - autonomy in the case of Punjab.

Although Ved Marwah's focus is on Bluestar, he also remarks: "The entire Sikh community considered the assault on the Golden Temple complex as an assault on the Sikh religion. A major section among the Sikhs sought to

break all links with the Indian Union. What Bhindranwale had so far not demanded openly now became the main demand of the Sikhs.”

Sikhs were under attack.

## 2

## OPERATION BLUESTAR AND AFTER

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The conflict between the Sikhs and the Centre, which was to have such tragic consequences for lakhs of individuals, was building up over decades, but three events - Operation Bluestar, Operation Woodrose and the November massacres - which occurred in that Orwellian year, 1984, were in effect a sort of Last Trumpet that signalled the onset of Punjab's Armageddon.

1984

*Operation Bluestar*

## THE POLITICAL BUILD-UP

The ostensible reason for attack on Darbar Sahib was feverish political activity of the Akali Dal. The government's White Paper states: "The Akali Dal declared that if its demands were not accepted by February 21, 1983, the fight would be taken to the streets. Sikh masses were exhorted to adopt a programme of do-or-die and the

recruitment of shaheedi volunteers (a suicide squad) was started.”

“As discussions were in progress a fresh appeal was made to the Akali Dal leadership on March 31, 1983, to call off their agitation. The response was a *rasta roko* (obstruct road traffic) agitation in Punjab on April 4, 1983, which led to violence and arson at a number of places.

“On May 30, 1983, the Home Minister wrote to Sant Harchand Singh Longowal suggesting the resumption of talks; the Akali Dal announced a *rail roko* (stop trains) programme for June 17, 1983. A *kaam roko* (stop work) agitation was organised on August 29, 1983 with another rash of violence.”

On October 7, 1983 two ordinances were passed: the Punjab Disturbed Areas Ordinance and the Chandigarh Disturbed Areas Ordinance. The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983, was promulgated on October 15, 1983. In other words, a full six months before all hell broke loose in Punjab, the Central government had laid the legal foundation for drastic action.

In the weeks immediately before Operation Bluestar, B.S. Ramoowalia and Jagdev Singh Talwandi were organising the morchas. Talwandi, now a forgotten man, was then the president of the Akali Dal. He had stood firm on the Anandpur Sahib Resolution. Ramoowalia has done better for himself. He started his political career as a member of the Students Federation of India, a CPI-M front organisation, then he switched to the AISSF and at Tohra’s behest Longowal accepted him as his political secretary.



Now he is a Union minister. Two equally fiery rabble-rousers of the early '80s but what different ends they came to.

Internal politics of Bhindranwala and the Akalis were moving in such a way that it leads to the inevitable conclusion that the guiding force behind their politics was New Delhi. As per the tradition of the Temple Complex, no arms could be taken into the Darbar Sahib complex except for ceremonial *kirpans* and no one was allowed to live in the Akal Takht.

G.S. Tohra was the president of the SGPC. He made some token resistance to the carrying of arms into the Temple Complex. Though he now denies it, it was obvious that he was instrumental in subtly nudging the Sant toward staying in the Akal Takht. At this time, Sant Bhindranwala and Sant Harchand Singh Longowal represented the two major forces in Sikh politics. Tohra was a weak third.

Tohra, true to form, worked to play the two Sants against each other. After DIG A.S. Atwal was shot on April 25, 1983, the Punjab Police wanted to arrest Bhindranwala who at that time was staying in the Guru Nanak Niwas. Longowal had no objection to a police party entering the Guru Nanak Niwas and he told the state government that he did not regard the building as sacred. But Longowal got no support from Tohra. Tohra began to nudge the Sant to shift to the Akal Takht. In order to bypass the SGPC rule banning living inside the Temple, Tohra emphasised that Bhindranwala was a Sant and therefore could stay in the Akal Takht.

On December 15, 1983, Bhindranwala moved into the Akal Takht - the extreme western end of the complex; Tohra, Longowal and other Akalis remained in the Teja Singh Samundri Hall - the eastern-most side of the complex. Tohra, no doubt, knew that the Army would drive to take control of the Akal Takht and the Darbar Sahib itself - in other words, they would directly confront Bhindranwala. Had Tohra resigned when Bhindranwala and his armed followers occupied the Akal Takht in violation of the rule, Bhindranwala would have been forced to go elsewhere -- thus denying the Army even a weak reason for going after the Akal Takht. Tohra did not do this.

Nor would he resign later when the entire Akal Takht complex and 75 other gurdwaras were attacked and some destroyed by the Army. There could be two reasons why: one was that he would not get his position in the SGPC back; the other could be that the government would not let him. Either of these reasons does him no credit.

Again, two years before the attack, Bhindranwala was allowed to tour the country with his followers and licensed weapons in trucks and chartered buses. If the intention were to arrest Bhindranwala, he could have been picked up anywhere in the country. In fact, when the Punjab Police attempted to arrest Bhindranwala on September 13, 1981, at Chando Kalan in Haryana, the arrest was thwarted by Haryana Chief Minister Bhajan Lal and Bhindranwala was allowed to reach Chowk Mehta, his headquarters. Mark Tully mentions in his book that "the veteran Indian journalist Kuldeep Nayar reported that the Home Minister Zail Singh rang Bhajan Lal and told him not to arrest Bhindranwala. A senior police officer told

Satish Jacob of the BBC that the Haryana CM went so far as to send an official car to Chando Kalan to drive Bhindranwala back to his gurdwara.”

Mrs Gandhi had sent Bhindranwala a letter saying that all subjects were open to discussion, thereby lulling the Sant into feeling that nothing untoward was likely to happen. The Sant Bhindranwala had lost faith in the Akali leadership’s sincerity in achieving Morcha (agitation) objectives and, on the other hand, had his own agenda and, though he was being pushed toward an unavoidable confrontation, he was a willing participant in the drama for his own ends. In an astute statement, when asked whether he wanted Khalistan or to remain in India, he said: “I have not asked for it, but if it is given to me I will take it. Frankly, I don’t think the Sikhs can live with or within India. They can only do so if they are given equal status, but that is not likely to happen.”

Mark Tully writes: “On October 14, less than a month after the Punjab government had gone to all that trouble to arrest the turbulent preacher, Zail Singh told Parliament in Delhi that there was, after all, no evidence that Bhindranwala was involved in the murder of newspaper proprietor Lala Jagat Narain. The decision to release Bhindranwala was taken by the government ... but a senior Congress politician from Punjab told Satish Jacob that it was Mrs Gandhi herself who actually ordered the Sant’s release.”

In the course of one of the many Centre-Akali talks, Mrs Gandhi advised the Akalis to “discard Bhindranwala.” The reply was succinct: “We have had him for only one year; he has been with you for four.”

Meanwhile, small arms were being smuggled into the Temple complex, it is said through kar seva trucks (which were under the control of the SGPC - or in other words, G.S. Tohra) and also in BSF trucks. When Punjab Inspector General of Police, P.S. Bhinder, detained two such trucks and asked for instructions from Delhi, the message received was "let them go in." It suited Mrs Gandhi's purpose to encourage build-up and fortification within the Temple complex to a point where she could legitimately claim that terrorist activity within the temple was well beyond the capacity of the police or Paramilitary forces to control and it justified the induction of the Army. As Ved Marwah asks in "Uncivil Wars": "Could all these fortifications have been made without the knowledge of the government?" Coming from a one-time Special Secretary Home, Government of India, this question is especially interesting.

In his book, Major General K.S. Brar makes the same point. He says: "Weapons were being secretly stockpiled inside the Temple and these were finding their way in through vehicles used for kar seva. The police dared not search the vehicles for fear of reprisals ... The Temple and hostel complexes were at the same time being fortified at feverish pitch; Bhindranwala never expected the police to enter the Temple and construction of defences he felt would act as further deterrent. It would be foolish to believe that those in power did not realise what was going on and that they failed to gauge the gravity of the situation. Yet no one in authority took any action. To charge those in authority for dereliction of duty would be putting it very mildly, and to forgive them for it, naiveté. One of the reasons given by some people for the

Government's inaction is that, even at that stage, last minute secret parleys were going on between emissaries and Tohra in a bid to redeem the situation.”

NOTE: Perhaps General Brar is unduly worried about the arms that were smuggled in. Those recovered from the Golden Temple area after Operation Bluestar were not particularly impressive. As enumerated by the Government White Paper, the bulk of them were World War II vintage weapons. Six hundred and fifty men and an armoury of this nature is very small potatoes indeed when the opponent is the Indian Army represented by four infantry battalions plus commando units plus one squadron of Vijayanta tanks plus a squadron of armoured personnel carriers, and all this supported by surveillance by the Air Force and Navy. This is the assessment made by senior generals after reading the White Paper, although actual recovery of weapons by the Army is said to have been much less than what has been shown in the White Paper and there were not more than 100 to 150 militants in the complex.

Lt Gen Brar's list of the troops deployed for the assault on the Darbar Sahib complex is: one battalion 10 Guards, one battalion 26 Madras, one battalion 9 Kumaon, 15 Kumaon, one battalion 12 Bihar, one company 1 Para Commandos, one company Special Frontier Force, one squadron Vijayanta tanks, one platoon infantry combat vehicles, one company Border Security Force, one company Central Reserved Police Force.

Lt Gen K.S. Brar and the government's White Paper presents a list of recovered arms. As per this list, there were:

7.62 mm Light Machine Guns	41
7.62 mm Self-Loading Rifles	84
7.62 mm Chinese Rifles	52
Assorted Rifles, all types	28
Carbines	41
5.56 mm Sub Machine Guns	49
Pistols & revolvers (standard pattern)	84
Pistols (country made)	67
12-bore guns	78
Rocket-propelled grenade launchers (anti-tank)	2

Persons taken into custody were categorised in four groups: elderly, women, young and the “dangerous” group - identifiable by blue or saffron turban, ceremonial dagger, flowing beard, or generally unhappy looks.

No women constables were assigned to look after the women prisoners; as with the men, their captors were the soldiers. As might be expected, there were rumours of large scale molestation and rape. Few Punjabi women would be willing to admit to having been raped so it may never be possible to verify these rumours. The rumours themselves were extremely disturbing.

To a contrary charge by the army that captive women and narcotics were found in the temple P.S. Bhinder, then Director General of Punjab police, rebutted the charge in the Probe magazine of July 1984: “I haven’t met any women who has complained to me. Wasn’t it the army who said that Hashish and Heroin were discovered? And now the report is being denied.”

In an essay contributed to “The Punjab Story”, Lieutenant General J.S. Arora writes: “There is a need to correct the picture that has been painted by the media that sophisticated weapons were found inside the Temple. The first thing to remember is that in a war weapons get lost! In both the wars with Pakistan, in 1965 and 1971, a large number of weapons were picked up by people and never accounted for. With the large scale smuggling going all across the Punjab-Pakistan border, some gun-running must have taken place. Since 1960, the government has been issuing arms to certain reliable people living close to the border for security purposes. So there have been a lot of unaccounted weapons in circulation in Punjab, used often in family feuds, property disputes and dacoity. Their buying and selling has been a lucrative trade. Another point to note is that of the weapons seized inside the Temple, only 60 self-loading rifles bear foreign markings. All the rest are of Indian origin. Further there were no medium machine guns or mortars. There were however a large number of light machine guns. Ammunition for both the light and medium machine guns is the same, but a medium machine gun has a higher and more sustained rate of fire. There were two rocket launchers with the terrorists but only one was used. It is obvious therefore that there were not many sophisticated weapons. Quite a lot, yes, but the impression that has been built up in the public mind of foreign governments deliberately arming the terrorists with a view to overthrowing the government is grossly overdone.”

A retired brigadier, then a lieutenant colonel, recalls: “My unit was sent to the Darbar Sahib complex after the Operation was over to assist in post-operation duties. I reached Amritsar on June 10. On the basis of my personal

knowledge, I can say that the government White Paper's list of arms recovered does not accurately reflect the arms in the possession of the militants. The tally of Light Machine guns was shown as 41 but after intensive search, 'NC found only four magazines. A single machine gun carries 12 magazines, that's a standard rule. A machine gun, or any other gun for that matter, is just a piece of metal without the bullets to fire from it.' This is substantiated by a retired lieutenant colonel who was commanding an engineering unit sent to the Darbar Sahib on June 3.

"So I conclude that the militants, effectively may have had only four machine guns, Some thirty additional weapons may have been planted, Otherwise it makes no sense that the militants would acquire machine guns but not magazines. We found 52 AK-47s and in addition to these, we found a crate containing] 2 AK-47s properly greased which had never been fired, I would put the number of actual combatants on the other side at around 200 and I believe that they fought almost exclusively with AK-47s. The barrels of two recovered AK-47s had burst from continuous firing. The 49 5.56 mm sub machine guns were subsequently added to hike-the number but were not physically present."

The first three civilian officials to go in reported that they had seen tall heaps of Ak-47 empty cartridges in front of the Akal Takht. Their impression was that these spent cartridges were much more than the number actually used. On inquiry, they were told that the empties were mostly of AK-47 and some of .303s, They saw no spent cartridges of machine gun bullets.



Gurdev Singh, Deputy Commissioner of Amritsar, had made a similar estimate of the militant's arms and strength, and conveyed it to Governor Pandey before Operation Bluestar. ("There were not more than 200 to 300 guns in the Temple ... " His statement is quoted in full further on.

[NOTE: Other Sikh religious leaders (chiefly Santa Singh of the Budha Akali Dal and Ajit Singh Puhla of the Taruna Akali Dal etc.) whom the Prime Minister's office was trying to sponsor against the Alkalis were also allowed the same quantity of weapons. These were authorised.]

Tully also asks: "Why did Mrs Gandhi not act earlier? There' are plausible political explanations. During her last period in office Mrs Gandhi had abandoned her party's traditional supporters Muslims and Harijans, or Untouchables - and tried to forge the majority Hindu community into one solid vote block. This had never been achieved before because of the deep divisions of caste. The catalyst for this new political synthesis was the Hindu revivalism sweeping through India. Hindus were beginning to see themselves as the victims of more than 30 years of secularism in which Muslim family law had been protected. Sikhs had been given a state of their own and Harijans or Untouchables had been given special opportunities for education and employment, all at the expense of caste Hindus. As M.J. Akbar put it: "Hindu revivalists began saying that in Hindu-majority India it was Hinduism, not Islam that was now in danger."

"Such was the impact that even Mrs Gandhi began to believe there was bound to be a Hindu backlash against further pampering of the minorities. Far from challenging

such revivalists<sup>111</sup>, she decided to ride it as far as it would take her. Mrs Gandhi's change from secular to Hindu politics has led some to suggest that she delayed taking action against Bhindranwala because she was happy to have such an obvious challenge to Hinduism by a minority community. It helped her to weld the Hindu community together."

Others take an even more cynical view. They believe that Mrs Gandhi actually wanted to inflict a crushing defeat on the Sikh community in order to win applause from the Hindus. A general election was due at the end of 1984. It was argued that Mrs Gandhi needed a spectacular achievement to restore her image as Durga, the Hindu goddess of destruction, an image she had acquired by defeating the Pakistan Army in 1971 and breaking that country in two.

"The possibility of Mrs Gandhi ordering another attack on Pakistan to refurbish her image was being discussed in the press. We never believed this to be a serious possibility. Mrs Gandhi, who was by then the chairperson of the Non-Aligned Movement, was far too conscious of her international role to attack Pakistan without first carefully building up world opinion as she had done in 1971. General Zia, the military ruler of Pakistan was much too clever to give her *casus belli*. In fact, he did the exact opposite. He went on what he called a 'peace offensive.' So the cynics argue, Mrs Gandhi had to look elsewhere for an election spectacular and she found it in Punjab.

By the end of the 1984-94 decade, the people of Punjab had learnt to take the most cynical possible view of leaders, statements, parties, events. Perhaps at the time

when the trouble was just starting the Akalis had imagined that they knew what the game was and believed that they could play it and win. Play, they did - striking defiant postures, issuing fiery statements, Prakash Singh Badal even burnt a copy of Article 25 of the Indian Constitution which clubbed Sikhs along with Jains and Buddhists as "Hindu religious institutions." (According to Sangat Singh, "Rajiv Gandhi conveyed to Tohra that the government would accept the demand once it was agitated). But in 1984 they were not cynical enough.

The Congress chief minister of Haryana provoked an anti-Sikh riot by the speech "warning the Akali leaders that Hindu patience is running out and retaliation was near." Satish Jacob of BBC saw police looking on as Hindu mobs burnt down the gurdwara in Panipat. He also saw Sikhs pulled out of buses and forcibly shaved and Sikh shops being looted. Eight Sikhs were clubbed to death. This was on February 20, 1984.

With an eye on the electoral constituency of India, where the Muslim votes had deserted her, Mrs Gandhi wanted to compensate that loss by winning over the high caste Hindu vote on two counts: that the Sikhs were killing the Hindus and that Punjab was in imminent danger of seceding from the country. While how and who were killing the Hindus has been discussed in later chapters, the question of secession needs to be looked into.

On May 5, 1984, Rajiv Gandhi visited Punjab; speaking in Chandigarh he described Sant Bhindranwala as "a saintly man without political ambitions." On May 24, Punjab was declared a "disturbed area" after Tohra told Governor Pande that the situation was out of control. Union minister

Buta Singh was later to accuse Tohra of having conspired in Operation Bluestar.

The futile 30 rounds of negotiations with the Akali leaders was a part of the plan to up the ante in Punjab and bring the full glare of media spotlight on the conflict. In his book, Mark Tully writes that CPM supremo Harkishen Surjeet told him: ‘Three times in six months an agreement was reached and three times the prime minister backed out.’ Former Union Foreign Minister Swaran Singh and Maharaja Amarinder Singh, MP - then playing an intermediary role between the Congressmen and the Akalis (both men belonged to the Congress, incidentally) also confirm that whenever settlement seemed imminent, Mrs Gandhi backed out.

Retired Punjab Police IG (Intelligence) H.S. Randhawa says that on one occasion the Akalis were ready for the final settlement and the Punjab Police was told to be ready for a VIP who would go to Amritsar for this agreement but it was called off by Delhi at the last moment.

On May 15, Badal, Tohra and Longowal met in the Golden Temple complex. Bhindranwala was now the key to reaching a settlement with the Centre. Mark Tully writes: “The government had stipulated that he [Bhindranwale] must agree before they would announce it, and Tohra was the only man who could sell it to the Sant. In all earlier rounds of negotiations he was the only one who had supported Bhindranwale’s line that nothing short of the full implementation of the Anandpur Sahib Resolution would do. Tohra was particularly anxious to push the settlement through. During the last negotiations, the two sides had discussed the possibility of forming a

coalition of the Akali Dal and the Congress (I) to govern Punjab. Tohra believed that Bhindranwale would back him for the chief ministership of the coalition. So his life's ambition seemed within his grasp, if only he could persuade the Sant to accept the settlement.

At the meeting of the Akali Trinity in the Temple complex Tohra got an agreement to approach Bhindranwale, and the next day he went to discuss the settlement with the Sant in the Akal Takht. Tohra told him that Chandigarh was a major victory for the Sikh movement and that other issues would now be decided in the Sikh's favour by the commissions that the government was setting up. But Tohra was hoist with his own petard. Bhindranwale would not accept that the settlement met the morcha's demands. He had seen through Tohra's game and told him that he was betraying the Anandpur Sahib Resolution in the hope of becoming chief minister. The SGPC president then tried threatening to throw Bhindranwale out of the Akal Takht. He was the man who had persuaded the High Priest of the Akal Takht to allow Bhindranwale to move into the shrine. He had also used his influence to prevent the High Priests issuing an edict against the Sant. But threats did not work either. Bhindranwale knew that the priests were by now more afraid of him than they were of their patron, Tohra, and so the whole settlement collapsed." Tohra had underrated Sant Bhindranwale's commitment to religious vow. Like Darshan Singh Pheruman before him Sant Jarnail Singh Bhindranwale was prepared to take the extreme step for it.

On June 2, 1984, Sant Longowal announced that the Akalis would launch a campaign of civil disobedience from June 3: taxes would not be paid, food grains and

trains would not be allowed to move out of Punjab and so forth. Mrs Gandhi went on radio and TV appealing to the Akalis to reconsider and come for settlement - a bit of mono-acting that by now carried little conviction. On the same day General Ranjit Singh Dayal was appointed Security Advisor to Governor B.D. Pande and telecommunication lines linking Punjab to the rest of the world were cut. The Army was already present and in position around the Golden Temple. While Mrs Gandhi was declaiming in her quavering voice, "Let us not shed blood, shed hatred", General Brar says, the troops were already moving in.

As B.S. Danewalia asks in his book: "Did Longowal's declaration have any meaning for anybody? If the agitation was in the hands of a few, those few had not made this declaration, but her own Sant Longowal. For this needless chicanery, Longowal and Mrs Gandhi would pay with their lives."

The government's White Paper mentions that "the position of the government has been stated unambiguously on more than one occasion. The proposition contained in the Anandpur Sahib Resolution on Centre-State relations are at total variance with the basic concept of unity and integrity of the nation as expressed in our Constitution. These cannot be accepted even as a basis of discussion."

"The people of India do not accept the proposition that India is a multi-national society."

This indicates that it was the political demands, as enunciated by the Akali Dal, that were rejected by the

government. There was no indication at that stage of opposition to the Sant.

Nevertheless when the Army attack came, it was not directed at the portion of the complex where the Akalis were quartered but on the Akal Takht where Bhindranwale was staying’.

The Akal Takht and Harmandir Sahib embody the Sikh concept of conjoined spiritual and political authority - miri and piri. An attack on the Akal Takht, while sparing the Harmandir Sahib translates as an attack on the Sikh faith as a political entity, while tolerating the spiritual clement.

Why were 74 gurdwaras also simultaneously attacked?

#### MILITARY PREPARATIONS

The attack on the Golden Temple complex had been conceived long before it was executed.

Mark Tully writes in “Amritsar, Mrs Gandhi’s Last Battle” (Rupa, New Delhi, 1985): “In public the government still maintained it would not send police into the Golden Temple but paramilitary police officers in Amritsar told Satish Jacob that commandos were being trained for such a purpose. They said a large model of the temple complex had been built at a camp of the Special Frontier Force at Chakrata in the foothills of the Himalayas.

Tully writes: “A few months before the attack, replicas of the Golden Temple complex had been built by the Army at the secret “22 Establishment” at Chakrata in the UP Himalayas which was set up after 1962 Indo-China war

with American help to train the Dalai Lama's followers in guerrilla warfare, to carry out hit-and-run raids against the Chinese garrisons in Tibet. With the passage of time, change in the geopolitical situation and decline in the patriotic fervour of the Tibetan refugees, the Establishment had lost its original relevance. But it is here now that the government maintains its best equipped and trained commando outfit, officered mainly by men drawn from the parachute and commando units of the Army. The SSF commandos had been the only ones to have had the opportunity to practice the raid on a fairly accurate mock-up of the Temple Complex at Chakrata and at Sarsawa near Saharanpur in Uttar Pradesh."

22 Establishment was also earlier used to train commandos from East Pakistan - the Mukti Bahini -trained by Major General Shabeg Singh, who was later killed fighting the Indian Army in Bluestar, for the Bangladesh operation.

In an article, "Blood, Sweat and Tears" contributed to "The Punjab Story" published in 1984 by Rolli Books International, Delhi, Shekhar Gupta says: "The Special Frontier Force had been the only ones to have the opportunity to practice the raid on a fairly accurate mock-up of the temple complex at Chakrata and Sarsawa near Saharanpur in Uttar Pradesh. It were now the same men, commanded by Lieutenant Colonel Chowdhuri, dressed in their usual black dungarees and bullet proof vests, trying to head stealthily for the Akal Takht from the flanks."

Lieutenant General K.S. Brar, who carried out Operation Bluestar, mentions in his book, "Bluestar, The True Story": "There is no truth whatsoever in some reports



which found their way into the press that the Army had been given detailed intelligence about the defences within the Golden Temple many weeks earlier and that in fact we had built a large model of the temple somewhere in the plains of Uttar Pradesh where rehearsals were carried out well before the actual operation was launched. Nothing could be farther from the truth. On the other hand, I did come to know that just a day before we went into the temple that some weeks earlier, contingency plans had been prepared by the Special Frontier Force - a paramilitary outfit working directly under the Cabinet Secretariat at the Centre for flushing operations to be carried out inside the temple if the situation so warranted. This was disclosed to me by none other than a senior officer of the force who was in command of a Special Frontier Force sub-unit now placed under me for Operation Bluestar.”

Former Punjab Police IG (Intelligence) recalls: “The Air Force had helicopters flying over Golden Temple a full two months before Operation Bluestar which shows that they were photographing and observing the entire area and the complex specifically. The Army was holding daily meetings with the Intelligence Bureau over the heads of the Punjab Police.” The Army in CRPF uniform had already surrounded the temple two months before the operation.

In his book, “Indira Gandhi, A Personal and Political Biography”, Inder Malhotra quotes General K. Sundarji, who was overall in charge of Operation Bluestar, as saying: “I was told by the Defence Minister to prepare for the operation on January 15, 1984 - the Army Day.”

But even within the Army there were some difficulties to overcome. Lt Gen K.S. Brar quotes a letter from Simranjeet Singh Mann to President Zail Singh: “Maj Gen K.S. Brar who accepted to undertake the operations, was not able to deploy his troops immediately as Maj Gen J.S. Jamwal, who was deputed earlier, refused to carry out the massacre of the Sikhs stating that, as a professional soldier, he could not butcher his own people.”

Brar denies this vehemently, on the strength of the Defence Ministry’s denial which “made it clear that there was no question of General Jamwal having refused this task; General Jamwal carried out the task assigned to him which was sealing of a segment of the Indo- Pak border.”

However, according to several retired Army officers, Jamwal was not the only senior officer whose personal attitudes made them unfit for the Bluestar assignment. They say that several other senior officers in Western Command were sounded and found “unsuitable” for the Centre’s purpose. The choice finally fell on Lt Gen K.S. Brar and his 9th Infantry Division, located hundreds of kilometres away in Meerut, Uttar Pradesh.

In a published article Lieutenant General S.K. Sinha writes that, when Mrs Gandhi asked his advice on a plan to attack the Golden Temple, “I strongly advised against it.” At that time he was General Officer Commanding in Chief, of Western Command and senior most officer in line for succession to Chief of Army Staff. However, on transfer from Western Command he was shifted to Army Headquarters as vice-chief of Army Staff and later bypassed. General Sinha believes that he did not become

Chief of Army Staff because Mrs Gandhi did not appreciate his advice.

Even if one does not believe Tully and Jacob or Shekhar Gupta, the word of generals - Brar, Sundarji and Sinha, establishes the fact that war games in preparation for Bluestar had been going on for the past few months in spite of Mrs Gandhi's denials.

In his book, Brar declares that his involvement with Operation Bluestar began on May 31, 1984, and until he met Lt General K. Sundarji and Lt Gen Ranjit Singh Dayal at Chandimandir on June 1, "little did I realise ... what this was all about." In contrast, Shekhar Gupta writes "25 May, 1984, around midnight ... On that breezy summer night in the arid plains of south-western Punjab, excitement was palpable in the field headquarters of the 9 Infantry Division of the Indian Army. The countdown to H-Hour had begun and while officers gave a last minute going over to the plans and systems, troops were giving a last, reassuring check to the weapons. In the Operations Room loomed by the now familiar figures of Major General Kuldip Singh (Bulbul) Brar, General Officer Commanding (GOC) of the Division and Lieutenant General K. Sundarji, GOC-in-C Western Command. In his typical clipped tone, Brar laid out his assault plan before Sundarji."

Lt. General R.S. Dayal was summoned to Delhi from Chandimandir on the 26th May, 1984 by the Prime Minister Indira Gandhi and was personally told by the Prime Minister about the role he was to play in Operation Bluestar.

On June 2, curfew was declared throughout Punjab and telecommunication lines were cut - according to B.S. Danewalia, even the lines of Punjab Police officers at headquarters were cut.

The Army issued “shoot to kill” orders for curfew violations but after Chief Secretary Vasudev and Punjab Police IG (Intelligence) H.S. Randhawa protested the illegality of the orders they were withdrawn. Martial law had not been declared; it was never declared. In other words, the Army was outside the law when it carried out military executions at the Golden Temple and other gurdwaras in Punjab. EVENTS OF JUNE 3 TO JUNE 6

Mary Anne Weaver a British correspondent in her report to Sunday Times, London June 17, 1984, observed: “not since independence has the Army been used in such numbers - about 15,000 troops took part in the assault.” The rest of Punjab was flooded with soldiers to put down internal rebellion. The specially picked and trained soldiers were supported by tanks and armoured personnel carriers and yet it took them more than 72 hours of continuous all-out battle to gain control of the shrine which was defended by some 500 followers of Sant Jarnail Singh Bhindranwale and 150 armed men of the Babbar Khalsa.”

June 3, 1984, the Martyrdom day of Guru Arjun Dev: that was the day the Army chose to surround Guru Ramdas’s temple. Traditionally Guru Arjun Dev’s Martyrdom Day draws a large number of pilgrims to worship at temple. The Army operation commenced without warning or call for surrender, so many of these pilgrims were trapped in the temple during the fighting ....

“The final justification for Army action was the announcement made by Longowal that a State-wide morcha would be launched on June 3, 1984, to prevent movement of grain in the State. That this was the driving factor that prompted the Centre to take such a harsh decision, however, does not carry much weight with the Sikhs. Many felt that even this storm could have been weathered.”

The Army requisition was illegal; Parliament had given no power of arrest or detention to the Army. Brar writes of June 2 : “The day commenced with informal meetings with senior officers of the police and intelligence agencies, the aim being to take stock of the situation. I stress the word informal because though the district administration had received information through their own channel about my troops heading for Amritsar in ‘aid of civil authority’, neither had an official requisition been placed on us, nor had the police and paramilitary forces yet been placed under the overall control of the Army.”

As of June 3, 1984, the Amritsar District Magistrate had not signed any request for Army assistance to civil authority... but the Army was already in Amritsar. Someone has to take the responsibility. Who signed the letter calling for the Army?

On June 2, 1984 the Punjab governor Pande, a former ICS officer, summoned the Chief Secretary K.D. Vasudeva, Home Secretary A.S. Pooni, Inspector General Police P.S. Bhinder and Inspector General Intelligence H.S. Randhawa at 6 p.m. to the Governor’s house for a meeting. Punjab situation was discussed and it was

unanimously agreed that Army should not be used to attack the Golden Temple. The Governor agreed, and in their presence, got through to P.C. Alexander, in-charge Prime Minister's office on the hot-line and informed him that at the moment he was holding a meeting with the senior Punjab officers. They apprehended that the Army may be sent into the Golden Temple. They were against such a step being taken and that he endorsed their view. P.C. Alexander rejected this advice and instructed the Governor to take a letter from the Home Secretary requesting Army intervention in the State. The Home Secretary A.S. Pooni who had applied for medical leave earlier was allowed to proceed on medical leave but before sanctioning the leave, he was made to sign the letter requesting the Army to come to the aid of Civil Power. The Punjab officers pointed out that there was no assessment or decision taken by the Punjab Government to call the Army. The Governor told them that the decision to call the Army into Punjab has already been taken by the Centre. Pooni hesitated but could not evade the order. The Governor summoned his private secretary and made Pooni dictate the letter. Pooni's letter addressed to the Army Commander said; "On the orders of the Governor, I have been asked to request you to send the Army to the aid of the civil administration as law and order has broken down in the State."

In 1985 Pooni, in a different version had confided in another source that he actually signed the order on return from leave. He did so as the deed was already done.

This order was not based on the advice of the state administration to the governor, nor on the governor's advice to the Union government, nor on Union

government's communication to the State government but merely on the direction of the PMO to the governor and hence was an illegal order.

Another letter followed - to the deputy commissioners - instructing them to give full cooperation to the Army.

This raises serious questions of constitutional law:

- (i) Was the induction of the Army, at the instance of one pressurised officer valid and legal?
- (ii) Had the Prime Minister's Office constitutional authority to order directly a State Governor to call in the Army?

The governor earlier had written to Prime Minister Indira Gandhi that the problem is political, not Law & Order and it should be solved politically and not militarily.

Out of 13 districts of Punjab, not a single deputy commissioner had indicated that the law and order situation was threatened nor had they asked for Army support. There was no such demand or report from the state police indicating that the situation warranted induction of the Army. The deputy commissioner is the chief administrative officer of the district and together with the police is responsible for maintaining law and order.

The Centre had sent four advisors to the state to help the governor. Two were Sikhs. The "law and order charge" was given to Surendranath, an IPS officer aligned to a Jalandhar-based radical Hindu group. Surendranath

functioned like a super director-general of police, bypassing the Chief Secretary and Home Secretary, giving orders directly to the police officers. None of the four advisors belonged to the state cadre but were brought from outside. The orders to legitimise the entry of the Army into Punjab came not from the state administration but from the deputies of the Centre. Governor Pandey who was opposed to operation Bluestar also resigned a few days later.

Calling in the Army is a complex procedure. The district Magistrate, after advising the state administration, and seeking its consent, approaches his counterpart in the Army with a request to come to the aid of civil administration. The Army Officer concerned forwards this request to his superiors and meanwhile makes his own assessment of the situation so as to be able to advise the Army command how many troops will be required to stabilise the situation. In June, 1984 none of these procedures were followed. A simple letter was taken from the Home Secretary. In fact, Army troops were already deployed all around the Darbar Sahib, at all crucial points in and around Amritsar and the border and were spreading into the districts of Punjab. Pooni's letter and subsequent actions were against all procedure and clearly constitutionally illegal.

Mark Tully describes a lull in the firing on that June 3 evening. He writes: "Tohra's final attempt to persuade Bhindranwale to surrender suggests that he and Longowal were by now collaborating with the government. They must have been in touch with the Army otherwise Tohra would not have had the authority to negotiate a surrender. Tohra also knew that the Army would not resume firing



when he left the comparative safety of the hostel complex to cross to the Akal Takht. The president of the SGPC was not a man to risk getting caught in the Akal Takht during the final battle.”

In his foreword to “Oppression in Punjab” (a report on events of 1982-84) by a Delhi-based human rights group, Citizens for Democracy, Justice Y.M. Tarkunde writes: “Evidence shows that on June 1, 1984, no shots from the Golden Temple were fired at the police. It was, on the contrary, the CRP which fired continuously at the Harmandir Sahib on that day. Punjab civil administration and the police did not know who ordered the firing on the Golden Temple. The 4th of June, 1984, was wrongly chosen by the Army for an attack on inmates of the Golden Temple because, the 3rd of June being gurpurab (a religious festival), a large number of pilgrims, nearly 10,000 in number, had come to stay in the Golden Temple. Many of them appear to have been killed in the Army action. According to this report, the number of terrorists flushed out from the Golden Temple as a result of Operation Bluestar was rather small, a much larger number of alleged terrorists being inoffensive pilgrims staying at the Golden Temple.”

In the opinion of the Punjab officials, the number of men who had actively fought against the army was between 80 and 150. They believe that many of the men present in the temple just before actual fighting broke out were there just to “see the spectacle” and slipped away through the numerous tiny bye-lanes around the temple when the shooting hotted up. Although the Army had thrown cordon around the temple, the layout of this very old and congested area of Amritsar is such that no cordon can be

fully effective if, like the Indian Army, one does not know the layout of the place.

Danewalia writes that on June 4, an Intelligence Bureau officer at Amritsar told Lt Gen Brar that Longowal and Tohra wanted to negotiate but did not know how to come out of the Temple Complex in view of the curfew. Earlier, they had tried to phone Zail Singh but the President did not come to the phone. They did manage to get through to Punjab Governor B.D. Pande but he told them that orders were from Delhi and he was helpless. This clearly indicated invasion of Punjab by the Indian Army was under orders of PMO. This was Mrs Gandhi's personal war. A pliant army and a good but weak governor simply acquiesced. Now the telephone lines were dead. Brar thought that lifting the curfew was risky.

The Army started shelling the Golden Temple, without warning, from the early hours of June 4. The onslaught reached its peak two days later on the night of June 5 around 7 p.m.

Giani Puran Singh, a priest at the Harmandar Sahib, was present throughout. "Oppression in Punjab" relates his story: "At 7:30 pm on the 5th I went to Sri Akal Takht where I met Sant Jarnail Singh Bhindranwale with whom I had a long satisfying talk while shots were ringing outside. Giani Mohan Singh whose duty was to conduct *Rehras* (evening prayer) had not been able to reach Harmandar Sahib due to the shooting. I then came down from the Akal Takht and joined some Singhs in a morcha and enquired of them whether Giani Mohan Singh had passed that way. As per the tradition, *Rehras* at the Akal Takht starts five minutes later than at the Harmandar Sahib but that day

path (recitation) at the Akal Takht had already started. Upon this I rushed toward the Harmandar Sahib amidst gunfire, stopping for a breather at Darshani Deori. On reaching I started the recitation. Meanwhile Giani Mohan Singh also reached the place. We were about 22 people in the Harmandar Sahib, some devotees and others the employees of the gurdwara. By the time the path (recitation) was over, firing outside had become more intense. *Sukhasan* (ceremonial closing) of the Guru Granth Sahib was done and then taken upstairs. At 10 pm the tanks started entering the complex and the barrage of shooting from without became intense as heavy armour began to be used. At this stage an armoured carrier entered and stood beside the *sarovar*. The lights on this carrier, when switched on, bathed the whole complex in bright light. We were viewing all this perched in the main dome of the Harmandar Sahib and thought that probably the fire brigade had come to get water for extinguishing fires raging throughout the city. But we were proved wrong when this vehicle came down the *parikrama* and started firing. From both sides the tanks started closing in, from Clock Tower to the Brahm Butta the tanks set fire to all rooms while desperate people collected water from the sarovar to extinguish the fires. A vigorous battle ensued and the Darshani Deori, Clock Tower and Atta Mandi along with the serais were in Army control by 10 a.m. June 6. The 40 or 50 youths who had been holding the forces fought bravely till either they were killed or the ammunition was exhausted. From about 10 pm on the night of June 5 to 4:30 a.m. The next morning we were on the roof of the Harmandar Sahib.”

Tully quotes another priest Giani Mohan Singh’s statement that there were 13 tanks in parikrama. In his article,

“Operation Bluestar, an Eyewitness Account” (published in *The Punjab Story*) Subhash Kirpekar also writes: “That evening, well before sunset, I hear the unmistakable rumble of tanks. To begin with, it was one tank and one APC. An hour later, there are a dozen tanks and a dozen APCs in all.”

Although the White Paper claims that “the troops exercised great restraint and refrained from directing any fire at the Harmandar Sahib”, “Oppression in Punjab” records the testimony of Harcharan Singh Ragi - one of those who sat beside the Guru Granth Sahib in the sanctum sanctorum and kept up the kirtan from June 3 to June 6. Ragi says his mentor, Amrik Singh, the blind, 65-year-old head ragi of the temple, was shot dead within the sanctum sanctorum at 6:30 a.m. on June 5. Another ragi, Avtar Singh took a fatal bullet soon after.

Another account of events of that same night comes from the teenaged daughter of an SPGC employee who managed to get out. She is quoted by the team commissioned by Justice Y.M. Tarkunde. “Then the tank entered. It had powerful searchlights. I thought the ambulance had come to attend to the dead and injured but it turned out the opposite. The tank went past us; from the tank came the announcement ‘Please come out, God’s blessings are with you. We will reach you home absolutely safe and sound.’ There were some among us who were frantic for some water and they came out in the open. In the morning I saw the dead bodies lying on the parikrama: This was the worst kind of treachery.” (“Oppression in Punjab”)

Brar writes: “The terms of reference given to me as far as this side [the hostel complex] was concerned were to take them to battle only if forced to do so, to protect the maximum number of lives, and to ensure that all innocent people came out alive. I am glad to say that by isolating this area from the main complex we were able to achieve that aim.” This claim is not borne out by eye-witness accounts. To continue with the testimony of the girl quoted in “Oppression in Punjab”, “There were about 27-28 persons with us, five of them ladies, some elderly men, the rest young boys. Out of the remaining male youths, they picked up four and took off their turbans with which they tied their hands behind their backs. Then the Army men beat these four Sikh boys with the butts of their rifles until they fell on the ground and started bleeding. They kept telling the boys all along, ‘you are terrorists; you will be shot.’ These boys were shot dead right in front of me.”

Brahm Chellany, the only foreign newspaper correspondent who managed to remain in Amritsar after the government had ordered them out, reported the statements of doctors and police officials that many of the Sikhs killed in the attack had been shot at point-blank range with their hands tied behind their backs. Some of these bodies with hands tied behind the back were photographed. This is also borne out by the testimonies of survivors.

Air force officers who accompanied the AOC-in-C into the Golden Temple complex immediately after the operation confirm observing bodies of young Sikhs with hands tied behind their backs.

The first civilian officers to enter the Golden Temple complex after Operation Bluestar were senior officers of the Punjab Police and civil administration: Superintendent Police, Criminal Investigation Department Harjit Singh, Inspector General (Intelligence) Harjit Singh Randhawa, and the newly appointed Deputy Commissioner of Amritsar, Ramesh Inder Singh. One of them described the scene: “as we entered the temple corridor we saw dogs eating some bodies.”

Later these Punjab officials made three complaints to the Army, namely: some bodies were found, both inside and outside the temple complex, with hands tied behind their back; six cases of rape in houses adjoining the temple had been brought to their notice (the Army would not allow medical examination of the women, therefore no case was registered) and soldiers had looted temple treasures. (Some of these stolen goods were recovered by the Army after this protest was lodged). The Punjab officers did not make an official complaint but merely wrote these points down on the very day of their visit and handed the note to the Army. It is unlikely that this note was preserved.

In “Oppression in Punjab”, The Citizens for Democracy team quotes a sewadar at the Akal Rest House, Prithipal Singh “The Army people came to the rest house. They tore off all my clothes, stripped me naked, my kirpan was snatched, my headgear (patkta) was untied to tie up my hands behind my back. They caught me by my hair and took me along with five others - who were all pilgrims to the ruins of the water tank; there we were all made to stand in a line, all naked, for an hour or so; we were told ‘don’t move or you’ll be shot.’ They kept hitting us with rifle butts. Then a Major came and ordered a soldier ‘shoot

them.’ Then he shouted at us: ‘You must be Bhindranwale’s chelas. You want Khalistan?’ I said ‘I am here doing my duty. I have nothing to do with all this.’ Six of us were in a line facing the Major, when a Pahari soldier started shooting from one end, killing four of us with three bullets each. As my turn was coming, a Sikh officer turned up and ordered: ‘Stop shooting.’ Thus I was saved. The Sikh officer was told: ‘These people have ammunitions.’ At that he ordered them to lock us in a room. Two of us were locked up in room in Guru Ram Das Sarai, but we did not talk nor did I ask the other man’s name. On June 7, the door was opened at about 8 or 9 in the morning. We had gone without water. The floor was covered in blood. I was allowed to leave.”

According to government’s White Paper, “At 1 a.m. on June 6, Sant Harchand Singh Longowal and Shri G.S. Tohra surrendered near Guru Nanak Niwas with about 350 people. The terrorists opened fire on them and also lobbed hand grenades to prevent surrender. As a result, 70 people were killed including women and children.”

Longowal and Tohra say that they were arrested at 5 a.m. on the morning of June 6 from the Teja Singh Samundari Hall. According to Lt Gen K.S. Brar, one Major Palta escorted them out of the Teja Singh Samundri Hall, both men were visibly shaken. Longowal was weeping - he was a good man and capable of remorse - and rebuked the Army officer saying, “You have done a wicked thing.” Brar takes umbrage at their later press interviews: “I was surprised to read much later, that in interviews to various reporters, they were supposed to have denied having surrendered to the Army. I can only conclude that they needed a face-saving device ... “ Anyway, the government

used the word “surrender” - as if Longowal was General Niazi laying down arms in Bangladesh. The Akali leaders had never declared war on India, they were not fugitives or nor were they wanted in any criminal cases.

In “Blood, Sweat and Tears”, Shekhar Gupta quotes the account of a junior officer who took part in the “evacuation” of the serai area: “Some members of the assassination squad locked themselves in some of the rooms in the Serai area where hundreds of pilgrims had been hiding out of sheer panic. As jawans approached the rooms, they were fired at, resulting in casualties. At this stage, when the speedy neutralisation of the Serais was imperative to the success of the Operation, the jawans decided to just lob grenades. ‘It was a war-like situation where people were getting killed on all sides. There really was no time or scope for discipline any more’, said a junior officer there. This, coupled with indiscriminate lobbing of grenades by the extremist hit squad earlier, accounted for most of the nearly 500 innocent civilian deaths.”

Mohinder Singh of village Balran in district Sangrur was a sevadar with the SGPC at that time and was among the 350 people who came out along with Sant Harchand Singh Longowal. He denies that militants lobbed grenades at security forces. “When we came out of Teja Singh Samundri Hall we were made to sit down. Just like that, the soldiers opened fire on us. There was no provocation.” He was later sent to Jodhpur jail.

Another appalling incident is related by General Brar himself in “Operation Bluestar”: “At 11 a.m., there was a sudden and rather unexpected development. A large



number of militants rushed out of the Akal Takht on to the parikrama below, and fled toward the gates in a bid to escape. Many of them, flinging their weapons, jumped into the sarovar and began swimming toward the Harmandar Sahib, having realised that it provided them the best sanctuary, as our troops were not firing at the sanctum sanctorum. Instant fire was brought down on all those who were attempting to escape, both over ground and in the water, and all of them were either killed or wounded.”

In his memoirs (“Memoirs of Giani Zail Singh”, Har-Anand Publications, New Delhi, 1996) the late President of India had something to say about trapped innocents and ‘calls for surrender’ :

“When I pointed out to her [Mrs Indira Gandhi] that military action was taken on a day when the Temple complex was full of pilgrims - men, women and children - assembled to observe the martyrdom of Guru Arjan Dev, most of whom perished in the cross firing between the security forces and the militants, she seemed full of remorse. I told her that if notice had been given to these pilgrims over radio and television and loudspeakers, a majority of them would have come out, including some extremists, to surrender ... I had asked the government whether they had issued a warning on the loudspeakers to the people inside the complex to come out, to which they replied in the affirmative. Later, I came to know that no such warning had been issued by the authorities and the operation had been suddenly launched.”

Mark Tully describes the Akali leaders’ attempt to get out:

“Why did Longowal and Tohra not surrender before the action started? ... The two politicians did not surrender earlier because the Army did not give them a chance to do so. The Generals were to say later that they made many appeals for surrender after they surrounded the Temple. But Bhan Singh, the secretary of the SGPC, told Satish Jacob that the appeals could not be heard inside the hostel complex. At one stage, Longowal and Tohra did hear a broadcast on the radio saying that curfew was being lifted for two hours to allow people to surrender. They sent Bhan Singh to find the Deputy Superintendent of Police and negotiate the surrender of the pilgrims and the Akali Dal supporters who had come to take part in the renewed morcha. Bhan Singh did leave the hostel but by the time he reached the end of the Baghwali Gali, heavy firing had broken out again and he ran back. The two leaders could not negotiate a surrender themselves because by now they were only receiving incoming calls.”

Were the attackers interested in a surrender? It seems they were more interested in conquest and slaughter directed against the Sikhs in general than in arrest of a few men who claimed to speak for the Sikh community.

Mary Anne Weaver of the Sunday Times tapped diplomatic sources and observed: “The Army may be operating under ‘take no prisoners’ orders and wanted few militants to survive.” (Sunday Times, June 10, 1984)

On June 6, curfew was relaxed for two hours in the afternoon. That was the time when the Army brought 11 badly injured young men apprehended from the Golden Temple complex to the Kotwali (Police Station), some 400 metres from the Temple. Subhash Kirpekar reported that

he saw: “some jawans kicking some of the eleven suspected terrorists as they knelt on their bare knees and crawled on the red-hot road ... The men were finally lined up on the Kotwali verandah with a machine gun pointed at them, and questioned.” According to Kirpekar, “they were not killed at that time although there are two witnesses who say that indeed, they were shot at the end of the interrogation.”

In the early hours of June 6, Army cannon fire demolished the Akal Takht and snuffed out the lives of its defenders.

For months after the Operation, the fate of Bhindranwale remained in doubt. A blurred and dark photograph was released that showed a body lying on slabs of ice. The man was thin and bearded, but was it Bhindranwale, as claimed? Doubt persisted.

“The Death of Bhindranwale”, as narrated in Army circles and quoted by Sangat Singh, has the Sant, dying under torture, defiant to the last. In this version, “Sant Bhindranwale was critically injured but alive when the Army captured him. The Army sought instructions from Delhi whether to render him medical assistance or finish him off. It took Army Headquarters six hours to obtain orders from Indira to follow the latter course.”

General Brar’s account depicts a very neat end: “There was still no news about Bhindranwale’s whereabouts despite our having made enquiries from those who had emerged from the Akal Takht earlier in the day. There were conflicting versions: one held that he was hiding in the basement of the Akal Takht, another that he was dead, and the third that he had escaped during the night and

gone across the border into Pakistan. 26 Madras was tasked to clear the Akal Takht on the 6th night and to flush out any militants who still remained inside. Meanwhile occasional bursts of rifle and light machine gun fire emanated from the general area of the Akal Takht, without much effect. The Madrassis closed in from all directions, to enter the Akal Takht and began their probing action, uncontested so far, though no risks could be taken lest the battalion got itself into a trap. While they were scanning the building, two militants were noticed trying to sneak away. The Madrassis opened fire and were able to apprehend one of them while the other was killed. A quick interrogation of the individual revealed that Bhindranwale was no more. He then guided the troops to where Bhindranwale lay dead along with 40 of his followers. Meanwhile a thorough search was underway in the Akal Takht. Shortly afterwards, General Shabeg Singh's body was located in the basement. He was still clutching his carbine and a walkie talkie lay on the floor next to his body. Well before dawn, the Akal Takht had been fully secured, and a deep silence lay all around. The bodies were brought to the open verandah on the ground floor of the northern wing where those of Bhindranwale and Shabeg Singh were identified by a number of agencies including the police, the IB and militants in our custody.”

The photograph of the body of General Shabeg Singh is much clearer than that of Bhindranwale: a sheet partially covers his naked body, his feet are tied with a heavy rope and from the position of the body and clearly visible trail on the earth behind it, it is clear that it has not been carried but dragged. Broad red welts on the arms indicate that the arms had been bound. This is interesting because as a general rule, dead men do not put up such resistance as to

make binding their arms necessary. Perhaps the end was not as neat as General Brar would like us to believe.

Many accounts of Operation Bluestar, including the SGPC's White Paper on Punjab Problem, relate that the Red Cross was refused permission to enter the Temple complex and the wounded were left to suffer for days. Many people died of dehydration as they were refused water.

Bhan Singh told the members of the Citizens For Democracy team: "They [the Army] treated the inmates of the complex as enemies and whenever there was any person wounded on account of the firing, no Red Cross people were allowed to enter, rather the Red Cross personnel had been detained beyond Jallianwalla Bagh" more than a kilometre away from the main entrance to the Golden Temple from the Chowk Ghanta Ghar side.

The CFD report, "Oppression in Punjab" remarks: "In accordance with the UN Charter of Human Rights, the Red Cross is permitted to go in aid of the wounded right inside the enemy territory, but in Amritsar in June, 1984, the Red Cross was not allowed to enter the Golden Temple - a respected and hallowed part of our country - in aid of Indians under attack from the Indian Army. It only means that the attack was so brutal and the battle scene so grisly, that there was much to hide from public scrutiny, even if it be that of a neutral agency called the Red Cross. This also explains perhaps why Press censorship had already been imposed, the last of the journalists were hounded away and the Press was not allowed to go inside the Golden Temple up to June 10, when they were taken on a guided

tour of the complex for the first time since the Army operation began almost a week before.”

B.S. Danewalia writes: “When State Intelligence Chief H.S. Randhawa was flown to Amritsar on June 6, 1984, to identify Bhindranwala among the dead, he saw the Sikh civilians of all ages shot dead, with hands tied behind their backs with their own turbans.” According to Randhawa, Bhindranwala had probably been knocked out by a stun-bomb; “He had a wound in his head surrounded by black marks indicative of a shot fired from point blank range. The bullet entered the head and travelled downward. This appeared to be the fatal bullet”, he told this writer in an interview in 1997.

The Army brought four bodies out of the Akal Takht and placed them on ice slabs. The bodies were identified as of Thara Singh, Amrik Singh, Shabeg Singh and Jarnail Singh Bhindranwale. Bhindranwale’s body was badly mutilated and the officials could not positively identify it. In their report, the officials merely gave a general description of the body but did not assign a name.

The civil service officials went out and got a shop opened from which they purchased shrouds to cover the bodies. The Army objected to this as “showing undue respect” to the deceased. The officials conveyed this objection to Governor Pandey who then directed that all the dead bodies be covered at the time of cremation. In the mass cremations, a single shroud would cover 25 to 30 bodies.

Mark Tully gives an account of the cremation: “Bhindranwala was cremated at 7:39 on the evening of June 7, according to an Army officer who was on duty at

the cremation. A crowd of about 10,000 people had gathered near the Temple but the Army held them back. The bodies of Bhindranwale, Amrik Singh and Thara Singh, the deputy head of the Damdami Taksal, were brought to the pyre just outside the Temple. Four police officers lifted the body of Bhindranwale from the lorry which brought it from the mortuary and carried it reverently to the pyre. According to the officer, many of them were weeping.

One of them objected to Captain Bhardwaj, the officer in charge, smoking. He replied: "Look up. At least 30 men are covering me." Bhardwaj insisted on lifting the sheet to make sure it was Bhindranwale. The officer overheard Bhardwaj asking the police why the Sant's body was so badly battered. A police officer replied (Sarcastically): "The militant's broke his bones." There is however some confusion over the timing of Bhindranwale's cremation because his post-mortem report says that the body was not brought into the mortuary until 7:30 and was not examined until 8 p.m. The report said, "Bhindranwale was 'alleged to have died as a result of firearms' injuries."

"There are doubts about the accuracy of the post-mortem reports. According to Major General Shabeg Singh's post-mortem, his body was not brought in to the mortuary until the 9th. The report says that by then it was not possible to do a full post-mortem because of decomposition and putrefaction. But photographs show that the Army discovered Shabeg Singh's body well before it had started to decompose. It is difficult to understand why the Army would want to keep a retired general's body until it had putrefied. Both the Army and the Police have an interest in getting as accurate a post-mortem as possible. It could be

that the Army wanted to cremate the bodies at the first opportunity to prevent any possibility of their being discovered - there is no more potent cause of a riot than a dead body - and so dispensed with the formality of the post-mortems. If this was so, the reports which were eventually seen and photocopied must have been convenient after-thoughts.”

Surya magazine of November, 1984, published post-mortem reports of Sant Bhindranwale and Major General Shabeg Singh along with analysis of reports by Doctor J.K. Jain.

Doctor Jain faulted these post-mortem reports and observed that “(1) the time mentioned in the reports is clearly wrong; (2) the reports admit that both men died of firearm injuries but makes no mention of the flame and soot effect; (3) the reports do not mention the type of bullets that pierced their bodies and; (4) the reports make no mention of the bullets or other marks on the clothes of the men.”

The first photographs had shown their bodies naked. No body could have asked them to remove their clothes unless they were in army custody. Surya correspondent R.K. Bajaj confirmed that “he had personally seen a photograph of Sant Jarnail Singh Bhindranwale in army custody ... he was obviously wounded. Amrik Singh was at his side but barely able to stand. There was an army commando pointing a gun at him from the front, with another one at the back.”

As for less “distinguished” bodies, the Army refused to have anything to do with their disposal. Municipal



sweepers were summoned to carry off the corpses. It was a loathsome job, repugnant even to a group of people accustomed to foul jobs. They refused. Was it only because the bodies stank and were falling apart? Possibly these sweepers may also have shrunk from a situation in which the bodies of fellow human beings were being dumped like garbage, without relatives to mourn them or conduct last rites, without any vestige of respect ... or legality.

Many of these employees may have been Sikhs themselves. Finally, according to Subhash Kirpekar (in "The Punjab Story") some of them were bribed to dispose of the bodies; they were given free liquor and permission to keep whatever valuables they found. For centuries the sweeper has been treated as "lowest of the low" in the Hindu caste hierarchy, but he is not without an awareness of humanity and law.

A senior Government Official of the Civil Administration connected with Operation Bluestar disclosed that 673 post-mortems were performed by Dr Kang's team. Rupees 100/- per body were given to the sweepers to carry a body for post-mortem. Receipts for this amount are available with the Government. A few bodies were with hands tied behind their back.

These bodies were recovered from the Parkarma, the corridor around the holy tank and from the platform in front of the Akal Takht. They do not include bodies from other places or those that were taken away to be thrown in the rivers, nor do they include those bodies on which post-mortem was not performed and were simply cremated in

bulk as it is an acknowledged fact that some time 25 to 30 bodies were cremated at the same time on a single pyre.

Aside from the cremations, a Delhi-based news-magazine, Probe India reported that some 1500 casualties were thrown in rivers and canals.

Chellany reported: "I twice visited the main city crematory on 9 and 11 June to check the fatality toll in the Golden Temple assault. Bodies were being brought in municipal garbage trucks round the clock since early 6 June. 'We have been really busy. To add to our woes, we don't have enough wood to burn the dead, and so we are cremating them in heaps of 20 or more', said the crematory official. Near the Golden Temple, I saw an estimated 50 corpses in a large rubbish lorry that had sewage still smeared on its outer body. From the back of the grey truck, at least two masculine legs were sticking out and from the left side, one could see the hanging forehead and the long flowing hair of an apparently unturbaned Sikh. I peeped into the truck from the back, I could see dead bodies of at least two women and a child. That night it was difficult to sleep; I kept thinking of the dead bodies." (quoted from "An Eyewitness Account", Samuiddin, Abida)

By the morning of June 7, except for a very few surviving snipers, the men who had held the Army at bay for three days were all dead. By noon that day the Sikh Reference library with its extensive collection of rare and valuable historic documents would be put to the torch - Akal Takht jathedar Giani Kirpal Singh told the Surya correspondent: "The government wanted to destroy Sikh history. Otherwise how do you explain the fire in the Sikh

Reference Library? The archives were set on fire two days after the Army action.”

By afternoon that day, the propaganda mill was cranking up. Doordarshan cameras captured Giani Kirpal Singh, Jathedar of Akal Takht, as he intoned “Kotha Sahib bilkul theek-thak” (The sanctum of the guru granth sahib in the Akal Takht is quite all right). His excuse for this performance was that his daughter was being held at gunpoint just off camera. He was the man with whom the Army later made the hand-over agreement.

Lt Gen Brar writes of the reaction of Hindu traders living on the fringe of the Temple immediately after the Operation: “Matters took ‘a serious communal twist when those belonging to one community rushed out of their homes to offer sweets to our troops and were clamouring to give them a hot meal. As soon as I got to know of this development, I gave strict instructions to all troops, through their commanding officers, to decline the hospitality being extended to them and not to take any steps which could bring about any communal divide.”

As if declining the sweets somehow dispelled the sentiment! No, Brar and his soldiers were simply blades in the hand of the Big Divider who sat far away in Delhi. Mrs Gandhi’s gambit had worked. It had worked all over North India. Mrs Gandhi was “Durga” again.

People were seen carrying buckets of beer to the main gates of the temple where they jubilantly served out mughals to the soldiers. This is a reflection not only on the civilians but also on the state of mind of the soldiers.

The last time the Darbar Sahib was attacked by an army was in 1762. This was in revenge for the attacks on Ahmed Shah Abdali's troops carrying looted wealth and Hindu women from India to Afghanistan. The Sikhs had the temerity to rescue and restore to their parents some of the women and retake some of the treasure. Ahmed Shah later led an expedition against the Sikhs and destroyed the Temple and filled the sacred pool with the corpses of the massacred Sikhs. The Sikhs later recaptured it and rebuilt the shrine.

1984 saw a replay with troops of the Indian Army in the role of Abdali. After the Darbar Sahib was captured, the Army refused to hand it back to the SGPC without imposing certain conditions. Sikh opinion was divided. Most of them wanted the Darbar Sahib back without conditions and delay in handing back the complex to the Sikhs was working out to be a unifying factor in the community. The Army realised it and worked to reach an agreement with the SGPC. The SGPC's nominated jathedars met the Army generals and the jathedars accepted the conditions. These conditions were:

- i. The complex road dividing Ram Das Sarai from the Golden Temple was to be made a public thoroughfare.
- ii. Pickets would be placed on either side of this road.
- iii. No firearms were to go inside the complex.
- iv. Police were given the liberty to search the complex.

- v. A secret condition was the SGPC was not to challenge the official White Paper and was to obliterate all tell tale marks of the war on the Golden Temple and other gurdwaras forthwith.

SGPC president G.S. Tohra, faithfully implemented these conditions, and true to his word to the government and in spite of repeated demands from the community, stalled all efforts to bring out an independent White Paper on the 1984 events. Twelve years later, under extreme pressure, he agreed to commission a Sikh historian to bring out a White Paper on Operation Bluestar. That was for public consumption. What he actually commissioned the Sikh historian to bring out was a “White Paper on the Sikh Problem.” This obviously diluted the focus on Operation Bluestar. It is amazing that where thousands were killed, 74 gurdwaras attacked, property worth thousands of crores destroyed, the SGPC could only spare Rupees 40,000 to the professor for his research into a period spanning 500 years. A clear attempt to dilute focus on operation Bluestar. Professor G.S. Dhillon returned the money in disgust and frustration. He was later to accuse Tohra for deliberately restricting the sale of his book through the SGPC.

According to law, all violent or illegal or even accidental incidents must be reported to the nearest police station at the earliest so that proper verification is possible. Normally the Army should have filed the FIR with the Police. Initially, according to Randhawa, the government’s idea was to have the Punjab Police file the FIR but subsequently the Punjab Police were told “the job is too

big for you” and the Central Bureau of Investigation was made to file the FIR.

The reason is clear: the Home Ministry objected to the Punjab Police as “untrustworthy” and considered it too risky to have the Police file the FIR as that would involve investigation by the Police and the report might not suit the government.

Some two months after the action on August 10, 1984, the Punjab Police accepted this long-delayed report without murmur. In the interim 65 days between the operation and the filing of the FIR, thousands of people taken into custody were being held illegally. No charges had been made against them, no cause for detention had been made out, no magistrate took cognisance of them. They were simply hostages.

Subsequently in August, they were charged under sections 107 and 151 IPC (for breach of peace) and remand was obtained from a magistrate.

The destruction of the Akal Takht posed a problem. The government wanted to build it itself so that later it could exercise some control over it. It was here that the community did not go along in spite of extreme military pressure. The Temple had been built over the centuries out of the devotion of the believers and the Sikhs would have no one but devotees rebuild it. Jahangir, the Mughal emperor, had once offered to build the Akal Takht and Guru Hargobind Singh had rejected the offer saying that the Sikhs and only the Sikhs would build it.

When the government persisted and commissioned Budha Dal chief Santa Singh (a close confidant of Giani Zail Singh and Buta Singh) to carry out the job, Captain Amarinder Singh, son of the last Maharaja of Patiala, echoed the feeling of the Sikhs by declaring “If no one else pulls down this thing, then I will .. .”

## HOW MANY DIED?

The assault on the Golden Temple bore a strong resemblance to the Jallianwala Bagh massacre of 1919. In that infamous incident thousands of people had gathered at a ground surrounded by high walls with only one exit. Troops took up their position at the exit and fired on the people. The Golden Temple was likewise sealed and firing commenced taking a toll of thousands.

However, there is a significant difference: We know how many people died in Jallianwala Bagh: after the massacre, the British government identified the bodies, handed them over to the next of kin and paid Rupees two thousand in compensation to the next of kin. Injured were taken to the hospital and paid Rupees Five hundred. General Dyer allowed relatives to take away the bodies. The General himself was called back by the British government. That was the British.

The government of free India did not allow families to perform the last rites for the dead; made no effort to record the names and addresses of those slain or missing in the Operation; the “score-card” of dead and wounded it eventually published reflect gross under-estimation - a mere 492 civilians killed when it is known that thousands

of people were trapped in the temple at the time of the Operation.

How many people died in Operation Bluestar? That depends on whose figures one accepts.

The government's White Paper issued in July, 1984, put the soldiers' casualties at 83 and civilian deaths at 492 at the Golden Temple. 86 civilians and 249 Army men were injured. 1,283 men and 309 women were arrested. Associated Press correspondent Brahm Chellany put the figure of Army deaths at around 200. In September that year, addressing the National Student Union of India session in Nagpur, Prime Minister Rajiv Gandhi mentioned that 700 soldiers had lost their lives in Operation Bluestar. (Quoted in "The Tragedy of Punjab", Kuldip Nayar and Khushwant Singh.) More gallantry awards were given for Operation Bluestar than for combined awards for India's Four wars of 1948, 1962, 1965 and 1971. This is brought out in his book by Air Marshal Malhotra.

In his book *Uncivil Wars*, Ved Marwah improves on the late prime minister's figure when he writes: "but 35 per cent casualties in a division-level operation cannot be called a well-planned and well-executed operation." (A division is comprised of 16,000 troops).

Interestingly, Ved Marwah cites the government's White Paper as the source of his figures - "4712 persons were killed and 10,000 arrested during this operation." Are you puzzled? Just a few lines back you read a figure of "493 civilians plus 83 security personnel killed" - also citing the government's White Paper. The White Paper I have quoted



from is available in libraries and anyone can go and see the figures for himself. And yet Ved Marwah is not a man to simply make up figures out of his head. Are there two White Papers ... one for the general public and one for privileged circulation?

Subhash Kirpekar writes in Operation Bluestar: [I am often asked how many people died in Amritsar during Operation Bluestar] ... it is not easy to answer but from the movement of Amritsar municipal garbage vans that ferried the dead, I have a feeling that the number of dead is much more than officially stated. Going by the rumour mill in Amritsar, the casualty figure is over 2,000... but I have no way to substantiate this as most cremations were done under curfew.”

Kirpekar goes on to say that many people were reported missing from their homes in Amritsar and gives the case of a 26-year-old employee in the State Family Planning Department, Raman Inder. The young man was last seen on June 25, 1984, His scooter was found on the outskirts of the city but nothing more could be discovered.

The Army attempted to conceal the exact number of its casualties: the wounded were evacuated to hospitals throughout India, and usually shown on the records as having been wounded in Ladakh.

As Operation Bluestar had been planned over a period of months and executed over a period of days with deployment of heavy armament against militants equipped with small arms, the ratio of militant-army casualties should be on a normal ratio of one to five. Again, according to the government's White Paper, the number of

those killed is placed at about five times the number of those wounded.

Lt Gen Brar offers these statistics: “Army casualties were 83 killed and 248 wounded; terrorist and other casualties were 492 killed and 86 wounded.” The Army figures show us that one died for every three wounded but in the case of the civilians, the figures show a ratio of nearly six dead for one wounded. This alone is enough to foster a suspicion that the Army wanted no prisoners.

Chand Joshi is a man who likes round numbers: his estimate is 700 troops killed and 5,000 civilians (in “Bhindranwale, Myth and Reality”, New Delhi, 1984). He also mentions that in this operation about 1,000 people were killed in the vicinity of the Golden Temple during this period.

In “Oppression in Punjab” the investigating team writes “There were thousands, perhaps 10,000 people, consisting of pilgrims, SGPC employees, Akali volunteers come to court arrest and terrorists present in the Golden Temple complex when the Army started firing at the Golden Temple from all sides on the dawn of June 4.” They quote an AISSF member as saying: According to an All India Sikh Student Federation member: “Gurpurab was on June 3. About 10,000 people had come from outside including many women and 4000 of them were young people. Those who were inside were not allowed to go out after 10 p.m. on June 3. The jathas which had come mainly from Sangrur were not allowed to court arrest. Bhan Singh confirms: “June 3 being gurpurab, thousands of pilgrims had come. But suddenly there was a curfew, so the pilgrims and the 1300 Akali workers who had come to

participate in the Dharam Yudh Morcha and to court arrest could not leave.”

As regards the number of pilgrims in the temple, the senior-most police official in the state at that time, told the writer that his information was that about 70 per cent of the temple corridor was filled with pilgrims. The Harmandar Sahib sits on a pavilion in the middle of a square pool which measures approximately 150 meters by 150 meters; a corridor about 10 meters wide surrounds the pool on all four sides in addition there is a much wider space in front of the Akal Takht. Given the space available, the number of people would anyway be upwards of 12,000.

