

# THE BOOK THEY BANNED

REPORT TO THE NATION:

## Oppression in Punjab

Foreword by  
Justice V. M. Tarkunde

CITIZENS FOR DEMOCRACY

Preface by  
George Fernandes

A HIND MAZDOOR KISAN PANCHAYAT PUBLICATION

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## **OPPRESSION IN PUNJAB**

**A CITIZENS FOR DEMOCRACY  
REPORT TO THE NATION**

# **Oppression in Punjab**

**Members of the Investigation team: Amiya Rao, Aurbindo Ghose, Sunil Bhattacharya, Tejinder Ahuja, N. D. Pancholi**

**Foreword by Justice V. M. Tarkunde  
Preface by George Fernandes**

**A HIND MAZDOOR KISAN PANCHAYAT PUBLICATION, 1985**

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Printed in India  
at Akshar Pratiroop Pvt. Ltd.  
42, Ambekar Marg, Wadala, Bombay 400 031  
and published by  
S. R. Rao, Secretary, Hind Mazdoor Kisan Panchayat  
204 Raja Rammohan Roy Marg, Bombay 400 004.

Price: Rs. 15/- (Rupees fifteen only)

# Preface

## On the threshold of a fascist state

On the night of September 10, the Delhi Police arrested ND Pancholi, General Secretary of the Citizens for Democracy (CFD), an organisation which was founded by Jayaprakash Narayan and which has the distinguished jurist and civil libertarian, Justice VM Tarkunde as its chairman. The arrest was made following the release earlier in the day of this report prepared by the CFD on the Government's atrocities in Punjab. The report was drafted by a five person committee consisting of Mrs Amiya Rao, Mr Aurobindo Ghosh, Mr Sunil Bhattacharya, Mr Tejinder Singh Ahuja and Mr ND Pancholi.

On September 13, the newspapers reported that a case of sedition had been registered against the authors of the report and the CFD. It was also indicated in the reports that Justice VM Tarkunde would be arrested along with the other authors and office bearers of the CFD.

The Government's action need not shock us. With political parties of the Opposition not particularly active in fighting and exposing incidents of State violence, it is the civil liberties' organisations in the country that have been spearheading the movement against government atrocities on citizens, whether on a mass scale as in Punjab and Delhi, or on a group scale as in Bhanji in Bihar or Karamchedu in Andhra Pradesh, or on an individual scale as in deaths in police lock ups. These exposures have begun to unnerve the government, and hence the recent orchestration of attacks on the civil liberties groups and their leaders.

Several Congress-I members of Parliament have recently been using the immunity offered to them by Parliament to attack the PUCL, PUDR and other human rights and civil liberties organisations in the foulest of terms. They have alleged that these bodies are anti-national and are financed by CIA funds, without adducing an iota of

evidence while making such patently false and malicious charges.

The case of the government and the Congress-I is simple: Their foul deeds and criminal acts shall not be exposed. They will run wild in Punjab, killing innocent people, they will organise mass killings of Sikhs in Delhi and elsewhere; they will promote criminals in politics and in public life; they will let the police kill people without provocation. If anyone should document these brutal and criminal acts and publish the reports, such individuals or organisations that do this must be scandalised, terrorised and suppressed. This is precisely what fascism is about.

It is not necessary to emphasise that if the government and the Congress-I succeed in silencing the voice of those engaged in the struggle for civil liberties and human rights, the biggest losers will be the working class and the toiling masses of our country. There is the experience of the Emergency of 1975-77 before us, and that is why we cannot afford to be passive spectators when the civil liberties organisations are under attack. It is necessary to launch a resolute campaign against the government's attacks, and be willing to pay any price in the process.

For once, political parties with democratic and socialist inclinations have reacted with alacrity to the government's attack on a civil liberties and human rights organisation. The two major Communist parties have maintained a studied silence, which, however, need not surprise us. The Communists remember civil liberties only when their parties or persons are under attack from the Establishment, and then too not in a fundamental sense, but purely as an expedient. The Janata Party president Chandrashekhar's statement hits the nail right on the head when he says that "R Gandhi's government was poised to launch a serious onslaught on various civil liberties groups, in its sustained attempt to suppress the civil rights of the people". Chaudhary Charan Singh, president of the Lok Dal has also been forthright while stating that the Government's action in arresting Pancholi is a "grave threat both to the freedom of expression and civil liberties".

The utterances of Srikant Verma, who has been trying with such persistence to become the new court jester can be dismissed with the contempt they deserve. What, however, should cause concern is the silence of the retired and sitting judges of the High Courts and Supreme Court to Verma's remarks on the nature of justice that Mr Tarkunde may have meted out when he occupied the bench. Even if they should not have much use for Mr Tarkunde, their own self-



respect demanded that the retired and sitting members of the Bench administer a sharp rebuke to the spokesman of the ruling party at the Centre. Judges who cannot protect the honour of one of their own may not be able to protect the honour and interests of those who go to them to seek justice; and when they wake up to discover that, it may be too late to do anything, as at least some of them may have discovered to their horror when Mrs Gandhi turned fascist in June, 1975.

One wants to hope that the trade unions and mass organisations will show some spine at this critical moment, and not only educate their members on the meaning and significance of the developing situation, but also prepare them for action to safeguard the democratic rights and civil liberties of the people. It is obvious that the civil rights organisations are by themselves not capable of countering the attacks launched on them by the government and Congress-I, and if they should wilt under the pressure that is now applied on them, then there will be nobody worth the name that will be able to speak up for peoples rights when the final crunch will have come.

## Acknowledgements

During our investigation, a large number of persons from various cities and villages, irrespective of caste or community, had come forward spontaneously and helped us in various ways. Since the list of such persons is numerous, it is not possible to give all the names. But we record our gratitude to all such persons for their immense assistance in completing this report.

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# Foreword

From June 4, 1984, when the Indian Army launched an attack on the inmates of the Golden Temple in Amritsar in what is known as the Blue Star Operation, the whole of Punjab was virtually cut off from the rest of the country by a rigid press censorship. Only recently there has been some relaxation in the censorship, particularly after the accord reached on July 24, 1985, between the Prime Minister Mr. Rajiv Gandhi and the Akali leader Mr. Harchand Singh Longowal. During this period of more than a year, the Indian public heard only one side of the story, in the White Paper published in July 1984 and in subsequent announcements over the radio, the television and in the hand-outs given to the press by the Government. Vague stories of largescale atrocities perpetrated in Punjab were circulating in Delhi and other places, but they were largely unverified. In this situation, towards the end of April 1985, the Citizens for Democracy (C.F.D.) sent to Punjab a fact finding team consisting of five persons under the leadership of the well-known social worker Mrs. Amiya Rao. Only one of the five members was a Sikh, Shri Tejinder Singh Ahuja, a lawyer who on account of personal difficulties was not able to accompany the team for more than three days. The rest of the members spent 13 days in Punjab from the 1st to the 13th of May, 1985 and visited a number of cities and villages in the course of their enquiries. The object of the team was to study the general situation in Punjab, to examine how far civil liberties and the rule of law prevailed in the region, how the people reacted to the appeal of Sikh extremists on the one hand and the rigours of the army and police rule on the other, and what was the state of inter-communal relations between Hindus and Sikhs. What follows is the report prepared by the team.

The whole report except the Introduction had been written before

Rajiv Gandhi-Harcharan Singh Longowal accord which was published in the press on July 25, 1985. There is little doubt that the accord is a step in the right direction and that it may go a long way in the eventual solution of what has become known as the Punjab problem. It is at the same time extremely important that the people in the rest of the country should know what has really been happening in Punjab in the last year or so. This is necessary not only for understanding the present situation in Punjab but also in order that we should appreciate what happens when democratic rule is allowed to be replaced by a rule of the army and the police. The recent events in Punjab present an object lesson of how a democratic polity should *not* deal with a situation of acute public unrest.

The report is in three Parts. Part I describes the inhuman barbarities to which the people of a particular community in Punjab were subjected. It is a terrible tale, carefully documented, of sadistic torture, ruthless killings, fake encounters, calculated ill-treatment of women and children, and corruption and graft on a large scale. It is also a story of the bravery of a people, particularly of the women-folk. A large number of Sarpanchas of Village Panchayats distinguished themselves by openly siding with people against the lawless police and the army. The story also shows that although the relations between the Hindus and Sikhs in Punjab are not as cordial as before, the basic unity between the two communities has not been disrupted. Despite all the oppression of the Sikh community, there was no incident of a communal riot even in villages where the Hindus were in a hopeless minority. The story also shows that the Sikhs of Punjab are hardly affected by the slogan of Khalistan. The story gives the impression that such extremism as one finds among the Sikhs is largely the result of the acute dissatisfaction and resentment caused by army and police atrocities. The members of the team, working in conditions of press censorship and official lawlessness, could hardly be expected to secure the official version of the various events recorded by them. But the statements of the informants were recorded by the team in well attended group meetings so as to eliminate exaggeration and misstatements as far as possible. The statements of important witnesses were tape-recorded, so that the accuracy of the report could be verified.

Part II gives a non-official version of what happened at the Golden Temple before and during the Blue Star Operation, from the 1st to the 7th of June 1984. It presents a series of facts, based on dependable

evidence, which show that much of what is stated in the Government's White Paper is far from the truth. 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 Harminder Sahib on that day. The 4th of June, 1984 was wrongly chosen by the army for an attack on the inmates of the Golden Temple because, the 3rd of June being Guru Purb, 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 the Blue Star Operation was rather small, a much larger number of alleged terrorists being inoffensive pilgrims staying at the Golden Temple. The report also shows that a large number of persons subjected to preventive detention or arrested under the anti-terrorist law are clearly innocent of the alleged offences.

Part III gives an account of the various Black Laws prevailing in Punjab and shows how innocent people are constantly harassed and oppressed by their operation. This is followed by a number of Annexures consisting of statements made by important witnesses.

The Punjab episode will always remain an important chapter in India's modern history. It has some valuable lessons to teach us. It shows, in the first place, that communalism in the country is to a large extent sustained and fomented by the unprincipled struggle for power of different political parties. The agitation in Punjab was started by the Akali Party which, being a party of a minority community, was assumed to be entitled to mix religion with politics. Although all the major demands were secular, the agitation was called "Dharmayudh". Once started, the agitation was allowed to continue because of the power politics of the Congress (I) leadership. The Akali demands could have been easily settled as early as in 1981, but the Congress(I) leadership avoided a settlement because such a settlement would have increased the popularity of the Akali Party in Punjab. The situation was allowed to go from bad to worse, with the result that the "Dharmayudh" went into the hands of extremists like Bhindranwale. The ease with which the issues were compromised between Mr. Rajiv Gandhi and Sant Harchand Singh Longowal on 24th July, 1985 shows that such a settlement would easily have been brought about four years ago, avoiding all the suffering and blood-shed which have taken place during the intervening period. Even the new Prime Minister, more democratically inclined than his predecessor, took

advantage of Hindu communal sentiment in two successive election campaigns before he turned to bring about the easily attainable accord. In the meantime, Punjab was allowed to burn. That is how power politics fans the flames of communalism.

The second lesson of the Punjab episode is that we have yet to learn how to deal with public unrest, particularly if it assumes violent forms. The almost instinctive reaction of the ruling politicians, to whatever political party they belong, is to try to suppress public unrest by letting loose the police, and if necessary the army, on the affected people and by passing draconian laws so as to give arbitrary and oppressive power to the executive and to the security forces. Sometimes this policy is "successful", because the movement is crushed, the people are cowed down and law and order are restored. But the success is short-lived, for the public dissatisfaction is driven underground and it finds more violent expression from time to time. The Punjab episode shows that State terrorism is no answer to private terrorism. On the contrary, State terrorism foments insurgency and breeds more terrorists. For the same reason, draconian laws are counter-productive. They increase public resentment and offer a justification for private violence. In a democracy, public unrest must be met by democratic means. Primacy must be given to the removal of the grievances of the public. Law and order have to be maintained, but they must be maintained by just and fair laws. Terrorism must be eliminated, but that should be done by taking public into confidence and isolating the terrorists from the bulk of the people. Justice and fair play must characterise the approach of a democratic government on all occasions of public unrest.

This report is bound to be a very controversial document. It deserves a careful perusal by the discerning reader.

Delhi, August 12, 1985

*V. M. Tarkunde*

# Introduction

In 1923 the National All India Congress had rushed a three-member fact-finding team to Punjab when hundreds of Sikhs protesting against the illegal take over of the Nabha State by the British administration were sent to jail without any warrant and tortured inside the Nabha prison. Jawahar Lal Nehru, who had headed the team and his two colleagues were also jailed after their arrival in Nabha; all the facts they had gone to find they found inside the jail itself. After India attained independence, however, the All India Congress lost this admirable zeal for probe for verification of truth; and with the passing of time fact-finding teams were considered by it as irrelevant, since the Congress party was in power and 'the Congress Government could do no wrong'; thus even after the massacre of the Muslims in Moradabad, blinding of prisoners in Bihar, killing of political activists in Kerala, dishonour of a woman in the open market place of Baghat by the police in broad day light and now after the incredible violence in Gujarat, the Congress party has not thought it necessary to send a team to any of these places.

The onerous duty of reaching the oppressed people at their hour of trial, and equally important, to present after meticulous investigation a correct picture to the public of hundreds of men, women and children living under duress; has fallen on those who staunchly believe that no violation of civil liberty and human rights can be tolerated and democratic principles India swears by must be observed in action and not merely remain on paper. They do not share the comfortable notion that because a prestigious party is in power things cannot go wrong.

Now in 1984 after the Operation Blue Star suddenly the Government clamped down on Punjab an undeclared emergency. Punjab was cut off from the rest of the country for days, censorship



was declared, all Pressmen—both foreign and Indian—were expelled. There was total black-out of news excepting what was told by the Government-run All India Radio and Doordarshan, again bringing back the unpleasant memories of Emergency days. One heard that “there was unprovoked firing from inside the Golden Temple on June 1 and the Security Forces showed extreme restraint and did not fire a single shot, a variety of Government sponsored news items informed us how the Army took the Golden Temple complex with the utmost care bordering on reverence (they even took their boots off while entering the Temple), how the city remained untouched and undamaged. Without a scrap of evidence we were expected to believe that it was Pakistan which was responsible for the growth of terrorism in Punjab and there was a seizure of highly sophisticated weapons. In July 1984 the White Paper carried the story of a modern Arms Factory located inside the Complex. Days after when we were assured of calm and normalcy in the Temple, the expulsion order regarding the foreign press was not withdrawn and even the Indian Press was not allowed to move about freely, a guided tour was arranged for them as if Amritsar had been an enemy territory recently captured. It is only on July 26 this year that there has been a temporary and partial relaxation of the ban on some foreign correspondents to enter Punjab for the specific purpose of covering the Akali Dal meeting after the announcement of the award of Chandigarh to Punjab. Obviously the Government has a lot to hide still.

That the ruling party was anxious to hide something earlier also was amply clear from the Government vendetta which the foreign correspondent of the Associated Press Mr. Brahma Chellany had to face. He was under intensive interrogation by the Police and the Army Intelligence Bureau and was charged with sedition, because he was the first pressman of standing who exploded the myth of Army's ‘human behaviour’ towards the ‘militant’ Sikhs who were arrested, unturbaned, hands tied behind their backs and then at least 13 of them shot in cold blood; and it was again he who gave some tentative figure of the dead—both the Sikhs and the Army—since the number of the Sikhs killed “was not of much concern to the authorities and the number of the army men killed was, Chellany's 200 soliders dead had to be whittled down to 96, but Shri Rajiv Gandhi while addressing the Nagpur session of the National Students Union in September 1984 raised the figure to 700; so far it has not been contradicted; it could be like his other famous utterance that Sant Jarnail Singh Bhindranwale

was a religious teacher.

Under these circumstances rumours held sway—so much so that thousands of Sikh soldiers far away from home imagined the worst and became emotionally overwhelmed and today are undergoing painful punishment for no fault of theirs excepting that they had placed their faith above everything else in the world.

Extremely harsh laws have been promulgated covering the whole country but ever since the President's rule in Punjab and particularly after the Army Action, some of these laws have been devised specially for Punjab—to teach the Sikhs a lesson: Punjab Disturbed Areas Act, Chandigarh Disturbed Areas Act, Armed Forces (Punjab & Chandigarh) Act, Terrorist Affected Areas (Special Courts) Act, 1984. The Code of Criminal Procedure (Punjab Amendment) Act. All these have given enormous power to the police and the Army. How vindictive the Government meant to be towards the Sikhs would be clear the way Punjab Government violated the National Security Act (NSA) provisions. In a number of cases the serving of revocation order recommended by the Advisory Board was held up for over 2 months. According to a report the Home Department in a letter marked 'secret' to the I.G.P (Intelligence) stated that while forwarding orders of revocation of some detenus, to the District Magistrates, the S.D.M. should be asked to consider re-detention if necessary and "serve revocation and fresh detention orders simultaneously". The Home Department of the police were keen on over-ruling the opinion of the Advisory Board recommendation releasing an Akali leader. The Home Department also issued instructions to the District Magistrates to keep a 'close watch' on all those who had been detained under NSA but released and "apprehend such people without any loss of time" if they were found indulging in prejudicial activities, a list of such released persons was sent to the District Magistrates. Even the Supreme Court's order to Punjab Government for the immediate release of 22 minor children and 4 women held in Ludhiana jail since Army Action in 1984 was not given effect to. The minors continued to remain in jail and later when released again under orders of the Supreme Court two were rearrested and sent to Nabha jail. It was obvious that in Punjab violation of the rule of law had become the norm. The District & Sessions Judge, Patiala, Mr. Cheema's report on torture of detenus in Ladha Kothi in Sangrur District was too shocking for words. (Annexure No. 5).

The Government propaganda was perfect. The Punjab had become a dangerous place because of extremists roaming around with rifles and pistols and hand-grenades ready to kill had been fairly accepted by the people; reports on encounter deaths were fairly frequent—the dead were always the Sikh terrorists; though no particular communal incident could be reported, the media never tired of communalism in Punjab. One heard how thousands of Sikhs were demanding Khalistan but for some reason the Khalistan flag was never described though it had been hoisted by those who are out to destroy the country! Even the national dailies had succumbed to the propaganda. Though they had no means of verifying the truth—the Temple being out of bound, one of them wrote in an impressive editorial about “the very magnitude and calibre of the weapons found in the Temple complex, some of foreign origin, the elaborate fortifications discovered within the holy temple.” Terms like “Command Headquarter”, “trained guerillas” used in real wars were just dropped casually like small pebbles in reams of learned articles.

One had a tremendous urge to rush to Punjab, to Amritsar’s Golden Temple, to other Gurdwaras where army action had taken place, to various towns and villages in Punjab and using one’s eyes and ears try to reach the truth. The team was expected to find out if there had been any erosion of civil liberty after the promulgation of the oppressive laws and the Operation Blue Star; if the Army’s mopping up operation which was extended to the villages—known by the pretty name “Woodrose” Operation, which had begun simultaneously with the Army Action in Golden Temple, had affected the lives of the rural people adversely; how far the communal virus had spread and if the Hindus were really migrating from Punjab out of fear of the Sikhs; how deep was the alienation of the Sikhs from the Hindus, and if Khalistan was just a vague concept or if people were preparing for a new State called Khalistan—for that would obviously means a bloody civil war.