Amritsar was under curfew on the morning of June 3, the martyrdom day of Guru Arjan Dev, and according to Gen Brar “as a result, during the entire day there was a steady flow of devotees to the Temple.” The traditional observances on this day conclude after 10 p.m. when the Guru Granth Sahib (the holy book) is ceremonially carried away, and devout Sikhs typically attend this service. But at 9 p.m. an all-Punjab 36-hour curfew was suddenly re-imposed. Thousands of people were stuck inside the Temple. The Akali jatha from Sungrur wanted to come out to court arrest but was prevented from doing so. More thousands of people trapped inside.

When firing started, many people rushed back into the Harmandar Sahib, thinking it would be the safest place to wait out the conflict.

In their book, “Amritsar: Mrs Gandhi’s Last Battle”, Mark Tully and Satish Jacob estimate that some 950 pilgrims

were inside the temple along with 80 priests, sewadars and other temple servants, some 300 employees of the SGPC and their families who lived in the temple complex and about 1,700 Akali Dal supporters who had come to participate in the Dharam Yudh. Some 500 Bangladeshis who had illegally entered India were also found. These people were quite apart from Sant Bhindranwala's supporters and the Babbar Khalsa groups. Adding up these figures, we see that at least 4,180 people were inside the complex.

According to Head Priest Sahib Singh, as quoted in the Probe magazine, of August 1984, "about 6-7,000 people were trapped within the Golden Temple Complex." Justice Tarkunde's team which visited Amritsar immediately after the operation places the number of pilgrims trapped inside at 10,000.

When villagers learnt of the attack on the Darbar Sahib, thousands of them left their villages and began walking toward Amritsar with the intention of defending their holiest shrine. These marchers were subjected to aerial strafing, machine gunning and ground fire in a bid to stop them.

At many points unarmed Sikh Army deserters were intercepted and killed.

According to B.S. Randhawa, an Inspector General of the Punjab Police who was then head of Intelligence, information with the Punjab Police put the figure at more than 1800 civilians killed in the Temple Complex.

Our estimate of the total number of killed during the operation inside the Darbar Sahib Complex is at least 5,000 civilians but possibly more.

## QUESTIONS

In his book, “Police and Politics in 20th Century Punjab” former Punjab Inspector General of Police B.S. Danewalia asks: “Mrs Gandhi said that she had handed Punjab to the military. No legal luminary has so far questioned under what law Mrs Gandhi had the power to do so. And what was the military to do after such handing over and under what laws and against whom? Did the Army generals ask to have their legal position clarified?”

The law provides that the Army can be called out to assist civil authority. In such cases, it functions under the District Magistrate. Gurdev Singh was the Deputy Commissioner of Amritsar from July, 1983, to June, 1984. General Brar described him as “a known supporter of Bhindranwala” but when Gurdev Singh speaks for himself, one gets a different impression. Ram Narain quotes him at length in his book. He told Narain: “I had told the government at Chandigarh that if they wanted to arrest Bhindranwala there would be no major difficulty. My information said that the terrorists inside the Golden Temple did not have more than 200-300 guns. Their guns were not even sophisticated. The Army later complained about the inadequate intelligence. I do not know what intelligence they had used. There were half a dozen or more agencies working independently and often at cross purposes. I had confidence in my CID. Given clear instructions, I would have organised an operation to arrest Bhindranwala. However, the Chief Minister Darbara Singh, Governor

B.D. Pandey and Punjab's Chief Secretary K.D. Vasudeva made it clear that the initiative to take action against Bhindranwala had to come from Chandigarh. Chandigarh was taking its orders from Delhi. We had been talking about the need to use force since DIG Atwal's murder in April, 1983. I was against the proposal to call the military. My reason was simple: the involvement of the local police was crucial for the success of the Golden Temple raid. There are myriad approaches to the Temple from the old city. The army and other paramilitary forces, with their ignorance of topography, prevent the terrorists from moving in and out of the Temple complex. I had also told them that the Sikhs of Punjab would resent an Army action much more than a police action. It was possible to tell them that the police action had become necessary because scoundrels and criminals had taken over the Darbar Sahib. However old memories of alien aggression against the Sikh Vatican would inevitably revive if we sent in the military. When I raised this point, they told me 'Look Gurdev, there is no such plan.' I must have been repeating my position to the Governor very often. I became cautious when Director General of Police Bhinder and my SSP Ajay Pal Singh Mann advised me that it was not wise that I repeat my position so often. That by over-repetition, the point might be misunderstood.

On June 2, after learning of the plan to use the Army, Gurdev Singh telephoned the Governor and told him that conscience did not allow him to be a part of it. The Governor immediately relieved Gurdev Singh of his post for three months and told him to go on long leave - to leave the country in fact - and say nothing to the press. Ramesh Inder Singh, a Bengal-cadre officer, was posted as Deputy Commissioner Amritsar in his place.

Ramesh Inder Singh, a young officer taking up his first district posting, was by law required to direct the Army. By law, in a situation in which it is necessary for security forces to open fire, it is the District Magistrate, and only the District Magistrate, who can order them to do so. In this case, the Army answered to no one. Now the question arises: Without official sanction, is “practical work” such as Bluestar legal ... or is it criminal misuse of force against civil population?

Martial law was never declared in Punjab. And yet, without martial law, the Army carried out summary executions. The Army issued “shoot to kill” orders but later rescinded them when K.D. Vasudeva, Punjab Chief Secretary and Harjit Singh Randhawa, Inspector General Police, questioned the order. How many actually died as a result of these illegal orders remains a closely guarded state secret.

For many days after the action, the pilgrims taken into custody inside the Golden Temple continued to be held in Army camps and detention centres as “prisoners of war.” It was much later, that on the advice of Punjab officials, the Army stopped referring to them as “prisoners of war” and began to call them “terrorists and terrorist sympathisers.” Which label was worse? In any case the “prisoner of war” label did the captives no good as they were denied the safeguards of the Geneva Convention.

Let us accept, for the sake of argument, that the Government of India represented by Prime Minister Indira Gandhi, could not countenance the civil disobedience movement being carried out by the Akali Party. The

leaders of the Akali Party, G.S. Tohra and Harchand Singh Longowal, were staying in Guru Ramdas Serai. But the Army did not direct its fire on them. Instead, the immediate target was Bhindranwala in the Akal Takht, and more significantly in the words of the “Baatcheet”, an official Army publication issued to soldiers in July, 1984, all Amritdharis - which includes the entire spectrum of the Sikh community. An open beard, a kirpan, a saffron turban ... or any Sikh the soldiers didn't like the looks of could expect major trouble.

[NOTE: This is the text of the Army Baatcheet: “Although the majority of the terrorists have been dealt with and the bulk of the arms and ammunition recovered, yet a large number of them are still at large. They have to be subdued to achieve the final aim of restoring peace in the country. Any knowledge of Amritdharis who are dangerous people and pledge to commit murders, arson and acts of terrorism should immediately be brought to the notice of the authorities. These people may appear harmless from the outside but they are basically committed to terrorism. In the interest of us all, their identity and whereabouts must be disclosed.”]<sup>2</sup>

The SGPC White Paper asks: “How did the government determine that the persons inside the Golden Temple were terrorists? Their names were never released and no warrants were ever issued for their arrest. What criterion did the Indian Army adopt to make distinction between the pilgrims and the militants? Why was it essential for the government to attack the Temple on the holy day when thousands of pilgrims had assembled there to pay their obeisance? Was it necessary to enact the gory scene of blood, brutality and destruction at the Golden Temple?



Why was the Sikh Reference Library and archives, which had a collection of rare manuscripts and Hukamnamas bearing the signatures or marks of the Gurus, set on fire, after the attack had come to an end? How was it that a large number of Sikhs whose dead bodies were brought for post-mortem had their hands tied at the back and had been shot in the chest or the head from point blank range? Why has the government not released a list of casualties to this day? Why were the bodies of people killed inside the Temple not given to their families for cremation? Why was it essential for the government to attack 72 other gurdwaras in Punjab and outside, especially when there was no resistance from the inmates?”

What happened in the Darbar Sahib complex and in other gurdwaras in Punjab in June, 1984? What were the circumstances, the objectives, the logic, and the sequence of events that lead up to the assault? Although some of the writers quoted in the foregoing pages were actors in the drama that unfolded, we see that each is telling his version of the story. What is the truth? After Operation Bluestar, after Woodrose, after the November genocide, the government’s response was forget it, sweep it under the carpet. But such appalling slaughters of innocent citizens in their own country are not easily forgotten, much less are they easy to forgive. Accountability is necessary to “close the chapter.”

Nelson Mandela’s, ‘Truth and Reconciliation Commission’ is a sensible and a humane approach to this tragic genocide, but truth must precede reconciliation and some accountability and recompense must be there to allow forgiveness.

Let the present government of India (failing which, the government of Punjab) order an impartial and comprehensive inquiry into Operation Bluestar. On the strength of the evidence available, the Supreme Court should be able to take suo moto notice of such a large number of killings. The present government has a moral obligation to the nation to establish the truth. Such an unequivocal commitment to the cause of justice would go a long way toward calming vengeful spirits and making sure that another round of violence does not occur. That invasion of Punjab and the genocide of the Sikhs is not repeated again.

### *Jodhpur Detainees*

Punjab police chief Julio Ribeiro in his book “My life as a police officer” writes about Jodhpur detainees: “These were the people who were found in the Golden Temple during Operation Bluestar and who were arrested by the Army. Many of them were not connected with Bhindranwale or the terrorists. They were there merely to offer prayers on the occasion of the anniversary of the martyrdom of the sixth Sikh guru. It was unfortunate that the operation was undertaken on that very day. Yet, since those who were arrested had been found by the Army in the temple, they were all bracketed together in a conspiracy case and charged with ‘waging war against the State.’ As it was not possible to separate the accused at a late stage of the investigation after the charge sheet had been filed, even the innocent were kept in custody along with the hard-core extremists. These legal niceties were not easily intelligible to ordinary citizens. They wanted to know why the government was holding on to so many innocent people for so long. Three years had passed and

the trial was being prolonged on the grounds that one or the other of the accused was ill and incapable of appearing in court, thus forcing the courts to order adjournments. Thus, trial in the case had not begun at all because there were more than 200 accused and they were being defended by a battery of lawyers, each entitled to cross-examine the prosecution witnesses.

...

The only official who spoke up was heard at routine meetings was M.K. Narayanan, the director of the IB. He was a brilliant police officer of the Tamil Nadu cadre, two years my junior in service. He had a highly developed political instinct and had his eyes and ears to the ground. His advice on the Punjab problem was to make a few concessions at various intervals and to watch and assess the effect of such concessions. For example, with regard to the Jodhpur detainees, MK's strategy was to release a few persons at a time, choosing the number quite arbitrarily, I thought. In this he was supported by Chidambaram. I did not agree with this strategy and said so. I felt that the entire lot, with the exception of twenty or thirty hard-core extremists, should be released. My argument was that this would appease Sikh sentiment and also assuage our own better conscience since most of these detainees were not really committed Khalistanis. It would aid the fight against the terrorists on the ground.

Sarla Grewal obviously agreed with what I had to say. But for some reason, she was reluctant to say so herself. From behind the prime minister's shoulder, she kept making signs to me, encouraging me to speak up. Rajiv Gandhi chose the advice of MK and Chidambaram. I do not know whether any of the politicians present also backed this line

of argument. Finally, the Jodhpur detainees were released intermittently in small numbers.” - They were hostages.

### *Operation Woodrose*

Operation Woodrose had two distinct areas earmarked: General Jamwal was put in charge of sealing the border and General R.S. Dayal was to oversee apprehension of militants within the state of Punjab.

It is difficult to assess the casualties in Operation Woodrose as the Army had clamped a total curfew which was lifted in a mere 30 days in some parts of Punjab but went on for more than three months in others. It was rumoured that the security forces picked up a very large number of men - according to Weaver's account, in villages along border, all men between the ages of 15 and 60. Thousands of men living in border districts were said to have escaped to Pakistan. The Indian Express of October 15, 1984, reported that more than 8000 people were missing from their homes or were detained by the police. Punjabi language papers estimated a much higher figure. The government has never investigated the number of people missing in these districts and rejected all requests to do so. Did they really escape to Pakistan?

We have earlier made a conservative estimate of more than 5,000 civilian deaths in Operation Bluestar inside the Golden Temple complex. Adding 8,000 “missing in Woodrose” plus deserting soldiers killed on their way back to Amritsar and villagers killed as they tried to reach the Darbar Sahib at the time of Operation Bluestar, the civilian death toll in the months of June and July, 1984, may be somewhere between 18,000 to 20,000.

While the Darbar Sahib was under attack, other Army units were battling their way into 74 other gurdwaras in Punjab. The government's White Paper says 59 people were killed and 35 were wounded in these engagements.

The Army admits having killed 20 people at Gurdwara Dukh Niwaran at Patiala. Doctors at Patiala's Civil Hospital state that 65 bodies were brought to the civil hospital; attendants at one of Patiala's cremation grounds confirm about 80 bodies brought from Gurdwara Dukh Niwaran were cremated. It was common knowledge that the bodies were cremated at three different places, the bulk of them being taken in Army trucks which were seen heading towards Bahadurgarh Fort, outside Patiala.

### *The November 1984 Genocide*

On November 9, Rajiv Gandhi addressed a rally at the Boat Club. This was the occasion on which he referred to the riots that followed the assassination of his mother in a manner as infamous as it was casual: "when a big tree falls, the earth trembles", he said.

And yet when Mahatma Gandhi was shot dead by a Maharashtrian Hindu assassin, the "earth" didn't "tremble" for Maharashtrian Hindus. Was he a smaller "tree" than Indira?

When Tamil separatists killed Rajiv Gandhi no riots against Hindu-Tamils broke out either.

On October 31, 1984, the day Indira Gandhi was shot by her Sikh security guards; all hell broke loose over the heads of the Sikhs.

It seems that Rajiv's remark reflected not a "natural phenomenon" but his own desire to measure his mother's stature through the headcount of the slain Sikhs. The starting point of the trouble was said to be Rajiv Gandhi himself. At the time of emplaning for Delhi from Calcutta some Congressmen rushed to tell him of his mother's assassination. He is supposed to have said: "But what have you done about it?" This was a cue to the Congressmen and massacres of the Sikhs started throughout the Congress-ruled states of North India.

In the capital, for three days mobs organised and led by Congressmen went on the rampage, looting, killing and burning. Later, non-Sikh MPs were to charge on the floor of Parliament that inmates were freed from Tihar Jail in order that they might set upon the Sikhs. Grave as these charges were, no inquiry was made into them. It is also believed that five truckloads of police recruits were dispatched from Madhuban Police Training Centre in Haryana to lend a hand in organising the riots. Delhi Transport Corporation buses were commissioned to fetch men from the rural areas of Haryana and UP to kill, loot and burn.

While the government placed the death toll in Delhi at 2,700, human and civil rights activists were able to identify 3,872 persons killed. Delhi is a large sprawling city and if one adds the number of Sikhs killed in scattered localities and in transit, the number would be a minimum of 8,000 and might cross 10,000.

According to Delhi Police Commissioner Ved Marwah: “In Delhi alone, more than 3,000 Sikhs were burnt alive in the most gruesome manner. With the Delhi Police playing a most shameful, passive role.” (Uncivil Wars)

Civil and Military officers posted at New Delhi between 1982 to 1984 confirmed that Sikh homes were singled out for marking by Congress (I) activists as early as 1982. They were told that, on a small enclave to be given to the Sikhs by Pakistan, Sikhs would declare Khalistan (One of the Sikh demands was for grant of Vatican status for the twin holy cities of Amritsar in India and Nankana Sahib in Pakistan). This line of thinking was also fed to the Indian Army to condition it for an attack against the Sikhs in Punjab. This explains why similar type of systematic attacks against the Sikhs erupted throughout north India where Congress (I) dominated the political scene.

It is possible that these planned attacks against the Sikh population in Punjab and elsewhere were timed for little after Operation Bluestar, and Beant Singh, because of his proximity to the inner circles, became aware of it and assassinated Mrs Indira Gandhi to forestall this onslaught on his community.

In the lower Court, Delhi’s Additional District and Session Judge O.P. Dwivedi while sentencing 2 people to death on 22nd December, 1997 for killing Sikhs in the November 1984 genocide wrote in his judgement: “This genocide would not have been possible but for the inaction and connivance of the police.... Police did not try to prevent arson or murders, nor were they willing to take any action against the guilty.”

Some 200 gurdwaras in the capital were attacked, some of them razed to the ground. It may be recalled that when Nadir Shah sacked Delhi in the 18th century, he put tens of thousands to the sword but he slaughtered Delhi's Hindus and Muslims with equal ferocity and his soldiers did not touch a single Hindu temple or gurdwara.

Nadir Shah was a foreign invader. Delhi's Sikhs were attacked by their fellow countrymen, led by elected representatives while the police, whose duty it is to protect all law-abiding persons, stood idly by - or sometimes actively assisted the mobs. A senior IPS officer who testified before the Misra Commission stated: "The riots were engineered to teach the Sikhs a lesson."

But in spite of appeals made to the PM-designate and to Home Minister Narasimha Rao, the Army was not called in. It was only on the third day (after Rajiv Gandhi had already indicated to his minions that it was time to desist) that the Home Minister remarked to his aides: "Ab bahut ho gaya." (Now it is enough.) Thereafter the Army was called in.

Plainly, the government had no objection to the carnage. Later apologists for the Home Minister attempted to explain away his remark by saying that Rao, whose mother tongue is Telegu, had not understood the connotation of what he had said. For 30 years P.V. Narasimha Rao has been a political actor on the national level and used Hindi as his professional language. He has the reputation of being a linguist. It would be strange indeed if he had not understood the import of his words.



Later Hari Kishore Singh would remind the Lok Sabha of this remark.

Fourteen commissions have gone into various aspects of the killings but no justice has been done.

Rampaging mobs slaughtered Sikhs at Bokaro, Daltonganj, Hazaribag, Dhanbad, Ranchi, Kanpur, Lucknow, Ghaziabad, Ratlam, Rewa, Sonapat, Panipat and scores of other towns. In all these towns, it was seen that exactly the same methods were employed to kill the Sikhs. Those who led the mobs often had lists of ration card holders in their hands to make sure that they did not miss a single Sikh household. The modus operandi was to bludgeon the men to death with lathis or iron rods or burn the victims alive on the spot using discarded tires.

Goods transport operations in those days were mainly in the hands of Sikh operators. Thousands of trucks, waylaid enroute, were burnt and the crew killed. The government refused to disclose how many trucks and truckers perished despite the fact that insurance companies have exact figures.

It is estimated that anywhere between 2,000 to 3,000 Sikh commuters were slaughtered in the trains, but again, the Railway Board and the government of India refused to disclose the number and identity of those killed. The Army has a list of Sikh soldiers who were killed on trains but has kept it confidential. George Fernandes, Railways Minister in the Chandrashekhar government, inquired into the matter belatedly four years ago and unofficially confirmed that 600 to 700 Sikhs killed in the trains had been identified till then. This was in deference to the letter of

introduction and request for help in getting the information sent by the then Punjab Governor Nirmal Kumar Mukharji.<sup>3</sup>

The cumulative figure of those killed during the November, 1984 genocide all over India would be around 20,000.

As a last resort, on January 15, 1992, a collective of three human rights organisations and three former advocates general of Punjab approached the UN Secretary General with a request that he arrange for an independent census of the killing after the Prime Minister had failed to respond to their letter.

### *1986-88 Operation Black Thunder, I & II*

Two operations, both called Black Thunder, were conducted to remove militants from the Golden Temple complex.

The first was on April 30, 1986, during the chief ministership of Surjit Singh Barnala. This was a fiasco and 27 Akali MLAs, led by Prakash Singh Badal and Amarinder Singh, broke from the party and were later unseated from the Assembly. Their membership of Assembly was annulled through Speaker's fiat on Barnala's insistence.

Ved Marwah refers to this in his book "Uncivil Wars" (p. 181): "The decision of the Barnala government to permit the police and paramilitary forces to enter the precincts of the Golden Temple complex was criticised by the dissident Akali leaders, including Prakash Singh Badal. Barnala's

critics were able to exploit the fact that not a single terrorist nor any weapons were found inside during the operation. The announcement of the formation of Khalistan from inside the Golden Temple had precipitated the situation, leading to the National Security Group (NSG) intervention. In protest against the entry of the police and NSG into the Golden Temple, 27 Akali Dal members of the Legislative Assembly formed a breakaway Akali Dal faction with Badal as the president and Amarinder Singh as the leader in the State Assembly Legislative Party. Gurcharan Singh Tohra, former SGPC president, also later joined hands with Badal. Chief Minister Barnala was left with little option but to rely openly on the Congress-I support in the Assembly. Barnala was projected as a traitor to the Sikh cause by his critics ...”

K.P.S. Gill was later to accuse the human rights groups with twisting facts. “Even in a case as fully documented as Operation Black Thunder, where the entire action was carried out in the full view of the media, not a single conviction was pronounced.” But earlier, addressing a Rotary Club meeting, Gill said: “That some people sympathetic to the militants had infiltrated the prosecution agency of the police and, therefore, enough evidence could not be collected.” G.S. Grewal, Punjab Advocate General, has accused Gill of twisting facts. Grewal says: “Those persons who were arrested during Operation Black Thunder were in fact put on trial. After a few months all were released at the instance of the prosecution because of lack of evidence. It is another matter that none of them may be alive today. It will be too much to presume that they have died a natural death.”

For his role in this first Black Thunder, Barnala was ostracised by the Sikh community. On May 18, 1987, after his government had been dismissed, this former chief minister “submitted” to the Akal Takht Jathedar who ordered him to atone for his misdeed by serving the devotees at the Golden Temple and several other historic gurdwaras for a fixed period.

1986 had been a bad year. Punjab Chief Minister Surjit Singh Barnala had staked his honour on Prime Minister Rajiv Gandhi’s promise to revert the Union Territory of Chandigarh to Punjab on January 26 of that year. Rajiv reneged leaving a discredited Barnala to face jeers and jibes. Barnala’s government limped on for another 16 months before being dismissed on May 11, 1987 on the eve of elections to the Haryana Assembly.

With Barnala out, five years of President’s rule began. In April, 1988, J.F Ribeiro became advisor to the governor and K.P.S. Gill was elevated to Director General of Police.

As resistance to the Union Government swelled during this year, Rajiv and his coterie came to the conclusion that the only strategy open to them was more repression. A second, new and improved, Black Thunder was planned. Obviously one of the objectives of this operation was propaganda mileage because care was taken to infiltrate “militants” so they would be sure of having something to show when it was all over. If some genuine militants could also be snared, well and good. (as quoted by Sangat Singh in “The Sikhs in History” p. 412, referring to a report carried in Sunday, May 22, 1988.)

Normally one would expect an operation like Black Thunder to be carried out under the Ministry of Internal Security, but this one was placed under the supervision and control of the Union Home Ministry. Preparation for Operation Black Thunder II began early in 1988 at Manesar in the Aravalli hills some 40 km from Delhi, where a carefully picked force drawn from the National Security Guards practiced their moves in a specially created model of the Golden Temple complex and later a high school at Tauru and a college at Nuh (both in Haryana) whose structures resembled the Golden Temple parikrama. Some of these Special Action Group commandos began growing their hair so they could pass as Sikhs.

Around the same time, state sponsored terrorist groups, under the overall charge of Amritsar SSP Izhar Alam, struck again and again. By January 25, 1988, 200 people had been killed.

By mid-February the tentative dates for the operation had been fixed and leave of the Special Action Group men was cancelled. On March 4, Sant Jarnail Singh Bhindranwale's nephew Jasbir Singh was released from Jodhpur jail where he had been held for the past year and on March 6, the Punjab Assembly, which had been kept in suspended animation, was finally dissolved. On March 7, Home Minister Buta Singh announced in Parliament the government's intention to extend President's rule in Punjab and declare a state of emergency.

On March 21, state-sponsored terrorists used a Soviet-made rocket-propelled grenade launcher to lob a 2.25 kg 85 mm shell at the Vishwakarma Temple on the outskirts

of Phagwara where 70 CRPF jawans were billeted. This is discussed in some detail further on.

During these months, the security forces were infiltrating men into the Golden Temple complex. In outward appearance they were Sikhs. By mid-April security force personnel began occupying rooftop pickets near the Golden Temple, including one facing the Clock Tower.

On May 9, DIG, CRPF, Sarabdeep Singh Virk went up to the rooftop of one of the buildings around the Temple parikrama, taking with him one Santokh Singh Kala. Kala had been a militant, but had been won over and was being used to carry out terrorist crimes at the bidding of the security forces. Kala taunted the militants and drew their fire; Virk was injured.

Hearing of the firing, the acting Jathedar of the Akal Takht, Jasbir Singh Rode, hurried back from Patiala to Amritsar.

On May 11 and 12, 1,000 commandos of the Special Action Group of the National Security Guards were airlifted to Amritsar under the overall command of Brigadier Sushil Nanda. Nanda had a hot line to the NSG Control Room in New Delhi. Operation Black Thunder was about to begin. A final meeting was held about this time in the New Delhi office of Union Home Minister Buta Singh. Punjab governor Siddhartha Shankar Ray and Minister or State for Home Affairs P. Chidambaram were also present; this was the last of 11 planning sessions; Rajiv Gandhi had been present at eight of them.

Rode was able to get a two-hour ceasefire on May 11, and along with Gurdev Singh Kaonke, some associates and several journalists, he went i) to talk to the militants. This is when the NSG commandos took up their positions; initially, the CRPF was deployed all around the outer parameter of the complex; later they were replaced by NSG Special Rangers (Ved Marwah, "Uncivil Wars" p. 191.)

The local Administration told Rode that he would be allowed into the Temple at 8 a.m. on the following morning to re-install the Guru Granth Sahib in the Harmandir Sahib once more and resume the recitation, but that seems to have been a deliberate falsehood because it was precisely at that hour that the security forces opened fire on the Temple complex. Rode protested to Deputy Commissioner Sarabjit Singh, Inspector General (Border) Chaman Lal and SSP Suresh Arora, who were present there. He dismissed their contention that it was unsafe, saying "You are liars. It is you who are shooting, not the militants," and said that he would go ahead anyway, at which point a CRPF man struck him with a rifle butt. Rode and his companions were arrested for violating curfew.

Operation Black Thunder commenced in earnest, with the militants under attack from the security forces outside the Temple and infiltrators within. On May 15, in response to appeals from DC Sarabjit Singh and IG Chaman Lal, 151 persons (146 according to another source) including 17 women and children, came out with their hands up. Among them was Surjit Singh Penta, a major militant. He is said to have swallowed cyanide, although many believe that he was killed by the police. On May 18, 46 others

came out and surrendered to K.P.S. Gill. It is believed that these were infiltrators.

Operation Black Thunder II differed from the first one, in that it was totally a New Delhi job. A direct radio link was established between Nanda at the Tactical Headquarter situated in the Golden Temple Hotel just outside the complex, and the NSG Control Room in New Delhi which was in turn linked to all senior NSG officers. Major General Naresh Kumar, Inspector General Operations, and Ved Marwah were in constant touch with Nanda. (“Uncivil Wars”, p. 189)

Marwah writes that the NSG was under constant pressure from the Punjab governor to rush the operation. He writes: “At a meeting at the PM’s house which was attended, among others, by the governor of Punjab, Siddhartha Shankar Ray, Minister of State P. Chidambaram, Julio Ribeiro, Director Information and Broadcasting M.K. Narayanan and DGP K.P.S. Gill, the majority were in favour of a short quick action as they feared a more serious problem building up outside the Temple complex, if the operation was unduly delayed.

### *The National Human Rights Commission*

Readers who are acquainted with the operation of Human Rights organisations in many parts of the world may know that India has a National Human Rights Commission and they may wonder why figures and reports of this commission have not been cited here. (Indeed, no such figures or reports are cited anywhere in this book.) This is a good place to explain why and to do so one must



describe the nature of the National Human Rights Commission.

The commission came into being immediately after the UN-sponsored World Human Rights Convention was held in Vienna in 1993. By that time, India's not-so-good human rights record was well known. News reports and studies by scholars and social workers had testified to government's scant regard for the rights of minorities, dalits, ethnic groups, child labourers and bonded labourers, women, political dissenters and prisoners. Some international human rights groups (such as the jurists of Switzerland and Germany and the Asia Watch activists) had managed to sneak into Punjab and returned convinced that the situation was indeed desperate. Relying on indirect sources, Amnesty International had assembled a thick dossier on human rights violations in the state.

These groups were present at the Vienna conference and so were several non-government organisations from India. During the deliberations, the government of India found itself at the receiving end of a barrage of criticism. The government's representatives first tried to silence its accusers by privately approaching the NGO's and urging them not to raise unpleasant issues before an international audience. These are internal matters, they said, the government of India will listen to you after this conference is over and everything will be mutually sorted out.

When that didn't work, the NGO's were told that they were under surveillance and everything they did would be reported with dreadful consequences. To the credit of the NGO activists, they did not cower before such threats.

The government had taken the precaution of airlifting an 18-member shouting brigade from India. (The team included three Members of Parliament from Punjab, namely Jagjit Singh Anand, a CPI member of the Rajya Sabha, and Surinder Singla and Gurcharan Singh Ghalib, Congress members of the Lok Sabha.) But the government's ruffians could not prevail: they were themselves shouted down and NGO's from all over the world joined in denouncing this official chorus as "gongos" - government-organised NGO's.

Rattled by the exposures and the international criticism, the government finally decided to set up a body for human rights. This was the circumstance in which the National Human Rights Commission took birth. As an eminent jurist, Soli Sorabjee, has pointed out, a human rights commission amounts to little without credibility or effectiveness. As the government of India was not interested in creating a powerful body, it made sure that the National Human Rights Commission had neither.

Without consulting opposition parties or long-established human rights groups in the country, the government appointed the commission members. The result has been that the NHRC has enjoyed little credibility from its very inception.

As for effectiveness, the NHRC has no independent investigative machinery under its exclusive control, it is not vested with the power to inspect police stations or lock-ups, nor has it any power to punish violators or grant compensation to victims. It can merely make recommendations to the government concerned. That government is not bound to accept the recommendations

and if it chooses to ignore them ... well, that is the end of the road.

The worst in-built constraint is the one-year limitation period. A case must be brought before the NHRC within one year of the commission of the violation; any case older than one year cannot be heard. One year is a woefully short period and this provision was obviously added to give the government immunity for past excesses.

During the first year of its existence the NHRC took up exactly one case from Punjab - an incident in which some women picked up by the Amritsar police on suspicion of picking pockets had the word "*jebkatri*" (pickpocket) tattooed on their foreheads. This is against more than 6,000 cases of extra-judicial killing which were pointed out to the commission. Even in the case of the tattooed women, the NHRC gave the Punjab government and its police a clean chit.

Around that time, the chairman of the NHRC, Justice Ranganath Misra, met the Punjab Chief Minister: at this very first meeting, the NHRC chairman asked the CM for a personal favour, namely a grant of Rupees 60 lakh for a Sanskrit college in Bathinda in which he, as chairman of the Sanskrit Society of India, had an interest. (reported by correspondent Aonuhita Majumdar in Statesman April 18, 1994. Majumdar was present throughout the meeting.) The CM promptly agreed and assured Misra that the money would be in his hands within three months.

One of the main concerns which has prompted the outcry of human rights groups has been the violation of human

rights by security forces. Offences by security forces and the military have been kept out of the NHRC's purview.

The commission, on receipt of complaints against the state police, refers these to the state government, which in turn refers the complaint to the police for investigation. Out of 100 such inquiries held the state government has not been faulted in a single instance, nor is it likely to be faulted in the future.

The NHRC during the very first year of its working noted with concern the serious snags and short comings with which the Act suffered. Consequently in its very first statutory annual report it made specific recommendations suggesting amendments to the Act with a view to remove ambiguities and impediments concerning competence of the Commission. Since no action on the recommendations was taken by the government the commission was constrained to repeat the recommendation in its annual report for the second year requesting for an early action by the government. In response the Home Ministry of the Union government after consulting ministers of law and finance, wrote to the commission, "We need to gain more experience in the working of National Human Rights Commission, before we assess the actual need for changes in the already carefully worked out provisions of the statute." The matter rests there. The NHRC is in-vain making repeated recommendations in its subsequent annual reports that the matter be reconsidered at an early date.

The working of NHRC and the State Commissions - which only a few states have constituted so far - has disappointed and disillusioned the aggrieved citizens. The

proceedings initiated before the Commission are proving a frustrating experience.

On the advice of NHRC, the Punjab government set up a core group but apart from the Legal Remembrance of Punjab, its other members all belonged to the police or the Home Department which is directly responsible for the functioning of the police. On NHRC's second recommendation that the state set up its own human rights commission, the state pointed out that the NHRC would cease to have Punjab under its jurisdiction once it has set up its own commission and the matter was dropped.

Later on in mid April 1997 Punjab government eventually did set up its own Human Rights Commission. In its annual report prepared by the Commission, a total number of 170 complaints of human rights violations in Punjab were received by the Commission during the period July, 1997 till December, 1997. Out of these, majority of complaints have been disposed of in favour of Punjab Police. In 1998 till October, a total number of seven hundred and seventy eight complaints have been received but not more than two hundred complaints have been decided, due to increasing workload and non-availability of proper court room for the Commission. In other words, in its eighteen months of constitution, the Punjab State Human Rights Commission have done little to stop or even prevent the re-occurrence of gross violations of Human Rights by the Policemen. The Commission has not recommended the initiation of criminal trial in a court of Jurisdiction against even a single policeman of Punjab police even when such officer is found guilty of violation of Human Rights.

One Additional Director General of police has been given to the Commission by the State government for protecting the guilty police officers and he is also the enquiry officer of the Commission for holding any enquiry against any police official. The fate of such enquires could be well imagined. One Deputy Inspector General of police (Litigation) has also been provided to the police officers against whom any complaint has been filed in the Commission. But the Commission does not have any counsel for providing free legal aid to the poor and indigent victims who approach the Commission for seeking justice.

Finally, even when the NHRC does prepare a report, the decision to publish or withhold the report lies with the government.

Plainly, the NHRC cannot (and will not) bite. It's only value up to now is that it has occasionally barked. The most that Indian human rights NGO's expect from the NHRC is that it will continue to bark and perhaps bark louder and more frequently. This serves the useful purpose of awakening the citizens to the human rights violations taking place in the country.

One of the milder examples of the little tricks Patwant Singh referred to was the international seminar organised by the National Human Rights Commission on August 17-18, 1996, to mark the 30th anniversary of the International Covenant on Civil and Political Rights. Three members of the UN Human Rights Committee were present but incidental to the real purpose of the gathering. The list of invitees was heavy with police brass, including the likes of J.F. Ribeiro and Ved Marwah, and even heavier with

Supreme Court and High Court justices. For two days the police worked on the judges, fishing for sympathy with emotional rhetoric. The seminar was held to give them this opportunity. Incidentally, I was the sole representative of Indian non-government human rights organisations present.

Justice Ranganath Misra's signal service to the government of India, namely thwarting attempts to punish the guilty of 1984 genocide, did not go unrewarded. He was later appointed Chief Justice of the Supreme Court and on retirement, when the National Human Rights Commission was formed he was appointed its chairman.

Convention dictates that a person who has served as a Supreme Court or High Court justice does not take up any other position of power and profit after his retirement. In June, 1997, two members of the Commission, retired Supreme Court Justice Fatima Bibi and retired Chief Justice of J&K High Court Kang, were appointed as state governors. In other words, people sitting on the National Human Rights Commission are still "in the market" in the government's view.

Getting back to the November, 1984 genocide and the question as to why no NHRC figures are cited: it is because they do not exist. The NHRC has never undertaken any detailed study of human rights violations in Punjab or elsewhere in India.

*What the Government has Done*

Regarding the events of November 1984 and subsequent attempts to bring the guilty to book, Patwant Singh wrote in the Sikh Review of May, 1995 :

“Despite the cold-blooded, planned nature of the killings, the government refused to appoint a commission of inquiry. When an Independent Citizens’ Commission, under former Chief Justice of India, Justice Sikri, investigated the events, the government refused to cooperate or acknowledge its report. The reports of the Citizens for Democracy and the People’s Union for Civil Liberties were similarly ignored. The writ petition submitted to the Delhi High Court by the People’s Union for Democratic Rights seeking the court’s direction for appointing a commission of inquiry was opposed in court. When journalist Rahul Bedi filed another writ petition praying for action against erring police officials, government sought and secured the petition’s dismissal on the grounds that Ved Marwah, a police official, had been appointed to report on police conduct.

“Before Ved Marwah could complete his report, he was stopped and told that the Ranganath Misra Commission would now take over. Even though he was the justice of the Supreme Court, Ranganath Misra was refused access to Marwah’s nearly completed report which no one has seen to this day!

“The Misra Commission Report, submitted in August, 1986, took six months to reach Parliament. Following its recommendations, the government appointed the Jain-Banerjee Committee, the Potti-Rosha Committee, the Jain-Aggarwal Committee and then Kusum Mittal, IAS (Retd) to conduct an inquiry. Each recommended action against several MPs and others. The action actually taken can be assessed from the following listing:



- i. "In 10 years, only 3 murder cases have resulted in conviction;
- ii. "The government has filed an appeal against these convictions;
- iii. "It has filed no appeal in the murder cases in which the accused were acquitted;
- iv. "Murder charges in cases involving more than 2,500 deaths are still to be filed;
- v. "In the case of Sajjan Kumar, Congress MP, the government took five years to register the case and two years to investigate it. It has been in the Home Ministry since two years awaiting a decision on Kumar's prosecution;
- vi. "The Jain-Aggarwal Committee recommended the registration of a murder case against H.K.L. Bhagat, former Union minister and MP. Nothing has been done;
- vii. "Kusum Mittal, in her report, identified 72 police officials as being guilty of dereliction of duty, faulty investigations, etc. No action taken.

"This is only a partial record of 10 years during which an elected government used every contemptible trick to thwart the ends of justice and made a mockery of secularism and humane governance - the very same government which gloats over the number of extradition treaties it has signed with other nations so it can bring back alleged criminals, even as it allows known criminals to go scot-free under state protection in the country's capita!."

Prime Minister Rajiv Gandhi's interest in bringing the guilty men of November 1984 genocide is revealed by D.G.P. Julio Ribeiro in his book. He says: "I was the only

officer at these meetings with the prime minister to advocate the prosecution of politicians accused of inciting the mobs to kill the Sikhs in Delhi after Mrs Gandhi's assassination. At first, Rajiv Gandhi did not react to what I said. After I had repeated my view a third time, Ray advised me not to voice this sentiment again in the presence of the prime minister. I am not sure whether Rajiv had asked Ray to communicate this to me or the governor himself felt that the prime minister did not like any reference to the issue. However, I was not one to stay silent when convinced that a grave injustice was being done. Besides, it was I who was fighting a difficult battle to win the hearts and minds of the Sikhs, and I had to win this battle in order to succeed in the war against terrorism.

Ray was called away from a meeting with the prime minister to keep an appointment with the chief justice of the Supreme Court. I took advantage of Ray's absence to raise the issue of the Delhi riots and killings again with the prime minister. Rajiv Gandhi lost his temper. He had never lost his temper with me, but since I had been warned, I was also prepared. He said that he did not want me to raise this matter again. He could not agree to prosecute Sajjan Kumar, a committed Congress loyalist, merely because of some false allegations being made against him. He said that Sajjan Kumar was present beside the body of his mother throughout the time it lay in state. He was himself a witness to this fact. All the politicians and officers present were silent. However I thought it fit to point out to the prime minister that since the commission had indicted Sajjan Kumar, prosecution would meet the requirements of form."

II  
POWER VERSUS RIGHT  
- THE INDIVIDUAL

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## 3

## DECADE OF BLOODSHED

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*A choice of Death- Tolls*

Figures for the number of people who died in connection with the turmoil that swept Punjab are neither complete nor exact. There is discrepancy between figures released by the government, figures carried in the press and tallies made by Human Rights groups and other sources.

It is difficult to arrive at the exact number of lives lost because of the illegal nature of the killings and the deliberate disinformation spread by the government about the number killed. Government figures of number of persons killed in Punjab given at different times also contradict each other.

In 1993 the police published a list of militants killed in 1992. These numbered 2,119. Out of these it was claimed that 134 killed 23,646 people<sup>4</sup> : 176 victims per man. Subtracting 134 from 2,119 leaves 1985. If each one of these balance 1,985 men is responsible for a “mere” 10 deaths, their victims add up to 19,850. Adding 23,646 and 19,850 results in a total of 43,496 victims. In addition

many militants were killed prior to 1992 and some were never killed: these men would have killed a large number of people. How then does the police assert that the total number (militants + police + people) is a mere 21,000?

When confronted with the illogic of its figures, the government replied that in some cases, killings would have been attributed to more than one militant, but this answer can hardly be said to account for an enormous discrepancy which might exceed 1.5 lakh persons?

Clearly the police figure is a gross underestimate intended to mislead the International Human Rights Commission and the United Nations.

Police figures for the same period are often contradictory. For example on December 2 I, 1991, the Times of India quoted police figures to say that “bloodshed continued in the strife-torn state of Punjab during 1991 with more than 7,000 people dying in militant violence.” Another set of figures provided by the Punjab Police put the total killings for 1991 as 5,264 out of which 2,177 were militants. That is a difference of some 1,736 persons.

According to a report carried in the Indian Express (January 24, 1994) the Director General of Punjab Police, K.P.S. Gill declared that 20,000 to 25,000 people including terrorists had lost their lives ever since terrorism erupted in Punjab.

Some 30 days later, Gill revised his figures by about 10,000 souls. The Times of India of March 4, 1994, reported Gill’s address on “Terrorism and Punjab” delivered in Bhopal. “Mr Gill said nearly 35,000 people

had so far been killed in Punjab and out of this 60 per cent were Sikhs and 40 per cent were Hindus.”

Gill’s figure of 40 per cent is disproved by official figures cited by former Punjab DGP K.S. Dhillon quoted at the end of this chapter.

[NOTE: In the same speech Gill also said “only 0.07 per cent of the 16,000 to 17,000 people held for militancy in Punjab were convicted as people were afraid to give evidence.” He added that at present there were 700 militants under detention in Punjab and 1,700 policemen and an equal number of army men had lost their lives in tackling terrorism.”]

The Punjab Police, in their release for the 1984-1993 period cited a figure of 21,087 out of which 7,628 were militants.

In an advertisement carried in all the national newspapers circulated in the Punjab region in February, 1995, the Punjab Pradesh Congress Committee referred to “30,000 innocent lives” that were lost. (The Congress Party was in power in Punjab and at the national level.) If one adds the 7,628 militants killed (according to police figures) and the 1,769 policemen and (according to Gill) an equal number of soldiers - say roughly 1,700 - who were killed that gives us a figure that would be approximately 41,097 persons. The PPCC has access to government records.

Ramaswamy, the senior Supreme Court lawyer defending the Police, stated in’ the Court that 55,000 civilians were killed in fight against militancy in Punjab. If to this is added the figure 1,769 Police men killed and 1,700 Army

men killed as indicated by the Punjab Police, the total figure would be 58,469.

On April 13, 1995, at its conclave at Talwandi Sabo, the United Akali Dals released their estimate of the number of Sikhs killed during the 1984 - 1994 period: they put the figure at 1,45,000.

Three Human Rights groups and three Advocates General researched the killings for the period 1984 to 1994. They scrutinised police and government figures, press releases and took testimony from citizens' groups. The result of their investigations is a figure of 1,80,000. If one accepts the government's version, then most of these people fell to militants' bullets. Testimony from citizens' groups, however indicates that a large number of the dead were unarmed militant sympathisers killed in fake encounters to strike terror and win awards.

One of the most damning documents is the Memorandum submitted by the Punjab Civil Services to Punjab Governor Surendranath in 1993.<sup>5</sup> The officers demanded a judicial commission to be set up to trace the rise and decline of militancy in Punjab vis-à-vis the role of the police. The officers pointed out that the police never published any list of wanted men, which would have allowed the public to assist in the apprehension of such persons. Instead, the public repeatedly complained that the youths killed by the police in encounters were innocent. ("The number of persons killed will run into lakhs.") i.e. 2,00,000 plus.

*Disappearances*

During the past decade the number of people missing in Punjab has risen every day and by 1994, according to the Human Rights groups, cases of disappearances in the state were around 50,000. But with more information coming in, this figure could climb. This has also been the assessment of some journalists. (Ref. report in Asian Age, February 8, and Pioneer, February 4, 1995.)

Yet another source of evidence for the number killed is the number of bodies seen in rivers and canals of Punjab and neighbouring states. The Rajasthan government is on record: it sent a spate of telegrams to the Chief Secretary, Punjab, complaining of the large number of bodies being carried into the state through the canals flowing through Punjab.

In 1993, during the closure of the Sirhind Canal, reports appeared in the Press of a large number of bodies being seen when the water level went down. MASR investigated this and persuaded two reporters of national dailies to see things for themselves.

In its issues of March 26 and 27, 1992, The Pioneer correspondent, Navin Grewal, reported "Punjab's irrigation canals have become a dumping ground for the bodies of suspected militants and their sympathisers killed in custody by the police. Evidence of this surfaced when a dozen odd bodies, some with hands and feet tied together, were fished out of the Sirhind Canal after water inflow to the canal was stopped to facilitate repair work:



“This correspondent travelled along the Kotla branch of the Sirhind Canal from Moharana bridge on the Nabha .... Malerkotla road to the Babanpur bridge on the Dhuri-Malerkotla road, a distance of about eight to ten kilometres. Eyewitnesses reported that at least seven bodies were pulled out from the canal in this short stretch.”

Investigation of a stretch of the Bathinda Canal revealed sightings of five bodies. The report quoted an Irrigation Department *beldar* (lineman), Parmessar Dass: “They were Sikh youth, aged about 30, with beards and long hair. The hands of one of them were tied at the back with a belt but it is difficult to say if there were any gun wounds as they were badly decomposed and bloated.”

Other eyewitnesses, who spoke to a team of Human Rights investigators, testified that almost all the bodies belonged to young men and all had their hands tied behind their backs.

Manimoy Dasgupta, correspondent of Telegraph investigated another tributary of the Sirhind Canal and reported that seven bodies had been spotted by villagers in a seven kilometre stretch. This brings the total to 19 bodies seen in almost 19 kms of canal system. Information was also coming in of sighting of such bodies in different parts of the state. When one considers that there are 5,000 kms of canal system in Punjab, one gets an idea of the enormity of the carnage.

Subsequently, the State Home Department ordered an inquiry to be conducted by the Crime Branch of the State Police. The report that was submitted failed to deny any of

the cases mentioned by The Pioneer but stopped short of confirming the recovery of the bodies. On the other hand, it mentioned two cases where four bodies, some with hands and feet tied, were fished out of canals after March 27, lending credence to the assertion that the bodies of militants or their sympathisers continue to be thrown into the canals by the State police to destroy any evidence about their identity.

When Union Home Minister S.B. Chavan visited the Police Training Centre at Phillaur in April, newsmen asked him to comment on the report. His answer was: “Bullshit! A totally motivated and planted story.”

Similarly in 1988, when serious floods struck Punjab, bodies were washed into Pakistan in great numbers. A news broadcast of Radio Pakistan referred to 1,700 bodies being carried by the flood waters coming from India into Pakistan. At the same time the Indian announcement of flood casualties was 900 !

### *Cremation of “Unidentified/Unclaimed” Bodies*

Punjab Police Rules No 3, Rule 25.38 in Chapter XXV lays down the procedure to be adopted when the police has to deal with a body.

“If a body is unidentified the officer making the investigation shall record a careful description of it, giving all marks, peculiarities, deformities and distinctive features, shall take the finger impressions and in addition to taking all other reasonable steps to secure identification, shall, if possible, have it photographed and in case where

such action appears desirable, a description published in the Criminal Intelligence Gazette.

“Unidentified corpses should be handed over to any charitable society which is willing to accept them, and if no such society comes forward, they should then be buried or burned.”

The Akali Dal Human Rights wing and the Amritsar Akali Dal (A) filed a writ petition in the Punjab and Haryana High Court requesting the Court to order an independent probe into the cremation of thousands of unidentified or unclaimed bodies in Amritsar district during the years from 1992 to 1995. The petition noted that about 2,000 families in Amritsar district “are in eternal wait for their children to return as they do not believe the police version as to whether their children are dead or alive. In a number of cases where the police claimed the man was dead, he was in fact found alive.”

The petition cited the case of Harjit Singh, son of Kashmir Singh of Butter Kalan, tehsil Baba Bakala. The police told Kashmir Singh that his son had been killed in an encounter on April 12, 1993. Subsequently Kashmir Singh approached the Court which appointed an officer, R.L. Bhatia, to learn the whereabouts of Harjit Singh. In August of that year Bhatia visited the jail at Mall Mandi, Amritsar, and saw Harjit Singh alive in the jail. Harjit was then whisked away by the police, but the point was that the police had lied to Kashmir Singh.

The petition cited 1992 records of municipal crematoriums of Amritsar, Patti and Tarn Taran. At Tarn Taran the number of unidentified/unclaimed bodies was 700, at Patti

it was 400, another 300 at the Durgiana cremation grounds in Amritsar city.

The report of the Human Rights Wing (S.A.D.) noted that bodies had been brought to the Patti crematorium from distant villages and towns such as Khalra (40 kms away), Valtoha (30 kms away), Bhiki (25 kms away) and many villages at a distance of 10 to 15 kms from the town.

At Amritsar the records revealed that out of exactly 300 unidentified/unclaimed bodies cremated, 41 were recorded as having died of bullet wounds or police encounters but post-mortems had been performed on only 24 of the bodies. No cause of death was recorded in the case of 259 persons. One of these bodies was brought from near Chamkaur Sahib in Ropar district which is more than 200 kms from Amritsar.

In some cases, the identity of the deceased was most certainly known to the police. Baghel Singh, alias Gurdarshan Singh, of village Deriwal, was nabbed by the police in Bihar around the last week of November, 1991. News of his "arrest" was reported in the Punjab press but it was widely believed that he met his end in a fake encounter. On January 19, 1992, the police - knowing full well his identity - brought his body to the Durgiana grounds to be cremated as unidentified and unclaimed.

Piara Singh, son of Shingara Singh, was the director Central Cooperative Bank, Amritsar and paternal uncle of a militant Harminder Singh Sultanwind. He was visiting relatives who farmed in Pilibhit district, UP - another state and a district 500 km away from the southernmost point of the state of Punjab. One morning a jeep drove up to the

farmhouse and a team of doctors in white coats and sporting stethoscopes came and told the residents of the farm that a VIP was coming to the neighbouring village to inaugurate a government medical clinic and they wanted some respected local citizen to grace the occasion. They requested Piara Singh to come with them. Piara Singh ended up at the Durgiana cremation ground on December 16, 1992.

Pargat Singh “Bullet” was undergoing treatment at the Guru Nanak Hospital, Amritsar. He was abducted by the Raja Sansi police and his “unidentified” body was brought to the Durgiana grounds on November 5, 1992.

Newspapers picked up the story of the “unidentified/unclaimed” bodies. Reports carried in *The Pioneer* (February 4, 1995) and in *Asian Age* (January 17 and February 8, 1995) and in the *Indian Express* (February 3) said:

“Thousands of youth killed in encounters or in police custody have been given mass cremations by the Punjab Police ... There are 2,000 such families in Amritsar, Tarn Taran and Majitha alone, according to a recent report published by the human rights wing of Sadsa... The list of cremations at the Durgiana Mandir *Samshan*, which is controlled by the Amritsar Municipal Corporation reveals that in the very first year of the Beant Singh government, as many as 300 bodies were cremated as unidentified or unclaimed. Besides the fact that the majority of these had been brought in by the Border Range Police, only five of the 300 bodies belonged to women. Most of the boys cremated were only in their 20’s. Further inquiries at other

crematoriums at Tarn Taran and Patti revealed 1,100 similar cremations.” (Asian Age, 17.1.95)

Subsequently DGP Gill ordered the Inspector General of Punjab Police (Border Range) D.R. Bhatti to investigate the reports but stated that most of the bodies mentioned in the lists prepared by the Human Rights wing of the Akali Dal Amritsar “may actually belong to the scores of out-of-state terrorist victims like Bihari labourers in brick kilns and on farms” ... He claimed that 95 per cent of those who were killed in encounters with the security forces were identified persons.”

In the 4-10 May, 1997 issue of Sunday magazine, N.V. Subramanian quotes ex DGP K.P.S. Gill as saying: “We did a study. Many of them were Bangladeshis sneaking into Pakistan killed by their forces or ours. If you still have unidentified bodies, they would be of terrorists that we did not return to their families because of the ban we had imposed then on bhog ceremonies.” (This is the first time Gill has admitted knowledge of the unidentified persons cremated in Punjab and that their bodies were withheld from their families on his orders.) Again, it is not likely that the CBI would have been able to identify the bodies of the Bangladeshis from I, I 00 kms away. Obviously, the bodies belonged to local men.

Ajit Singh Sandhu, SSP of Tarn Taran from 1988 to 1993, was the prime accused in the cremation case - and 42 other cases of extra-judicial and custodial killing, abduction, torture and extortion and was under investigation by the internal vigilance cell of the Punjab Police. Unfortunately, he did not live to face a single trial. Sandhu was found dead on the Chandigarh-Ambala railway tracks near Lalru

on May 23, 1997, with a suicide note in his pocket, written, according to the police, days before the incident.

Sandhu's story virtually encapsulates everything that was abhorrent in Punjab's bloody decade and it is instructive to digress here to tell it.

He was not an Indian Police Service Officer but a recruit to the subordinate services. In fact, at the time of his death he was the president of the Punjab Police Officers' Association, a body of non-IPS policemen. The IPS-non IPS tension apparently rankled throughout his career, since in an interview which appeared in Sunday (May 4-10, 1997) he said: "I was not the only SSP of Tarn Taran, there were IPS officers before me. Why pick only on a non-IPS officer? Is it because we do not have batch-mates in the Home Ministry, or the CBI or the IB?"

He climbed a veritable mountain of corpses in his rise from Assistant Sub Inspector to Senior Superintendent of Police, each killing serving to endear him even more to DGP K.P.S. Gill, who rewarded him with out-of-turn promotions.

The first big kill came in 1988 -- a KCF General, Labh Singh. This brought him the SSP's pips. He went on to kill almost all the deputies of Gurbachan Singh Manochahal, Manochahal's entire family including the aged parents, and Manochahal himself. He also eliminated the family of KCF supremo Paramjit Singh Panjwar (although Panjwar himself escaped and is still alive in Pakistan). Baba Charan Singh, a religious leader who conducted *kar seva* fell to his bullets. But no bullets were wasted on the baba's driver - Sandhu had his legs tied to two jeeps which roared

off in different directions, ripping the man apart. The woman principal of a girls school at Tarn Taran was another notch on his pistol grip. In at least one case, he killed a fellow twice over. This was Surjit Singh of Valtaha, who was shot, taken to the Civil Hospital at Patti for post-mortem and discovered to be still alive. Surjit Singh was whisked away from the hospital and the job was finished. This was the first case whose suo moto notice was taken by the Supreme Court. He also did away with the nephew of one of India's great patriots, Shaheed Bhagat Singh. This was Kuljit Singh Dhatt, sarpanch of Ambala Jattan village, district Hoshiarpur, who was picked up and eliminated in custody. Dhatt's death was what turned the CPI against the police for a while.

At the height of his "popularity" Sandhu basked in the appreciation of not only his police superiors but politicians of some surprising hues. In an interview published in *The Indian Express* of June 2, 1987, his widow, Upinder Kaur, bitterly remarked: "There was a time when the president of the SGPC used to phone him to congratulate him for his daring actions. The president of the SGPC was among the Akali leaders who congratulated him for the killing of certain militants. He approached Gurcharan Singh Tohra and other political leaders to stand by him. Tohra told him that he could not speak publicly in his favour due to political compulsions."

Sandhu was transferred to Ropar in October, 1993, but within months Gill sent him back to Tarn Taran to enable him to "fix" witnesses and settle scores. Human Rights activist Khalra was one of these scores. But by that time, Sandhu's stars were on the wane. Too many cases were piling up against him. Harcharan Singh Brar, the successor



of the assassinated Punjab Chief Minister, Beant Singh, was unwilling to be dictated to by the police and during his brief tenure he saw both K.P.S. Gill into retirement and retired Police Chief O.P. Sharma as well, without granting the expected extension. (The DGPs who followed - Choudhry Sube Singh and P.C. Dogra - were both officers of the Punjab cadre and could not afford to antagonise the local population in a big way.) With Gill and Sharma gone, Sandhu had no one to protect him. In any case, considering the number and gravity of the cases against him, protection would have been difficult. This pitiable martyr was famous throughout Punjab for his boast: "I never allowed the fish in the Hussainiwala barrage to starve." (What he fed them one can well guess. It is known that a large number of bodies were thrown into rivers and canals.)

An instrument which is useful for a particular time and purpose, becomes a liability when times and purposes change. Then it is expedient to discard it. Just who did the discarding? Sandhu and other officers, including K.P.S. Gill, were beginning to defend themselves by pointing the finger upwards. How high up? Our suspicion is that it was not the Punjab Police, who discarded Sandhu but some Central Agency. K.P.S. Gill's frightened bleats to grant immunity to the police are understandable. Blanket immunity will release him from the judicial noose, he will never be called upon to testify against his political superiors in an effort to save himself. If this immunity does not come through, he, too, is at risk of being discarded.

Regarding unidentified bodies, a star question was raised in the Punjab Assembly as early as 1991. In reply to this

question, the Punjab government disclosed that out of 20 police districts in the state, in Bhatinda police district alone in 1991, out of 151 persons killed, 91 were unidentified militants. Statistics for the other districts were not revealed.

The number of people missing in Punjab, as per estimates of Pioneer (February 4, 1995) and Asian Age (February 8, 1995), range between 30,000 and 60,000. This is also the estimate of the Human Rights groups. After the construction of the border fence, police is unable to say, as earlier, that the missing persons had run away to Pakistan.

The Committee on Initiative on Punjab, a Delhi-based group, approached the Supreme Court on the matter of unidentified bodies cremated in the forward districts of Punjab. The Supreme Court ordered a CBI inquiry. The CBI found evidence of cremation of 2,097 such bodies at three crematoriums (Patti, Tarn Taran, Amritsar). It reported to the court that it had been able to identify 585, partially identify 274 and continued to investigate the cases of the remaining 1,238 bodies.

The Indian Express report of February 3, 1995, noted that “even after a complete turn-around in the law and order situation, the incidents continued, although their frequency declined.” During 1994, the Patti Municipal Committee records show that at least 17 “unclaimed bodies were brought by the police for cremation.” The report goes on to say: “Surprisingly, while the police have submitted in writing that these persons were unidentified or unclaimed their names and the villages they hail from are mentioned in the list.” (Presumably “list” refers to the cremation register).

The Akali Dal Human Rights Wing activist, Jaswant Singh Khalra, who first uncovered the sordid business of the “unidentified/ unclaimed” bodies cremated at Amritsar and other places has paid the price - in all probability. On September 6, 1995, the Tarn Taran police took him from his home in Amritsar. He has not been seen since then. Because of Khalra’s vigilance and commitment in the cause of human rights, a number of high police officials were charged with murder. Nine Senior Superintendents of Police are on bail in these cases. The Supreme Court has issued notice to the Punjab Police and the Punjab Home Secretary to produce Khalra.

By the summer of 1995, after the Supreme Court began to hear cases of human rights violations, the Punjab Police began to post SSPs back to the districts where cases against them were pending. This was for the purpose of allowing them to destroy evidence and eliminate or manipulate witnesses.

Khalra was following up on four main cases and was busy collecting witnesses and more evidence. These cases were: the custodial killing of Panjwar’s mother, the Behla human-shield case where seven civilians were killed, report on cremation of 25,000 unidentified bodies and his serious charge that 2,000 policemen had been killed by the police itself for not cooperating in counter-terror operations. (Frontline’s correspondent Praveen Swami places the figure at 1,160).

In spite of the Supreme Court’s directive to the Punjab government for the transfer of Tarn Taran’s SSP, Ajit Singh Sandhu, he was not transferred out of the district It

is reliably learnt that the purpose of holding him back was to belatedly build up a record connecting the unidentified dead bodies to declared killings. Sandhu had admitted (Indian Express, November 19, 1995) that “80 per cent of the non-gazetted officers posted in the district were facing various inquiries. Four out of seven DSPs were also facing court proceedings on various charges.

### *Conclusion*

While it is not known exactly how many persons died during the years of militancy, a great deal of documented evidence is available about how people died. Going over this evidence one sees a certain progression: at first the killings were described as “encounter deaths”, but when people began to doubt such stories, new ways had to be found to explain the killings. These included “escapes”, “killed while trying to escape”, “killed in crossfire”, “consumption of cyanide to evade arrest”, and simple refusals to admit that the police had ever been anywhere near the person in question, that he simply disappeared.

Another way to arrive at a death toll is to calculate from the number of awards and promotions given to the Punjab Police. Replying to a star question, in the State Assembly, which asked the number of monetary awards given to Punjab policemen, Chief Minister’ Beant Singh said that from January 1991 to the end of 1992, 41,684 Punjab policemen were given monetary awards and 68 received medals for their role in the fight against militancy. The break-up for the monetary awards was as follows:

Superintendents of police:	121
Deputy superintendents of	22

police:	
Inspectors:	576
Sub inspectors:	1,365
Assistant sub inspectors:	2,875
Head constables:	8,589
Constables :	28,245
Total	41,684
Medals	68

Out-of-turn promotions were given on a mass scale. The ratio of awards to killings, according to experts in the field, lies anywhere between one to one and three to one. As international and national reaction to the bounty killings took time to register, another 10,000 to 15,000 awards were made to the Punjab police, which had, during this period, grown from 60,000 to 70,000 men.

These figures do not include the awards and promotions to Home Guards, Special Police Officers, Police Vigilantes and Informers, Paramilitary Forces and the Army. Only the Army declined monetary awards on grounds of discipline.

The total number of awards to these combined forces may well have ranged anywhere between 1,50,000 to 2,00,000 substantially more than the awards given during the two World Wars to the combined Allied and Axis forces.

Other militant-related killings extending from 1984 in the states of Haryana, Himachal, Jammu and Kashmir and Rajasthan would be upwards of 10,000 and if we also consider the killings in distant state of UP, which has a sizeable Sikh population, Madhya Pradesh, Gujarat, and Bihar, comprising the Hindi belt, the figure would rise to 15,000.

### *Operation Bluestar*

A detailed account of Operation Bluestar is presented in a previous chapter. Here we will merely reiterate that various figures have been given about the number of those killed and wounded in that operation. The government's White Paper gives a figure of 493 killed (309 civilian casualties, 84 military casualties) 59 were killed in simultaneous attack by the Army on 74 other gurdwaras. Rajiv Gandhi told a National Students Union session that 700 soldiers and officers were killed in Operation Bluestar. Independent estimates put the figure for the total number killed in the Operation all over Punjab as high as 10,000.

### *Operation Woodrose - 1984-85*

The previous chapter deals more fully with this operation, but to recapitulate: more than 8,000 people were missing from their homes or had been detained by the police. (This estimate was published in the Indian Express of October 15, 1984. The Punjabi language press estimated much higher figures.)

### *1984 Genocide*

For details please see the previous chapter. In brief: While the government placed the death toll in Delhi at 2,700, Human and Civil Rights activists were able to identify 3,872 persons killed. Adding the number of Sikhs killed in scattered localities and in transit, the number of deaths would be between 8,000 and 10,000.

The number of Sikhs massacred in the other Congress (I) ruled states in the Hindi belt ran into thousands. Sikh truck drivers were killed at many places.

It is estimated that anywhere between 2,000 to 3,000 Sikh commuters were slaughtered in trains. A former Railway Minister has confirmed that the Railways have now identified at least 700 such victims.

Cumulative figures of those killed during the 1984 genocide could be placed around 20,000.

### Whose Statistics?

	Police (official)	Police (unofficial)	Human Rights	State Magistracy
Bluestar	586	4,712 <sup>1</sup>	10,000	
Woodrose	59	3,000	8,000	
Nov '84				
Delhi	2,712	3,872 <sup>2</sup>	10,000	
Other States	300	3,000	10,000 <sup>5</sup>	
Punjab				2,00,000 <sup>6</sup>
Killings	26,700 <sup>7</sup>	58,4693	80,000	
Disappearances		20,000	50,000	
Other states				
Killings		5,000	10,000	
Disappearances		3,000	5,000	
Hindi Belt states				
Total	30,375	1,11,053	1,83,000	2,00,000
			0	

Police (official)	30,357
Police (unofficial)	1,11,053
Akali Dal	1,45,000 <sup>4</sup>
Human Rights	1,83,000
State Magistracy	2,00,000

### SOURCES:

1. Ved Marwah, Senior Police Officer, former Director General, National Security Guards and Special Secretary Home Affairs, in his book “Uncivil Wars” writes about Operation Bluestar: “According to the government’s White Paper, 4,712 persons were killed and 10,000 arrested in the Operation.”

2. List published of the victims of the November, 1984, genocide in Delhi who were identified by civil rights groups.

3. Deposing before the National Human Rights Commission, while defending the accused officers of the Punjab Police, senior Supreme Court lawyer Ramaswamy stated: “Around March 1, 1995) for the period of 1984 to 1991 are available and they identify the victims according to their religious affiliation. According to these statistics, the number of Hindu civilians killed from 1984 to 1991 was 3,817. The remaining victims (6,169) were Sikhs. During the 1992- 1994 period (for which precise figures are not available) very few Hindus have been killed; the overwhelming majority of victims are Sikhs.



Of the total 25,000 people killed as per the figures of Punjab DGP K.P.S. Gill, one can safely assume that the number of Hindus killed does not exceed 4,500.

In the June 15, 1993 issue of India Today, a major Indian news magazine, its correspondent, Kanwar Sandhu, summed up the suffering of the Sikhs: “At times, the tragedy seems grim beyond words. An entire generation seems to have been destroyed, leaving the very old looking after the very young.”

Pick any death toll: it will still say the same thing: the vast majority of victims were people who shared a common religious identity, they were Sikhs. When an entire group representing a particular racial or religious identity are targeted for annihilation, and in consequence hundreds of thousands of people are killed, the word for it is GENOCIDE.

NOTE: When the first draft of this report was being written, many of those who read it were jolted to see the word “genocide” used and urged a softer description. But as incontrovertible evidence has slowly emerged through court cases and the reports of many investigating agencies, the word has come to be accepted as the most just.

Here is what Indian Express editor Shekhar Gupta has to say in an article, “Who is to blame for Punjab’s past? Policing the politician” (Indian Express, August, 1996):

“It is easy to say now that the police in Punjab operated pretty much by themselves, killing, looting and burning at will. But then who provided K.P.S. Gill and a select band of the most trusted Intelligence Bureau ‘aces’ with

suitcases full of un-audited cash to buy militant loyalties, to build a whole army of cats (militants bought over and used to identify and exterminate others?)

“Who authorised counter-kidnappings of militant leaders’ relatives? Who cleared lists of militants to be ‘liquidated at sight?’ Which internal security minister personally pushed for the import of the universally condemned ‘truth serum’ to be administered to captured militants. Finally, if the Supreme Court were to discover this, who would go to jail - the minister, or the poor BSF doctor, who was forced to inject it after other doctors threw the Hippocratic Oath in North Block’s face?

“The Punjab crisis saw five Prime Ministers and as many internal security ministers. Each one knew precisely what was going on. Some routinely boasted of how ruthlessly they were putting the rebellion down. Why are they hiding now? Why are they not charged with genocide?”

Well ... of course a journalist may get carried away with his ‘own words. But then what about India’s Supreme Court. Supreme Court justices are a byword for circumspection and well-weighed pronouncements. They would not use the word genocide lightly. But here is what a division bench of the Supreme Court comprised of Justices Kuldip Singh and Saghir Ahmed pronounced in their order directing the Central Bureau of Investigation to continue probing charges that the Punjab Police surreptitiously disposed of thousands of bodies in the 1990-95 period. Expressing their “horror and shock” at the 74-page preliminary report submitted by the CBI which gave prima facie evidence that the Police had cremated 984 bodies as “unidentified”, the court ordered DIG

(Border) B.S. Sandhu to hand over all relevant records to the CBI without delay on pain of being charged with contempt of court. The judges observed that the evidence before them pointed to “worse than a genocide ... we shudder to think of such a thing happening in a democracy.” (reported in The Tribune and The Indian Express, July 22, 1996)

Genocide no longer seems “too strong” a word.

## KILLINGS AND DISAPPEARANCES

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### *Pogrom Policy*

In a paper, *A Decade of Militancy and Violence*, presented at a seminar on Contemporary History of Punjab held at Panjab University in February, 1995, DGP-Punjab K.S. Dhillon, wrote:

“State terror, allegedly practised by the Indian security forces, has come in for a lot of adverse comment, not only by foreign human rights groups, but even by Indian media, judiciary and intelligentsia. State terror is actually far more sinister and deadly in the toll it takes of the life and property, mostly of innocent citizens and in the damage it causes to social harmony and equilibrium. It amounts to an abuse of legitimate state power vested in it for national defence and public security. Terrorists commit small acts of public terror while concealing their identity. The state, on the other hand, commits acts of secret terror directed against its own detractors or saboteurs.”

Dhillon is not speaking “academically”: he served as Director General Police of both Punjab (during onset of

militancy) and subsequently Madhya Pradesh. If to this state terror is added greed and communal anger, oppression becomes even more severe.

### *Extrajudicial Killings*

The police version of these extrajudicial killings as reported in the press evoked scepticism and even derision. The very word “encounter” became a joke. Their own officer, Senior Superintendent of Police Izhar Alam, at a press conference held at Patti on October 1, 1987 (reported in *The Tribune*) admitted that “terrorists, who had committed five or more murders were killed by the police after they were caught.” Elaborating on this he said that “the police had to resort to killing terrorists because the possibility of their being punished by law was remote due to lack of evidence.” Mr Alam then assured the press that “those terrorists with four or less were not killed in fake encounters.”

(It sounded rather like Mr Alam was applying the Muslim injunction on marriage to police policy on terrorists: namely that up to four is *halal* but more than that is *haram*.)

It is not difficult to “translate” this statement: essentially Mr Alam was saying that even a man against whom no solid evidence of wrong doing was found, could be killed - simply because the police had no evidence. This was perhaps the first time that a police official had admitted that terrorists were being killed in fake encounters.

In his book *Tryst with Terror*, V.N. Narayanan, Chief Editor of the *Hindustan Times*, quotes a police officer “The judicial process is dead. We kill 70 per cent of the terrorists we catch because anyone brought before the court is promptly bailed out. Bail is the rule, jail is the exception.”

Narayanan also quotes a private conversation with K.P.S. Gill in which he justified extrajudicial killings: “Sometime ago two terrorists came out of the Temple and walked into the street. The CRPF men asked their superiors what they should do in such cases. It came to me, I said ‘shoot them.’ It is not just a case of what you can do, you are obliged to shoot them. Carrying an AK47 rifle is a grave offence. The CRPF was clear.’ (Gill was at that time Chief of the CRPF).”

It may be noted that it was the same K.P.S. Gill who had offered to present an AK47 rifle to Hindi film actress Sridevi when she was his guest in Chandigarh in 1992. (Another Hindi film actor, Sunjay Dutt, was arrested under TADA for possession of an AK56 - but he wasn't shot. In fact, during these years, many private citizens were armed by the police with automatic weapons and also taught how to fire them.)

On August 30, 1988, the DGP Police put up “Wanted Dead or Alive” posters that specifically identified 53 people with addresses, against whom awards varying between Rs 25,000 and Rupees I lakh were declared. It read: “Reward for apprehension/liquidation of wanted terrorists/extremists as mentioned against the name are hereby sanctioned.”<sup>6</sup>

The Akali Dal filed a writ petition against this in the Supreme Court. Their main objection was that Mr Gill had actually exhorted his staff in that circular to “liquidate” the wanted terrorists. Citing the circular as an instance of state terrorism in Punjab the Akali Dal contended that Mr Gill’s appropriation of the power to kill somebody was a violation of the right to life guaranteed by the Constitution.

The petition filed on February 6, came up for hearing for the first time on February 21. The government counsel were present on that day and sought two weeks to file a counter affidavit. But when the second hearing took place on March 12, the government was still not prepared with an answer and obtained a reprieve of four more weeks.

During this period, the National Front government appears to have devised a strategy to pre-empt any argument on the legality of the circular. Accordingly, Mr Gill simply issued a fresh circular on April I, superseding the earlier one. The word “liquidation” was duly dropped from the fresh circular, which instead calls only for arrest or apprehension.

But by this time 12 of the men in the first list were missing and presumed dead. The names omitted from the second list were:

Gursevak Singh (number 5 on the list), Hari Singh (number 6), Kulwant Singh (number 14), Joginder Singh (number 15), Bisheshar Singh (number 32), Baldev Singh (number 33), Bohar Singh (number 38), Sitaram Bairagi (number 41), Kamaljeet (number 43), and Resham Singh (number 51).

In the first list were two men named Jaswant Singh, one listed at number 19 and the other at number 49. In the second list only one Jaswant Singh was listed. Similarly in the first list two Kashmir Singhs were named, one at number 23 and one at number 35; in the second list only one Kashmir Singh was listed.

The Attorney General, Government of India, pleaded: “The National Front government has nothing to do with the earlier circular - this is a very sensitive issue so I request you to withdraw the petition in national interest.”

The petition was withdrawn. That the Supreme Court allowed this list to be withdrawn on a vague plea of national interest without ascertaining for itself how national interest was involved and without taking suo moto notice of the missing persons reflects the bias of the apex judicial authority.

Another document came to light which shows that the Punjab Police had assumed the power to liquidate people long before the August 30, '89 circular. On August 31, 1987 the Punjab DGP KPS Gill wrote to the CRPF Directorate praising five CRPF men who had “ ... done exceptionally well in nabbing and liquidating some of the notorious terrorists”, and asking for their transfer to the Hoshiarpur district so that “their services could be utilised appropriately here.”

That these and similar extrajudicial killings were within the knowledge of the Central government was reflected in the letter dated December 30, 1991 addressed by Mr Y.G. Vaidya, Special Director (later promoted Director IE) to



Punjab DGP KPS Gill (“They (the district officials) should refrain from even implicitly hinting that they indulge, connive or approve of anything which is in violation of the law of the land. Their professional compulsions in executive action should not get reflected in their public utterances.” India Today, 5.10.92)

Former Punjab DGP K.S. Dhillon is on record as saying that the Centre condoned and positively encouraged the police to commit excesses. (Reported in Indian Express March 2, 1995.)

After much blood had flowed down the Satluj, the Supreme Court began to take a dim view of official explanations. On September 16, 1994, a three-judge Bench headed by Chief Justice M.N. Venkatachaliah, passed strictures on Punjab DGP K.P.S. Gill and ordered the Central Bureau of Investigation to probe the abduction and “presumable liquidation” of seven men of a family living in village Kathunangal “by the errant and unchecked police force.”

In January 1992 a complaint from Inder Singh, son of one of the missing men, Sadhu Singh (85) was submitted to DGP. When Gill countered in an affidavit that he was not the Police Chief when the incident took place, the court replied that he was police chief when the complaint was submitted and it was submitted expressly to him, yet he took no action until the Supreme Court issued a notice to him in March, 1994. The court expressed “surprise” that Gill-deemed the complaint too trivial to merit his attention. Gill admitted that the men had been abducted by the Punjab Police and he had no definite clue as to whether they were alive or dead and went on to declare his

faith that law would prevail and the guilty be brought to the bar and punished.

“Not if things are left to the Punjab Police” the court remarked. “We cannot but wonder whether the station house officers of police stations in Punjab are not alert to the fact that there are strangers in their lock-ups and do not feel it necessary to find out how these strangers come to be there.”

On October 19, 1991, a police party led by DSP Baldev Singh raided the house of Inder Singh in village Kathunangal, tehsil Majitha, district Amritsar, and took away all the seven men found in the house. The seven men, aged between 85 and 14, who disappeared, were Sadhu Singh, Gurdeep Singh, Amanjit Singh, Hardev Singh, Davinder Singh, Sudhdev Singh and Sharanjit Singh. They were kept at various police stations but no case was ever registered against any of them. Inder Singh filed a habeas-corpus petition in the Supreme Court in July, 1994. Thereafter, police arrested the DSP along with six other policemen. Baldev Singh testified that he picked up Inder Singh’s father and brothers because he believed that his brother had been kidnapped at the instance of Inder Singh.

The court noted that neither the Punjab government nor Gill had claimed that the conduct of those in charge of the named police stations or the policemen involved was blameworthy and that the court was “therefore unimpressed by Mr Gill’s assertion that incidents of this kind are deviant behaviour and an aberration on the part of individual members of the force.”

But there was more to unimpress the Supreme Court. Two years after a Punjab Police party pursued their quarry to a Calcutta suburb and gunned down the man and his wife, Chief Justice A.M. Ahmadi expressed “distress over the manner in which the Tiljala incident took place and the callousness with which the West Bengal Chief Secretary was dealt with by the Punjab government authorities. It is even more distressing that the Under Secretary to the government of Punjab, Mr Karnail Chand Banga, filed an affidavit, wherein he misled that the Sangrur police did not know the antecedents and whereabouts of the couple allegedly killed by the Punjab Police.”

What happened at Tiljala is not unique in the annals of the Punjab Police, but the incident stands out because it is one of those few occasions when not only the police, but the government of Punjab landed in the dock.

On the night of May 17, 1993, a party of out-of-uniform Punjab Police, travelling in three unmarked jeeps pulled up at the residence of Basheer Mohammad, alias Lakshman Singh, a former police constable, and his wife, Saleema Begum. They forced their way into the flat and shot the sleeping couple dead, carried the bodies out to their vehicles and sped away, intending to leave the state. Calcutta Police and local people gave chase and forced the speeding jeeps to halt. The Punjab Police party found themselves behind bars in Calcutta. After Punjab Chief Minister Beant Singh interceded on their behalf with the West Bengal Chief Minister, the men were released.

But occasional contretemps have not lessened the charm of extrajudicial killings for the police. Indeed, whatever inhibitions the police may once have felt about this

cowboy-style functioning, have all but disappeared. The lessons learned in Punjab are now being applied in Kashmir. In April 1995, the DGP of Kashmir, B.S. Bedi, told the Times of India correspondent that in dealing with militants in that state, his men would not bother with trying to capture people attempting to cross the international border, they would straight away gun them down and ask questions later.

The Supreme Court judgements censuring and even jailing Senior Police Officers, came as a terrible shock to the police.

On April 28, 1995, the Indian Express reported that a group of Senior Police Officers including IG (Border) D.R. Bhatti, three DIGs and at least 16 district SSPs met the Punjab Chief Minister to ask him to approach the Prime Minister with a request that police should “not be victimised for certain executive actions” (a euphemism for non-judicial killing). They pointed out that what they had done had been sanctioned at the highest level and had succeeded in restoring normalcy to the state. They said the court verdicts were demoralising the police.

The opportunity presented itself within days when Prime Minister Narasimha Rao was returning from Shimla. Both the Punjab and Haryana Chief Ministers met him at the Chandigarh airport and pleaded for immunity for the policemen.

Hindustan Times published a report on May 25, 1995, quoting senior police officers as saying: “About the policy of ‘bullet for bullet’, it was in the full knowledge of the political high-ups that most of the terrorists were already

in police custody and they were killed in contrived encounters. In the process some innocent people might have also suffered at the hands of trigger-happy cops.”

Another police officer was quoted as saying “*Jo kuch keeta hai, datt ke keeta hai.*” (whatever we have done we have done firmly) and if they were now going to be hauled over the coals by the Supreme Court then “in future nobody would fight terrorism.” The police officers felt that after using them to eliminate terrorism, they were being left in the lurch by the Government.

Too bad the police officers had not read their Bibles: “Put not thy trust in princes” it says.

By 1988 and 1989, the onslaught against the Sikhs was fierce and relentless; it was crime enough to be male and between the ages of 15 and 50. This age group was simply disappearing. In these troubled times, the Akali leadership - those who were still at liberty - used to meet once a month at the Darbar Sahib in Amritsar to evolve strategies to prevent the wholesale slaughter of the youth.

At one such meeting, Jathedar Jagdev Singh Khudian, who was sitting next to me, recalled the strategy adopted by the Ninth Guru Teg Bahadur to resist forcible conversion and killings of Kashmiri Hindus by the Mughal emperor Aurangzeb. This was non-violent resistance through sacrifice; the Guru had declared that the senior-most man must lay down his life. Only then would there be a reprieve from oppression. Khudian suggested a chain of hunger strikes unto death involving senior Sikh leaders, one after another. This would draw national and international attention to the genocide taking place in

Punjab and put a brake on the Centre's assault. He requested that the group give him the honour of undertaking the first fast.

It was a very useful and wise suggestion, unfortunately, Khudian met a different sort of death under mysterious circumstances (see p. 74) and the Akali leadership did not implement his plan.

### *Custodial Killings*

As the police became more "experienced" over the years, they evolved new modes of explaining custodial deaths. These killings were convenient, murderously effective and involved no risk whatsoever to the security forces. "When a big militant leader is killed - senior terrorists when caught were invariably killed - the government preferred to describe it as an escape rather than an encounter," Narayanan writes in *Tryst with Terror*.

"Escaped" was the common phrase for a long time, but to this was added "killed while trying to escape", "killed in crossfire", "death by cyanide", "encounter", "killed by other militants", "unidentified militant found dead", and "killed when the person was used as a human shield." Many of these were in fact bounty killings. Examples of documented cases that illustrate each type of custodial deaths is cited

#### "ESCAPE FROM CUSTODY"

This is a common cover-up for custodial deaths; it involves a simple operation: arrest, kill and declare that the man has escaped. When a large number of people were

shown to have escaped in a similar manner, at roughly the same time of day and sometimes from exactly the same locations, the public began to ask questions: What could explain the strange coincidence of these escapes? How could the police have been so naive or foolish?

From 1985 to 1993 the press carried reports of such “escapes” nearly every day. On January 3, 1987 Manjit Singh Bhindi reportedly escaped from the Beas Bridge when the police allowed him to answer the call of nature. Just a couple of days before that, Roshan Lal Bairagi, who was being brought from Delhi to Amritsar, had escaped from exactly the same bridge over the Beas when he was supposedly allowed to leave the police van for the same purpose.

#### “KILLED WHILE TRYING TO ESCAPE”

This differs from “escape from custody” in that there is no attempt to make the victim’s body simply disappear. A typical case (but one which prompted one state to change its policy on handing over of prisoners) was reported in the Sunday Mail of April 19, 1992.

The newspaper disclosed: “According to reports, an incident on March 20, 1992, a posse of policemen from Punjab reached Sriganganagar in two vehicles and requested the handing over of four people, arrested by the local police from the Raisingnagar - Karanpura belt, a few weeks ago. The reason given was kidnapping charges against them. Their request was soon met and the party left for Punjab. The same evening, the Rajasthan Police was informed that the ‘terrorists tried to escape near Abohar’

and in an exchange of fire, three of them died', the fourth was said to have consumed cyanide.

“Special Branch sources in Jaipur said that ‘at least eight such deaths had taken place in the past one year.’ The most startling one was that of Nirvair Singh. He was arrested in Sriganganagar and handed over to the police last August. (Nirvair was killed ostensibly while trying to escape minutes after entering Punjab territory.”

“An intelligence official looking after Punjab affairs admitted that the state police was ‘known to stage encounters’, which can be termed fake. Earlier people used to be reported missing and the suspicion obviously fell on the police. Now it is not so. The police have an explanation for every death by bullet in Punjab - an encounter or exchange of fire. They also keep records of the deaths and make sure post-mortem reports are available for inspection.”

The upshot of the March 20, 1992, incident was that the government of Rajasthan decided not to hand over to the Punjab Police any more Punjab terrorists arrested within its state boundaries until their complicity in violent activities was proved. The government, “found that several such terrorists, some with marginal involvement in terrorist activities, were shown to have been killed in encounters” no sooner than they had crossed the Rajasthan border under Punjab Police escort. Over the past few years they had handed over 200 alleged terrorists without any bureaucratic delays. In some cases, the Punjab Police got hold of people even without producing any warrants.



## “KILLED IN CROSSFIRE”?

In this police claims that a militant is being taken for recovery of arms when the police vehicle comes under fire from militants. The prisoner is killed. Security forces are never killed. Forty such deaths within three months (October, November and December of 1992) were brought to the notice of the Prime Minister by MASR in its letter dated October 15, 1992.

The Observer of April 24, 1988, reported: “These recoveries and their announcement are often inept. On April 8, a Deputy Inspector General said that eight AK-47s were found in a room. A policeman interjected and said that they were found in the bags of terrorists who were crossing the border from Pakistan into India. When were these terrorists apprehended? ‘Oh, at 9 p.m. last night.’ The press conference to announce the recovery had been called at 7:30 p.m. the day before.”

On May 18, 1992, the Hindu published an article headlined “Encounters made to order.” Which cast doubt on the police version regarding encounters and escapes:

It raised the question “Isn’t it baffling why militants are seeking out situations in which they kill only their comrades? .... Moreover, while policemen are dying in large numbers in other encounters with the militants, in these cases not one policeman has even been hurt. Besides there is the obvious question: how did the comrades of the imprisoned militants know when and where the police were taking them for ‘recovery of arms’?”

A local lawyer says the militants value the lives of their comrades immensely and do not undertake a rescue operation unless they are certain of success. A few months ago, for example, they had freed a comrade from the custody of the Chandigarh police simply by shooting dead the policemen accompanying him. A few years ago they had rescued Bhai Anokh Singh, a top leader of Babbar Khalsa International from police custody when he was being taken to a Ludhiana court.

Another point which the data reveals is that the 'encounters' had been rising steadily since October last year but their number fell in January and February this year, only to rise again in March and April. ...

A correspondent asked the Punjab Police Chief Mr K.P.S. Gill about these 'encounters' twice during the past week. Mr Gill asked for time to look into the matter, but gave no definite reply when contacted again for an answer. Other police officers, however, say that the police have to take recourse to 'special measures' against the militants as it is very difficult to get them convicted through legal means. Our experience has been that few people come forward to give evidence against the militants, enabling them to go scot free. ...

Moreover, the policemen say that an internal war situation exists in Punjab and therefore the police have to be allowed to take war measures, to go on the offensive and use all military means necessary to thwart a direct challenge to the unity of the nation. Perhaps it is for these reasons that the police chief was compelled to tell the press on December 18, 1991 : "Human Rights becomes secondary in conditions when men were more concerned

about their own safety and the safety of their property. In the present situation, human rights take a back seat.” It was at this press conference that he declared: “The number of hardcore militants in Punjab is around 200. There are nearly 2,000 second-rung militants.”

NOT2: At a press conference on December 24, 1987, Newstime correspondent Abhinav Nayyar posed 13 questions to DGP Julius Ribeiro pertaining to arrest and escape of some terrorists from police custody. He listed them in his article published on January 1, 1988.

1. How come both Roshan Lal Bairagi and Manjit Singh Bhindi escaped from the same spot and with the same excuse and within 48 hours of each other?
2. Why was the escort vehicle of CRPF not around the spot from where Harjinder Singh Jinda reportedly escaped and why didn't policeman present offer resistance to the terrorists who ambushed the CRPF vehicle?
3. If indeed Roshan Lal Bairagi and Manjit Singh Bhindi have escaped from police custody as claimed by the police how did their names figure among the terrorists killed in a list prepared by the Punjab Police Department, though their names never appeared in any encounter killings?
4. What is the fate of the inquiry which Surjit Singh Barnala ordered Mr Ribiero to conduct into the so-called escape of Bairagi and Bhindi?

5. How is it possible that almost all suspected terrorists escaped with their handcuffs on?
6. Why do all the suspected terrorists who made good their escape out of their ingenuity or bravado of their accomplices belong to the top category and carry huge rewards?
7. How could police think of recovering any arms from Avtar Singh Pehlwan, Rana Pratap Singh, and Satnam Singh Bawa etc, while they were in police custody for a long period?
8. Why did the police not take adequate steps to avoid the possibility of escape of Avtar Singh Pehlwan, Harjinder Singh Jinda, Manbir Singh Chahedu, Aroor Singh, Tarsem Singh Kohar, Sukhdev Singh Kotnoulvi and Satnam Singh Bawa in view of the escape of Roshan Lal Bairagi and Manjit Singh Bhindi?
9. How did Avtar Singh Pehlwan know in advance that the police was planning to eliminate him in a false encounter as was evident from his petition to the Punjab and Haryana High Court during his detention? In his petition Avtar Singh had requested the court to order police to take him out of jail only in handcuffs and fetters.
10. How is it that the suspected terrorists escape only after either their detention period or police remand period was over?

11. Why was no action ever taken against the police or paramilitary force from under whose custody these terrorists are claimed to have escaped?
12. How come the suspected terrorists who escape from police custody are never in the later stages found to be involved in any of the terrorist crimes either in Punjab or outside? Yet their names figure in the list of those terrorists killed by police in encounters?
13. Why do police parties take out terrorists under detention for making recovery of arms or for some investigations only either late at night or early in the morning?"

The only explanation given by Ribeiro to these questions was "In many cases police cannot be blamed for escape of terrorists."

#### "DEATH BY CYANIDE"

The Sikh ethos has no place for suicide. In times of battle, Sikh soldiers have not shrunk from meeting death at the hands of the enemy but they were never known to have resorted to the practice of ending their own lives when the battle went badly.

Most of the cases of death by cyanide reported from Punjab' related to those who were said to have taken the poison after capture or who were in custody. It is unthinkable that high risk militants would not be thoroughly searched and disarmed on arrest. There was a rash of cyanide poisonings in the last quarter of 1992: the

press reported four cases of cyanide poisoning in detention and nine cases in which persons allegedly took cyanide at the time of their arrest. It is commonly believed that in many such cases, cyanide was forcibly administered.

The death of Bimal Kaur Khalsa, MP, widow of Beant Singh, one of the alleged assassins of Indira Gandhi, illustrates the confusion that surrounded the fate of even prominent persons. The only thing certain about her death is the date: September 2, 1990. Bimal Kaur Khalsa had police guards who used to be changed frequently. She also had a secretary, Inderjeet Kaur, who was known to have links with the Punjab Police and who subsequently married a Punjab policeman.

The first reports that reached the press indicated that Bimal Khalsa consumed cyanide. As she had two small children, the suspicion immediately arose that she had been forcibly administered cyanide. Subsequently this story was “corrected” by the police and it was given out that she had died by electrocution while using a washing machine. A 13-year-old servant normally did this work but this boy was not in the house at the time of her death.

Her nearest relative demanded a post mortem which, under normal circumstances, the police was bound to conduct on request but the police refused this.

### KILLED IN CUSTODY

The first thing to explain here is the difference between police remand and judicial remand. Police remand means that the detenu is handed over to the police for interrogation. This type of remand should normally not be

countenanced for more than a few days but in practice, magistrates grant police requests for remand time and again, extending the period for months. TADA is a form of police remand, where a prisoner is kept in the police custody for months and years without right of bail or appeal. Judicial remand puts the detenu in the custody of the jail services. The police cannot take him from prison for interrogation.

Police interrogation methods are brutal and becoming increasingly so even for normal crime, but when it comes to dealing with secession-related offences the police feels absolutely unrestrained, secure in the knowledge that they will not be asked to account for their deeds. So far there has been no demand to ascertain the identity and present status of all persons detained under TADA since it was put on the books. Who are they? Where are they? Are they alive or dead and if dead, how did they die? The public does not know and the courts do not know, or care.

In November, 1994, 42 employees of the Pilibhit district jail were found guilty of clubbing to death six men and seriously injuring 22 others. All were TADA prisoners. The CID inquiry into the deaths of the men who had been detained by the Pilibhit district police under TADA recommended prosecution of the jail officials under CrPC Section 302 (murder). The UP state government sanctioned permission to prosecute but the accused were not charge-sheeted for months thereafter.

According to a report in the Indian Express of November 19, 1994, other jail inmates said that “the 28 prisoners were dragged out from their barrack (Number 7) one by one and brutally beaten by the jail guards with the help of

PAC jawans 'to teach them a lesson' and also to settle scores. Going by the account given by the prisoners, it appears a miracle that only six of them died. The extent of the barbaric assault can be gauged from the fact that at least 13 of the 22 injured have multiple fractures in both their legs.

Though none of the injured admit that they tried to escape, prisoners lodged in the neighboring cell (6) say that about seven or eight inmates of barrack 7 had come out after cutting an iron rod. This was followed by a scuffle with two jail guards who spotted them. Later, all the inmates of barrack 7 were tortured by the guards. Armed jawans of the PAC surrounded the barrack and asked the prisoners to hand over their clothes and *gutkas* (abridged version of the Guru Granth Sahib, the Sikh bible). The guards then lit a bonfire of the books and turbans.

The prisoners were dragged out individually and beaten with *lathis* and rifles. ... Though senior jail officials reached the spot, none of them restrained the guards, the inmates say.

Some of those who died were witnesses to an incident which occurred in Pilibhit in 1992. At that time the UP Police took 11 passengers off a bus carrying pilgrims from Hazoor Sahib in Maharashtra and killed them in three fake encounters. The earlier Pilibhit murder cases were to come up soon and the Sikh TADA prisoners were witnesses.

On March 2, 1993, the Punjab Chief Minister Beant Singh admitted six custodial deaths in the state in the first five months of his government but ruled out compensation to the dependents of the deceased. He said "death at the hand



of the extremists could not be equated with those in police custody. He named the victims: Balbir Kaur (Ropar) Hira Singh (Sudhar in Jagraon) Jarnail Singh (Divn No 4, Jalandhar) Amrit Lal (Chheharta, Amritsar) Sher Singh (Mulapur, Fatehgarh Sahib) and Baljit Kumar (Lalru, Patiala).

On March 29, 1994, Punjab DGP KPS Gill intended to show off an important catch to newsmen and called the journalists to witness what was supposed to be a public surrender by Kanwar Singh Dhama, accused of terrorist crimes. Dhama did not surrender, rather he used the occasion to publicly accuse the police of lying and in passing he told newsmen that he had been witness to the torture and extrajudicial killing of 15 persons, his prisoners, by the Punjab police. Later the names of those who were killed by the police were provided in an affidavit by his wife, a co-prisoner. He compared the DGP to Mughal emperor Aurangzeb, who committed excesses in the open while the DGP did so within four walls.

In October 1994 a video news magazine, Lens-eye, presented an interview conducted by Asian Age entitled "Affairs of State" which dealt with the issue of custodial deaths. DGP KPS Gill was filmed and he denied that such things happened; thereafter footage of interviews with four prisoners held in Punjab jails selected at random was shown: these men confirmed that they had personally been subjected to very severe torture and that they had seen many fellow prisoners die as a result of torture. They said that they would rather die than undergo such torture again.

## “KILLED BY OTHER MILITANTS”

Police vigilantes masquerading as militants were instructed to kill selected targets described as supporters of the militants. Although they roamed at will, striking all and sundry, the police took no notice of such killings and described them simply as “killed by other militants.” This category of killings are discussed in detail in the chapter on police functioning under the heading of Vigilantes

In some cases it seems likely that policemen themselves had eliminated a man and blamed the death on militants. Relatives of the deceased did not always accept this explanation.

On November 4, 1991 The Tribune reported that Kartar Kaur (w/o Harnek Singh Rajput) of Kashmiri Mohalla, Tripri, Patiala, charged the police with killing her son, Gurdev Singh, Nathi, who ran a shop selling audio cassettes. She said that he was forcibly taken away by three men in plain clothes on October 27 and she reported this to the police.

On October 28 she met the SSP, Satish K. Sharma who replied “Gurdev is a hardcore terrorist.” On October 29, local children came and told her that a body resembling Gurdev was lying near the Saifdipur-Sheikhpura Road; subsequently an onlooker said it had been taken away by the police.

That day the police issued a press release: “In a case of inter-gang rivalry, the police recovered the body of Gurdev Singh .... This terrorist was responsible for bomb explosions ... He was one of the close associates and a

maternal uncle of Amrik Singh Kauli, a top Babbar Khalsa terrorist.”

Harpreet Singh, son of Hazura Singh of village Burj Raike, district Amritsar, is an embarrassing “ghost” for the police because he is supposed to be dead but he isn’t. Harpreet not only resurfaced, he gave his story to the press.

Harpreet’s trouble began in 1985 when he met Babbar Khalsa International chief Wadhawa Singh in the Golden Temple. Wadhawa introduced him to Sukhdev Singh Chabba, in charge of the Doaba zone of the outfit. Initially, he was recruited for a front organisation meant for propaganda and carrying messages between the terrorist groups.

After three years of this, he was issued a gun and ammunition. In 1988 he disagreed with the BKT and was expelled. He then joined the KCF (Panjwar) which operated under Ram Singh Manewalla. He remained with the group for two years and then rejoined the BKI. He was arrested from Amritsar on November 18, 1991, by the SP (Operations) S.K. Singh and kept in illegal custody. On November 22, 1991, the police announced that he had been killed in a fierce encounter along with another terrorist while two others escaped. They called him a dreaded terrorist and a lieutenant general \_ of the BKI responsible for 150 killings among them was an SSP. Those responsible for his demise collected a reward of Rupees 10 lakh.

Harpreet however claims that he continued to be held in secret custody by the CRPF. In September, 1992, he

managed to slip out of the handcuffs that kept him chained to a charpoy and slipped away to Madras where he tried unsuccessfully to start a business. He returned to Punjab in July, 1995, contacted his parents and sought the protection of the Punjab and Haryana High Court against the Punjab Police as well as a CBT inquiry into his case. After the story came out, the SP casually mentioned to a press correspondent that he had “treated Harpreet like a son” and Harpreet had cooperated with the police in liquidation jobs. Because of the warm relations, instead of killing Harpreet when he had outlived his utility, the SP sent him to Madras with instructions never to return to Punjab.

Harpreet is not the only such “ghost.” As per police records, Sarwan Singh Shamma, son of Teja Singh of village Kot Mehtab in Amritsar district, was a terrorist killed in an encounter on the night of December 14, 1992 near Sultanpur Lodhi. He resurfaced in March, 1997, and sought protection from the Punjab and Haryana High Court.

Shamma told the court that he was picked up on November 26, 1992, by Inspector Joginder Singh of the CIA, Kapurthala. He was tortured along with Nirmal Singh Nimma of village Khabba Rajputana, Kapurthala. Nimma died under torture. The police version of the December 14 encounter said that Sarwan Singh was killed and Nimma escaped but was found dead later.

Sarwan Singh Shamma escaped from the police on December 17 but on reading of the encounter, he feared that he would soon be the real encounter victim. He hid for four years.

Ghost Number Three is Bhupendra Singh alias Pindia, of village Kalibagli, district Gurdaspur. Before 1984, Bhupendra was a truck-driver based at Agra. He was visiting his native village at the time of Bluestar and was persuaded to go to Faislabad in Pakistan for training along with other young men of his village. Eighteen months later he crossed back in India, taking up residence at the Darbar Sahib. Realising that the police suspected him, he fled to Agra, then Gwalior.

There too he was in contact with extremists: his associate Jaspal Bhatti was killed in an encounter at Mohanna, 40 km from Gwalior, but he managed to escape. He was working as a bus driver, with a wife and three children when the Gwalior police caught up with him.

However, he had already been “killed” by the Punjab Police years earlier and a reward of Rs 5 lakh was paid for the good work.

Ghost number 4 surfaced up in October, 1998. Gurnam Singh Bandala, a top terrorist, who was earlier claimed to have been killed in an encounter on July 29, 1994, was now claimed to have been arrested by the police in October, 1998. This added to the mystery surrounding the charge of cremation of unidentified bodies by the Punjab police.

Apparently the person killed in an encounter on July 29, 1994 was not properly identified. His body was not identified as required by two responsible persons or relatives. Post-mortem was not conducted. If it had been done finger prints of the deceased would have been sent to the forensic laboratory for identification at a later stage.

Interestingly, the record of the sanitary department of the Municipal Council confirmed that the body of the deceased was cremated as unclaimed. His parents failed to identify the body from photograph and yet in spite of doubt about the unidentified body DSP Jaspal Singh was praised for his courage and recommended for a police medal for gallantry. A huge amount of money was distributed to the police men as reward for eliminating Gurnam Singh Bandala.

The cases of Harpreet, Shamma, Bhupendra and Bandala make one wonder how many more men are wandering around distant corners of India or other parts of the world. Some of them may indeed be guilty of crimes, or at any event they might be considered a danger to society. And if they are neither, even then they would have interesting stories to tell. But if these “dead men” aren’t dead, then the biggest question of all is “who did the police kill?” If about 800 to 900 bodies out of 2,500 odd bodies cremated as unidentified at three crematoriums at Amritsar were subsequently identified by C.B.1. then the number of bodies cremated as unidentified by the Police all over Punjab or thrown in canals and rivers would be in the region of a hundred thousand. The courts are duty-bound to take up this question.

## MISSING PERSONS

Around the beginning of 1993, when international bodies began making inquiries into the fate of specific individuals, “missing persons” advertisements inserted by the police began appearing in the press.

One which appeared in Indian Express in May, 1995, was typical : “One Sukhwinder Singh Bhatti, s/o Tara Singh, village Badbar, police station Dhanaula, district Sangrur, has been kidnapped by some unknown armed persons on 12.5.94. Case was registered u/s 364 IPC. Height 5’9”. Age 40-45, white complexion, wearing pant, shirt, *gatra*. Adequate reward will be given who will give any clue of kidnapped person. Signed SSP, police district Barnala.” (Bhatti surely deserved better than being referred to as “one Sukhwinder Singh Bhatti”; he was a well known lawyer whose disappearance had sent waves of resentment through the town and the state’s legal fraternity.)

After the Supreme Court had come down on him in September, 1994, (ref Kathunangal abduction case under heading Extrajudicial Killings) K.P.S. Gill began to float theories to explain what had happened to missing persons. On January 16, 1995, he told the press that the government was seized of the problem of “thousands of Sikh youth who were said to be missing and presumed dead”. He said that in fact they had gone to foreign countries under fake names and documents and that their relatives knew where they were and such persons shifted from country to country by changing their names and addresses.

#### “UNIDENTIFIED MILITANTS”

Another way to get away with killing someone in custody involved the simple expedient of taking the man to a distant district, killing him, placing a weapon next to his body, then calling the public to identify the body. Since no one would know the man, he could then be declared an “unidentified militant who had been killed in an encounter.” The body would be sent to the hospital for

post mortem and later to the municipality for quick cremation.

In reply to a starred question in the Punjab Assembly the Chief Minister Beant Singh confirmed that in one district of Punjab alone out of 150 militants killed during 1991, 87 remained unidentified. Photographs of the unidentified corpses were not published in the press as required by law.

In 1989 police picked up Kulwinder Singh Kid, son of Tarlochan Singh, principal of Khalsa High School, Kharar, from a house at Mohali where he was staying with his seven-month pregnant wife. Later police announced that two unidentified militants had been killed at a place near Ropar. Tarlochan Singh suspected that one of those killed might be his son but when he went to identify the body, the police prevented him from doing so.

He contacted Human Rights activists (Justice Ajit Singh Bains and this writer) and gave them a description of his son. They went to Ropar Hospital where the bodies were lying in the mortuary but the police barred their entry. They then approached the Deputy Commissioner of the District, D.S. Bains, who granted permission to see the bodies and informed the hospital to allow the Human Rights workers into the mortuary. But before the Human Rights team could reach the hospital, the police had removed the bodies.

#### “HUMAN SHIELDS”

Using civilians as shields is prohibited under international law but it has been a routine tactic of the security forces.



On June 14, 1992, a report carried in The Telegraph described how a Bhindranwala Tiger Force of Khalistan (Manochahal) deputy commander Surjit Singh and his accomplice Madan Singh Mandi were hiding in the house of an Akali leader Manjinder Singh. (This was the famous Behla incident.) Police kept the house under fire for 28 hours. Some 1600 security personnel including one Army battalion and a helicopter had been involved in the operation and it had even been video-taped! After trading shots for more than a day the forces decided to go in. The militants sprayed bullets on the group as it approached.

When it was all over, the police claimed that Surjit Singh Behla, deputy chief of the BTFK, Madan Singh Maddi, Niranjn Singh, advisor to the militant outfit, Sakatar Singh an area commander and five other unidentified militants had been gunned down in a 28-hour encounter while no civilian had been killed or injured.

The Tarn Taran SSP claimed that a bunker had been specially built under the house. Curiously, only three weapons were recovered but the police insisted that more would be found when the debris was cleared. Subsequently, details showed that one AK-47, one Mouser pistol and one SLR were recovered. The SLR belonged to Prakash Chand a jawan of the Dogra Regiment who was killed in the encounter.

When journalists got into Behla what they found didn't match the police version. To begin with, there was no bunker nor had any additional arms been found. The residents of the village identified five of the nine men killed in the incident as ordinary villagers with no militant links. They identified them as Niranjn Singh Dodhi (65) a

dairy farmer and his son Sakhatar Singh (25), a cart owner, Kartar Singh (35) and two farmers Ajit Singh (40) and Lakhwinder Singh (18) and a local mason. There was one other man whose identity was not established. Sukhchain Singh another son of Niranjan Singh, was seriously injured and taken to the hospital. Three other men were used as human shields but miraculously escaped: they were Gurdeep Singh (65) and his grandson Bhupinder Singh (17) and the local granthi's father-in-law.

The villagers' story is that on the morning of June 8, 1992, Niranjan Singh, Sikatar Singh, Sukhchain Singh and a mason were constructing a room at their tubewell just outside the village. Ajit Singh had just arrived with a cartload of bricks. Police and CRPF men arrived and ordered the five men to come along with them to Manjinder Singh's house. On the way Bhupinder Singh and the granthi's father in law were forced to join the party.

At the house, the security forces put the men in front of them and told them to open every room and ascertain that no militant was hiding inside. After searching almost all rooms they directed the men to stand by the stairs along with a few police and CRPF men. Other security personnel went upstairs. All of a sudden there was a burst of gunfire in which five or six persons including one constable were killed.

The house did indeed look like a sieve: the outer walls and roof had gaping holes and rubble was strewn all over. The villagers said that the security forces had also brought Sutjit Behla's four sisters to the house to persuade him to surrender but he refused. On the day after, newsmen saw a

truck loaded with wheat bags and household goods taken from Manjinder Singh's house, parked on the roadside.

The police, CRPF and Army officers refused to meet journalists to comment on the villager's version and no inquest was ordered.

SSP Ajit Singh's declaration that those killed were all militants belonging the BTFK was dispelled by the report of the Intelligence Bureau. When K.P.S. Gill was asked to comment he said that he had ordered an inquiry into the matter and that "justice would be done at any cost". But as the police had initially declared the seven victims as militants, their families were not legally entitled to any compensation. No further action appears to have been taken.

Another instance occurred on August 9, 1992 at village Gobindpura Jawarharwala in District Sangrur. At about 12:30 p.m. a large deployment of the Punjab Police, CRPF, BSF and Army surrounded the village where some members of a militant group had taken refuge. One militant was killed in the hour-long battle that raged between the militants and security forces. When the guns fell silent the police announced over the loudspeaker of the village gurdwara that all the people were to assemble at the village school. There the security forces picked out 16 young men.

One of them, P. Singh, aged 26, recounted: "All of us were forced to walk from the school with the security forces behind us. When we reached the centre of the village we were divided into four groups of four, with four or five security forces behind us. We were told to search each

house while they waited outside. We had to let them know if there were any militants inside, or we would be killed. They also said that if we refused or ran away we would be killed. Each group was made to search about 15 houses.”

M. Singh, another of the boys, added: “At 6:30 p.m. the firing resumed from one of the houses in which one of the militants was hiding. I hid behind the wall. Then I heard that another of the militants had been killed. By this time all but two of the 16 who had been ordered to search the houses were allowed to go home. Those two were made to search a few more houses until 7:30 p.m.”

The security kept the village surrounded throughout the next day and the next. On August 11, 32 people were used to search the houses. The villagers were released at 7 p.m. that night when the security forces told them: “You are not the ones we want.” Over the next several days a number of people from the village were detained and tortured.

The events at Gobindpura Jawaharwala were narrated to Human Rights activists from Asia Watch/Asia-and Physicians for Human Rights, whom the MASR escorted to the village in 1993.

#### “DEATH BY DROWNING”

Sighting of bodies in rivers and canals became common. Possibly the bodies were thrown into the canals after death during interrogation or drowning was adopted as the means of summary executions. The fact that the corpses occasionally were tied with heavy weights and not spotted until water level dropped, or that their hands and feet were bound, gives credence to this supposition. When

journalists investigated the sighting of bodies they noted that canals which yielded the maximum number of bodies were those which flowed past interrogation centres. The bodies were invariably spotted downstream from such places.

Rajinder Kaur's story, as related to a team of journalists from the Indian Express and published on November 13, 1993, throws light on this type of death. She said that on October 29, 1992, a police party from Chamkaur Sahib picked her up and took her to the banks of the Sirhind Canal. The police wanted information on the whereabouts of her husband who had joined the militants. "I was kicked and slapped mercilessly. They threatened to throw me into the canal if I did not tell them where my husband was. They tied me in a gunny bag and put me in the water. The water was freezing cold and I thought I would die. They did this several times but then relented and brought me to the police station." If Rajinder Kaur did not drown it is not the fault of the police.

The death of an MP, Jagdev Singh Khudian, in December 1989 was particularly appalling. In November, 1989, Khudian had been elected to Parliament on the Akali Dal (Mann) ticket. The Badal Akali Dal supported Bhai Shaminder Singh and campaigned strenuously for him. When Khudian was elected, the popular perception that Badal controlled the area was jolted. Khudian could expect no sympathy from that section of the Akalis. Indeed, Khudian might have acted as a "bridge" that would have given the militants some voice in the nation's parliament. He disappeared from his native village, Khudian, district Faridkot, on the morning of December 28; his body was recovered from the Rajasthan feeder

canal on January 3, 1990. If one accepted the police version, this highly respected 60 year-old man in good mental and physical health, no heavy debts or family tensions, committed suicide.

As directed by the Punjab governor, Justice Harbans Singh Rai inquired into the circumstances of the death and submitted a detailed report in April, 1990, which rejected the police account, saying: "The presence of ante-mortem injuries, sufficient to cause death in the ordinary course of nature, established that he died of violence."

The judge noted that Jagdev Singh's family suspected foul play but in spite of that, the investigating officer adopted a line inappropriate to the situation. "Even if the investigating officer or somebody higher to him was of the view that Khudian had committed suicide, the other possibility that he might have been murdered should not have been ignored. It is further very strange that even when a case under Section 364 IPC had been registered, no effort was made to exclude the possibility of his abduction and murder.

"The conduct of the investigating agency conducting a search of the canal was again very mysterious. It is not understandable as to why only half portion of the canal was searched and when the area up to a few kilometres from the place where the articles of the deceased were found has been searched a number of times, how his dead body was located at a distance of 2 or 3 km from that place on January 3, 1990.

"During my inspection of the spot, a large number of villagers told me that they had searched the canal up to a

distance of 7 or 8 km by holding each other's hands and there was no dead body in the canal. But strangely enough, the dead body was found at a distance of 2 or 3 km from the said place. ... "The inaction on the part of the investigating agency might have led to the evaporation of material clues. The inaction of the police was due to inefficiency or wilful. I do not have any material to give any finding in that regard but I am of the view that the death of Mr Khudian, along with the conduct of the investigating officer should be investigated and inquired into by some independent agency....

"When the attitude of the investigating agency in the matter of death of an elected MP was so indifferent, what could an ordinary resident of Punjab expect of them?"

### *Bounty Killings*

That some 50,000 to 60,000 awards had been given 'to men of the regular police force for the period 1991-1993 is a matter of public record. (the Punjab Chief Ministers answer to a star question in the state assembly in 1993). The number of awards given to the vigilantes and paramilitary forces has not been disclosed.

The institution of monetary awards for the elimination of militants was indeed a very powerful incentive to the police. As a report in India Today (October 15, 1992) suggested: "The rush for claiming cash rewards is turning police into mercenaries.

Besides the rewards for killing listed militants (annual outlay - official figure - for the purpose: Rs 100 million) the department gives 'unannounced rewards' for killing

unlisted militants. Every week the IGs of various ranges send their lists to Additional DG (Intelligence) a.p. Sharma. The amount can vary from Rs 40,000 (\$1,333) to Rs 5 lakh (\$16,666). The operation of the secret fund is only known to a handful of senior officers - the DGP, Additional DGs of intelligence and operations, and the IG (Crime). Even the home secretary is kept out of it. Whatever records are maintained are erased after a few weeks.”

The prospect of cash-for-corpse soon made the policemen wise, and bounty killings became a major source of income. The arrest of a wanted man would be kept secret. Thereafter murder after murder would be attributed to him. The price on his head would rise and when no further increase could be expected, the police would stage a dramatic “encounter” in which their prisoner would be shot dead and they would claim the reward, and promote favoured police men.

Police had long maintained that the only good militant was a dead militant but when the lure of cash awards was added this maxim was rapidly modified to declare that the only good corpse was a militant corpse. From “We killed him because he was a militant” it was but a short hop to “We killed him and therefore he is a militant”. And the more “dreaded” the better.

The strategy was to kill somebody and then brand him a hardcore terrorist and fix a high price on his head. According to a Punjab Human Rights activist Baljit Kaur: “After every such killing the police say the slain terrorist has killed 10 people - or even 1,000 people! Who is to decide this? And how does one confirm that a particular



terrorist has killed a particular number of people? A lot of fudging goes on in determining this. All this is done to help police officers make money.”

Policemen’s greed to pocket an award of Rs 10 lakh cost the lives of a 4-year-old boy, his father and his uncle.

The child had accompanied his father, Jaswinder Singh (28, a businessman and son of a local advocate, Prem Singh) and uncle Jasbir Singh (24) had gone to see off a relative at the Ambala bus stand on the afternoon of July 12, 1992.

They were returning home in Jaswinder’s car, when they noticed a car following them. The passengers were armed with automatic weapons but in civilian dress. Fearing that the pursuers were militants, Jaswinder speeded up. When they reached the safety of their native village, Dhulkot, they left the car and made a dash for shelter but were shot down by the police.

Villagers testified that after killing Jaswinder and Jasbir, they saw one policeman lift four-year-old Harvinder by the arm and shoot him in the head. After gunning down the unarmed men, they waved their arms in the air and danced, shouting that they had killed Lali (a wanted militant with a price of Rs 10 lakh on his head). The police prevented the villagers from rendering any medical aid to Jasbir who was still breathing.

Only after the arrival of SP K.P. Singh were the bodies taken away to the Civil Hospital, Ambala. ‘The only survivor of the shoot-out, Jasbir’s five-year-old son, Gaurav, was taken away to the Ambala Police Station.

According to the SP, the policemen responsible for the murders were Punjab Policemen who had crossed into Haryana accompanied by a “cat” (informer). Two Ambala policemen had been provided to them as guides. The “cat” identified Jasbir Singh as a militant; Nirvair Singh Nindi.

One of these police “cats”, Satwant Singh Manak petitioned the Punjab and Haryana High Court for security cover from either the CRPF or the ITBP as he feared that his life was in danger. In the petition he named 11 persons whose torture and death in custody he had witnessed and alleged that police officers killed the men to earn cash awards and out-of-turn promotions.

He named the victims as: Nirmal Singh Nimma of village Rajeana district Faridkot, Baljit Singh, village Wadaghar, Kulwant Singh Kanta, village Ghumiara, Baljinder Singh Bijliwala, Kartar Singh Karmitti, Bahal Singh of village Padhari, Satwant Singh Sodhi of village Chogawan, Gurmukh Singh of village Langiana, Gurcharan Singh of village Moga and Nachhattar Singh Fauji of village Daudhar. Manak claimed that he had been severely tortured and he decided to tell all after his father died under police torture. (reported in Indian Express, and The Tribune, November 9, 1994)

### *Elimination Lists*

The wanted dead or alive list which caused the government a lot of embarrassment in the Supreme Court,

later took the shape of confidential lists kept at all the districts.

A separate wing of the police was set up to earmark the people to be eliminated. (Human Rights Workers testify to the existence of such lists. They have come to light when activists have sought information on the whereabouts of missing persons. In their presence, the district SSPs have called for the file of these "hit lists" and confirmed whether particular men were or were not on it. If the man was not on the list for their district they would confirm that they had no hand in whatever happened to him, but would not vouch for what police from some other district or other security forces might have done.

This indicates that "hit lists" were centralised and compiled from lists drawn up by different security forces. It is strongly suspected that there is a "master compiler" who constantly updates and revises the list. However, SSPs may have added their own "personal preferences" to the list supplied to them.

### *Criminalisation of the Police*

Criminalisation of the police was begun by Julius Ribeiro when he was Director General of the force. He recruited men as vigilantes and many of these men were subsequently absorbed into the regular police. It was a very enticing prospect: men who, in the normal course, would have had a hard time getting any job, could get into government service which carried substantial benefits. To make the vigilantes even more "effective", substantial awards were given to those who eliminated suspected

militants. (Further details on the operation of vigilantes is given in the chapter devoted to them.)

However, there was a flaw in this scheme: men who had become accustomed to functioning with a “license to kill” were not amenable to discipline. After one of them, Dalbir Singh who was first used by the Amritsar police, was later shifted to Patiala where he shot down Sital Dass, the SSP there and another senior police officer. (reported in Times of India August 30, 1987) Ribeiro had second thoughts about the vigilantes and tried to dismantle what he had created but before he could do so he was transferred out.

His successor, K.P.S. Gill denied that he was using vigilantes. On December 18, 1991, referring to numerous accusations that police gangs were looting villages and molesting women, Gill told the press: “There is no truth in the allegation that policemen in uniform are behind the recent incidents of theft and burglary. Our investigations reveal that Bawaria gangs are responsible for these incidents. ... Initially there was a demand from villagers for night patrolling. Now, when night patrolling has been introduced, they have started preventing policemen from performing their duty. To tackle this problem, instructions have been issued to the police in the state to involve villagers in night patrolling. Besides the policemen have been told to carry identity cards.” (Tribune, December 20, 1991)

Technically, he was telling the truth: policemen did not wear uniforms when they went out to loot. The villagers testified that they heard the looters converse in Hindi so it is likely that they were not Punjab policemen either. It is worth remembering that in the initial months of Gill’s

second stint at the head of the Punjab Police he had not been relieved of his previous post, namely DGP of the Central Reserve Police Force. Were CRPF men used for the “*kale kachian*” operation. That might explain their speaking in Hindi.

The suspicion that the miscreants were somehow “dear” to the Punjab police is based on the numerous instances when villagers caught hold of the looters and large police parties, sometimes led by DSPs, rushed to the scene to rescue the men - even before the villagers had informed the police that the robbers were in their custody. (One such incident was reported from Dhanaula, District Sangrur, in October, 1991.)

Gill not only continued the use of vigilantes but refined the operation and made them a regular arm of the Punjab Police. Awards were generously given to motivate them to strike anywhere in any manner without fear of being called to account. Being able to present an impressive body-count of militants on a daily basis was all that mattered.

On September 12, 1988, The Times of India reported from Batala: “The death of Jaswinder Sing ‘Kala’, a member of a police hit squad, by members of his own gang in an accidental firing has created panic here apart from the fact that it has claimed the life of an innocent teenager.

“Kala, technically a constable with the Batala police but in reality a ‘cat’ in police parlance or a member of an underground hit squad in layman’s terms, was killed on Sunday night while attempting to loot a family in Kaler Khurd village about 10 km from here.

“The Punjab Police chief, K.P.S. Gill, has announced in Chandigarh yesterday that Kala and members of his gang, who were designated Special Police Officers, had been dismissed after reports of lootings against him. However, inquiries revealed that Kala was still on the rolls of the police as a constable. Moreover, as confirmed by certain police officers who did not wish to be quoted, one of Kala’s gang members had in his possession an AK-47 assault rifle.

“In an interview with this correspondent early this month, Kala had revealed that he and his 11-member gang which also included his father, Joginder Singh, brother Lakhwinder Singh and brother-in-law Charanjit Singh Channi had nabbed or killed almost a dozen terrorists over the past one year. He said that the four AK-47 rifles they had recovered from slain terrorists had been handed over to them by the former Batala SSP Gobind Ram.”

One of the gang members Billa shot Kala when he suddenly emerged from a room. It appeared to have been a panic reaction but the Times correspondent continued.... Observers remarked that Billa might have been assigned the task of eliminating Kala as the latter had been exposed as a ‘cat.’” If so, then Jaswinder Singh Kala met the fate of most “cats” unlike the lucky few whose story has been related earlier in this chapter.

### *Election-Related Killings*

After the dismissal of the Akali government Punjab was put under President's Rule. Constitutionally President's Rule can be imposed for a period of six months. Further extension must be ratified by Parliament. In the case of Punjab, from 1987 when the Surjit Singh Barnala's Akali government fell, President's rule was extended time and again, until February 1992. During this period police unleashed a reign of terror that stopped at nothing to curb dissent, whether expressed within the political systems in accordance with constitutionally guaranteed freedoms, or outside the law in the form of militancy.

Article 356 of the Indian Constitution empowers the President on the recommendation of the prime minister, to dismiss a popularly elected state government and entrust the administration of the state to the state governor, who functions as his representative. In other words, the Union government is in direct control of the state. Since 1951 President's Rule has been imposed 98 times and every state, except Arunachal, has undergone one or more periods of President's Rule. Punjab enjoys the dubious distinction of being placed under President's Rule more often and for a greater total period of time than any other state in the Indian Union. India has had nine prime ministers since 1951: eight of those prime ministers accounted for 50 instances of President's Rule; one of them accounted for 48 instances. No prizes for guessing - it was Mrs Indira Gandhi.

Whenever talk of holding elections cropped up the Punjab Police was quick to voice an objection. All sorts of excuses were made and time and again the director general of police countered with dire predictions of mayhem if elections were attempted. In fact, if Monday's headline

announced that the Central government held talks with some party leader and discussed the possibility of holding elections, Tuesday's headline was sure to scream that a massacre had taken place, often in a bus or train.

The "talks-massacre-talks-massacre" pattern became so predictable that even ordinary citizens took to forecasting massacres. Still the way police predictions always came true - right on cue - was amazing. Did Gill have an uncanny insight into the mind of the militants? Or was the range of his mind-reading limited to a much more immediate circle? Anyway, the DGP was right: the situation was not conducive to holding of elections ... certainly not so long as there was a chance that the voters might return the Akalis to power again. Such a government would not have served police interests.

THE ECONOMIC TIMES REPORTED ON MAY 12, 1991 :

"Punjab Police officials are making preparations to meet the eventuality of Assembly elections and a militant-minded government coming to power in the state. Sources said certain sensitive records with the police are being systematically destroyed. Most of these pertain to cases of encounters. Police officials neither deny nor confirm the allegations.

"While there are no official records of terrorists who have been bumped off by the police there are interrogation reports of militants who, on paper, have never been arrested. Then there are personnel assessment reports, specially those pertaining to deserving cases for promotion which place on record the killing of certain militants. There are wireless messages and diaries as well.



“The interrogation reports it seems are causing the maximum problems. The Central Intelligence agencies have been actively involved in the interrogation of militants and these departments are refusing to destroy corresponding records.

“The police fear that a new government may try to initiate criminal proceedings against officers for these killings which are beyond their legal rights.”

“The police officials feel that the recent presidential ordinance making it impossible for a state government to prosecute a government servant on his actions during President’s Rule without permission from the Central government would protect them to a great extent. Nevertheless, as the destruction of records indicates they feel the need to protect themselves.

“As far as the police is concerned the encounters have always been a sensitive issue. Some senior officers maintain that such action should never have been allowed because the job of the police is “to find evidence and build a case. We cannot take the right of jurisdiction in our hands as well which is what we have been doing”. But most of them, especially those in the field insist that there was no other method in the circumstances. They point out that there have been just a handful of convictions of terrorists’ cases in the past five years and even when a top terrorist is produced in court he was always let off on bail. And within days he is back to his old ways.

“The police in short blame the bureaucracy for abdicating all responsibility on this count. ‘When the judiciary stopped functioning we were forced to resort to extra-

judicial methods,' says one officer on condition he is not identified. He adds that the Centre was a party to the decision to resort to such methods. He also gives an account of the number of top terrorists he has got killed during his tenure in the districts. Several of them he adds were responsible for the killing of top politicians, bus massacres and bomb blasts. 'If we had produced them in court and they had been released on bail they would have gone on raising the toll of innocent lives.' He justifies his action and adds that he has never had a suspect killed but only identified hardened ones.

“But with fake encounters receiving an unofficial stamp of approval there have been cases which are doubtful as well. And on any occasion that an officer of the department has attempted to question the action he has been sidelined. Mr J.S. Chahal IG in charge of internal vigilance received kudos when he started off with listing cases of corruption. But after that he drew up a list of some two dozen posts where the policemen had indulged in questionable killings. He was simply transferred as chairman of the Pepsu Road Transport Corporation.

“The former IG, M.S. Bhullar, had also started out with trying to weed out corruption. A couple of officers including the former SSP of Batala, Mr Gobind Ram who was subsequently shot dead by terrorists at Jalandhar were shifted during his tenure. Three others were made to return money they had taken. Then Mr Bhullar submitted a list to the headquarters of persons missing from Amritsar district during Mr Izhar Alam's days as SSP. Mr Bhullar had stated that their relatives continued to inquire about their whereabouts some three to four years after they went missing and recommended that they should either be told

where their kinsmen were or that they should be declared dead. Mr Bhullar was shifted to a newly created post of IG Training and the post of IG Border was suspended.”

Finally in 1991 when elections were held, it was seen that the DGP had been a very accurate oracle. The Chandra Shekhar government at the Centre fell and a new Parliament had to be elected. The whole country was to go to polls. Citing the necessity of deploying security forces in strength to ensure peaceful conduct of the elections in Punjab, the Chief Election Commission directed that the poll to elect both Lok Sabha and State Assembly members would be conducted in Punjab two weeks after the rest of the nation had voted.

The law decrees that polling for a given seat is countermanded if any of the candidates for that seat meets violent death before the voting. On account of murders, polling for 28 seats had been countermanded, even before the polling for the entire state was countermanded just hours before polling was to start. The Congress Party (which had boycotted the elections in Punjab) had been returned to power at the Centre just before the countermand was decreed. Of the 28 who were killed, two were Hindus (one standing on the Akali Dal [Longowal] ticket and one fielded by the Communist Party [Marxist]) and 26 were Sikhs.

In January, 1992, the Chief Election Commissioner announced that elections for both the State Assembly and the Lok Sabha would be held in Punjab and set a date in February. Again, the message went out that the militants were opposed to holding of elections. At places policemen

were seen putting up such posters bearing messages to this effect.

The Akalis, fearing their candidates might be slaughtered again, were apprehensive. Two sets of messages were coming from the extreme leadership: Sohan Singh, president of the dominant faction Panthic Committee, favoured participating in the poll in spite of the risk involved while Daljit Singh Bittu, another militant faction leader, urged the Sikhs to boycott the poll on the grounds that Sikhs did not accept the Indian Constitution. Strangely enough, G.S. Tohra led the campaign for boycott of these elections, and literally coerced the other leaders such as Prakash Singh Badal and Simranjit Singh Mann into adopting the boycott strategy.

Considering the Sikh community's resentment against the Centre at that time, outwardly the call for boycott did not seem inappropriate or strange. The community rallied around the Akalis in enforcing the boycott and according to the government, polling percentage dropped to 21.6 with the ruling party, Congress, getting less than 8 per cent votes. Some candidates were returned with less than 400 votes.

Not surprisingly, police was out in full force, in carrying Congress voters in government vehicles to booth after booth in a well orchestrated capture operation. In the absence of the Akalis, the remaining opposition parties such as the Bahujan Samaj Party, the two communist parties and the Bharatiya Janata Party, raised a hue and cry but it fell on deaf ears as the Chief Election Commissioner and the government refused to entertain any objections. The Congress formed a government with a thumping

majority of MLAs on the strength of less than 8 per cent votes.

The poll boycott strategy had the full support of the Sikhs in Punjab, and in terms of compliance it was a roaring success. It did seem strange however, that having so effectively succeeded in boycotting the elections, the Akalis took no follow up action. It is here that the role of the main proponent of the boycott strategy, G.S. Tohra comes into doubt.

Right from 1992 onwards, Human Rights organisations have been petitioning the Chief Election Commissioner, and later the National Human Rights Commission (in 1994) to ascertain the number and identity of candidates killed, disappeared and taken into custody and harassed during the countermanded June 1991 election, between the June, 1991 and the February 1992. No inquiry has been conducted.

Punjab Human Rights organisations estimate the number of murdered candidates killed from 1991 to 1992 at about 80. Which means that about 50 died after the countermanded 91 poll, and before the 92 poll. In one small area of district Sangrur alone, four candidates were killed - two contesting for the Lehra seat, one for Dirbha and one for Sunam. Murders of candidates were reported from all over the state.

The list of candidates killed during the countermanded election is given in Appendix.8

The fate of many of these candidates is shrouded in mystery and the death of Avtar Singh, who in June 1991]

was contesting from Lehra, should have been a mystery too, but because of the intervention of his neighbours, what happened to him is known.

On the afternoon of June 27, witnessed by a large number of his neighbours, the police picked up Avtar Singh from his village, Shutrana. On July 2, a report appeared in the press that Avtar Singh leapt from the police truck into a canal and was drowned. On July 6, the police “corrected” this version, stating that Avtar Singh - and only Avtar Singh - was killed in crossfire between police and militants.

When his body was brought to Shutrana, along with wood for quick cremation, the villagers forcibly took it from the police. They photographed the corpse and these photographs were published in many newspapers and magazines. The photos showed that the limbs were disjointed, the palms of the hands and soles of the feet were burnt, one arm was totally burnt, and at many places all over the body the skin was burnt away with the burned patches exactly matching the shape of an electric iron.

### *Political/Religious Assassinations*

Sikhs do not separate religion and politics: religious principles are expected to guide the wielders of political power, the wielders of political power are expected to protect and uphold religious principles. For this reason it is often difficult to characterise specific assassinations as “political” or “religious”.

Many of those who died were people who spoke chiefly in the religious idiom. Often what they said ran counter to

what the Central government had in mind for Punjab. Because there were many shades of conflicting opinion among the Sikhs themselves regarding the best course for the community, it was often very difficult to say who was responsible for a particular leader's death. "So and so was killed because they were taking a moderate stand ... " "So and so was killed because they had criticised so and so". Explanations for why who died could always be found but were hard to verify. The general climate of lawlessness made it simple to kill with few questions asked afterwards. What is clear is that most of those killed were unsympathetic to the views of the Central government.

During the Past Decade such assassinations have been numerous: Among the more eminent victims are Tarlochan Singh Riasti (a Congress leader), Jagdev Singh Khudian MP (ref details under section on deaths by drowning), Rajinder Kaur ex-MP (a hardliner and president of the Istri Akali Dal), Bimal Kaur Khalsa MP (ref details under the section on deaths by cyanide) Balwant Singh (ex-minister in two Akali governments) Bhan Singh Bhaura, secretary of the SGPC), Avinashi Singh (PA to the SGPC president) along with Dr Brar, Bhai Shaminder Singh, MP (Only the death of Shaminder Singh could definitely be blamed on the militants and personal enmity may have played a role in that killing.) The circumstances surrounding the deaths of Sant Harchand Singh Longowal and Jagdev Singh Kaunke are briefly described as they illustrate what sort of people were killed and one sees clearly who benefited from their deaths.

**SANT HARCHAND SINGH LONGOWAL :**

Akali Dal President Sant Longowal held moderate views and was reputed for piety and a soft-spoken disposition. After Operation Bluestar the Central Government wanted to neutralise the overwhelmingly negative attitude of the Sikhs and for this purpose Sant Longowal, Balwant Singh and Surjit Singh Barnala were called to Delhi for secret discussions. The outcome was an interim accord on some of Punjab's heretofore "unacceptable" demands. It was called the Sant-Rajiv Formula. Some Sikhs criticised this accord but considering the severity of the Central government's onslaught on the Sikhs, the agreement had value as a respite and a basis on which to arrive at a workable relationship with the government.

Right from the beginning, the Sant made it very clear that apart from the spelt out clauses of the accord there was a secret clause which he would disclose at a later date and which should satisfy the doubters among the Sikh community. Only he and Rajiv Gandhi were said to be privy to this clause. Rajiv Gandhi had also at various times talked about this additional understanding with the Sant.

Criticism against the accord came from both the hardliners of Punjab including the G.S. Tohra and P.S. Badal, and from the Haryana C.M. Bhajan Lal. Criticism against the Sant mounted and he was being pushed into disclosing the contents of the secret clause but before this could happen he was suddenly assassinated, supposedly by Sikh militants on August 20, 1995. Curiously Rajiv Gandhi stopped referring to the un-written clause after Sant's death.

Sant Harchand Singh had also confided a number of times to his close associates that Tohra had embarrassed him by



playing a dubious role and that he would not allow any of his followers to contest on the Akali Dal's ticket in the forthcoming elections. Sikh extremists had also expressed unhappiness over the Rajiv Gandhi-Longowal Accord for settlement of Punjab problem. There were, therefore, three main interested parties desiring Sant Longowal's disappearance from the scene. Who or who and who combined to kill the Sant will remain an un-answered question for a long time.

Had this secret clause come to light it is likely that Rajiv Gandhi would have lost some support among Hindus of the Hindi belt and in Haryana. Later, even the terms of the Accord were altered to favour Haryana in the territory dispute. It is easy to surmise that the sant's death was convenient for the central government and the lengthy inquiry into the death lends further credence to this suspicion. As of 1998, a full decade after the event, the inquiry is still going on. While an inquiry is in progress the government hasn't to say anything about it; it is treated as *sub judice* and therefore off limits for any public comment.

## GURDEV SINGH KAUNKE

Jathedar Kaunke was a hardliner among Sikh politicians and enjoyed a reputation for integrity and honesty among the Sikhs. Following the resignation of Darshan Singh as Akal Takht jathedar he was a strong possibility as the next Akal Takht jathedar. (The Akal Takht, the highest temporal seat of Sikh authority.) Seeing the demand for his appointment among the community was gaining ground, the government was filled with apprehension as a strong jathedar holding hardline views would strengthen the

militants' claim to legitimacy among the Sikhs. He was repeatedly arrested.

The International Human Rights Organisation was able to piece together what happened to him on the basis of eyewitness accounts. (published in Indian Express on January 17, 1993.) On the morning of December 25, 1992, a police party led by Jagraon SHO Gurmit Singh, picked up the jathedar from Kaonke village in the presence of about 200 persons. He was then brutally tortured by the Jagraon Police supervised by the SSP, Swaran Singh Ghotna, and killed on the night of January 1, 1993. His body was thrown into the Satluj near Kanian village under Sidhwan Bet police station. It was never found.

#### BALWANT SINGH

On July 10, 1990, Balwant Singh, Finance Minister in Barnala's Akali government was assassinated in Chandigarh. His death remains shrouded in mystery. Aside from pursuing a successful political career, Balwant Singh was a successful industrialist and a very wealthy man. It was assumed that his "Khalistan Insurance Company" policy was fully paid up, thus erasing the worry of death by militant bullet. In other words, he paid "protection money".

At the same time, unlike many other Akali politicians, he was never known to take extreme positions and was generally regarded as a moderate who was always ready to sit down and talk problems through to a solution. Why would the government want to kill a man they could "do business with?" He was privy to the Rajiv-Longowal Accord (thereby providing the militants with a strong

motive to murder him) and perhaps also to its secret clause, but he was a man of reason who made an effort to think a way through the mess in Punjab, and he opposed the unconstitutional methods adopted by the then Punjab Police Chief, Julio Ribeiro.

Ribeiro writes in his book: “As the day for my retirement approached, some Akali ministers approached Barnala to oppose my extension in service. Barnala was a very sensible person. He would have handled the less important ministers but he never thought he would have to deal with one of his senior colleagues, Balwant Singh, the finance minister and a very shrewd and calculating politician. Balwant Singh was one of the few ministers in the cabinet who was not ‘panthic’. He was basically a businessman. Though he was not against me, he had been won over by the Punjab IAS officer earlier mentioned, who drafted a letter and got him to sign it.”

Balwant Singh and another minister Harbhajan Singh Sandhu had also criticised Ribeiro’s policing methods. He like Balwant Singh was also killed supposedly by the militants. Could these incidences have been organised by the state, if not by Ribeiro? This work may have been done by one of the countless central government outfits operating in Punjab at the time.

For a long time, suspicion also pointed at Balwant Singh’s Akali rivals. But after the death of Punjab Governor Surendranath in a plane crash in 1994, another little item of information surfaced that started people wondering again. The Hitvada correspondent reporting on the vast sums of money rumoured to have been recovered from the governor’s private apartment, mentioned that a suspended

police official, Bakshish Singh, had been a sort of right-hand man of the governor, walking in to Raj Bhavan at any time of the day or night, even at odd hours and was well informed of all the late governor's "secret missions". Bakshish Singh had been in charge of Balwant Singh's security and had been suspended after he was gunned down in broad daylight on a Chandigarh street. For several years after that, Bakshish Singh had disappeared from the scene. How did he suddenly surface - and that too so close to the governor? Was there a government hand in Balwant Singh's death after all?