The report has attempted to cover mostly these points. It is based on entirely on interviews, which were held mostly on village common, sometimes under a tree or in a school compound—but always in the open. It was only after talking to these people we realise with a shock that most of the facts on which we had been fed for the last one year through articles and the media were highly exaggerated or mostly false; many vital facts touching the common man’s daily life had been totally suppressed. Truth, it is well known, is the biggest casualty in

war and few may be aware or though aware would not like to admit that a war is on—an undeclared, unilateral ruthless war—against hundreds of innocent defenceless men and women in far-away tiny villages of Punjab from where their voices do not reach the rest of India.

Though many of these villagers were on bail and some had come out of jail only a couple of days before they met us, they showed amazing self-control and fearlessness and without any hesitation told us their story mentioning the names of police officers who had tortured them and had demanded and in several instances accepted huge bribes, if they wanted their women not to be molested or their sons and brothers not to be killed in 'encounters'.

The Report has gathered that in the name of curbing terrorism unabashed State terrorism has been unreleased on the Sikhs branding them as criminals, arbitrary arrests and McCarthy style witch-hunt, sadistic torture of Amritdhari\* Sikhs and cold-blooded shooting down of youngmen in false encounters, are common occurrences; even village women are not spared, they are being harassed and beaten up, dishonoured and taken away to Police Stations or to unknown destinations and kept there, sometime for more than a month. It is all male-police—there was no sign of woman-police in the villages. The demand is that the women must produce their missing or absconding husbands and sons; women after women came to meet us from different villages to tell us what they had been facing for the last one and half year; fields are not cultivated, the police whisk away the servants, cattle is not fed, crops cannot be harvested; a woman saddled with children with no man in the house to help and all the time the police-fear haunting her is a common story in the villages.

The Army never made a list of the dead after the Operation Blue

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\* Amritdhari. This tradition of Amritdhari was started by Guru Gobind Singh when he initiated "Panch Pyaras" (Five Beloved ones) as true Khalsas. Water and 'Bata-shas' (Sugar tablets) were put in a steel pot and it was mixed with a Khanda (two edged 'Kirpan'). Gurbani were recited and this mixture was called Amrit (nectar). 'Panch Pyaras' stood in one line and drank the said 'Amrit' one by one from the same pot. This tradition is followed and all those Sikhs who are baptised in the above manner are called 'Amritdharis. They have to follow strict rules of discipline and a rigorous life. They have to keep always five things on their body *i.e.* 'Kachha', 'Kada', 'Kesh' and 'Kangha' (Underwear, steel ring on hand, sword, hair and comb.) They are required not to take any wine or any other intoxicant, never to look at other's women with bad intentions, never to eat 'Halal Meat', never to tell lies, never to attack first. They are also required to defend the oppressed and the exploited, and never to tolerate injustice.

Star nor returned the bodies—so none knows whether these men who had gone to the Guru Parb on June 3 either as pilgrims or with gifts of corn for the 'langar'—are dead or have absconded for fear of being arrested and tortured. Swinging between hope and hopelessness, afraid of the police, in many villages women have locked up their houses and have disappeared; in Verka village, for instance, houses were not even locked—they were lying empty, deserted. The situation is really desperate and it will be surprising if the brutal torture by the police does not encourage retaliation and fresh violence and create fresh terrorists. People who had undergone terrible torture came to see us and described these to us in detail. With these gruesome details reminding one of the medieval days we are marching towards the 21st century. Who can tell what is in store? We have included some of these descriptions in our appendix for better comprehension of what the army and the police have been doing to our people. There is a distinct pattern in the atrocities committed by the police; repeated raids in a particular house, repeated arrests of a particular person, removal of his agricultural implements, carrying away of the women to some unknown destination, threats to set on fire the house and the crops, harassment of relations, and finally extortion of money. Amritdhari Sikhs are not "dangerous criminals" as the obsessed Army has declared, but the Amritdhari Sikhs are in danger—their fate is uncertain.

We have pointed out, perhaps for the first time and with proper evidence, that the story about the so called "highly sophisticated arms" which were used to fight back the Army is totally baseless. A number of responsible men and women who were inside the Golden Temple throughout the Army action, described to us how innocent people were slaughtered like rats—first letting them enter the Complex and then declaring the curfew which prevented them from going out—thousands were thus caught unawares; finally when the survivors were asked to surrender they were shot in cold blood; our photograph would show how the hands of men were tied at their back with their own turbans, some of whom were shot. The post mortem reports show how the bullets had pierced their bodies. The eye witnesses witnessed the use of gas by the Army, the pile of dead bodies on the 'parikarma', the arrival of tanks which some of them thought were the ambulance, the hovering of helicopter at night, throwing their search-light on targets which were bombed, the wanton destruction of the Akal Takht, the Research Library and the Museum, and finally

been hauling up large number of innocent persons, mostly in Arms Act. More than 80 per cent cases pending in various special courts in Punjab are under Arms Act because it is easy for the police to plant a knife or pistol on anyone. Due to trial in camera, the public has been deprived of the benefit of seeing with its own eyes as to what kind of terrorists the special courts try. If the trial is done openly, then public can see how the police has been dragging the innocents, the poor and the deprived. Since under the Special Courts Act accused can be detained for one year without charges being brought against him, and it may take another couple of years in detention if the trial begins, most of the accused, in spite of being innocent admit their guilt, on the advice and pressure of the police. The police does so in order to justify the arrest of the 'real guilty' Convictions in cases under Arms act generally ranges from 7 to 8 months and the accused therefore after passing 7 or 8 months in jail, deem it better to admit their as the judge of the Special Court sentences them to imprisonment already undergone and release them. If these poor fellows do not admit the guilt then they will have to face trial for 2 to 3 years and remain in jail, which period will be far longer than they are going to get in sentence. Mrs Narinder Kaur, Advocate at Jalandhar, narrated the following incident, which are usual in the Special Courts:

A very poor, thin young man in tatters was brought before the Special Court and the police had advised him to make a confession that he had a knife in his pocket, so that he may be released as he had already undergone 5 months imprisonment. This incident was in December 1984.

“Did you have a knife?” the judge asked.

“Sir, I do not have even a shirt to wear” the boy answered in feeble voice.

“Did you have a knife or not?” the judge asked.

“Sir, I feel severe cold in the night. Please provide me some warm clothes in the night in the jail”, the boy again answered.

The judge again asked in a loud angry voice, “Did you have a knife or not?”

The boy then said, in a harassed voice, “Okay Sir, if you say I had a knife, then I did have a knife.”

So the confession was made, the boy released to be roped in again in future because now he had become a confirmed convict, a confirmed terrorist.

**Following is another instance:**

State Vs. Sunder Singh, s/o Kaseru Singh, r/o Batala

Dist. Gurdaspur, clean shaven

U/S 25/54/59 Arms Act

FIR No. 241 dated 26.10.84 P.S. Div. No. 6 Jalandhar

Sunder Singh's niece was married in Ludhiana. He was going to Ludhiana on 23.10.84 to give some gifts and a new wrist watch to his niece. He also had Rs. 300 with him. While on his way at Jalandhar, ISI Iqbal Singh asked him to get down from the bus and brought him to Police Post at Model Town and snatched Rs. 300/- and the watch from him, and kept him in illegal detention from 20.10.84 to 26.10.84 and gave him severe beating. He also made Sunder Singh to write a letter for his family to bring money and his family members came and gave Rs. 400 to the ASI. A small knife was planted on him and case was registered. As the offence fell under the Special Courts Act, no bail was granted to him. During his detention his father died and wife became mental. As more than six months passed, he decided to make confession in order to be released. But he could not even make a confession because the police had not put up challan yet. Therefore, he requested the Court of Shri Arzinder Singh, Executive Magistrate, directing the police to put up the challan. The Magistrate directed the police to put up the challan but the police did not do so. Shri Sunder Singh again made an application on 18.2.85 for putting up challan and the Magistrate passed an order on it on 19.2.85 directing the police to put up challan on 4.3.85 and also wrote a D.O. letter to SSP Jalandhar. But on 4.3.85 also the challan was not put up. Then the Magistrate again ordered for production of the challan in the Court and also sent his Naib to the police station. However, the police informed that the said challan was not traceable and the next date was fixed on 16.5.85 Mrs. Narinder Kaur Varick, Advocate in the case told that there are several cases like this where the accused wants to falsely confess his guilt in order to get out of the jail, but this cannot be done because the police has been avoiding to put up the challan in the Court on one pretext or the other.

**Who is a terrorist?**

The people of Punjab, especially the Sikhs, have been smarting under the weight of the terrible onslaught of the definition of 'terrorist' flung over them under this Act. At the time of the promulgation of the said Act, the people of India were led to believe that the object of the Act

was to deal with the terrorists only. But the Act is framed in such a manner that even petty crimes, family disputes, individual offences, which have no element of terrorism in them, are being tried under the Special Courts Act.

One example is the case of 'State Vs. Girdhari Lal in Jalandhar Special Court. Girdhari Lal was only 16 years old and was working in a shop of Surgical instruments'. His proprietor had a dispute with his neighbour over the shop building which belonged to the Waqf. The other party, with the help of the police, got Girdhari Lal implicated in a false case under Arms Act. A small knife was planted on him. The police generally plants a knife on a Hindu and a pistol or Barchha on a Sikh. Girdhari Lal could come out only after making a confession before the Special Court, after remaining in jail for about 8 months.

Another very important illustrative case is of Toti alias Jaspal Singh Vs. State of Punjab, which is pending in the Supreme Court. The facts of the case are that on 15.7.84 at about 12.30 p.m. some accused, namely Toti alias Jaspal Singh, Bhajan Singh alias Harbhajan Singh, Harbans Singh and Harjeet Singh had a quarrel with Harvinder Pal Singh (since deceased) over the distribution of 'langar' at the Gurdwara of Ramgarhias, Jalandhar. After about 2 hours, the said accused waylaid Harvinder Pal Singh and one Randhir Singh near their houses. While Harbans Singh allegedly gave a fatal spade blow to Harvinder Pal Singh, Toti and Bhajan Singh allegedly gave two blows with sticks each on the person of Randhir Singh and injured him. After being arrested, all the aforesaid four accused filed bail applications in the court of Shri Jai Singh Sekhon, Sessions Judge, Jalandhar. The Judge accepted the bail of Toti and Bhajan Singh but refused bail to other accused. The Judge observed that the case of Toti and Bhajan Singh stood on a different footing as they were alleged to have given only simple injuries on the person of Randhir Singh. The learned Sessions Judge also held that the act of these two accused did not fall within the definition of 'terrorist' as defined in section 2 (h) of the said Act and that it was a stray incident.

Aggrieved by the above order of the Section Judge releasing Toti and Bhajan Singh on bail, the brother of the deceased filed a petition in the Punjab and Haryana High Court for quashing the order of the Sessions Judge and cancellation of the bail, on the ground that the acts of Toti and Bhajan Singh fell within the definition of 'terrorist' as defined in the Special Courts Act and therefore the Sessions Judge had no jurisdiction to hear the matter and only Special Court had



jurisdiction over the same. This petition was heard along with similar other petition CRP No. 1292 of 1984 in the case of State of Punjab Vs. Piara Singh and the High Court disposed of both the petitions with the common judgement on 21.9.1984. Justice M.M. Punchhi, the learned judge of the High Court quashed the order of the District and Sessions Judge holding that the said Sessions Judge had no jurisdiction to hear the said bail applications because the offences were covered under the Terrorist Affected Areas (Special Courts) Act 1984. The judge further declared that the purpose of the Special Courts is not only to try the 'terrorists' but also other accused who have committed the scheduled offences. The judge said, ".....It is a fallacy to say that the special courts are set up to try special offenders. They have been set up rather to try scheduled offences committed by offenders, whether terrorists or non-terrorists."

Therefore while general impression has been created in the rest of India that special courts have been established to try special offenders i.e. the terrorists, but the fact is that these courts are mainly busy in trying the cases of the non-terrorists. The Special Courts Act has been so vaguely worded that even the offences of a purely private nature like murder or injury in a domestic quarrel which do not have any element of terrorism in them are being tried by the Special Courts with the sole purpose of harassing the public.

The appeal pending in the Supreme Court has one of the grounds, amongst others, that there is a discrimination patent on the face of the Special Courts Act, in as much as whether an offence has a connection with terrorist activity or not the accused concerned have been clubbed together with persons charged with offences involving terrorist activities and therefore this Act becomes ultra-vires and unconstitutional being violative of the Articles 14, 19, 21 and 22 of the Constitution. Another writ petition challenging the constitutionality of the Special Courts Act has also been pending in the Supreme Court since October 1984. As the Supreme Court has not yet pronounced any judgement in the aforesaid two cases, many people in Punjab are feeling very bitter and sore over this delay in the Supreme Court because the decisions in these cases are going to have a great bearing on the fate of the people of Punjab.

### **A futile cause**

The ruthless repression in Punjab has been inspired by the belief that the so-called Punjab extremists are being aided and encouraged by the

foreign power. It would not be out of place to mention similar parallel during the British repression of Punjab in 1919. At the time also there was a belief in the government circles that the Punjab was on the verge of rebellion, and extremists in Punjab were being aided by German, Afghan and Pan-Islamic agents. However, in their secret correspondence, Sir C. R. Cleveland, the Director of the Government of India's Intelligence Bureau, wrote to M. L. Robertson, Bombay, Inspector General of Police on May 23, 1919—"So far no trace of organised conspiracy have been found in the Punjab. There was organised agitation, and then in particular place the people went mad. I am sorry to say that the Times of India and the Pioneer have committed themselves to the theory of Bolshevism or Egyptian instigation for our Indian troubles. I have satisfied myself that they have no evidence worth the name to support the theory."

While the Indian National Congress had appointed its own committee known as the 'Congress Punjab Inquiry Committee' to investigate into Punjab atrocities, the British Government had to appoint its own commission, known as the 'Hunter Commission' for the same purpose on public demand. Even the Hunter Commission in its report agreed that "there was no evidence to show that the outbreak in the Punjab was part of a pre-arranged conspiracy to overthrow the British Government in India by force." However, at present, thousands of Sikh youths are imprisoned in various Punjab jails in the country on the charges of waging of war against the Government—entirely on the basis of one-sided version. The Government of the free India does not even see the need of some impartial agency to investigate into Punjab disturbances on the lines of the 'Hunter Commission'.

The Indian National Congress held its next annual session at Amritsar on 25 December 1919 to mark its protests against Punjab atrocities. However, at the same time, King of England issued a Royal proclamation which announced political amnesty and expressed admirable sentiments. "So far as possible", King George Vth had declared. "any trace of bitterness between my people and those who are responsible for my government should be obliterated." The Royal Proclamation came as a balm to the assembled leaders at Amritsar. They expressed their 'humble appreciation' of the Proclamation. "This is a document", affirmed Gandhi, "of which the British people have every reason to be proud and with which every India ought to be satisfied."

But now in free India, on comparison, the attitude and actions of our present rulers seem to be worse than those of the British Government in relation to Punjab. In spite of the recent Rajiv-Longowal accord, thousands of innocents are languishing in different jails in the country, and the cases of the other thousands of innocents are simply going to be transferred from special courts to the ordinary courts. This second gesture of transferring cases from special courts to the ordinary courts has not much meaning in effect because the period of keeping an accused in detention for one year without submitting challan was soon going to be exhausted in a month or so in most of the cases and a large number of them were automatically likely to be released because of the failure of the police in submitting challan within the prescribed time of one year.

It is also worth mentioning that before deciding not to extend the term of the Terrorist Affected Areas (Special Courts) Act, 1984 (this does not effect the pending cases) beyond July 1985 the Government armed itself with another repressive measure i.e. The Terrorist and Disruptive (Prevention) Act, 1985 in May, which contain similar draconian provisions as in the former Act. In the latter Act, the Special Courts are going to function under the label of 'Designated courts'. Moreover, another dreadful Black Law i.e. National Security Act, still hangs over the heads of the people like the Sword of Damocles.

While discussing constant attempts of the Government to use such Black Laws for continuous repression of the people, one old man remarked:-

**(NASHEMAN PAR NASHEMAN IS KADAR TAMIR  
KARTA JA, KI BIJLI GIRTE GIRTE KHUD BE JAR HO  
JAYE)**

You go on building your mansions  
in such a manner,  
that the thunderbolt, after repeated attacks,  
becomes tired and exhausted.

# Annexure 1

Statement of Shri Baljinder Singh son of Shri Mahender Singh, (Grandfather Dalip Singh), aged about 20 years, village Ladha Munda.

I was apprentice in N.S. Valsura, Jamnagar, Navy Training Centre, since January 1982. I remained in the Centre till December 1983 and upto that period my record had been neat and clean, and there was no problem with me with the authorities. I was also for six months in the ship and my record was also neat and clean there. Then I again came to the Centre in June 1984. On 4th June 1984 I asked for leave for ten days. The Division Officer told that there was no leave for Punjab. I said I had not received any letter from Punjab and I was worried because my village is near Mehta Chowk which was in trouble. I apprehended that my parents had got some problem and that was why I had not received any letter from there.

I left the centre unofficially on 12th June 1984 without leave and came to my family in Punjab, and then went back and presented myself for duty on 23rd June 1984 at the centre. The officials tortured me by asking harassing and insulting questions. The officers gave me punishment as confinement in the cell for 7 days and I was further given punishment No. 8 for 28 days i.e. one hour extra work daily and four times reporting to the officer daily for 30 days. My pay and allowance were also cut. Thereafter everything seemed to be all right. I came back on leave to my village in December 1984 and joined back on 21.1.1985.

Everything was okay at that time but once I had to give a statement against a trainee from Haryana. One Senior Division Chief also belonged to Haryana and he threatened that why I had given a statement against his 'gaonwala' (village person) and said "you shall

see the result now.” Then he started complaining against me to the Senior Division officer that I was very punctual in going to Gurdwara. Whenever I get up early and wear Kirpan, he would complain against me. My Division Officer would ask me, “Which Kirpan you are wearing? Show us.” I showed him. He warned me that if I got involved in any case, I would be discharged.

Once on 1st April 1985 there was fighting between two divisions in the morning. I was only standing in verandah and watching. During investigation there was an identification parade, the injured man told the Regulating officer that I was present at the incident but I did not fight. But the authorities made a false case against me that I had fought and gave me discharge letter on 4.4.1985, without any warning. While discussing punishment, I came to know, that it was decided that I would be given punishment No. 10 for 14 days and punishment No. 1 for 28 days, but suddenly and surprisingly, the commanding officer did not ask me anything on the table and gave me the following discharge letter:

“Summarily tried by the commanding officer and discharged from the naval service on disciplinary ground”.

Sd/Regulating Officer for C.O.

Dated 4.4.1985.

(Original letter seen)

For about 2 and half years I was okay but now suddenly their attitude changed. There was a Gurudwara in the naval centre since 25 years. There was no problem in it. But this Gurudwara was closed during Army operation. Other Gurudwaras have been reopened but this Gurudwara has not been opened till now. The authorities were partial towards the Sikhs. They would allow all South Indians, Christians, Muslims to go out of the Centre at night to observe their festivals and other occasions, but when I wanted to attend Guru Nanak Birthday in the the city in 1983 and 1984, and then on Baisakhi Day in 1982 they did not allow me to go out of the Centre (Tears in his eyes). If Guru Parb is coming and there is no holiday or leave due to an apprentice, the authorities would not allow any Sikh apprentice to go out and observe and attend outside Gurudwara. But others would be allowed. If I raise any question about discrimination, they would immediately write ‘misbehaved’ in my service book.