## TARGETTED GROUPS

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### *Counter Terror*

In the initial stages of militancy, it drew overwhelming support from the countryside, causing serious concern to the government. Even DGP Gill admitted that “This sort of violence cannot be sustained unless a dominant section of the people believed in it. Such a strong movement was not possible without popular mass base.” (quoted from a speech to the PHD Chamber of Commerce in 1994.)

To counter this, the government first tried putting pressure on suspected militants and sympathisers through police repression. This proved counterproductive: instead of diminishing militancy, it increased its base through the sympathy factor. The police force was insufficient to control such a wide field of support.

It was at this time that the police began to consider a counter-terrorism strategy using vigilantes in the garb of militants in order to muddy the waters. These men were to pretend to seek refuge and support in a village. Those who helped them were revealed as strong supporters of militancy. Before leaving the village they were to loot and

perpetrate outrages which would turn the villagers against them personally and sow seeds of resentment against militancy in general.

It took villagers a long time to see through this game. From time to time however, the police would tip their hand: villagers have told human rights activists that they would feed a man or group of men who passed through the village and on that very evening police would come, tell them all that they had fed the militants and declare it sufficient proof that they sympathised with the militants. On such grounds they would be arrested.

In October, 1992, The Movement Against State Repression wrote to the Prime Minister of India about the many ways in which human rights were being violated in Punjab. Among other things MASR pointed out:

“Ever since a little before Operation Bluestar there were rumours about training of vigilante groups in camps on the periphery of Punjab in the adjoining states. Trainees were said to maintain the Sikh form and were made familiar with Sikh religion and culture so that they could “pass as Sikhs”. Later such people were openly trained at the Police Training School, Phillaur and at Bahadurgarh Fort (Patiala) as commandos. They all keep beard and for practical purposes pass off as Sikhs. Some have been interviewed by press correspondents of national newspapers. “This is an act of deception on India’s own people. These groups give credence to the rumours that lawlessness in Punjab is being compounded by the police. In a large number of cases where villagers managed to arrest the miscreants, they turned out to be policemen in

militants' garb. this too has been widely reported in the press." .

The police has been using such vigilante groups to destabilise and plunder the countryside in a bid to attribute this type of crime to the militants to give them a bad name. A large number of such bad elements have been caught by the villagers through their own voluntary village force, but in all such cases, they have been released by the police. Even police officers in militants' outfits/have been identified amongst them by the villagers. In some cases jawans of outside paramilitary forces in civil clothes have been involved as they have been heard to converse in Hindi.

### *Suspected Militants / Militant Sympathisers*

Suspected militants and militant sympathisers received brutal treatment. Because suspicion could rarely be proved in court and sympathy is an attitude, not a crime, the police meted out extrajudicial punishment. People regarded as suspect or sympathetic to the militants were in grave danger of torture, summary execution and disappearance.

Case of Baljit Singh and Harpal Singh: Membership in the All India Sikh Students Federation was a sure invitation to trouble. Baljit Singh, son of Krishan Singh of village Salana, District Patiala was a student at the Industrial Trades Institute Samrala, District Ludhiana, and secretary of an AISSF unit. The SHO of Khanna Sadar police station told the PHRO investigating team that he was "non-hardcore listed terrorist". He could cite no specific case against him but alleged that Baljit extorted money.

When the PHRO team visited his father in Salana, they found him living in a semi-*pucca* two-room house in abject poverty, barely able to feed the seven members of his family. The Amloh police had raided the house in the last week of May, 1990, seeking Baljit for reasons they did not disclose but he was not there.

On June 14, 1990, Baljit was riding on the pillion of a scooter driven by Harpal Singh Mann, son of Didar Singh of village Gharkana, district Ludhiana. Harpal was the general secretary of the Ludhiana unit of the AISSF. Several cases under the Arms Act, TDP Act etc were pending against him and he was out on bail but hiding from the police.

At about 6:45 p.m. Harpal and Baljit were coming from village Tallian enroute to village Gharkhana. As they passed village Kotla they saw a jeep carrying five policemen coming from the village on the road leading to Khanna. The police saw them by-pass the village and gave chase. On reaching the metalled road near the primary school building the scooter skidded and they were thrown off. They ran toward the sugarcane fields. The police opened fire and hit Harpal Singh in the thigh. Baljit stopped, raised his hands in surrender and walked back. This was just near the tubewell of one Bant Singh; he was there and saw all that happened.

Fourteen men of Kotla village, including the sarpanch, heard the shots and came to investigate. They saw Harpal sitting on a brick platform near the school and Baljit with hands bound behind him. Mal Singh who was passing on a scooter also stopped and saw both boys in the custody of



the police. The police ordered everyone away. Around 8:30 p.m. the villagers heard gunshots which continued for several minutes.

On the morning of May 15, villagers came to the school and found the ground soaked in blood. Khanna police SHO R.S. Bhullar refused to return the bodies to the parents but allowed them to see them when they were placed on the funeral pyres. Baljit's father saw bullet injuries on his son's ribs; the face was badly battered and had bled from the nose, ears and eyes, and the soles of the feet were burnt. Harpal had also been severely beaten and had a bullet wound in the thigh and in the head.

The police records (FIR 68 and DDR 21) showed that the police had fired in self-defense and recovered a .32 calibre revolver and ammunition. SHO R.S. Bhullar told the PHRO team that on finding himself surrounded Harpal had first shot himself in the thigh and then in the bridge of the nose.

### *Vulnerable Sections*

#### MILITANTS' RELATIVES

Militants kin lived in constant fear for their lives. Often these people were picked up and severely tortured to get information about the militants. If they died, their bodies were secretly disposed of or it was made to look as if they were militants killed in encounters. When the eye-for-an-eye strategy replaced law enforcement, the police resorted to holding hostages as a normal practice. If the militants killed any security personnel, the militant's kin were killed. In order to strike terror, there are a number of cases where militants' families were wiped out.

But the most significant case of this variety concerned Balwinder Singh Jatana. What was involved here was not only the elimination of a militant's family but also a gambit initiating "reprisals" against the families of policemen. Up to 1991, the Punjab Police had disappointed the Central government strategists: when it came to terrorising unarmed villagers they were ready enough, but they tended to hang back when their adversaries were actual militants. A way had to be found to motivate the police. Killing the families of policemen was considered the best way to accomplish this. The operation was a success.

The fate of Balwinder Singh Jatana's relatives illustrates this:

On August 29, 1991, SSP Sumedh Singh Saini of the Chandigarh Union Territory Police narrowly escaped death in a bomb attack within just a few furlongs of his office in the centre of the city . . . Suspicion fell on a Babbar Khalsa militant, Balwinder Singh who belonged to Jatana village in Ropar district. (Later it was discovered that the Khalisthan Liberation Force was responsible for the blast.)

The very next night (August 30), three unnumbered jeeps carrying eight or nine men each went to Jatana village and killed Balwinder's 95-year-old grandmother, maternal aunt, her teenaged daughter and his polio-affected infant cousin. They set the bodies on fire and departed. The Ropar police initially attributed the murders to "some unidentified militants."

The Jatana case is complex and illustrates more than just the targeting of militants' families. We will come back to it later in this section when we discuss strategic killings.

### “STRATEGIC KILLINGS”

The death of Jatana marked a turning point in the police approach to the militants and another death, that of a relatively junior All India Radio engineer, Mohan Lal Manchanda, marked a turning point in the public's attitude toward the militants. These are illustrative of “strategic killings” in which the police hand was extremely Machiavellian.

The Jatana killings brought differences within the police to light. As we have already said, the men who killed the Jatana family were most certainly agents of Chandigarh Police Chief S.S. Saini.

Relations between Saini, SSP of the Union Territory of Chandigarh and Mohammad Mustafa, SSP of district Ropar (Punjab) had not been cordial for quite some time. Mustafa wrote two letters to Punjab DGP D.S. Mangat complaining against Saini. Mustafa alleged that Saini had set fire to his own farmhouse at Sohana village and blamed it on militants; that he had killed one Parminder Singh of Mohali in custody, thrown the body in Ropar district and wanted Mustafa to announce that the Ropar Police had killed the man who was fleeing after fatally shooting a home guard at Maloya in the UT; and that Saini had ordered the elimination of Balwinder Singh's family.

Subsequently, Punjab DGP D.S. Mangat confided to newsmen: “At least the Punjab Police was not behind it”.

His remark lent credence to widespread suspicion that the Taruna Dal, a branch of the Nihang sect based at Chandigarh and led by Ajit Singh Puhla, was responsible for the massacre. It was said that on Saini's instructions, the police had given this group arms, vehicles and immunity in return for hit squad services.

But was Mangat's remark an inadvertent acknowledgement that the police was indeed behind the deed in a much more far-reaching sense? Mustafa warned the police chief that the militants would target policemen's families in reprisal for this last misdeed and told him to instruct the force to be prepared to face such attacks.

Subsequent events bore out Mustapha's warning: within 30 days of September 7, (the date of Mustafa's second letter) militants gunned down 79 relatives of policemen. The senior police officers, chose to ignore the letters and the warning. It is suspected that the police itself eliminated some policemen's families, thereby motivating; the police to take on the militants.

Over the next few months a number of policemen's families were wiped out. In fact this wave of "executions" became so intense that even militant groups began to issue statements denouncing it. A PTI story of October 4, 1991 said:

"The Babbar Khalsa International on Friday condemned the brutal killings of innocent family members including women, children and aged relatives of policemen during the past few days. In a statement here on Friday Bhai Sukhdev Singh Babbar, chief of the Babbar Khalsa International (BKI), said their organisation was totally

against such killings. Their enmity was against those policemen, especially police officers, creating hurdles in achieving the goal of Khalistan and not against the families of such policemen.

“Bhai Sukhdev Singh said that such indiscriminate killings, setting afire policemen’s houses and kidnapping their children had given a major setback to the struggle and eroded the militants’ reputation in the eyes of the Sikh *sangat* (congregation). He warned all those police officers indulging in the killing of innocent Sikh youth in fake encounters and committing atrocities on their family members to stop forthwith.”

Balwinder Singh Jatana was not the only man suspected of perpetrating the attack on Saini. Balwant Singh Multani, son of IAS officer, D.S. Multani, was also charged with the crime and arrested. Police claim that he confessed and implicated one Partap Singh Mann and his wife, Gursharan Kaur”. The three were Mohali residents. Within days, Multani disappeared. The frantic family looked for anyone who could help to put the case before the highest and hopefully most effective authority. At that time B.S. Sarao had just relinquished charge as Chandigarh UT Chief Commissioner. Sarao, like K.P.S. Gill, belonged to the Assam cadre and was Gill’s close personal friend. Saroa was also an old friend of the MASR convenor whom the Multani family approached for help. On the first day when the matter was put to Sarao, he approached Gill and found him sympathetic. Gill promised to sort things out immediately. Apparently, on the first day, Gill did not know that the Multani boy had been killed. But thereafter for five days Gill went incommunicado. Sarao went back to Delhi.

D.S. Multani met DGP K.P.S. Gill who directed him to meet SSP Sumedh Singh Saini ... and that's where the matter ended. When Saini was asked to bring back Balwant Singh, he told the father : "From where can I bring him back now?" Later, the police said that Balwant Singh had "escaped as he was being taken to Gurdaspur".

Just as the death of Jatana marked a turning point in the police approach to the militants, another death, that of a relatively junior All India Radio engineer, Mohan Lal Manchanda, marked a turning point in the public's attitude toward the militants.

On May 26, 1992, Manchanda's body was discovered near Ambala. He had been beheaded. A group led by Amrik Singh Kauli, calling itself the Babbar Khalsa International was responsible. The drama which culminated in this gruesome denouement had started on May ... when Manchanda was kidnapped from his home in Patiala. The Babbar Khalsa issued a note demanding the introduction of more programmes and news bulletins in Punjabi and announced that it would kill Manchanda if its demands were not acceded to.

During the period when Manchanda was held, numerous appeals were made both to the Babbar Khalsa and the Central Government to reach a settlement so that the man's life might be spared. These appeals came not only from human rights groups but from Sikh organisations and even from other militant outfits.

On May 23 representatives of Punjab Human Rights bodies tried desperately to meet the Chief Secretary, A.S.

Chatha to plead for a settlement but the Secretary evaded them. He continued to evade them on May 24 and 25. On May 26 it was all over. Clearly the government had not been interested in saving Manchanda's life.

But Manchanda's death was not the last act in the drama -the final scene was the well advertised "manhunt" for Amrik Singh Kauli. A man who has committed a murder would normally try to flee but Kauli met his end at a place quite near Ambala. The Provincial Civil Service Officers Association, in its memorandum to the Governor dated August 26, 1993, had pointed out that Kauli had close links with the police.

[NOTE: The memorandum said: "It is a well known fact that Patiala Police was in league with terrorist Amrik Singh Kauli. A grandson of a wine contractor, Raj Krishan Puri was kidnapped and through police, a sum of Rs 25 lakh was extorted." Also see section on Extortion.] According to press reports, Kauli and a certain police officer shared a common girl friend in Mohali. According to some stories, Kauli was captured before he was killed. Why should the police kill him rather than bring him to trial? Dead men tell no tales.

## HOSTAGES

That it was common practice to hold relatives of militants hostage is illustrated by a report carried in The Tribune of November 11, 1991 :

"About three months back, the security forces had taken into custody relatives of Gurbachan Singh Manochahal, chief of the Bhindranwala Tiger Force of Khalistan

(BTFK) and Surjit Singh Behla, Lt-Gen of the BTFK and some others. To put pressure on the security forces the terrorists kidnapped relatives of security officers, including the father and sister-in-law of a police inspector, father of an I-G (PAP) and relatives of the Amritsar DC and M.S. Gill, IAS, Secretary for Chemicals and Petrochemicals, Government of India. According to sources, the security forces and terrorists reached an accord four days back. In the first phase, the six-year-old son of Manochahal was released by the security forces. The next day, all relatives of the terrorists were released. In return, the terrorists released the relatives of the security officers.”

#### HARBOURERS OF MILITANTS

Persons who had voluntarily sheltered militants were of course police targets, but those who had opened their doors at gun-point were not spared by the police either. There have been occasions when militants sought refuge with policemen's families. These people had no involvement with militancy and yet they did suffer extortions and other excesses from the so-called militants as well as the follow up of police raids.

In 1992 militants had forced their way into the house of Tarlochan Singh, a small farmer at Singhan da Naggal, district Ropar. They demanded food and left. The next day, a police party charged him with harbouring militants and arrested him. His wife sold half their holdings to get him released. He had been severely tortured. Two months later, the police arrested him again in connection with another case and he was tortured again. Deranged by his experience, he consumed poison and died. (The Week, Nov 22, 1991).



## DALITS

The Dalit population of Punjab is a grey zone between Hindus and Sikhs. Because of their inferior status in the caste hierarchy they do not have a positive perception of Hinduism. Contrary to a common belief they have never fatalistically accepted “their lot”. Looking back over centuries of socio-religious reform movements, time and again, one sees the Dalits struggling to assert the values of human dignity and human equality. In this century the Father of the Indian Constitution, B.R. Ambedkar (himself a Dalit) led lakhs to embrace Buddhism. Likewise, lakhs have sought better lives through Christianity, Islam and Sikhism.

In Punjab the drift of the Dalits is more towards Sikhism although, regrettably, in practice, the Sikhs cannot claim to be totally free of the “contagion” of caste. Still, because of the egalitarianism inherent in their faith, even the most caste-proud Sikh cannot lord it over the “lesser” castes to the extent one sees in the non-Sikh population. The clergy and especially the militants were adamant on implementing the injunctions of the Sikh Gurus in toto and to the letter, which meant, among other things, that all vestiges of caste in the sangat as well as in daily life would have to go.

The deaths of two young men of Lehragaga (investigated by MASR) illustrate how the combination of Dalit status and Sikh faith often proved fatal.

On the morning of May 10, 1991, two young men met Joginder Singh Mavi of Gobindgarh Jejian, tehsil Sunam,

district Sangrur, as he was working in his field. They said the police were pursuing them and they sought his aid to hide or escape. As they were speaking, the police party came and asked the boys to identify themselves. Balbil' claimed to belong to Gobindgarh Jejian but when he failed to correctly name the sarpanch of that village, police knew he was lying. They then admitted that they were Balbir Singh (22) son of Puran Singh, of village Lehal Khurd and Gurmail Singh (23) son of Sadhu Singh of Lehal Kalan. The police bound them and took them away in a jeep. Joginder Singh was taken in another jeep to Lehargaga police station and later released.

At 10 a.m. on May 11 Dr Bhardwaj conducted the autopsy on the bodies of Balbil' and Gurmail in the Civil Hospital Sangrur and reported that each body bore eight to ten gunshot wounds in the chest and back. They had been dead between six and 12 hours. The police were in a hurry to cremate them and allowed no time for identification.

The police version of their deaths is that they were among four men who were challenged by a police road block near the canal bridge between Phelera and Ratta Khera in the wee hours of May II. The men opened fire and in the return fire, two were killed. A pistol, a rifle and Rs 50 were found with their bodies which were cremated at Sangrur as unclaimed.

Teja Singh, sarpanch of Lehal Khurd, Krishan Singh and other , people of the village testified that Balbir was a labourer and Gurmail , pulled a rickshaw. They vouched for their good character and said that no case was pending against them. Both Balbir and Gurmail, they said, had recently received *amrit*, the Sikh baptism.

Analysis of the militant movement indicates that the Dalits lent considerable support to militancy in Punjab. At the initial stages the police tried to down play this; at a later stage they tried to attribute killing of Dalit militants by police to the militants themselves, perhaps to foster a rift between the two. Aside from their religious sentiments, one wonders why militants would target this particular section of society when their fight was against the state.

Another reason for high Dalit casualties was that petty criminals belonging to the lower economic and social groups (Dalits and small farmers) were safe prey for the police and therefore an easy source of awards. They were not represented in the power structure of the state so little would be said against the police if they went after the Dalits.

This also explains why in 1992 there were only 2000 criminals in Punjab jails although the total jail population was 9000. The balance 7000 were political detenus. (This, of course, does not take into account political detenus held at the police stations and the detention and interrogation centres.)

My personal experience throws light on attitudes to the Dalits and the “danger” they represented to the established order. I knew Jathedar Ujagar Singh Sekhwan (himself a member of a Backward Caste) when he was the president of the Akali Dal. At the same time he was also the president of the Indian Minority and Dalit Front. Being an Akali MLA and interested in the welfare of the Dalits, I teamed up with him. His health deteriorated when he was

interned in Bombay (1988-89) and he died shortly after he was released.

The Minority and Dalit Front office bearers approached me and I was appointed the president of the Front. This was shortly after we had set up a human rights organisation called the Movement Against State Repression. At a large private party in Chandigarh I was accosted by the then Punjab Chief Secretary, S.L. Kapoor. He came right across the room to meet me and straightaway said: "I am puzzled, not by the fact that you are setting up so many organisations, but by the fact that you have restarted the Minority and Dalit Front." When I told him that both these organisations had the common factor of safeguarding the rights of the vulnerable sections of society, he said: "I disagree." He warned me: "You are treading on dangerous ground."

The danger he apprehended was that the Dalits would be made more restive and dissatisfied with their lives and in consequence that they would be more likely to look to militancy as a way forward.

A census conducted some day may perhaps bring out the exact participation of the Punjab Dalits in the Sikh struggle but even without exact figures it is abundantly clear that their contribution was far out of proportion to their numerical strength.

When, much later, due to escalated state repression the workload of human rights became too much, I decided to relinquish the position of president of Indian Minority and Dalit Front. The organisation split into a faction led by Sekhwan's son, Indian Minorities and Dalit Front

(Sekhwan) and another, Minorities and Dalit Mukti Front Punjab (MDMF-P) led by an ex-Army man Buta Singh Bhatti. To further his political aspirations Sekhwan aligned with the Akali Dal (Badal) and virtually became its Dalit wing. By aligning with Badal Akali Dal (which has a long standing and warm relationship with the Punjab BJP, a party which draws nearly all its “following from the Hindu upper castes) the Sekhwan organisation was not seen as particularly threatening to the establishment.

The other body and its leader was less tolerable. At 3 a.m. on the night of September 24 a police party took Buta Singh Bhatti from his house in Leelan village, District Ludhiana. A day later, the police returned, searched the house and took away a photo album, some MDMF-P press statements and a clock. Efforts to trace Bhatti were in vain and on September 28, the SSP of the Jagraon Police announced at a press conference that militants disguised as policemen had spirited Bhatti away and killed him. DGP Gill and the Punjab CM assured a MDMF-P delegation that Bhatti’s death would be investigated but later, an irritated CM washed his hands of the case. Gill denied that any Buta Singh Bhatti had been held in any police station.

Swaran Singh Kalyan, MDMF-P secretary, saw a motive in the disappearance. He told the correspondent of *The Week* (Nov 22, 1991): “We have been taking up the cases of people getting killed in fake encounters and relatives of militants being harassed. Perhaps that is why the police took Bhatti away.”

### *Influential Persons*

## CLERGY

Unlike the Semitic religions or Buddhism, the Sikh faith has no formal clergy, and unlike the Hindu system, no particular caste group is deemed more “pure” and therefore more qualified to perform religious functions nor is anyone untouchable. Any Sikh is considered competent to read the Guru Granth Sahib, lead worship services or conduct rites. However, as some people have a strong inclination toward the spiritual life, one often finds that by common consent, a particular individual becomes identified as a granthi (Preachers). Some granthis receive formal training in the performance of Sikh rites and recitation. Men who become granthis are often called “*bhai*” (literally “brother”). Quite a few gurdwaras have women granthis who are usually addressed as “*mai*”. Sevadars are persons who look after the maintenance of the gurdwara and serve food in the *langar*.

Every village will have one or more gurudwara and each gurudwara will have one or more granthi; management vests in the hands of persons elected by the village sangat (Sikh congregation). The *sangat* also elects a group of five respected people of the area, not necessarily belonging to the same village, to administer “amrit” to those who accept the faith.

Any person, irrespective of sex, caste or the religious affiliation of the parents, may receive “*amrit*” and is thereafter a Khalsa (pure). Many Dalits have received this rite. (This was a cause for concern among the more fundamentalist Hindu organisations.) “*Amrit*”, a sweetened water stirred with a ceremonial dagger, is given to the new entrant after which all present irrespective of caste, take a

sip of this water from the same bowl. Hindus would find this practice unacceptable as water touched by any other person, particularly a person of lower caste, would be “polluting” to their caste.

This baptismal rite emphasises equality of all men. The same message is conveyed by “*sangat*” (congregation) where all sit together on the same level, and “*pangat*” or *langar* where all sit together and share a common meal.

Among Christians, baptism is an essential rite without which a person is not a Christian. Receiving “*amrit*” is often referred to as “baptism” but one who has not undergone this rite is considered as “Sikh” as one who has. The ceremony is more in the nature of a public affirmation of faith than obligatory ritual. Like the ceremony of confirmation among Christians, receiving “*amrit*” signified that the person engages himself in moral struggle against worldly evils and is, in the spiritual sense, a militant.

Unfortunately, “*amritdhari*” (one who has received *amrit*) was defined by the government (see *Baatchit* - Army circular) to mean “terrorist” and one upon whom the government had declared “open season”.

A police officer interviewed by a team from Human Rights Watch/Asia and Physicians for Human Rights said:

“Forty per cent of those arrested were militants, 50 per cent were people suspected of collaborating with militants and 10 per cent were informants whose identity we wanted to protect by making it look like they were wanted by the police. The 50 per cent arrested on suspicion of

collaboration with the militants consisted of two basic types - *amritdhari* Sikhs and suspected militant collaborators.

“*Amritdhari* Sikhs are considered suspect by the police because of their orthodox appearance and practice of the Sikh religion. Police authorities maintain intelligence on all *amritdhari* Sikhs in a given geographic area. They are routinely characterised as supporters of the movement for an independent state known as Khalistan. When the police have no suspect for a case or need to arrest someone in order to fulfil an arrest quota, *amritdhari* Sikhs are often the victims. Once an *amritdhari* Sikh is arrested, it is probable that he will continue to be rearrested after release.”

All *granthis* (parcharaks) are *amritdharis* ... so were all the Chief Ministers of Punjab, Giani Zail Singh President of India, Buta Singh Union Cabinet Minister.

Whenever security forces swooped on a village, the local *panj pyaras* and the *granthis* knew they were in for a bout of public humiliation at the very least, perhaps grievous assault, or perhaps a one-way ride in the police van. In the constituency of Lehra, the baptising teams of the area suffered heavy casualties. Many were killed, some disappeared. Many of them were tortured until they agreed to sign statements promising to cease from preaching Sikhism.

Ranjit Singh, a 40-year-old resident of Karail, subtehsil Moonak, district Sangrur, was a small farmer who also served as a member of one such baptising team. He had been educated in Sikh teachings and recitation at the



Damdami TaksaI. According to the headman of his village, Ranjit Singh was not connected in any way with terrorists and was a peaceful and law-abiding citizen. He was last seen on May 13, 1993, being taken away by a police party from Sunam.

His wife told Human Rights activists that he was arrested by the Samana police for the first time in December, 1992 and held for eight days. A few weeks later he was arrested again and held for six weeks and released on the condition that he present himself daily at the Moonak Police Station which he did for nine days. On May 13 some 30 policemen led by two DSP's (Baldev Singh and Jagdish) from Sunam came to his house in the afternoon and instructed him to remain in his house as the Superintendent of Police would be coming at any time to check on him.

At 1 a.m. on the night of May 14, some 15 policemen came accompanied by two villagers (Kaur Singh and Mukhtiar Singh), and took Ranjit Singh away. The panchayat tried to trace him at the Moonak Police Station and then at the office of the SSP, Sangrur who first told them that he would inquire and subsequently disclaimed any knowledge of Ranjit Singh's whereabouts and suggested that he might have been picked up by the Haryana Police. Ranjit Singh has never been traced and his case has been referred to the National Human Rights Commission.

The NHRC's inquiry report stated: "It was established during inquiries that Ranjeet Singh was a Sikh preacher and a peaceful person. It seems that his vocation of being a Sikh preacher cast doubts in the mind of the police and

invited their wrath. The police record against Ranjeet Singh alleges him to be a harbourer of militants. This could also be ascertained that Ranjeet Singh was actually picked up by the Punjab Police in the night of 13/14.5.93 and this fact besides many other witnesses is supported by independent witnesses. The visit of DSP Baldev Singh and DSP Jagdish Singh to the house of Ranjeet Singh in the afternoon of 13.5.93 is supported by the statements of the brothers, son, wife and mother of Ranjeet Singh but the same has been denied by DSP Baldev Singh in his statement. The fact remains that DSP Baldev Singh was working as DSP Munak during that period and on that day while Jagdish Singh was incharge as DSP, Sunam. Besides a FIR (No 22, dated 13.4.93) under section 212, 216 IPC, 3/ 4 TADA (P) Act, there is no other criminal record against Ranjeet Singh. It seems that his earlier arrest by Munak, Sunam, and Samana police was off the records, as was the practice of Punjab Police in those days.... It is most likely that since Ranjeet Singh was picked up in an illegal manner, he has been eliminated and is alive no more.”

## TEACHERS

Teachers draw security from their very powerful labour union.

Professors, not having all-state unions, were easier to hit. Some were killed as militants or killed and made to appear as militants' victims. It was only at the later stages when the police had become all-powerful and resistance to it had broken down at all levels that arrest of teachers and professors started. It is interesting to observe that most of the leaders of the militant movement were highly qualified

academically. Some professors became “ideologues” but by and large the universities remained quiet.

One major reason for this is that vice chancellors of Indian universities are hand-picked by the government with little consideration for their academic merit; secondly 95 per cent of the staff of Panjab University is non-Sikh. This university has never had a Sikh vice chancellor in 50 years of independent India. Where this was not so, notably the Agricultural University, Ludhiana, or Punjabi University, Patiala, one did hear persistent protest.

On February 6, 1989, Rajinder Kaur, wife of Rajinder Paul Singh Gill, Assistant Professor in the Punjab Agricultural University’s Department of Horticulture, filed a habeas corpus petition in the Punjab and Haryana High Court averring that her husband had come to Chandigarh on January 25 to meet his daughter who was studying in Panjab University. The Ludhiana police had picked him up in Sector 15, on that day.

She said that she learned that the Ludhiana SSP had interrogated him but when she met the SSP and asked to be allowed to meet her husband, he threatened her with dire consequences. She feared that her husband would be, or already had been, killed in a fake encounter and mentioned the encounter listed in FIR 45 of the Ludhiana Police in which the identity of the slain terrorists had not been disclosed.

On February 15, 1989, the Ludhiana SSP, S.S. Saini, announced at a press conference that Rajinder Paul Singh Gill, assistant professor in the Punjab Agricultural University’s Department of Horticulture, was among three

terrorists killed in an encounter on the night of January 26 near village Khehra Bet, district Ludhiana. He claimed that Gill was the leader of the gang responsible for the murder of state BJP president Hit Abhilashi and Major General B.N. Kumar, chairman of the Bhakra-Beas Management Board, and that he had planned the attack on United Akali Dal president Jagdev Singh Talwandi.

The PHRO investigated the case. Witnesses said that Sant Kumar, SHO of Payal police station district Ludhiana led the party that arrested Gill around noon in Sector 15, and impounded the tractor on which he was travelling.

An advocate, Major Singh Mangat, who had gone to the Ludhiana police station around 10 p.m. on January 20, saw the tractor parked at the station and overheard the SHO reprimanding his juniors for bringing the tractor there when it was supposed to be taken to Ladhawal near Ludhiana. (Ladhawal is very near the place where the “encounter” supposedly took place.)

At 10:30 p.m. on January 25, Gill and some others were brought to the CIA head office in Ludhiana. Harpreet Singh, a close relative of a United Akali Dal leader, saw him there at 9 a.m. on January 26.

Gill, a resident of village Juggiana, district Ludhiana, was a member of the United Akali Dal advisory board. Following the robbery of Rs 5.7 crore from a Ludhiana bank (February, 1987) he had been kept in custody for three days and since then had been underground to avoid police harassment. Another reason why Gill and his wife, Rajinder Kaur, were suspect was that the marriage of

Rajinder Kaur's brother's daughter had been arranged with Charanjit Singh Channi, a wanted terrorist.

## LAWYERS

Kulwant Singh Saini: Saini, aged 34, was a resident of Ropar and practiced law at the Ropar district courts. He often represented people taken into police custody on suspicion of involvement with militants and had been repeatedly warned by the police not to represent such people.

On January 25, 1993, the Ropar police picked up one Manjit Kaur and her minor son from Budha Bhora village 4 km from Ropar. The panchayat of her village came to Saini and requested his help in obtaining their release, vowing that the mother and son had committed no offence.

On the afternoon of January 25, at about 4 p.m. Saini telephoned Ropar DSP Jaspal Singh and asked the DSP why they had been arrested and what could be done to get them released. The DSP asked Saini to come to his residence. Saini went there but the DSP had left. In the evening Saini consulted Bar Association president K.P.S. Rana and advocate Santokh Singh Gill as to how to get Manjit Kaur released. He said that he would speak to the DSP at the police station if he was not available at his home. Santokh Singh advised him not to go to the police station alone.

Around 9 p.m. that evening Saini contacted the Ropar Police Station House Officer and related his earlier conversation with the DSP. The SHO instructed him to come to the police station and take Manjit Kaur and her

son. Acting on Gill's advice, and for the sake of propriety in view of the fact that he was to bring back a woman and her son, Saini took his wife and infant son and drove to the police station in his white Maruti car (DAQ 3804). Before leaving he informed his father that he was going to the police station to bring back two persons and expected to return shortly. It was about 9: 30 p.m. when they left home. They were never seen again.

When they did not return home Saini's father, Jagir Singh, was worried. In the morning he met Santokh Singh Gill, advocate, and related the story. On January 27 Jagir Singh, Gill and Rana met the Ropar SSP, Sanjeev Gupta. The SSP denied that the Ropar police had any information as to Saini's whereabouts but directed the DSP to inquire into the matter. The same day Jagir Singh also met M.M. Mittal, MLA and Punjab BJP president, and told him what had happened.

The Ropar Bar Association went on indefinite strike and Subsequently the Bar Associations of the Punjab and Haryana High Court and the Supreme Court went on strike. In response to the lawyers' demand for an inquiry into Saini's disappearance, the Ropar SSP issued a statement declaring:

"Saini was harbouring Babbar Khalsa International activists; a KLF militant, Jaspal Singh, alias Tani, frequently visited him; the wife of slain KLF militant Jagrup Singh Khalak was staying in the advocate's house and he was involved in a plan to blow up the Ropar thermal plant." (reported in The Tribune, February 9, 1993)

The SSP claimed that the information came to light during interrogation of an arrested militant Harpreet Singh, alias Lucky. This man was the son of Manjit Kaur whose release Kulwant Singh had sought. The SSP said Lucky wanted to surrender but Saini threatened him with death if he did so and therefore Lucky and another man, Surjit Singh, kidnapped the advocate and his family and threw them in the Bhakra Mainline Canal near Sirhind.

Immediately after signing a confession that he killed Saini and his wife and child, Surjit consumed cyanide and died. As of March, 1995, Harpreet Singh is in prison. Relatives have conveyed messages from him to Human Rights organisations that he fears that police will eliminate him. In March, 1993, Saini's car was pulled out of the Sirhind canal but no bodies were ever recovered.

In July, 1994, Kulbir Kaur, imprisoned wife of Kanwar Singh Dhama (ref "Killed in custody") wrote in a letter to the Patiala Deputy Commissioner that she had learnt in jail that one of the prisoners was a havaldar of the CIA posted in Ropar named Prithpal Singh. She said that Prithpal Singh was brought to the jail in handcuffs and incarcerated by the DSP Harpal Singh. He was mentally disturbed and told other prisoners that he had killed Kulwant Singh Saini and his wife and child. (reported in Pioneer, July 20, 1994)

Sukhwinder Singh Bhatti practiced law in the Sangrur district courts. On May 12, 1994, police took him off the bus in which he was returning home from court, forced him into a vehicle without registration number, and he was never seen again.

Incidents of this nature continued even after “normalcy” had reportedly returned. On May 11, 1995 Dharambir Singh (son of Harnam Singh of village Kamoke, tehsil Baba Bakala, district Amritsar) was last seen by his mother, cousin and advocate being illegally whisked away by policemen of Pacca Danga (Jammu).

Dharambir’s story starts in 1991. He was an active member of the Sikh Students Federation and practised law in the Amritsar district court where he fell foul of the Punjab Police. He was charged with an offence under TADA (FIR 435/91) and arrested by police of Kathua (Amritsar) police station but released on bail on August 5, 1992. A year later he was charged with another TADA offence (FIR 42/93) and arrested by police of Gandhinagar police station, Jammu. Again he was released on bail on October 26, 1993. He was picked up a third time under the Public Security Act on May 31, 1994, and transferred from jail in Jammu to Central Jail, Jodhpur. The J&K High Court quashed the detention order on March 25, 1995 and Dharamvir was produced in court on May 11, 1995.

Then he was taken to Pacca Danga police station in Jammu city - although he was not wanted in any case and ‘despite the protests of his mother, cousin and advocate. On May 16 they applied to the Jammu district court which then inquired from the Pacca Danga police station. But the SHO denied that Dharambir was in custody.

His relatives continued to make frantic efforts to locate him. The search took them to Nawashahr in Punjab where the SHO told them that Dharambir had been killed and his ashes were lying at Jogi Darwaza. He even paid to have an obituary and notice of last rites published in the Punjabi



daily, Ajit on May 30, 1995. His relatives, however, have not given up. Their habeas corpus petition is before the Supreme Court.

These and other incidents prompted 38 lawyers to petition the Supreme Court for protection. They submitted that the Punjab Police had no use for rule of law and had abducted and killed many lawyers. Aside from the cases of Kulwant Singh Saini and Sukhwinder Singh Bhatti, they cited the disappearances of Jagwinder Singh from Kapurthala, Ranbir Singh Mansahia from Bathinda. They said the general public's faith in the judiciary was dwindling because of total lawlessness in the state and they said that advocates were afraid to bring matters before the courts.

## JOURNALISTS

Ram Singh Billing was both a journalist and a human rights activist, (secretary of the Sangrur district Punjab Human Rights Organisation), a correspondent of Ajit, a widely circulated Punjabi daily, was last seen on January 4, 1992, in the police lock-up at Lohat Baddi police post, district Sangrur, but no documents have ever been produced to show that he was ever charged with any offence or ever arrested.

On January 3, 1992, Billing boarded a bus in his native village, Dhadogal near Amargarh, district Sangrur. At Malerkotla he met the tehsil president of the Correspondents' Association, Gian Chand, and then boarded another bus bound for Jalandhar. At a road barricade some 4 kms out of Malerkotla, a police party boarded the bus, searched it and took Billing to Lohat Baddi police post. Bus passengers testified to this.

At this police post Billing was able to give his calling card to one Gurcharan Singh who was there to inquire about the arrest of his cousin. He asked Gurcharan Singh to inform his parents at Dhadhokal. On receipt of this information the next day, Billing's uncle, Sant Singh, a member of the Dhadhokal panchayat, along with the village sarpanch, Jaswant Singh, and two other members of the panchayat, Harkam Singh and Sikander Singh, rushed to the Lohat Baddi police post where they saw Billing.

The police post in charge refused them permission to meet the prisoner and directed them to meet the Sangrur Senior Superintendent of Police. The four panches met the SSP but this officer denied any knowledge of Billing's arrest. When the panches declared that they had personally seen Billing at Lohat Baddi, the SSP shrugged and claimed that police of one district does not interfere with the work of police from other districts. Billing was never seen again.

By 1994 the state government and police claimed that Punjab was returning to "normal". For journalists of an opposition newspaper the year started in the "normal" way with a raid on the premises. Acting on imprisoned Kashmiri militant Nasr Ahmed's statement that the offices of the newspaper served as a meeting place for Kashmiri militants and a store for weapons, the Punjab Police burst in to the Aj di Awaz office in Jalandar and arrested managing editor Gurdip Singh, proof reader Jasbir Singh, managing trustee Jasbir Singh Rode and receptionist Malkiat Singh and charged them under TADA. All the arrested men were let out on bail in a few days with the exception of Gurdip Singh who remained behind bars until the end of 1994.

Later that year on July 13 Sukhpal Singh Pali, a reporter for the same-paper was picked up - but his story has a more chilling end. He was picked up by the police around 3 a.m. in the presence of dozens of neighbours, including a Home Guards constable, from his maternal grandparents' home in village Chural Kalan in district Sangrur and taken away, never to be seen again. No charge has been made against Pali and the police deny that he was ever in their custody. Pali's younger brother, Midha, who was also detained and let off a day earlier told the MASR team who investigated the disappearance that he could identify two members of the raiding party, who were subsequently posted with the CIA staff at Sunam, then transferred to the Bhawanigarh police station. MASR complained to the National Human Rights Commission about the disappearance.

## HUMAN RIGHTS ACTIVISTS

Two human rights activists, Ram Singh Billing and Jaswinder Singh disappeared and another one, Rajwinder Singh, was killed. Details of the disappearance of Ram Singh Billing are noted under the "journalist" category. Jaswinder Singh, a lawyer, was detained on September 25, 1992, and never seen again.

Nearly all human rights activists have been detained repeatedly for varying periods. Malvinder Singh Mali, Punjab Human Rights Organisation activist was detained and tortured for seven months in 1991, Ropar district PHRO president Jaspal Singh Dhillon was detained and tortured for a month in 1993. He was again arrested on July 27, 1998. He has not been released so far. Justice Ajit

Singh Bains, PHRO - Chandigarh, detained for four months in 1992; Col Pratap Singh, MASR - Chandigarh, detained for six months, Darbara Singh, MASR Sangrur branch vice president was detained and tortured. The writer is also a frequent jailbird.

Human rights organisation began to be formed in Punjab only in 1987. Initially young people were also enrolled as members but when it was seen that they were made to suffer for their interest, the organisations confined their membership to people 55 years of age or older and preferably those enjoying some social position, as these people could not easily be accused of involvement with terrorists.

Precisely because they were non-violent they were targets for the police. Having no excuse for legal action against them, the police could only “fix” them illegally. This usually meant death and disappearance. Because dead men do not complain or contradict police versions.

Rajwinder Singh of Patran village district Patiala is not complaining now but he used to organise meetings where complaints against police misconduct were recorded; once he personally made a complaint to the DGP when he came to Patran and he would meet

district police officials on behalf of persons who had been unlawfully arrested. Socially and politically active, chairman of Cooperative Bank, Patiala, and general secretary of the Youth Akali Dal, he was 28 years old, married and father of two, and among both Sikhs and Hindus of-the town he was reputed to be an honest and law-abiding man with no contacts with militants.

On the morning of December 12, 1990, Rajwinder told his family that he was going to meet the DSP at nearby Dirba village to seek a friend's release. Around 11 a.m. a friend came and told the family that Rajwinder had not come to the police station because the friend has already been released; instead he had gone with another friend, Gurtej Singh, with whom he wanted to discuss some family matters.

At 2 a.m. that night a rumour spread through Patran that shot's had been heard in the vicinity of the village. At 6 p.m. next day people learned that two persons had been shot dead. Even then Rajwinder's family could not imagine that he could be one of the victims. A radio broadcast announced that two had been shot dead and one escaped. Rajwinder's brother went to the site and only then learned that the victims were Rajwinder and Gurtej. A phone call from the police confirmed this. The police version was that two militants were killed in an exchange of fire by the police but could not be identified. (Rajwinder always carried an ID card and driving license with him; a check on his jeep's license number would also have established his identity.)

MASR and PHRO joint investigation revealed: Rajwinder and Gurtej were arrested at about 5 p.m. when they were returning from a visit to relatives. In the police station they were interrogated and tortured. Persons living nearby heard shots, all seeming to come from the same place, between 1 a.m. and 3 p.m. In the morning they were called to identify the bodies of two men, sitting in a jeep. They noted that the faces were bruised and lacerated and the turbans had been thrown off, but they did not know the

men. The police said the men were militants and they had shot them to prevent their escape; no policeman was injured nor were any police vehicles damaged. By 10 a.m. the jeep was driven away and the corpses cremated.

Rajwinder's wife asked for her husband's ashes. When the police refused, Patran residents blocked traffic for several days until they relented.

## 6

## TORTURE

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*Taken for Granted*

If one goes by a text book view of law enforcement, a policeman who can bring a law-breaker to book only by wringing confessions from him is a stupid policeman. In the normal course, evidence which the police has assembled by using their minds - forensic evidence and testimony of witnesses - should carry more weight in court than evidence acquired by the use of brute force, namely statements extracted from the accused under duress.

The words to note in the foregoing paragraph are “if” and “should.” The gap between how police and courts ought to work and how they really work is broad indeed. Torture is our cultural heritage. Grisly tales from the ancient and feudal ages abound and today’s journalism is often no more than a repetition of yesterday’s history. During British rule, interrogation practices were softened somewhat but they returned with wonted vigour in the years after independence.

Torture is the major and at times, sole, weapon of the country’s police. Torture is used to extract information, to

settle old scores or to “teach a lesson” to persons. As interrogation generally takes place away from public gaze, very little restraint is exercised. Of course, if the victim dies, there may be an outcry - especially if he was an educated, middle class man. Police like to avoid this sort of thing.

Ranganath Misra, Chairman of India’s official Human Rights Commission and a retired Chief Justice of the Supreme Court, takes a lenient view of third degree methods. In an interview in Observer (August 7, 1994), the NHRC chairman mentioned in passing that Indian police and other security forces had not abandoned the use of torture: “It is in vogue and to a limited extent, if one does not use it, no investigation is possible. But one must know the limits and the investigating agencies must not allow third degree methods to turn into real torture.”

Justice Misra did not elaborate and the reader is left to guess just when “third degree” crosses the line into “real torture”.

The law requires police to inform relatives when a suspect, is taken in for questioning but this remains strictly on paper. There is no law entitling a phone call or the presence of a lawyer; nor has he or she any right to appeal to anyone other than the seniormost police officer present, who in all probability is the person conducting the interrogation.

Who is to determine when the fine line between third degree and “real torture” is crossed? It seems the final word, - indeed, only word - is with the interrogator himself.



In Punjab, the police hadn't to worry about fine lines or evidence that would stand up in court when they set to work on a prisoner. They knew that they were doing what they were expected to do. Political leaders and their most senior officers were often quoted in the press as stating that "a war is going on in Punjab". In other words, the State was not interested in governing Punjab, or even policing it: Punjab was a place to be conquered and whosoever fell into the hands of the police was the enemy.

The State derived a double benefit from ruthless police methods: opponents were eliminated but, more importantly, fear of the suffering that would certainly befall them and their families if they fell foul of the State, kept people quiet. Torture, part of the overall strategy of repression, was condoned by the State which was "at war". The combat context in Punjab made torture widespread - nearly all detenus were tortured - and it erased all limits of torture. It was left to the police to decide who was or wasn't an "enemy of the state" and their judgement was unquestioned. Secure in the knowledge that they would never be called to account, they felt no qualms whatsoever in inflicting any amount of pain on their prisoners.

### *Venues of Interrogation*

The Punjab Police has a four-tier arrangement for detention of prisoners: the police station (where detention can be legal or illegal - a preliminary point for torture), interrogation centres and detention centres (at neither place is detention recorded but the detention centre resembles a camp for prisoners of war. Interrogation does

not take place at a detention centre; men are taken from there for torture elsewhere). The fourth is the prison which is not staffed by policemen but by Jail Services Department employees.

A man who has been picked up but not yet charged with an offence may be legally detained in two ways: he may be held in jail if he is remanded to judicial custody or in various types of police lock-up if he is remanded to police custody. Interrogation and torture take place when the prisoner is under police remand. A convicted prisoner goes to jail to serve his sentence, but in total violation of the Jail Manual, prisoners are known to be taken from jail for interrogation ... and torture. (See Justice Cheema's report given in detail in Section 3 Chapter 2, The Judiciary).

### *Methods of Interrogation*

It is generally believed that some sophisticated electrical torture gadgets were imported from the erstwhile Soviet Union and so was truth serum. Such instruments would be required if police knew they would have to produce a prisoner in court. The sight of a crippled, bruised and bleeding man might prompt a judge to question the police. Devices to monitor the prisoner's vital signs would be useful if it were very important that the man didn't die under torture.

Many lives might have been saved if the police had had absolutely nothing to fear in consequence of torturing a man. Then they might have got whatever information they wanted out of the prisoner, taken ransom from the relatives, and released him while he was still alive. The law places the onus of proving a charge of murder in

police lock-up on the accusers, but nevertheless, torture is a criminal act punishable under Sections 330 and 331 of the Indian Penal Code carrying a maximum sentence of seven year's imprisonment, and if it comes to the notice of the courts, the judge has no choice but to take a dim view of it.

Of course, such charges can rarely be proved since the only witnesses to what happened are other policemen and they are unlikely to testify against their colleagues. Still, the police find it prudent to ensure that their victims tell no tales. These circumstances explain why traditional methods of interrogation have not been replaced by a more high-tech approach. Why bother when finally one has got to kill the prisoner, dispose of the body and lie about what happened to him?

- i. "Airplane": Hands are tied behind the back, a long rope .is tied to the hands and passed over a beam or branch and the body is pulled up off the feet.
- ii. Rollers: A wooden baton about four feet long and three to four inches in diametre is placed on the prisoner's thighs. Two policeman, one each end, stand on the baton and and roll it up and down the thigh repeatedly until the muscles are crushed.
- iii. Disjointing: Legs are pulled apart until the joints of the upper thigh come out of the sockets. Aside from the excruciating pain, repeated torture by this and some other methods injures the genitals to such an extent

that the man is rendered impotent. Arms can be disjointed from the shoulders by a similar manoeuvre.

- iv. Bastinado: palms and soles are beaten.
- v. Burning: The prisoner is branded with hot irons or heated rods are poked into the body. A prisoner may be hung by the hands so that his feet are off the ground then the soles of the feet are burnt. The genitals were also prime targets for burning.
- vi. Electric shock: The prisoner is hung from a beam or tied to a cot and live wires are placed on the body, especially on the genitals.
- vii. Water tortures: The prisoner is sewn into a gunny bag and thrown into deep water. This treatment is more excruciating on winter nights which can be quite cold in Punjab. If sufficiently deep water is not available, the prisoner is tied to a tree and repeatedly doused with buckets of water. This is exclusively a winter season torture.
- viii. Gouging eyes, pulling out fingernails, simple beatings.
- ix. Sexual abuses: Crushing testicles, inserting sticks smeared with chilly powder into the anus, rape and sodomy.

- x. Occasionally the police prefers psychological torture. This involves threatening or inflicting pain or humiliation on the prisoner's family.
- xi. Sexual abuse of women relatives in the prisoner's presence.
- xii. Tattooing: petty criminals may have words like "jebkatri" (pickpocket) tattooed on their foreheads.

The number of people tortured would be many times more than the number of people killed - between 1,50,000 to 2,00,000 persons were killed - perhaps half a million boys were tortured.

Torture methods 3, 5, 6 and 9 would have the effect of rendering the victim impotent. This was brought out in a recently reported case from Khandwa in the state of MP in India. Many youth complained that they have been rendered impotent after the police torture.

Doctors of Indore, Choithran Hospital & Research Centre, who examined Dariyav, a victim of police torture, on March 31, 1998 reported: "Impotency after alleged electric injury in penis." Dariyav disclosed to the Times of India correspondent that, "everyday they would hang me to a ceiling fan and electrocute my private parts, hands and toes." One is left guessing how many boys in Punjab would have been rendered impotent. Not many boys would be willing to admit. Was the Government of India unaware of these genocidal methods of torture?

In 1989 the MASR team accompanied a British MP, Max Madden, on a tour of one Punjab Police interrogation centre at Mal Mandi, district Amritsar. Three rooms of the centre were opened for the team. In both rooms, iron rails such as trains run on, traversed the room at a height of about seven feet. The SSP at first explained that they were part of the building design and when this failed to carry conviction, he said that they were intended as curtain rods. It would be heavy curtains indeed that would require such girders to hold them up. In each room the team counted about more than a dozen electric sockets, which was also unusual when compared to a normal room of a house or office.

Over the past decade, individual cases of torture reported in the press would run into thousands. Most of these have come to light either because habeas corpus petitions were effective in saving the victim or he got out of police custody in some other way - perhaps ransomed by relatives, or escape.

It is impossible to justify torture on any grounds; more so it is impossible to justify institutionalised and approved torture. But the most repugnant situation of all is torture that aims to not only break the individual until he is willing to say or do anything required of him, but also that torture which is aimed at putting an end to his or her capacity to father or bear children. When this type of torture is used against a targeted community, it is genocide.

### *Judicial Intervention*

In June, 1988, Sunday carried the story of Iqbal Singh of Muktsar. This man had come to Patiala in the first week of June, 1984, to get treatment for his injured hand at Rajindra Hospital. The surgeons couldn't operate on him immediately so for the interim period, he stayed at the sarai of Dukh Niwaran Gurdwara. Operation Bluestar came like a bolt out of the blue, the city was under curfew, he couldn't leave the gurdwara which came under Army fire and on June 8, he was taken away by the Army and held for two weeks, then shifted to Nabha jail where he languished for several months.

In December he was shifted to Ladha Kothi, an interrogation centre, and tortured continuously from December 17 to 27. His ordeal and that of many other Ladha Kothi prisoners came to light in early 1985 when journalist Kamla Devi Markandaya filed a petition in the Supreme Court. The Supreme Court ordered the Patiala District and Sessions judge to conduct an inquiry. He interviewed Iqbal and established that he had been tortured. This was the first time during the entire period of his confinement that Iqbal Singh had been produced before a magistrate.

The story of Ladha Kothi and what happened to the judges and civil servants who tried to enforce the law of a civilised nation in that place, is told from the officers' perspective in Section 3, Chapter 10, The Judiciary.

The torture of Iqbal Singh was confirmed by a Commission of Inquiry appointed by the government in

November, 1985, headed by Justice C.S. Tiwana of the Punjab and Haryana High Court. Justice Tiwana described Ladha Kothi as a torture chamber and observed that torture was carried out to get statements which would justify filing of criminal cases against men whose detention had been illegal in the first place.

Iqbal was sent back to Nabha jail and released in August, 1985. He went to Nanded in Maharashtra to stay with his brother who ran a small business there. But early in 1988 he received word that his father in Muktsar was ailing. He returned home to tend him.

On April 12, 1988, Iqbal went to visit a friend. When he came out, men in plain clothes forced him into an unnumbered Maruti van and sped away. Iqbal shouted to a bystander that he was being kidnapped; the bystander ran in and informed Iqbal's friend who informed the parents. His parents went to the SSP of Faridkot, Gobind Ram, who denied any knowledge of Iqbal and refused to help locate him.

On April 22, Devinder Kaur, Iqbal Singh's mother, learned from a minor CIA official that her son was in CIA custody in Faridkot. Some days later, the parents received a letter postmarked April 23, smuggled out by Iqbal saying that he was in the custody of the CIA and imploring them to get him released as he feared that they would kill him.

In the course of gathering information, members of the Committee for Information and Initiative on Punjab met Devinder Kaur and learned of Iqbal's case. She did not want to approach the Supreme Court herself, fearing that it might provoke the CIA to liquidate him immediately



besides exposing the family to police harassment. Ram Narayan Kumar of the Committee filed a writ petition with the Supreme Court and that very day the apex court passed orders that Iqbal Singh be produced before a magistrate within 24 hours and allowed to meet his parents and lawyers.

On May 12, Nitya Ramakrishnan and Ashok Agarwal proceeded to Punjab to personally serve the court orders on three respondents: the Punjab Home Secretary, the SSP Faridkot and the head of the CIA through its establishment at Faridkot. They met the Home Secretary, S.L. Kapoor, in Chandigarh first who assured them that a teleprinter message would reach the Faridkot SSP within 10 minutes instructing him to comply with the Supreme Court orders. Ramakrishnan, Agarwal and Ram Narayan proceeded to Faridkot, reaching at 7 p.m. on that same night. They were conducted to the home of the SSP who denied receiving any message about their visit or orders concerning Iqbal Singh. He asked "Who is Iqbal Singh?" and when the lawyers told him that details were in the petition, he looked at them and said: "It is denied."

He called Joginder Singh, DSP and head of the CIA establishment. Orders were served on him also. The lawyers impressed upon them the import of Supreme Court orders and then retired to the Circuit House. Within minutes Joginder Singh came and said that he had conducted a search of all CIA centres in the district and no Iqbal Singh was found. On being specifically questioned, he replied that no records were kept of persons arrested for purposes of interrogation irrespective of the period of their detention.

On May 13, the team left for Muktsar to visit Iqbal Singh's parents where they found Iqbal Singh. He told them that he had been released on orders of Gobind Ram around 5 p.m. on the previous day. Before letting him go, Gobind Ram warned him that he and his parents were not to speak of it to anyone or else the entire family would be eliminated.

The Supreme Court has been informed that SSP Gobind Ram and DSP Joginder Singh personally supervised the brutal torture of Iqbal Singh for more than a month. Iqbal Singh testified under oath that during the period of his illegal custody the police executed one or two young men every day. He also named other detenus held at the CIA centre.

### *Other Cases*

In the early hours of October - (first Wednesday before 6.10) 30-year-old Hari Singh, son of Bhan Singh of Kaithal in Haryana, crawled onto the *verandah* of the SGPC (Shiromani Gurdwara Prabandak Committee) charitable hospital at Sarinh, 16 km from Ludhiana, after he had been dropped nearby by two plain clothes policemen. His clothes were tattered and his body bore numerous burn injuries which were badly infected. Pus was oozing from bum injuries on both palms. He could neither speak nor open his eyes.

Subsequently Jasbir Singh, a laboratory technician at Sarbjit Memorial Hospital, Ludhiana, came forward with the information that Hari Singh came limping to that hospital around 6 p.m. on Tuesday but the hospital authorities would not admit him as he was alone and they

did not know who he was. The victim somehow made his way to the village Jassowal police post. At midnight the policemen there turned him out but then relented and brought him to the SGPC hospital at Sarinh at 2 a.m.

During the next 12 hours he received only a pain-killer injection. The doctors said they did not start treatment as they were waiting for the police to take him away. At 1 p.m. on Wednesday, after being reminded of their duty as physicians, did they put Hari Singh on glucose drip and dress the wounds.

When Hari Singh recovered consciousness he was asked if he wanted to be sent back to his village. He shook his head to indicate “no.” (reported in Indian Express, 6.10.94)

The case of the disappearance of seven members of the family of Inder Singh of Kathunangal, district Batala, is related in the section on Extrajudicial Killings. This incident resulted in Supreme Court strictures on Punjab DGP K.P.S. Gill. But even before this incident, Kathunangal had become a byword for brutality.

In the last week of August, 1991, the CRPF swooped on the five settlements that constitute Kathunangal (Chachowali, Talwandi, Khuman, Marrari, Bhangali and Gujjarpura), picked up some 200 young men and tortured them at the battalion headquarters at Thriewal. The victims were as young as 10-year-old Kulbir Singh and a deaf and dumb youth, Mohan Singh. Boys of 12, Sarbjit Singh, Harbhajan Singh and Harjinder Singh were wounded with knives on the thighs and chilli powder rubbed into the wounds and then electric shocks were applied to the lacerated areas.

A few days later, the BSF picked up 160 boys from villages in Srihargobindpur subdivision (Bham, Dhariwal, Sohian, Padda, Aulakh, Bhambri, Nangal, Jhore and Dharewali) and took them to company headquarters at Barath. Two of these boys are known to have died from brain haemorrhage. Within the next few days, the Batala police took away 33 boys from age 14 to 30, from Cheema Khuddi, they were released on intervention from the IG (Border Range M.S. Bhullar) but two days later, police hit the village again. One of those who was picked up was a 20-year-old youth who had shifted to the village from Delhi following the 1984 riots in which his elder brother was killed. When he was released his left arm was broken in several places and he was passing blood with his urine. He spoke of a fellow villager, Dharam Singh whose body had turned black from repeated electric shocks. (reported in Indian Express, Nov 11, 1991, and Hindustan Times of September 9, 1991).

On the afternoon of August 21, 1989, a party of Batala Police (officer Lakhwinder Singh was in uniform, five others were in plain clothes) picked up Gurdev Kaur and Gurmeet Kaur, both employees of the Prabhat Financial Corporation, from their office opposite Khalsa College, Amritsar.

Gurmeet's husband, Mehal Singh was the brother of Sukhdev Singh chief of the Babbar Khalsa. Gurdev's husband, Kulwant Singh, was head cashier of the Golden Temple branch of the Punjab and Sind Bank. Kulwant had been arrested in 1987, released on bail, then rearrested and let off when no case could be made out against him. Amritsar SSP Izhar Alam had personally interrogated him

and ordered his release when he was satisfied that Kulwant was innocent. After Alam was transferred to Jalandhar police began troubling the family again. Kulwant feared he would be killed and fled. Thereafter he was listed as a terrorist.

Many bystanders witnessed the arrest. The women were pushed into the vehicle and whisked away to Batala, another district altogether. There they were taken to a makeshift interrogation centre which had been set up in the abandoned factory premises of Beiko Industries. It was 6 p.m.

Gurdev Kaur watched SSP Gobind Ram beat a Sikh youth with an iron rod then he suddenly turned and struck her with the rod across the stomach. He rained blows on her stomach until she began to bleed through the vagina. Then Gurmeet Kaur was beaten in the same way. Gurdev fainted but was revived and beaten again. The two women were taken to the Batala Sadar police station at about 11:30 p.m. Next morning she was taken to the Beiko factory again. Her limbs were massaged but then the beatings and interrogation was resumed. Gurdev was released at 4 p.m. on August 22 on the intervention of her relative. After she was released she expressed fears that Gurmeet had been killed.

Gurmeet Kaur was alive - barely. She was shifted from Batala to Gurdaspur jail and released. She was unable to stand up and told the press that she had been flogged and beaten, her legs were crippled by rollers, she had been molested and threatened with death.

The torture of these two women led to the transfer of SSP Gobind Ram. (Reported in Times of India, August 27 and Sept 5 1989, and Pioneer August 17 1989).

After this incident even Governor S.S. Ray has admitted that some of the officers had become sadistic. Ray ordered that the Punjab Police were on no account to take women to police stations at any time. Women were to be questioned only in their homes in the presence of neighbours and respected citizens of the locality.

### *Raped and Murdered*

Did Ray sincerely intend that his order be followed or was it just another case of making the right noises to soothe the public? Did the police comply with the governor's order? Refer to the case of Rajinder Kaur in the section *Custodial Deaths* under the heading *Death by drowning*. This case relates to November, 1993.

The police raped and murdered girls as young as 13. The story of Satwinder Kaur (13), daughter of Jaginder Singh, granthi of village Bham, district Batala, and a student of Class VIII; Sarbjit Kaur (14) was the daughter of Makhan Singh of the same village, begins in late May, when the elders of Bham village complained that Roshan Lal, Special Police Officer, and Parshottam Dev of the Punjab Armed Police, misbehaved with the women villagers. On the basis of this complaint the two men were transferred.

On the morning of June 11, 1989, Satwinder and Sarbjit went to the nearby canal to fetch clay. When they didn't come back the parents began to search for them but could not find them. On June 12, their fathers went to Sri

Hargobindpur and reported their disappearance to R.L. Bagga, SHO who did not register a complaint but told them to keep looking.

Late on the night of June 16, police came to the village and asked the girls parents to come to the Sri Hargobindpur police station and see two bodies which had been found in a drain. The villagers asked that the identification be done in the morning but the police would not agree. Fifty people of the village went to Sri Hargobindpur where they were shown two naked bodies lying in a van. They were given a torch and asked to identify the bodies but they refused on account of the poor light.

Around 2 a.m. they were instructed to accompany the police to Batala Civil Hospital where post mortems would be done. The police told them to tell the doctors that they had come along only to help the police lift the bodies and that the bodies were unclaimed. The police intended to get the post mortems done and hand over the corpses to the municipal corporation for immediate cremation so that in the absence of certain identification of the bodies, the case could be hushed up. The parents went to the subdivisional magistrate and got orders for the custody of the bodies. When the police came to know of this they beat the parents and other relatives of the girls and accused them of having killed the girls and then blaming the police.

Public outcry forced the Sri Hargobindpur police to register, reluctantly, a provisional complaint. The panchayat and other respected people of the locality met officials right up to the level of the governor, S.S. Ray. By this time they were convinced that the girls had been

murdered by Roshan Lal and Parshottam Das. The governor was also convinced and ordered the arrest, prosecution and dismissal of the two men. The police picked up the two men but registered no formal complaint against them “on grounds of lack of evidence”.

In a letter to the Patiala Deputy Commissioner, Kulbir Kaur, wife of Kanwar Singh Dhami cited 20 eyewitness accounts of torture, rape and murder. To mention only two: Gurpreet Kaur of village Safipur district Tarn Taran, married to terrorist Balwinder Singh Kaleke for less than two weeks, killed by CIA inspector Ravi Bhusan and Surinder Kaur, principal of the Tarn Taran Model School and wife of an ex-serviceman who had harboured a terrorist named Ramesh. She wrote that many women were killed in custody by the police.

### *The Menace of Security*

Security personnel were everywhere, they were armed and subject to hardly any discipline. This in itself spelt trouble for ordinary citizens. In Chandigarh alone, the month of June 1992 saw five reported incidents of attacks on women. One evening, two CRPF men posted near the Chandigarh-Punjab border entered the hut of a gardener and attempted to rape the man's wife. The gardener grabbed a length of pipe and killed both men. The next day, three constables of the CRPF and Chandigarh police attempted to rape a woman in the Burail labour colony. A minor girl was raped by a man in uniform in Sector 31 and another minor girl was raped in Sector 36. In another labour colony (Number 4) a Home guard attempted to rape a woman.



Governor Ray was followed by Nirmal Mukharji. Mukharji's governorship was a tiresome time for the police. The governor was moved by stories of harassment of innocent people, and set up administrative machinery involving senior police and civil officials who were to make joint tours of sensitive areas and redress public grievances on the spot. The officials were directed to send reports on action taken to the Department of Grievances every fortnight. Mukharji lasted only a brief period in office and then "normalcy" returned to the security forces.

*The Maloya Attack and its Aftermath*

Eighteen-year-old Avtar Singh's family had come from Calcutta to Mohali, a satellite town of Chandigarh, in 1986 and opened a school in their house. Avtar Singh was preparing to sit for the engineering college entrance exam.

On the night of July 22, 1991, at Maloya on the outskirts of Chandigarh, a Home Guard jawan had been shot dead and three policemen injured when militants attacked a check post. Hours after this occurred a police party led by Chandigarh SSP Sumedh Singh Saini, came to Avtar's house and took him and a friend, 14-year-old Gurvinder Singh, away. The family was told that they were being taken away because of the killing at Maloya and instructed to be prepared to receive their bodies later.

However, for some inexplicable reason the boys were loaded into a CRPF jeep instead of the Chandigarh Police jeep. "I pleaded with the CRPF inspector to spare my life and to my surprise he consoled me and told me not to worry," Avtar said. The two were kept in illegal detention for a week, the first four days by the CRPF which passed

off uneventfully, and the remaining three days at the CID headquarters where Avtar witnessed the torture of several young men and women. He was released but the police raids did not stop.

On May 29 both he and his mother Satwant Kaur were taken to the Sector 30 police station. They first stripped Avtar and beat him then they brought in his mother and began beating her. SSP Saini ordered the policemen to strip her. At that moment the SSP was called to the telephone and they were taken back to separate rooms and locked up. Next morning Avtar heard his mother scream as the police began beating her again. (reported in the Times of India, August 4, 1991.)

In December 1993, five women belonging to the Sansi tribe were picked up from the Amritsar bus terminus and taken to the police station. They were accused of picking pockets and held overnight. The next morning they were bound and their foreheads were tattooed with the words “*jebkatri*” (pick-pocket) on the orders of the SP, S.S. Chhina. In response to a petition filed by the victims in the Punjab and Haryana High Court, the bench censured the police. The police managed to delay the case for months, time utilised to “persuade” the women to accept compensation from the police and drop the case.

The attack on the Maloya police post also cost UT Police constable Manjit Singh his life. It is not known what grounds SSP Sumedh Singh Saini had for his suspicion, but he believed Manjit Singh had somehow aided the militants and ordered his arrest under TADA on the afternoon of August 8.

Manjit's father, Nirmal Singh, returned home the next day and learned that his son was in the Sector 26 police station. Police refused to allow him to meet his son. On the evening of August 17, Manjit was taken to the General Hospital in Chandigarh in a serious condition. Police maintained that he complained of upset stomach but the constable told the doctors that he had been tortured. He died within a few hours.

The medical report noted contusions and abrasions on the face, contusions, inflammation and swelling on the abdomen and thighs, circular abrasions above the ankles. He was gasping for breath and suffering from fat embolism which indicated clots in the blood due to muscle injuries.

After Manjit died, the court granted a petition filed by his widow Karamjit Kaur, asking for a post-mortem and for restraining the police from cremating the body. Meanwhile Nirmal Singh went to see the body of his son. The police prevented him from approaching the body and instead tried to compel him to sign a paper for claiming the body although court orders had already been served on them. The SSP declined to comment on the incident.

### *Torture Continues*

While the earlier book focuses on the decade between 1984 and 1994, again and again we must emphasise that human rights abuses did not cease in 1994. After a short spell of slackening between 1996*i* 1997 police accesses started increasing 1997 onwards. This coincides with BJP-Akali government's decision to let the police off the hook for past human rights violations.

To give just one example of the torture and death that continues routinely in police lock-ups throughout the state, we cite the petition of Kaushalya and Bhagwant Singh of village Shutrana, tehsil Patran, district Patiala, placed before the Supreme Court on May 16, 1995.

The petitioners are the mother and brother of Amrik Singh, a tractor mechanic of Patran, who refused to pay Rs 20,000 demanded by way of extortion by one Surjit Singh Sarpanch, an informer used by the Punjab Police. The date was May 8, 1995. On Amrik Singh's blank refusal to hand over Rs 20,000, Surjit Singh threatened him and his brother, Bhagwant, saying that they would "face the consequences of not obliging a 'cat' of the police".

On May 9 at around 10 a.m., as Amrik Singh and his brother were working in their shop, the Patran police station SHO, Jaspal Singh, along with several policemen, came and demanded to know who was Amrik Singh. A crowd collected and witnessed the police taking away both brothers in a police vehicle. They were taken to the police station.

That evening at 8 p.m., the ASI, Gurdev Singh, along with a number of other policemen, came to the station. All were drunk. Among them was the "cat", Surjit Singh and SHO Jaspal Singh was also present. The drunken policemen pounced on Amrik Singh and Bhagwant Singh and began to beat them. At some point, those belabouring Bhagwant Singh were told to leave him and "attend to" Amrik Singh.

Amrik Singh was stripped, kicked and struck with lathis. His legs were pulled apart repeatedly until they were

disjointed. Electric shocks were administered on Amrik Singh's tongue, ears and penis. All the while the police declared again and again that they were teaching Amrik Singh a lesson for defying a police "cat."

Finally the police left the unconscious Amrik Singh and his brother alone in the lock-up. Bhagwant Singh believes that his brother's arms and legs were broken.

On May 10, the ASI Gurdev Singh had the brothers taken to the Shutrana Police Chowki, some 7 kms away. They were kept there without food or water and again that evening around 8 p.m. the ASI, the "cat", and other policemen, all drunk, dragged Amrik Singh out of the lock-up and began to kick him. Bhagwant Singh watched this from his cell and pleaded with the policemen to spare his brother. Amrik Singh died under the kicks and blows of the police. The ASI removed the cord from the waistband of Amrik Singh's underwear, tied it around Amrik Singh's neck, and dragged him back to the lockup. Bhagwant Singh screamed on seeing his brother's corpse and was taken away to another cell and warned to remain silent or he too would be killed. He saw the policemen running to and fro and saw Surjit Singh, the "cat" fleeing from the police station.

On May 9th, Kaushalya, mother of Amrik and Bhagwant, learned that her sons had been taken away by the police. On being prevented from entering the police station, she informed the village sarpanch (Mohinder Singh), the lambardar (Kehar Singh) and her husband, Inder Singh. The three men also tried to see the brothers in the police station but were turned away. They continued their efforts the next day unsuccessfully.

On May 11, when Inder Singh went alone to the Patran Police Station at about 7 a.m., SHO Jaspal Singh told him that his son Amrik had committed suicide. Bhagwant Singh saw his father and cried out that the police was lying. Thereupon Jaspal Singh told him to support the police version if he wished to live. Inder Singh was confined with Bhagwant and during this time they saw the mutilated body of Amrik Singh taken away. They were forced to sign various statements on pain of death.

While the father and son were at the chowki, the Sub divisional Magistrate accompanied by a woman Superintendent of Police, arrived and asked the two if they wanted to lodge any report. They remained silent so that they might be let out of the police chowki. The SDM and SP also made the father and son sign papers. At 5 p.m. the body of Amrik Singh was brought back to the chowki and Inder Singh was told to take it and cremate it immediately without informing anyone, otherwise the police would burn his entire family on the same funeral pyre. While the body was being burnt, the police surrounded the village and ensured that no photograph was taken nor any kind of rites performed.

They had learned their lesson in 1991 at the time of the murder of an election candidate Avtar Singh Shutrana - a distant relative of Amrik Singh. The people had managed to photograph the body. The photographs caused international furore.

On May 12, Kaushalya, Inder Singh and Bhagwant Singh left for Delhi, knowing it to be the only place where they could be safe and plead for justice from the Supreme

Court. They were able to speak to an advocate, R.S. Sodhi, on May 15 who in turn filed a petition praying for protection for their lives and investigation of the death of Amrik Singh.

The Supreme Court granted protection to the family and directed the CBI to probe the death of Amrik Singh and submit a report.

Another 1995 case relates to the torture and death of Ghamdoor Singh. On November 14, 1995, the Railway Police rounded up 26 men on suspicion. Among them was Ghamdoor Singh, a Dalit youth of village Bhai-ki-Pishore. The men were taken to the Railway Police station in Sangrur. Ghamdoor's wife and relatives saw the police take him away; they went to the Railway Police station but were not allowed to meet him. On November 16 they contacted the Deputy Superintendent of Railway Police who reportedly admitted that Ghamdoor was in bad shape and advised them not to try to see him.

The family sought the intervention of former Punjab chief minister Surjit Singh Barnala, but still could not succeed in seeing Ghamdoor.

On November 23, the police contacted the family, made them sign some blank papers and then released Ghamdoor Singh. He was rushed to the state's largest hospital in Chandigarh but doctors could not save his life and he died on December 7. The post-mortem showed four broken ribs and 18 other injuries,

Acting on a petition filed by an eminent criminal lawyer, Ranjan Lakhanpal, the Punjab and Haryana High Court

admitted Ghamdoor's case, The deputy superintendent of police, a police inspector and five other policemen of the General Railway Police are being tried for Ghamdoor's torture and death. Their bail applications have been rejected and they are in jail.

If there is a humane and law-abiding side to the police, such cases as well as press reports and personal experiences, have persuaded the public that it can be seen only under a microscope.

### *Dehumanisation of the Police*

The police itself acknowledges that torture is routine. D.J. Singh, head of the social sciences section at the Police Training School, Phillaur, studied the attitudes of 300 constables, 180 non-gazetted officers and 75 gazetted officers of the rank of DSP. They were asked to answer a questionnaire which posed issues of rape, murder, interrogation, disobedience, promotion and power equations.

Analysis of the responses indicated personalities high in aggression and need for power, prone to alcoholism with little inhibition of impulse. They placed conformity and personal loyalty above impersonal codes and expected reward and protection on the basis of loyalty irrespective of conduct. Concern for harm caused to others was registered among those who had been recruited during the past 12 months but this declined rapidly as length of service increased,

The report hypothesised that "this loss of concern may be due to continuous exposure to the third degree methods



which are most prevalent in the police. The police personnel lead a tough life and often face dangerous situations and they become emotionally unresponsive to dreadful things which may be shocking to an ordinary person.” The report also noted that “absence of fear of courts may be due to shortcomings in the judicial system” and that police personnel are little concerned about their image in the eyes of the public.

Writing in India Today magazine (March II, 1997) Manoj Mitta reported the findings of a survey of police attitudes toward human rights and rule of law conducted by the Sardar Vallabh Bhai Patel National Police Academy. Three hundred senior police officers, from senior superintendents of police on up the hierarchy, were asked whether they agreed or disagreed with the following statements:

- i. Police should not allow expression of anti-government opinion  
(19 per cent agreed, 76 per cent disagreed, 5 per cent undecided);
- ii. Human rights look good on paper; in actual practice police have to overlook them  
(22 per cent agreed; 70 per cent disagreed; 8 per cent undecided)
- iii. Power of punishing citizens should rest with the police for controlling crime  
(20 per cent disagreed; 69 per cent agreed; 11 per cent undecided)

- iv. By informing families of arrested persons of the grounds for arrest, the police will invite trouble  
(20 per cent agree, 69 per cent disagree; 11 per cent undecided)
- v. If someone dies in police custody, legal action should be initiated against the police  
(9 per cent agree; 73 per cent disagree; 18 per cent undecided)
- vi. In hostile situations, the police are justified in adopting extra-legal methods  
(53 per cent agree; 35 per cent disagree; 12 per cent undecided)
- vii. Under trials should be subjected to torture and third-degree methods to get to the truth  
(17 per cent agree; 79 per cent disagree; 4 per cent undecided)
- viii. The police are justified in liquidating terrorists/insurgents in fake encounters  
(22 per cent agree; 70 per cent disagree; 8 per cent undecided)
- ix. The pressure of human rights issues is making the police less effective  
(40 per cent agree; 50 per cent disagree; 10 per cent undecided)
- x. NGOs involved in human rights issues are an interference in police work

(41 per cent agree; 45 per cent disagree; 14 per cent undecided)

Human rights activists can take heart that only about a fifth of the Indian Police Force at senior levels seem to fit in the mini-tyrant pattern. One wholeheartedly endorses Mitta's observation: "The problem isn't just lack of sensitivity among certain officers but also the circumstances that brutalise them." As S. Subramaniam, a retired head of four police organisations put it: "Whatever their training inputs, the organisational sub-culture takes over, and whoever talks about human rights is considered soft, or worse, unpatriotic."

Chaman Lal, an officer of the Punjab Police who retired as Additional Director General of Border Security in September, 1996, was one such "soft" officer ... and yet his accomplishments in the field are hard to beat. The Government of India conferred the Padma Shree on him and he also holds the President's Police Medal for Distinguished Service and the Police Medal for Meritorious Service.

After retirement, Chaman Lal is at liberty to speak his mind and what he says carries weight, not only on account of its "inside" knowledge, but for a clear perception of the consequences. Delivering the 17th Jayprakash Narain Memorial Lecture, he said:

"When the police acts within the powers given by law, its actions are considered legitimate and are accepted, even though grudgingly, by the public ... It is only when the police person, in an anxiety to produce results or for personal gains, transgresses the legal limits and harasses

innocent persons, that these methods are questioned and the conduct criticised. This damages the police image and erodes people's faith in the institution. It is sad but true that police in India is the single largest violator of human rights in its day-to-day functioning at the police station level. Unauthorised detentions, third degree methods and concoction of evidence have come to be accepted as routine features of police working.... Most of the police officers will be found to be aware of this malignancy in the system.

“It is sad that many of them not only condone but also justify these malpractices by citing a variety of extenuating circumstances. They hold that the police, assigned a negative and adversarial role and entrusted with a stressful and low paid job, suspected by the law and shunned by the public, and constantly harassed by the politicians and often ill-treated by the superiors, develops a low self-esteem giving rise to a peculiar mindset which induces him to take out frustrations on the people. The increasing workload, conflicting demands from different directions, pressure of public opinion and media, impatience of influential complainants and desire for quick results impels one to use shortcut methods and circumvent laws. Many of them believe with all sincerity that they are serving the larger public interest by transgressing laws to detect a case...

“Punjab and later J&K witnessed deployment of Armed Forces, such as BSF, CRPF, ITBP and also the Army on an unprecedented scale to counter terrorism and secessionism. The state police, subverted and demoralised, willingly surrendered its authority and chose to play a minor and insignificant role by extending its

resourcefulness to the guests in looking after their administrative needs.... Ruthlessly conducted search and cordon operations, large-scale indiscriminate arrests, unauthorised detentions in unit lines, senseless torture of mostly innocent persons leading at times to death in custody and secret disposal of the bodies of the victims with police help became the routine features of the working of the security forces.

“With no channels available to ventilate their grievances and seek justice, the people grew cynical and got alienated from the administration and the government. Most of the senior officers of these forces genuinely believed that some amount of inconvenience and even harassment of the general public was unavoidable damage society has to bear in disturbed areas. They are not shy of justifying their brutality toward terrorists and their supporters...

“I understand their arguments but I have also found from my field experience that the so-called success of operations achieved by using illegal methods is, at best, a temporary gain bought at a very high price in terms of the credibility of the force... Instead, if measuring the success of the security forces on a statistical basis of eliminations or arrests of terrorists and seizure of arms and ammunition I found it more meaningful to assess their effectiveness by their ability to reduce the quantum of violence and win the support of the community in their area of operation...

“Killing of terrorists after being taken into custody by what is popularly called fake encounter is something I found not only legally and morally repugnant but also practically unsound and counter-productive. My experience, shared with many competent police officers,

proves that extra-judicial killings produce the inevitable effect of brutalising the rank and file who would not hesitate to kill ordinary criminals or even innocent persons to settle their personal scores or for some other ulterior motive. It is also observed that because of such practices even the genuine encounters are viewed with suspicion by the people.

“These illegalities are usually committed in the knowledge and at times, with the connivance of senior officers who soon find themselves powerless to restrain their subordinates. By making everybody a partner in crime, the unit develops a group solidarity to defend its indefensible acts but loses its precious assets like the officers’ affection for the jawans and the jawans respect for their officers which are the key ingredients of esprit de corps. My experience of Punjab and Nagaland tells me that the units of paramilitary force taking recourse to such easy methods of tackling the enemy lose professionalism, develop complacency and suffer much heavier casualties in genuine encounters with the terrorists and insurgents, besides facing serious problems of morale and discipline...

“Frequent and prolonged deployment of the Armed Forces including the Army on internal security duties is a major cause of violation of human rights of innocent citizens. These forces are structured, equipped, trained and motivated for an entirely different set of responsibilities. An Army jawan, for instance, is reminded repeatedly during training that he has to ensure the total annihilation of the enemy by using his full fire-power and without wasting a single bullet by missing the target. Accordingly, he develops a mind set appropriate to such training and motivation. When the same jawan is made to perform the

internal security duty he is required to be governed by the principle of proportionality and use minimum possible force to achieve his objective. He is also expected to care for the sentiments and sensibilities of the people he comes across during the course of operations. Can anyone suggest a perfect substitute for a quick change-over between these drastically opposite psychological make-ups?

“Anti-terrorist laws of many developing and other countries, particularly the UK, are far more stringent than even our TADA. But there is a difference in that while terrorists are arrested, prosecuted and convicted in England (which means that the law is in operation) such elements in our country are routinely eliminated or declared lost to the world through staged escapes from custody, giving the impression that the law is under suspension in what is claimed to be the largest democracy in the world ....

“Terrorism of any variety will be found to have its causes rooted in poor governance and unresponsive administration. It is a product of people’s despair arising from the failure of conventional methods of requests and protests to get their grievances addressed.... The security forces should understand the limitations of their role in containing terrorist violence of ideological origins so that the remedies do not prove worse than the disease they are called upon to treat. They should realise that it is poor professionalism and bad economics if they succeed in their operations only by injuring human rights of law-abiding citizens and losing the goodwill of the community...

“It is sad but true that complaints of violation of human rights generally evoke a negative response and are seldom taken with seriousness by the officers. Even in serious cases of custodial violence, such as death and rape, the investigations are found to be a farce, the inquiries an eyewash and action-taken reports a cruel joke. The mandatory magisterial inquiry under Section 176 CrPC in a case of death in police custody has become a standard device to obtain a seal of approval for the gruesome act of torture. The doctors often collude with or are influenced or bought over to give favourable post mortem reports.

“It is high time the government accepted the recommendation of the National Police Commission for judicial inquiry in every case of death, rape or grievous injury in police custody.”

The dehumanisation of the police is a matter of individuals, but it also reflects an implicit policy, namely: the citizens of disturbed areas are “outsiders” and therefore their human rights are very much attenuated or nullified altogether. Kashmiris are “outsiders”, Sikhs are “outsiders”, all those chinky-eyed people of the north-eastern states are “outsiders.” All Muslims and Dalits are “outsiders.” Who then is an insider? The inside of the inside stretches no further than North India’s cow belt ... or as this section likes to call itself, “the mainstream.”

(“Mainstream” and other favourite phrases such as “national integration”, “cultural unity”, “Akhand Bharat” and so on, make convenient - but not very effective - clubs for bludgeoning Scheduled Castes, tribal groups, religious and linguistic minorities and people like the Meiteis of Manipur who for no fault of their own, look different. The



self-proclaimed “mainstream” hardly accounts for 15 per cent of India’s population but that doesn’t inhibit their cultural arrogance. One sometimes thinks of the Popes of Reformation Europe stubbornly clinging to their attenuated “mainstream” while the “emerging nations” of the north marched on.)

### *India and International Pressure Against Torture*

The Government of India has not signed the UN Covenant on Torture although Home Minister S.B. Chavan went on record in June, 1995, that he saw no objection to India’s signing this agreement.

Despite pressure from non government organisations both within and outside the country, India is not a signatory to the UN Article on Torture. However sooner or later it will have to fall in line with the civilised world.

In 1991 the USA updated an 18th century law now called the Torture Victims Protection Act (1991) which provided secure legal basis to victims of torture or their next of kin to bring civil action against their torturers in US courts. However, the law places a 10 year limitation on such action, which is deemed too stringent. If the offending government is able to delay action for a period of 10 years it can buy itself immunity from the law.

However, in view of the Punjab government’s policy to assist policemen who are widely recognised within the state as torturers and murderers of prisoners. To go abroad and settle in countries such as Belgium, USA, UK, Canada, this law could be used to good effect.

This law applies to those persons accused of inflicting torture who have subsequently settled in the USA. A torture victim anywhere in the world can move the US courts to bring his torturer to justice if the accused is in the USA. The law applies even though the violation had taken place outside the US. If the offender is a foreign national his native country may request extradition which will be granted on the condition that a case is registered against him in his home country. The Dative country cannot ignore the crime and its perpetrator.

The law defines the tort of causing disappearance as “comprises abduction by state officials or their agents and official refusal to acknowledge the disappearance.”

Torture is defined as “any act directed against an individual in the offender’s custody or physical control, by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions), whether physical or mental, is intentionally inflicted on that individual for such purposes as obtaining from that individual or a third person information or a confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person, or for any reason based on discrimination of any kind.”

The definition is amplified to include mental pain or suffering resulting from actual acts or threats or the administration of mind altering substances.”

Latest information indicates that the Indian Government has finally signed the International covenant against

torture. Its implementation percolating down to the states and the thanas (police stations) is expected to be equally slow.

## 7

## DETENTION

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*How Many Prisoners?*

In 1993 a team of three human rights groups and three former attorney-generals of Punjab, after a careful study of detentions of militants and their supporters, concluded that around 70,000 Sikhs were held in detention in Punjab and other states of India at that time.

In 1993 the Union Home Ministry revealed that 14,457 TADA prisoners were held in Punjab. This was in reply to a starred question in Parliament on March 10, 1993. In addition to the Punjab figure, it was stated that 14094 were being held in Gujarat apart from TADA prisoners held in other states.

(Gujarat is a relatively peaceful state and the people detained were labour union leaders, smugglers and students. What was however not disclosed was how many Sikhs from Punjab were detained in Gujarat by registering cases against them in that state. It was well known that cases against Sikhs in Punjab were registered in states

such as Gujarat, Rajasthan, M.P., U.P., Haryana, Delhi and so on. UP later admitted the presence of around 5,000 such prisoners.)

The all-India figure was 52,268 prisoners held under TADA. However, between 1985 and 1993 no state ever divulged names of TADA prisoners or the exact number to the Parliament. The first figures came out in 1993 but names have never been released.

In 1994 Jagmeet Singh Brar MP, cited the Union Home Minister's figure of 14,873 prisoners held under TADA in Punjab. In July, 1994, in the State Assembly, the Chief Minister countered Brar by saying that there were "only 3 to 4 held under TADA" (corrected by K.P.S. Gill: "no, 800"). But within days, on August 8, 1994, to be precise, a report was published in the Times of India which quoted National Human Rights Commission chairman Ranganath Mishra as saying that by July 1994, the number of TADA prisoners had risen to 47,000 in just three states. He mentioned 17,000 in Punjab, 19,000 in Gujarat and 10,000 in J&K.

In April, 1995, the National Human Rights Organisation passed on to the Punjab Human Rights Organisation a copy of the information on TADA prisoners which the Government of Punjab had supplied to it. The Punjab Government averred:

"Since the promulgation of TADA in 1985, up to July 31, 1994, 17,529 cases were registered under TADA in which 15,289 persons were arrested and 4402 persons were released on bail; 2,788 persons were discharged; 7,408 persons were acquitted. At present, 399 persons are in

jails. In the recent past, a Committee under the Chairmanship of the Chief Secretary to the Government of Punjab, including Principal Secretary, Home Department, Director-General of Police, Punjab and the Legal Remembrancer, Punjab, was constituted in Punjab to review all pending TADA cases. After formal review, this Committee has recommended the withdrawal of various provisions of TADA in 107 cases. However, the concerned accused persons will face trial under other sections of law.”

While no marks can be assigned to the Commission in Moral Science, it is clearly failing in Mathematics. Please note its sums:

Bailed Out	4,402
Discharged	2,788
Acquitted	7,408
In Jail	399
Total	14,997

The Punjab Government’s Commission claimed that 15,289 were arrested. Subtracting 14997 from 15289 gives us 292. What happened to the 292? And for that matter, what was the physical condition of the 2,788 who were discharged? Were they alive at the time?

[NOTE: The most visible of all the TADA prisoners has been filmstar Sunjay Dutt. His detention on charges of possessing one AK-56 focused public attention on TADA as no other case could have. Ironically when film actress Sridevi was the guest of Punjab DGP K.P.S. Gill (her ardent fan) the DGP offered her an AK-56 as a memento. She laughingly (and wisely) declined.

In 1993, on the basis of information gathered from relatives of TADA detenus and from various reports that appeared “by accident” that the number of Sikhs held under TADA outside Punjab ‘was estimated around 15,000. [NOTE: An example of a report “by accident” is the newspaper accounts of the beating of striking prisoners held in the jail at Bharatpur, Rajasthan. Nearly 500 of these prisoners belonged to Punjab and were held in Bharatpur jail under TADA].

Adding this 15,000 outside Punjab to the 15,000 which were by government admission, held inside Punjab, one arrived at a figure of about 30,000 Sikhs held under TADA.

Aside from TADA, Sikhs were held in Punjab and other states under several other laws such as the National Security Act, the Armed Forces (Punjab and Chandigarh) Act, etc. There were fewer of these: about 5000 in all.

The Human Rights team had estimated 70,000 held all over India. About 35,000 can be accounted for under TADA and the other Acts. The rest were people picked up and held without being charged. In the early 90s many visitors to Punjab’s jails and lock-ups noted that they were badly overcrowded.

### *Jail Capacity*

In 1993 Punjab’s jail capacity was around 9,000. The team observed that, as per jail records, only 2,000 of the inmates had been convicted of crimes such as theft or murder. But the jails were jam-packed. The thousands of

other men, women and children they saw in the jails were there because they were “enemies of the state.” The vast majority of them were villagers, poorly educated and of relatively humble means but then it didn’t take much to be hauled up as a treasonous outlaw in those days. Anyway, at a conservative estimate, these political prisoners numbered around 7,000 in the Punjab jails.

Police lock-ups were “standing room only.” In Punjab 20 police stations constitute one Police District; there are 20 Police districts in Punjab: therefore 400 police stations. If each police lock-up held only 20 prisoners (again a conservative estimate) they would number 8,000.

Many were held in the camps of paramilitary forces such as the CRPF and BSF, as revealed in the report of the mass beating of youths and panchayat members of villages near Batala.

The jails, lock-ups and paramilitary camps in Punjab alone accounted for about 17,000 prisoners. Several more thousand were held off-the-record in the jails and lock-ups of adjoining states.

Information which the Human Rights team was able to gather indicated that a large number of prisoners were held in detention and interrogation centres. Let us return to our figures: 30,000 under TADA both within Punjab and outside; 5,000 under other black laws; 10,000 in Punjab Police lock-ups and 7,000 in Punjab jails, perhaps another 10,000 in lockups and jails in other states. This brings our total to 62,000. The balance, we believe, were held in detention and interrogation centres.



The state did not deny the detention of Sikh militants at camps set up by the Punjab Police both within and outside the state. According to Punjab DGP K.P.S. Gill (quoted in The Tribune of June 28, 1994) the Punjab Police had also set up three centres in U.P.'s terai region at Bajpur, Lakhimpur and Purnapur to help the UP police eliminate terrorism, and additionally, centres had been set up in Assam, West Bengal, Bombay, Hyderabad, Indore, Ahmedabad and Baroda to track down militants who had escaped from Punjab following pressure from the Punjab police. (Detention centres were known to exist in adjacent states of Rajashtan, Haryana, Himachal, UP, J&K and Delhi.) Nevertheless, considerable secrecy surrounded these places.

In 1992 in connection with a habeas corpus petition, MASR asked the Punjab and Haryana High Court to direct the state of Punjab to furnish a list of all detention and interrogation centres in and outside Punjab but rather than face such a demand the state released the prisoners and avoided appearing before the court.

In 1991 the Movement Against State Repression, Peoples' Union of Civil Liberties - Punjab and the Punjab Human Rights Organisation wrote to Prime Minister Narasimha Rao to call his attention to the proliferation of detention camps and interrogation centres both within and outside Punjab. No records were kept of the prisoners held in these camps and centres. They might be detained for years - or one day they might just be "gone" - with no one to ask any questions,

NOTE: In 1992 an unofficial authorisation was granted to Senior Superintendents of Police to carry a specified

number of “his” prisoners with him when he was posted to another district in order to enable him to carry out uninterrupted interrogation. It may be recalled that Kanwar Singh Dhami was carried by SSP Ajit Singh Sandhu to Ropar on his transfer to that district.

In some cases, crime after crime was attributed to these prisoners thereby “balancing out the police-militant death ratio” through proportionate killings (the “bullet for bullet” policy. If on Monday three policemen were killed in an encounter, on Tuesday an encounter would be reported in which five militants were killed.

An attempt on the life of the Punjab Chief Minister’s son-in-law occasioned one such tit-for-tat. The CM had got his son-in-law, Lt Col Raminder Singh, released from the Army and inducted him into his government as Director, Sports. Raminder Singh, escorted by several jeeploads of police, was travelling through Ropar district when militants fired on his convoy. Within hours it was announced that five “dreaded terrorists” responsible for the attack had been killed.

This kept police morale high and sent the message to the public that the state was in control. Human Rights groups investigated these incidents and concluded that the men had died in fake encounters and asked for a judicial inquiry in the incidents but this was refused.]

The practice of hanging on to one’s “personal prisoners” was also profitable. A man was held in secret and crime after crime would be attributed to him, thus pushing up the reward that could be claimed when this prisoner was finally “officially” declared eliminated. For years human

rights activists clamoured in vain for a list of criminals wanted by the police and on whose heads rewards had been fixed. The police never budged from their practice of secret detention followed by execution and claiming of reward.

### *Black Laws*

A number of black laws were enacted to hold these prisoners for long periods without trial. The key black laws the Terrorist and Disruptive Activities Act, (TADA) the National Security Act the J&K Public Safety Act the Armed Forces (Punjab and Chandigarh) Special Powers Act, the Disturbed Areas Act. The more important of these laws applicable to Punjab was the TADA followed by the National Security Act.

TADA, the most notorious, was brought in especially for Punjab and to get it passed in Parliament, the Central government assured that it would not be extended to detain political prisoners in other states. Other states soon realised that such was not to be. This law has been used largely against the minorities, initially against the Sikhs and later against the Muslims. Only lately it has been used against people of Kashmir who were largely dealt with under the J&K Public Safety Act. When people from other states also began to be arrested in large numbers, concern was expressed in Parliament.

The primary purpose of TADA is to deny the citizen his right to judicial review. Deny him bail and give the police an opportunity to interrogate the prisoners by third degree methods for a prolonged period. The onus of proving innocence is shifted to the prisoner and confession before

a police officer becomes admissible as evidence. The identity of the witness can be withheld. An advantage of keeping TADA prisoners from one state in jails in distant states was that it made it virtually impossible for them to muster evidence in their favour. In spite of all this the conviction rate turned out to be less than 1 per cent. If they had been tried and convicted, under normal laws of the things they were accused of under TADA, most of these prisoners would have been out of jail much sooner.

On June 12, 1995, Hindustan Times quoted KPS Gill: "It is less than 1 per cent. Only 223 persons have been convicted in Punjab, most of them under the Arms Act; it is even less than that in other states."

Examples of the sort of prisoners who were detained for years keep surfacing. In April, 1995 the Indian Express reported that three septuagenarian prisoners, two men and a woman, had finally been released from unrecorded detention through a writ petition after three years. They had been held to compel the surrender of their son but the woman said that she had identified his body in prison a long time ago. In spite of this they were held for three years - apparently because the police officers needed cooks and sweepers and they provided unpaid labour.

And then there is the Beant Singh government's Public Enemy Number One, Simranjit Singh Mann. This lone former policeman has been the *bete noire* of the Central government also. He remained very much behind bars in Patiala Jail with little prospect of release so long as a Congress government ruled in Punjab and at the Centre.

Writing in Sunday of May 13, 1995, Patwant Singh compared the case of Simranjit Singh Mann to the Dreyfus Affair with the difference that the harsh and discriminatory treatment accorded to the Akali leader provoked virtually no protest: .

“Over the past 11 years Mann has been arrested and detained 30 times. This former IPS officer’s troubles began on November’ 29, 1984, on charges that included conspiring to assassinate prime minister Indira Gandhi. For five years he was held in solitary confinement, denied the most basic needs and subjected to repeated torture. When he was suddenly released in 1989 no explanation was offered as to why he had been detained, tortured maligned and mauled by the state for five years.

“Since January 5, 1995, 11 police stations in different districts of Punjab have registered cases against him. Only in one case has he been brought to trial; the other cases are “under investigation” while he continues in custody. Mann has never been convicted in even one of the cases filed against him. The reason for the legal overkill is that the state wants to make sure that there is always something for which he can be kept behind bars. Some of the cases have been filed under TADA which enables the authorities to hold him indefinitely. Each disgraceful tactic provides evidence of how ‘democratic’ India actually functions !”

As yet Mann himself has played by the rules of the Indian Constitution. While still in jail in 1989 he and the new party formed under his name fought the parliamentary elections and won 10 out of Punjab’s 13 seats - the largest number of parliamentary seats ever won by a single party in Punjab. Instead of winning the confidence of the

Central government, this victory stamped Mann and his party as a force which had to be neutralised by any means. Mann was personally dangerous because he simply would not compromise and remained consistent in his political demand. Mann represents a departure from the feudal style of political functioning based solely on personal loyalty to this leader or that. While Mann cannot quite shake the old reliance on personal equations, it is also true that unlike others, he stands for something besides himself.

On May 23, 1995, the central government allowed TADA to lapse by not bringing it before Parliament for renewal. This was dictated more by electoral compulsions than by any “change of heart” on the part of the government.

[NOTE: An incident which occurred on August 15, 1989, illustrates both the situation inside the jails and the attitude of the police. Human Rights activists Baljit Kaur and Justice Ajit Singh Bains were detained enroute to Ludhiana where they intended to inquire into a human rights violation. They were taken to Dehlon police station and while they were there, they heard men’s cries from the courtyard within the station.]

They went out and saw an ASI supervising the flogging of several prisoners. On learning their identity the ASI panicked and assured them “These men are not the kind you are interested in. they are just ordinary prisoners. Your chaps are in that room.” Before he could prevent them, Baljit Kaur and Justice Bains walked over to the room he indicated and saw some 25 young men lying on the floor with their hands and feet bound.

Lesson: the police feels absolutely within its rights to beat “ordinary” prisoners and secondly political prisoners are held clandestinely.]

But TADA was not the only black law. A person might also be held under the National Security Act. This act was widely used and provided for detention without charge or trial for up to one year (two years in Punjab).

The Jammu and Kashmir Public Safety Act empowered the police to detain persons without trial for up to one year on suspicion of anything from terrorist acts to the vaguely worded “promoting, propagating or attempting to create feeling of enmity, hatred or disharmony on grounds of religion, race, community or region.”

The Armed Forces (Punjab and Chandigarh) Special Powers Act and the Armed Forces (Jammu and Kashmir) Special Powers Act empowered the security forces to enter and search anyone’s house without warrant, to make arrests without warrant, to destroy any place deemed to be a “terrorist hideout” and shoot to kill with immunity from prosecution.

The Statesman of July 4, 1995, reported that in response to mounting pressure from state human rights groups, the National Human Rights Commission had made a detailed study of the Armed Forces (Special Powers) Acts with a view to demand its repeal or amendment. The NHRC was reported to have found Clauses 4a, 4c and 4d particularly objectionable. The first of these gives any commissioned officer, warrant officer, non commissioned officer or any other person of equivalent rank in the armed forces the right “to fire upon or otherwise use force, even to the

causing of death” for the maintenance of law and order. Section 4c gave these officers authority to arrest without warrant any person who had committed or was suspected of having committed or was about to commit a cognisable offence and to use any amount of force to accomplish the arrest. Section 4d allows the forces to search without warrant any premises to recover arms, stolen property or captured persons.

The report quoted a senior NHRC official who linked the move with the Centre’s plan to hold Assembly elections in Kashmir: “When the government talks about a political package, moves like amending the Armed Forces Act would send just the right signals, as they did when the enactment of new legislation to replace TADA was announced.”

Moral: never suppose a right thing is done because it is right.

The people’s rights and liberties are always subject to “package deals.”



## OTHER METHODS OF TERRORISATION

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Most of the cases presented in the preceding chapters concern people who are no longer around to tell their own stories. They became not only increments to the death toll and justifications for official rewards ... they were also “lessons” intended for the general public. However, eliminating people was not the only means of spreading terror. This chapter deals with those other methods which did not necessarily result in the death of the victim.

### *Rape*

All over the world a rape victim suffers not only the trauma of the attack itself but also is made to feel forever deprived of self respect and social standing. This is particularly so in a highly conservative society. Comparatively few rape cases were reported, not because they didn't happen, but because the women and their families could not bear the additional suffering of publicising the wrong done to them.

In many cases, rape was committed as a form of torture. However, we felt that these crimes against women deserved to be presented separately. These are some cases in which the victims lived to tell the tale. Cases in which they were murdered afterwards are recorded in the section on killings and disappearances. It may also be mentioned that at the time of Operation Rakshak, a very stupid Army commander, Brigadier Sinha collected the panchayats of several villages and made himself highly unpopular by threatening villagers with rape of village women to “breed a race through his soldiers that will be loyal to India”.

Similarly at Guru Nanak Bhai Lalo Ramgarhia College for Women in Phagwara the girls were at the receiving end of a remarkable lecture from a group of women police constable who told them “You all virgins. We will teach you a lesson in such a way that you won’t be able to show your faces (jalus kadh ke rakh diangian). The constables had been called in to keep order during a very minor agitation against the principal but even this occasion was considered a fit time for crude and abusive verbal extremism. (reported in The Tribune December 6, 1994)

A 55-year-old widow, Jeewan Lata, was raped and her seven-year-old granddaughter molested by Kashmir Singh Gill, DSP, posted at Khamano Mandi police station in Fatehgarh Sahib district around midnight on the night of July 3, 1994. Gill sent police to fetch her daughter Poonam. Jeewan Lata lied that her daughter was not at home and the police left, only to return after half an hour, and ordered her and her granddaughter to come to the police station.

Thinking that no one would harm an elderly woman, Jeewan Lata went to the police station. The DSP told her to sit by him on a bed and then asked her to “bring any girl for me”. When she disclaimed knowledge of any woman who would consent to such a thing, he raped her and molested the child. (reported in Indian Express)

Biomajri, a small village, also in Fatehgarh Sahib district, was scene of another appalling incident. On the night of December 1992, a group of eight armed police commandos entered the house Subhash Chander, son-in-law of village sarpanch Chunni Lal. They bound Subhash Chander and his brother-in-law and raped the wife of Subhash Chander, his sister and another woman of the village. The men stole the women’s ornaments, ransacked the house and stole whatever cash and valuable they could lay their hands on before leaving.

Thereafter the villagers mounted a night patrol around the area. On the night of January 6 they apprehended six men whom the women identified as their attackers. The villagers beat up the men, locked them up. They wanted to hand them over to the Army and summoned officers from a nearby camp to take charge of them.

People from neighbouring villages heard the news and came to Biomajri and some 12 hours later, by the time the police turned up to free their men, there was quite a crowd. Army men had already arrived but tension between the people and the police was at such a dangerous level that the Army men left the scene. At gunpoint the police compelled the villagers to release the men they had detained and then let loose a reign of terror on the village

and surrounding areas, beating men, women, elders and even tiny children and plundered the houses.

The police registered cases against the sarpanch and 12 other villagers for snatching weapons, damaging government property and obstructing a government servant from doing his duty.

The commandos were transferred to another police district but nothing at all befell the driver of the police jeep who villagers said had brought the men to the village.

The Biromajri incident became a very sore point between the police and the Army. The Fatehgarh Sahib SSP complained to DIG Rajan Gupta that the Army men had stood by and done nothing to get the commandos away from the irate villagers. The commander of the Army unit involved reported to his superiors that the commandos in question were rapists and thieves and they had it coming.

A Dalit woman, Kailo Devi, was brought to the Jhakai police station on February 5, 1995 on the charge that she had committed theft in the house of her employer. Nothing could be recovered from her but while she was in the police station she was raped repeatedly by the SHO, Rathi, and several constables in the presence of a woman constable, Satya. She was repeatedly beaten and dunked in the Chandpur canal.

When her condition deteriorated, she was handed over to villagers who took her to the Tohana Civil Hospital where the doctors treated her but refused to examine her for rape. She received proper medical care only after Justice Amarjit Chaudhary chanced to see her when he came to

Tohana on an inspection trip. Jhakai village is situated in a small bit of land on the Punjab side of the Ghaggar but it is a part of Haryana.

Devinder Pal, (bodyguard of Gurdaspur SSP Mohammad Mustafa) and three others named as Satish, Gogi and Dara, raped at gunpoint a 25-year-old married woman living in the Mariwala locality of Manimajra, a suburb of Chandigarh. A significant aspect of this case is that the police initially refused to register a case because the accused was a cop attached to an SSP.

These are cases of rape/torture which did not culminate in the murder of the women. Cases in which the women subsequently died are recorded in the section on torture (Satwinder Kaur, Sarabjit Kaur of village Bham, district Batala)

### *Theft and Extortion*

When the Provincial Civil Services officers went on strike in August, 1993, their memorandum (also referred to in the section on Institutions - Civil Service) put several cases on record.

One of these involved a Jalandhar goldsmith, Naresh Kumar, who was taken into police custody on a charge of misappropriating gold belonging to several individuals valued at Rs 10 lakh. The gold was seized along with the goldsmith. Naresh Kumar died in custody under mysterious circumstances and the gold disappeared. The PCS officers charged senior police officials with complicity.

## KALE- KACHIANWALE

The decade between 1984 to 1994 was full of strange and mysterious proceedings but by far the most peculiar phenomena to hit rural Punjab went by the name of “kale kachianwale” ... the black knickers. (Perhaps very elderly Irishmen might nod their heads in recognition because Punjab’s “kale kachianwale” operated rather like the infamous “Black and Tan” that terrorised rural Ireland at the turn of the century.)

The first “kale kachian” strikes were reported in the summer of 1991 in Gurdaspur district along the banks of the Ravi and the swampy areas along the banks of the Satluj in Jalandhar district. Villages in these areas are small and isolated. The sepahi-thugs (“sepahi” - police) found easy targets and met with little resistance from the small and scattered hamlets. These were also the areas most influenced by militancy.

The phenomena of midnight dacoities began to spread southward and in August, 1991, villages in the Malwa area - that is, the districts of Ropar, Ludhiana, Patiala, Sangrur, Bhatinda, Ferozpur and Faridkot - began to report such robberies. From each village the report was virtually the same: a gang of 15 to 20 men dressed in khakhi pants and jerseys (or, according to some reports, clad in nothing more than their underwear and smeared all over with oil so that they would be difficult to catch) and armed with lathis and pistols would materialise in the dead of night and knock on the door of some house on the outskirts of the village.

Claiming to be policemen on a midnight search operation they would gain entry to the house, threaten the occupants and loot the place, carrying off the women's gold ornaments, electronic items and even fans. Usually two or three houses would be plundered during a kale kachianwale visitation.

The police declared that the marauders who were striking at dozens of villages each night were members of a criminal tribe who had suddenly invaded Punjab. If that were so, then one would have to admire the rascals' daring since they chose to come to Punjab (of all places) at the same time that the Army and police were intensively deployed all over the state in Operation Rakshak and just when K.P.S. Gill had been brought back to Punjab as Director General of Police.

But the villagers didn't buy the "tribal theory." They suspected that the thieves were in fact policemen. Sarpanch after sarpanch testified that the two or three days before the thieves struck, a police patrol had made the rounds of their village. Quite a few police belts were noticed holding up the criminal's pants and on occasion, it was noted that the robbers looked like cops seen in the area.

Robbing a Malwa village is not so easy: the villages are large and densely settled. To counter the menace, the villagers organised their own patrols - thikri pehras - which circled the villages throughout the day and night on the lookout for unknown persons moving suspiciously. The patrols were quite effective and the fun began.

Scores of instances began to be reported in which the villagers caught the miscreants and they turned out to be police personnel. In other cases, no sooner had the villagers apprehended suspicious characters than posses of police led by senior officers came rushing to get the suspicious characters out of the hands of the villagers. Some of these incidents even made it to the pages of the newspapers: to name just a few: village Karala near Banur in Patiala district, Sufipind and Dhannowali in Jalandhar district, Pandori and Herian in Hoshiarpur district, Tiur in Ropar district, Hasanpur and Bhaga Khurd in Ludhiana district.

The village-police confrontation often had a touch of comedy to it. Near Bhutal Kalan in Lehra block, Sangrur district the villagers spotted a luckless bunch of kalekachianwale and gave chase. The rats made for a hole - a rather significant hole -namely the nearby police post. Cops and robbers barricaded themselves inside the post, and all around the post scores of villagers took up their vigil. Finally the SSP of the district had to come and get his men off the hook.

On other occasions, the villagers were on the receiving end. At Mahil on the Amritsar-Chaugawan Road, villagers on their nightly thikri-pehra noticed six men moving in suspicious circumstances and raised an alarm. Suddenly a batch of six CRPF personnel and several policemen came rushing up but prevented the villagers from going after the men they had seen. The villagers declared that the men they had spotted had all been sitting in the police jeep just minutes before the incident and said the miscreants and police were hand-in-glove.



On this, the police pounced on the villagers with fists and lathis. Some 20 of them, including the panchayat and other village elders were taken into custody.

By the end of January, 1992, when story after story had appeared in the press, these incidents ceased as abruptly as they had begun except the Punjab Police came out of the whole episode with quite a lot of egg on their face.

Another little footnote to the kale-kachianwale period: every war throws up some new invention. The kale-kachianwale gangs themselves something of an innovation and it was during the time when they were at the peak of their depredations that a central development wing came up with one of the significant “technical breakthroughs” of the Punjab conflict, namely the armoured tractor. Of course, the Army could have supplied the police with any number of armoured personnel carriers, but it would have looked very bad in the press, Indian and foreign, if the Punjab Police had taken to roaming around the countryside in APCs, or even tanks. The armoured tractor fulfilled the same function but did not bear the offending label.

After Gill saw the prototype, he approved it and at his next meeting with the Punjab governor, Veerendra Verma, had demanded 250 tractors for the police, which he intended to make over with armour plating in the police workshops. Finance secretary R.N. Gupta, who was also present, objected: “since when are tractors authorised transport for the police?” This enraged Gill who declared that he would leave if he were going to be questioned and he got up to walk out. Verma immediately placated him and told Gupta to sanction 50 tractors for the police.

This incident highlights Gill's total independence from state authority, his scant regard for civil administration and the governor. It also illustrates the governor's plight. Verma was later shifted to Himachal Pradesh when he found it impossible to countenance Punjab Police ways.

## EXTORTION

As the climate of generalised paranoia intensified, extortionists were quick to move in. In many places, police protection operated on the Bronx pattern: "that's a nice business you've got mister ... for five thousand a month we'll see that nothing happens to it."

On August 13, 1991, The Tribune reported: "Instances of miscreants, some belonging to the Hindu Suraksha Samiti, having written letters in the name of the "Dashmesh Regiment" demanding ransom from members of the minority Hindu community, have come to light in Bathinda district recently. The police have registered cases of threatening and forcibly extorting money under Section 506, 507, 120-B of the IPC and also under TADA against a number of persons in this connection."

According to the report two men, Kewal Kumar and Raj Kumar of Rama Mandi, sent a message to a small businessman of the town saying he was to leave Rs 30,000 at a designated spot or his son would be killed. To make their message sufficiently threatening, they used the name of a militant outfit, the Dashmesh Regiment. Similar messages were dispatched to seven other persons. The police laid a trap and the extortionists were caught red-handed.

At Budhlada, another small town in Bhatinda district, Ramesh Singla, local president and state secretary of the Hindu Suraksha Samiti and one Sham Lal were caught sending threatening letters. The report stated that these two had planned to bump off a few local Hindus to further their scheme.

### *Destruction and Confiscation of Property*

Manjit Kaur, a 41-year-old widow whose son had joined the militants, was also victimised by the police. On November 29, 1993 Ropar SSP Ajit Singh Sandhu ordered her one-room house to be turned into a police post and ordered 12 policemen to take up residence in the house - sleeping in the same room. The SSP admitted that expropriation of Manjit Kaur's house was done with the intention of forcing her son to surrender.

To the police and the press he was hardcore militant, Sukhdev Singh Babbar; to his neighbours he was a prosperous government contractor, Jasmer Singh. Before her marriage his wife, Jawahar Kaur and her sisters, used to sing at gurdwaras under the name of Nabhewalian Bibian and they were known for particularly fiery ballads after Bluestar. They lived in a large bungalow in Patiala known as "the White House". Sukhdev Singh was shot down on August 8, 1992, and the house was seized and made over to the CRPF who converted it into a post. Jawahar Kaur and her son were made destitute and dependent on small charity for their daily bread.

*Pacification and "Scorched Earth" Policy*

The classic statement on pacification comes from an American Army commander. Called before a Congressional Committee inquiring into the genocidal destruction of a Vietnamese village called Mai-lai, the soldier blandly stated: "I had to destroy the village in order to save it." Similar reasoning formed many of the steps taken to "save" Punjab.

In 1986 the Central Government mooted a scheme to create an uninhabited and centrally administered security belt along the border with Pakistan. Although it was ultimately abandoned as unworkable but the project was seriously considered and it reveals the mind of the government.

The idea was to clear a strip 5 kilometres wide on the Indian side of the border. All villages falling within this belt were to be evacuated and levelled, the land was to be kept uncultivated and shorn of any possible cover and the whole belt was to be administered directly by the Central Government.

As a first step in this direction, the Rajya Sabha passed a resolution under Article 249 authorising the Parliament to make laws on certain matters enumerated in the State List. These subjects are: 1) law and order, 2) Police, and 3) jails.

The chief obstacle in implementing this scheme was population density of the area in question. The border areas of Gujarat and Rajasthan are infertile and sparsely inhabited but in Punjab and Jammu, the concentration of population along the border is very high. The districts of

Punjab that are on the border are Gurdaspur, Amritsar and Ferozepur: the combined area which would fall in the security belt is about 2000 square kilometres (2 lakh hectares or 4.94 lakh acres), 559 villages are found within this belt and some 2.6 lakh persons inhabit the area.

Land use in this area was : 1,60,000 hect of agricultural land, 20,000 hect of non-agricultural land, 14,000 hect of reclaimable land and 6,000 hect of forest. The annual value of the crops produced on this land (excluding forest produce and livestock) was calculated at Rs 108 crore. And it was calculated that handing this area over to the Centre meant surrendering assets (land, houses, infrastructure, livestock and forests) worth Rs 2890 crore.

The number of people who would have had to be shifted numbered 2.6 lakh - equal to the population of the state of Sikkim. Punjab is already a densely settled state with no surplus agricultural land. What would have been done with these 2.6 lakh uprooted peasants? It is difficult to imagine. Compensation would have required enormous sums and even then, it is likely that many of this vast sea of dispossessed persons would have become ideal fishing ground for militant recruiters. The idea that these people would have consented to resettlement outside the state is untenable: they knew that in other parts of the country Sikhs faced severe repression and discrimination.

The scheme was abandoned after human rights activists marshalled facts and campaigned vociferously with the parliamentarians to reject the security belt proposal. However, the recommendations of this group regarding border fencing were later implemented almost in toto. Credit for putting these facts before Parliament goes to

two heads of department at Punjabi University G.B. Singh, professor of economic geography and V. Prakasam, professor of linguistics, former advocate general, Punjab, Mohinderjit Singh Sethi and Major General (retd) H.S. Kler, MVC, AVSM. In this, the present writer also played a role as the leader of the team.

[NOTE: If the villagers of the border area needed a case study in the fate of resettled peasants, they had only to look at what was happening to the Pong dam oustees (largely Sikhs) in Rajasthan. After 25 years these people had not been given clear title to their lands and various types of administrative measures were being made to get them out. In 1957-59 the Bhakra oustees who were given land in Hisar and Sirsa districts (districts of Haryana after 1966). In 1978 through their representatives, the oustees placed a petition before the Lok Sabha complaining that they still did not have proprietary rights over their land. Seventy per cent of the oustees were given less than five acres of land. The petition said that out of 2180 families who were supposed to be resettled in Haryana, only 730 families have so far been able to resettle. Scores of representations have yielded nothing either for the Pong or Bhakra oustees. Haryana and Rajasthan want to disown these people].

Under the pretext of opening industrial development opportunities in Punjab, businessmen and industrialists are being lured in the state with a promise of providing them with land at cheap prices and other facilities. The land in question is rich, productive agricultural land belonging to Sikh farmers and is offered to industrialists from within and outside the state at less than one-fourth of its market value. The land earmarked for such acquisition exceeds 1

lakh hectares. This is said to be for the development of industrial estates, large factories and urban townships. Norms for selection of such land clearly state that it should be non-productive land and Punjab has an extensive submontane kandi belt where these could be located. Instead the government acquires the state's richest agricultural land to pass on to industrialists at subsidised rate. (If the industrialists are so keen to have that land, why must the state interfere? The industrialist buyers can deal directly with the farmers and fix the price.)

The nexus between politicians and industrialists is clear and the Sikh farmer is being made to bear the cost. The displaced people are being advised by the Chief Minister that they are paid enough compensation to buy double the land in states such as Madhya Pradesh and Rajashtan. What happens is that the oustees try desperately to buy land within Punjab, pushing up land prices and ultimately getting very little to start a new life with.

This is another version of pacification and reflects an approach which sees Punjab as a colony.

The security belt was something planned that didn't happen as desired. There was also an instance when the opportunity presented by an unplanned natural calamity was seized and its destructive force given an extra push by the government's ruthless strategists.

Rain began to fall in the second week of September, 1988. The monsoon is normally waning by that time but these were torrential rains and they continued day after day without let up for nearly two weeks. When the skies cleared the official figures of loss stood at Rs 2,700 crore

worth of property and 900 lives. These figures were very much on the conservative side.

The Bhakra-Beas Management Board Chairman, General B.N. Kumar, called a press conference in early October. He told the newsmen: “We all in Punjab and many others elsewhere were 0.03 inches from one of the worst catastrophes in living memory during the last week of September when Bhakra dam’s concrete structure registered a 0.99 inch tilt against its danger mark of 1.04 inches. We have saved Bhakra dam as its survival was essential else it would have been all over .... “ The collapse of Bhakra dam would have sent a wave of death carrying away half of Punjab.

Bhakra’s Emergency Indicator level is 1685 feet. When water rises above this level it is not to be impounded as a “bonus” but released. This is standard operating procedure. However for years this procedure had not been followed. The Bhakra hydel powerhouses supply a large percentage of Delhi’s electricity and the chairmen of the Punjab State Electricity Board are under constant pressure to keep the turbines running at full throttle even through the driest winter months.

This cannot be done unless the reservoir is not only well filled but over-filled. Successive PSEB chairmen had increased the reservoir’s permissible storage level many times - preferring to err on the high side for the sake of tiding over the winter drought. When the rains hit, the reservoir was already at the super-full mark.

As rain poured down on the region day after day it soon became clear that water would have to be released from



Bhakra dam. And yet the engineers did not open the release gates as would have been standard practice to guarantee the safety of the dam - if not the safety of the land and people in front of the dam. They could have made releases in a phased manner over a 10-day period but they waited until the dam was in eminent danger. Why?

It is commonly believed that someone had had a brainwave. A great sheet of water roaring down the valley of the Satluj would serve to flush militants out of their hideaways in the swampy and unpatrollable mand (marshy tract) area.

One reason why people thought so was that the paramilitary forces reported no casualties, although they had camps throughout the area. Obviously the soldiers were brought out before the worst hit. Civilian casualties were in excess of 5,000 persons. A report on death and damage prepared by a number of leading citizens was submitted to Governor S.S. Ray by MASR. How could 5000 villagers die but not a single security man?

Whatever the truth, it is certain that the militants held the PSEB responsible for the horrifying devastation wrought when the spill gates were finally lowered. General Kumar was coming out of his house in Chandigarh one morning just a day or so after the press conference referred to above. He was cut down by a hail of bullets in the street outside his house.

*Interference in the Religious Freedom of Individuals*

The Indian Constitution guarantees the individual freedom to practise his religion without interference.

In the case of the Sikhs, this constitutional guarantee has not been honoured by the Central or state government whenever there was a Congress-I government. During the 1984-1992 period Punjab was, for most of the time, under President's Rule, that is directly ruled by the Centre. From 1992 to 1997 Punjab was under an enforced Congress government. This was the period when the government took it upon itself to meddle in the religious practices of the Sikhs in some cases directly obstructing rites and the observance of Sikh tenets, in other cases trying to mould Sikh practices to suit their own ends.

Sikhs perform two types of baptism: one given to infants at birth and a second performed on attaining maturity. The latter is referred to as "amrit chhakna." This introduces the person to the Khalsa and is performed for both men and women and obliges the person to always bear the five religious symbols. He is, thereafter known as an amritdhari.

This is a sacred vow and often a highly emotional ceremony - rather like the "born again" experience of evangelical Christianity. Having committed themselves to struggle on the moral plane, the immorality of the state became especially repugnant to these people. This explains why the state regarded them with fear and suspicion.

Immediately after Bluestar, “Baatcheet”, (No. 153) the Army’s bulletin issued to all soldiers, said:

“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 a miniature kirpan around their neck and are called amritdharis... Although the majority of terrorists have been dealt with and the bulk of arms and ammunition recovered, yet a large number of them are still at large. They have to be subdued to achieve the final aim of restoring peace in the country. Any knowledge of the amritdharis who are dangerous people and pledged to commit murder, arson, acts of terrorism should immediately be brought to the notice of the authorities. These people may appear harmless from outside but they are basically committed to terrorism. In the interest of all of us, their identity and whereabouts must always be disclosed.”

It may be of interest to point out that the Congress-I chief minister, Darbara Singh, Central Home Minister Buta Singh, and President of India, Giani Zail Singh were all amritdharis .... dangerous men indeed but from the Sikh point of view who termed them as Judas-rats.

DGP Julio Ribeiro records in his book: “I remember an occasion when Bhindranwale’s father was touring Punjab, ‘baptizing’ the Sikhs and asking them to take an oath of adherence to religious practices. This was causing concern all round. Chief Secretary Prafulla Vaishnav and I, backed by Kanwaljit Singh, pressed for the arrest and detention of the old man. Other officials, including P.S. Hooraa, the intelligence chief, were non-committal. They were waiting

for Barnala to react. Kanwaljit Singh was the most emphatic. Finally, Barnala relented and gave his consent.

Kanwaljit Singh and I then sat down to draw up a detailed plan of action. We were into this exercise for little more than an hour when word came that Barnala wanted to speak to us. We suspected the worst. Barnala had changed his mind and countermanded his earlier instructions on the grounds that the religious sensibilities of the Sikhs would be hurt. Actually, the elder Bhindranwale's motive was more political than religious."

At the close of 1998 Christian converts like Sikhs, Muslims and Buddhist converts before them were at the receiving end. Political and anti-state motives were suspected in the act of their conversion. The Indian Constitution gives the right to practice, preach and propagate one's religion. This is on paper. It appears that in actual practice the only safe religion to be propagated in India is Hinduism. The BJP government wants to ban conversions but permit re-conversions.

To become an amritdhari in Punjab was to immediately invite the attention of the police and security forces... this in itself was a dissuasion. In addition the baptising teams became targets and many of these men - usually respected village elders - were simply eliminated.

Last rites - refusal to hand over bodies for cremation, refusal to allow last rites.

What irked the Sikhs intensely was the refusal of police to hand over the bodies of the slain militants. Even in death, they were considered too dangerous to be let loose. This

meant that the next of kin could not perform the last rites which are ordained by their religion. Not receiving the bodies; families would none the less go ahead with a memorial meeting held 10 days after the death called a "bhog." The purpose of a bhog ceremony is to pray for the peace of the soul. These ceremonies were also obstructed. In some cases hundreds of policemen were posted on the road to prevent mourners from reaching the bhog ceremony venue.

For the same reason, when markers or memorials were raised to the slain men, the police would promptly see that they were demolished. It is the custom to engrave marble slabs with the name of the deceased and use them as paving on the circum-ambulatory path around the gurdwaras (called the parkarma). This is to stress humility and to make the passage of the devotees comfortable as they tread over it. This was also forbidden.

The village gurdwara is a meeting place and the locus of various types of social services, including schools, dispensaries, hostel and care for aged or destitute persons. At some places gurdwaras were raised in the name of slain militants by the local people. These too were demolished.

Sikh religion stipulates that a gurdwara is a place where anyone may receive food and shelter. During the emergency, Janata Dal leaders including Chandrashekar who later became prime minister, took refuge in the Akal Takht for weeks to escape detention. The Sikhs neither asked them to go away nor to pay for their food and lodging nor did they disclose the presence of these men to their pursuers. This is the tradition of gurdwaras. In the

years of turmoil in Punjab, the police actively enforced a ban on gurdwaras sheltering anyone.

## FORCIBLE TONSURING OF HAIR

Sikh religion obliges the follower never to cut his hair. Militants taken into custody were often tonsured and public tonsuring was also carried out against some youngsters by the security forces. (See the section on police commandos with regard to change in the uniform of police commandos. They were not to wear turbans but tie a vaguely Arab sort of headgear instead. In other countries the right of Sikh soldiers or employees to wear turbans instead of caps or helmets is upheld. In their own country, this right is not honoured). In 1996 Congress chief minister Brar restored back the turban and did away with the patka. This appears to be creeping back under central government's pressure.

III

POWER VERSUS RIGHT  
-- INSTITUTIONS

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## INTRODUCTION

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The rule of law concerns itself not only with the rights of individuals but the rights of institutions as the implementers and mediators of the rights of the citizen. All over India, institutions have come under increasing pressure. Once a party comes to power it begins to think of ways to remain in power. The subversion of institutions is obviously a very powerful means to that end.

It is said that if one wants to destroy a people, destroy their books, their temples, their institutions and distort their history. The Sikhs have felt this assault on their culture. There can be no doubt but that it was deliberate and premeditated. Days after the Army had either killed or captured those who resisted them from the Akal Takhat, the Sikh library and archives housed in the Temple complex were torched. Thousands of irreplaceable original artworks and historic documents, some written by the Gurus themselves, were lost. Items of great value, both historic and intrinsic, disappeared from the treasury of the Harmandar Sahib. Seventy-four other gurdwaras were attacked at the time of Bluestar and a few months later, during the November genocide in Delhi, 200 gurdwaras were torched in Delhi alone.



V.N. Narayanan, editor of Hindustan Times, who was editor of The Tribune during the 1984-1994 period, in his book, "Tryst with Terror", gives (page 18) a district-wise breakdown of Sikhs receiving the ceremony of *amrit*, a sort of baptism, from 1981 to 1989.

The figures he gives are unimportant but such a list itself is significant. Gurdwaras themselves would not have supplied this list to him; the only possible source is the government. Why was the government interested to keep tabs on how many received *amrit*? In any case, the figures he cites are dubious to say the least. According to Narayanan's list, 1300 people received *amrit* in Sangrur district between the years 1981 and 1990. As a member of my own village gurdwara's managing board, I know that some 2000 people were baptised in this gurdwara alone in the year 1985. Could the government be so inefficient in its data collection?

Some 30,000 Sikhs were baptised in Sangrur district by a team of baptisers led by Bhai Ranjit Singh who later disappeared from police custody.

Belief and cultural values are more than raiment but the outward aspects of faith also have their place. Traditionally Sikh men wear turbans and take it as a religious obligation to do so. This tradition has been respected by the defence services and the security services. Even in the USA Canada, UK and other countries. In these countries, Sikhs have occasionally had to approach the court over the issue of their right to wear turbans while on duty, but to the credit of those courts, the right has been upheld under the principle of freedom of religion.

In Punjab on the other hand, during the past few years, deliberate attempts have been made that strike at the Sikh's right to maintain his traditional headgear. It is observed that the police personnel, especially those of the commando forces, are instructed to replace turbans with loosely tied cloth kerchiefs. The non-Sikhs among the commandos are required to grow their beards and also tie kerchiefs. The effect is to obliterate outward religious identity. Will this practice spread to Army units as well?

Similarly there has been great concern voiced over distortion of Sikh history in school and college textbooks.

Since the Emergency in the late '70s these efforts to bend rules or officers - or simply bypass them - have become blatant. We have seen the erosion of the electoral system, the civil service, the jail and state medical services, the police and, saddest of all, the judiciary.

This section deals not only with the onslaught of such institutions on the citizen but the onslaught on the institutions themselves by the Central government and its ruling party.

## POLITICAL INSTITUTIONS

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### *The Electoral System*

India prides itself on being the world's largest democracy and - on paper at least - has a comprehensive and unassailable body of law governing elections. Whenever doubts are expressed over the free and fair nature of Indian elections, the critics are confronted with historic poll verdicts like the Lok Sabha election of 1977 that swept away the Emergency regime or the Janata victory of 1989. And yet not even the staunchest defenders of the Indian political system can deny that year after year the conduct of elections has become more and more violent, more and more characterised by chicanery and underhand means to subvert the will of the electorate. Once upon a time all was fair in love and war; now all is fair in love, war and elections.

The first two national elections after independence were relatively clean and contested in a secular environment. The Congress - the party of the freedom struggle led by the charismatic Jawarharlal Nehru - received the popular mandate. But time and the wear and tear of practical politics soon takes the shine off all ruling parties. Popular

disappointment with the ruling party fuelled the rise of opposition parties.

As the opposition grew in strength and popular appeal, the pressure on the ruling party to sacrifice principle for the sake of power became impossible to resist. The "Westminster Model" with its assumption that parties would compete by means of debates on the floor of the House and woo the electorate with speeches and baby-kissing, did not stand up to the rigours of the Indian climate.

China might defiantly thumb its nose at the bourgeois West and reject parliamentary democracy lock stock and barrel, but India found the robes of parliamentary democracy a useful addition to its wardrobe for international occasions. But within the country, when it came to practical political management, India's rulers saw no bar to the use of criminal gangs or engineered riots bordering on genocide in order to perpetuate their power. Parliamentary democracy would have operated much better in India had it come along with a federal Constitution as promised before independence.

The practice of troubling the waters in order to fish in them was resorted to more and more frequently. For years the communists agitated a churn labelled "class" with only local effect; the non-communist parties made much greater splash by working on caste and religion. Polarisation on communal lines was easily translated into votes.

Some sections of the population were more easily churned than others: easiest of all to separate out were the high caste urban Hindus. They were comparatively well to do,

regarded themselves as the very stamp and image defining the word “Indian” and therefore the “logical” wielders of political power. But in fact, this group constituted - by generous estimate - hardly 15 per cent of the nation’s total population. They sat on a vast urban under-class, most of whom were scheduled caste labourers. And once one was out in the countryside, one encountered a vast ocean of backward classes (60 %) comprising the farmers artisans etc, and the scheduled castes (25 %).

Nothing illustrates this scenario and its potential for extreme violence better than the nationwide eruption over the Mandal Commission report. But the Sikh struggle too is a manifestation of the same polarisation and destructive antagonisms.

For long years the Congress party patronised the Scheduled Castes in order to keep them aligned with the upper caste Hindus and give the upper castes an edge over the backward castes. The policy of reservation for Scheduled Castes in the Assembly as well as parliamentary seats, in government jobs and higher education was the keystone of that pact.

The hollowness of this deal was apparent from the short shrift given to primary education all over India. As few Scheduled Caste children ever managed to see the inside of a school, much less matriculate. The promised seats in colleges and universities and the reserved government Jobs remained safely out of their grasp. Neither were the rural-based OBCs able to compete with the upper castes. High quality education was confined to the urban areas and only the extremely affluent who could afford the public schools.

Shifting the subject of education from the state list to the concurrent list and then taking higher education from concurrent to the Central list is indicative of the centre's intention to keep higher education away from the deprived sections. It is illustrative that any private individual can open a school as easily as they might open a tea-shop but if the state government were to announce that it intended to open schools in excess of the Centrally sanctioned quota, it would have to approach the Centre with a humble petition to be allowed to do so. As for universities they are all funded by a Central agency, the University Grants Commission. Eighty per cent of the UGC budget is reserved for centrally run institutions and 20 per cent allocated to the 113 universities all over India.]

Dalits who were socially not acceptable to their Hindu neighbours and who were wanting to convert to less caste-bound religions such as Islam, Buddhism, Christianity and Sikhism, were prevented from doing so in many ways. The reservation policy was applicable only to Dalit Hindus and was denied the moment they converted to another religion. The Sikhs raised a hue and cry and after a prolonged campaign were able to get this concession restored to those Dalits who became Sikhs. It is unfortunately still denied to those who embrace Islam or Buddhism or Christianity.

Conversion remains a very sore point in India. The majority of conversions take place in the circumstances of inter-religious marriages when the wife converts to the religion of the husband. Occasionally people of other religions convert to Islam to take advantage of its marriage and divorce provisions. When low caste groups renounce

Hinduism the shock waves travelling through local Hindu society are strong indeed and usually prompt some sort of reaction - ostracism at the mildest, arson, riot, rape and lynchings at the most severe. People may say that "religion is a private matter" but in practice an individual's religious convictions are treated as a matter warranting any sort of interference from society and even from government.

The events in Ghumer, a little Rajasthani town near Bharatpur, illustrate just what sort of shock waves emanate when a group upsets the given socio-religious state of affairs. Tension between high and low caste groups erupted in rioting and, as might be expected, the low castes suffered the most - several low caste men were beaten to death; women were raped and houses were burnt. In protest, a local saint, widely respected and a member of one of the lowest castes, embraced Sikhism along with 125 of his followers and he called on other Scheduled Caste people to take the same step. Apprehension spread among the high castes that he would succeed in this conversion campaign. For the past three years now, the high castes have done everything possible to obstruct his missionary work. They have threatened death to any Sikh religious leader who enters the area. Tension continues but nothing more has been heard of in the way of deaths and riots.

It is out of the same proselytising spirit that India's Hindu government refuses to recognise the ethnics as ethnics - tribes such as the north-eastern tribes of the Apatani, the Dafla, the Nagas, Mizos, Kukis, Kacharis, Khasis, Garos, etc, and the Santhals of the Santhal Parganas of Eastern

and central India. They continue to be regarded as backward.

At the United Nations' World Human Rights Conference held at Vienna in 1993 after a lapse of 25 years, the Government of India sent its turbaned Finance Minister Manmohan Singh to present its views on Human Rights. The economic expert (recently turned Human Rights expert) declared: "There are no ethnic peoples in India. My government recognises no such category. India has only backward sections." The implication is that these "backward sections" have no distinct religio-cultural identity and when they progress and come on par with the rest of Indian society they will share the same religio-cultural identity as the majority.

It is with similar interests in mind that the Indian Constitution made Hindu law applicable to the Sikhs, Buddhists and Jains. Only belatedly has the Supreme Court pointed out to the Indian Government the advisability of promulgating a uniform civil code.

It is interesting to note that Manmohan Singh also categorically rejected the application of human rights laws as practised in developed countries to an underdeveloped country. The point at issue here was child labour. Anywhere else this would be understood as a denial of a child's human rights ... but not in India where the cheap and easily controlled labour of children enhances the profit margins of men engaged in every sort of enterprise from large-scale industry to pavement tea-stalls.

By projecting itself as the only secular party the Congress was able to tie up the Muslim and Christian minority vote



which added another few percentage points to the 40 per cent alliance of Scheduled Castes and upper castes. The communists were also secular but, as already noted, the device called class which they were trying to operate simply didn't work well in India.

What doomed the grand Congress alliance was upper caste resistance to actually sharing real power with their Scheduled Caste supporters. With the passage of time Dalit leaders whom the Congress had brought into office for cosmetic purposes rose in stature and in the party hierarchy. When Lal Bahadur Shastri died Dalit leader Jagjivan Ram was the most obvious choice for the prime minister's job, but he was pushed aside in favour of Morarji Desai. Similarly the minorities, comprised mainly of Muslims, Sikhs and Christians were acceptable for ceremonial jobs but not for any real decision making role. Examples are plentiful: Zakir Husain, Fakhruddin Ali Ahmad and Giani Zail Singh became presidents. A Sikh economics professor with no background or following in politics was inducted into the Narasimha Rao Cabinet as Finance Minister - acceptable for the very reason that he had no political strength.

The Dalits and minorities realised that they were being used to keep the upper castes in power but getting very little out of the deal.

Another practice that gave the game away was the way constituencies were cleverly delimited so as to deprive minorities - and in the case of reserved constituencies, sometimes even the Scheduled Castes they were intended to strengthen - of a voice in the state assembly or parliament. For example, Madhya Pradesh Assembly has

not a single Muslim despite a sizeable Muslim population and likewise only one Muslim MLA represents the entire Muslim population of Gujarat.

Gerrymandering of constituencies has been raised to a fine art. In Punjab reserved seats have been concentrated in the rural areas which are Akali strongholds to give Congress a better representation in the Assembly. Delimitation of constituencies has been done in such a way that it favours the Hindu population. As an example, Lehra constituency had some Sikh villages taken away and added to the adjoining Sikh constituency of Sunam. This did not make the Sunam Sikh voice any stronger but it balanced Sikh and Hindu strength in Lehra which is now a borderline constituency where the elections can be swung to favour a non-Akali candidate.