We have done everything for this country, why are they doing nonsense with us?

## Annexure 2

Amrik Singh S/o. Kripal Singh, age 35 years. Vill-Aulakh, P.S. Shri Hargobindpur, Dt. Gurdaspur.

"I am an agriculturist and my father and brother own 40 acres of land. We have one tractor, one truck 3 tube-wells and all necessary implements much as thresher trolley etc. I have received a substantial bank loan of Rs. 1 ½ lakhs. I live with my parents and two brothers and their families.

On 21st June, 1984 at 1.30 A.M. the army people came in 2 trucks and 2 jeeps and about 50-60 soldiers surrounded my house, jumped over the walls, got up on the roof, and entered our building without my warning. They shouted at my mother when she showed them the light. I also woke up and rushed to the courtyard. They shouted, "Hands up, Come here". An officer went up to the light and opening his diary asked if I was Amrik Singh. "Come with me" he said, "walk in front of me" he said. Soldiers followed with weapons, I was asked to sit in the jeep but nobody else in the family was touched. I was brought to the Harchawal School compound where the army camp had been set up. I was asked to sit in the verandah. It was about 2.30 P.M. Three chairs were brought out for a major, a captain and myself and tea was ordered.

They asked 'Why have you taken Amrit? From whom?', I replied, 'My whole family are devout Sikhs, my grandfather, my father, mother, myself all were and are Amritdharis'. "That is why we have arrested you". Where did you take Amrit" they repeated. "In my village there is a historic Gurudwara where 5 pyaras of S.G.P.C. once came, prepared Amrit and administered it to 500 people including women and children.

(Amrit Chakha or to take Amrit-people stand in one line and each

takes a sip of Amrit from the same container, despite differences in age, sex, caste, class and religion.)

We were baptised collectively. After this, tea came. I was asked very politely, "Tell me, who are the people who met Bhindranwale. You have the list, we have the report. Please tell us." I said, "I am the eldest in our family and I am a busy man. I had never met anyone, nor have any relationship with any bad character. My father is old, the entire family is on my shoulders".

They said, "All this we know. But you must tell us. You know there are CIA Staff Centres where people are interrogated, tortured, shot down. Tell us. Give us the list".

But I held on that I did not know. This went on till 4 AM, then I was blindfolded, my eyes were tied behind my back and I was thrown into a room. They said "We shall give you time till morning. If you agree to tell us, we will let you off. Or else take you to the Interrogation Centre". Sepoys were told to keep eyes on me.

In the morning a sentry opened the bandage on my eyes, untied my hands and I was taken to the toilet, five soldiers accompanying me. Later in the morning, Hindus, Sikhs, Christians, Schedule castes, agriculturists, members of the panchayat, nearly fifty people came from my village and talked to the Army about my innocence. The major said, "Yes, he is a good man. Take him back". Then the Subedar told me, "See that you don't move of your home for 10 days. We may call on you any time". I said, "No conditions, but normally I am too busy a man to leave my house". I went home.

On the morning of 22 June, 1984 a posse of police officers and CIA Staff of Gurdaspur turned up, and I was called from my bath. I came out in my towel and was politely told that there was nothing against me, but still the Sardar Saheb (Inspector) from the CIA Staff, Gurdaspur had himself come to fetch me to Gurdaspur.

On arriving at the Interrogation Centre, Gurdaspur I was immediately taken to the torture chamber where I was subjected to the torture with log under the thighs. To my surprise I found Surat Singh and Sulakhan Singh undergoing similar torture. After 2-3 hours of torture we were interrogated about the Amrit Distribution Ceremony in the Gurdwara at our village.

Meanwhile, about 80 men from our village had turned up in 2 trolleys and five members of our village Panchayat went on a deputation to SSP Pandey and asked him, What I had done. Pandey said, "We shall release him tomorrow. After that the Panchayat

the killing of the 4 Sikhs of the Bunga Jassa Singh Ramgarhia in the basement of the Akal Takht—Bhindranwale was not definitely one of them. Of these eyewitnesses some were arrested and one is still inside jail, one was on the point of being shot but was saved almost miraculously. The facts have exposed the Army's 'restraint' we heard so much of and have proved conclusively that the White-paper is after all not so white. We learnt for the first time with amazement that the Red Cross was not allowed even to enter the Complex to attend to the wounded, many not allowed any water to drink died of thirst; on June 7, 28 people were pushed inside a strong room without any ventilation and locked up, and when the room was opened, 14 of them were dead. Bodies were left to rot, inside the room and then burnt. This was free India's Jallianwala Bagh—leaving the old Jallianwala Bagh of the British days far behind in the number of killed and in the manner of killing.

We interviewed the sorrowing parents of some youngmen who are now in Jodhpur Jail as 'dangerous terrorists'. They showed us the photographs of these 'guerillas' gentle, innocent faces—all between 20 and 23, looked at us through the framed photos. One was a good musician, fond of books, a serious student in college—completely apolitical; another an excellent chess player, well qualified, looking for job in the State Bank of India, yet another a designer of steel furniture—there is not even a shred of evidence against most of these boys. Some were arrested because they happened to live in the Golden Temple Complex and were young.

We visited some special courts from outside and met a few who were being tried under the Arms Act. We were told that there were about 5,000 such cases—contemptuously called pen-knife cases. To make the cases look more prestigious revolvers and pistols are sometimes planted on the boys; even one cartridge would do the job; One of these extremists we met in the court holding up his tattered 'banyan' asked us 'where could I have hidden a revolver?' Under the Terrorists Affected Areas (Special Courts) Act, the accused had to prove his innocence and virtually there was no appeal since the appeal was only to the Supreme Court, as far off as the moon in the heaven for the rural poor; so he had to rot in jail—much longer than the punishment called for. But the Government was happy with performance of the police—it is the number that counted—being utterly oblivious of the hardship the families had to face during absence of the men. Thus circumstances have forced many of these innocent people



members talked to Inspector Joginder Singh and he too gave the same reply, being assured, they all returned to the village but I was not released till June 27.

My interrogation continued. I was not allowed water when thirsty. They would give me food and water whenever they willed. We were not allowed to meet anyone. Before my release, on the evening of 27 June I was made to write a statement by Inspector Joginder Singh, "I am a good man. The Panchayat will stand surety for me. I was treated well". I reached home on the morning of June 28 and stayed with my sister.

On 3 July at 10 PM, the same Major turned up in his jeep and said that the Brigadier of Tibri cantonment would like to see me the next morning and I should go with him then itself. When 6 respectable people of our village, including a retired Havildar, objected to my being taken away, the Major said, "I am taking him now. Tomorrow I will bring him back myself. So let him come with me" And so I was taken away.

I furlong out of the village, I saw a truck with Sulakhan Singh alone inside, blindfolded and his hands tied behind. I also was put in that truck. It brought us to the old Harchowal School Ground where I was told very politely that my eyes would be bandaged and my hands tied at my back. Both of us were taken to Indian ITI army camp to spend the night there—sleeping on the floor with eyes blindfolded and hands tied behind.

In the morning at 8 o'clock we were put in a truck and taken to Tibri Military Camp, Gurdaspur where we reached at 3 PM and were handed over to the Central Military Police (in whitebelt and redcaps) after untying the hands and removing the bandages over our eyes. Sulakhan and I were separated. Then our hands and eyes were tied once again. Then the torture began; my legs folded back, a man held them in position and another man started hitting the soles of the feet with hands of a pick-axe. After half an hour I fell unconscious. When I came to senses they gave me water, they were 4-5 persons sitting around smoking birc, blowing the smokes on my face. One of them said "O Sardarji what happened to your resolution to prohibit biris and cigarettes in Punjab; stop us if you have the guts we are smoking"—Said another "Was Guru Govind Singh your brother-in-law?" What happened to your great Bhindranwale, your protector? Let him come and save you."

The third said "Do you know how many prostitutes were found

inside Harminder Sahib? Where is that Badmas gone?" I kept quiet. Then for interrogation my eyes were freed opened from the bandage. They started pounding my face with their fists. "You must tell us what you know about him". I said 'He was a religious preacher and that's all I know about him'. 'We will show you' they said and left.

I was again blindfolded, thrown into a room. After sometime I was taken out, put into a truck. Through the corner of my eyes I counted ten to twelve persons inside the truck—all blindfolded and hands tied behind including Surath Singh and Sulakshan Singh. After a little while we were left in the Government School, Gurdaspur. We were made to stand in a line—one hand on each other's shoulder—we heard someone shout, 'Look, Khalistan's caravan is on move'. Then after some food and water to drink we were pushed into a room strewn with sand and asked to strip excepting our underwears. Our legs were tied with our pagris as usual and then we were thrown on the sand. Later at night a number of men came in with lamps and we were beaten mercilessly with rifle butts, boots, and bare hands. This went throughout the night in three shifts. Hurling abusive words, pulling our moustaches, beards, throwing sands on our hair, splashing us dirty water, the tormentors were obviously drunk. Rum was poured down our throats and meat thrust into our mouths. (This continued for 4 days and 4 nights). Those who had trimmed their beards and were non-vegetarians had a better deal and were released after a couple of days on the ground 'Ye pukke nehi hain'.

We were taken to Tibri Camp for interrogation which lasted from morning to evening—all about our personal lives—the torture made me ill; but I never complained. However, one day being asked by an officer what the matter was I told him everything hoping he would help; but that night the beating was more—"Ah you have complained to your relative?"

On July 8 morning the officer told me. Surath Singh and Sulakshan Singh that we were found innocent and police would take charge of us and reach us home. In the evening the military van took us first to Kadiyan, then to Harchowal School Military Camp and finally to Shri Har Govindpur Military Camp. There we were given the ultimatum.

"We are positive you know a lot more than you are telling us; so open up. Otherwise we will have to take you to a big interrogation Centre were you will be given electric shock and you will die as many other have died being electrocuted. "I said if only this is our fate

please do it; we are innocent; if you want to kill us—we are prepared. At night we were blindfolded and tied up as usual and left in a room but not tortured. We waited the whole day. In the afternoon I was made to sign a statement that:

“I was caught by the military men on 3rd July 84. From that time upto now I had been with them. I have been provided with food and medical assistance whenever needed. My clothes and other goods have been returned back to me. During this period no maltreatment have been meted out to me, therefore I do not have my complaint against them.

8.7.1984

Amrik Singh

This statement was extorted from  
me under threats and force.

On the morning of July 9 we were brought to Shri Har Govindpur Police Station. The Subedar who brought us promptly lodged a FIR in English. According to FIR (as we gathered later): a military officer while going on patrol near Vill—Aulakh saw three men making provocative speeches to a hundred-strong audience. Three slogans had been raised:

1. Khalistan Zindabad.
2. Indira Gandhi Murdabad.
3. Hinduon Ko Mardalo

Seeing the Army the people fled but the three leaders were captured and brought to the police station”.

We were put into the lock up; through the bar I beckoned a couple of known faces and requested them to inform my people at home that we were at P. S. Shri Har Govindpur. In the afternoon 10 to 12 persons from my village including my parents arrived at the PS and they were told that we shall be produced next day in the magistrate’s court. On the 16th July we were taken to Batala Tehsil court before a second class magistrate Dilbarasingh. Instead of 15 days remand asked for by the police, 4 days were given, our physical condition was pitiable—with 8 or 10 wounds swelling on various parts of the body and we needed medical help badly. But police advised us not to apply for medical help.

On the 13th July 1984 we were sent to Gurdaspur Central Jail—cases against us were under sec. 124 A (Sedition). Sec. 13 (Unlawful

Activity) we were given C class. After nearly 10 months on May 3, 1985 (Two days before our interview) I was released on bail by the special court Jalandhar. The Jail condition was dreadful;— 30 people in one small room, but we were not tortured though we were branded as 'Extremists':

How we got bail is story that exposes the extent to which police can go to plant false cases. We learnt that the police was bringing 2 eye witnesses to alleged provocative meeting at Aulakh village where we had supposedly raised anti-national slogans heard this by the military officer who was supposed to have arrested us. The matter came up for hearing on April 6, the magistrate ordered identification but the public prosecutor pleaded for time, to special court, Jalandhar. The next date of hearing was on April 18, when the police said that they had two good eye-witnesses so no bail should be given. The names of the two eye-witnesses mentioned by the police came to be known Kashmir Singh and Seva Singh s/o Shri Tara Singh: vill—Withawan police station Shri Har Govindpur. However, the magistrate kept the matter pending. Next date of hearing was fixed on April 30, 1985 at Jalandhar, special court.

Between this time these two so-called eye-witnesses were contacted by our people, they were amazed and said that they knew nothing at all about the case but the police had entered their names as witnesses in their record on their own and only afterwards they were simply informed that the police had put them as witnesses in a case, but without telling them what the case was about. These two men, when requested, gave their affidavits before the special court Judge K. S. Balla at Jalandhar special court, denying that they had seen anything.

This is how we got our bail and came out on 3rd May 1985.

## Annexure 3

### STATEMENT OF SHRI NARINDER SINGH

S. Narinder Singh, Age 28 years, resident of Ghuman Kalan states:

“On the 16th Aug. '84, I and a friend of mine who was accompanying me were apprehended by a police inspector near Dera Baba Nanak. All I could think was that we would be hauled up under section 183 because at that time pillion riding was banned. We were taken to the lock up and upon asking as to what was our fault the police inspector started beating me and said that, “I have been looking for you since long because you have done much damage and have also committed murders.”

The next day early morning we two and another person who too had been detained, were produced before the SDM, Batala station where we were challaned under Section 188. Later, I came to know that the two others had been released on bail. I was, then produced in the court of the Naib Judge, Batala, where I saw the SHO, Gurbachan Singh holding a sheaf of papers. The SHO pleaded that I Narinder Singh was wanted in the 2nd June action and a police remand was obtained till the 24th Aug.

In the night I was tortured as per the methods of the police e.g. “Ghotana” and “Latt Paadna” etc. and even third degree methods were employed which are usually employed against Sikh youths, nowadays.

On the 19th Aug. '84 the SSP Pandey came personally to interrogate me. As soon as he entered the lock up he abused me, using the choicest adjectives for my sister. To this I protested and told him that all mothers/sisters deserve a place of respect, so whatsoever the case may be, talk like a gentleman. Hearing this Pandey asked me as to if I was threatening him. I replied in the affirmative and told him that I would like to narrate a few facts. I told him that I had been detained

on 27th March 1984 by the SHO Dhariwal, Ranjit Singh Bhullar who picked me from my village Ghmaam Kalan. He was not able to detain me beyond two hours because I was innocent. Today too I was as innocent as I before.

On hearing this Pandey ordered me out of the cell and once again I was tortured. Pandey then ordered the DSP Batala to eliminate me in an encounter, "Saamna". I was again thrown into the lock up.

On the night of 23rd Aug. at around 10 PM the DSP, Batala alongwith 2 jeep loads of policemen arrived. They blindfolded me, took me out of the lock up. I was bundled into the jeep and I had no sense of direction but when the jeeps halted, on some enquiries I could guess the direction in which I was being taken. I was taken towards the border on the banks of the Ravi. After being told to alight I was bound to a Eucalyptus tree and told to disclose as to whatever I knew. I protested as I knew nothing but then they started insisting that I hand them over the stengun which I was supposedly having. I told them that I was basically a farmer and had nothing to do with firearms.

Ultimately, when I came to know that they were going to shoot me, I tried a ruse and asked them if they knew the SHO Gurbachan Singh. On hearing this the SHO who was also in the team came forward and I told him that we both brothers had taken an oath that if any police officer would kill either, the other would somehow manage to kill the son of the officer.

I also told him that Jatender my brother would kill the SHO's son if I was eliminated; as all knew that my arrest and remand had been processed by Gurbachan Singh. So if he wanted his son to be saved he would have to save me.

The SHO then went to the DSP, talked and argued in hushed tones and after about 15 minutes of deliberation I was freed from by bonds, bundled into the jeep and was taken to various places. At about 3.45 p.m. on 24th Aug. I was again put in the lock up till morning. The blindfold put on me was packed with chillies, so the condition of the eyes went from bad to worse. In the morning I was again produced in the court where the police had applied for further remand. The further remand was refused by the SDM on account of my eyes. Immediately the Dhariwal police also applied for my police remand as I was supposedly involved in various cases registered with them. This too was refused by the SDM and I was sent to judicial custody. I was kept at the Gurdaspur Central jail from 24th Aug. 1984 to 14th Dec. 1984 without any charge.

It was on this day that I was released because the police withdrew my case for they had no charges against me. I started on with my farming activities again.

On the 28th Jan. 1985 some miscreants put the village school on fire and the police started looking for me but somehow I was able to evade them. On the 27th of March my residence was raided by the police where they found no incriminating item and when they enquired about me, they were told that I was away. I started thinking of the reasons as to why was I being harassed continuously but the very next day I came to know that my elder brother Jatinder Singh had been picked up in Chandigarh and several statements had been recorded in his name.

Since that very day I have never slept under my roof, evading the police and have been remaining underground.

## Annexure 4

### STATEMENT OF SHRI SWARN SINGH

Shri Swarn Singh son of Lal Singh, Aged 65 years, Sarpanch of Jafferwal village: 4.5.1985

At first he was rounded up by the military on 17.6.1984 from his house and sent to Torture Centre (Interrogation Centre) Government College, Gurdaspur. He was tortured there mercilessly, he was blindfolded and his hands tied behind his back. He could not identify who were beating him. There was no case and no warrant of arrest and he was not produced in any court. He was released after two days. Meanwhile Akali Dal had given a call to liberate premises of Golden Temple and Morcha had to be started from 17.7.1984 for this purpose. There were large number of arrests on the eve of this and Shri Swarn Singh was also arrested on 17.7.1984 under section 107/151 IPC by the police and he was kept in the Gurdaspur Jail for 15 days and then bailed out. Shri Swarn Singh was again arrested on 29 August 1984 by the Dharwal police for 15 days and then bailed out after four days in unlawful custody. After 4 days he was produced before the court u/s 107/151. Court released him because he was already being prosecuted u/s 107/151 and this case was still pending.

Thereafter he was again arrested on 4th September 1984 in a bus killing case. Houses of 40 families were raided by the army and almost all the residents in the village used to sleep outside the village to save themselves from the military harassment. Military used to gherao the village. The population of the village is about 6000.

He was again arrested on 28.3.1985 by CIA staff Batala and tortured in the same manner: (1) Ghotna (2) Belna (3) 3rd method was that he would be made to lie down on one side and the wood (Belna) would be kept under his leg and would be rolled on one leg, then he would be made to lie on another side and the same wood would be rolled again



on the other leg. This process would be repeated for some time. 4th method was that the both legs would be torn apart and other men would sit behind the back. Backbone/spine can be fractured in this process. No treatment is given. Tissues are swollen and urines give blood and pus. Man becomes impotent. This treatment is meted out to all.

Fifth method was Roud: Man is made to stand in attention and his hands tied behind neck on the back. He is made to stand for 3 to 3 half hours and he cannot stand it and his whole sweat from his body goes out and man cries for water.

Sixth method: Man is made to stand upright, his hands tied behind and a rod is inserted in the tied hands and the man is hung in the door through the door. Joginder Singh SI (a Sikh officer) did this. All the eight officers who tortured were Sikhs. They did this under orders from Suresh Arora, ASP, Batala.

The seventh method is that there used to be one feet high wood and about 7 to 8 men's feet were put on it in a row and another similar wood would be kept over the feet and thus both the woods would be locked having men's feet inside it and these men would be kept there lied down. This wood was full of bugs who would continue to bite and it was very difficult to sleep.

Swarn Singh was first taken to Dera Baba Nanak because they were afraid of the High Court and thought that Harbans Singh who was doing his Pairvi might go to High Court. Kuldeep Singh and Jarnail Singh were also taken alongwith him. There was no FIR against them and they were never produced in any court. They were in unlawful custody from 28.3.1985 to 5.4.1985. Water was not given to them.

During interrogation following question used to be asked: "You have fire arms in possession."

## Annexure 5

Report of Shri T.S. Cheema, Distt and Sessions Judge Patiala on Torture.

His Lordship Mr Justice S.S. Sodhi, Vigilance Judge, Sessions Division, Patiala, during his visit to Central Jail, Patiala and Nabha also met the detenuse of the National Security Act lodged in these jail who complained to him that detenues from Nabha jail were taken in batches to Ladha Hothi (Sangrur district) jail and were subjected to all kinds of torture. He directed the undersigned to enquire into the allegations of torture after visiting the jails at Patiala and Nabha and, if necessary, to visit the jail at Ladha Kothi.

2. Under the aforesaid direction: I visited Central Jail at Nabha on January 23, 1985, where I met the Deputy Superintendent of Jail, Mr Gurdarshan Singh Gill who on my asking supplied the necessary data with regard to detenues lodged at Nabha Jail who from time to time had been taken to Ladha Kothi.

To find out the details of the alleged torture I recorded the statements of detenues individually who has recently returned from Ladha Kothi. Names of the detenues examined by me are under :

1. Nirmal Singh, c/o Mr Kashmira Singh, resident of Khabbe Rajpura in Amritsar district
2. Jarnail Singh, s/o Mr Ranga Singh of Bool Village in Kapurthala district.
3. Iqbal Singh, s/o Kulwant Singh of Muktsar.
4. Mr Gurmit Singh, s/o Mr Gurbax Singh resident of Rasulri Najra village in Ludhiana district.
5. Makhan Singh of Hoshiarpur.
6. Mohan Lal alias Mohan Singh a resident of Salon village in Jallundur district.

to stand before the Court and “confess their guilt”, only to have the period of their detention reduced and then released. The Black Laws have virtually nullified the functioning of ordinary criminal laws ensuring fair trial and some kind of level justice.

For months the civil authorities had almost ceased to function. It is only under a military dictatorship, army officers could drag a Sarpanch to the Army Camp—and order him to produce some weapons which he was suspected to possess and when he could not, made to stand in a deep pit and earth piled inside till it reached his neck. We found that the Army was hated not only by the common villager but by their own retired Havaldars and Captains, for in several cases they were the targets being Amritdharis. Today the image of the Army is of a communal, corrupt, cruel and a grossly insensitive force. Its drunken revelry did not amuse the villager either. We have included some interviews in the Appendix on the behaviour of the Army—they are revealing and ask for no further comment.

Regarding communalism in Punjab we had interviewed several people both Hindus and Sikhs—excepting a few Hindus who appeared to be communal and made some unsavoury remarks about the Sikhs, we never came across any positive evidence of communal feeling and there certainly was no migration of the Hindus from Punjab; but what we did find was alienation—that old trust, that spontaneous affection is gone, just now there is distrust and bitterness: unfortunately some Congress (I) men are fomenting this distrust. In the villages, on the other hand, there is harmony and friendship—as a villager remarked “bad things always come from cities”. The interviews held in different villages gave us ample proof that the villages have still remained unspoilt.

As regards Khalistan it is on record that even Bhindranwale did not have a clear conception of Khalistan. According to a recent report, Harminder Singh Sandhu—a close associate of Bhindranwale has stuck to his statement that Bhindranwale never wanted a separate state called Khalistan. Those who are asking for a separate state they do not live in Punjab; and one must not take their words as the words of those who are here and all that they mean by Khalistan is to be able to live with dignity and honour, inside India. We have recorded some interviews on this subject—which has been falsely projected to lower down the Sikhs—who are no less patriotic than any other Indian.

In our Report we have not made any comment on the Anandpur Sahib Resolution; since reporting truthfully is our primary function,

All of them except Gurmit Singh have given almost same details with regards to their interrogation at Ladha Kothi and the third degree methods to which they were subjected. Gurmit Singh during his stay at Ladha Kothi suffered colic pains. In the beginning the interrogators took him to be a malinger and when after abusing and thrashing him they got convinced that he was really having acute pain they spared him of the torture which others had to undergo.

Their statements reveal two common modes of torture—one is the use of an extra-thick pestle, like mini log, which is placed on the thighs of the detainees with one person or two persons standing on it. The detainee is made to lie on the floor prostrate or supine. The pestle with load thereon is then rotated on the thighs. If the position is prostrate then the lower log is bent over the pestle and pressed against it. Surface of the pestle being smooth and wrapped in a cloth does not cause any outward injury on the thigh.

The second mode of torture which is described to be more painful consists of stretching the legs open to the unbearable extent. The detainee is made to sit on a plain surface with one person supporting his back with his knees and pulling his long hair backwards. The legs are held at the ankle level by different persons and pulled apart. The legs on reaching a particular angle cause acute pain which on persistence results into swooning.

The detainees at Ladha Kothi are not accorded the treatment due to them. They are locked up in individual cells and are kept in solitary confinement all the 24 hours except for the period when they are subjected to interrogation and tortured. They are served food in the cells and are also required to make water and ease themselves within the cell.

The aforesaid detainees disclosed that two of their comrades who were taken to Ladha Kothi had not been returned to Nabha Jail as they had been excessively tortured and they were kept there for convalescing. On their information I paid a visit to Ladha Kothi on 28.1.1985 where I met Mr Karan Singh, Superintendent of Police who had been designated as Superintendent of Jail. He disclosed that all the designated of last batch from Nabha Jail received at Ladha Kothi had been sent back on 24.1.1985. He produced copy of DDR-7 of 24.1.1985 showing the return of detainees to Nabha Jail Superintendent of Police. Superintendent of Jail at my request took me round the premises of the jail. The portion of the premises where the cells in which the detainees are confined are located are in the shape of

barrack with a narrow compound on its front and the compound having a very high wall to screen it.

In the cells there are no cots. In some cells utensils consisting of mugs and enamelled plates were lying. In one corner of each cell there was place meant for urinating and easing out. Cells are stinking. The entrance gate to this portion of the premises is guarded by the personnel of CRPF. Even the keys for opening the lock placed on the entrance door were in their custody.

Superintendent Jail informed me that there was no regular doctor at Ladha Kothi. On his move a doctor of a rural dispensary of a nearby village was deputed to visit Ladha Kothi once in a day. But he had no provision for medicines for the inmates of Ladha Kothi.

After going round the premises of Ladha Kothi I got the impression that it was just an interrogation centre and it possessed least trappings of a Central Jail. There seems no justification for shifting small batches of detainees from Nabha Jail to Ladha Kothi. The detainees stated that their shifting from Nabha Jail to Ladha Kothi was only a camouflage for taking them out from Nabha Jail and to bypass the requirement of law to produce them before a Judicial magistrate for being remanded to police custody for their interrogation in some new case.

As the detainees whom I had examined at Nabha Jail stated that two of them who had been excessively tortured were still at Ladha Kothi and as I planned a visit to the latter place and when I could not find them there I decided to visit Nabha Jail once more. Accordingly from Ladha Kothi straight I went to Nabha Jail and found the information given by Mr Karan Singh Superintendent of Jail as correct.

I then individually met Palvinder Singh, s/o Mr Jangir Singh, a resident of Amritsar district and Parminder Singh s/o Shri Giani Dalip Singh of Amritsar and I recorded their statements they gave out the details of the torture meted out to them which were similar to once given by the other detainees.

In their case torture was repeated and the result was that their groins become pulpy and painful to such an extent that they could not properly walk and as such they were kept back at Ladha Kothi so that their bodies could return to normalcy.

At Ladha Kothi the detainees at no point of time are allowed to meet or converse with each other. They are not provided with any newspaper nor any other facility which are available to them at Nabha Jail.

*T. S. Chema*  
District and Sessions Judge,  
Patiala

## Annexure 6

To  
The Home Secretary,  
Government of Punjab,  
Chandigarh.

Through District Magistrate, Gurdaspur.

Subject : Application U/S 197 Cr. P.C.

Sir,

It is submitted as under :—

1. That the applicant is an Ex-M.L.A. and Ex-Member of the S.G.P.C. and was a member of the working committee of the Shiromani Akali Dal from 1955 to 1957.

2. That the applicant has four sons and all are educated.

3. That an era of terrorism was let loose against the Sikhs in Gurdaspur District by Shri A.P. Pandey S.S.P. Gurdaspur, since the day of his posting as S. S. P. Gurdaspur. Since the applicant and his four sons were actively supporting the Akali demands and courted arrest in the Akali agitation. Applicant and his family were a permanent eye-sore to SSP Gurdaspur, more so, because applicant had represented to the higher authorities against the liquidation of a large number of Sikh youths in false encounters by SSP Gurdaspur. The applicant had also filed various petitions against SSP Gurdaspur in the Punjab and Haryana High Court as well as in the Supreme Court of India. Shri A.P. Pandey, therefore, did not miss any chance to harm the applicant and his family members. The first victim of the tyranny of Shri A.P. Pandey SSP Gurdaspur was Narinder Singh son of the applicant. He was rounded up by the SSP Gurdaspur on 16.8.1984 and involved in a case of four murders of village Dhianpur Kotli in case F.I.R. No. 80/84 dated 2.4.1984 U/S, 302 I.P.C. of

P.S. Dera Baba Nanak. The police remand of the son of the applicant was taken in the above case and he was tortured for a number of days at the orders of SSP Gurdaspur. He remained in Jail for about 4-1/2 months and thereafter, he was got released from the court by the police. The SSP had ordered the liquidation of Narinder Singh, but his life was saved by a junior police officer who had actually death with the case.

4. That Jatinder Singh another son of the applicant was arrested by the Gurdaspur police on 19.6.1984 by orders of Gurdaspur. Fearing foul play at the hands of the SSP. Gurdaspur the applicant moved a Habeas corpus petition in the Supreme Court of India (Criminal Misc. No. 956 of 1984) as a result of which son of the applicant had to be released by the police, after illegally detaining and torturing him for four days. The writ was recently disposed of finally by the Supreme Court of India vide order dated 25.3.1985.

5. That as the only daughter of Jatinder Singh son of the applicant was suffering from Polio, Jatinder Singh had gone to Chandigarh in the second week of March, 1985, along with his wife Palwinder Kaur to get their daughter treated.

6. That on 26.3.1985, applicant's son Jatinder and his wife had to go to one Prem Singh employed in a cable factory in Chandigarh who is an expert of Polio. Both of them returned after getting the child examined when they met one Kuldip Singh who was known to Jatinder Singh, and all of them (three) were sitting at the bench of a tea-vendor in Chowk Attawa, Chandigarh. It was about 2.00 p.m. when a jeep with Police personnel in civilian' clothes stopped there and physically lifted Jatinder Singh and Kuldip Singh and took them away in the jeep towards Mohali. The wife of the applicant's son raised hue and cry but to no avail. The applicant and other members of his family went from pillar to post but could not find the whereabouts of Jatinder Singh.

Since the applicant was not available at his house, wife of the applicant met SSP Gurdaspur on 26.3.1985 asked the whereabouts of his son. She was told by the SSP Gurdaspur that Gurdaspur Police had nothing to do with Jatinder Singh.

7. That after picking up Jatinder Singh and Kuldip Singh from Chandigarh on 26.3.1985 by Inspector Anant Ram Sharma, S.H.O. P.S. Sadar, Batala, S.I. Joginder Singh of C.I.S. Batala and H.C. Joginder Singh, H. S. Malihar Singh of P. S. Sardar, Batala, and four constables, they were brought to C.I.S. Staff Batala and then shifted

to Canal Rest House Panj Graian the same evening under the supervision of Shri Suresh Arora, Asstt Supdt. Police Batala, Ranjit Singh Bhullar S.H.O. Qadian was summoned there at about 9 p.m. Joginder Singh and Kuldeep Singh were forced to put their clothes off and were tortured in a most inhuman manner as explained hereafter:—

- (i) First of all GHOTNA was applied. A heavy log of wood was placed in the knees and then the heels were stretched towards the buttocks, thereby pressing all the nerves and muscles to the point of rupture.
- (ii) In the second, a hand log of wood was placed on the thighs and then two fat officials stood on each end of the log. Ranjit Singh Bhullar S.H.O. Qadian and A.S.I., Joginder Singh of CIA Staff Batala were the Police Officers who danced on the log of wood on the thighs of above named persons.
- (iii) In the third round, both the persons were made to lie on the flank and then a hard log of wood was placed on the inner side of the thighs and the above named police officers danced on the log applying the same process on both the thighs, one after the other.
- (iv) In the fourth round, persons were made to sit on the ground naked. One police officer placed both his legs with the back at ninety degree. The two police officers, namely, ASI Joginder Singh of CIA Batala and H.C. Joginder Singh stretched apart both the legs to the position of one straight line rupturing all the muscles and tissues. Ranjit Singh Bhullar caught the long hair throughout.
- (v) Their hands were tied on the back of their necks and then a DANG was placed in between the knots and then they were made to stand for a long time by his feet at a distance of 3-1/2 feet in between.
- (vi) Their hands were tied on their backs and a bamboo was put in them. The bamboo was then tied with the roof. Both the persons lost their consciousness within 2/3 minutes. Their bodies were then pulled down.

The above six rounds were repeated twice during the night making them almost dead.

8. By the morning time both the persons started urinating blood and pus. At about 6 a.m. on 27.3.1985 Jatinder Singh was shifted to C.I.A. staff Batala and Kuldeep Singh to P.S. Sadar Batala, both of



them were shifted to Canal Rest House Tugalwala (Harchowal), were S/Shri A. P. Pandey SSP Gurdaspur, Suresh Arora, ASP, and Inspector Anant Ram Sharma were already there. Jatinder Singh was brought before the above officers and above mentioned six processes of torture were repeated with a log of wood in the presence and by the order of SSP, Gurdaspur and ASP Batala. It was done by ASI Joginder Singh and others. Jatinder Singh was forced to tell the details of his relatives.

9. That on 27.3.1985 at about 7 p.m. police raided the house of Didar Singh, a maternal uncle of Palwinder Kaur W/o Jatinder Singh in village Aulakh Kalan. Jatinder Singh and Kuldip Singh were carried to village Ladha Munda from where Harbans Singh S/o Shri Bahadur Singh my relative was arrested and brought to Batala whereas Jatinder Singh, Kuldip Singh and Didar Singh were shifted to CIA Staff Batala. Their hands were tied on their backs and their legs bolted with to logs of wood with its result that all the three broke down crying serveral time. Till that time, nothing was recovered from any of them.

10. That on 28.3.1985, SSP, Gurdaspur ordered to liquidate Jatinder Singh but Inspector Anant Ram Sharma refused to obey the SSP for which he was abused and threatened by the SSP.

11. That when the applicant and his daughter in law could not trace the whereabouts of Jatinder Singh, they sent telegrams to higher authorities on 29.3.1985.

12. That as soon as the police authorities come to know about the telegrams, they stage-managed an encounter and showed the arrest of Jatinder Singh and Didar Singh in a police encounter.

13. That in the meanwhile Jatinder Singh, Didar Singh and Harbans Singh were illegally detained at P. S. Sadar, Batala.

14. That Jatinder Singh was produced in the court of Shri R. N. Moudgil, JMIC, Batala on 30.3.1985 after court time. On an application moved by the counsel of Jatinder Singh ASI Sant Prakash Singh was ordered to get Jatinder Singh medically examined. Though there were injuries on the person of Jatinder Singh, the police did not get him examined despite the clear orders of the court. Ultimately the police got him medically examined on 3.4.1985 and that, too, when the counsel of the accused cried hoarse. The doctor found eight injuries on the person of Jatinder Singh. (Photostat Copy of Med. Ex. is attached).

15. That Didar Singh and Harbans Singh relatives of the applicant

were also involved in false cases by the police though they were in illegal custody of police much before their formal arrest was shown. Photostat copies of the F.I. Rs. are attached.

16. That Sarva Shri A. P. Pandey SSP, Gurdaspur now SSP, Ludhiana, Suresh Arora, ASP, Batala, Inspector Anant Ram Sharma S.H.O. P.S. Sadar, Batala, SI, Ranjit Singh Bhullar, SHO, Qadian, ASI Joginder Singh, ASI Raghbir Singh, HC Madan Lal, H. C. Joginder Singh, H. C. Malhar Singh, ASI Gulshan Rai, H. C. Shivdev Singh, H. C. Kuldip Singh, ASI Sant Prakash Singh and constable Vikram Chand have committed offences U/s, 307/364/365/342/506/193/194/105/323/IPC, and under the contempt of Court Act.

It is, therefore, prayed that requisite sanction to launch prosecution against the above named police officers in the Special Court or in any other competent court may be accorded as required U/s. 197 Cr. P.C.

Yours faithfully,

Sd/Harbans Singh

Dated: 30-4-85

(Harbans Singh) Ex-M.L.A.

V.P.O.: Ghuman Kalan

Distt. Gurdaspur.

Copy of the above in advance is forwarded to the following for information and necessary action with the request that these officials/officers may be suspended and be sent to the police line so that the reign of terror being let loose on a particular Sikh family may be withheld and justice done.

1. Governor, Punjab, Chandigarh.
2. Home Secretary, Government of Punjab, Chandigarh.
3. Legal Remembrance, Punjab, Chandigarh.
4. Copy of the above is also sent to the President, Shiromani Akali Dal, Amritsar for information and necessary action.

## Annexure 6-A

Statements of Shri Boota Singh and Shri Sukhdev Singh. Dera Baba Nanak, Distt. Gurdaspur: 6.5.1985

Statement of Shri Boota Singh son of Sardar Kesar Singh, aged 60 years, Village Pagthana Baardwala:—

I am an agriculturist. Shri Ajit Singh is my son aged about 20-21 years. I have five sons. Three are married. Ajit Singh is youngest and unmarried. I have 4 daughters. 3 are married and 1 unmarried. My wife is also there in the family. My son is untraceable since army action in Punjab. After 2/3 days of the army action in Punjab he went out and never returned. During curfew military used to threaten us but Panchayats used to approach military in our support. Due to interventions of Panchayats, we were not detained but used to be threatened. After curfew when military was withdrawn, Punjab police, BSF and CRP began to raid our house. About an half month back I was arrested by the Dera Baba Nanak police and was kept there for 10 days without being produced in the Court, and then set free. I was severely beaten. After about 10 days, CIA Staff *Gurdaspur took me away*. They kept me there for 20 days. They ordered me to produce my son. They beat me and used abusive language. Then after 10/15 days they took my two sons to CIA Staff, and kept them in unlawful custody for one month. They were not produced before any magistrate. Then Panchayat went and got them released. Then after 15 days of their release, the CIA Staff Amritsar took me away and kept me for 18 days. I was released on the intervention of the Panchayat again. After 4 days the Dera Baba Nanak Police raided my house and arrested me. The ASP came and I was released on the same day i.e. yesterday. Meanwhile my two sons were arrested and kept for 10 days, and one son was released only 3

days back. My another son Shri Pritam Singh is still in custody. We are very much harassed. We have no desire to live. About 100 persons suddenly raid our house in the night and pounce upon our asleep sisters and ladies. We are not even allowed to harvest. Death is better than this life.