The two main political rivals in Punjab have always been the Congress Party and the Akali Dal. The Punjab Congress has drawn strength from its being a wing of a party which is not only national in character but also the ruling party for all but a few years in the half century of free India and thus in a position to bestow all manner of patronage. The Akalis articulate the interests of the Sikhs and have identified strongly with rural aspirations.

The Sikh Jats constitute a very broad and strong strand of the Punjab electorate and no party can afford not to make an appeal to these voters. The present Chief Minister of Punjab, Harcharan Singh Brar is a Jat. The composition of the Akali party also reflects this political reality and yet a charge that the Akalis have ignored other segments won't stick. The Akali position is that they represent all Sikhs without distinction of their caste or class. A better idea of

the communal leaning of the Congress can be had after glancing through the statistics of the Congress Legislature Party.

Composition of the Congress Legislature Party by Religion by percentage from 1977 to 1985 in the Punjab Assembly

Religion	1977	1980	1985
Hindu	53.0	54.0	65.6
Sikh	47.0	44.0	33.4
Muslim	0.0	1.6	0.0

Bear in mind that as per the 1981 Census the population of Punjab was 60.75 per cent Sikh, 37.09 per cent Hindu, 2.16 per Muslims and other minorities.

After dissolving the Akali government in 1987, state repression was let loose in Punjab. In the years that followed whenever there was the slightest hint of holding elections strong objections were raised by the police. Some of the worst massacres Punjab has seen occurred just when the possibility of elections was being seriously discussed - surely this was no coincidence. Talk of elections would also prompt rushed operations to destroy incriminating records. Elections meant the possibility of an Akali government and an Akali government meant that accountability was a distinct probability.

The fall of the Chandra Shekar government sent the nation to the polls in June, 1991 and Punjab was to have voted also.

The Punjab Congress Party viewed this exercise with grave misgivings; the spectre of a total electoral wipe-out in Punjab loomed before them. Frantic efforts were made to forge a front of national parties which would contest the elections and make a united front against the so called Akali extremist groups. When an agreement on seat-sharing could not be reached the Punjab Congress announced that it would boycott the poll. The other national parties however participated in the elections.

The decision to let Punjab go to the polls after four and a half years of blood-spattered President's Rule was perhaps a reflection of the Centre's calculation that, with the Akalis fragmented and the AISSF having developed political wings the volatile Akali Dal (Mann) could be routed at the hustings and the non-Congress parties would stand a chance of gaining.

If this gamble paid off it would demonstrate to the outside world that there were only a few takers in Punjab for the referendum demand. But this was a very, very big gamble so the Centre gave themselves a safety net in the form of a poll held two weeks after the rest of the country had voted. The period of polling was extended from five to seven weeks, ostensibly to enable deployment of the police and the army in sufficient numbers in the Punjab but actually to give the next government which would rule at the Centre, time to "fix: things" in Punjab.

Voters in rural Punjab made no secret of their intention to opt for candidates fielded by Akali groups to express their severe resentment against unparalleled state repression. Election manifestoes of the major Akali Dais and the AISSF gave a clear signal that they saw no remedy for the

ills of Punjab except much greater autonomy and the right to self-determination. In response to the manifestoes and the emerging scenario talk began to circulate that the oath of allegiance to the Indian Union would be amended for candidates. This added insult to injury.

Instead of lying low during the election period, the police increased searches, illegal detentions and fake encounters. At the same time, Punjab was declared a disturbed area and the Army inducted into all its districts in support of the police.

Punjab during this period was directly governed by the Centre and because of the fight against militancy, the Punjab Police and other security forces were being directed by the Central Home Ministry and its intelligence agencies.

Boycott of polls was publicised in the name of the militants yet at a number of places policemen were reportedly seen putting up these boycott posters. Undeterred, the candidates continued to campaign. The bullets began to fly and 28 (30 according to another figure) candidates were returned to God's parliament. Almost all of those killed were Sikh candidates. Fully 20 per cent of the seats were countermanded because a candidate met a violent death. Who killed them? The needle of suspicion points at the security forces and police vigilantes.

Persons thought likely to vote for Akali candidates were arrested. The number of people thus detained ran into thousands. MASR wrote to the Chief Election Commissioner (CEC) and pointed out that those detained

1) under the preventive detention law, 2) undertrials and 3) those detained without registration of any case, were all eligible to vote and asked the Election Commission to instruct the state government to issue them ballot papers and provide a list of these voters to the parties. Instead of taking action the CEC wrote back on May 16 (the letter was received after the elections were countermanded) pointing out the sections applicable to those cases.

Meanwhile, the nation had returned the Congress Party to power in the Centre by a thin majority. The election campaign in Punjab had ended and only hours remained before actual polling was to take place. In Delhi P.V. Narasimha Rao had been elected leader of the Congress Legislature Party, and therefore was the prime minister-to-be.

He invited the CEC to meet him and spoke of the widespread impression that the CEC would step down after the installation of the new government and advised him to continue in office. And, by the way, the PM to be would be very happy if the CEC would postpone the election. As reported in the Sunday Mail of Nov 27, 1993, "Rao pleaded with [Seshan] that he should somehow postpone the assembly election in Punjab. At that moment the fear was that the militant Akali factions would win and that the Americans and others were waiting to give recognition to Khalistan."

In disregard of the advice given to the CEC by the incumbent PM Chandrashekhar and the Punjab Governor O.P. Malhotra, the elections were postponed on the advise of the president of a party which had itself boycotted the elections.

Just hours before actual polling was to commence, the Chief Election Commissioner announced the postponement of elections by three months.

In order to turn the tables on the Akalis the Congress government through its security agencies started eliminating Akali candidates who had stood in the cancelled election. The police started picking up candidates from Sikh groups which had contested in the June 1991 elections and were seen to have considerable support. From the Lehra constituency alone, two candidates, Avtar Singh and Balbir Singh, were taken into custody and later killed in fake encounters. Such killings were reported from other constituencies as well.

The case of Avtar Singh was taken up by MASR with the CEC on August 16, 1991 under a registered cover but no response was forthcoming. Elimination of prospective candidates was also suspected to have been undertaken as many important leaders were killed.

The countermanding of the 1991 June election in Punjab was unfair, partial and totally undemocratic. The Akalis lost confidence in the Indian State and in turn boycotted the 1992 elections. They were fearful that the leadership would be further decimated in case they participated in these polls. Nor was there the certainty that the elections would not be countermanded again if the Akalis appeared to be winning. A successful boycott, they reasoned was the only option left open to them to display their electoral strength and the popularity of their demand.

Government encouraged this line of thinking amongst the Sikh leadership. Messages started arriving from Daljit Singh Bittu, President, All India Sikh Students Federation (Bittu) demanding boycott of 1992 elections and Gurcharan Singh Tohra lent full support to this demand. Later V.N. Narayanan, now Chief Editor of The Hindustan Times, in his book 'Tryst with Terrorism' brought out by Azad Publishers in 1996 figured a list of key militants killed or captured by the Police giving their life span as militants. Daljit Singh Bittu was shown arrested/killed in 1989.<sup>9</sup> One is left wondering whether the messages from Bittu were in fact emanating from the Police.

Daljit Singh Bittu was again shown arrested from a farm in 1996. Was the earlier declared arrest of Bittu an act of deliberate disinformation through V.N. Narayanan? Did Narayanan knowingly allowed himself to be used by the Police to spread this falsehood in order to malign a popular militant leader in disregard of journalistic ethics?

Militancy was at its peak at the time of the 1992 elections but this time round not a single candidate was either killed or fired upon. Policemen were again spotted putting up threatening letters on the village walls in favour of the boycott. Police and Army vehicles were freely used to carry bands of hooligans from booth to booth, each man marking ballot after ballot in a massive rigging operation.

In spite of the Akali boycott some local Sikh leaders announced their intention to stand against the Congress. They were prevented from doing so and one such candidate who had also contested in the 1991 election, Balbir Singh was taken into custody and later killed in a



fake encounter. Dalbir Singh of the adjoining Dirba constituency met the same fate.

On February 2, 1992, The Tribune reported that “certain candidates of the Akali Dal (Kabul) and the youth Janata Dal have alleged that they were not allowed to file their nomination papers.” On the same day Amarinder Singh told the press that his party’s official candidate at Naushera-Panuan, Charanjit Singh, was detained by the police to prevent him from filing his nomination papers. When Charanjit Singh finally reached the office of the returning officer at 2:30 the officer refused to accept them and the officer noted 3:30 p.m. on the papers.

At Sirhind, the police detained the Akali candidate, Harpal Singh Mann, when he went to file his papers. Although he was manhandled, he managed to file his papers anyway but his covering candidate was not allowed to file his papers.

The Punjab Youth Janata Dal had a similar experience. Their leaders alleged that the police prevented three of their candidates from filing nomination papers. Charankamal Singh was obstructed at Rajpura, Parminder Singh Walia was obstructed at Sirhind and Jaswinder Singh at Samana.

The Bahujan Samaj Party national supremo Kanshi Ram alleged that Army and paramilitary forces combined to ensure the victory of the Congress. Though candidates were not killed this time those opposing the Congress candidates were shot down. “On February 16, nine BSP workers were killed. It was thoroughly designed. Next day they announced the name of two militants who were

responsible for it but the idea was to scare away the BSP voters on election eve.” (Indian Express February 29, 1992) He claimed that the killing of BSP activists in the state during and after the polls had actually been done by the Congress. Similar charges were levelled by other parties.

The total turn out of the poll was 21 per cent but, in spite of massive rigging, the Congress polled only 6 to 8 per cent of the votes. The boycott turned into a reverse referendum in favour of the Akali demands.

The Akali boycott had been a resounding success and the Centre was apprehensive that the Akali parties might organise “victory celebrations” and follow-up action. Messages from Central cabinet ministers began to pour in to Akali leaders. The gist of these messages was “you have demonstrated your strength. The Beant Singh government is a mere bird of passage which will be dismissed very soon and your party will be allowed to take over. The Akali leaders were involved in secret parleys which stretched long enough for the police to take total control. After that they were shown the door. And the Beant Singh government was kept happily in the saddle until a bomb claimed the life of the chief minister on August 31, 1995.

### *The Panchayats: Central Power*

The elected national parliament and state assemblies are of relatively recent vintage in India but there is one institution that embodies the social, political and legal standards of Indian communities which is ancient indeed, and very well understood by even the least educated citizen. This is the panchayat. Empire succeeded empire -

Kanauj, Magadh, Delhi - but through thousands of years the institution of panchayat, literally “the five”, has functioned with little change or disturbance.

In centuries past a village panchayat was usually composed of the five men of the village who, by virtue of their wealth or wisdom, or occasionally their piety, were by common consent accepted as leaders. They had no set term of office but continued so long as they enjoyed respect. Since independence, village panchayats are elected by secret ballot for set terms. Although individual panchayat members may owe allegiance to a particular party, village life is much more geared to cooperation than competition, and this dilutes any party character which a panchayat might have.

To this day, village panchayats effectively articulate public opinion and mediate the interaction of the village with outside agencies. Modern laws make it possible for agencies to deal with individual villagers independently of panchayats but where the whole village is concerned the panchayat represents the village and little cooperation can be expected where panchayats are hostile.

Given the determination of the state to “teach the Sikhs a lesson” by any means legal or illegal, the attitude of Punjab’s village panchayats counted for naught. Press reports made this evident time and again.

In February, 1991, at village Padde, tehsil Dera Baba Nanak, district Amritsar, the sarpanch, Sohan Singh, and other panchayat members were beaten and humiliated in front of the village.

In December, 1990, Mukhwant Singh, a panch of village Belluwal, district Gurdaspur, organised a meeting of panchayats at village Vadala Granthian to discuss police misdeeds and subsequently panchayats resigned in protest. Mukhwant Singh was picked up. He complained to Gurdaspur Deputy Commission, D.S. Kalha, who reported police excesses to the government. He also complained to the Inspector General of Police in February. Immediately thereafter Mukhwant's son was picked up. The young man was released on orders of DIG (Border Range) M.S. Bhullar. On the night he was released, Sarpanch Bachan Singh of village Vadala Granthian was picked up. Mukhwant spoke to press reporters outside SSP's office at Batala. When reporters came out after meeting the SSP they learned that Mukhwant had been assaulted and taken away in punishment for speaking to them.

At least one sarpanch who took his duties seriously paid for it with his life. When Hardip Singh of village Latala was taken away by the police, the sarpanch, Mohinder Singh, filed a habeas corpus petition in the Punjab and Haryana High Court. Mohinder Singh was picked up by the police on August 11, 1992, and beaten to death. His wife, Harjinder Kaur was also beaten but survived.

On October 31, 1991, the Punjabi Tribune reported that 68 panchayats of villages in Dhuri block of district Sangrur tendered their resignation. They issued a statement in which they said that they were resigning in protest against their public humiliation by police and fake police encounters.

On September, 1991, the Tribune reported that 100 panches and sarpanches of Tarn Taran met with the

intention of passing a resolution against fake police encounters, public humiliations and harassment of villagers and they also planned to tender their resignations. However before their meeting could get under way a posse of police broke it up.

On November 6 1991: 1400 panches and sarpanches of Ludhiana district resigned in protest against excesses.

In late October, 1991, Lakhbir Singh, sarpanch of village Doomcheri, district Ropar was beaten by the police. They broke both his legs.

### *Sikh Institutions*

As Punjab has two-and-a-half rivers, the Sikhs have two-and-a-half prominent institutions. The Shiromani Akali Dal, the Shiromani Gurdwara Prabandak Committee and the Jathedar of the Akal Takhat.

The Shiromani Akali Dal is a political party whose roughly 80 year history has seen many fissions and fusions, but no matter how many Dals have been active at any given time, they have all made the same basic claim: articulation of Sikh interests. The function of the SAD, as of any other party, is to seek and exercise political power. The SAD is “in the arena” so to speak, and expects no quarter from its political opponents.

The other two institutions however are not properly elements of the state - and yet political forces desperately try to manipulate them for their advantage. The SGPC was established by an act of the British Indian government in

1925 for the purpose of managing historic gurdwaras in Punjab, Himachal and Haryana.

The SGPC came into being as a result of a 13-year agitation to liberate Sikh shrines from mahants - hereditary priests, one might say, "private practitioners" - who used the shrines for their own profit and took the patronage of the British to remain in control. The struggle culminated in the Jaito Morcha in which 150 protestors were shot down. This bloodbath brought about a change in the government's attitude and a law was enacted to vest management of Punjab's gurdwaras in a body of 155 elected Sikh representatives. The body has 120 constituencies with 20 double constituencies (rural and urban) and 15 are ex-officio members. The elections to this body are to be conducted by the government.

During most of its history, the SGPC and the SAD have worked in tandem with one bolstering the other. Since the emergency, when the government came into conflict with the SAD, efforts have been made to make the SGPC serve Congress party interests, or if that were not possible, to prevent the SGPC from advancing Sikh interests.

Although the SGPC constitution stipulates that elections to the general house are to be conducted every five years, elections have been repeatedly delayed, postponed or refused. The most recent election to the SGPC was held in October, 1996; the one before it was held in 1979 and the one before that in the mid 1950s. The SGPC manages only gurdwaras of historic importance - the "cathedrals" of Sikhism. But the community gurdwaras, the ordinary "parish churches" of the faith, are also governed by the Sikh Gurdwara Act which stipulates that their governing

panels are to be elected every five years - and in the conduct of these elections also the Central and State government has a finger in the pie. This simple grassroots election cannot be held without government permission! For 31 years the Central and State government has not permitted. In August, 1996, in response to a petition filed by an Akali MP, Major Singh Uboke, the Punjab and Haryana High Court directed the Central and State governments to hold elections to the managing committees of about 700 gurdwaras in Punjab and 300 in Haryana - the first elections since 1965. The court ordered these elections to be held not later than one week after elections to the SGPC.

As for the elections to the SGPC, these too were conducted only after years of procedural hurdles and official apathy. Even when the Punjab and Haryana High Court ordered to conduct elections, the government hastened slowly.

The High Court directive told the Union government to conduct elections by February 28, 1995. Instead, on July 21, 1995, the Central government asked the court to allow it more time - an additional 18 months. It cited "circumstances beyond its control" as the reason it had not complied with the earlier order. The Chief Commissioner (Gurdwara Elections) Justice Harbans Singh (retd) had no option but to submit a tentative schedule of election work which finally opined that it would not be practical to conduct the gurdwara elections before October 1996 - plenty of time in which to find more excuses for further delay.

Meanwhile member after elderly SGPC member goes the way of his ancestors so that now the membership is down to about 90. The SGPC's septuagenarian president G.S. Tohra however remains in excellent health. Even if SGPC elections are postponed for another century and all the other members have shuffled off their mortal coil, one expects to find Sardar Tohra still gamely keeping his flag flying. He has been elected president of the SGPC for 25 terms.

No Akali government has ever been allowed to complete its five year tenure. Nor have there ever been any scruples exercised in the matter of ousting tactics. Their opponents have not hesitated to create law and order situations or manipulate legislators or simply order them out (as Indira Gandhi did in 1979). Elections have been postponed and candidates murdered, every manner of rigging and malpractice has been employed. For some reason the president of the SGPC has been spared all this and allowed to function with little or no interruption for more than two decades.

In 1984 when the Harmandar Sahib, the Akal Takhat and 74 other historic gurdwaras came under attack even Congress MPs Amarinder Singh and Devinder Singh Garcha resigned from the Lok Sabha and their party and joined the Akali Dal. Bhagat Puran Singh, a revered figure among the Sikhs who spent his life in caring for the suffering, returned his Padmashri. So did writer Khushwant Singh and others. Army officers returned their medals.

The SGPC president however stuck to his post. Later he demonstrated saintly forbearance by pleading forgiveness



for the President of India Giani Zail Singh and Union Home Minister Buta Singh who had been excommunicated from the Sikh panth because of their acquiescence in Operation Bluestar. Sardar Tohra persuaded the Jathedar of the Akal Takhat to pardon them.

One cannot question the right of the Akal Takhat to pardon those who have offended against the Sikh faith but when one remembers that the attack on the Darbar Sahib and other gurdwaras resulted in the death of thousands of Sikhs - murders punishable by law - can the Akal Takhat assume the powers of the courts and acquit those who have been accessories to murder, too?

Later when the Akali Dal chief minister Surjit Singh Barnala succumbed to the pressure of the Central government and engineered an attack on the Darbar Sahib, (a precursor of Operation Black Thunder) 27 Akali MLAs resigned en bloc led by Prakash Singh Badal and Amarinder Singh. Tohra remained behind for a while to ensure that his men were adjusted in Barnala's Cabinet and then he too joined the protestors. Later, Barnala was also pardoned by the Akal Takhat at the behest of G.S. Tohra. While the legislators resigned in protest against the attack on the Golden Temple, the president of the SGPC, the man responsible for maintaining the sanctity of the shrine, did not resign.

He did not resign in 1984 when the Golden Temple complex was attacked and destroyed; he did not resign in 1986 when the Golden Temple was attacked again. In 1991, 31 Sikh organisations, representing all shades of Akalis and other prominent bodies, assembled at Takhat Keshgarh Sahib to deliberate ways and means to reduce

the ongoing state repression and consider the advisability of Sikhs' participation in Assembly election. In the presence of the present jathedar of Keshgarh Sahib, Bhai Manjit Singh, G.S. Tohra rose, faced the Guru Granth Sahib and raised both hands: "I vow that I will not contest any more elections, neither for the SGPC or even for petty offices," he proclaimed dramatically. It created an electrifying impression at the time ... but he did not resign and within a few months he was contesting the SGPC elections again. Bhai Manjit Singh remained diplomatically silent about the breach of this sacred promise and interestingly, the jathedar of the Akal Takhat has never asked a single question of either Tohra or Manjit Singh.

Tohra projects a politically radical image, pitching his spiel to the small Sikh farmer who are the backbone of the Akalis and draws a smaller but more ideological segment among the Sikhs as compared to Badal in the same party. But on the other hand, he is also the one leader on whom the Congress and the Central government has relied to get what it wants. Whether it is dilution of the Anandpur Sahib Resolution, driving a wedge between Longowal and Bhindranwale in early 1984, or luring Bhindranwale into the Akal Takhat, obstructing the promised Sikh White Paper on Operation Bluestar, splitting Akali government, controlling Sikh institutions through the purse strings of the SGPC and insulating the SGPC and other Sikh institutions from the aspirations of the Sikhs. Little wonder then that in spite of the Centre's tirades against the SGPC he has always been accorded special treatment by Punjab's Congress chief ministers and governors of the state.

In “recognition of his services” Tohra and his confidential associates have been the special targets of the Sikh militants. The government has placed him in its “Z category” for security and he is protected by hundreds of commandos drawn from every state in the Union except Punjab. The standing joke among Sikh circles is that Tohra is a consultant to Sikh groups and Akalis during the day and to the government and its agencies after dark. On the positive side, he has been able to keep extreme fundamentalism among the Sikhs from running out of control, and lent considerable support to the reformist movement among the Sikhs. He has hugged every scrap of power to his chest but has not panted after personal wealth. There are charges galore of misappropriation and misuse of Gurdwara funds and properties; but this wealth is said to have been used to build up his group, his own living style remains spartan. If a psychologist ever wanted to study the true “political personality” undiluted by shades of individual commerce, Tohra would be the ideal choice.

The SGPC’s annual budget exceeds Rs 60 crore. The funds are intended for the upkeep of the gurdwaras, welfare of the Sikh congregation and propagation of the faith. Efforts in the direction of welfare and propagation of the faith are conspicuous by their absence. In recent years the SGPC has confined its efforts to the realm of brick-and-mortar leading some to style it the SGPC (B&R). In particular, many Sikhs take strong exception to the alacrity with which the SGPC rushed to repair all the Bluestar bullet marks that scarred the Harmandar Sahib, buildings of the Darbar Sahib complex and the walls of many other historic gurdwaras. They felt that the handyman mania was entirely inappropriate and perhaps betrayed a

willingness to extend unwarranted cooperation to the attackers. And that too with the example of Jallianwala Bagh less than half a kilometre from the SGPC office.

If it is argued that allowing a religious edifice to retain the scars of battle is inappropriate, the SGPC's attention may be directed to the Wailing Wall in Jerusalem, last remnant of the Temple of Solomon and a place of solemn pilgrimage visited by thousands of Jews daily. Or nearer at hand, the Sikhs maintain the wall at Fatehgarh Sahib in which the two sons of Guru Gobind Singh were immured.

NOTE: "B&R" is a mocking reference to the Public Works Department (Buildings and Roads).

The Akal Takhat is the "half" institution referred to earlier. The Sikhs have five Takhats: four are geographical centres: Takhat Patna Sahib in Bihar in the east, Takhat Hazoor Sahib in Nanded, Maharashtra, in the south, Takhat Damdama Sahib in southern Punjab, Takhat Sri Anandpur Sahib in northeast Punjab. The fifth one is an eternal (Akal) Takhat and is so called. It faces the Harmandir Sahib in the Darbar Sahib complex at Amritsar.

Each Takhat has a jathedar but the jathedar of the Akal Takhat is by long tradition pre-eminent among them. He is appointed by the SGPC on the advice of Sikh institutions and seminaries. His function is not priestly, but he must be impeccable in the matter of the Sikh practice and display leadership abilities so that he can uphold Sikh religious and political traditions.

In the days before the kingdom of Ranjit Singh, the Sikhs were organised into 12 misls (a military organisation similar to a regiment but independent). These misls used to congregate at the Darbar Sahib twice a year and take decisions in matters relating to politics and religion. The senior most misl leader would chair the meeting.

During the time of Ranjit Singh, the head of the Shaheedan Misl, Baba Phoola Singh Akali, captured Amritsar from the Afghans and set up the misls headquarters in Amritsar and assumed the jathedarship of the Akal Takhat. Since 1925 the Akal Takhat jathedar has been selected by the SGPC. Making the Akal Takhat jathedar subordinate to the SGPC and its paid employee has no backing in tradition since the Akal Takhat jathedar is a position that predates the SGPC by centuries.

Change is certainly needed in the way Sikh institutions are managed but the move should be toward greater democratisation and global representation for all Sikhs, encompassing all shades of political opinion and affiliation.

Guru Gobind Singh vested authority in the Guru Granth Sahib and the Sangat. The Sikh Church is now more than 500 years old - it has a body of history to look back on that contains many lessons, both positive and negative. The Sikhs have learnt from the experience of Banda Bahadur as well as that of the misls. The time has come to carry forward the democratic principles established by the Tenth Guru from the small local sangats to representative bodies that will organise the Sikhs on district, state, national and international levels.

Sikh tradition has had a multinational character from the time of Guru Nanak who travelled from Tibet to Sri Lanka, from Burma to Mecca and on to Rome, two million Sikhs are settled throughout the world today. They too have a right to be heard in representative Sikh bodies. These were the people whose outcry made the world sit up and notice what was happening to the Sikhs in Punjab. The move to provide representation to Sikhs at various levels would also allow Sikhs settled abroad to make their voices heard in Sikh deliberations.

The institution of the Akal Takhat jathedar since 1984 has been a blood-spattered and mutilated one. Dissatisfied with the conduct of jathedar Kirpal Singh immediately after Operation Bluestar, a Sarbat Khalsa was convened and Bhai Jasbir Singh Rode (nephew of Jarnail Singh Bhindranwale) was appointed jathedar although he was in police custody. He was not released, thereby rendering him ineffective. He was set aside and the name of Ragi Darshan Singh was put forward as acting jathedar and later ratified as jathedar by the SGPC.

Ragi Darshan Singh was also imprisoned and came out much the worse for the experience. He resigned and thereafter for several months there was no jathedar. The man most widely regarded as qualified for the post was Gurdev Singh Kaunke, a former acting jathedar of the Akal Takhat and a hardliner. He was killed in custody by the police to prevent him from assuming the Akal Takhat jathedarship. The blame for the killing was put on SSP Swaran Singh but it is inconceivable that a policeman at this level would dare to kill such a prominent Sikh without direction of his superiors.

Thereafter, SGPC president G.S. Tohra put up the name of Bhai Ranjit Singh, then serving a term of imprisonment in Delhi's Tihar Jail for the murder of the Nirankari Guru to avenge the deaths of a number of Sikhs who died in a clash with the Nirankaris at Amritsar. This move, though clever, shadows Tohra's conduct. The militants could not object to the appointment of Bhai Ranjit Singh but neither could Ranjit Singh exercise the authority of his office. Indeed, his eventual release depended on the police. Some Sikhs, however, feared that since Jathedar Ranjit Singh was in jail for thirteen years, the government had sufficient opportunity to work on him. The position he holds demands both religious principles and political astuteness to tread a narrow path between many pitfalls. He will ultimately, be judged by his deeds.

The SGPC president was therefore at liberty to nominate an acting jathedar. His choice fell on his supporter, Bhai Manjit Singh - a professor at Gurmat College, Patiala, whom Tohra had earlier appointed jathedar of the Anandpur Sahib Takhat. Bhai Ranjit Singh was released in 1996 and installed as jathedar of the Akal Takhat. As expected, he is less amenable to pressure from the Akali party and the SGPC, was pursuing a more independent line until October, 1997 and when he was again served arrest warrants in connection with the Nirankari murder (for which he had already served the full sentence). In other words, he paid the price for his independence.

It is hoped that Bhai Ranjit Singh does not go the way of Gurdev Singh Kaunke, the former acting Jathedar of the Akal Takht who was eliminated by the police.

The World Sikh Council<sup>10</sup>: In 1984, after Operation Bluestar, the Sikh community was severely alienated and a substantial majority of the Sikhs wanted to break away from India. Some 30 per cent of the Sikh population is spread beyond the borders of Punjab - many of them in the western democracies, as well as in Singapore, Malaysia and Africa. These Sikhs were deeply disturbed by events in Punjab and vociferously supported the call for a separate Sikh homeland. Within years of Operation Bluestar, a number of bodies, sprouted overseas notably, the Council of Khalistan, and the World Sikh Organisation to express and coordinate the Sikh protest and demand. Back in India, Akalis of all hues - Prakash Singh Badal, Simranjeet Singh Mann, Gurcharan Singh Tohra and others, had also hiked their demand from autonomy to sovereignty.

The Akalis went so far as to boycott the 1992 elections, though that cost the Sikhs dearly and the ensuing state repression resulted in the death and disappearance of thousands of Sikhs.

As the 1997 election drew nearer, the Akalis realised that the demand for a sovereign Sikh state would bar them from contesting the elections. The demand was scaled down in a phased manner to a demand for a confederal status called the Amritsar Alan-namah (Amritsar Declaration). A further modification came just before the elections when the Akalis would speak of nothing more than their pre-Bluestar demand for greater autonomy for the states.

These milder Akalis were a disappointment to Sikhs living abroad who face no threat to their lives or property.



Radical Sikh organisations abroad grew stronger at the expense of the Akali Dal and the SGPC.

The Akali Dal and the SGPC needed a means or a forum through which they could communicate their compulsions to Sikhs living abroad. It was decided to set up a body called the World Sikh Council which would function from within India under the leadership of the Akal Takhat Jathedar whose eminent position was accepted by Sikhs the world over. This body was established in 1995, headed by the acting Akal Takhat Jathedar, Bhai Manjit Singh, who had been appointed by the SGPC. It was thought that the SGPC and Akali Dal would have control over the working of this organisation.

This move had the full support of the Indian Government. Bhai Manjit Singh made a number of visits to Europe and America and exhorted the Sikhs there to give up their demand for a separate Sikh state which he described as anti-Sikh. According to him, the Sikh religious philosophy advocated the elimination of barriers between people and decried setting up any such barriers. The Sikh teachings - a point forgotten by Bhai Manjit Singh - pertain to universal territory shared by all humankind and this is a thing rather different from the Nation state which is the irreducible element of modern politics. Bhai Manjit Singh had no trouble at all in getting permission to leave India or in getting visas to various countries; for those whose views did not tally with Bhai Manjit Singh, people such as Simranjeet Singh Mann, Justice A.S. Bains, Late Col. Partap Singh, Maj. Gen. Narinder Singh and some other Sikhs, travel abroad was virtually impossible.

Sikhs abroad slowly began to view this body as a captive organisation of the SGPC and the Government of India.

The turn around came with Akal Takht Jathedar Bhai Ranjit Singh's release from prison where he was serving a 13-year term for murder of the Nirankari chief, in revenge for the massacre of 13 Sikhs on April 13, 1979.

Sikh 'elders' took advantage of his release and installation as the Akal Takht Jathedar to demand that he be appointed the head of the World Sikh Council. The SGPC supported Bhai Manjit Singh and wanted to retain him as the head of the organisation on the plea that since he had started the body, he was better suited to run it. However, Bhai Ranjit Singh refused to lend his name to the Council if he was not to head it and he prevailed with the support of the Sikh masses.

The Jathedar authorised Kuldip Singh, a retired justice of the Supreme Court of India, a retired Chief Justice of the Punjab and Haryana High Court, R.S. Narula and a former vice chancellor of Punjabi University, Manmohan Singh to draft a constitution for the Council. The World Sikh Council was formally set up on December 21, 1997 at the Akal Takht, Amritsar and Justice Kuldip Singh was declared its first president. The constitution of this body lays down its objectives but wisely leaves out political activity, thereby, freeing other Sikh bodies to articulate political demands in their own way. The World Sikh Council has the potential to emerge as the supreme institution of the Sikhs as it would be better positioned to take care of the problems of the Sikhs on a global level.

## THE JUDICIARY

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Respect for the law raises men and nations above savagery. Taking up arms to get justice is unnecessary where there are just laws and honest judges to interpret them.

In the main, the law deals with individuals; it seeks to determine who, out of hatred, greed, passion or simple recklessness, has harmed his fellow. But the law also adjudicates between collectivities and states. Large scale violence persisting for more than a decade is deplorable in itself, but it is also an indicator that something is seriously amiss with the judiciary.

If the Sikhs, as individuals or as a community, were aggrieved why couldn't they turn to the courts for redress? And what of the government? Time and again, prime ministers and policy makers termed the trouble in Punjab a "law and order problem", but the government too made little use of the courts. Why?

No one is more aware of the sorry state of the judiciary than the judges themselves.' Shortly before Justice A.M. Ahmadi was sworn in as chief justice of the Indian Supreme Court, he called upon his brother judges to

enhance the image and credibility of the judiciary. The retiring chief justice, P.N. Bhagwati had earlier lamented: “The judiciary is under attack. The rule of law is in danger.”

Two things are at the crux of the problem: the government’s unwillingness to let the law take its course and risk verdicts which may go against it; and secondly, the common man’s dwindling faith in the integrity of the Bench.

Like many of the precipitous slides that have occurred in India’s public life, the judiciary hit the skids when Indira Gandhi was prime minister. When in 1973 the Supreme Court ruled in the *Keshavananda Bharati* case that the legislature is a creation of the Constitution and has no right to tamper with its basic structure, Prime Minister Indira Gandhi was sufficiently annoyed to announce the appointment of A.N. Ray as chief justice the very next day. Ray was junior to three Supreme Court justices, namely J.M. Shelat, K.S. Hegde and A.N. Grover.

Understandably, her antipathy toward the law and judges grew when, thanks to an adverse verdict of the Allahabad High Court, she was convicted of violating electoral law and unseated as prime minister in 1975. This forced her to declare a national emergency in order to cling to power. During this time, she transferred 16 judges of the Supreme Court. The election of 1977 threw her out of office but when she got back in 1979 she set right to work fixing all those who had troubled her. The Akalis, who had fought the emergency tooth and nail, were near the top of the list but Priority One was the judiciary.

It took her three years of relentless pressure but finally in 1982 she got what she wanted out of the Supreme Court: a verdict that the will of the executive would determine judicial appointments. The court had ruled on the matter of judges' transfer in the case of S.P. Gupta versus the Union of India; it said that since the President was the ultimate appointing authority and was bound by the advice of his Council of Ministers, these ministers had the last word in the appointment and transfer of judges.

After the highest executive was given the authority to do as it pleased and, if it so chose, ignore the recommendations of the chief justice, the executive at state level lost no time in asserting itself. From a chief minister's point of view, what could be better than a High Court packed with his own men? A chief justice of the Patna High Court, B.C. Basak, fled to Delhi to seek protection as he had disregarded the list sent by Bihar Chief Minister Laloo Prasad Yadav for appointment to the court. He was given protection but made to compromise on the list.

In Punjab, the chief justice presented the governor with a list naming three men for appointment to the court; the governor forwarded the list ... but substituted the names of three other men for those recommended by the chief justice.

But aside from this blatant approach, there are many ways to encourage judges to anticipate the requirements of the executive and work accordingly. Being appointed to head a commission of inquiry carries a bit of money and other perks and is generally a welcome thing to a judge,

especially a retired one. But inquiry commissions don't go to judges who have been "bad boys."

If carrots don't work, there are sticks state and central governments keep secret dossiers on judges which detail not only what the man has done but even what he has been accused of doing. After resigning as advocate-general of J&K Muzzafar Baig said: "I found dossiers being kept on every single judge. I was once given a dossier containing 16 cases of corruption listed against a judge to blackmail him."

(Incidentally, writing in *The Tribune* of October 23, 1994, Indian Law Institute professor D.C. Pandey mentions that names of the judges proposed for appointment to the high courts are vetted not only by the Law Ministry and the Home Ministry but by the Intelligence Bureau. The judge gets no chance to reply to the IB allegations. He quoted IB officials as saying that nearly a quarter of the candidates nominated by a chief justice and a chief minister are found "unsuitable" for reasons that range from financial improprieties to extramarital affairs.)

The relationship between judges and politicians has been getting sweeter over the years, with both sides cooperating to mutual advantage. In his article, Pandey cited a perfect example of this which occurred in 1992. Rajiv Gandhi secretly called Lok Sabha Speaker, Rabi Ray just before the impeachment motion against Justice V. Ramaswami had been initiated. Rajiv told the Speaker that Ramaswami had been appointed chief justice of the Punjab and Haryana High Court because he had promised to be "strict" in granting bail to militants; and he had kept his word. Rabi Ray was asked to keep this in mind while

dealing with the motion. The motion, tabled by the government itself, was defeated through abstention of the Treasury members.

In all high courts transfer is a means of controlling judges, but the transfer weapon has served an additional purpose in Punjab: it has enabled the government to reduce the number of Sikh judges. The Punjab and Haryana High Court has a Bench of 33 judges; of the combined populations of Punjab and Haryana the percentage of Sikhs is roughly 50 per cent. And yet only two Sikh judges sit on the Punjab and Haryana High Court. Up to the '70s there were many more but since then, they have gradually been shifted out and there is not the slightest chance of Sikh judges being transferred into Punjab from other states. As for the court itself, the people of Punjab and Haryana have long puzzled over the queer fact that Himachal (whose present territory was part of pre-1966 Punjab) was given statehood it was also given a separate high court although its population is exactly a quarter of Punjab's. When Punjab and Haryana, both very populous states, were reorganised in 1966, the old Punjab High Court was left exactly as it was, only the name was changed. Why were high courts not established for the new states of Punjab and Haryana?

Again quoting Pandey: "Legal aid in the country exists only on paper. Its state was illustrated in a Bombay courtroom in 1991 when a Nigerian prisoner refused to accept the lawyer allotted to him by the Legal Aid Board. He told the court: 'The shoes this man is wearing are mine, the watch on his wrist is mine .... I had no money so he took all my possessions.' The Centre for Implementing Legal Aid Schemes does not even have a full time

chairman and the Legal Aid Bill has been pending since 1986.”

Karamjit Singh, the man who was apprehended for attempting to shoot Rajiv Gandhi at Rajghat in 1986, refused to take the lawyer provided by the court and only after he was sentenced to life imprisonment was the lawyer of his choice allowed to him.

[NOTE: In 1986, when Rajiv Gandhi visited Rajghat in New Delhi for the annual ceremony commemorating Mahatma Gandhi, two shots from a crude country-made pistol with a range of some eight metres, were allegedly fired at him by a man hiding in the shrubbery - the first when Rajiv was alighting from his car and a second some 50 minutes later.

For this lapse, Gautam Kaul, Rajiv’s cousin, a police officer who was in charge of the prime minister’s security, was suspended. The assailant, an unemployed youth from Sunam in district Sangrur, one Karamjit Singh, was found guilty by the Supreme Court and sentenced to life imprisonment. However before the trial, Rajiv Gandhi appointed T.N. Seshan, then Secretary of the Union Department of Environment, to inquire into the incident and personally instructed him “Do not hide anything.” This revealed that Rajiv suspected there might be something fishy about the ostensible attack on his life, something so delicate that even Seshan might think it politic not to mention it.

The salient point which emerged was that when Gautam Kaul (a senior police officer) had been brought in as security chief, he had replaced another of Rajiv’s cousins,



Arun Nehru, who had fallen from favour. Although Nehru remained a Cabinet minister, he ceased to hold charge of Rajiv's security. As Seshan's probe went deeper, it emerged that an attempt to discredit Kaul was in all likelihood at the bottom of the matter.

The semi-literate Karamjit Singh had no police record nor was there anything to link him with any terrorist gang. He was armed with a crude weapon but even so went about his "diabolical" mission in a calculatedly inefficient manner, firing only when Rajiv was well out of range. After firing the second shot, he obligingly emerged from his hiding place behind the creepers covering a concrete canopy on his own. He was not being sought by the police.

In K. Govinda Kutty's authorised biography of Seshan ("Seshan: An Intimate Story") he quotes Seshan as saying: The way the police went about it was clumsier than Karamjit Singh's. He had gained a luxury of time. He had taken position at Rajghat for several hours. He could fire twice within an hour. When he fired first on Rajiv Gandhi's arrival, that shot was dismissed as the sound of a vehicle's backfire. A newspaper reported: 'What turned out to be a warning shot was ignored. For almost 50 minutes after that, security men did nothing.' A 'warning shot'? The conclusion was that there was no intention to kill. The intention was to remain a mystery."

Seshan submitted a one-copy report to Rajiv but it was never submitted to the court which tried Karamjit Singh. Karamjit has been behind bars since 1986. Although there is ample reason to suspect that a highly placed person planted Karamjit at Rajghat and stage-managed the entire

drama, no move has ever been made to bring that person before the court.]

Contrast this with the Punjab Chief Minister's assurance to the state's Director General of Police, K.P.S. Gill that the state would hire the best lawyers available to defend police officials standing trial before the High Courts and Supreme Court for crimes ranging from extortion to kidnapping to murder. (Reported in *The Tribune*, June 20 1995.) As of January, 1995, more than 2000 such cases are pending against the police. They were instituted after the courts directed the CBI to launch inquiries to establish prima facie cases.

So the state of Punjab is prepared to pour lakhs of the taxpayers' money into the pockets of celebrity lawyers. And that too despite the fact that Punjab already maintains a large army of lawyers, full time employees of the government with many years' experience in fighting government cases. The commitment is more than just a morale-booster and the next best thing to declaring police officers immune from prosecution regardless of their misdeeds.

Prosecution of police officers will inevitably lead to questions regarding orders and policies set by the director general of police and the government of Punjab and even higher. Many things of an embarrassing nature might come out in court. High officials no longer expect to be punished nor do governments expect to fall just because incontrovertible proof of their direct responsibility for wrong-doing has come to light, but if a sharp lawyer can get them a clean chit from the courts, then why not?

In May, 1997 the Parliamentary Committee on Home Affairs recommended that the government should provide the best legal aid in deserving cases to officers of the Punjab Police. The Union government informed the committee that it supported the stand of the Punjab government that police officers should be defended and these officers should be provided with necessary legal help and support from the state government.

Now let us turn back to the cremation of unidentified bodies. The police employed the services of the eminent Supreme court lawyer Ramaswami to depose before the National Human Rights Commission which had been empowered to hear the case by the Supreme Court. Pitted against Ramaswami were a handful of lawyers practising in the district courts and representing the various victims. The overawed small-town lawyers (all that the impoverished families could afford) were entangled in intricate arguments on points of Constitutional law where they had no expertise.

What next? If police officials indicted by prima facie evidence can be defended by the best lawyers in the country at state expense, then why shouldn't former prime minister Narasimha Rao be defended ... and all other political and administrative heavyweights caught in scams and scandals. As Brer Rabbit told the Tar-baby "de law is not fo' the strong man, brother."

Regarding violation of human rights, the courts took very little or no notice at all until the end of 1992 although human rights groups approached the courts on behalf of more than 400 persons who had met their death in police custody over a span of two years. These were militants

who were shown to have escaped from police custody or to have been killed in crossfire although there was no death toll of policemen escorting the militants. Hundreds of such charges of custodial death did not stir the courts.

Only when human rights groups began to tell the world that, in spite of India's tall talk about its independent judiciary, there was very little justice left for the Sikhs in India did the courts sit up and take notice. Is it an effort at damage control prompted by some cue from the government? One hopes not.

The lower courts look to the Supreme Court for direction and once the apex court started entertaining such petitions, the lower courts also bestirred themselves.

Human rights groups welcomed this development but were apprehensive at the same time: the fear was that if the courts were showing an interest because they believed that it was what the government wanted, then the very day the government no longer wanted it, the interest would cease.

This indeed came to pass in 1998 when the BJP, the ruling party began waving the Hindu flag. Human rights lawyers are haloing onto cases for months hoping to place them before more open judges.

This brings us back to the issue of judicial credibility. Ranganath Misra, the man who is presently chairman of India's National Human Rights Commission is a retired chief justice of the Supreme Court. When he was on the bench, human rights groups had tried to place petitions before the court on behalf of Sikhs affected by the 1984

November riots. These petitions got nowhere and the Sikhs have repeatedly accused Misra of stalling them in order to shield activists and influential members of the ruling Congress Party. They believe that his present position as chairman of the National Human Rights Commission is a reward for “efficient service” and a way of making sure that the National Human Rights Commission does not try to proceed against any of the guilty?

In a sense the Supreme Court and the high courts operate in a rarefied atmosphere but even in these august surroundings, there have been times when the proceedings gave rise to terrible doubts. One thinks of Kehar Singh, the man whom the Supreme Court hanged on a charge of conspiring to assassinate Indira Gandhi although the only “evidence” against him was (1) that he was a friend of Beant Singh, one of the men who pulled the trigger, and (2) one evening Kehar Singh and Beant Singh were together out of earshot of anyone else for 15 minutes.

That case was a blood-spattered one, but usually the real grime and gore of the “law and order” process does not show up in the upper courts. For that one must get down to the district and sessions level.

One of the best descriptions of the way lower level judicial proceedings were thwarted and mocked appeared in the Spokesman of May 6, 1991. The writer was Additional Sessions Judge Kamaljit Singh Brar. It is worth reproducing in full :

“In another few hours it will be dawn. The sun set quite a while back and chill wind has been blowing from the

Dhauladhars. It matters little what the time is but it is important that it is dark for dark deeds are best accomplished at night. Can anyone imagine Macbeth enacted in broad daylight?

There may or may not be a reason to expect the boys to regroup to strike. It could be the anniversary of one of those fateful days of summer or autumn of 1984. Or perhaps the day of the funeral service of one of the leading boys who couldn't withstand sophisticated methods of police interrogation and had to be purposefully eliminated in a remote wood or a dense sugarcane field.

Our dauntless policemen have gathered on the basis of information from an informer or a mole. The info is secret, the source shall never be known but then it is a secret operation and there have to be no warnings or announcements or witnesses. The men have assembled on the banks of a canal, along one of its lonely and lovely stretches somewhere in the heart of rural Punjab and thus the stage is set. Hush!

An encounter is imminent. Some young men approach the canal bridge on motorcycles, they are ordered to stop with flashlights but they disobey and take up positions. Shots ring out from both sides to pierce the pre-dawn calm.

Such is the anatomy of a police encounter in Punjab. The youth are swiftly captured unhurt and the policemen emerge unscathed. Now proper documentation must be undertaken and the encounter committed to paper. This exercise is done in utmost secrecy and this scene shifts to the police station away from the prying eyes of the public or the media. It takes several hours for reports to be

despatched after being drafted in the best police lingo by the in-house scriptwriter.

Sub-inspectors of the old school did the drafting themselves because the investigation could not afford slipshod first information reports. The investigators would at the time of writing the report see visions of fiery cross examination by the Defence Counsel. They do not anymore because there are no trials nowadays and no fear of acquittals. You just detain the accused administratively without trial instead of following archaic procedures before frightened judges who insist on proof of guilt beyond reasonable doubt.

So you just lock them up, throw the key away and send them on a merry-go-round. When his time is over you release him and say it was part of a package or a dose of the healing elixir.

The merry-go-round is slow to begin. Time is on the side of the police - no accountability or public clamour. All diaries and registers at the police station are brought to a standstill. In the jargon they say “Roznamcha Khula Hai” (the register is open). This enables the investigator to carefully decide on a suitable time and place for staging his neat little play and tie up its loose ends beautifully. Time is also required to flash messages state-wide of the news of the catch.

If in addition there had been a police trial, sentence and swift execution, the news assumes much significance for it must be carried on the 9 o'clock bulletin of the national hook-up. As cash awards and medals have to be won, the story must be written cautiously and unhurriedly,

favourites and deserving officers must be included for promotions to follow. In all this career advancement, medals and rewards, the process of law is conveniently forgotten and is cold stored to be thawed at the next round of political dispensations.

It is now over three years and the trial is yet to commence. The encounter had led to the capture of six men who were later bailed out but two were re-encountered and eliminated. The remaining were charged with robbery of the motorcycles and possession of stolen property, possession of illicit fire arms and a few cartridges. In addition there was the main case of murderous attack on the police, rioting with fire arms, all of which were exclusively triable by the Court of Session. Final reports in all cases were presented to the Area Magistrates after five months of the event but four months later discovery dawned that one of the men was in a special security prison in another district; so the Magistrate had no option but to transfer all the cases to the Prison Magistrate.

It took another two months for formal charges to be framed but four months later the Prison Superintendent informed that his prison was not holding that man any more. So back went the cases to the original Magistrate. It was now 15 months since the early morning encounter and at last the trial magistrate had been located.

But the merry-go-round is not supposed to stop. It was now the prosecutor's turn to give it a push. This he did nine months later by suggesting that the cases should be committed to the Court of , Session as at least one of them was exclusively triable by that court and so the merry-go-round went up and away.



After exhausting the usual procedural avenues for the trial's delays, the clever bureaucrats invented an unusual procrastination. An order was passed prohibiting production of one of the accused in court for trial. There was no alternative suggested or recommended for trial either here or there or elsewhere. "We shall not produce" seemed to be the message; a sort of "We shall overcome".

The result of this order was predictable; the cases were retransferred to the district where the accused was lodged in prison to be tried by the judge who holds trial in the prison itself but the outcome was equally predictable; the accused had in the meanwhile been sent to some other district prison. Three years on and the merry-go-round is crazily spinning away.

It is time to stop these administrative amusement machines and ensure speedy trials which are the fundamental right of every citizen. By keeping silent we bury this evil deep inside us and are really transplanting it for the future when it will rise a thousand fold and rip apart the foundations of justice."

#### *Justice Cheema and Ladha Kothi*

In 1984, T.S. Cheema was a Sessions judge of 10 years standing and serving as judge of the Patiala District and Sessions court. The standing instructions of the Punjab and Haryana High Court direct Sessions judges to periodically visit every jail falling in their Sessions division and so it was that Justice Cheema went to the high security jail at Nabha, a sub-divisional town of Patiala district in December of that year.

Many “Bluestar” detenus were held there and they told Cheema that they were being taken in batches to Ladha Kothi and implored him to intercede on their behalf.

[NOTE: This once palatial hunting lodge of the Maharaja of Patiala, was taken over many years ago by the Punjab Police and used as an interrogation centre where every sort of torture was inflicted. So notorious is this place that “Ladha Kothi” has passed into Punjabi as a synonym for torture].

Justice Cheema completed his inspection, took leave of the jail officers and then rushed for a telephone. He rang up Punjab and Haryana High Court judge, Justice S.S. Sodhi, who was the Vigilance judge for Patiala district that year, and related what he had seen and heard. Justice Sodhi decided to conduct his annual inspection of the courts of Patiala district immediately. A day later, Justice Sodhi was in Nabha. He went to the jail and personally heard the grievances of the detenus. Convinced of the truth of their stories, he called for an immediate probe and directed Justice Cheema to visit the jails at Patiala city, Nabha and Ladha Kothi, inquire into the treatment of prisoners and submit a written report.

Justice Cheema’s report said: “During the period from August 30, 1984 to January, 1985, 92 detenus were illegally taken from Nabha jail to Ladha Kothi in small batches and subjected to different modes of torture.” Details of the tortures inflicted were also incorporated in his report.

Justice Sodhi took judicial notice of the Justice Cheema's report and issued a notice to the Punjab Home secretary and the in-charge of Nabha jail. While these proceedings were going on, the Supreme Court passed orders pertaining to the Criminal Writ Petition (No 378 of 1985) filed by Kamla Devi Markandaya, complaining of torture of detenues at Ladha Kothi.

Justice Cheema was again asked to investigate and report to the High Court. He did so and the High Court forwarded his report confirming the allegations to the Supreme Court. The apex court transferred the writ to the Punjab and Haryana High Court, directing that Justice Sodhi deal with it as he was already seized of the matter.

On behalf of the State of Punjab, the Advocate General appeared and submitted affidavits by officials concerned, including the Special Secretary, Home, and the Nabha jail in-charge, denying the allegations.

Justice Sodhi ordered a fresh investigation to be conducted in the presence of both sides. On September 16, 1985, with the consent of the Punjab government, Justice Sodhi formally appointed a senior IAS officer, S.S. Dhanoa, then serving as Advisor to the Governor of Punjab, as the inquiry officer.

On September 29, 1985, the popular government of Surjit Singh Barnala was sworn in and President's Rule of the Punjab was revoked. This resulted in Dhanoa's transfer and it was necessary to appoint another officer. This time the choice fell on a retired judge of the High Court, Justice C.S. Tiwana. The state government not only concurred, it

issued a notification appointing Justice Tiwana chairman of a single-member commission.

Justice Tiwana submitted his report on May 30, 1986. It confirmed the allegations of torture, identified police officers responsible and recommended initiation of action against them as well as compensation to the victims or their next of kin.

This culmination came as the breath of life to hundreds of innocent men but it cut short the career of Justices Cheema and Sodhi.

With effect from May 1, 1990, Justice Cheema became the senior most District and Sessions judge in Punjab. Meanwhile one of the Justices of the High Court had retired, and on the basis of Justice Cheema's reputation for competence, probity and integrity, the Chief Justice of the High Court, Chief Justice of the Supreme Court and the governors of both Punjab and Haryana recommended Justice Cheema's name for elevation to the High Court.

Now the police, still smarting from the "embarrassment" of the Ladha Kothi Case, got its chance to get back at Cheema. An adverse report of the Intelligence Bureau disqualifies a judge for appointment to the High Court or Supreme Court. The IB is a wing of the police. This department's report on Justice Cheema went from calumny to calumny and dubbed him "unfit" for the High Court Bench on account of his "pro-Sikh leanings." No such finding would have been made had Justice Cheema not had the audacity to report the atrocities and third degree methods of the police ... and yet, by taking

cognizance of the prisoners' woeful conditions, he had simply discharged his duties as a judicial officer.

It was the first case when a direct appointee to the Superior Judicial Service of the state was denied elevation to the High Court Bench.

Several years later, Justice Sodhi, then the Chief Justice of the Allahabad High Court, was recommended for elevation to the Supreme Court, but his appointment was also scuttled.

## THE CIVIL SERVICES

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The Criminal Procedure Code (CrPC), the Police Act, and all other relevant statutes clearly stipulate that the police is accountable to the magistracy - meaning also the administrative officers in the districts. As per official protocol, in the hierarchy the DGP is placed below the Home Secretary.

[NOTE: Two classes of officers man the administration of an Indian state. The higher administrative posts are manned by officers belonging to the Indian Administrative Service (IAS) while field level posts in the districts are manned by officers of the Provincial Civil Services (PCS). On a day to day basis, the district police must work with the PCS officers].

Morale of the civil services sank lower and lower throughout these years as the police, through rank disobedience and violation of rules, asserted itself above all other wings of the state to a point where it could arrest, threaten arrest and make persons simply disappear. In this they had the encouragement and support of Central government authorities. Two governors of Punjab were

removed after they had sought accountability from the police. They were Nirmal Mukarji and Virendra Verma.

According to a retired senior civil servant who was advisor to the governor, Verma sent two letters to the President of India: a special letter, the other his monthly report to the President. Both letters said the same thing: unless CGP K.P.S. Gill and Chief Secretary S.L. Kapoor were transferred out of the state, it would be impossible to contain state terrorism in Punjab.

S.P. Bagla, a senior IAS officer who was tipped to be the chief secretary of Punjab was passed over because of his views on police-civil service traditions and accountability of the police force. In an interview given to the Tribune, published on June 11, 1995, he observed: "Since 1985, I cannot recall any chief secretary really having regained the position as head of the administration. There was a parallel man all the time who was above the Chief Secretary and who did not care about the Chief Secretary or the Home Secretary or the district administration ... or even the Chief Minister."

It may be recalled that some IAS officers had suffered grievously during the past decade. To name only one, the only son of a senior IAS officer, D.S. Multani, was killed after he had been taken into police custody. The case is recorded in detail in the Section on Targeted Groups. Although Human Rights groups and IAS Officers Association took up the case, no inquiry was ordered.

A few months after the Beant Singh government came to power, the chief secretary, Tejinder Khanna, called a

meeting of his administrative secretaries (all IAS men). Khanna sought their views on the Punjab problem.

According to The Tribune's account of the meeting, published on Aug 2, 1992, the secretaries, including the financial commissioners (the senior-most officers) expressed surprise and asked how the question had arisen at that stage when during all the years of turmoil no one had ever considered it "necessary" to solicit their views on the problem before. One of the secretaries wanted to know what useful purpose the discussion would serve as the police was calling all the shots, literally, and not even senior officers dared to run foul of them - so much so that he doubted whether the minutes of the present meeting would be recorded.

Prophetic words indeed - for although the Chief Secretary swore that he would personally record the minutes, he never did so.

One secretary remarked that it was the police that had got elections in the state postponed as it served their vested interests and that it was the police which was perpetuating militant violence in the state.

One of the secretaries mentioned a file which bore the notation that militants were killed first and awards on their heads were announced subsequently. Another secretary said that civil servants holding inquiries into the complaints of police excesses were afraid to submit their reports apprehending danger to their lives.

When judicial officers or senior civil servants did conduct inquiries into police excesses or questionable procedures,



the reports of the findings remained unpublished. Disturbed by the findings of such inquiry commissions, the government started constituting inquiry commissions in such a way that the administrative officer was effectively tied to a police officer of equivalent rank who controlled the outcome of this joint inquiry.

Yet another secretary remarked that the subjugation of civil servants to the police was so complete that even a former Home Secretary of the state had once observed that he was only a “step-in wheel” only to be corrected by another officer, “you mean a punctured wheel.”

The story of how Mehboob was spared illustrates the helplessness of even the senior-most officers in the face of the police and their covert activities.

Operation Rakshak was on (1992) and the Punjab Police and Army had joined hands to stamp out militancy and met frequently to revise their hit lists. O. P. Sharma (later Punjab’s DGP) was head of the Intelligence Department of the Punjab Police and was a key figure in the hit-list business. At one of these meetings the name of Punjabi University professor Harinder Singh Mehboob was added to the list. Mehboob was a poet - he had even been awarded the prestigious national level Sahitya Akademi award - but aside from that, there was nothing that anyone could hold against him. He had never been accused of committing any crime.

Bir Devinder Singh, a former MLA representing Fatehgarh Sahib and fellow party man of the Congress chief minister Beant Singh and a senator of Panjab University, got a tip-off that Mehboob was marked. He hid Mehboob and

dashed to Chandigarh to get state Home Secretary Ajit Singh Chatha's help in getting Mehboob's name stricken from the list. Chatha sympathised but declined to play an active role lest the government doubt his integrity. "Go to a Hindu officer instead, go to Chief Secretary Tejinder Khanna," Chatha told him.

Khanna too showed concern for Mehboob's life and agreed that there had been a mistake, but after his humiliation in the matter of recording minutes, Khanna was in no mood to get his fingers burnt again. He told Bir Devinder that he could not help because "O.P. Sharma is unlikely to listen to me. Go to the governor (Surendra Nath) He is an IPS man and his word will carry weight."

Fortunately for Mehboob, Governor Surendra Nath yielded to Bir Devinder's eloquent defence and he had urgent instructions flashed to the field level officers to spare the poet. A poetry-loving governor? Maybe ... but more likely Surendra Nath, himself a former state police chief, thought that eliminating a man whose position on the hit list was already known by many people would be impolitic.

Much more powerful support came from Union Minister Manmohan Singh. Harpal Singh from Chandigarh was a friend of the Union Minister and had presented him Mehboob's book earlier. When Mehboob's life was in danger he contacted Manmohan Singh who in turn contacted Surendra Nath, governor of Punjab just in time to save Mehboob's life.

If the highest level of civil service officers - that is the IAS - grumbled behind closed doors, the magistracy - that is

the PCS - sat down in the middle of the road and shouted that they would go no further. PCS officers are the effective cutting edge of government at the district level. They are the men and women who implement the government's policies and orders, they are responsible for maintenance of law and order and they take the flak when the people are unhappy with the government and/or the police.

On the night of August 7, 1992, S.S. Bains, District Officer for the Removal of Grievances, and Kulbir Singh, District Transport Officer, both senior PCS officers posted in Jalandhar, were arrested on the charge that they were abetting the sale of stolen vehicles in connivance with the thieves. The police had no evidence but they did have scores to settle with the PCS men and the arrest was carried out in a way calculated to humiliate the officers.

This triggered a strike by PCS officers all over the state - the first in the history of Punjab. When Chief Minister Beant Singh ordered the Vigilance Department to inquire into their grievances, this was the last straw. The PCS officers protested that the Vigilance Department was a "sister concern of the Punjab Police" and on August 23, 1993, they submitted a signed statement to the governor in which they declared "For the past decade or so it is admittedly police raj in Punjab and that too one of indefinite duration."

When even after this the government allowed the strike to drag on with no effort to address the issues raised by the PCS officers, they sent another note. This one was dated August 28, 1993: it was a note that not only protested

numerous violations of law committed by the police, but it spilled the beans on several specific cases.

The officers demanded a judicial commission to trace the rise and decline of militancy during President's rule vis-a-vis the role of the police. They pointed to the following ten serious lapses on the part of the police:

- i. Failure to publish a list of wanted men along with the awards set for their apprehension;
- ii. Attributing exaggerated numbers of murders to terrorists for the purpose of justifying extraordinarily high awards given to police for elimination of these persons. If one calculated the number killed on the basis of the police bounty list, the number would run into many lakhs;
- iii. As per reports, some terrorists were killed more than once and on all occasions reward money was paid. This money may not have been accounted for in police officers' income tax returns;
- iv. The police ignominiously abdicated their responsibility to protect the people from militants. They locked themselves in the police stations at night and in the morning issued forth to pick up hapless families, including innocent youth, on the grounds that they sheltered militants. The purpose of this harassment was not to combat militancy but to extort money;

- v. The police did so little to protect people from extortion that people began to suspect that the police were party to the crime. When terrorist gangs were finally eliminated, the crores of rupees which these gangs were known to have amassed remained unaccounted for by the police;
- vi. So great was the failure of the police to perform that people began to see a nexus between police and militants;
- vii. The police obstructed magistrates when they were ordered to inquire into public grievances and they wrought vengeance on any person who dared to complain;
- viii. The police interfered in property disputes in defiance of judicial/revenue court orders, often siding with one party or another in a dispute;
- ix. No detailed list of seized weapons was ever published and it was suspected that the arms were “recycled”;
- x. The police use a large number of private vehicles for their secret and dubious operations. These may have been illegally requisitioned or seized from terrorists but there was no legal provision for the use of such vehicles.

The PCS officers referred specifically to five major instances of extortion. These are recorded in Section 2, Chapter 5 under Extortion.

About the arrests of S.S. Bains and Kulbir Singh, the PCS Association claimed that the arrest was made to browbeat and demoralise the magistracy. The memorandum said that the police officers were in a vindictive mood on account of some complaints which the PC officers had investigated in the previous weeks.

To cite only one of these cases, in mid July a widow of Abadpura Mohalla of Jalandhar approached Bains, who was District Officer for Removal of Grievances saying that her son was illegally detained in the Jalandhar Cantonment Police Station. Bains visited the police station and inquired about the whereabouts of the boy. Although it was well within his brief to visit the police station, the SSP strongly objected to his visit and thereafter the Jalandhar Deputy Commissioner in writing forbade Bains to visit any police station without his prior permission.

[NOTE: Other cases are noted under the section on Extortion and Confiscation/Destruction of Property].

The memorandum concluded with three requests: that the police not be allowed to interfere in the independent functioning of other departments; the power of the magistrates under various acts including the police act, police rules, Criminal Procedure Code etc should not be encroached upon by the police; and any lapse or non-compliance with orders of the magistrates by the concerned police officer should be viewed seriously and

strict disciplinary action taken against the delinquent officers.

All the things mentioned in these memorandums transpired before the Beant Singh government was installed. During President's Rule, in the absence of ministers drawn from among the elected representatives, the executive is answerable only to the governor and the senior-most officers who head the various departments act as ministers. Once the popular government was installed, the secretaries relinquish their right to formulate policy and take orders from the ministers on the matter of policy. This circumstance contributed greatly to the sense of demoralisation among the IAS and PCS officers. No change in policy in relation to dealing with the police was ever spelt out but there was a tacit diktat from the Centre.

The installation of a popular government made officers dependent on ministers for their postings - and this was the stick over their heads that made servility the safest course.

## JAIL SERVICES

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IAS and PCS officers were not the only unhappy officers of the government. The staff manning the jails were also sore with the police. Indian jails do not function directly under the police, but Jail Service is sometimes headed by a senior Indian Police Service officer posted as Inspector-General (Prisons) on deputation. Jail Services and Police Services are separate.

It had become standard practice with the police to re-arrest suspected militants who were acquitted by the courts or released on bail at the jail gate and that too without bothering to file fresh charges against him. This is illegal but the police slogan was “once a militant, always a militant”. They justified the practice as “preventive action” in the case of men who would certainly jump bail and rejoin the militant ranks. The police declared that such arrests were the only course left to them in view of the high rate of acquittal in TADA cases.

Jail authorities took a different view. They reasoned that when a man was acquitted or bailed out and an order for his release was put in their hand, the intention of the court was to set the man at liberty - not hand him straight back to the police. The law books stipulated that if a man serving a sentence were released on probation the jail



authorities were bound to inform the police whenever he was released - but this did not apply to those acquitted or bailed out.

According to the report published in the Tribune of September 5, 1991, "Although the police is openly resorting to the "illegal" arrest of released militants, neither the Punjab and Haryana High Court nor the Sessions Judge has powers to give directions to the police to stop this."

When five men taken in at the time of Operation Black Thunder were released on bail in early 1990, the annoyed police had managed to get the DSP (security jails) transferred. Then In September several more bailed out or acquitted men were released and - according to the police - assisted by the jail staff to actually win through to freedom.

One of them was Major Singh Jamarai, said to be a member of the Khalistan Commando Force. Although policemen were waiting for him at the jail gate, the police story was that he was taken to the house of a jail official and given a change of clothes, and from there he was escorted out through the main gate where he got into a vehicle and left without being recognised.

Matters came to a head in October, 1991, when Malkiat Singh Ajnala, main accused in the Operation Black Thunder case, gave the slip to waiting policemen in much the same way Jamarai had done. The Jail Services staff - particularly the authorities of the high security Central Jail at Amritsar - came under heavy attack from the police for adopting an "uncooperative attitude". In letters to the

Advisor (Security), the Home Secretary and the IG (Prisons) the police complained that senior jail officers were releasing men who had been acquitted by the courts or released on bail in such a way that the police party waiting at the jail gate to commit the illegal act of re-arresting the men the minute they stepped out were unable to do so.

Jail staff in turn charged that the permanent positioning of security pickets outside the jail had “become a source of corruption with the police personnel picking up all types of accused, even those held under the Excise Act but bailed out. The released men would be actually released only when relatives had coughed up large sums of money.

The Additional Deputy Commissioner of Amritsar was ordered to inquire into the events, but his report was never published.

Later on, the jail authorities succumbed to police pressure and started cooperating with the police to a point where they would permit interrogation of the detenus lodged in the jails.

## MEDICAL SERVICES

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But even before the PCS officers revolted in 1991, doctors of the state Medical Services were fed up. Like the administrative officers, the doctors were tired of being compelled to violate standard procedures and lie for the convenience of the police.

In a press-note issued by the Punjab Civil Medical Services, the doctors referred to instances when they were made to perform “instant” post-mortems at the site of violent incidents, or examine bodies at night under artificial light. It was also not uncommon, they said, to be asked to sign post-mortems which the police had already written or to sign blank post-mortem forms.

The association’s president (Dr M.S. Randhawa) and general secretary (Dr Manjit Singh) warned doctors that they would have to personally bear the consequences if they gave false or questionable post-mortem reports. Obviously, they had the death of Dr Bachittar Singh, Director, Health Services Punjab, in mind when they said that.

When Dr Bachittar Singh and his colleagues were shot down at a village health centre near Ludhiana in early

November, 1991, it was reported as a terrorist crime but the police had as much reason to want him out of the way as the militants. He was a man who obviously couldn't take it any more and had decided to speak out.

The Punjabi Tribune of November 9, 1991, reported: "Sources are of the opinion that Dr Bachittar Singh and the staff were killed by terrorists because they were giving reports desired by the police. But it is also a fact that Dr Bachittar Singh had sent a note to the Secretary Health Services, suggesting that the post-mortem of persons killed by violence and/or police encounter be conducted by a panel of doctors rather than one or two doctors who could be pressurised by the police and he recommended that no post-mortem be conducted after sunset." This would have made him highly unpopular with the police. Who killed Dr Bachittar Singh? The militants or the police?

## PUNJAB POLICE AND PARAMILITARY FORCES

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As militancy swept Punjab, the number of security personnel needed to counter it rocketed. Security became the state's only growth industry and the largest single source of employment for the youth. The build up started slightly before Operation Bluestar in 1984 but the dramatic rise in security manpower and budgets began only after Darbara Singh's Congress ministry was dismissed and the long stints of President's Rule started.

The period of Akali rule (1985-86) represented a brief hiccup in the steady upward trend of the graph but by the last months of Chief Minister Surjit Singh Barnala's ill-fated reign, the recruitment, deployment and budget figures were on the rise again.