\* \* \* \*

Statement of Sardar Sukhdev Singh, Sarpanch of Village Harewal, P.S. S. Dera Baba Nanak, aged about 35 years. Agriculturist. Have about 35 Kila lands. (He had come to Dera Baba Nanak to secure release of some residents of his village alongwith other Sarpanchs of other villages who had also come to secure release of the residents of their villages.)

This time Shri Jagir Singh son of Saheb Singh aged 65 years and Shri Jagir Singh son of Shri Dalip Singh aged 50 years of my village are in unlawful custody since 4 days. There are about 20 persons in Dera Baba Nanak, aged about 35 years. Agriculturist. Have about police station is a Hindu. Police do not give food to the arrested persons and we have to supply them food. I have come for their release.

Since about 2 months they are arresting persons daily. Interrogation Staff, CIA Amritsar took four persons of my village Haruwal to Amritsar four days back. I am Sarpanch and I have daily to go to the police station for the release of innocent persons. I have no other work except to attend to the woes and requests of the families of the innocent persons arrested by the police. I am daily busy in this work since 7 a.m. in the morning to late night. I feel very much harassed and have no desire to live. Either I want to run away from this place or want to die. Death is better than this sort of situation and harassment.

SP Wirdhi of Gurdaspur is a Hindu. ASP Batala, Shri Suresh Arora is a Hindu. DIG is also Hindu.

Recently Inspector Kirpal Singh of BSF came here on leave in my village and was arrested by the police. When I went to the police station for release of S. Kirpal Singh, the SHO threatened that I would also be arrested. S. Kirpal Singh was released only after insulting him badly.

# Annexure-7

PMRN-707 10/6/84

Name: Ukuruwa N. 396 Son of Ukuruwa Aged 25 yrs Sex M Caste ----- Occupation -----  
 Residence ----- Police Station B Div. Name of relative or friend ----- Date and time of examination 10/6/84 4:40 P.M.

Gate number of arrival 10/6/84  
 No. and name of police docket -----  
 No. and name of constable Madan Lal ASI B Div BSR  
 Date of admission -----  
 Date of discharge -----  
 Name and number of report sent to police -----

Police death 10/6/84 11:30 AM  
 Specify particulars as to further reference to the case - date giving evidence in the Court. Despatch of tickets still contain poison, etc.  
Police Hospital

① A Small body with clothes  
 ② at of P.M.  
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## PARTICULARS OF INJURIES, SYMPTOMS, IN CASE OF POISONING

Body of a young male 25 yrs of age wearing a Kammez Pajama & a kacha. Both hands tied behind the back. Mouth open. A "Kara" white matter in (R) hand. Cheekish coloration present all over the body. Body is badly mutilated. Alleged to have died due to firearm.

A lacerated wound 2.5cm x 1.5cm present on the (R) side of chest (lower part) & (R) upper part of abdomen. On dissection, lung, spleen of (R) side & liver are badly lacerated. Ribs on the (R) side fractured. Margen are lacerated. Spleen, kidney, liver, lung - badly pulverized. Injury an extensive one caused by explosives.

Death in my opinion is due to shock & haemorrhage as a result of injury to lung (R) & liver which are sufficient to cause death.

Nature of injuries - Cause of Death  
 (Simple, grievous or dangerous)  
 Probable duration of injuries -----  
 The kind of poison used or suspected in case of poisoning -----

### IN POLICE CASES

Place of examination -----  
 Dated ----- of ----- 197

No fee received -----  
 Examining Medical Officer -----

### IN PRIVATE CASES

A fee of RS. ----- paid to the Medical Officer  
 Signature or thumb-impression of the Private -----  
 Examining Medical Officer -----

we have to say that those days when we were in Punjab, nobody talked about the Resolution. It could be because the people were much too harassed by the police and the army to think about the Anandpur Sahib Resolution.

But now that Sant Longowal and the Prime Minister Rajiv Gandhi have signed an agreement which includes transfer of Chandigarh to Punjab and also a reference of the Anandpur Sahib Resolution to the Sarkaria Commission, it is necessary perhaps to write a few words.

The 'historical accord' as it has been hailed could have been reached 4 years ago without much trouble at all—without destroying the holy shrine Akal Takht causing so much pain and anguish to those who hold their faith above everything else in life. One could have reached Chandigarh without having to wade through blood of thousands of men, women and children since 1982.

But all this did not happen. What has happened one might perhaps examine with some care.

While efforts to achieve the accord should be appreciated, it cannot be disputed that no accord can bring lasting peace in Punjab which ignore the burning issues over which the Sikhs feel deeply agitated. The Rajiv-Longowal accord has seemingly forgotten.

- (1) The thousands of so-called Army deserters,
- (2) and thousands of Sikh youth languishing in different jails of the country,
- (3) and also the families of those—again running into thousands—who have allegedly gone to Pakistan but actually have been killed by the police and the Army,
- (4) The problem of absconders who are underground, and who have fled under duress;
- (5) Rajiv-Longowal accord has not said one word about the Police-Lawlessness or the repeal of most of the Black Laws; nor has it dealt with the withdrawal of the Army from Punjab.
- (6) The accord is silent about adequate compensation for the November '84 riot victims.

Will the accord bring solace to those hundreds of men and women who have lost their peace of mind because of the constant terror of police they have been living in? As a poor village woman told us in Dera Baba Nanak—it is the poor who suffer when big people fight for their 'Kursi'.

We place our report before the Government and the people and demand that to bring back normalcy in Punjab, a General Amnesty

# Annexure-8

RMR No 703, Date 10.6.84

Name Unknown m 371 Unknown Aged 25 yrs Sex Male Caste            Occupation             
 Police Station Kotwadi Name of relative or friend            Date and time of examination 10/6/84 at 4.45 PM

of arrival B.B. to mortuary  
 of police docket on 10/6/84  
 of constable from [unclear]  
 Date of admission             
 Date of discharge             
 of report sent to police           

## PARTICULARS OF INJURIES, SYMPTOMS, IN CASE OF POISONING

Body of a young male about 25 years of age, about 5'-7"  
 Swollen wearing a katcha and bare on right wrist. Body is  
distended. Alleged to have died due to bullet injury. The  
hands are tied behind with cloth. Greenish discoloration of body is  
noticed. Lacerated wound about 1 cm X 8 cm on the left side  
 of face bones of face are blatant on left side Post-mortem

injury is ante mortem and caused by explosion.  
 Other organs are healthy though putrefaction has set in.  
 Death in my opinion is due to shock and haemorrhage caused  
 by the above injury due to explosives which in ordinary  
 course of nature is sufficient to cause death.

Time between injury and death investigate  
 Time between death and Post-mortem more than 72 hrs

for particulars as to further reference to the  
 of giving evidence in the Court, Despatch of  
 to contain poison, etc.

Handed over to Police  
 i) S.I. and body with clothes etc  
 ii) CC of RMR  
 iii) Police Papers - 2

Identification marks             
Kishan S. [unclear]  
[unclear]

1. Nature of injuries             
 (Specify grievous or dangerous)
2. Probable duration of injuries

Kind of capon used or poison NO             
 suspected in case of poisoning           

### IN POLICE CASES

### IN PRIVATE CASES

amination             
           of            19          

A fee of Rs.            paid to the Medical Officer.

Exo            Medical Officer

**... in silencing the voice of those engaged in the struggle for civil liberties and human rights, the biggest losers will be the working class and the toiling masses of our country. There is the experience of the Emergency of 1975-77 before us, and that is why we cannot afford to be passive spectators when the civil liberties organisations are under attack. It is necessary to launch a resolute campaign against the government's attacks, and be willing to pay any price in the process.**



must be declared without much delay, police repression should be stopped and all the black laws should be repealed forthwith.

## PART I

# Suppression of a community

### **Punjab : 1982-84**

For some years now, killing of innocent people has been going on in Punjab either with the quiet blessings, or with the active participation of the State. In the late seventy the name of an obscure village, Kala Sangha in the Kapurthala District of Punjab, had got splashed all over the country as a place where ruthless mass killings had taken place, and fields full of ripening corn had been set on fire to teach the villagers a lesson. For the 'security of the State'—the new catchword 'integrity of the country' had not then come into vogue—the Punjab Police, the B.S.F. and C.R.P. were extremely busy liquidating political activists as 'Naxalites'. The villagers showed us the pillar they had erected in memory of their local martyrs, and mentioned with gratitude how Shri Tarkunde had gone there in the days of their tribulation. Since then Punjab has not looked back, her path to the 21st century has been littered with the bodies of young people. India 1984 has in many respects fulfilled the criteria of Orwell's 1984.

### **Rise of Bhindranwale**

Sant Jarnail Singh Bhindranwale's name first came in to prominence in connection with a Nirankari-Akali clash on 13th April 1978, in which 19 Akalis were murdered. Smt. Hardev of village Butala (Distt. Kapurthala) told us about this clash. She and others had gone to see the Baisakhi celebrations on April 12th 1978. "At night a Kirtan organised by the Nirankaris was going on in Ajit Nagar; Bhindranwale informed the gathering that the Nirankaris were going to defame our religion. Immediately men, bare-headed and barefoot rushed to Ajit Nagar where the Nirankaris fired on them. It was on that night that my husband got killed."

But Bhindranwale remained unharmed since he never went with the men to fight the Nirankaris. This was the first indication of Bhindranwale's role in inciting violence.

But Bhindranwale did not rise to political eminence till 1979. Dr. Baldev Prakash, President, BJP, Punjab, talking about 'extremism' said, "The Congress(I) created Bhindranwale for us in 1979 but the coalition fell and in the process Bhindranwale became stronger. The policy of the Congress(I) is to create divisions among the Akalis."

Soon after the Lok Sabha Elections in 1980 Bhindranwale's name began to figure in connection with the murder of Nirankari Baba Gurbachan Singh who had been killed in Delhi. The then Lieutenant Governor, in a secret letter to the Chief Minister, Punjab, had stated that "evidence has been collected to the effect that all the 20 persons against whom notices have been issued, and the three persons against whom warrants have been issued either belong to Sant Bhindranwale's Jatha, or are his close relatives or associates and are hiding under his protection. The CBI is in the process of issuing notice under section 160 Cr.P.C. to Sant Jarnail Singh Bhindranwale." Since he was not arrested, nor any action taken against him or his followers it was realized that he had powerful patronage and was above the law. This realization got confirmed when in September 1981, after the murder of Lala Jagat Narain there was a mock arrest, and he was taken to the luxurious rest house in Ludhiana instead of to the prison; soon after in October he was 'released', and given a hero's welcome. His elevation was so rapid that he was tipped for the presidentship of the Shiromani Gurdwara Prabhandhak Committee, and he moved into the Golden Temple Complex with his extremists from the obscurity of the Gurdwara Gurdarshan Parkash in Mehta Chowk. Large scale killing, majority of whom were Hindus, and also Sikhs who did not fall in with his ideas continued unabated. Murders and processions continued unchecked, topped by a hijack to Pakistan. It looked as if the Centre had given a carte blanche to extremists. It is curious how this entire episode has been omitted in the Government's White Paper. Commenting, *Mainstream* has pointed out: "There is nothing on record in the White Paper to show what stringent action the Government had taken to deal with the terrorists. In fact Bhindranwale was let off after a few days, under circumstances not very flattering for the authorities—a fact curiously deleted from the White Paper." (*Mainstream*, July 14, 1984. "Not So White", p. 2).

Shri Kirpal Singh, President, Khalsa Dewan, when interviewed,

said, referring to the extremists inside the Golden Temple, “the historical fact is that those armed people were with the Congress(I) in the last election on the same platform before the attack on the Golden Temple. These armed people had been opposing the Akali Dal and had put up candidates in opposition to the Akalis. Once they had already entered here who could have driven them out?” There is some truth in Shri Kirpal Singh’s surmise for when asked by *India Today* (October 31, 1981) why the Police would not arrest the criminals hiding inside the Golden Temple, Darbara Singh, the then Chief Minister, replied lamely: “No comment on the sensitive question. Wisdom must prevail on them.” As regards the position Bhindranwale enjoyed, Darbara Singh’s reply is quite illuminating; explaining why he did not arrest him earlier the Chief Minister said, “if we had arrested him earlier along with his group, there might have been more casualties. He was always surrounded by over 70 to 80 armed people, and all of them might have been killed.” This exhibition of consideration (or is it sheer fear camouflaged as compassion) for Bhindranwale’s extremists took shape further when they were allowed to continue their activities along with other extremist groups, such as the Babbar Khalsa and the Dal Khalsa. In November, 1983 Mrs. Gandhi herself had written to Bhindranwale a personal letter in her own hand appreciating his progressive views on social matters; Bhindranwale himself had shown this letter to Devinder Singh Duggal—Head of the Sikh Reference Library in the Golden Temple complex; it was kept in the library; when the reference library went up in flames this valuable document also was destroyed. In early 1984 Rajiv Gandhi had declared that Bhindranwale was a religious teacher—all this might explain why the Government of Punjab did not take any stern measure against Bhindranwale even if it wished to. The government’s stand might have continued till today but for the Congress(I)’s fear of losing the votes of the majority community in the 1985 election and the funding of the local political parties. Perhaps also it suddenly dawned on the Government that the divide and rule policy has been taken too far.

#### **Nature of terrorism: then and now**

This brief sojourn in the past is necessary to explain the nature of terrorism then and now. Terrorism must be condemned, whether it was quietly blessed by a powerful hand, unleashed openly by a mighty State, or committed by individuals from their hide-outs; but the

difference in the nature of terrorism in Punjab then and now has to be noted. Then, it manifested itself through sudden murder and swift assault, probably with the concurrence of the Government, the Police standing by. Today, it is the State itself which openly indulges not only in murder and assault, but also in inhuman torture, molestation of women, non-production of the accused before a Magistrate, destruction of crops, frequent raids, and harassment of the friends and relatives of the accused and false encounters leading to gruesome deaths. Then, there was a situation in which the agencies of law and order had ceased to function, edging as it were towards anarchy. The enormity of the threat that the followers of Bhindranwale posed to the 'integrity of the country'—an expression we have been hearing without break—was completely lost sight of in the power game. Today, it is those very agencies of Law and Order, the Police, and since June 1984, the Army, who, with the sanction of the Black Laws have with new-found vigour let loose terror the like of which is difficult to match.

#### **Who is an extremist?**

One last point about terminology. During the last couple of years the word 'extremist' has been continually and arbitrarily used by the press and politicians to describe the hundreds of people in Punjab who have fallen foul of the Army and Police. In course of our stay in Punjab we met and heard of many of these so-called 'extremists'—women like Satwant Kaur of Harchowal (P) whose husband had been killed and who only asked that she be spared constant humiliation at the hands of the police, men like Sohan Singh whose eyes were gouged out and his body reduced to pulp because he had said he was a religious Sikh; or Suba Singh who was killed simply because he had witnessed the police torture of another innocent man; or Narinder Singh who was picked up from his village for no reason at all, tortured and eventually narrowly escaped being killed in a fake encounter—thereafter being forced to go underground simply to survive. In what way can these people be called extremists? Is the demand that every citizen be spared torture, or that one be allowed to live in human dignity and follow one's religion, or that one be allowed to survive at all an extreme one? Who then are the real 'extremists' of Punjab? It is a question which we hope our report will answer.

## Discovering Punjab

Punjab is just there—a close neighbour; in a manner of speaking a cold wave over there makes us shiver here, a hot breeze blowing here scalds them over there. In spite of this proximity and constant media projection of dangerous terrorists throwing bombs, communal Akalis demanding Khalistan and total alienation of Hindus from Sikhs, we found that the facts we had been fed upon did not tell us about the Punjab of today. The story of Punjab after the Army Action, the passing of the Black Laws and the bestowal of extraordinary powers upon the police and the Army had not been told at all. Our visit was almost like lifting the corner of a veil to discover a face—an amazing face full of conflicting emotions, suffering yet defiant, anguished yet challenging, tortured yet proud.

### 'Occupied' territory

One gets the feel of things in Amritsar itself; that busy city once bustling with pilgrims and Indian and foreign tourists had fallen strangely silent. The rubble still lies scattered around where the building used to be; the devastated labyrinths of the ancient bazars still tell the story of the grand success of the Indian Army in action against the defenceless citizens of Amritsar; thousands of shopkeepers, traders and businessmen have lost their property worth crores. And the loss of life? That irreparable loss? The evidence we collected would give some idea of that colossal and unjustifiable killing during the Army action. "Death certificates were not given and no list was published of those killed in the Operation. Dead bodies were thrown in the dirty refuse trucks and there was a mass cremation", said Professor Virk of Guru Nanak University.

The President of India had given awards to our brave army in appreciation of their dangerous mopping-up operation. Buildings once tall and imposing stand like so many haunted houses, eerie and empty with bombed out walls, mangled girders and gaping wounds—mute witnesses to wanton destruction. Though we had been told in Delhi that the Army had been withdrawn, the Army was there in Amritsar, even 8 months after the Operation Blue Star. The convoys still rumble along, Big Brother stands fully armed, using the bomb-blasted multi-storeyed buildings close to the Golden Temple as his watchtower; from that imposing height he keeps constant vigil on all who enter or leave the Temple Complex, himself almost invisible.

Before evening falls every passing vehicle is searched, passengers

are hauled out, luggage is examined creating an artificial atmosphere of danger and impeding normal life. Sikhs, in particular are insulted—Professor Virk of Guru Nanak University was slapped during checking. Almost invariably fines are imposed for some technical lapse, as in our case, for not carrying a first aid kit; we received no proper receipt for the fine we paid. Any argument can land one in a Special Court; planting a pistol or revolver is quite common—even a 3” blade is enough to lead to arrest under the Arms Act. According to Shri Surinder Singh Bhagowalia, Advocate and Vice President of A.F.D.R. (Punjab) in Gurdaspur, “there are about 5,000 cases pending under the Arms Act alone: these are cases involving knives. The number of cases has been intentionally increased by creating false cases, in order to justify the existence of Special Courts and N.S.A. As the trial takes a very long time, generally the accused, though innocent, ‘confess’ the guilt in the hope of quick release. False cases are manufactured on the basis of reports received from the mysterious, ‘Mukhbir Khas’—nobody knows who this Mukhbir Khas of the police is, a Sikh, a Hindu, or a Muslim.”

### **Lawlessness of the police**

How sheer living has become hazardous and insecure in Punjab today was explained to us by Sri Narinder Singh, Sarpanch of Kala Sangha: “If anybody objects about the illegal actions of the Police, he is at once arrested and falsely implicated in an Arms Act case. Innocent persons are tortured. We cannot describe the extent of lawlessness of the police. For two months the wife and aunt of Tarsem Singh and the wife of Sandhu Seth were taken away by the police. They want money—as much money as they can extort.”

Armed police is everywhere in groups, moving about or sitting down at the entrance to the Golden Temple complex around Amritsar Guru Nanak University and the Khalsa College, in front of shops, in the lanes and bylanes of the city. One feels throttled, watched all the time. The presence of so many armed men not merely increases anger and tension, as the route and flag marches used to during the non-cooperation movement of the 1930s, but worse; it tends to excite communal feeling, proclaiming as it were that, but for the protective presence of the police, the Hindus and Sikhs would be at one another’s throats.

## Communalism

While not ruling out the simmering of communalism in wayward hearts of some highly educated and well-to-do Hindus (a few did seem to relish what had been done to the Sikhs during the riots of November 1984 and these are the ones who had disowned their mother-tongue—we never found any indication of this feeling among the majority of the Hindus or among the Sikhs whether educated or illiterate. Dr. Baldev Prakash, President, Bharatiya Janata Party, Punjab State, told us in an interview that “the general relationship between the Hindus and the Sikhs is good, though some gulf has been created between the two communities. In Punjab these communities will never come face to face to fight each other. Inquiry into the riots of November 1984 will help bridge the gulf. The guilty should be punished, the victims should be rehabilitated. Political level meetings should help to preserve amity and good relations. Even now there are joint committees of Hindus and Sikhs in mohallas and towns. The Hindu Suraksha Samiti can only increase the gulf between the two communities if they indulge in violence.” Shri Kripal Singh, President, Khalsa Dewan, when asked about the relationship between the two communities said: “In Punjab there is no quarrel between Hindus and Sikhs, they have never fought. There is no doubt that murders do take in Punjab, and that both Hindus and Sikhs have been murdered; Sikh officials also have been killed, but such an incident is not a Hindu-Sikh question. But a feeling of resentment has now developed between the two communities—their hearts have separated. But also their relationship is so deep that it is not possible for them to fight one another face to face. If any one of them dies, members of both the communities participate in the cremation, they join together in marriages. But due to the recent incidents a kind of hatred has been created between them. This could have been avoided if the Government had sincerely wanted to take steps against the extremists. They could have been isolated. The Punjab problem could have been solved, but Smt. Indira Gandhi did not allow that.” Then he quoted an Urdu couplet to sum up the situation:

[It is no longer possible to disentangle the knots. It was with great thought that the learned had tied and twisted them.]

Everywhere we went to heard that it was the Government (Sarkar) through its police who was instigating communal trouble. When we visited Kapurthala, we were told that three boys—Jogtar Singh, Tara Singh and Charan Singh had been arrested and tortured by the police



because the shop of Sri Om Prakash was burnt in Kala Sangha market place. When interviewed, Sri Om Prakash (Hindu) very clearly told us—"I have not made any complaint against anyone; nor do I suspect the boys who have been arrested by the police." Rashpal Singh, President, Market Committee, added: "there is no Hindu-Sikh tension here, it is political problem." The Sarpanch said, "there is peace and harmony here but the government has posted police here to disturb the peace. The shopkeeper whose shop was burnt down has not taken anybody's name but the police has implicated three Sikh boys."

### The role of some Congressmen (I)

Mr. Shyam Lal, Chairman, Municipal Corporation, Fatehgarh Churian, Dist. Amritsar, when asked about the communal situation was of the firm opinion that "the relations between Sikhs, Hindus, Muslims and Christians are very cordial and there has not been any trouble here, there have been absolutely no migrations from our village to places outside Punjab." But he added how "the police and the Army are under pressure of the ruling Congress, wrong information is given to them and because of that injustice is being done to the Sikhs" and he mentioned the cases of a timber merchant Kulwant Singh Arrewala and a farmer Sarabjit Singh of village Fatehpur who were arrested and tortured by the army and the police because "The Congress(I) people falsely implicated them in the Khalistan Flag unfurling case." This kind of thing creates trouble between the two communities. To get to the root of the matter we interviewed Kulwant Singh Arrewala (50), timber merchant and Saw Mill owner of Fatehgarh Churian and we quote him—"On the night of August 15, Army rounded up a number of people and I was also arrested under the direction of Santokh Singh Randhawa, Punjab Congress(I) President. I was told to pay obeisance to Shri Randhawa; when I refused they blindfolded me, took me to various Interrogation Centres but not finding anything against me released me after 5 days. Reaching late at night I found a message from the local police station asking me to report there; next morning I went to the police station. The SSP asked me to sit down and then informed that I was going to be arrested; when I asked what were the charges against me, he said, "you should seek forgiveness of Sri Randhawa" for reasons unknown. I refused.

### **Unfurling of Khalistan flag**

“So a false charge was framed against me that I had unfurled Khalistan flag. The Colonel also had questioned me about this and I had told him it was the work of Santokh Singh Randhawa and none other. I have been released on a bail of 2 lakhs after two months.” After this to expect that Hindus and Sikhs would live in amity is perhaps expecting too much. We gathered from several sources that there are some Congress(I) men who are against the Hindu-Sikh unity and there is suspicion that they have their hands behind many of the murders, though it is always a Sikh who is arrested as an extremist. We met the farmer Sarabjit Singh of Village Fatehgarh and questioned him about the Khalistan flag unfurling story. He said, “I was in my farm in a village 5-6 miles away when I heard of the Khalistan flag incident. The next day, on August 16, I was arrested and kept for 4 days in Police lockup. There I was tortured in the same way as others. About 40 people had been arrested, later I was in jail for 5 months. Santokh Singh Randhawa has two or three men who work for him for money and inform the police and then the SSP takes action. Actually those very men had hoisted the flag.” Later we gathered further information talking to a big group of local people, recorded discussions is being quoted: “This is totally government sponsored. Many who have confessed being a party to these incidents have talked of an important man in Congress(I) to be the mastermind. Charanjit, a poor man, has confessed that he had hoisted the Khalistan flag and also threw a grenade inside a temple—he did these things for money; he is now in Gurdaspur jail and has been promised a bail and acquittal if only he gave a clean chit to his master. The Congress(I) does not want peace but wants that the Hindu-Sikh problem stays on in order to gain political advantage. Here there are no extremists, but it played up to create a permanent rift between the two communities.” If this was in Fatehgarh Churian, the story of the involvement of Congress(I) in giving protection to the real culprits and forcing the police to arrest wrong men—always Sikhs—was no different elsewhere. Sri Karan Singh, President, City College, Butala, told us that a student of Class XII Jagdish Singh about 20 was murdered near a CRP and Military camp. “We are telling you this because the CRP and Military did not make any investigation to find out the culprits—only because Jagdish Singh was a Sikh boy. If it had been a Hindu boy they would have made vigorous investigations and arrested hundreds of people; instead the police arrested one of his

friends and falsely to protect the culprit, implicated him in the case—the reason being that the Congress(I) wanted to protect the culprit and got the police to arrest a friend of Jagdish Singh. All these things are done at the instance of the government so that more and more Sikh youths can be arrested and tortured.”

We have quoted these interviews to show:

1. How the Army is being politicised, as the police already has been; and
2. Some Congress(I) men have people in their pay to execute acts of terrorism; and
3. Basically Hindus and Sikhs wish to live together in peace, but some powerful men in the ruling party are against this unity.

Even about the attempted murder of R. L. Bhatia—the then President of Punjab Congress-I there was unanimity that it was not the doing of a Sikh; “it could never have been, for” said Bhagowalia, “Bhatia had very good relations with the Akalis and was very popular among the Sikhs in Punjab. The Sikhs had no reason to shoot him. The shooting seems to be the result of internal quarrel within the Congress-I”. Sri Bhatia was one prominent Congress-I man who genuinely wanted the Sikhs and the Hindus to live together in Punjab as members of one family, but this was not exactly the aim of several of his power-hungry colleagues in the Party office. Dr. Rajinder Kaur, President, Istri Akali Dal whom we asked about this incident—was a deeply worried woman, a personal friend of Shri Bhatia, she was visiting him everyday in the hospital where he was then lying gravely ill. She completely ruled out the hand of any Sikh—‘he was loved by all’ she told us. But what they all had feared has come to pass—‘you’ll see some Sikhs would be implicated’—because the police dare not touch the real culprit.

### **Hindu-Sikh harmony in the villages**

From all the evidence we could collect, it did not appear as if there can ever be a Bhiwandi or a Moradabad in Punjab. There might have been, the situation could have been really ugly when, after the appalling incidents in Delhi and elsewhere, haunted by the fear of their recurrence thousands of Sikhs had fled to Punjab. Even the official figure was 25,000 which is hard to believe, considering in Ludhiana’s city Gurudwara alone there were 4000 families in May and the SGPC had registered more than 1800 families and almost every Gurudwara had given shelter to these people—many hundreds of them widows

and orphans. Several had gone to their relatives in the villages where communal violence could easily have erupted, the Hindus being in the minority in the rural areas. That nothing has happened is not because of any extra precaution taken by the Government or solace offered to the bereaved, nor because of the presence of the Army. Repression of the Army has crossed all limits beyond which it is difficult to imagine even the Army could go to quell communal violence if it had at all occurred. Could the presence of the Army control communal violence in Gujarat? We felt it was the innate wisdom of the villagers which kept passions under control; while visiting the Sarpanch of the Village Sandhu Chatha in Kapurthala district, we met one such wise man, his 80-year old uncle and heard what he had done to calm down his neighbours when they began to get excited after hearing the people who had come there for shelter. Calling them together with great gentleness he explained to them that by killing people who had not harmed them they would not get those back they have lost making others as miserable as they were themselves would not lessen their own pain. Guru will comfort them and time heal the wound. There never was any trouble in that village, nor in any other village, we visited. Though we were all Hindu and most of the villagers were Sikhs, we were treated as one of them and their trust in us was deeply moving. How genuine this feeling of friendship is between the two communities was made clear to us by a small peasant owning only three acres of land. His story is worth narrating: Gurmeet Singh alias Kahan Singh (35) of village Khanna Chamara was surrounded by the military near Dharmakot Randhawa village at about 8 a.m. when he was coming to Dera Baba Nanak on his cycle. "I had just received Rs. 700 as price of my corn from Babu Shah Commission agent; I had a Kirpan which I had bought at Rs. 300 now its value will not be less than Rs. 1000, a Barucha (spear) at Rs. 100 and a small Kirpan at Rs. 50 all of which were my religious symbols but these were all snatched away by the military. I was hit with rifle butts. Suddenly it appears there was a lot of noise—some Gujjars who always come to Punjab with their cattle—buffaloes, sheep, horses, donkeys etc. during winter were returning to Kangra as it was getting hot. The attention of the military was diverted and they got busy with these hundreds of Gujjars. The people in the market who were mainly Hindus signed to me to run away. I took my cycle and ran towards the market. The Hindus shouted "Run away, run away Baba—otherwise the military will shoot you." They helped

me in running through the market—they did not inform the military. They saved my life.” This happened on 4-6-1984.

That in the country-side the two communities lived in perfect harmony, was clear again when Gurnam Kaur (50), wife of the agriculturist Swaran Singh of Harchowal village mentioned just casually how “all Hindus and Sikhs of the village used to go to the police station for the release of my daughter-in-law, but nobody would listen to them. There is also fear if somebody goes to her help, he also would be apprehended.” This statement makes it clear that the Hindus of her village not only used to go to the police station but were prepared to take risks and all on their own, as they had nothing to expect from Swaran Singh, a very small peasant who had gone mad, one whose son Avtar Singh was missing while the police was after him. This was an important interview for us; not only did it tell us about the communal situation in the village, but about the terrible molestation of women going on unchecked. “Since September Avtar Singh (26) had not come home”, said Gurnam Kaur adding stoically, “the papers said SSP Pandey had caught him—must have killed him for he has not come home, and I do not know where he has gone. The police came and took his wife and kept her in Srihargovindpur Police Station for 3 months without any charge, and without producing her before any Magistrate. Whenever they want, they take her to the Police Station and there is no woman police there, so they molest her, insult her, humiliate her as they like. “Tell me,” Gurnam Kaur asked us, “If any man sees this kind of behaviour with his wife or sister how would he react?” This question asked by a village woman is asked by all, and if a man ‘reacts’ as the old woman implied and as all right thinking persons think he should, he is called a ‘terrorist.’

### Who are the real terrorists?

The definition of the word ‘terrorist’ is left purposely vague and broad, so that any kind of protest can land one in the authorities’ net and then in the Special Court. The Police can present a challan in a period upto one year—thus, as an undertrial one remains without the possibility of bail.

The Special Courts are bursting at their seams; a Police Officer, a Hindu, admitted that 90 per cent cases are false and the kinds who were facing the charge of burning down railway stations or bombing bridges could never have done such things; the real criminals have

escaped. In Amritsar we got a chance to talk to a 'dangerous terrorist' who had been accused of snatching a revolver from a policeman and had been brought to the Special Court that morning. Prakash Singh (22) of village Verka told us a story we did not believe till we heard the same story from Mr. Dalbir Singh, an Advocate and a member of the Legal Aid Committee, Amritsar. In Jethana Army Camp where Prakash Singh and his friend had been taken under the charge of revolver-snatching, they were sent for by the Army Commander of the Camp and asked to confess and also to demonstrate how they had done it. He assured them they would be released if they confessed and demonstrated. Prakash's friend, out of sheer desire to get out, confessed and as he was demonstrating how he was running away with the revolver, the Commander shot him down. Prakash was then told to see if his friend was still alive and as he was moving towards the body he was shot at but the bullet missed him, the Commander had another try but missed again. Some superstition which forbade him to try a third time saved Prakash Singh. On this no comment is necessary—it merely shows how Indian Army personnel which had made a name for their humane behaviour during the Bangladesh war have been behaving while dealing with their own people in their own country. We had been shaken by this story not realising at that time that this was only the first of many such atrocities committed by the Army in Punjab villages we were to hear of during our stay.

On terrorists and terrorism a group of villagers from Gurdaspur's Jaffarwal village had a lot to say, and since they have been the sufferers we must quote them in full (as far as possible in their own words translated from Punjabi into English): "Police is terrorising the people. All those who are to protect us, like B.S.F., Punjab Police, C.R.P., military and Central Government forces are the real terrorists and extremists; because terrorists are those who have crossed all limits of law and humanity. Now the government and its agencies have crossed all those limits. It is not Pakistan which is training terrorists, it is these agencies of the government who are doing that.

### **Communalism of our protection forces in a 'secular' state**

"They are terrorising the Amritdharis, because they want to finish Sikhism; then they come to us who are not Amritdharis. We are at the receiving end, we are being forced to leave our homes. Wasan Singh's house is lying empty, his lands are lying untilled. The police do not allow the land to be cultivated. There are thousands of cases

like this.” Then we heard the story of Wasan Singh—but it was really about the midnight arrest without warrant two days earlier, of his 70-year-old mother that they had come to tell us: “We have been to all the Police Stations, but cannot find her.” Wasan Singh, a young man of 26 was an employee at the Dhariwal Mills, “a soft-spoken, religious man”, but he was “an Amritdhari Sikh and that was his crime. So he was declared a terrorist and he is absconding.” When the police came to arrest him, not finding him they arrested his younger brother. The entire family, including Wasan Singh’s father, his wife and children and other brother are since absconding: only Bibi Surjit Kaur, his mother was left at home and now she too has been taken away.

The story is the same in village after village. Arrest an Amritdhari, raid the house again and again, as Harbans Ghuman’s in Ghuman Kalan village was, 45 times. His hands tied up and his back with his turban, his eyes bandaged so hard that they are often damaged, his faith spoken of in the most abusive language, he is thrown in the van and pushed inside the interrogation centre—a torture chamber to be truthful. Nine different methods of torture, two of which have been described in detail in the report of Sri T. S. Cheema, District and Sessions Judge, Patiala (see Annexure No. 5) are used to break his body and crush his spirit. To find out what? Where is Bhindranwale? Who are your friends and relatives? How many Hindus have you killed? Where have you kept the weapons? The names of his friends and relatives are obtained and similar treatment meted out to them. Meanwhile, refuse the man water to drink till he is almost dead, give him no more than two minutes to go to lavatory, and if he is little late beat him mercilessly. Avtar Singh of Jaffarwal village who was sleeping by his oxen in September 1984 was dragged away by the military to their camp and mercilessly beaten and tortured, was not given any water to drink. “They would bring a glass of water to our mouths and then withdraw it, we would fall down unconscious. They would allow us to go to the lavatory only once a day at 12.30”.

Surji Singh Bhatia, 47—a teacher in a Government Middle School in Dailo Raya village Nangal was arrested suddenly on June 8th 1984 from his house when he was trying to arrange for some Ata for his friends—Sikhs and Hindus—who were all officials of the telephone exchange and staying with him during the curfew. His house was raided; he was taken to the G.T. Road and every method of torture was used on him because he was an Amritdhari. On the verge of death he was given a sip of water by one sepoy, “through the cloud of sub-

conscious I heard the sepoy say that I was dying to which the DSP said that if I did not show any sign of life after 5 minutes, I should be shot down and the body removed. When I realised what they would do to me I forced myself to remain awake and show them that I was still alive.” If some, unable to bear the torture die, no postmortem is called for, since there is no record of their arrest; even the bodies are not handed over and if in some cases they are, the relative taking over the body has to certify under the threat of being shot down that the man had committed suicide. Thus several able bodied, innocent men who were only there yesterday ploughing their small pieces of land peacefully are not there today and have disappeared leaving no trace behind—but only the pain and anguish in the hearts of the women who loved them. Gurmit Kaur (32), widow of Karnail Singh of Village Kila Lal Singh, Gurdaspur Dist. owns a 2-½ acres plot of agricultural land, told us a story of incredible brutality. “The police took away my husband on 11.11.84 giving no reason for arrest, not saying where he was being taken. On 13.11.84 Ludhiana Police came to tell me that my husband was very ill and I should go with them. Reaching there I found he was dead, both his arms were broken, there were many injuries on the testicles, the legs had been stretched to such an extent that the body had got torn and his intestines had come out. The body had fallen apart so it could not be brought home for cremation. There was no FIR, he was not presented before any Court, he was arrested without warrant and there was no witness like the Sarpanch when he had been taken away.” Hiding her tears she said, “it would have been better if he was shot rather than killed like this through torture.” There is nobody to till the land, now that Karnail Singh is dead and she is saddled with an old and sick 80-year old brother-in-law and her own two small children: in many families it is not merely the sorrow of death but the fear of starvation which is haunting them.

### **Obsession with Amritdharis**

The Army's obsession with Amritdharis becomes clear from the appeal the Army Gazette had released through Army Headquarters: it was published in Baat Cheet Special No. 153. The Appeal said, “Any knowledge of the Amritdharis who are dangerous people and pledged to commit murders, arson and act of terrorism should immediately be brought to the notice of the authorities. These people might 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.”

There is no dearth of men who are ready to identify Amritdhari and disclose their whereabouts. One such Amritdhari's presence in village Sadulal, Amritsar District was reported to the Army. Sohan Singh (32) of Longowal village of Gurdaspur—a small agriculturist had gone with his wife and small daughter to look after the land of his father-in-law who had fallen sick. “Some army men suddenly came to my father's house when we were sitting down to eat and asked my husband if he was an Amritdhari. He said he was a religious Sikh. The army men were abusive, they pulled his beard, opened out his turban and said Sikhs are badmashes; my husband said, “I am a small peasant, it does not matter if people think bad of me.” At that those men threw him on the ground and began to beat him badly, then they dragged him out of house and took him in their jeep.” The statement was made by his wife. Bhajan Pratap Singh of village Tarseka, Amritsar District, who was in the lock-up next to the rooms where Sohan Singh had been put told us what had happened there, “I could hear him cry and ask for water, I think an employee perhaps was going to give him some water when I heard someone abusing him, “Is he your Sala?” Others who were in that camp used to hear him shriek and one day everything was quiet. We came to know that Sohan Singh's eyes had been gouged out and every joint of his body had been broken with steel rods. Later when his body was handed over to his widow and his elder brother Baldev Singh, they found the eyes were not there. the body was just pulp without joints and it had become unusually long; the Army had handed it over to the S.H.O., Jhandiala, District Amritsar, who had entered the case as one of suicide, and before giving the body to them, the police made the widow sign a statement that it was a case of suicide; there was no post-mortem report to prove that the man had died of torture; Sohan Singh's body was brought to his village Longowal and cremated there. One began to wonder if India is really a secular State where freedom of worship is allowed to every citizen; Amritdhari are like the Hindus who have taken “Deeksha” from their Gurus; those who have been initiated, so to speak: and observe certain rules in their private life and are more religious, more rigid in their observance of rituals than their co-religionists, but that does not make them ‘dangerous’: and in any case Army's duty does not involve ‘witch-hunting’.