The Punjab Police grappled with the situation immediately before the Army's Operations Bluestar and Woodrose. They were ridiculed in the Press for "ineptitude" when Jarnail Singh Bhindranwala slipped away from them at Chando Kalan in Haryana and more than 200 miles back to his headquarters at Chowk Mehta without a single police finger raised. They were ridiculed when they went

to arrest Bhindranwala at Chowk Mehta and the Sant again played with them.

After Bluestar and Woodrose, maintenance of law and order was again placed solely in the hands of the Punjab Police but the Army action had turned Punjab into a highly agitated hornet's nest, and - even given the best will in the world - the Punjab Police lacked the manpower, strategic acumen and equipment to deal with the aftermath of operations which had touched too many lives and fostered too much alienation in the general public.

A large part of the problem was the "will" of the Punjab Police. It is true that putting a uniform on a man changes him in many respects but there are also some facets of him which do not change. Many men in Punjab Police uniform considered themselves Sikhs first ... or upholders of the Indian Constitution first ... or simply men who looked to a long term future and thought of their own safety.

The Centre watched with growing dismay as the Punjab Police "failed" to grapple with the worsening situation. By late 1985 it was clear that drastic measures would have to be instituted.

The first such measure was the induction of Maharashtra's J.F. Ribeiro, a man who had earned the appellation "Super-cop" for his ferocious and largely successful onslaught on organised smuggler gangs in Bombay. Ribeiro had the additional qualification that he was a Goan Christian and so could not be accused of holding any special brief for either the Hindus or Sikhs of Punjab. He tried to discipline the police and it was during this time that a number of Punjab Policemen started disappearing. He was also

credited with setting up police vigilantes and propagating the infamous “bullet for bullet” policy.

[NOTE: A personal experience from the days when Ribiero had just assumed his post not only sets the mood of the times but reveals how the officers of the Punjab Police were pushed aside and humiliated in the process. Ribiero’s predecessor, B.S. Dhaliwal, had been told to go on leave. This had a devastating effect on the man, who had been a very efficient officer. His anger at this treatment took the form of severe depression.

The fact that this had happened when Barnala, a Sikh and an Akali, was the chief minister of Punjab made the insult even worse. Barnala, of course, was under heavy pressure from the Centre and refusal to accept the Centre’s hand-picked police chief, Ribeiro, may well have cost him his ministry.

One evening this writer was standing at the gate of his house just off the road that leads to Mohali. Men of the CRPF had stopped a car coming into Chandigarh with the intention of searching the vehicle but the driver was stoutly resisting even though it exposed him to the distinct possibility of being shot down on the spot.

As the writer approached the scene he recognised the driver: it was his friend, B.S. Dhaliwal. Dhaliwal obviously did not want to disclose to the security men that he was the former Punjab Police DGP (that would have been too humiliating) and instead railed at the cops for stopping him, an elderly man, for no other reason than because he was a Sikh. The man’s wife was desperately trying to pacify him and reason with the agitated security

men. With some difficulty the matter was sorted out after this writer showed his identity card as a member of the Punjab Legislative Assembly. This was perhaps the first time that a Director-General of Police had been bailed out by an MLA.

Some months later, Dhaliwal moved to Delhi but there his depression only intensified and he died under circumstances that suggested suicide.]

### *The DGP Who Tried Everything*

Ribeiro was followed by K.P.S. Gill from the Assam cadre, known for his ruthless handling of the Assamese movement. Cases were still pending against him in Assam when he assumed charge in Punjab.

As a DGP his “achievement” in tackling the “legality problem” was significant: he persuaded the Central government to rule that police officers who carried out the government’s orders should not be professionally punished for their actions by a successor government.

To motivate his force he got the Centre to announce rewards for policemen killing or apprehending wanted militants. It is another matter that no list of “wanted men” was ever publicly circulated.

In the words of V.N. Narayanan (“Tryst With Terror” p. 64) “The two bonuses made the police answerable to the DGP and the DGP answerable to none.”



If Gill kept a diary it could be published as a veritable encyclopaedia of police tactics, legal and illegal. He tried everything.

There was “the carrot” - out-of-turn promotions and monetary awards on a phenomenal scale. There was “divide and rule” on the basis of caste. He used this not only on the police ranks but even tried to sell militants the idea that non-Jat terrorists did not count. (Instead of the expected result, this tactic turned quite a few policemen against him and gave the militants an additional propaganda stick to beat him with.)

He strove for dramatic effect in costume design: the Punjab Police commandos whether Hindu or Sikh were ordered to grow beards (thereby making all to appear Sikh-like) and at the same time he ordered Sikh commandos to discard their turbans and the whole crew, Hindu and Sikh, was made to tie loose, flapping clothes on their heads - apparently modelled on some guerrilla-action thriller film Gill must have seen.

The justification was that this blurred the men’s identity in the eyes of casual bystanders, therefore making them less vulnerable to attack. (As it was, casual bystanders had long since learned the futility of hazarding a guess as to who was who: police vigilantes masqueraded as terrorists, terrorists masqueraded as policemen. The oddly attired commandos were just one more element in the fancy dress parade.)

When nothing else worked, Gill lost faith in his own senior officers and took recourse to bypassing the established chain of command. He issued instructions

directly to junior ranks such as SSPs, DSPs and even SHOs, and allowed them to utilise hit squads recruited from outside the police to strike at militants or anyone else they thought needed a lesson. This is what Gill means when he says that he was “given a free hand” ... the Punjab Police was made over to him as a personal labour force on contract.

The practice of bringing in police from outside the state was taken to new heights. Not only senior police officers were inducted, even JCOs and men were “imported” in large numbers. In the selection of candidates for the provincial police service a quota was added for induction from the paramilitary force. The effect of this was to block promotions. Needless to say the move met with considerable resistance from officers and men of the Punjab Police.

The success of Gill’s efforts to motivate the Punjab Police may be measured from his statement in the course of a television interview in 1994. He said that for his personal security he did not use men of the Punjab Police.

### *Deployment*

The level of deployment steadily rose so that by the time of Operation Rakshak the total number of security personnel (not including the Army) deployed in the state amounted to five lakhs. (The total population of Sikh men between the ages of 15 and 60 is only about 30 lakh.)

The presence of this enormous number of men presented an accommodation problem. Nearly all the schools and stadiums were taken over to billet them. Many parents

withdrew their daughters from school, fearing the consequences of these strange policemen getting anywhere near the girls.

[NOTE: Villagers of Banga, Basra, Sihansinghwal, Bahadurgarh in Sunam block of Sangrur had removed 80 per cent of their daughters from the Banga High School where two posses of CRPF and Punjab Police commandos were billeted.]

Many private houses were commandeered and tents sprouted in virtually every vacant lot.

The breakdown of the various elements used in the fight against militancy is given below:

i. PUNJAB POLICE

the strength of this force was raised from 55,000 to 70,000

ii. HOME GUARDS

25000

iii. SPECIAL POLICE OFFICERS

These are irregular recruits. They do not figure as permanent employees of the Police Department. They were assigned to guard VIPs and carrying out covert activities and some were planted in educational institutions as students to keep an eye on activities there: 40,000. DGP Ribeiro in his book discloses: "Gill decided to arm a few villagers in every affected village, designating them as home guards, village defence officers (VDOs) or special police officers. In many places, home

guards and VDOs took advantage of the situation to misbehave with other residents. They mistook the authority given to them as a signal to extort and loot, making the government even more unpopular. In a note to the governor; I specifically opposed this large-scale arming of unknown quantities.”

iv. POLICE VIGILANTES AND  
INTELLIGENCE PERSONNEL  
approximately 10,000.

Police vigilantes are an extension of the clandestine activity carried on by the government against the Sikhs. As agents provocateurs they were active even before the Sikh problem erupted in 1984. Many of them were caught by the Sikhs. At the time of the siege of the Golden Temple complex in 1984 before Operation Bluestar. Chapter 7 deals with vigilantes in detail.

According to DGP Ribeiro: “In Punjab there were some persons with criminal propensities, who were known to police officers at various levels. They were approached and a few of them agreed to form groups which would move in the guise of terrorists.... Though this did bring us quick results in the beginning, it could not be sustained because the people we employed were susceptible to inducements. The police did give them financial and logistical support, but their demands grew to an extent where it was impossible to satisfy them within our resources. Besides, they were very greedy people, with a criminal tendency, who began to prey on law-abiding, rich citizens on the assumption that the police were indebted to them and so would do nothing to stop them.” Punjab

government inducted 12,000 SPO's into the regular police force in 1998 on Central government's pressure. Clandestine recruitment of SPO's is still continuing.

*RAW's Gun-Runners and Incidents Made to Order*

The adventures of Salim Masih reported by Kanwar Sandhu in India Week in June, 1989, exposed the kind of game that was being played. In 1988 the Research and Analysis Wing, an intelligence agency of the Central Government hired Salim Masih, an experienced smuggler of the Dera Baba Nanak area, and a man much in demand by several agencies involved in trans-border work.

In August, 1983, prior to Bluestar Masih had nipped over to Pakistan five times to feed Pakistani field intelligence. Just after Bluestar he guided eight serving Indian Army personnel on a mission in Pakistan. Right up to April 13, 1989, when the Border Security Force nabbed Masih and five members of his gang, Masih had continued in the service of RAW. He told the BSF interrogators that in 1988 alone he had crossed the border several times each month bringing back automatic weapons such as AK-47s and thousands of rounds of ammunition and weapons from Pakistan.

The BSF told Sandhu that they had no evidence yet as to how much RAW knew about Masih's activities but "since he enjoyed the agency's patronage, the RAW officials cannot be absolved of responsibility. The suspicion is that Salim Masih's arms smuggling escapades were part of a Central government plan to arm extremists and criminal elements and "engineer" violence in Punjab for the purpose of influencing parliamentary elections.

Publicising the acquisition of smuggled automatic weapons by terrorist groups would allow the Congress to make a great deal of noise about how the nation was in danger of disintegration. The finger could be pointed at the wicked Akalis and other such parties who did not “enter the mainstream”.

But RAW did not stop at importing mere guns. In November 1987 a few months before the Parliament passed the 59th Amendment authorising the declaration of emergency in Punjab, a mysterious crate was unloaded from Indian Airlines flight IC 452 from Kabul.

As the crate was being carried into the freight warehouse, a few stray bullets fell from a chink in the box and were spotted by an alert security man. The crate was part of a consignment of 23 crates. These were isolated and an x-ray examination of their contents began under the supervision of Palam DCP, R.K.M. Neogi. The scrutiny revealed rocket launchers!

Someone was flying in rocket launchers ... surely terrorist contraband. The customs and security men squabbled over who should get the credit for the dramatic seizure but before they could settle the matter, a man walked in and identified himself to Neogi as an operative of RAW.

This James Bond-ji claimed the crates contained government property and whisked them away before Neogi's men could open them and list the contents. According to the freight delivery register, the crates were taken from the warehouse on November 20; they bore two addresses: the sender's name was Director General

Communications Pul-e Bag, REA, Amoomi, Kabul and the consignment was addressed to Director General Communications, Sanchar Bhawan, New Delhi.

Sanchar Bhawan does indeed house the Ministry of Communications but there is no such post as Director General of Communications. The bill of lading (058-3035 4273) records the contents as “telecom equipment”.

Who were the arms meant for? The Indian Army does not need to import rocket launchers by clandestine means. It is understood that RAW was arming the LTTE at one point but the date of the consignment rules out that possibility as the IPKF was still mopping up the LTTE after the Battle of Jaffna. No other Tamil groups had been reported to use rockets. The obvious destination was Punjab.

Two months after this consignment arrived press reports started appearing that Sikh terrorists had rockets and launchers. On March 21 the CRPF post at the Vishwakarma Temple on the outskirts of Phagwara was rocketed. 70 CRPF men were said to be sleeping inside. The rockets flattened the temple walls but remarkably not a single man was hurt. Ballistics experts confirmed that the rockets were Russian-made. The very next day the 59th Amendment was passed.

On April 20, 1988, it was announced that 16 Russian made surface to air missiles had been recovered from a farmhouse near Kalanaur, Gurdaspur district, and on April 22, 1988, another rocket recovery was announced from Faridkot district. They may have been smuggled across the border ... or they may have been flown in and claimed by RAW.

### *Sloppy Accounting*

Nearly 10 years after the embarrassment of the imported rocket launchers came to light, another story broke concerning “weapons at large” In its issue of September 29, 1997, India Today published the following table:

	<b>AKs</b>	<b>Rifles</b>	<b>Revolvers</b>	<b>Rocket Launchers</b>	<b>Pistols</b>	<b>Case Property status</b>
Amitsar	236	97	464	12	29	not certified
Tarn Taran	325	114	366	24	97	not certified
Majitha	237	102	475	38	94	not certified
Gurdaspur	138	73	287	12	34	not certified
Batala	202	97	450	15	66	not certified
Jalandhar	174	75	381	10	19	not certified
Hoshiarpur	119	86	221	0	9	not certified
Kapurthala	126	60	257	6	27	not certified
Patiala	142	81	251	0	18	certified
Fatehgarh	33	27	56	-	-	certified
Sangrur	121	107	367	7	33	certified
Barnala	39	30	72	0	0	certified
Ludhiana	163	118	515	15	95	not certified
Jagraon	49	33	78	0	4	not certified
Khanna	46	22	91	4	4	certified
Ropar	131	61	244	5	17	not certified
Firozpur	215	96	210	16	55	not certified
Faridkot	121	64	317	6	32	not certified
Bhatinda	77	57	312	2	6	not



Mansa	21	8	49	0	0	certified not certified
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Total number of weapons: 10,451

The reporter, Harinder Baweja, cites a memo addressed to all district SSPs in Punjab:

SUBJECT: PHYSICAL VERIFICATION of case property for the period 1/1/85 to 31/12/96: All SSPs to send verification certificates. Some district chiefs have responded but there are others who sent incomplete reports and still others who have not. Crime Branch, in respect of those districts whose certificates are incomplete, may please ensure that the needful is done and verification certificates are sent without further delay.

As a word of caution, I would like to add that unconfirmed reports indicate that to cover up deficiencies in case property in the police stations, some Station House Officers are allegedly resorting to illegal/fraudulent practices like loss in floods/thefts etc. I would advise that surprise checks by supervisory officers will go a long way in discouraging such elements and save the department from embarrassment at a later stage.

Yours sincerely

(J.S. Chahal)

Additional Director General of Police (Crime)

The table and the memo more or less tell the whole story. "Case property" in police jargon, of course refers to weapons allegedly seized from militants. These weapons were subsequently issued to police and paramilitary forces, politicians and even ordinary civilians. Ordinarily, seized weapons become the property of the court until the

conclusion of the cases and cannot be issued to anybody. The reporter, Harinder Baweja, surmises: “Most police districts seem reluctant to send in verification certificates. The reason: the issue could open a can of worms that may cause heads to roll.”

One of the celebrated cases of the early ‘90s was the TADA detention of film actor Sunjay Dutt who was found in possession of one AK-57. In Punjab, it appears that the police have illegally issued sophisticated weapons to a large number of people without anyone raising an accusing finger. Baweja writes: “Equally alarming are the revelations in the reply filed by the Ludhiana police district. It was from here that two AK-47s were issued to Congress leader and former home minister Buta Singh. This was an offence compounded because not only were the case properties issued, they were also taken out of the state. Among other allottees are: A.K. Singh, commandant general, Delhi Home Guards, again a non-Punjab resident, and some senior CRPF officials. It is for reasons such as these (logbook entries show weapons were issued to police officers and politicians) that several SSPs are reluctant to send their replies to Chahal’s memos.”

“While there are some records to show who the weapons were issued to, the police are in no position to file verification certificates since they are unable to account for all the seized weapons. In some cases, no records have been kept of the issue of weapons, while in other cases, weapons were even passed on to civilians. But who are these civilians? Are they the counter-insurgents who were employed to fight the terrorists? These are questions the police officers seem unwilling to answer.”

Gill's response to the mystery of the missing guns is quoted as "Really, are they missing? I don't think so but yes, Punjab did see a flood. It is possible that the weapons were swept away." The present DGP says he is worried about the effect a probe into the whereabouts of weapons will have on an already demoralised force.

One of the SSPs is quoted as saying: "Yes, there were fake encounters, yes, there were excesses and yes, we did issue seized weapons. But what is the point of raking up the past when peace has returned? What is the point in trying to find out to whom these weapons were issued?"

To answer the SSPs questions, there are several important points which will be cleared up if this matter is pursued. The Punjab turmoil may have waned, but turmoil in Jammu and Kashmir and in Assam has increased. People in these states accuse the Centre of "importing" Punjab strategies into their areas to exacerbate strife and suffering. Among these tactics is the practice of arming vigilantes and sending them out in the garb of militants to carry out heinous crimes with the intent to discredit the Central government's opponents. When the security forces there announce that a certain bullet-riddled body belonged to a "dreaded militant" they feel constrained to display sophisticated weapons in his possession - and if the fellow didn't happen to have any, the security forces supply the deficit. Some of these weapons are used again and again as props in these dramas. For all we know, the weapons that served this purpose in Punjab may now be performing the same role in J & K, the Northeast and elsewhere.

"What is the point of raking up the past now...?" asks the SSP. Let us hope this SSP is never put in charge of a

murder investigation. He may very well say: “Look here, the man is dead. What is the point of trying to find out who killed him now?”

Baweja cites Punjab Police statistics which say that from the period beginning 1987 to August 1997, recovery of guns amount to 2,715 AK-47s, 1,408 rifles and 6,000 pistols.”

Meanwhile Chahal has also asked the SSPs to account for seized explosives, including RDX.

“In the years when the Punjab Police had a free hand there were occasions when the same weapons were twice listed as having been recovered.”

Now, let us stop and think: How many of the weapons listed might have been recycled numerous times?

### *Police in Adjoining States*

Since incidents involving Sikh militants also took place outside Punjab, in adjoining states having sizeable Sikh population, the police forces of those states were also involved in anti-terrorist operations and for vigilance along the Punjab border. This means the police of J&K, Haryana, Rajasthan, UP, Delhi and Himachal.

### *Armed Police from Distant States*

Apart from the paramilitary forces, armed battalions of UP, Madhya Pradesh, Rajasthan, Gujarat and even distant Andhra Pradesh, were also brought in. Armoured police of

other states which were brought in would have numbered about 75,000.

### *Intelligence Agencies*

In addition to this, Central intelligence agencies, such as the Research and Analysis Wing, the Intelligence Bureau, the Criminal Bureau of Investigation, Industrial Security Force etc had a heavy presence.

The combined force of Punjab Police and police forces from other states and central security forces would be around 5 lakhs.

### *Paramilitary Forces*

On many occasions, good luck and the size of the country has enabled the Central government to hold the lid down on trouble spots. When Telangana was on the boil the rest of the nation was peaceful, when Hindu-Muslim riots broke out in Ahmedabad there was no tension elsewhere.

So it was in Punjab in the years between 1985 and 1996. The Assam agitation had been quashed by a combination of force, negotiation and electoral manoeuvre. The situation was bad in Sri Lanka but the government was successful in preventing the contagion of that conflict spreading to Tamilnadu. Kashmir was restive but yet to erupt. The Mandal agitation was violent but brief. The government's luck held ... or perhaps wise old heads in the Congress Party made sure that only one ring of the circus was active at any given time.

Paramilitary forces, which are under the Central Ministry of Home Affairs was extensively deployed in Punjab. It is estimated that at least 2 lakh men belonging to such forces were deployed in the state. Their numbers are as follows:

Border Security Force (BSF)	1,75,000
158 btns	
Policing Indian borders	
About half is engaged in patrolling militancy hit areas.	
Central Reserve Police Force (CRPF)	1,50,000
134 btns	
Riot control reinforcement	
Massively deployed over state police stretch	
Indo-Tibetan Border Police (ITBP)	30,000
Policing Himalayan border	
To man the VVIP protection	
Central Industrial Security (CIS)	90,000
Protects Government owned Industries	
Protecting polling booths	
National Security Guards (NSG)	6,500
Elite anti-terrorist unit	
VVIP protection	
Special Security Group (SSG)	10,000
VVIP protection anti-terrorist force	
Indian Reserve Force (IRF)	16,500
15 btns	

(All but the SSG and IRF are statistics taken from India Today, April 15, 1995, and reflect the period of the early '90s.)

Regarding the Central Industrial Security Force, according to a report carried in *The Hitvada* (November 6) “Mr Surendranath [governor of Punjab] played an all important role to give strength to the hitherto lesser known CISF and it is being alleged that some of its men were used to kill innocent persons, including family members of police personnel, as well as teachers, doctors, engineers, media men and political personalities.”

Surendra Nath was an IPS officer who during a long career had carried out many sensitive assignments, particularly in Jammu and Kashmir. He was also a man with a secret: he was the son of an activist of a Hindu-supremist organisation who had written a book called “*Rangila Rasool*” which denigrated Prophet Mohammad. Surendranath’s father was hacked to death at the time of partition.

Following the death of Governor Surendra Nath in a plane crash in 1994, the press got wind of an enormous sum of money, some said Rs 110 crore, which was removed from the governor’s private quarters in the Raj Bhavan after his death. In-fighting between Union Home Minister S.B. Chavan and Minister of State for Internal Security Rajesh Pilot was said to have been responsible for the information leak. Chavan denied that currency was taken away from Raj Bhavan, but then complicated the matter by saying that only the prime minister could say anything about the seizures. So was money taken away after all, and the question came down to a matter of the exact amount?

The denials were enough to make the general public believe that a great deal of money was indeed kept with the Governor and that he used it to finance espionage and

covert security operations, which he personally directed, making use of the CISE

K.P.S. Gill was Director General of CRPF in 1987 which was coordinating with Punjab Police under Ribeiro. Later when Gill became DGP, Punjab Police, because of his knowledge of the CRPF and the previous relationship between the two forces, the CRPF was brought into Punjab in large numbers and was extensively utilised.

One reason the CRPF units were attached to Punjab Police *thanas* was that while the Punjab Policemen were known and could be traced, perhaps years later after they had retired from service and were therefore vulnerable, the CRPF men hailed from distant states and were unknown to the local population. they could do the dirty work of actual eliminations and still remain relatively safe from vengeance-seeking relatives of the deceased.

Within the Punjab Police, men who actually killed detainees (as opposed to merely ordering the eliminations) were comparatively few. Monetary awards for “killing terrorists” were given to more than 60,000 security personnel, but this is misleading because there is reason to believe that this was done because of a policy that aimed to (1) reward just about the entire force, and (2) create an impression among the general public that nearly every policeman was a militant killer. The real killers were those men whose names figured in the reward list repeatedly and those who got multiple out-of-turn promotions.

#### *Army Establishments Directed Toward Internal Security*

Two special cases are represented by the Rashtriya Rifles and the Assam Rifles. Men in the Rashtriya Rifles units



are recruited to regular units but sent for three-year stints in the Rashtriya Rifles or Assam Rifles. They are equipped with specialised arms. This means that the Army is in fact involved in the fight against terrorism. However, since no Act of Parliament is required to deploy the Assam Rifles or Rashtriya Rifles, the Army can be used at will, in contravention of the Army Act and the Constitution.

Assam Rifles	35,000	31 btns
	Mainly guarding North-East Indian borders	
Rashtriya Rifles	40,000	36 btns
	Secure internal supply lines	
	(figures from India Today April 15. 1995)	

### *Expenditure*

Another way of arriving at the number of paramilitary personnel deployed in Punjab (excluding the Assam and Rashtriya Rifles and forces of adjoining states is to note the figure announced by the Prime Minister P.V Narasimha Rao (speaking at a public rally in Ludhiana in April, 1995) Announcing waiver of a “debt” of Rs 6578 crore owed to the Central Government by Punjab. This was the cost of forces deployed in Punjab stretching over an 8 year period. He justified it by saying that Punjab was fighting the nations battle and therefore it was a “national debt”. Four nearby states of Himachal Pradesh, Haryana, Rajasthan and Uttar Pradesh also raised additional force to combat Punjab militancy. Haryana has put up a claim to the Centre for having incurred an expenditure of Rs.3,000 Crores in this regard.

The Army Act provides immunity for an arrest for Civil offences. They can be tried only through Court martial.

Government effort is now on to build public opinion for immunity to Police and para-military forces as well - thus pushing India towards milito-crazy.

## THE ARMY

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At peak deployment Army personnel involved in curbing militancy ranged between two to three lakh They were drawn mainly from the corps based at Ambala, Bathinda Jalandhar.

During this time there was tension on the northern borders with Pakistan. Using this as an added excuse, the government pumped in much more troops than were actually required on the Punjab border. In fact a number of armoured regiments were inducted and one whole infantry division was flown in from the East in civil aircraft.

[NOTE: A retired lieutenant general's account of a meeting at the Army Headquarters, New Delhi, in 1986, provides an illuminating glimpse of the Army's decision-making process and the attitude that informed that process at the time. Present at this meeting were the PM, Rajiv Gandhi, the Defense Minister, the Foreign Secretary and Chief of Army Staff and some other generals; the purpose of the meeting was to brief delegates who were to go to Pakistan to discuss Operation Brass-tacks. The meeting was called by General Vaidya, the Chief of Staff. The lieutenant general was late and entered quietly, seating himself directly behind Rajiv Gandhi.

As the lieutenant general sat down, Rajiv was telling General Vaidya to send the three divisions stationed at and around Lucknow to Punjab, every single one of them, if he thought fit. Rajiv declared that he wanted the units sent to Punjab to be more than sufficient to teach the Sikhs a lesson. It was a very embarrassed Rajiv Gandhi who looked around a moment later and noticed the Sikh lieutenant general sitting behind him.

Another retired lieutenant general, whose last posting put him in charge of Assam's blood-spattered tribal districts, related a similar experience to this writer. The Union Home Secretary was in Assam to attend a conference where the lieutenant general was also present.

As they chatted informally about the tribal problem, the Home Secretary remarked casually: "It would be a good idea if you don't take too many prisoners. Do what we did in Punjab." The lieutenant general, himself a Sikh, was taken aback but replied diplomatically: "The Army has its own way of dealing with prisoners." Lt. Gen. Chibber who was the core commander at Jalandhar during operation Rakshak was said to have been notorious in advising his officers not to take prisoners. In any case he was guilty of not maintaining list of suspected militants captured by the Army and handed over to the Police. Interestingly Lt. Gen. Chibber, who is now the governor of Punjab, strongly advocates closing the trouble chapter of Punjab and forgetting the past.

Both stories illustrate that the policy of elimination was set, not only at the highest administrative level, but at the highest political level. The Army and police officers

carried out this policy and for their wrong-doings they cannot be exonerated, but they did not invent the policy. All inquiries into the causes of militancy in Punjab have been thwarted because the finger must ultimately point to the highest levels.]

Punjab incidentally is touched by the Southern Command, Western Command and Northern Command. To secure supply lines as well as cordon off Punjab to prevent militants from escaping from the combined operations of the Army, paramilitary forces and the Punjab Police, men of other arms were also assigned infantry duties. Within Punjab the Army was actively deployed to seal the border, and to patrol in strength, carry out cordon and search operations and rush to the aid of beleaguered police and paramilitary outposts. In cordon and search operation, paramilitary forces and Punjab Police were placed under the command of the Army.

Twice the Army was deployed in strength in Punjab in an active role: the Bluestar-Woodrose period, (1984) and during Operation Rakshak (1992).

After the experience of Operations Bluestar and Woodrose in which the Army had become very unpopular and this posed a serious threat to the supply line in the event of a war with Pakistan. The lessons from the two earlier operations were drawn and so during Operation Rakshak the Army kept a low profile and let the Central security forces and the Punjab Police do the dirty work. As many observers have noted, including Ved Marwah in his book "Uncivil Wars", credit for the successful Rakshak Operation, carried out by the Army, was passed on to the Punjab Police.

In the furtherance of this policy of low profile, and because of disciplinary considerations, the Army ordered that its men could not accept monetary awards which were given out in hundreds of thousands.

Toward the end of Operation Rakshak the Punjab Police began to feel quite full of itself, with deleterious effects on the Police-Army working relationship. This resulted in Army-Police clashes. Men and officers of the Army up to the brigadier level expressed resentment but the Army commander, who was in line for promotion for the army's top slot, meekly deferred to the policy of low key role.

Most incidents were never reported but one which occurred in Chandigarh itself occupied the headlines for weeks. A policeman's (one of SSP Saini's body guards) wife and infant had been killed in the Police lines. Among the bystanders present when SSP Saini arrived on the scene was an Army colonel in mufti. Saini ordered all persons to leave the scene. The colonel disclosed his identity and did not go away. Angered, Saini attacked him and had him hauled to the police station.

This incident became a very sore point between the police and the army and Saini was ultimately transferred because of this incident. The Army was unhappy over this mild slap on the wrist.

The charge against the Army is that though the actual search operation and apprehension of suspects was done by the Army, no authenticated records was ever published by the Army of the number of militants picked up or killed. The majority of those picked up from the rural

areas, never returned home. Those arrested were handed over to the Punjab Police which is infamous for custodial killings.

The Army has been the main agency counteracting terrorism In Kashmir too and much has appeared in Indian and international media regarding Army excesses against the Kashmiris. The Army committed similar excesses in Punjab but it was successful in downplaying these incidents in the media.

VIGILANTES :  
REGULAR, AD-HOC AND FREELANCE

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In 1989 Punjab Police chief J. F. Ribeiro was quoted In Indian Express (July 31, 1989): “Undercover operations against terrorists were necessary and have been. conducted during my tenure as police chief but when I took over as Advisor to the Governor I ordered a halt to such operations since I felt that the police officers in charge had no control over those operating in this manner and they had gone out of hand.” He confessed that these underground squads indulge in looting and extortion.

Mao Tse Tung, who used guerrilla operations to great advantage against both the Japanese and the forces of Chiang Kai Shek, instructed his fighters to protect themselves by merging with the masses: “the people are the ocean,” he told them, “and you are the fish.” Unlike Nagaland, Kashmir and the Northeast, Punjab has neither forest cover nor mountainous terrain to shelter guerrilla bands. But, like Mao’s “fish” the Punjab militants were ideally suited to swim in the “ocean” of the Punjabi people: they were truly part of that “ocean” and as long as that “ocean” accepted them they stood an excellent chance of eluding the police net.



The militants understood this and the Central government also understood it. The only way to combat the militants was to turn the “ocean” against the “fish”. The villagers were the only cover for the militants. A discredited Sikh militancy would serve the government’s purpose.

The purpose of police vigilantes appears to have been to 1) collect information, especially on the support base of the militants 2) create confusion in the militant ranks, 3) turn Sikhs against the militants which in turn would increase flow of vital information and at the same time tend to deny the militants sanctuaries.

*Recruitment:*

Vigilantes were recruited from several sources. Some were convicts. In 1989, against the capacity of 9,000 inmates in the Punjab prisons, the jails had only 2000 criminals and the balance were political detenus. What would have happened to the balance of criminals that would have normally been in jail? (Punjab’s jails have always been filled to capacity.) Some were obviously easy kills - awards could be earned by declaring them militants - but others were utilised as police vigilantes.

Another variety of vigilante was called in police parlance a “cat.” These were militants who had been captured and tortured until they were prepared to act as instruments of the police. They provided information to the police on the likely whereabouts of their comrades. Cats were taken around in unnumbered vehicles with tinted glasses and parked in areas where it was thought that militants would be seen. The cat would point out a man and the police would arrest him. (Such cats were used extensively in

Kashmir later.) The average life expectancy of a cat was said to be about four months.

The two types of vigilantes mentioned above were directly linked to the police and discretion had to be exercised in their utilisation but there was a third type of vigilante who had no ostensible links with the police (and therefore could be put up to absolutely any sort of crime with no fingers to point at the police if they were caught). They may be referred to as collaborators.

An example of a gang formed with intent to create trouble was succinctly reported in the August 5-11, 1987 issue of *Current*. The story with pictures described a camp “somewhere in Amritsar district” where the All- India Hindu Shiv Sena was training about 1,000 of its young followers in use of arms and commando tactics. The boys let their hair and beards grow and assumed the appearance of Sikh youth. The sena president, Surinder Billa, managed the camp and told the reporter that the idea was that these young men would, act as agents provocateurs, attack Sikhs and thereby create an aversion among the Sikhs for the militants.

In this way, Billa claimed he would “annihilate the Sikhs”. He said that similar camps had been set up at nine other places. Although on paper, he was “wanted” by the police, it is difficult to believe that a camp of 1,000 boys would have been difficult to find in Amritsar district, carpeted as it was by police and paramilitary. The same would apply to the other nine camps wherever they might have been located. If he was not hauled in, then one must assume that he had blessings of those in high places.

The use of agents provocateurs is “customary procedure” for triggering communal disturbances. Limiting ourselves to the immediate past, we can cite the crude business of tossing cow-tails into Hindu temples and bidi-packets into gurdwaras. A rash of such incidents took place just before Bluestar. The perpetrators were later found to be men acting at the behest of Punjab Congress-I Chief Minister Darbara Singh. This came to light when people had rushed to the scene of these desecrations before the miscreants could get away and it was found that the vehicles in which they had come were registered in the name of some of the CM’s trusted men.

A large number of these outfits mushroomed. There was the Punjab Bahini (a name with a pronounced Bengali ring to it, rather like the Mukti Bahini of Bangladesh. It was obviously so named to please Punjab Governor S.S. Ray - possibly it was raised by Ray himself). Following the lead of Amritsar SSP Izhar AI am who raised a troop of no-goodniks he called the Alam Sena, many SSPs recruited their own little private goon-squads. On the left, one had groups styling themselves the Red Brigade, Sarabha Brigade, Guerrilla Squad and so on.

The formation of one such group was announced at a press conference. On October 9, 1990, The Tribune reported: “The Indian National Army, a militant organisation, has recruited commandos to fight terrorists in Punjab. Mr Dayal Singh, chief-general of the army, said that the commandos were drawn from the Army, the BSF, the CRPF and the Punjab Police. He added that commandos who were working secretly would hand over terrorists to the police after nabbing them. He introduced a commando to newsmen who he claimed belonged to the BSF.

“Mr Dayal Singh announced the appointment of am Prakash, Prem Kumar, Kanwal Kumar, Dwarkanath Singh, and Mohammad Farooq for recruiting commandos from the paramilitary forces, the Army and the police. Mr Sarvajit Singh has been appointed Lt-Gen of the INA.”

One wonders how men drawing their pay from the government and under the discipline of the police, paramilitary and Army were to participate in this INA. (The name was resurrected from the revolutionary force raised by pre-independence freedom fighter Subhash Chander Bose to come in on the Japanese side in World War II.)

### *The Role of the Left*

One cannot discuss Leftist vigilante outfits without discussing the role of the Left generally during these chaotic times. Every Indian Leftist is a mini-Lenin - possessed of penetrating intellect, sure grasp of history and military tactics combined with messianic charisma. When trouble erupted in Punjab, Leftists turned their attention to studying the revolutionary potential of the movement. Was this a mass upsurge and if so could it be turned to the left and how?

A human rights activist might be prevented from visiting his own village but the police saw no reason to interfere with the tour itineraries of visiting Naxalites from all over India. They roamed freely through Punjab, establishing contact with the militants. (It may be remembered that the Naxalite groups were themselves heavily infiltrated by government operatives.) With no hesitation they would

declare their approval of killings, even of civilians, as they were “for a cause.” At a number of places posters were seen on the walls with, the slogans ‘Kesri Salam’ to jathedar so and so. It is just not possible that a Sikh militant would salam his jathedar.

The action-oriented policy of the militants attracted a large number of the left-oriented youth. It became common to refer to “Naxalites and Taksalites.” (The latter named after the Sikh theological seminary, the Damdami Taksal over which Sant Jarnail Singh Bhinderanwala had presided). Specifically, “Taksalite” referred to those Leftists who ideologically crossed over to the Sikh side. Others retained their Leftist loyalties while still others were basically a confused lot and would swear by both Pol Pot and Baba Nanak in the same breath. It must also be acknowledged that many of these basically idealistic young men died in the conflict.

The addition of the Naxalbari strain to the Sikh movement had a negative effect as far as the Sikhs were concerned as it weakened the moral foundation of the movement by positing ends as all important. There was an inherent contradiction of a Leftist throwing in his lot with a religious movement.

The basic aim of the Leftist ideologues was to change the character of the movement from a Sikh movement to a struggle for Punjabiati - in other words, replace its religious character with an ethnic character.

The decade of turmoil was particularly problematic for persons who represented the “Old Guard” of the CPI and the CPM. When the post-Bluestar turmoil erupted in

Punjab, they didn't quite know which way to jump. Anyone could see that these were times when the Left could project itself and make an appeal to those who were disgusted by the lies and manipulations of the Congress but equally resistant to the extreme variety Sikh or Hindu.

But how to accomplish this projection? Neither of the communist parties were over-supplied with followers ... indeed, each man was precious and not to be lightly sent forth as cannon-fodder. No, the projection would have to be of a verbal nature.

The CPI leader, Satyapal Dang, emerged as the Left's human megaphone: he spoke in university auditoriums and at village *choupals*, on party platforms and in temples and gurdwaras. Editors of regional and national publications lapped up his letters and articles. Because Dang was so articulate and his pronouncements have been published and are therefore easily compared, it is an easy matter to trace the shifts and volte faces in his thinking - which may be taken as reflecting the thinking of his party and the Left in general.

By 1995, as talk of the possible return of the Akalis began to circulate, Dang found it expedient to do some public wrist-slapping. On July 5 of that year, The Tribune published his "Open Letter to K.P.S. Gill". In the course of this rambling missive he wrote: "Where innocent people were killed as a result of bona fide mistakes, the demand was for compensation at par with that given to victims of terrorism. When innocent people were killed for mala fide reasons, the demand was for deterrent punishment. Speaking generally, these were not conceded. There was the false theory that it would demoralise the police. Also

that innocent persons becoming victims could not be helped. There was also the fact that highly objectionable ‘incentives’ were given, e.g. officers were told that after catching the extortionists, they could take as much money from them as possible.

“The result was that even petty criminals and recently misled youths were threatened with liquidation unless they or their parents shelled out large sums of money.”

As we will see, Dang and his party colleagues are in a very good position to know what sort of instructions were given to the police.

### *Collaborators and Informants*

Persons allied to radical Leftist ideologies made excellent informants as many of them were drawn from rural backgrounds and their outlook encouraged them to keep in close touch with the more “action-oriented” groups among the masses.

In the late 80s a number of highly visible Leftists were killed - poet Avtar Singh Paash, folk singer Jaimal Singh Padda, leader Darshan Singh Canadian. Were they killed by government agents to bring the Left into collaboration with the government? Whoever killed them, that was indeed the result. This was the time that saw formation of such “red” vigilante groups as the Red Brigade, the Sarabha Brigade (named for pre-independence revolutionary Kartar Singh Sarabha) and the Guerilla Squad.

After Naxalite leader Ramak Singh was shot down in Chari village of Samrala area in February, 1991, ostensibly by militants, in retaliation, members of the Red Guard killed a sarpanch of Bhoyan village near Samrala. Eighteen Naxalites including their leader were shot down at Seewianwali village in Faridkot district where they had gone to stage a play.

With battle lines drawn between Naxalites and militants, the police began to draw on Leftists of various shades for information. By the time the Beant Singh government came to power in 1992, apparently it was felt that either the Leftist informants had served their purpose or that they were getting too big for their boots. Whatever the reason, in late 1992 and early '93, many of these informers were killed by the police. With a representative government installed in Punjab, there was a distinct possibility that men who knew too much could become an embarrassment. Certainly the informants were in that category and it is quite possible that a desire to avoid unpleasantness motivated the police to remove these men. Overnight, Communist Party of India leaders Satpal Dang and Jagjit Singh Anand emerged as Human Rights activists.

Looking back, it must be said that this situation of utter lawlessness was made worse by the influx of every sort of person into the ranks of the police nor were the militants particularly fussy about the sort of men who joined their ranks. On both sides, arms and training were given to anyone who came along, with no questions asked.

From the sheep's point of view there is never very much difference between the wolves and the sheepdogs - here



was a situation when it was impossible to tell which was which. “Man in a state of nature” leapt from the pages of Hobbes, and Punjab experienced “the war of all against all.”

## INFORMATION / COMMUNICATION

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Controlling what people do is a fairly straightforward operation that can be accomplished through surveillance and force. Controlling what is published or broadcast is also fairly simple. The most influential media institutions are large but relatively few. In India, these are either departments of the Central government, such as the broadcast media, or they are newspapers which are heavily dependent on the government for advertising, newsprint, as well as liable to censorship which may be declared by the government under certain conditions.

However, censorship, even the mild variety, generally has the effect of whetting public appetite for whatever is suppressed, whether it is news or pornography. After Operation Bluestar and at several other times throughout the 1984-85 period, the reader opened his paper to see large white patches staring back at him. This business of leaving spaces blank was the newspapers way of protesting government censorship and in government eyes it was an act of defiance which they tried very hard to prevent.

All over the world, governments and political parties want to project a positive image and create public support for

themselves. They do this by suppressing damaging information and highlighting their successes or beneficial programmes. Blatant censorship arouses opposition but manipulation of information can be done with such skill that people do not realise what is being done or if they do, they accept it as the manipulator's legitimate self-projection. Actually, manipulation is an old-fashioned word ... the preferred modern usage is "news management".

"News management" is only one of several approaches to controlling what people think. Although it is a complex operation over the past century great strides have been made in this area and today public relations specialists-achieve with a few weeks of air-time what Stalin could not do in 30 years with the entire staff of the Cheka and Agit-Prop combined.

"News management" grows steadily more refined, aided by technology at many levels. As skill at "news management" grows it becomes more and more difficult to say when a government or party crosses the line between legitimate self-promotion and interference with the duty of mass media to inform accurately and completely.

Obviously, "news management" is most effective in a situation in which only one agency is trying to do the managing. When the audience is subjected to multiple "managers", it tends to become confused, distrustful and frustrated.

Some people reason that the only thing they can be certain of is their self-interest and group identification, so it is better to believe whatever bolsters that and not worry over

something as uncertain as truth. This is one of the most dangerous fall-outs when the objectivity and credibility of the media is eroded.

At the level of one-to-one communication, every advance in communication technology makes it easier to find out who is communicating with whom and what they are communicating. Every day it gets easier to identify who thinks what. Surveillance of persons or groups can be justified as a means by which the state fulfils its duty to ensure public safety. But when this power is exercised unchecked it can easily cross the line into harassment and violation of the right to privacy.

Because modern communication has yet to penetrate the Indian countryside, the villager is not as vulnerable to media manipulation as his urban counterpart and his communication is not as easy to penetrate. In the mid '80s when trouble erupted, even the police at the lower levels were poorly provided with means of communication.

Aside from ease of control and penetration, another way to typify communication is "one-way" or "two-way". It is easier to manipulate one-way communication than two-way. Even more than the print media, broadcast media are unidirectional information-flows. The audience has two choices: one choice represented by the on-off knob and the other by the channel selector. Until very recently, only those living along the border with Pakistan could exercise the option of changing the channel: they could hear "news/views" as presented by the governments of both India and Pakistan. Many listened to both in the hope that by doubling the chaff they would be able to sift 'out twice as much grain.

Radio listeners have more channels to choose from. The popularity of the BBC rises in direct proportion to the level of turmoil in the country. Back in 1988, an American-born Indian journalist toured Batala district and, among other things, asked people the frequencies on which the various BBC services were broadcast. Everyone knew; even a child of six years accurately pointed to the place on the band.

Because they are state-run media, the capacity of Doordarshan and All-India Radio to present accurate, complete and unbiased news is suspect even in the best of times. In a “war situation” the interests of the Indian government override any commitment to truthful reporting.

Operation Bluestar was the point at which a political conflict between the Akali Party and the Congress-ruled Centre changed into a war. Sophisticated speakers referred to it as a battle between the state and terrorism or between Punjab and Delhi; less artful speakers expressed the generally held perception that it was Hindus versus Sikhs. But regardless of how one identified the combatants, everyone accepted that war had indeed broken out ... a civil war, involving the citizens of one country.

In war, truth is the first casualty. The Central government was not interested in truth but in justification and the broadcasts on Doordarshan and AIR at the time of Bluestar served this end.

On the night of June 3, 1984, broadcasts on AIR and Doordarshan announced that curfew had been clamped on

important cities and towns of Punjab. Only after the BBC broadcast its Amritsar correspondent's dispatch that the whole of Punjab was under curfew did the Indian government media admit the fact.

In one of the first bulletins on June 6, 1984, it was broadcast that 38 gurdwaras, five mandirs and one mosque had been searched by security forces, giving the impression that the action was directed against all communal, militant organisations. Later bulletins dropped reference to mandirs and mosque. Moreover, the "38" figure was about half the actual number of gurdwaras that were "searched" ... 74 in actual fact were attacked, resulting in heavy casualties.

It was reported that two Nihangs had been shot dead while trying to flee the Golden Temple and "on medical examination" they were found to be Pakistanis. Circumcision was taken to mean Muslim and therefore Pakistani and Pakistani in Nihang robes meant spy or agent provocateur. Such news "proving" the link between Sikh extremists and Pakistan, could only confirm Hindu listeners' worst fears.

Yet it is well known that Indian smugglers get themselves circumcised so that they can pass off as Muslims if they are caught in Pakistan. As for Nihang robes, wearing Nihang robes doesn't mean a man is a Nihang any more than wearing an Army general's uniform makes one a general. The truth about these two men was unimportant; the broadcast was about justification, not accurate information.

After about a week, when newspapers were allowed to publish again and the correspondents were free to gather news, many of the stories which had been broadcast on the government media were contradicted. “No one came to claim the body of Jarnail Singh Bhindranwale” (AIR) .... “The concerned authorities refused to hand over the militant leader’s body despite a written request for it signed by the panchayat of Mehta village.” (Indian Express)

Shabeg Singh, a former major general in the Indian Army and associate of Bhindranwale who died with him in the Golden Temple was described on AIR and Doordarshan as “a disgruntled, anti-national traitor who had been cashiered, dishonoured and dismissed from the Army.” The Indian Express investigated his past and found that two charge sheets filed against him by the CBI in an anti-corruption court in Lucknow had been disproved and he had been acquitted. Because of this acquittal and his distinguished service, the highly decorated Shabeg Singh was cremated with full military honours.

Sometimes the government media got so carried away with the task to build up sentiment against “the enemy” that absolutely false statements were broadcast which the government itself had to deny later. “Medium machine guns were found in the Golden Temple” (AIR and Doordarshan) ... denied in the Central Government’s White Paper. “Huge haul of smuggled narcotics including hashish found in the Golden Temple” (AIR and Doordarshan) ... denied by the government when the BSF protested that such concocted news gave a bad name to the BSF.

The assault on the Golden Temple and the all-out propaganda against them, had an effect on the Sikhs that was devastating - so much so that it merits deep study by psychologists. Many Sikhs reacted by withdrawing from all sorts of social activities and going into a sort of mourning, others took it as a call to martyrdom and saffron-coloured turbans sprouted everywhere; others - especially women - responded hysterically and fantastic stories circulated: hawks (the mascot of the Tenth Guru) were reported to be roosting in various gurdwaras; there was talk of prophesies and curses that would befall whosoever desecrated the shrine. Many elderly people who had been reasonably healthy for their ages before Bluestar, seemed to lose the will to live and died within a few months.

News broadcasts had reported that “no damage was done to the Harmandar Sahib” but visitors found more than 300 bullet marks and shattered window panes and they came to know that one of the granthis sitting inside the shrine had been killed by a bullet from outside. Gravest of all, the Guru Granth Sahib, the Sikh bible, bore a bullet mark. The damage to the shrine shocked the Sikhs and the lies about this damage alienated them.

In the opinion of Ved Marwah, a senior police officer who was among prime minister Indira Gandhi’s close advisors on Punjab affairs: “the entire Sikh community considered the assault on the Golden Temple complex an assault on the Sikh religion. A major section among the Sikhs swore to break all links with the Indian Union.” (from Marwah’s book, “Uncivil Wars”, Indus Publishers, New Delhi; 1995).



On October 31, 1984, six months after Bluestar, Prime Minister Indira Gandhi was assassinated by her Sikh security guards. Again the government media treated the event in a way calculated to arouse hatred, not merely for the perpetrators of the crime but for the Sikhs in general. For three days Doordarshan showed the crowds filing past the slain prime minister's body and did not omit the slogan shouted there: *khoon ka badla khoon se lenge* (We will have blood for blood)- a dear incitement to violence against the Sikhs.

A retired police officer, N.S. Saxena, wrote later that had Doordarshan shown footage of the violence along with police firing on marauding gangs on the night of October 31st itself, it would have shaken a section of the people out of its passive acquiescence in violence and acted as a deterrent to the rioters. The broadcast media gave no coverage to the riots until they were over, although the havoc went on for three days.

On the other hand, Rajiv Gandhi's speech in which he justified the violent reaction by saying that "when a great tree falls, the ground shakes" was broadcast again and again.

One mentions coverage of Bluestar and the assassination mainly because they were events on a grand scale and reached every corner of the country yet they are sufficiently well defined that one can discuss examples of the government's approach. Take that approach and multiply it by 3650 days and you have a decade of "war reporting" AIR/Doordarshan style. The government media can never claim that the selection of what to broadcast and how to broadcast is done without reference to the ruling

party. Their coverage stands as irrefutable evidence of the anti-Sikh attitude of the Congress Party and its government.

The role of the print media is not as uniform as that of the government's broadcast media, nor is it quite as one-way. The opinions and expectations of readers, expressed through letters to the editor and even more strongly through their willingness to buy the publication, have a strong impact on the people who run newspapers and magazines.

At the same time, publications in India are heavily dependent on state and central governments for advertising and newsprint. The larger the circulation, the more dependent they are. Because the print media still enjoys a fairly high degree of credibility and the average man tends to think that something is true because "I read in the paper", what does or does not appear in this media is very important to the government.

At the outset, a word about India's "news system" is in order. To begin with, with very few exceptions, most large Indian newspapers have their presses and main editorial establishments in Delhi. Smaller newspapers are located in state capitals. The reason for this is that by and large, news in India flows downwards from the upper reaches of the administrations and party executives. The unimportance of news happening at lower levels is reflected in the institution of the "stringer". Typically, a stringer is paid a very small monthly retainer and a sum calculated on the basis of column inches of matter published. The meagre income makes it a sideline.

Interest is focused almost entirely on what parties or administrations say and do. Government servants, particularly at lower levels are liable to disciplinary action for speaking to the press. The reporter does not run around finding out things, he runs around looking for people who will give him stories. Very little appears in the press that was not “planted” there by someone to serve some interest.

Reporters at the district or even lower levels are not encouraged to file stories based on what ordinary people are saying or doing or what is happening to them because 1) “names make news” and 2) if they file a story about something from the common man’s level and it is subsequently denied by an “authority” the reporter will look bad and later when he has to get news from that authority, the officer will not cooperate.

The largest circulated newspapers in India are owned by the large business interests: the Tatas (Statesman), the Sahu-Jains (Times of India), the Birlas (Hindustan Times), the Thapars (Pioneer) the Goenkas (Indian Express). The Tribune, a relatively small papers serving the Punjab region, is an exception. It was founded by a progressive Sikh but run by a trust manned almost exclusively by Hindu bureaucrats. It has never had a Sikh editor. It is not widely known, but one of India’s largest circulated dailies, the Hindustan Times, was founded by a Sikh before independence on behalf of the Akali Party.

The largest newspaper owned by a Sikh is the daily Ajit from Jalandhar (Punjab) but its circulation figures are minuscule compared with the nationally circulated dailies. The only other newspapers owned by Sikhs are very tiny

affairs whose circulation would amount to a few thousand copies at most.

There have never been many publications devoted to articulating Sikh views but by the end of this decade, one saw that the few such organs that did exist were in the process of changing hands. There is reason to believe that government money funded the purchase of many of them. It is curious to note that papers which have been acquired tend to become extremely radical. If one wanted a clue as to who is attracted to the more virulent forms of Sikh militancy, a perusal of the subscriber list would be a good introduction... and perhaps that explains the purchases by people who suddenly seem to have a lot of money and the change to a more strident type of publication.

Ownership characteristics or the cultural background of individual journalists may play some role in determining what is reported and how it is reported, but these are far less important than the basic orientation of the whole news system. When one looks at the reporting of events over the past 10 years in Punjab, the Sikhs have plenty to complain about and can cite innumerable instances of biased reporting or communally inciting editorials to prove their point. But the fact is that the news system is not specifically pointed against the Sikhs but excludes anybody whose main area of activity is at the grassroots level ... Dalits, rural communities, artisans and so on.

The contrast between broadcast media's version of events and that appearing in some newspapers has already been mentioned. As far as the major newspapers go, most of the items about events in Punjab were virtually identical. This is because all reporters base their stories on the same

police or government press notes and attend the same press conferences. Sometimes the paper's particular loyalties get reflected in the type of stories the reporters file. More frequently, the personal leanings of the sub-editor get reflected in the way a story is edited, headlined and positioned in the papers.

An example of a story that reflected the newspaper's position was the report that appeared in a Hindi monthly magazine, *Bhu-Bharati*, just after Operation Bluestar. In a boxed story, it was reported that naked and pregnant women were found in the Golden Temple. The reporter had filed one of the rumours circulating in Amritsar as though it were verified fact. When this story appeared in print, it was sufficiently inflammatory that the Amritsar deputy commissioner had to issue a statement that no naked women were found and the only women taken into custody were the wives, daughters and relatives of SGPC employees residing in the temple complex. The clarification appeared in *Indian Express*, August 6, 1984, but it was never carried in *Bhu-Bharati*.

An example of how editorial treatment can slant news comes from the *Times of India*. On August 4, 1984, a front-page headline screamed "Two Sikhs hijack bus, kidnap boy". The facts were: two men, one in turban, the other clean-shaven (neither could be certainly identified as Sikhs), hijacked the bus and kidnapped the child who was a Sikh. Later it emerged that a former servant who had been dismissed by the family had kidnapped the child for ransom.

Contributing to "Punjab in Indian Politics" (Amrik Singh, editor) Pritam Singh analysed this story, in which the

headline conveys the image of Sikhs as fanatics who would not spare even children. He wrote that at the time the story came in, the identity of the kidnappers could not be definitely established yet the Times headline had declared both men to be Sikhs; the child was known to be a Sikh but this had not been mentioned. He suggested that the story could have been headlined: "School bus hijacked, Sikh child kidnapped", in which the Sikh is the victim, not the aggressor. He wrote that the treatment reflected a conscious communal political design.

Hand-out journalism represents the path of least resistance: no mental or physical exertion involved, no danger of making a mistake in sifting fact from rumour or falsehood, no denials, no libel suits, no antagonism with sources who will be needed in future, no antagonism with sources who could make a man "disappear".

The routine reliance on stories that were delivered to journalists on a platter, explains why it was easy for the administration, the police and politicians to carry out campaigns of disinformation.

An example of disinformation is a letter purported to have been written by the Director of the Intelligence Bureau to the Indian High Commissioner in London in 1994 regarding the Akal Takhat jathedar's impending visit to the UK. The High Commissioner was asked to provide the jathedar all facilities and assistance. The letter was later proved to have been a fake - but not until a number of newspapers had headlined the sensational story.

Of course, it is good strategy for a reporter to occasionally put in a bit of effort and file a few stories which embarrass

or annoy the government. The greater the noise one can make, the higher the price one can command for staying quiet. This brings up the issue of “buying the journalists”. Much as one may deplore this tactic of the government and parties, it must also be said that a large number of journalists were only too glad to be bought and many of those whose integrity was not insulted, were deeply unhappy and considered it a reflection on their standing in the profession.

For journalists to accept lavish hospitality and not-so-little tokens of appreciation extended by the state, police, politicians or private interests has become so routine that the practice is no longer considered in any way unethical. Nearly all reporters based in Chandigarh live in quarters built to house government servants. They pay nominal rents for massive bungalows such as would be allotted to the top executives of the state. They do not regard this as unethical either although recently a government servant has petitioned the court to know why he has been denied a quarter when quarters have been allotted to journalists who are employed, not by the state, but by private organisations.

Junkets, mainly within the country but some as far afield as the USA, are common. For example, the Army organises frequent excursions to Kashmir and Ladakh. State governments, political parties or business houses often pick up the tab when journalists and their families go on holiday.

When it comes to things that really add to the journalist’s assets, there are many ways in which these are discreetly transferred. For example, almost without exception, every

Chandigarh-based reporter has been allotted at least one residential plot at very low rates by the state governments of Punjab, Haryana or Chandigarh Union Territory. Many have been allotted industrial plots. Some have grown wealthy by getting plot after plot from the government and later selling at the much higher market rates. It is common knowledge that one middle rung correspondent of a Jalandhar-based daily has been allotted nine residential plots and five industrial plots. The value of these plots would amount to approximately Rs 2 crore.

There are at least two cases of reporters receiving cars from grateful political leaders. Payments in hard currency are, of course, made very discreetly, but occasionally, journalists are “honoured” by letterhead organisations and presented purses or they are assigned “projects” by the state government which allows them to pocket large sums.

These things are so common and so much a part of everyday life for journalists that they have ceased to be remarkable. Instances are so numerous that if one is to single out examples one hardly knows where to begin. One could mention:

- i. The journalist from Delhi who was provided with the state aircraft to visit Amritsar and taken on a carefully conducted tour of some villages to “see how things had improved” How could she have got at the truth when she had no opportunity to see anything but the government’s view.
- ii. Or Punjab Chief Minister Beant Singh’s “press lunches”. Every day three or four journalists



would be invited to lunch. The CM would “confide” little crumbs of information as though he were handing them exclusive stories as a personal favour.

Or the parties organised by Punjab DGP K.P.S. Gill at which film stars were also present. The social cachet of being seen at “the soiree of the season” was enough to turn quite a few journalists’ heads. And of course, only good boys and girls are invited to these entertainments.

Occasionally a journalist doesn’t take the carrot so he must be shown the stick. An SSP who was the subject of an adverse story collected the addresses of the reporter’s parents and in-laws and let the reporter know that misfortune might befall his family at any time. The Telegraph correspondent and the Times of India correspondent, Manmohan Das Gupta and Dinesh Kumar received phone calls warning that they could never be safe from accidents and they were hurriedly pulled out from Punjab. A correspondent of PTI was given information by the Punjab DGP but did not file it. He was telephoned and told that his employers would be prevailed up to dismiss him.

At the time of Operation Bluestar the Central government ordered all foreign correspondents to leave Punjab. Brahm Chellany was employed by Associated Press, a foreign news agency but being an Indian national, he was able to ignore the directive. He was an eyewitness to much of what happened and spoke to many of those removed from the Golden Temple complex as well as doctors, government officers and others. Wiring his story from Amritsar was out of the question so he waited for his

chance and made a dash across the border to Himachal at the first opportunity and from there his story was flashed to the world. In doing so he incurred the extreme displeasure of the Indian government. He was arrested and held for' about six months until international pressure at last succeeded in springing him.

But for most journalists there is no protective "pressure" even at a local level. Those posted in state capitals can rely to some extent on their employers and colleagues but the journalist covering a small town or rural area is absolutely vulnerable.

Punjabi Tribune correspondent Harish Chander based in the small town of Morinda, was arrested and tortured in mid-December, 1986. Early January, 1987, mid February, 1987 and in June, 1991, learned of a police plan to kidnap and drown him. He believes that ASI Sucha Singh of the Morinda police led a party of five policemen disguised as militants who came to his house just after midnight of September 5, 1991, and tried to lure him out of the house so they could abduct him.

On January 23, 1994, the editor of a Jalandhar-based Punjabi daily, Ajj di Awaz, was arrested under TADA, the Arms Act and Sections 213 and 218 IPC, along with the former jathedar of the Akal Takhat, Jasbir Singh Rode, and four other persons. He was charged with aiding terrorists and agents of Pakistan and being part of several plots to bomb public places and it was claimed that the newspaper premises were used to shelter terrorists and store explosives smuggled in from Pakistan. This news got detailed and extensive coverage but not the court hearing

that decided that there was not sufficient evidence to hold him.

A correspondent of Ajit, Rakesh Gaur, posted at the small town of Kurali, in Ropar district, was arrested and tortured by the police on November 3, 1991.

The disappearance of Ajit correspondent Ram Singh Billing has been related in detail in the section on Vulnerable Groups.

### *Censorship*

During the past decade it was rarely necessary for the government to resort to direct censorship or impounding of newspaper issues but it did happen a few times. Issues of The Tribune, Indian Express and particularly Ajit and Ajj di Awaz were seized.

Ajit, being the most widely circulated Punjabi daily, was particularly targeted. Figures available for 1991 indicate that the government confiscated copies of the paper on 10 separate occasions in that year alone.

Date in 1991	No of copies seized
February	748,575
February 26	68,150
March 3	11,000
March 11	1,42,608
March 20	25,000
June 25	21,409
July 24	20,000
August 13	11,518
September 5	50,000

January 15, 1992      50,000

Apart from the seizures from the press, hawkers were threatened that they would suffer if they distributed the paper.

Direct censorship was imposed immediately after Bluestar with agents from the Intelligence Bureau occupying desks in the newsrooms.

In 1990 directives went out to Deputy Commissioners from the state Home Department, instructing them to censor every publication printed in their district or brought into the district for distribution and prevent publication or circulation of objectionable matter. Objectionable matter was defined as :

- 1) all items directly attributed to terrorists and terrorist-related organisations considered to be subversive;
- 2) obituary notices for bhog ceremonies which contain names of known terrorists or terrorist-related organisations as sponsors of the advertisement;
- 3) Publication of threats of any sort by terrorist organisations to any person or class of persons;
- 4) publication of any code of behaviour or social practice decreed, by terrorists or terrorist-related organisations;

- 5) publication of any justification of killing made by terrorists;
- 6) publication of “clarifications” by individuals or institutions.

The Deputy Commissioners were instructed to advise newspapers and distributors that circulation of proscribed material would be punished not only under Section 153-a and b, 124-a, 292, 293 or 295-a of the Indian Penal Code but would also attract arrest under TADA.

These directives were issued and reissued every six months until the end of 1994 and perhaps are still being issued. The orders were very rigorously enforced at the time of the elections in early 1992.

A Times of India article by Dinesh Kumar revealed: “Often and unwittingly ... journalists fall prey to the government disinformation which squarely manages to plant stories ... The confusion gets compounded when government agencies also resort to feeding disinformation on letterheads of militant organisations, since there is no way of confirming or seeking clarifications on press notes supposedly issued by militants who are underground and remain inaccessible most of the time.”

The writer went on to report: A group of journalists, including myself, had called on the former governor to lodge a protest against the registration of a case against the Times of India and the Punjabi daily Ajit, last January. After hastily apologising and promising to withdraw the case ‘shortly’ (that the case was ultimately never withdrawn is a different story), the governor had sought

the journalists' cooperation in tackling the militants. "Do not publish press notes that preach violence against an individual or organisation, etc. but you are free to publish their press notes that encourage inter-gang rivalry", he said, adding "we have drawn up a plan for disinformation to be issued on the militants letterheads. We hope that you will cooperate."

### *Surveillance and Interception of Private Communication*

The state also intercepted communication between individuals and groups. To attract surveillance and interception of communication one did not have to support Khalistan or militants, it was enough to disapprove of methods of the police or the state in dealing with it.

Surveillance could be ordered by any police officer but to censor mail, wire messages or phone calls legally required permission from the state Home Secretary routed through the Deputy Commissioner of the district. Such authorisations were routinely granted and rarely refused. Still, it was bothersome paperwork, and in practice, when the police wanted to intercept communication they would go straight to the concerned post or telegraph office or telephone exchange and put their man on the job.

In May 1994, authorisation was taken from the Department of Posts Telegraphs to intercept mail and wire messages of a large number of organisations and individuals, including journalists, based in Chandigarh.

The order, marked "Top Secret" dated May 25, 1994, from the Home Secretary to all its agencies and the Department of Posts and Telegraphs read :

“Whereas the Administrator (UT) Chandigarh, is satisfied that this measure is necessary in the interest of public safety and tranquillity.

“Now therefore, in exercise of the powers conferred by Sub-Section (1) of the Indian Post Office Act, 1898, for censorship of postal articles and by Section 5(2) of the Indian Telegraph Act, 1885, for censorship of telegraphic messages, the Administrator (UT) Chandigarh is pleased to direct that all Postal articles and telegraph messages of any description whatsoever address to or emanating from the:

Akali Dals, Dal Khalsa, Khalsa Raj Party, National Council of Khalistan and their front organisations; central coordination committees of local gurdwaras and Sikh institutions of Chandigarh, All India Sikh Students Federation; Sikh Lawyers Forum, Punjab Bachao Morcha, Office bearers, important members and important workers of Anand Marg and its branches; any organisation/person from whom danger to the security of the state/VIP, persons residing in Pakistan and 10 senior journalists shall be detained and forwarded to the Dy Supdt of Police (CID)/Chandigarh and to authorise the Dy Supdt of Police (CID) UT/Chandigarh to return to the postal/telegraph authorities direct for delivery such postal articles/telegraphic messages as are intercepted in accordance with this office order which it is not necessary to detain permanently in the interest of public safety.

This order is to remain in force for a period of six months with effect from the date of issue.”<sup>11</sup>

The mention of Anand Margis was curious as this organisation is not active in the Union Territory. It appeared to have been included so that the order didn't look like it was exclusively aimed at Sikh institutions.

This order was challenged by the Movement Against State Repression which filed a writ petition against the Central government and the Union Territory Administration in the Punjab and Haryana High Court on July 18, 1994. For more than a year, the government made no reply to the writ but time and again sought extensions from the court. The government did not want to formally admit that such a circular was ever issued or that it ever ordered censorship of the mail or telegraphs or phone calls of journalists. Ultimately, to save itself from having to answer embarrassing questions in Court, the government withdrew the order. There upon, the court dismissed the case.

A complaint regarding the order was also lodged with the National Human Rights Commission. In May, 1996, Ved Bushan Sharma, the NHRC's registrar (Law) wrote to MASR. His letter said:

“I am directed to inform you that your complaint, dated 24/05/ 95 and the report received from the concerned authorities were placed before the Commission on 09/04/96. On perusal, the Commission directed as follows:-

This is a petition by Shri Inderjit Singh Jaijee of Movement Against State Repression complaining about censorship on mail of all Sikh Organisations and Sikh



political parties in Chandigarh. All the letters addressed to them are censored.

In the response, the respondents have admitted that by virtue of the Powers vested in him under Section 26 (1) of the Indian Post Office Act and Section 5(2) of the Indian Telegraph Act, the Administrator (UT) Chandigarh has powers in the interest of public safety and tranquillity to impose censorship of postal articles/ telegraphic messages. It has been further stated that these powers have been challenged in the Punjab and Haryana High Court and the order of the Administrator is stated to be sub judice.

In this view of the matter, no further action is called for.” About a year later, on March 19, 1997, Ritu Sarin reported in the Indian Express that the Intelligence Bureau collects 10 to 15 bags of letters carrying about 5,000 letters from the Foreign Mail sorting office at Safdarjung Airport in New Delhi and takes them to its office near New Delhi’s Khan Market to be opened and read.

She quoted senior postal staff as saying that the interception had been going on “as long as we can remember” and that it was a daily affair, with no record of what was taken or returned. “Neither any senior official of the Post and Telegraph Department nor the Ministry of Home Affairs is aware of the magnitude and purpose of this covert operation being carried out by the Intelligence Bureau.

Padma Balasubramaniam, the Chief Postmaster General of Delhi, says that she receives no intimation about such large-scale interception of foreign mail....”We are not kept in the picture at all.”

The Indian Post Office Act (1898), Sections 25 and 26 stipulate that mail can be intercepted only in the presence of senior postal staff and on the basis of a written list duly cleared by the designated authority of the central or state government. What the IB is doing every day, carrying away unlisted and unsorted mail en masse, is a violation of the Act. It is a large scale operation, not on the basis of identified names but entire countries.

Senior members of the sorting office say that the IB carries away bags from the USA, UK, Germany, Sri Lanka, Pakistan, UAE, Nepal, Dubai, Iraq and Iran. In the case of Pakistan even registered mail is taken away.

E-mail facilities became commonly available in this region only in 1996 but personal experiences indicate that e-mail is also under government scrutiny. Copies of this manuscript could not be dispatched via commercial e-mail services as the operators refused on the grounds that transmitting such material would land them in trouble with the government authorities.

When the National Human Rights Commission organised an international conference on Human Rights in Bangalore in 1996, I was requested to present a paper, "Public perception of terrorism." To get the paper to the organisers speedily, I took it to a commercial e-mail service for dispatch well in time. However when I reached the conference I was informed that the paper had not reached! Photostat copies were made by NHRC for the delegates.