### **Our disciplined army**

In a democracy Army is not meant to sort out political acrimonies, to deal with law and order situation and commit atrocities on defenceless citizens arbitrarily. Its undivided attention should have been focused on the defence of the border. This is not being done, at least not in Dera Baba Nanak, people come and go, smuggling goes on in this important border. By harassing families to produce missing men, by molesting, by daily arresting men, and even children, from nearby villages, nothing positive can be achieved; this can only make the people hate the Army and create new terrorists. Shri Kripal Singh's sorrowful words about the Army are worth quoting: "When General Dyer killed people in Jallianwala Bagh, the bodies had been given back to their relatives but strangely our own Army killed our own people and did not return the bodies to their relatives. Thereafter, a reign of terror was let loose in this area. Any Sikh youth who wore a yellow or blue turban or had a kirpan was captured, humiliated and shot. I had given a memorandum to Major General Jamwal, who was the Army Commander at that time here. Those Army men are the same who had been served by the Punjabis—specially by the village people—in the battle fields, with lassi and paranthas which they carried on their heads."

We heard a frightening story from Gurmeet Singh of Khanna Chamara village how Army Officers interfered in people's private lives: "A Christian girl was getting married and there was a party in the village. Being falsely informed that there were terrorists, the army came in the village in three vans, surrounded the village and a drunken Major entered the house of the bride with a few of his men; he ordered all male guests to come out with hands up and the women guests to dance. "The ladies were made to dance all night under threat; we men were blind-folded, vilely abused and taken to the military camp and kept there for two nights, then we were handed over to the police. At the police station we were insulted, humiliated, beaten, without any charge sheet; it was only after the Panchayat came with the villagers to the police station and pleaded with the authorities about our innocence that we were released." We were told a similar story of interference by the police in Kalasangha—there was a marriage in the village. The police took away the radio operator who was installing the radio. He was released only after the policemen were invited to the wedding feast.

### Scorched earth policy

Sixty-year-old Boota Singh of village Pagthana Baardwala said, "my son Ajit Singh (20) is untraceable since Army action in June; my house has been *raided 10 times* during the last eight and half months and my three other sons and myself have been *arrested 5 times*, taken to a CIA staff, kept there, *tortured for one month*, then released for a couple of weeks, then again taken, again interrogated, again tortured, then released again for a few days. Time and again it is because of the intervention of the Panchayat we are released; I was released only yesterday (May 5 we were there on May 6, 1985). My son Pritam Singh is still in custody. We are very much harassed. We are never produced before a magistrate but continuously ordered to produce my missing son Ajit Singh.

### Types of harassment

We have no desire to live. About 100 Army men suddenly raid our house in the night, pounce upon our sleeping sisters and ladies and small children. We are not even allowed to harvest. Death is better than this life." It was a cry of anguish. People are not allowed to harvest, not allowed to cultivate in some areas, the labour is driven away. We heard this in almost all the villages in Dera Baba Nanak. Young Rajwant Kaur of Shahpur Guraiya was alone in her house with two of her small nephews—her brother had gone to Golden Temple and had not returned since June Army action. So her old sick father, "who cannot even sit up" had been taken away at least ten times since December; on May 4 at night my sister-in-law with her one year old baby has been taken away. I do not know where. For the last six months our crop is not being allowed to be harvested. The labourers were threatened and they have all left; there is none to look after the land or the cattle". Rajwant Kaur with exemplary self control kept her tears back. Only there were so many Rajwant Kaur. The threat is 'the land with crops will be set on fire', 'the house will be destroyed', even the relatives who had come to help have been arrested. There was Surinder Kaur (25), wife of a rickshaw puller who had come home to harvest his wheat but was arrested. There was Mata Dato (70) whose one son has not returned since June 84 and the other son is taken to the Police station every other day and beaten up. The demand is he must produce his brother. There was Darshan Kaur (26) who herself was arrested along with her husband Balbinder Singh, by paying Rs. 1000 to the police she had got herself released

but not her husband. "He has been to badly tortured that he would be useless for any hard work", she said. Now he is in Gurdaspur Jail under a fake charge of having thrown a grenade."

The Sarpanch of Village Haruwal (PS Dera Baba Nanak) Sardar Sukhdev Singh, along with several other Sarpanchs, from different villages, had come the day we were in Dera Baba Nanak to get 20 persons released from the Police Station "From my village 65-year-old Jagir Singh and 50-year-old Jagjit Singh have been in unlawful police custody for the last 4 days. They do not give food to the arrested persons—we have to supply them food."

### **Government actively communal**

Soon after the Operation Blue Star the Government inducted a number of CRPF and BSF officers from outside Punjab to deal with terrorists. The Sarpanch of Village Haruwal bitterly complained that "the D.I.G., S.P., A.S.P., even the S.H.O. are all Hindus and everyday they are arresting only Sikhs. Recently Inspector Kirpal Singh of B.S.F. came on leave to my village and he was arrested. When I went to the police station for his release, the S.H.O. threatened to arrest me. It was only after badly insulting Kirpal Singh that they released him. I feel so harassed, and have no desire to live. Daily I have to go to the Police Station for the release of innocent persons from 7 a.m. in the morning till late at night; death is better than this sort of situation and constant harassment." What this Sarpanch said in great anguish can be said for all: "The Military has proved to the Sikhs that it is not there for their protection, but to kill them. In order to save themselves from harassment some run away to Pakistan and they are declared 'terrorists' and 'extremists'. The families of those who have run away, or have died are harassed. They are more like an *Army of occupation*, than our own men who once used to live in our own villages".

### **Army rule in Punjab**

For months after the Operation Blue Star it was undeclared Army rule in Punjab. That Civil Authorities had ceased to function will be clear from the following instant: An accused with eyes tightly bandaged was produced before the Chief Judicial Magistrate, Shri Cheema. The Court ordered the bandage to be removed. His orders were not obeyed; after hearing the case the Court ordered that the accused should be sent to jail and not returned to Army custody; at once a

Junior Commissioned Officer in the Army entered and clearly told the Magistrate in Hindi which all heard "Goli khayega or remand dega"—in the retiring room the order of the court sending the accused to jail was torn up and replaced by a remand order.

Shri Cheema complained to the Sessions Judge and the District Magistrate who brought the matter to the notice of the Brigadier. The Brigadier expressed regret but it remained there.

Corruption was rampant. "They would stop trucks on the roads, and beat up the drivers and let them move on only after they had paid handsomely," said Shri Balbir Singh of Chonoy village (P. S. Sri Hargovindpur, Distt. Gurdaspur), a retired Army Captain. He too had been arrested: "They told me I was an extremist." Even after his release, he was under house arrest: if you leave your home, you'll be shot." For 8 months, he could not go to his land. Iqbal Singh, an agriculturist of village Bhawri (P. S. Hargovindpur) said, "we have proof that some military officers used to visit rich Sikh landlords and were entertained lavishly by them. This happened in my own village. The rich landlords, would get the poor people, who might have stood up against them, arrested by the Army, and after they had been beaten up and tortured, they would get them released. Many poor people have been harassed this way to keep them under control in future. The landlords did this by bribing the military officers."

In Patiala, we heard how the Army men had looted private homes after the Dukh Nivaran Gurdwara had been attacked and hundreds of people killed—many of them women, some blind beggars and several children. A report, giving details of the loss of property had been published in the Indian Express on June 13, 1984. On the night of June 14th, the Army Commander came back to the Gurudwara, sent for its Manager, Shri A. S. Gill and told him, "You are maligning my Army men, you know you're free only because of my kindness." The manager was made to sign a typed statement saying he had never sent any statement accusing the Army of looting. A. S. Gill told this to us himself, at Patiala. The manager was wise not to have argued with the Commander. He could easily have been shot down and no enquiry would have been held. The government Veterinary Doctor Satinder Pal Singh was shot down in broad daylight near the bus stand in Gurdaspur by two Army men; his brother a Government high school teacher Shri Kripal Singh sent telegrams to everyone from the President and Prime Minister to the Deputy Commissioner about this atrocity. First Major Grari and Lt. General Gouri Shankar denied

military involvement but when supplied proofs they sent a message to the Distt. Magistrate admitting their involvement. "Till today" Shri Kirpal Singh said, "no action has been taken; no enquiry has been made by the civil administration why a government officer was shot down."

### **Role of the Panchayats**

Village Panchayats are much more active than important officers in the government. The magnificent way they go to the Police Station collecting with them as many villagers as they can, the moment they heard a man had been arrested from the village, had saved many men from being shot down and shown as 'encounter deaths'. They make it known to the Police that they were witnesses to the arrest of the man from his own house and not from outside the village where he could have confronted the police with his revolver. We heard people expressing their deep gratitude to their courageous Sarpanchas and the members of the Panchayat; the entire village rising as one man and marching to the police station has become a common sight these days. Fifty-year-old Joginder Singh, a much harassed father of young Gurcharan Singh told us how "Panchayats of four villages went to the police and got my son released on 30.1.85; my son who was working as a mechanic in Rourkela factory in Orissa in the last two years and had come home on leave in December 1984 was suddenly arrested without a warrant and without a charge sheet on 10.1.85. We sent him back to Rourkela on 16.1.85 three days after his release but the police were after us, so much so that we had to leave our home to save ourselves from harassment. The police wanted my son back, I told them that I would give them proof that he had been working in Orissa and had returned to his job. This did not satisfy them so ultimately I myself went to Orissa and fetched my son on 20.3.85. All the Panchayat members of my village and a large number of villagers took my son to the police station and the police kept him there in spite of the precaution that the Panchayat had taken the police showed that my son was an extremist' and he was carrying a revolver and was captured in an 'encounter' on 28.3.85 with the police, when the police party was patrolling Kanhawan RS. He was produced before Court on 29.3.85. He is still in Gurdaspur jail.

### **Police corruption and fake 'encounters'**

'Encounters' are common and are concocted for various reasons one

being extortion of money.

Deedar Singh (40) son of Subedar Acchar Singh, brother of an ex-Army Havaldar Harjap Singh (56) comes from a family which gave its sons to the Army since before India became independent; but without warrant or any charge sheet he was dragged into the police jeep from his tubewell in the evening of 27.3.85. Early next morning Harjap Singh with the Sarpanch and 50 men from his village went to CIA Staff, Batala and found Deedar Singh badly tortured; they went again on the 29th to see him and gave him tea and something to eat. On the 30th morning they were surprised to read in the local newspaper that Deedar Singh and Jitendra Singh Ghuman were caught in an encounter at Bhuller Bridge near Batala with rifles and pistols on March 29. Deedar Singh was arrested on March 27 from his home and was inside the jail throughout but the encounter was shown on March 29! Harjap Singh rushed to the police station—"I paid Rs. 5000 to SSP Pandey and Rs. 2000 to S.I. Anant Ram to stop him killing my brother. He is alive and is still in jail."

Shri Bhagowalia told us how pre-emptive efforts saved another young man's life. Gurmail Singh of Dhilwan was arrested from his home at midnight by S. I. Joginder Singh of Kadian P. S. Sinsuj it was going to be a fake encounter, the Sarpanch with 500 villagers gheraoed the police station and Balwant Singh Udowalia an IAS Officer posted in Assam sent telegrams to the SSP, DSP and met the D.C. and also S.S.P. Pondey and made it clear that he would be a witness to prove how the police have been killing people if Gurmail Singh is killed in a false encounter.

### Encounter deaths

But all young men are not as fortunate. There is the tragic case of Hira Singh (21) of Kila Lal Singh village, P. S. Sadar Batala, Distt. Gurdaspur—we visited his home and met his mother Jagir Kaur. It was one of the most moving moments during our tour of Punjab; remembering that the last wish of her son to meet her once was not allowed and he was killed before she could see him, she burst into uncontrollable tears. Jagir Kaur never had much happiness, her husband Sulakhan Singh, an opium addict, used to beat her and there used to be constant quarrels; Hira Singh used to resent this even when small; his father had 4 acres of land which his neighbour Sohan Singh, a landlord and son-in-law of Congress-I M.P. (ex) Teja Singh Akarpuri wanted to grab and used to supply opium to Sulakhan

Singh to hasten his end. When Hira Singh came of age there was a fight between the father and the son in which Sulakhan Singh died and Hira Singh was accused of murder under section 304 (IPC) but later was acquitted; this was not liked by Sohan Singh and conniving with the police he began to harass this boy daily—so much so Hira Singh had to leave his village and seek shelter in the Golden Temple. During his absence the police got him involved in a number of untraceable crimes. Then came Operation Blue Star and on June 4 an old friend of Hira Singh, one Panthjit Singh of village Goharpur came to the Golden Temple only to be killed during the Army action. Seeing that his friend had been killed, Hira Singh decided to change his own name to Panthjit Singh so that in future as Panthjit Singh he would escape police harassment. He believed that they would assume that Hira Singh was one of those killed in the Army action. But things did not work out that way. The army prepared a list of arrested men before sending them to Gurdaspur jail and gave the list to the police for informing the relatives. Getting the information Panthjit Singh's parents came to meet their son but found Hira Singh instead. Things moved fast after that and the police took him to the CIA staff Batala, tortured him there for two days when the SGPC Secretary of the Local Unit, Batala, went to see him in the jail, he was near death.

### Habeas Corpus

“Hearing of this on July, 3, I applied for Habeas Corpus through Gurdaspur Court apprehending that my son would be killed either in a fake encounter or otherwise because Sohan Singh and Mohinder Singh had gone and seen the police. For 3 days I went to Gurdaspur Jail to meet him and failed, not knowing that my son had meanwhile been whisked away to CIA Staff, Batala.

“But I did not know at that time, which I learnt later from a friend with access to police sources, that Hira Singh was going to be killed on the same night of July 3.

“I also heard later that when asked about the last wish, my son said—‘I want to meet my mother.’

“And so he was then brought at 2.30 a.m. to the village, but not to meet me, but to be killed in a false encounter by the side of nearby UPDC Canal. According to the postmortem report he was shot through the brain and the abdomen. The police story as published in the Punjab Keshari and Ajit of July 5, 1985 was that two extremists were running away on their cycles when the police chased them. One



had a pistol. One man escaped and the other who was killed was Hira Singh.

“On July 5, the Military and Police did not permit any of my friends and neighbours to come for the cremation in our village. Only my second son (Dalbir Singh), my daughter (Daljit Kaur) and myself were permitted. For two months my house was cordoned off by the police and nobody was allowed to come. But the Military Police came from Batala a month after the cremation and took my younger son, Dalbir aged 15-years, beating him severely all the way to the bank of the same canal where Hira Singh had been shot. In spite of the terror of the police and the military, some village ladies including my daughter and sister presented themselves before the military and asked to be shot first before Dalbir was killed. Thus he was saved.

“Sohan Singh is still after Dalbir. He has accused him of keeping a revolver, but the police had failed to find any. So no case has been yet started.

“I am living in poverty because the land had already been mortgaged by my husband. Hira Singh was the only earning member of the family, and used to feed us by working as labourer on other people’s land.”

Today it is Hira Singh, tomorrow Dalbir, the day after another, this accumulated suffering will not remain confined to individual hearts but will grow into an all-consuming fire. The Army and the Police while jointly indulging in this favourite pastime of torturing and killing innocent people are actively fanning that flame to grow.

There was another encounter which was shown to have taken place at Bani Lodhi in North Jaimal Singh Tehsil; it was alleged that two men Suba Singh and Jaspal Singh were coming from Pakistan border—there was a fight and then the police shot them down. This case has created a stir in Gurdaspur district because not merely it was so utterly false but against a man who was highly respected. Suba Singh’s wife, has filed a case of murder against the Pathankot police in October 1984 which is still pending though eight months have passed. We visited the home of Suba Singh in Talwandi village, P. S. Deepa Nagar (District Gurdaspur) and met his wife who has not yet recovered from the sudden shock of her husband’s murder.

Suba Singh (35) was a teacher in Government Primary School, highly respected person, a good hockey player who had been selected for participating in the Punjab State Hockey competition. He and a constable Mukhtiar Singh of Deena Nagar PS were friends and used

to visit each other; on 2.10.84 while returning from school, Suba Singh dropped in at his friend's place. Pushing the door of his room open, he found Jaspal Singh Gill—a very wellknown, hockey player of Punjab and a friend of Suba Singh thrown in a corner of the room, his mouth gagged and all trussed up like a bundle. He saw some constables also there who seemed to be surprised to see him there. Suba Singh quickly closed the door and meeting his friend Mukhtiar Singh on the way told him what he had seen. Reaching home he described the incident to his wife and father. At about 6 p.m. Mukhtiar Singh came, and told him that he had come to fetch him as the SHO wanted to meet him, Suba Singh left with him and that was the last the family would see him. Feeling worried, when he did not return for a long time, his wife and son went to Deena Nagar to find out from Mukhtiar Singh what had happened; there they found the police jeep ready to leave from Deena Nagar, inside were a half-conscious Suba Singh in handcuffs, Jaspal Singh all tied up, S.S.P. Pandey, Mukhtiar Singh and a few other constables; it took the Pathankot road and disappeared. Next day on 3.10.84, finding out that they had been taken to Pathankot, they went to the P.S. Pathankot but were not allowed to see him; again on the 4th they went but were told there was no such person called Suba Singh there. On 5th morning they read in a local newspaper that the police had an encounter with Jaspal Singh Gill and another unknown person in which both were killed. Rushing back to Gurdaspur they found from the photograph of the 'unknown' person at Kalanaur P. S. that it was Suba Singh. The post-mortem report makes it clear that he had been 'severely injured in his right hip and spine prior to his death' Suba Singh had no land and his family of 4 small children, wife and old father depended entirely on his small income. Who will look after the family, now that he is dead. Suba Singh by inadvertently opening the door of Mr. Singh's room happened to be the only person who had seen Jaspal Singh Gill either having been already killed or going to be killed by the police. So he had to be silenced, all evidence had to be wiped out of arbitrary arrest, torture, killing. Thus a fake encounter story was put before the Police of two terrorists coming from Pakistan.