When I got back home I went to the e-mail operator to ask what happened ... only to be handed a slip from

Softzone.com GeniusNet - the owner of the e-mail line - which told the operator:

“You are being informed that one mail originating from your account has apparently volatile material. The number of occurrence of following few words and its count as reported by the auto screening software is as under: terrorism 27 times, militant 6 times, insurgency 6 times. If you are sure about the contents not being illegal, against the government, against ethics, against law, you may resend at your own risks and costs (if any due to this mail). Refer to the terms and conditions signed by you when applying for membership. You are advised to not use this medium for any message having such a volatile material. You may adopt encystations or any other form.”

The National Human Rights Commission may therefore piously join those suffering from the government's paranoid snoopo-mania - even its mail is censored!

IV

THE WAY FORWARD

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ESTABLISHING THE TRUTH

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*Proposal for a Census of Human Rights Violations in Punjab*

“Those who ignore history are condemned to repeat it.” This dictum is as true today as it was a hundred years ago. And yet those who have lived through periods of bloodshed and turmoil, often wish for nothing so much as the power to erase memory of what has happened. Some of those who would be happy to forget are the ones who have lost loved ones or survived to endure a life of poverty or crippling disability. Others who speak of “wiping the slate clean” are guilty men with serious crimes to hide. Forgetting may serve individuals - both the sufferers and the inflictors of suffering - but it does not serve posterity.

Even more dangerous than obliterated history is false history. One cause of India’s present suffering is that the common man takes as incontrovertible truth “histories” that never happened - or which happened very differently from the mythologized accounts sedulously propagated over decades, centuries, millenniums. Future generations can’t be freed from repeating the mistakes of their forebears by false histories ... only the truth makes free.

Those who have lived through these traumatic years have a duty to assemble the facts, preserve them and present a complete and true account. No less than the age of the Gurus or the misls or the gurdwara reform movement, this is an important period in the history of Punjab and the Sikh Panth. It must not be allowed to slip into oblivion.

Two complementary efforts are being made to get at the truth of what happened in Punjab: one is the campaign for a census into human rights violations, and the other is the People's Commission on Human Rights Violations.

During the frenzied decade that followed Operation Bluestar, these human rights groups patiently documented incidents and intervened on behalf of individuals wherever possible and they kept up a continual clamour before the courts, encouraging the judiciary to assert itself. The pile of documented cases mounted up and finally prompted the human rights abuses, particularly disappearances and deaths.

In 1991 the Movement Against State Repression (MASR) prepared a draft format for conducting a census into human rights violations in Punjab on an annual basis beginning with 1984. The scheme was discussed with several other human rights groups and their suggestions were incorporated. In 1992, Punjab Civil Service Officers went on strike to protest police high handedness and criminality. At that time, the PCS Association submitted a memorandum to the governor of Punjab demanding a judicial commission to investigate instances of criminal misconduct. Also in 1992 - February, to be precise - Punjab Chief Minister Prakash Singh Badal demanded a

fresh inquiry into the November, 1984, genocide and punishment of the guilty.

The Movement Against State Repression (MASR) found the time opportune to formalise its own concerns regarding fake encounters, tortures, custodial deaths and disappearances into a comprehensive scheme for a census that would cover the entire state. Few non-government organisations are capable of mobilising a large number of investigators at village level; the most suitable were the Akali Dals, Shiromani Gurdwara Prabandhak Committee and the Bharatiya Kisan Unions and the census proposal was placed before these organisations.

In 1993, three human rights groups - the Movement Against State Repression (MASR), the Punjab Human Rights Organisation (PHRO), and the People's Union for Civil Liberties (PUCL) together with three former advocates-general of Punjab, had petitioned the United Nations to conduct such a census. The UN's response was sympathetic but many formalities and clearances stood in the way.

By 1995, the situation had improved somewhat. At the invitation of the United Nations Human Rights Commission, the MASR submitted a report on the human rights situation in Punjab, covering the years 1984 to 1994. The proposal for a census was submitted along with the report. But it was not until 1997 when a normal poll with reasonable voter turnout brought back a freely elected government, that these organisations could hope to attempt a systematic focus on human rights violations.

Before the Akali Party formed the government in 1997, it had pressed for an inquiry into the genocide of Sikhs in November, 1984 at Delhi and other places. The Akali manifesto declared that, if elected, its government would set up a commission to investigate excesses in Punjab during the period from 1984 to 1997; a full government inquiry into violent deaths and disappearances during the preceding 15 years was promised. The Akalis were voted to power largely because of this assurance. While the Akali government continued to talk about Punjab, under pressure from their coalition partner, the BJP, they reneged on their commitment to set up a commission of inquiry. Others felt that the Akalis were not interested in such an investigation as they had skeletons to hide.

On October 25, 1998, a hundred eminent scholars and representatives of Sikh institutions wrote to Chief Minister Badal:

“Recalling your repeated assurances in the years before the 1997 elections and the manifesto of the Akali Party, we know that you are aware of the need to inquire into human rights violations in Punjab during Operation Bluestar and the 15 years that followed. Indeed, your coalition partner, the Bharatiya Janta Party is also interested in such an inquiry and even your political opponents, the Communist parties, the Bahujan Samaj Party, the Akali Dal-Amritsar, as well as many smaller parties, have also urged an official investigation into that turbulent period of the state’s history.

“The SGPC and your party have repeatedly demanded that the Central Government conduct an investigation in the October 1984 genocide in Delhi and other states. On



October 24, the SGPC president, Gurcharan Singh Tohra, again demanded that the BJP government investigate the 1984 genocide. We cannot expect the BJP government to take this demand seriously if the state of Punjab has itself done nothing to investigate Operation Bluestar and human rights violations of the years up to the formation of your ministry within the borders of your own state.

“Refusal or delay in taking up such an investigation can only lead to accusations against some members of your government and the Akali Party; it may be construed that they have something to hide and therefore are not interested in pursuing the truth. When the Congress ruled Punjab, the then Chief Ministers were also approached with the proposal to conduct a census; their disinterest in the project was taken to imply too close an involvement with unsavoury or illegal events of the period.

“Conducting a census into human rights violations will be a powerful deterrent to the commission of human rights violations in future. It would be a path-breaking move in India and would have a salutary effect on the conduct of law-enforcement and anti-insurgency operations in all parts of the world and would be considered similar to Nelson Mandela’s commission for truth and reconciliation in South Africa.

“A list of killings and disappearances in Punjab, as per the reckoning of the Punjab police and other investigating agencies, has already been sent to you by the Movement Against State Repression (MASR). For easy reference, we enclose another copy. This list brings home the enormity of the violations.

“We hope that your government will set an example of commitment to the rule of law and right to information by taking up this census. Fears that such a census would ‘open wounds’ are unfounded. Rather, this measure would provide relief and consolation to thousands of grieving parents who do not know whether their sons are dead or alive; it would be an unparalleled humanitarian act promoting reconciliation through recompense and accountability.”

In February, 1997, a proposal for a census was put before the newly elected Punjab government with a copy to the Union government. But already other priorities had surfaced and nothing more was heard of the inquiry, nor was there any response to the census proposal.

Meanwhile in 1997, the Supreme Court directed the National Human Rights Commission to look into the matter of the cremation of police victims as “unidentified bodies.” Both the government of Punjab and the Central government opposed involving the NHRC on the ground that the mandate of the commission did not permit due to the one-year bar. On September 11, 1998, the Supreme Court ruled “... there is no reason why the Commission at the request of the Supreme Court, cannot look into the violation of human rights even though the period of limitation indicated in section 36 (2) might have expired ... The matter relating to 585 fully identified bodies has already been referred to the commission which has rightly held itself to be a body *sui generis* in the instant case.”

It is further said that the commission, led by the Supreme Court Chief Justice who expounded and enforced fundamental rights, is truly an expert body to which a

reference has been made by the court in the instant case. Terming the unceremonious cremation of thousands of bodies with the label “unidentified” as horrifying, the court had earlier ordered the CBI to investigate the matter to determine and establish issues such as culpability of those responsible for violation of human rights while the National Human Rights Commission was asked to inquire into other facets of the case.

The CBI concluded that the Punjab police cremated a very large number of bodies as unclaimed and unidentified. The report raised several questions: Was there any public notice asking people to identify the bodies? How did they die? Whose bodies were those? Was any record maintained in relevant police stations? Were any post-mortems done?

The Human Rights Commissions at state and national level have jurisdiction to entertain complaints provided the event referred to happened within one year of petitioning the courts. In the case of disappearances and unidentified bodies, the offence was continuing and therefore within the NHRC’s mandate.

### *Census of Human Rights Violations in Punjab*

After coming to power in Punjab along with the BJP, the Akali Party has developed a convenient amnesia where its earlier commitments to human rights are concerned but nevertheless, the campaign to conduct a state-wide census of these violations continues. At least 200,000 citizens have been killed over the past 15 years in Punjab, so such an investigation is indeed necessary.

MASR, which has been the chief advocate for a census, points to the example of Israel where, even today 50 years after the fall of Hitler, researches continue to dig out the full details of every single Jew who perished under the Nazi regime - and the full details of every single man involved in their suffering and death.

Those who would preserve the true history of Punjab have an easier job than the Israelis. Although many records will not be available to us, indeed many of those records have been deliberately destroyed - the people who suffered or their kin or witnesses are still very much around. They will all tell their stories, if only we are ready to go to them and listen. As every psychologist and lawyer knows, a witness is likely to give a true account of an event immediately after it has occurred. With the passage of time, he forgets details or consciously or unconsciously mis-constructs them in his mind, or perhaps he goes away. The most reliable account is the account which is collected soon after the event.

As for those who were involved on the government's side of the conflict - government officials, the police, the judiciary - many of them have gone on record and much of what they have had to say can be retrieved from reports published in the press. Some of those identified by enquiry commissions headed by jurors themselves as having been involved in the 1984 genocide have in no way been punished for their deeds, rather they have received tickets from the ruling party to contest elections and some of them have been taken into the Union Cabinet.

If these turn of events and statements are discomfiting - like retired Chief Justice Ranganath's remark that "third

degree methods are justified” and the curious terms of reference by which the Union government forbade its official Human Rights Commission to take up cases which were more than a year old - then it is all the more reason to focus on them.

The Central government’s attitude to collecting evidence on the 1984 genocide is a case in point. For more than 10 years, the agencies responsible for investigating the incidents have dragged their feet. It is now virtually impossible to present evidence on specific murders which will stand up in a court of law. This is all the more reason for an independent agency to take up the task of recording what happened. And the sooner the better.

Recent court cases underscore the need to look at the entire period beginning from 1984. According to human rights groups and some senior correspondents of national newspapers, disappearances in the state are not less than 50,000. One may cite the sighting of bodies in rivers and canals, the cremation of “unidentified” bodies, the “dead” militants who have suddenly resurfaced and petitioned the courts for protection.

Who should undertake the work of gathering this information? Contacting lakhs of people in far flung villages is a staggering task which will require a large number of researchers as well as considerable funds for printing forms, transportation, and computer analysis of the collected data. It is too big a job for a few individuals.

After Operation Bluestar the Shiromani Gurdwara Prabandak Committee, the body elected to supervise the management of Punjab’s historic gurdwaras, announced

that it would prepare a White Paper on what happened within the gurdwaras it controls. This assurance was repeated a number of times but somehow nothing came of it in spite of repeated requests from the Sikh community. Only by the end of 1994 was there some response from the SGPC, but without necessary administrative support, little could be achieved.

When one talks of the large and complex assignment of collecting information about the 1984-1994 period, it is clear that the SGPC will not have adequate infrastructure to do the job. Nor can one expect the SGPC members to have the necessary appreciation for this work or motivation to see it through. The SGPC is not a research institution.

In 1991 the Movement Against State Repression prepared a format for conducting a census on human rights violations in Punjab on an annual basis beginning with 1984. The period to be covered should extend up to 1996 now. The form is easy to fill and the data can be collected within weeks through the government's agencies. District Revenue Officers maintain record of births and deaths.

Now all that they are required to do is to go to the villages and fill up the attached format recording deaths due to violence and disappearances year-wise from 1984 to 1996. For greater credibility it would be proper to associate representatives of the major political parties, such as the Shiromani Akali Dal, the Bharatiya Janata Party, the Bahujan Samaj Party, the Akali Dal (Amritsar), the Congress and the Left parties. UN representatives and representatives of Amnesty International and Asia Watch to be present in the capacity of observers.

Such a census is humanitarian in nature rather than political and does not impinge on the sovereignty of India, therefore the Government of India could support this census without reservations. Outside observers would enhance the impartiality of the data collection. Analysis of data would provide an accurate and detailed picture.

Analysis and publication of this data would act as a deterrent to a recurrence of such a situation. Also such information would encourage and guide the victims to seek legal remedy for what they have suffered. The aim of collecting this information is not retribution but restitution and to form a correct historical perspective.

The questionnaire asks the names of those who died, how and when they died; it asks details of those who disappeared; those who were detained, held hostage, tortured, molested, raped, or who were forced to abandon the practice of their religion; those persons or groups who were publicly humiliated. It records damage to private property, religious places and holy books. It asks who was responsible for these deeds.

The format would be in triplicate, one copy to be retained at the district, the other copy to be retained by the party and the third sent to the Coordinating Committee on State Repression, consisting of a body of Sikh scholars.

Census work should not be entrusted to a single party or group but should be given to at least three organisations to be collected simultaneously. The advantages of this would be 1) greater accuracy, 2) safety against loss or

suppression of facts, 3) it would promote people's awareness about human rights.

The suggestion to conduct such a census was made to Sardar Baldev Singh Sibia, the then president of the SGPC, on September 4, 1991, and it was later discussed in detail with him in the presence of Jathedar Tota Singh. Sibia's response was both positive and enthusiastic. On behalf of the SGPC, he had offered to bear the cost of the entire stationery and office expenses. His suggestion that while the SGPC would directly investigate police excesses in the gurdwaras under its control, information regarding the remaining gurdwaras' should be conducted through the census teams.

Advice on this documentation project incorporating S. Sibia's suggestion was sent to Akali leaders S. Simranjit Singh Mann, S. Prakash Singh Badal and BKU president S. Ajmer Singh Lakhawal. The response was encouraging and they agreed to undertake the work through their respective cadres. At that stage, due to fear psychosis neither the Akali Dals nor the BKU were able to implement.

In early 1993, three human rights groups, MASR, PHRO and PUCL and three former Advocates General of Punjab had petitioned the United Nations to conduct such a census.<sup>12</sup> The UN's response was sympathetic but even if the UN were to conduct this census, numerous formalities stood in the way. Even at that time, human rights activists were worried that much evidence would have evaporated by the time the work actually started.



In 1997 MASR again approached the Prime Minister of India, Inder Gujral, the National Human Rights Commission Chairman, Venkatachalia, and the Punjab Chief Minister Parkash Singh Badal<sup>13-14</sup> to conduct a census on the killings and disappearances. While the NHRC had said that it is considering it, it has also pointed to the mandate that debars the NHRC from investigating offences committed more than one year after the occurrence. MASR had responded that there may be a bar on legal action but there was no bar on investigation and in the case of disappearance, the offence is continuing.

Writing now, at the close of 1998, the time lost rankles even more, but at least the political situation has improved and the situation is now safe enough to conduct such a census. This work should get underway as soon as possible so that vital information is not lost.

*People's Commission on Human Rights Violations in Punjab*

Punjab Human Rights groups had already waited several months for the newly elected Akali-BJP government to take up the issue of human rights violations. In April, 1997, at a largely attended public meeting at Jalandhar, a call for constitution of a people's commission was given. By autumn of 1997 several groups had come together and formed the Committee for Coordination on Disappearances in Punjab. R.N. Kumar was made the chairman as the Committee on Initiative on Punjab, a human rights group, of which Kumar is member, had earlier successfully argued before the Supreme Court, the case of cremation of unidentified bodies through Committee on Initiative on Punjab lawyers, Nitya and

Ashok Agarwal. This Coordination Committee was set up primarily to pursue these cases. Later on, it was decided to investigate all disappearances as well as it was possible that some bodies from distant areas of Punjab were transported to be cremated at Amritsar and Tarn Taran.

The People's Commission was set up to circumvent the problems posed by the NHRC's statute of limitations and unearth the truth with particular reference to fixing responsibility and accountability. The probe carried out by the Criminal Bureau of Investigation on the direction of the Supreme Court gave impetus to the creation of the People's Commission are expected to give some relief to families of victims who in many cases do not know whether their relatives are alive or dead. The findings of the Commission will have persuasive value before any court or forum where such cases are deliberated.

On December 10, 1997, Justice (Retd) Kuldip Singh presided over the first convention of the Committee for Coordination on Disappearances in Punjab. Kuldip Singh called on the Punjab government to constitute a Truth Commission to investigate all reports of human rights violations in the state.

By April, 1998, the constitution of the People's Commission was announced. The commission consisted of Justice D.S. Tewatia, former Chief Justice of the Calcutta High Court, Justice H. Suresh, former Judge of the Bombay High Court and Justice Jaspal Singh, former Judge of the Delhi High Court - all of whom enjoy a high reputation for personal integrity and legal acumen. The moving spirit behind the creation of the commission was retired Supreme Court Justice Kuldip Singh.

There was heavy response to published notices; 3,000 cases were compiled and put before the Commission at its first sitting in Chandigarh on August 8, 1998. Out of these, 879 cases were listed in List A - those cases having sufficient material and fit to be placed before the Commission; other cases are in the process of verification.

The Commission cannot investigate any case which is already *sub judice* and it is also bound by the final decision of any judicial court, however, the very existence of this Commission acts as an impetus to cause of justice and the rule of law. The terms of reference of the commission are very wide and include investigation of all cases of human rights violations whether committed by state agencies or by militants. The documentation projects undertaken by the committee keeps the focus on victims of state power. The committee aims to ensure completeness and reliability of all serious contentions of human rights abuses suffered by victims of state power and also to ensure that they are tested against the impeccable character of primary data.

The People's Commission held the first of its hearings in Chandigarh on August 8, 1998. The job before the commission was to determine whether from 1979 to 1997, the agencies of the state carried out or tolerated - "directly or indirectly" - atrocities and thereby violated human rights and whether the state agencies or individuals had, *prima facie*, committed any offence under the law of the land or international law. The commission would further suggest remedies available to the victims of atrocities, including entitlement to compensation from the state and its agencies.

As might be expected, the government viewed the commission with consternation ... but even an institution bearing the name of the Tenth Sikh Guru backed away as the date of the Commission's first sitting approached. Months earlier the commission had arranged to rent a hall in a government building as the venue of the first sitting but at the last moment, the Administration reneged on the arrangement. Thereafter, the Guru Gobind Singh Bhavan was asked to rent one of its halls for the purpose, but it too declined. Ultimately, space was made available in Chandigarh's Sector 34 Gurdwara.

The hearings immediately aroused tremendous interest and found both ardent supporters and vociferous critics. On September 17, 1998, *The Tribune* published two lengthy articles side by side: one upholding the Commission, the other attacking it. Favouring the Commission was a retired Chief Justice Rajinder Sachar. Sachar refuted charges that the commission was biased, incompetent to examine complaints or "illegal"; he also poured scorn on those who feared "opening old wounds" describing their attitude as an invitation to perpetuate extra-legal action in violation of human rights. Punjab's advocate general G.S. Grewal opposed the Commission, describing it as a parallel court without legal authority.

In an effort to block the working of the People's Commission, Punjab government filed an appeal in the High Court. On November 18, 1998 the counsel for Punjab government submitted before the court that the government had already taken a final decision to propose to the Central government amendment to the State's

Human Rights Commission's mandate to take up cases up to ten years old instead of one year old as at present.

In response, the People's Commission agreed to postpone the sitting of its panel at Amritsar until the court gives its judgement. The Bench has adjourned the case to December 17, 1998.

The Movement Against State Repression (MASR) and some other Human Rights Groups do not accept any cut-off date for investigation of human rights violations. In Europe and Israel, governments continue to prosecute men who committed crimes during World War II; why should India ignore crimes as serious simply because they were committed prior to 1988? In any case, disappearances constitute a continuing offence, and can have no cut-off date for investigation.

It may take years for the Commission to see its work through but in the meantime, it is accomplishing at least one very important function, namely the creation of public opinion for human rights. Aroused and informed public opinion is a powerful deterrent to future abuses. International events also encourage the Commission in its work: on July 17, 1998, more than 150 nations met in Rome and resolved to set up an international court to hear cases pertaining to human rights violations.

The Commission has emphasised that it will look into all cases of human rights violations whether committed by state agencies or militants. It is deeply concerned to secure justice for those who had nothing whatsoever to do with militancy and yet, on extraneous considerations - were

abducted, tortured and killed in custody or staged encounters.

## PUNJAB, INDIA AND THE WORLD

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### *Import - Export*

Punjab is a small state, only 50,362 square kms and, as of the 1991 census, a population of only 2.2 crore with 70 per cent of this settled in the rural areas. What has happened within the borders of this small state has had consequences on Sikhs living in far corners of India and the world and what has happened to Sikhs living in those far corners have had consequences for Punjab.

First let us draw back in time and get a wide perspective. Although the British themselves benefited from a policy of divide and rule, they continuously propagated the notion that there was actually no such thing as the nation of India- the “natural” condition of the subcontinent was thousands of tiny principalities, each constantly at war with the other. The empire took great pains to keep reminding their Indian subjects that the British Raj was all that stood between them and anarchy.

It is no wonder that when the British left India, the men who succeeded to the seats of power were haunted by the prospect of having the rich and powerful nation they craved and won, go to pieces and fall from their hands like

so many grains of sand. The irony was that they had come to power thanks to a vast popular upsurge and the mobilising slogans were *swaraj* and *swadeshi*. To the people these slogans meant that they would be able to express themselves politically, economically and culturally, that they would be absolutely free to practice their religion and develop their own ethos through their own language.

The trouble started with language. Demands for linguistic reorganisation of states sprang up everywhere; the Central government resisted but then concurred with what was undeniably a just demand. The Presidencies of Madras and Bombay were reorganised. But when it came to a similar demand in Punjab the matter became intensely problematic. Punjabi became identified as a Sikh language, a Punjabi-speaking state was therefore a Sikh state. Sikh leaders had raised a demand for a state of their own before independence and had been put off with vague assurances from the Congress leadership. After independence the demand in this new “linguistic” form was harder to short-circuit. The idea of allowing the Sikhs to have their own state was somehow a frightening proposition for the Central government but after a great deal of hedging and quibbling, the demand was ceded in 1966.

In the years when India was struggling for independence, 80 per cent of the men who went to the gallows or suffered life imprisonment were Sikhs. In the 1965 war with Pakistan, again the Sikhs bore the brunt of the aggression, both as combatants in the Armed Forces and because their fields and villages were the “venue” of the conflict. It had been seen that the Sikhs were capable of standing up to the



Centre once they got a majority status. The Sikhs felt that they had earned a state of their own.

Meanwhile, the Sikhs who had been uprooted from the areas west of the Radcliff Line had spread out all over India but with heavy concentrations in Haryana, Delhi, and the *terai* region of UP (where they settled at the express invitation of Govindballabh Pant, then Home Minister of UP. Pant wanted to develop the *terai*, then a malaria-endemic jungle.)

But Pant was not the only one who was eager to invite Sikh refugees who would develop difficult areas. Immediately after independence the Maharaja of Patiala went on the radio to broadcast an invitation to all Sikh refugees to come to his state. Patiala State was the premier Sikh state and a large number of Muslims had migrated from Patiala to Pakistan. Many refugees responded to the maharaja's call but at the same time the invitation set off alarm bells in the Congress leadership. They were not comfortable with the prospect of a large Sikh majority state emerging.

Before the maharaja's settlement schemes could be fully implemented he was transformed into a "*Rajpramukh*", a titular governor of the newly carved state called Punjab and East Punjab States Union (PEPSU). Some of the Sikh farmers were settled in Patiala State but the balance of refugee Sikh farmers were directed to states like Madhya Pradesh, Rajasthan, the eastern districts of Punjab (now Haryana) and the *terai* region of UP. Urban Sikhs settled in Patiala city and large chunks of this section were diverted to Delhi and other large cities of India.

Within India the population of Sikhs outside Punjab is around 50 lakhs and was growing fairly rapidly until the process was reversed in the '80s. The concentration earlier was in the Hindu belt of UP, MP, Haryana and Rajasthan. After 1984, while some started moving into Punjab, others spread outwards into the non-Hindi-speaking states of South India.

The Sikh farming population outside Punjab is concentrated in the adjoining areas of Haryana, chiefly the districts of Ambala, Kurukshetra, Karnal, Hisar and Sirsa, the Ganganagar district of Rajasthan, the terai belt of UP and Una district of HP.

Urban Sikh population is primarily concentrated at Delhi, cities of Haryana, Lucknow, Kanpur in UP and Patna and Dhanbad in Bihar, and now as far off as Bombay, Pune, Calcutta, Madras.

Some of the, Sikh *sangats* outside Punjab exist from the time of the Gurus - one thinks of the *sangats* in Assam, at Bidar in Karnataka and Nanded in Maharashtra, in Patna, in the remote trans-Himalayan regions and even Afghanistan.

Guru Nanak travelled as far as Mecca and Rome in the West and to Burma and Manipur in the east, from Tibet to Sri Lanka .. In fact, the Sikhs make good travellers, largely due to the fact that they have no dietary restrictions or caste prohibitions that would make it difficult for them to share water, food and shelter with whomsoever they came among.

Partition sent a wave of Sikhs to the far corners of the country. Thanks to the work culture of the Sikhs they were able to establish themselves in a very short time. A population of roughly 2 million was displaced from West Punjab, Baluchistan and the Northwest Frontier Province. About 1 million Sikhs are said to have perished in riots at the time of partition (Neither Sindhis nor Bengalis have forgiven Congress leaders for agreeing to the British plan to divide the provinces of Punjab and Bengal.)

The Sindhis occupy a sort of grey zone between Hinduism and Sikhism - they are great followers of Guru Nanak yet rarely adopt the emblems of the Khalsa. Partition sent the non-Muslim Sindhis out of their homeland into the cities of India, mainly Bombay, Gujarat and Delhi and outside India where they have settled mainly in the port towns of Asia Africa and the Americas.

It is seen that those Sikhs who were uprooted and forced to relocate in distant places in India and abroad rapidly established themselves - indeed they flourished more dramatically than those who were never disturbed. In this they resemble the Jews who have gone from strength to strength with each fresh emigration or . persecution. A saying among the Sikhs relating to the persecutions of Mir Mannu, a Mughal governor of Lahore says:

*Mannu saadi datri, assin Mannu dey soye.  
Jeun-jeun Mannu vaddha, assin doone sawaye  
hoyye.*

(Mannu is our sickle, we are the fodder for him to mow, the more he reaps, the faster we grow.)

If there is a difference between the two communities it is that the Jews have been able to maintain a strong and mutually supportive network while the Sikhs tend to be highly individualistic.

One thing that has constantly bolstered the morale of the Sikhs in the face of adversity and alien surroundings has been the teachings of Guru Nanak. It seems as though he was specifically addressing a people who would be ever on the move and forced to adapt themselves to strange places and cultures.

Guru Nanak emphasised *karam*, he told his disciples that greater than truth was truthful living. His recipe for redemption was simple: *karam karo, naam japo, wand chako*: labour, remember God and share your earnings.

The *Janam-sakhi*, book which relates incidents from the life of Guru Nanak, contains a tale which reflects both the Sikh ethos and the history of the Sikhs. The story says that one evening, after a long day on the road, Guru Nanak and his companions arrived in a village and asked for food and shelter but were turned away by the mean-spirited inhabitants. A mile or so on they came to another village. Here the residents came out and welcomed them, conducted them to a clean, comfortable room, brought the best food they had and when the Guru was rested, they asked him to teach them.

The next day Guru Nanak and his companions set out again. Seeing the rejecting village in the distance, the Guru said: "May these people always remain settled where they are, may they never be disturbed or uprooted," and

then turning to the good village he pronounced: “May all these people be scattered.”

When his companions remonstrated at this strange blessing he explained its meaning: virtues should be spread around and not confined to a small place or just a few individuals. The story anticipates the dispersal of the Sikhs throughout the world.

The years after the reorganisation saw Punjab assume the position of the most prosperous and progressive state in the Indian Union, literally feeding the nation ... and yet the Centre could not shake off its defensive attitude toward Punjab and the Sikhs. The state had to be kept on a tight leash. Through all these years the Central government has continued to behave in ways that force the Sikhs to conclude that they are not trusted.

NOTE: In 1983, at the time of the Asian Games, the Central government feared that the Sikhs might use the occasion to highlight their grievances before the international community. Haryana and Delhi police were ordered to stop and search all Sikhs travelling toward Delhi from the Punjab-Haryana side. For once the net fell on all alike and Sikhs who supposed themselves to be VIPs got a taste of what VOP (O for Ordinary) Sikhs experience on a day-to-day basis.

Generals, parliamentarians and even Congress politicians were made to get down from their cars and searched for incriminating materials. Those who were exposed to the rough side of the police for the first time in their lives included Maharaja Amarinder Singh, MP and his wife, Air Chief Marshal Arjan Singh, Lt General Jagjit Singh Arora,

the hero of Bangladesh. A judge of the Punjab and Haryana High Court was stopped so many times it took him eight hours to make the four hour drive to the Capital. Amarjit Kaur, a Congress MP was so outraged at the way Haryana police had treated her and her husband that she protested in Parliament.

These were only a few of the thousands of Sikhs who had always thought themselves too respectable to come under any sort of suspicion. Thousands of Sikhs were taken off the buses and cars or delayed long enough to make sure that the Asian Games opening ceremony would be over by the time they reached Delhi.

But this was only the beginning. Sikhs in Haryana, Punjab and Chandigarh got used to being searched. Cordon and search operations targeting the Sikh households became a regular feature throughout the cities, towns and villages. In border districts during Operation Woodrose all able bodied Sikh men between the ages of 15 to 60 were picked up and detained by the security forces.

Ribeiro talks about the road-checks in his book: "These used to irritate the Sikhs, who were being constantly checked by the CRPF, quite unnecessarily at times. In this context, I shall recount a story I heard. Gurbachan Singh Jagat, the DIG (int), who is presently DG of Jammu and Kashmir, had set up a meeting for me with some local Sikh gentry in Jalandhar. They were not politicians but well-to-do landlords and businessmen. There were about twenty of them. All were bearded and turbaned, with the exception of one who was clean-shaven. This man was the brother of my Jat Sikh host. My host complained that when he and his clean-shaven brother were travelling to

Chandigarh from Jalandhar in the same car, he was constantly questioned at the CRPF check-posts whereas his brother was treated with deference. I recounted this story to numerous CRPF commanders and jawans whom I addressed. I do not know how much effect this narrative had on their perceptions. Prejudices are not very easily removed. They rest on emotions and not on exercise of intellect or reasoning.”

Home secretary of India R.D. Pradhan in his book “Working with Rajiv Gandhi” discloses the mindset of the minister of internal security, Arun Nehru. After some bomb blasts had taken place in Delhi he called a meeting of senior officers at his residence. This meeting was attended by cabinet secretary along with Mr. G.C. Saxena, the RAW chief, home secretary, R.D. Pradhan and director of intelligence bureau Mr. H.A. Barari. He directed the officers. Quoting Mr. Pradhan: “Arun Nehru suggested, we should launch an operation to apprehend during the course of the night any Sikh found loitering on the streets of Delhi. He anticipated a back-lash from Hindus. I however sensed that he was not so much proposing action to save the Sikhs from Hindus but to teach the Sikhs a lesson. He also suggested certain strong arm action.”

It is learnt from a reliable source, that during the years Rajiv Gandhi was Prime Minister, the Air Force had standing orders to ground all Sikh pilots whenever he was in the air. Over the past decade, on the infrequent occasions that the prime minister has visited Punjab, the Punjab Police has been disarmed and kept away from his route. Those who appear on the road carry only batons.

On PM's visit to Punjab political activists of Akali Dal (Amritsar) and of other Sikh hard-line groups are detained at the police stations. This is done by recording their names in the "Number Ten" register maintained at police stations for habitual criminals of the area. This enables the police to summon them and detain them whenever it wishes to do so.

At the time of independence the Sikhs constituted 17 per cent of the Indian Army. This has been continuously whittled down so that now it is about 6 per cent. The norm of recruitment was changed from ability to proportionate representation. According to this the Sikhs should come down to 1.8 per cent, commensurate with their strength in the total population of India.

Another little indicator of the government's chary attitude to Sikhs in the Army is seen in the shifting and re-shifting of the regimental centre of the Sikh Regiment. This centre was originally in Ambala (which was in Punjab until 1966); then it was shifted to Meerut in UP and still further away to Ramgarh in Bihar 800 kms from Punjab. By comparison, the Bihar Regimental Centre is located in Patna, the capital of Bihar, the Jat regiment is based at Bareilly in the heart of the Jat dominated portion of Uttar Pradesh, Rajputana Rifles are based near home at Delhi. Other such regimental centres are also based at or near their recruitment centres.

Men who have committed exactly the same crime are treated very differently depending on their religious or political affiliation. In 1984, shortly after Operation Bluestar, nine Sikh youths took over a plane bound for Srinagar from Delhi and hijacked it to Lahore. They



refused to come back and preferred to serve their sentences in Pakistan. They have recently completed their terms there and the Indian government is pressing Pakistan to extradite them so that they may be punished in India as well. (They have applied for political asylum but as of this writing, it is unclear what is going to happen to them.)

Compare this with the treatment meted out to two young Hindus from Bihar who hijacked a plane from Patna to Nepal to protest the arrest of Mrs Gandhi in 1977. When Mrs Gandhi returned to power in 1979 they were rewarded with tickets to contest election to the Bihar legislative assembly and to the Parliament and were elected with party support.

When Maneka Gandhi, widow of Rajiv Gandhi's younger brother Sanjay, stood for election in Amethi, contesting against Rajiv for the seat, the Congress unleashed their graffiti gangs and covered village walls with the slogan "*sardar ki beti, ghaddar ki beti*. (A Sikh's daughter, a traitor's daughter). This was prominently covered in the press and on India's national television channel.

On a number of occasions, Sikhs in line for high office have been superseded without reason and contrary to the precedents for appointment.

The phenomenon has been frequently seen in the armed forces since independence. Time and again, senior Sikh generals have been bypassed for the post of Army Chief of Staff: Kulwant Singh, Harbaksh Singh, Jagjit Singh Arora and lately Surinder Singh are men who immediately come to mind. (For that matter, there is absolutely no chance of a Muslim ever rising to the Army Chief of Staff rank.)

A reliable Army source confirmed that in one command alone, 250 Sikh officers were placed under “discreet inquiries”. This had the effect of stalling their promotions. Considering there are five commands, as well as the Air Force and the Navy, it may be assumed that at one point of time, there may have been 1500 to 2000 officers who were placed under suspicion. This had a demoralising effect, spreading right across the board. The Sikhs were obviously being targeted.

A number of cases can be cited in the judiciary. Of all the judges on the Bench of the Supreme Court, Justice Kuldip Singh was senior-most and yet his junior was appointed chief justice, contrary to precedent and despite Justice Kuldip Singh’s high reputation as an interpreter of Constitutional law. The case of Justice Sevinder Singh Sodhi of the Punjab and Haryana High Court also comes to mind. (The highest judiciary in the past has been overwhelmingly in the hands of the Brahmins. When it was necessary to make some token gesture to minority groups, such as Muslims or women, the answer was to appoint a Muslim woman judge.)

A case of a senior Sikh civil servant being denied his due is that of Manohar Singh Gill, this secretary to the Union Government was in line to be appointed as Cabinet secretary to the Union Government, the highest civil service post in India, but instead was dumped in the office of the Election Commissioner where he was not allowed to function in any capacity and was exposed to the wrath and contempt of T.N. Seshan on a daily basis.

All these supercessions and singling outs have sent a message to the Sikhs that they will ever remain second class citizens in India.

The process of winning statehood had left a bitter after taste: the Jana Sangh (ancestor of the BJP) had gone all out to get Hindus to disown Punjabi, and the Congress was determined to see that, even though the Akali Dal, representing the Sikhs, had finally wrung a state from the Centre, they would by no means be allowed to rule.

Here is the contradiction which underlies this whole period: why did the Centre give the Sikhs a state if it never intended them to run it? Perhaps it had the confidence that it would always be able to manipulate a marginal majority area, the same way it manipulated the Indian scene through a combine of the upper castes and the Dalits.

The demand for a Sikh state was raised prior to Partition through a resolution of the SGPC. Later, it was also supported by Sardar Swaran Singh (who later joined the Congress and was a Cabinet minister in the governments of Indira Gandhi). When the autonomy promised to the Sikhs by the pre-independence Congress Party was not reflected in the draft of the Indian Constitution adopted in 1952 the two Sikh members of the Constituent Assembly refused to sign the document. (One of them, Hukam Singh, later became the Speaker of the Lok Sabha.)

Up to 1966 the Sikhs still depended on the goodwill of the Congress leaders and expected that the pre-independence assurances would be honoured in due course. However the Centre's response to the Sikhs during the Punjabi Suba agitation dispelled the last lingering hope of good faith on

the part of the Congress or the Centre. The politicisation of the community got its start in those days of ham-handed dealings.

In 1978 (less than 10 years after the reorganisation of the state and 20 years after Sikh Constituent Assembly members had walked out of the deliberations in disgust) the Akalis met at Ludhiana and again demanded autonomy for Punjab. This first document, later known as the Anandpur Sahib Resolution, was drafted by a retired ICS officer, Kapur Singh in 1973 at Anandpur Sahib and, according to some sources, vetted by the Marxist leader, Jyoti Basu (later CM of West Bengal). 1978 resolution was a slightly, de-scaled version of it under pressure from other supportive individuals.

The communists, at that stage, were for a federal India. Later, when they were able to build up substantial seats in the legislatures of Kerala, Andhra, Punjab, West Bengal and a strong presence in J&K, they began to get visions of dominating the national political scene. That was when they changed tack from support to the federal demand and espoused a more centralised government. Now, after the dissolution of the Soviet Union, Indian communists are beginning to rethink their position on centralisation and slowly moving back toward a pro-federal stand.

The resolution posited a national political structure that was strong - retaining defence, currency, foreign affairs, post and telegraphs and railways with the Centre - but federal, allowing complete liberty to the states in all other areas. The Resolution stipulated that all states would have equal voting rights. The avowed objective was the safeguarding of minority culture and religion, loosely

described as “bol-balla”. (One may think of the French Canadians demand for a separate Quebec to safeguard their language and distinctive cultural heritage.)

It may be recalled that SGPC President Gurcharan Singh Tohra was a close confidante of Communist Party of India (Marxist) leader Harkishen Singh Surjeet. Harkishen Singh Surjeet now takes credit for diluting the 1973 resolution and getting a revised version ratified five years later. Writing in the Indian Express of 21.1.1997, Vijay Sinha quoted Surjeet as saying: “No doubt in 1978 I helped the Akalis give up their dangerous path and a new version of the Anandpur Resolution was adopted at the Ludhiana Akali conference. I do take credit for that.”

The amended 1978 resolution yielded general communication to the Centre. To conceal this, a lot of noise was made over the phrase “bol-balla” of the Sikhs. Objection was raised to this as the party had decided to supposedly switch over to a secular image. It may be recalled that it was the handing over of communication to the Centre that had enabled the Central government to bring the states under Central control. Sikkim had also conceded Communication but it was able to remain outside and was semi-autonomous for a long time as India feared that “tightening the noose” on Sikkim would drive Bhutan away. This indeed is what happened and, as Bhutan had withheld Communication, it was able to distance itself effectively.

As champions of dialectical materialism go, Harkishen Singh Surjeet is an interesting case. In terms of appearance, it would be difficult to tell him from an Akali jathedar. The story is told that in his formative years, he

visited the Soviet Union and wanted to underline his commitment to the irreligious communist culture by removing his beard and turban. Soviet leaders advised him that in order to win over his people he must retain the trappings of his culture.

This lesson has also gone well with Gurcharan Singh Tohra ... though in a slightly different way. He sails with wind – verbally but never deviates from his self-interest in practice. A close confidante of Tohra and a colleague of mine in the state assembly (since deceased) disclosed to me in strict confidence that Tohra's clear instructions were not to allow any debate or discussion on the Anandpur Sahib Resolution at party forums. Tohra started mentioning the Anandpur Sahib Resolution only when the Sikh demand had escalated to sovereignty.

It may be recalled that in order to dilute the sovereignty demand, Tohra through his Man Friday, Manjit Singh, acting jathedar of the Akal Takht, with the pretext of bringing the Akali Dals together, spelt out a common demand for a confederal state. Simranjit Singh Mann and others dropped their demand for a separate sovereign state in favour of a confederal set up at the behest of the Akal Takht jathedar. All the Sikh leaders appended their signatures to this document including Surjeet Singh Barnala, Amrinder Singh and Gurcharan Singh Tohra along with Simranjit Singh and Sikh Student Federation leaders ... but Prakash Singh Badal remained out perhaps on the advice of Tohra.

A few months later, again in the name of panthic unity, Manjit Singh, the Tohra-appointed acting jathedar of the Akal Takht, appointed a lesser known Sikh religious

leader, Bhai Ashok Singh Bagrian, knowledgeable on scriptural matters but a political innocent, as the convenor of a unity committee to be set up by Bagrian on behalf of the Akal Takht jathedar. The unity formula evolved by Bhai Ashok Singh took the Sikhs back to square one, that is, the Anandpur Resolution of 1978. Tohra's volte face was truly remarkable. Later in September 1998 Bhai Ranjit Singh, the jathedar of Akal Takht, was to accuse the former acting jathedar of Akal Takht Bhai Manjit Singh of having removed record pertaining to the Amritsar Declaration from the Akal Takht record room.

The Akali Dal ratified the Anandpur Sahib Resolution in 1978, yet, instead of pursuing this resolution, the Akalis treated it as a long-term goal and it did not figure in the party's priorities for immediate action. The more pressing problems were held to be restoration of areas taken away from Punjab at the time when Haryana was carved out, acceptance and implementation of Punjab's riparian rights, control of the Bhakra-Beas Management Board.

The Akalis came to power in Punjab in 1977 and made every effort to run a government to which no national party could object. All this time the traditional Akali leadership was treading cautiously and trying to avoid open confrontation with the Centre. And yet there were many who felt dissatisfied with the slow pace of progress toward the goal of greater autonomy.

One Jagmeet Singh Brar is a case in point. On August 26, 1974 he raised a flag of "Sikh Homeland" on the Amritsar Deputy Commissioner's office. He was at that time general secretary of the Sikh Students Federation. A Congress ministry led by Giani Zail Singh (later president

of India) was then ruling Punjab. But the advent of an Akali ministry led by Prakash Singh Badal did nothing to temper Brar's stand. On Independence Day in 1979, after Badal had unfurled the Indian tricolour, Brar and his supporters tore it down and ripped it up. Curiously, thereafter Brar joined the Congress Party and rose to the post of general secretary of the Indian Youth Congress and became an MP.

Badal's ministry was summarily dismissed on February 17, 1980, barely a few months after Indira had returned to power at the Centre. Thereafter another move was launched to snatch away the waters of Punjab's rivers via a canal -- the Satluj-Yamuna Link (which would carry this vital resource southward to the already water-logged basin of Haryana. This Centrally-initiated scheme set the alarm bells ringing and the Akalis mobilised lakhs of farmers for their "dharam yudh" to oppose the scheme.

Now let us again go back and relate what is happening to the ordinary Sikhs. The situation of Sikhs in other parts of the country during this time is not static. Everywhere the "sons of the soil" attitude is gaining ground... and wherever they may have hailed from or wherever they may be, the Sikhs are invariably identified as "sons of Punjab" and they are highly visible because of their prosperity built on a sound work culture, and because the symbols of their religious faith are part and parcel of their appearance and way of life.

The direct result of the Akalis' demand for more autonomy made in 1973 and reiterated in 1978 was to intensify pressure on Sikhs outside the state. "You want your own



state? Then go there!” Even in the ‘70s the trickle of Sikhs back into Punjab was perceptible.

By the ‘80s the Akali demand had escalated to right of self determination and sovereign political status. This brought more repression and the numbers of Sikhs returning to Punjab rose, although, from the standpoint of individuals, this trek back to safety was not a sudden move.

1975 to 1977 was the era of the emergency. Opposition parties, spearheaded by the BJP-Janata Party combine had forced Prime Minister Indira Gandhi’s back to the wall. Her heavy handed response during the “emergency years” (particularly the compulsory sterilisations) was avenged in the 1977 parliamentary poll in which North Indian voters rejected her and her party. But the Janata government was short-lived and by 1979 Indira was back. The lesson she drew from the previous five years was that her opponents had succeeded by playing on the more retrograde Hindu sentiments and if she could beat them only by playing on the same sentiments with greater verve.

For years, the pivot on which the Congress Party had been able to swing election after election was a composite of Muslims, other minorities and scheduled castes and tribes. Particularly in areas where the Hindu population constituted the overwhelming majority, these groups regarded the Congress as their “protector”. Indira’s new strategy required her to sacrifice this image.

To compete with the “Bhagwa Jhanda” of the BJP, the ochre panel of the Congress flag grew imperceptibly wider day by day. In Congress-ruled states this shift in strategy was soon reflected in the composition of the police force.

Prior to independence, the British had relied on Muslim recruits and in the first three decades following independence, police service continued to be regarded as a “traditional calling” among the Muslim middle class. The pattern of recruitment to the regular police force of states like UP began to change but for a “quick-fix” solution, new police forces were raised - such as the Provincial Armed Constabulary. The PAC drew heavily from the Hindu Jat, Rajput and Ahir castes for recruits. When the Aligarh riots broke out in 1979 the PAC boys were sent in and they made short work of the Muslims.

Five years later the PAC and other UP police forces stood back and watched mobs massacre the Sikhs in Kanpur, Varanasi, Allahabad, Lucknow, Lakhimpur, Meerut and numerous other towns of the state.

Nearly 20 years on, this policy of “Hinduisation” has, if anything, intensified. On December 14, 1994, Srinagar Times reported: “[The J&K] Police is falling in an uncanny way to compulsive forces of de-muslimisation. The Muslim component is now virtually wiped out from its hierarchy. Even if the government wishes to place a local Muslim officer at an important point it would be impossible for the sheer non-availability of them. Their extinction was achieved through a long-term “administrative engineering” of the IPS Cadre. The concept of a parallel local hierarchy was buried in the mid-eighties to ensure that “undesirable elements” do not rise too high. Even as the total Hinduisation of the top police brass is directly proportional to the degeneration of law and order in the state to a war-like situation, the “encouragement” of local ranks is restricted to mere lip service. And local will, at best, mean an officer from the

Jammu region or a non-Muslim Kashmiri. According to sources, the de-muslimisation drive is now being carried even to the inferior ranks. In the JKAP, an unwritten code is now followed to ensure “parity” between Muslim and non-Muslim recruits. The ultimate aim is to ensure that at no time the Muslim constabulary is able to outnumber their non-Muslim colleagues.”

The composition of India’s elite security organisations is another glaring example. Writing in the Economic Times of July 22, 1995, Sukhmani Singh described how a communal bias is deliberately built in to the National Security Guard (NSG) and Special Protection Group:

“The NSG’s 7,400-strong force does not boast of a single non-Hindu”. Fifty-two per cent of men of the NSG are especially hand-picked from the Army and the rest are chosen from the BSF, CRPF, ITBP, CISF and SSB. Singh specifically asked the NSG commandant, A.K. Tandon whether any of the men belonged to any community other than Hindu and got the reply: “There is nobody.”

“Reinforcing the organisation’s pure Hindu character, the DG (NSG) is currently experimenting with a six-day course conducted by the Bangalore-based Vyakti Vikas Kendra, whose founder Sri Sri Ravi Shankar happens to be an adviser to the VHP-run World Buddhist Cultural Foundation. The course combines breathing exercises based on Patanjali yoga sutra with chanting of the religious Hindu “*Om Namah Sivaye.*”

[NOTE: The World Buddhist Cultural Foundation is a front organisation of the Viswa Hindu Parishad and was formed to help the wealthy Hindu mahant of the Bodh

Gaya temple in Bihar hold on to the shrine. Buddhists revere the site as the place of Gautam Buddha's enlightenment and have unsuccessfully sought control of the temple for years. They are presently agitating for the liberation of the shrine from Hindu control.]

While the commandant was suave enough to evade the question on the basis of selection for the elite force, one of the commandos was blunt: "Sikhs are creating problems in Punjab and Muslims are revolting in Kashmir. So we do not have any here."

For the past 30 years parliamentarians have been demanding creation of a force composed of men from all communities which could be deployed in riot situations. The government has indeed created a special force, but one that has been specially designed to reflect the most communal attitude - an all-Hindu force.

A miniature version of the 1984 Delhi carnage was enacted in Jammu on January 13, 1989. Around midday, some 10,000 Sikhs marched in procession in honour of Guru Gobind Singh's birth anniversary. They came under savage attack from an organised Hindu mob. For six hours the riot raged.

According to India Today: "The police, according to every witness who has talked, simply looked the other way or ducked for shelter. Not a *lathi* was raised, not a teargas shell fired. It almost seemed as if the police were encouraging the show." At the end of the day, according to official tally, 13 Sikhs were dead, 145 vehicles and hundreds of shops burnt. Unofficial figures put the death

toll much higher. Unbelievably - the J & K Chief Minister was in town on that day.

Some 200 Hindus were arrested days afterward but they were released following a week-long *hartal* organised by the BJP. The Union Government took absolutely no notice of the incident.

In 1995 the Congress makes no bones about discarding the Muslims and other minorities which once constituted so important a segment of their flock. But two decades back, when this policy was still at the experimental level, such a drastic step could not be taken. Yes, it was necessary to win majority Hindu support but could Indira slay her lambs? Would she gain a sufficient number of new voters to make up for them?

The Sikhs came in handy here: they were already envied for their prosperity, they were highly visible so any negative thing they suffered would be magnified for publicity purposes. Particularly in UP and Delhi where Sikhs constituted a substantial population, they strengthened the position of the minorities and the Dalits. And yet, by themselves they did not constitute that large a percentage of the voters that their alienation would substantially damage Congress chances. The Sikhs were the perfect victims.

When Indira returned to power in 1979, the Akalis led by Prakash Singh Badal were ruling in Punjab. Indira was too insecure to tolerate an opposition party in her very backyard. Although the Akalis had a firm majority in the Vidhan Sabha and the state was going about its business, troubled only by a bit of rumbling on the Sikh-Nirankari

front. Indira summarily dismissed the Badal government and ordered President's Rule.

The anti-Sikh push was kept rather discreet but it was real. In UP the UP Revenue Minister sent a written directive to all District Magistrates to "squeeze out the Sikhs". Land ceiling was reduced to 12.5 acres knowing that the Sikh farmers who had reclaimed large chunks of the once-uninhabitable terai and farmed large spreads would be the main oustees. Why wasn't the UP government taken to court for issuing this blatantly communal circular?

Around this time another phenomenon was seen. In UP's terai region, a great deal of buying and selling of farms was seen. The transactions reflected the insecurity of Sikh farmers. Those whose holdings lay at a distance from areas that were perceived to be Sikh-dominated sold those farms and bought land nearer the Sikh areas. A similar process of ghetto-isation was seen in some of the cities and large towns. Many returned to Punjab long enough to buy property here - a sort of insurance - and then went back to their livelihoods in other states. Investment in property in Punjab became the most common means of utilising agricultural or business surpluses and this process is continuing.

The favourite tactic of the Centre in these days was "talks" a procedure designed to wear down opponents through month after month of fruitless quibbling. "Talks" with the leaders of the Assam agitation went on for three years and the Centre was prepared to "talk" to the Akalis even longer. If Monday's newspapers reported "formula in sight", Tuesday's headlines declared "PM rules out Akali demand". After 30 such time-wasting rounds it was

obvious that the Centre was not interested in coming to terms with the Akalis but was trying to force a showdown.

And all the while the Centre was talking-talking-talking, its military strategists were planning an assault on Sikhism's holiest shrine and training soldiers for the job on an especially constructed replica in the interior of Garhwal hills. In the first week of June, 1984, the Akal Takht, the traditional seat of political decision-making for the Sikh community was blasted to rubble by Army tanks, and the Harmandar Sahib, the sanctum sanctorum of the Golden Temple, came under fire (bullet-marks giving the lie to the Army's vain denials). At the same time, the Army attacked 74 other gurdwaras throughout the state.

In April, 1984, Sant Bhindranwala was still saying that his demand was not for a separate Sikh state although considering the way the Sikhs were treated in India he would not decline it if the opportunity presented itself. But by the first week of June in his last press interview he told the Times of India correspondent Subhas Kirpekar that "The Sikhs can neither live in India nor with India. If treated as equals it may be possible but frankly I don't think that is possible."

Matters came to a head. The Army attacked Harmandar Sahib, the holiest Sikh shrine, and 74 other gurdwaras. The number of Sikhs returning to Punjab swelled dramatically. Then came the genocidal riots of November 1984 - this time the flight back was precipitous, these refugees were people whose primary calculation was not loss of property but loss of life.

So here is the deepening spiral: the Congress-run Central government is obsessed with “disintegration” and sees the Sikh demands as a repetition of the pre-independence Muslim demands, the Sikhs, like people in other parts of the country, claim the promises of swaraj which the independence movement was all about and their frustration grows when they see the distrust of the Centre. Even more than Sikhs in Punjab, those outside the state, feel insecure and begin to edge back to the “homeland” until Bluestar and the November genocide precipitates the matter and “edging back” becomes a headlong flight. (See the section on Demographics in Section I).

In the wake of pressures put on them following the demand for more autonomy made in 1972 and reiterated in 1978, the Sikhs started returning in greater numbers. By the ‘80s the Sikh demand had escalated to right of self determination and sovereign political status. This brought more repression and the trek back to Punjab intensified.

But the hope of “safety in numbers” was illusory. From 1984 onward Punjab ceased to be safe for anyone. Some Sikhs who were constantly hounded by the police left Punjab hoping to lead quiet lives in places like Calcutta, Bombay or Bhopal. The Punjab Police saw residence in places outside Punjab as no bar to their activities and the result was the gunning down of Basheer Mohammad, alias Singh and his wife at Tiljala or the arrest of Sohan Singh and four other militants in Kathmandu, the capital of neighbouring Nepal. The very fact that a person had shifted his residence was taken as a suspicious circumstance pointing to militant involvement. To apply for a passport was all the more damning.



Writing in *The Pioneer* of May 3, 1995, former West Bengal Finance Minister Ashok Mitra, denounced the extra-territorial operations of the Punjab Police: “Summary killing of young people without leave of the judiciary, on the alleged ground of militancy, was introduced into the country as an art form by the police and paramilitary personnel in West Bengal in the 1970’s  
....

“Where the Punjab Police and the Punjab government have, however, scored over their counterparts in West Bengal of the 1970’s was through their decision to widen the scope of jurisdiction of their police operations in the fight against terrorism, beyond the borders of their own state .... The notion that they can kill people in cold blood only in Punjab was, they decided, plain silly. Has not the Director General of Police been praised to the seventh heaven by one and all for his courage and ruthlessness which has saved the nation from the Khalistanis? Those who were considered to be well worth liquidation but who had the temerity to seek sanctuary elsewhere, must not be allowed to escape justice. If suspects are hiding in Maharashtra or Manipur or Bengal, the Punjab Police, unflinching in their determination, would despatch commandos to these spots and take due care of the fugitives.... “

In 1995 Punjab’s Director General of Police issued a directive to his police not to indulge in extra-territorial activities anymore. That in itself is a confession of the state’s involvement in clandestine extra-territorial head-hunting.

Not that it had ever been particularly clandestine. On June 28, 1994, The Tribune reported: "The Punjab police has set up three centres in the terai region of UP to help the police there to eliminate terrorism. Stating this here (Jalandhar) today Mr K.P.S. Gill, DGP, told newsmen these centres were at Bazpur, Lakhanpur and Purnapur. Mr Gill said such centres had also been set up in Assam, West Bengal, Bombay, Hyderabad, Indore, Ahmedabad and Baroda to track down militants who had escaped from Punjab following pressure by the state police."

India has signed extradition treaties with Britain, Canada and the USA but the process of extradition is hedged around with many legalities and foreign governments must be convinced that there is sufficient and truthful evidence against a man before they bundle him onto the plane back to India.

Many Sikhs fled to Europe, Britain, Canada and the USA.

According to K.P.S. Gill 5,000 such Sikhs have fled to Europe alone. (According to Gill's successor, O.P. Sharma, the number is 15,000.) The men were the subject of debate in European countries and the question was raised as to whether or not they deserved asylum. When foreign countries referred the issue to the Government of India, India argued that there was no case for granting asylum as any Sikh who thought he was not safe in Punjab could take up residence anywhere else in India. However, there were too many "Tiljalas" to allow that argument to pass.

Even without Tiljala, cases such as that of Kuldeep Singh and the killing of five Sikh deportees at Bombay, made the situation in India crystal clear.

Kuldeep Singh managed to get into Germany with the hope of earning well. He never sought asylum for political reasons. He was deported back to India and the New Delhi police took him into custody when he reached the airport at New Delhi on May 28, 1994, charging him with forging his passport and related offences. The police questioned his family. Kuldeep Singh who was present told his father that the police wanted 500 DM. The family could arrange only Rs 3000. Kuldeep's last words to his father was a plea to get the money somehow as soon as possible as he was being brutally tortured. On May 30, a policeman brought word to the family that Kuldeep was dead and they could collect his body from Deendayal Hospital.

Another typical case is that of Sahib Singh, a 24-year-old skilled workman who got a job in Bahrain in 1991. In 1994 he flew back to India. His father met him at the New Delhi airport on September 12.

Sahib Singh asked his father to return to their village, Mandvi, district Sangrur, and said that he would make a detour to the village where his wife's family stayed (Bause, district Karnal, Haryana).

When Sahib Singh didn't turn up on the 13th or 14th or 15th, his father went to Bause. Sahib Singh was still there but that very night, police surrounded the house and took Sahib Singh away. They refused to tell Sukha Singh where his son had been taken. The father went from officer to officer, finally reaching Punjab Minister Rajinder Kaur Bhattal. She too could not help. Sahib Singh was taken away and that was the last anyone ever heard of him; he was never produced in any court, never released. On the

contrary, Sukha Singh was threatened by the police that if he did not cease his efforts to find his son and bring the abductors to book, then he could expect that his younger son, Angrej Singh, and his daughter, Jatinder Kaur, would meet the same fate.

Anyone that left Punjab became more vulnerable than those who remained.

After several cases similar to that of Kuldeep Singh had come to the notice of Punjab human rights groups, they urged the National Human Rights Commission and embassies of western countries to maintain a record of all Sikh deportees for a minimum period of two years and establish regular contact with them through official and unofficial channels. Provision should be made for regular medical check-ups and a list of deportees published. This would ensure their safety from torture and custodial death and give them time to take legal recourse.

The Commission was also asked to summon the record of Sikhs deported back to India during the past ten years so that it could be discovered how many had been killed or had disappeared or had suffered illegal detention and torture. As many of these persons would still be alive such cases would come within the mandate of the Commission to investigate cases one year old or less.

So Punjab's struggle to claim the fruits of freedom resulted not only in a steadily rising "import" of Sikhs from other places within India, it also meant that the chaos of Punjab, embodied in thousands of young men, was also for "export."

*The Sikh Population Outside India*

But long before political pressures began to prompt Sikhs into seeking safer homes, the quest for economic opportunities, or sometimes just wanderlust, propelled the Sikhs all over India and the world. When trouble broke out in Punjab, the substantial presence of well settled and respected Sikhs in countries like the UK, the USA and Canada was extremely fortunate. They were deeply concerned about what was happening in Punjab and they were able to focus governmental and media attention on the violence and violation of human rights.

With the intensity of state repression increasing within and outside Punjab, those who could, tried to get out of the country. Since the mid '80s there has been a spurt in the Sikh population in the UK, Canada, USA, Europe, Australia and New Zealand.

The Sikh population from Africa, particularly from Uganda and Kenya had been pushed out in the late 60s by African nationalism and spread mainly to the UK whose passport they held. The present population outside India is around 6,00,000 in Britain, 3 lakh each in Canada and USA. Here again, because of their superior work ethic and willingness to take risks, they soon became prosperous business communities.

While the UK has more businessmen, the USA has more technical and professional men and Canada has more farmers and lumbermen. They are an extroverted lot and participate freely in the communities they live in.

In England they are now in a position to influence as many as 35 parliamentary seats, though the Tory and Labour approach to the Sikh problem is however “respect for territorial integrity of India, condemnation of use of violence by both the state and the forces opposed, and peaceful settlement of problems”. The constraint has been that Britain was faced with a similar problem in Ireland. In the measure that the Irish problem approaches a resolution, the sympathy for Sikh aspirations is growing. It has become obvious that highly centralised states anywhere in the world are beginning to yield ground to the federal concept, and Europe has shown them the possibility of a confederation that works.

In the USA and Canada the sympathy for the Sikhs is much more because of those countries’ political tradition in which the states and local communities enjoy substantial powers. What the Sikhs are asking for sounds entirely reasonable to the political leaders of these countries. Increasing numbers of parliamentarians in the USA are beginning to support Punjab’s demand for autonomy. The interest of the Canadians can be measured from the large number of parliamentary delegations they have sent to Punjab.

### *The Amritsar Declaration*

Things could never be the same after Bluestar. The attack rendered the moderate Anandpur Resolution irrelevant. The battle cry was now “Khalistan”; events of the latter half of the ’80s brought even moderates such as Prakash Singh Badal, G.S. Tohra and Akali Dal-Longowal president Kabul Singh to back the demand for an independent state. On the last week of December 27, 1990,

the Akali Dal unanimously passed a resolution demanding independence for Punjab. (Reported in the Indian Express, December 27, 1990.) The same issue of the Indian Express reported that Simranjit Singh Mann whom the Prime Minister had invited for talks (more talks!) had been authorised by the Akali factions to negotiate with the government at a massive convention held on the same day.

Demand for an independent Punjab did not die. When the UN secretary general visited New Delhi on April 22, 1994, the Akali Dal and the SGPC submitted a joint memorandum to him. It said:

“The Sikh nation, represented by the Shiromani Akali Dal and The Shiromani Gurdwara Prabandak Committee, are convinced that the Indian state is incapable of holding independent elections in the state of Punjab and recently fostered a quisling regime which could barely get 8 per cent of the votes. In this hour of crisis, the Sikh nation appeals through you to the nations of the world to satisfy the quest and yearning of the Sikh people by allowing the people’s will to manifest in an appropriate manner.”

“Demilitarisation and decolonisation of Punjab is crucial and indispensable if the Sikh people are to enjoy full freedom and exercise their economic, social and cultural rights, in accordance with the UN Declaration on the Granting of Independence to Colonial Countries and Peoples, and seeks an independent sovereign state to break the shackles of apartheid, slavery, colonialism and a retrograde political system and structure.”

Among the signatories to the memorandum were the three key leaders, P.S. Badal, S.S. Mann and G.S. Tohra.

A year earlier senior vice president of the Akali Dal, Kuldip Singh Wadala, had declared that Punjab had never been a part of Hindustan. Sukhjinder Singh, another senior Akali leader had all along been a votary of Khalistan and in the Indian Express of September 14, 1995, he lamented that “Sikhs remain the only major community without a country.” Even the moderate Finance minister Balwant Singh had earlier declared, as quoted in the Probe magazine: “Sikhs are so violently hurt, they feel that their religion will be safe only in Khalistan.”

During these years repression of the Sikhs continued unabated, rather it intensified. The Sikhs however continued to press their demand.

The turnaround came in 1995 and was prompted, not by extreme repression, but by fear of the Akali Dal’s disqualification under electoral law. As the time of elections neared the Akalis had split up into separate groups. Horse-trading with the Centre started and some leaders, to buy the Centre’s acceptance and escape the Chief Election Commissioner’s axe, started scaling down their demands.

In a bid to unite the Akalis a move was made through the acting Jathedar of the Akal Takht, Bhai Manjit Singh, to arrive at a consensus formula. (Except for Parkash Singh Badal, the leaders of all other Akali factions signed it including Simranjit Singh Mann, Amarinder Singh, Surjit Singh Barnala and Jagdev Singh Talwandi). The document, released in May, 1995, was called the Amritsar Declaration. It said:



“The Shiromani Akali Dal (Amritsar) while professing and staying within the democratic sphere, and based on the principles that the holy Guru Granth Sahib provides direction to the Sikh community and to its rich Punjabi culture, the Sikh *quam* (community) announces its decision to renew its struggle for the creation and demand of a separate Sikh area (*khetar*) wherein the Sikhs can experience the glow of freedom.

“Only with the creation of such a separate area (state) can the desires of the Sikh *quam* and the Punjabis be fulfilled. Before partition, the then Congress government had promised the creation of such an area but so far this promise was never fulfilled.

“Such a separate autonomous area will only safeguard the interests of the minority communities. In this present day history, there is turmoil in South East Asia and in the western world efforts are on to form a new society based on certain principles.

“In this changing world it has become but natural that changes take place so that a society free from all evils is created on certain principles. In this new area for the Sikhs opportunities will be provided to all social, religious and political organisations to freely profess and propagate their views and ideas which had never been provided before.

“In this new homeland Sikhs and Punjabis would be able to freely propagate their religion and culture and thereby will also enrich the rich cultural heritage of the world.

“The Shiromani Akali Dal is of the viewpoint that Hindustan is a subcontinent comprising of diverse

cultures, where every culture has its own separate identity and rich cultural heritage.

“There is need for re-organising this sub-continent by bringing about changes in the constitution and making it more broad based and confederal. Only with a strong confederal base can every culture progress and spread its influence worldwide.

“If the Hindustan government does not accept this demand for the creation of a confederation then the Shiromani Akali Dal will be left with no option but to announce their demand for a separate and independent Sikh state. The party will then launch a struggle for this state.”

This declaration drew a sprinkling of opposition. Captain Kanwaljit Singh (One of G.S. Tohra’s and CPM leader Harkishan Singh Surjit’s former protégé, who had been minister of state for Home in the Surjit Singh Barnala ministry) criticised the document.

This in turn, prompted, former Akali Chief Minister of the State, S.S. Barnala to put his support for the declaration on record. Indian Express quoted him as saying that “the Amritsar declaration is not secessionist and that it was merely an extension of the Anandpur Sahib resolution. That it was not anti-national but in favour of Punjab and the Sikhs. Captain Kanwaljit Singh criticised the declaration without studying it.”

Meanwhile, many political parties in other states of India, notably Tamil Nadu, Andhra Pradesh, Uttar Pradesh, Orissa, Gujarat, Assam, Nagaland, Mizoram, Manipur and Kashmir and in the tribal belt of Jharkhand have also taken

up the demand for curtailing the power of the Centre and changing the Constitution to provide a confederal structure.

Over the past three years, pushed by the World Bank and the International Monetary Fund, the government of India has at last seen fit to dismantle the old License-Permit Raj that had choked private sector initiative in the days of the Nehrus. The entrepreneurs are starting to experience their “glow of freedom” and the government babus are reluctantly relinquishing the iron control that had provided them an enviable income from graft. It has been seen that India will not lapse into anarchy if a bit of dirt is removed from the economic system. This lesson will undoubtedly be applied to the political system as well.

Modern communication brings Indians in touch with developments around the world and the example of the European Union and other voluntary federations of states will not be lost. In fact, advances in telecommunications and computerisation, make it possible to achieve close coordination with all elements in a social, economic or political system without the iron-handed rigidities of pre-electronic age hierarchies.

When we look at the economic integration of the world which has already been achieved, it is clear that in one sense talk of national sovereignty and independence is no longer relevant. All nations are now interdependent; there are no more “curtains” - iron or bamboo or even silk. At the same time this very intensification of communication and cooperation is leading to a “freeing up” at many other levels.

As electronic technology advances and spreads, more options become working realities - at the national level and radiating out to states, districts, municipalities, neighbourhoods and individuals - and it is no longer necessary to adopt a repressive, control-oriented authoritarian pattern of behaviour. Greater freedom for regional or religio-cultural groups no longer has to be interpreted as an automatic threat to the well-being of larger collectivities.

Greater freedom is going to come to Punjab - and to the many other regions like Punjab in India and the world - the way the world is moving supports the already strong movement for self-government. The Sikhs have been in the forefront of this movement - following their assertion for autonomy many other regional groups in India have been emboldened to claim self-government for themselves: the Uttarkhandis, Jharkhandis, Kashmiris, Gorkhalis, Tamils, Assamese, the peoples of the north-eastern states. Being in the vanguard has meant that the Sikhs have paid the heaviest price but their struggle has given direction to the others.