### **How the repressive policy is affecting the economy of the small peasant**

We often read about these deaths in encounters—extremists coming from or going towards Pakistan border, roaming around in notorious

Gurdaspur—the terrorist prone district as it is called these days—with rifles and revolvers. The police get rewarded for committing these cold-blooded murders—for these are nothing but murders. They get promoted for savage repression found only in Fascist States (all in the name of curbing terrorism). We who read these reports seldom realise the enormity of the tragedy that befalls a rural family when it suddenly loses a young healthy worker in the field or a lone bread-winner as in Suba Singh's case—apart from the immeasurable desolation and helpless anguish the women suffer. Case after case has come to our notice—we shall mention only one more of such unjustifiable killing. Three innocent peasants of Mand village in P.S. Sri Hargovindpur were declared proclaimed offenders (this being the first step before killing in false encounters) and then arrested from the house and then killed by the police in false encounter in S.S.P. Pandey's presence. We visited Mand village and met Mahinder Kaur, the sorrowing wife of Pyare Singh one of the peasants killed on September 23, 1984 along with his two friends in his own house, Mahinder Kaur looking on: "At about 2.30 p.m. suddenly police came and went straight to the tubewell where my husband Pyare Singh was working, and told him to hand over the revolver and some other weapons which he was supposed to have had. Suddenly, I heard shots from inside our house; rushing back, I found that our two guests Gurnam Singh (32) of Toriwal village and Mangal Singh (36) of Mikey village had been shot dead. Soon after S.S.P. Pandey arrived and asked my husband to produce the weapons, which of course he could not. We are small farmers with a few acres of land. We don't keep weapons. But my husband asked why had our two guests been shot down. I heard the A.S.P. Joginder Singh whisper to his constables that they should not have shot down those two men—'they were good people', but the Head Constable Jarnail Singh insisted that my husband must be shot as he was refusing to produce the weapons, and immediately they shot him. They dumped the three dead bodies in their jeep and arrested our neighbours Dalip Singh, Balbinder Singh, Amrik Singh and Dewan Singh and took them along with the dead men to Batala Interrogation Centre. After 10 days of torture and finding no weapon they released them but went on visiting them forcing them to say that it was a case of accident. The Panchayat and 20 persons from our village went to Batala to claim the body of my husband but it was refused to them and they were threatened to be shot down if they insisted on getting it back. So I never saw him again and there was no postmortem report." We

asked, “did you not go to Court?” “No”, she said, “there is none to hear.”

In their wide world ‘there is none to hear’—simple words said without malice but with such frightening finality.

### **Women: courage in the face of humiliation and death**

“My world is lying in shambles all around me.” J. P. had written while languishing in the loneliness of his prison. We understood the truth of these moving words when we met the women in the Punjab villages. J.P.’s word was the whole of India which he had loved and lived for; a woman’s world is her home, her husband, her children, her land, her cattle and the golden corn. It is a small world which she loves and lives for, and that world today is lying in shambles all around her. Lonely, overworked, harassed daily by the Army and the police, dishonoured, beaten up for not being able to produce the men who have been missing—they came to meet us out in the open regardless of the fear of the police; women after women told us what they have been facing since the army action.

Fifty-year-old Swaran Kaur, wife of the ex-MLA Harbans Singh Ghuman of Ghumankala village has her house raided 45 times by the army, BSF and the police; every time they come they destroy everything, furniture, bartan, beds, they mix up different types of cereals with rice: they have taken away her tractor and driven away her servants. They come anytime, enter her bedroom, pull out sleeping children, clutch her at her throat, make her stand in the sun for hours—a high blood pressure patient notwithstanding—till he faints. Of her four sons, two are in the Jodhpur Jail, one of them the youngest, a student, had gone to the Golden Temple on the 3rd to keep a vow in connection with some college test, the other had gone there to spend a night till the shops reopened and he could buy something (farmers implements, tools) for his farm. The 3rd son was pounced upon and literally lifted up and taken to CIA staff, Batala from the bus stand where, coming from the doctor, who was treating his child for polio, he was waiting with his wife and the sick child. He has undergone inhuman torture, and (how a fake encounter had been arranged and how he was saved from being killed will be found in the *Annexure No. 6*). Swaran Kaur’s 4th son whom we interviewed has been living away from home because of police harassment; the interview which is in the *Annexure No. 3* speaks for itself. This is not telling you about the boys—it is about their suffering mother. Why are

the young men—hundreds of them—fine citizens of India not being allowed to live in peace and contribute to the progress of Punjab—is a very relevant question we should all try to answer. They are neither terrorists, nor extremists—but terrible torture inside the jail and the fear of torture if they are caught increasing their indignation which will justify violent action.

Gurdip Kaur who had come out of the police clutches only two days earlier has not met her husband Manohar Singh, a young agriculturist of village Harchowal since October '84, this is what she told us: "My husband is an Amritdhari, so the police and the Army have troubled him a lot. Terrorised by the police, he might have run away. I do not know where, or he may have been killed by the police or by the Army. I have no information about him. The police is troubling me. For the first time on 26 November 84 the ASI of P. S. Sri Hargovindpur pulled me out of my house and pushed me into his van. They kept slapping my face and punched with their fists, they took me to the police station. They abused me in the filthiest language which I fell ashamed to repeat. There was no woman police there and the policemen started interrogating me themselves. I was detained at P.S. Sri Hargovindpur for five days, from November 26 to December 1, 1984 and then at the Ghuman Police Chowki from 1st December to 6th December. I was let off only after giving Rs. 1800 to SHO Amar Singh.

"Since then, I am taken to the police station and kept there for 10 days every month. In all I have been detained seven times. Only yesterday on May 3, I was kept in the P.S. for 12 hours and dishonoured. When I was detained in police custody in November-December 1984, they destroyed the little crop that we had grown. The Bhayas I had employed, were beaten and driven away!"

Gurdip Kaur's relatives who came to help her were rounded up; her old father, sister-in-law and her husband, her brother and even her brother's old mother-in-law were all dragged to the thana, and tortured. It was only after they could collect Rs. 3000 and give it to Amar Singh, SHO, of Sri Hargovindpur, they were released.

"Even now the women folk among my relatives are often taken to the police station and slapped, pushed around and abused. The SHO himself does the interrogation. There are no women police. It is extremely painful for us that policemen themselves should question us. The police lawlessness that prevails here must be brought under check."

Gurcharam Kaur (40) of village Damodar, Vice President of Istri

Akali Dal District Committee (Fatehgarh Churian) said, "I have not been able to till my 5 acre farm as I have been harassed by the minions of Santokh Singh Randhawa, till the other day Punjab-Cong-I President. As soon as the land is ploughed and seed sown, these gangsters come and destroy everything. We have complained to the police, and even bribed them but to no avail. During the Army action, I was arrested on the grounds that I had failed in my duty to inform the authorities about the huge catch of sophisticated arms and ammunitions stored inside the complex, because I was a frequent visitor to the Guru Nanak Niwas."

There was young Satwant Kaur, wife of Ranjit Singh again from Harchowal village, an agriculturist. She said, "My husband and I are both Amritdharis; my husband was arrested and tortured, he must have been killed which may be why I have not seen him since his arrest. I myself was arrested on November 26 by the SHO of Sri Hargovindpur, badly beaten up and abused and kept for five days in the thana and then sent to Ghuman Chowk, where the SHO himself conducted the enquiries. I was released since I was innocent and nothing was found against me. But the SHO takes me to the thana every month and detains me there for five-ten days and I am dishonoured. Only God knows what they do to me there. My tractor was taken away and kept at the police station from June 84 till December 84; my brothers had to pay Rs. 4000 to Amar Singh, the SHO of Sri Hargovindpur to get my tractor released.

The only request of this poor woman is that "the dishonour to which I am constantly subjected to must be forthwith stopped and SHO Amar Singh be transferred."

The list is endless—so is misery and so is fortitude and magnificent pride—excepting once or twice when the memory hurts beyond human endurance—there were no tears! Tears will fall only in the enveloping solitude where none can see. There are the women of Punjab.

#### **Atrocities on children**

A 12-year-old boy, Kalu, son of Harbans Singh of Village Agwan (P.S. Dera Baba Nanak) had been taken away at night to the dreaded Interrogation Centre at Amritsar four days earlier. 'None knew what had happened to him', his uncle Darshan Singh told us. In Kala Nangal, two boys had become mental wrecks after having been in Military custody.

The story of the children is the story of our shame. So gross and insensitive the political parties have become that not one of the 11 members of Parliament representing 10 political parties visiting Amritsar on August 1, 1984 felt like taking any action, when they were informed that 25 children between 4 and 12 had been detained in the Ludhiana jail under section 107/262 having been rounded up from the Golden Temple in the early July. It was Smt. Kamla Devi Chattopadhyaya—old and very sick—who moved in the matter and discovered the shocking fact that some of the detained children were blind and there were in the jail several women and old men obviously they had been found too dangerous by the Army to be allowed to remain outside. She moved the Supreme Court with a writ petition and taking “serious note of the state of affairs obtaining in Punjab the Supreme Court ordered the authorities to release “all children kept under detention in various jails and children’s homes in the State of Punjab” immediately. The orders however were not carried out—minors continued to remain in jails and being questioned the jail Superintendent, Patiala, admitted that there were many children still inside his jail also. The story of ghastly torture of young boys as well as of other arrested people has been revealed fully by Justice P.S. Cheema, Vigilance Judge, Sessions Division, Patiala, during his visit to Ladha Kothi (Sangrur Distt) jail. This can be seen in the Annexure No. 1. Since violations of the rule of law is now the rule and the Armed Forces (Punjab and Chandigarh) Special Powers Act has made the Army supreme, Major Das picked up six children who were taking their examinations in the Jaffarwal village School in September. They were taken to the Military Camp at Tibri and tortured there. He came back to the village again and raided houses of 5 other boys—3 of them were arrested and tortured for 7 days. There was no FIR, no charge sheet, the only proof that the army had taken them and tortured them was the signs of the torture themselves; young Charan Singh who was a fine runner with ambition to represent his school in Punjab’s Running Competition has become lame; he said, “I told them: break my arm but don’t twist my leg; they did not listen.”

### Torture

From the Annexures it will be seen how the Army tortured people—only because they were religious Sikhs; 65-year-old Swaran Singh was the Sarpanch of Jaffarwal village; young Puran Singh, a technician of Gurdaspur, a highly respected farmer young Amrik

Singh of Aulakh village and so many others had to undergo the most sadistic, cruel and bestial torture—we had interviewed them and felt completely satisfied about their innocence.

We shall mention only young Puran Singh's case who was tortured so inhumanly both by the Army and the Police that it ought to be taken up by the Amnesty International.

Puran Singh became an Amritdhari in 1977 and had no interest whatsoever in politics; but little did he know that because his mother, a Panchayat member did not help a Cong-I man to be elected as Sarpanch and who eventually got elected, it could make him suffer such inhuman torture.

“Being told that I was busy with my prayer, they took my younger brother and made it clear that he would be released only after I presented myself at the police station. Next morning I went to P.S. Dhariwal from where I was taken to P.S. Gurdaspur where I was kept for 6-7 days and tortured. I was made to lie on my face. A thick log of wood was placed from above on the back of my thighs and the legs were pressed upwards. It caused a lot of muscular pain. Sometimes, I would be forced to stand for long hours with knees bent to the extreme and hands raised upwards, till I felt exhausted and became unconscious. When I came to, they would give me a little water and again continue this torture till I would drop down unconscious. The third method was to make me sit on the ground, my hands tied at my back, one person would stand behind me with his knees to my back so that I would be firmly fixed to the ground and then two other would stretch my legs apart to the very maximum. The pain at the groin was excruciating. Sometimes they would beat the soles of my feet with sticks. While torturing me they would repeatedly ask, “What is your relationship with Jamail Singh Bhindranwale?”. “What is your relationship with the Federation (AIISF)? and how many times have you crossed the border?”

“There was no record of my detention. After a week or so, I was released. I was again arrested in July at night and taken to P.S. Dhariwal and mercilessly beaten with leather straps. They made me stand with hands tied and raised high while two persons would pull my legs apart, until I fell unconscious. This time also there was no charge and no record was kept. I was released after 4-5 days.

“I was again taken to P.S. Dhariwal in August and interrogated about people who had absconded, some of whom I know. I was again tortured by the same methods but with a little less intensity and was



released after five days.

“My agony was not over. On September 10, 1984, as I was coming home from duty I was taken at 11 p.m. at Kanuan (Electricity Sub-station) and this time by the Army. My eyes were blindfolded and my hands were tied behind my back. I was put inside a military vehicle and vulgar and abusive words were showered at me. They asked, “How many Hindus have you killed”, “In how many actions have you been active?”

“I was taken to an unknown destination and there I was hit on my chest and abdomen, not allowed to sleep. I would be kicked whenever I would fall asleep. On September 16, 1984, the army handed me over to the Dhariwal police where I remained till 7th October when I was produced before the magistrate with a charge-sheet that I was shouting slogans of ‘Khalistan Zindabad’ u/s 124 A. I was given police remand upto 25th October. On 19th October I was shifted to Ladha Kothi in Sangrur Distt: One of the worst torture chambers. I was again produced before the Magistrate on 26th October, when the remand was extended upto 1st November.

“In ‘Ladha Kothi’ I would hear cries. The same question would be asked of us again and again and we would be told to say something. Not knowing what to say, we would be confused and then we would be tortured separately. A rod would be pressed behind one’s neck and hands tied high up and then the body would be bent. Another method applied was a log tied behind one’s back and passed between the arms and hands tied up and then the legs being stretched to the maximum till one became unconscious. One day I was hung from the ceiling, my legs dangling in the air.

“I was sent to Gurdaspur Jail on November 1st and was there upto December 7th when I was released on bail. I was acquitted in February 1985 as no evidence could be produced by the prosecution.

I was suspended from service in September 1984 when I was picked up by the Army but I have been reinstated on 24th March 1985.”

### **Image of the Army**

One of the painful things which we have to report is that today in Punjab’s rural areas which have given their sons to the Indian Army with such pride and love—the image of that Army lies shattered. The inhuman atrocities they have committed on innocent people—shot down little boys because they had black turbans, denied drinking

water when prisoners were dying of thirst in the June heat so that they were ready to drink their own urine—the communal overtone in the brutal treatment they have administered to the Amritdharis, the way they have looted valuables and made money and of course their wanton destruction of the Golden Temple and shooting down of the common pilgrims inside the various Gurdwaras of Punjab have earned them the name of an ‘Occupation Army’ in the countryside of Punjab; and this name is going to stick.

Yet, to be fair, the Army is only carrying out orders. If they have tortured people in their various Camps, they had the green signal from the Central Government; India is the only country which did not sign the new UN convention against torture and other cruel, inhuman or degrading treatment as punishment. The rulers who say that they believe in democracy, secularism, freedom of worship, social justice and human rights have themselves enacted black laws and have let loose unabashed State terrorism which has been unleashed specially on the Sikhs—because they are Sikhs.

The glaring discrimination shown at the Naval Centre against the Apprentice Rajinder Singh (20) son of Mohinder Singh of village Ladha Kunda at Jamnagar Navy Training Centre ought to be taken note of by authorities in the Naval Headquarters. The unceremonious way he was discharged, the closing down of the ‘Gurdwara, preventing him from taking part in the Guru Nanak’s birthday festival show how communal our entire set up in our defence forces. It is a dangerous portent and one must beware of it. (See Appendix No. 1).

During the Curfew in June according to Advocate Bhagowalia the Hindus were allowed to go out but not the Sikhs, and in the encounters it is always the Sikh youth who is killed, because either he is a smuggler or a terrorist—obviously there is no Hindu smuggler in Punjab these days nor one Hindu who believes in violence.

### **Police terror**

In the past 2 years the enactment of new laws in quick succession: (i) The Punjab Disturbed Areas Act, the Chandigarh Disturbed Areas Act, (ii) The Armed Forces (Punjab and Chandigarh) Special Powers Act, (iii) The code of Criminal Procedure (Punjab Amendment Act), (iv) The Terrorist Affected Areas (Special Courts) Act—besides the National Security Act (2nd Amendment)—each remaining one of the South Africa’s repressive laws—was meant to bring Punjab to her knees; not merely ‘to subdue’ her but ‘to vanquish’ her a word much

used by Mrs. Gandhi during Emergency while referring to the Opposition leaders who were accused of attempting to disintegrate the country as the Akali Sikhs are alleged to be doing today.

The police who in any case are not known for their adherence to law—have now become immeasurably more arbitrary, more cruel because of the sanction provided by the black laws. They have devised a distinct pattern of behaviour: (i) repeated arrests, (ii) repeated raids on a particular household, (iii) repeated torture of one particular person, (iv) repeated harassment of relatives, (v) terrorising of women and children often molestation of women, (vi) demanding of huge sums of money for agreeing to release innocent people, (vii) planting of arms to show encounters and then killing young men, (viii) active participation with Cong-I leaders, (ix) preventing the crops being harvested.

Mahinder Kaur (50), the widowed mother of Mukhvinder Singh (24-25) of village Barriar, P. S. Distt. Gurdaspur, said her son never returned home after the Army action—she does not know if he is dead or alive, but the police have raided her house countless times, often twice a week. The crops have not been allowed to be harvested. So acute is harassment by all the Security forces—the police, Army and the CRP—that “We had to leave our house, it remained locked between July-December 1984”. Their economic condition is pitiable. Balkar Singh (45) of village Khujala P. S. Sri Hargovindpur, surrendered himself to the police in October—an agriculturist owning 8-9 acres of land; for 20 days he was tortured in P. S. Qadian and continuously interrogated on whether he was associated with ‘extremists’, whether he had supplied them arms etc. After 20 days he was released to be again arrested after one month and again illegally detained without any record of arrest, any charge-sheet and without production before the Court of Magistrate. For 10 days he was again tortured and interrogated and then released. Once again he was arrested on 27th April 1985. Again there was no FIR, no charge sheet but the case of rifle-snatching by two ‘extremists’ from the Home Guards near village Panchgarian P. S. Qadian was hoisted on him and another young man Kulwant Singh who was working on his farm with the thresher when he was taken away, and for 40 hours nobody knew what had happened to them. They were continuously tortured and interrogated and not allowed any food or water during this time. On May 4, a day previous to our meeting Balkar Singh they were released. His rice crop has been destroyed, he has six children

and the economic hardship he is facing considerable.

In Khajera village at least in 10 families arrests have been made—6 men are still in jail but without FIR or production before the Court. “For every 1 member of a family missing or detained members of 20 other families would be harassed and troubled in every conceivable way and their crops would be destroyed”, said Sukhdev Singh, a villager. He added, “repression is counter-productive, repression of one Amritdhari—does not reduce their number, rather fresh recruits have multiplied”.

“When the attack takes place

Then the spirit is kindled.”

For the release of Amarjit Kaur, wife of Joginder Singh, a graduate and an Amritdhari Granthi of Darbar Sahib of Village Manepur, P. S. Kalanaur,—missing since the Army Action—Amarjit Kaur’s father has paid Rs. 1400 on one occasion. She has been taken to the P.S. four times and illegally detained for five-ten days each time. Every time the police want money. Now they are harassing Joginder Singh’s sister’s husbands—Prem Singh of village Ahawan P. S. Kalanaur; Bibi Vir Kaur, mother of Amarjit Kaur said—“this harassment must stop.” Even the fodder for the cattle is destroyed.

Family after family has to pay never less than Rs. 1000 to keep the arrest at bay. “But how many of us can pay so much money all the time?” They said.

From one family—in Qadian village 21 people were arrested and interrogated together at Amritsar. They were being harassed for not producing Ajit Singh, son of Hardial Singh—he was arrested, tortured, then released, then again arrested, again tortured, again released—this has gone on at least 10 times since May 1984 when Ajit Singh had left home saying he was going to drive trucks. There was no news of him—when in July ’84 the police came and demanded that he must be produced. ‘The story of the police was that he had crossed over to Pakistan and we know his whereabouts’ said Ajit Singh’s mother—“We are a poor family having only 2 acres of land and we have 10 children, we work for big landlords as share-croppers; my husband has been so badly tortured that he cannot work.”

During our stay we read in the newspapers that Ajit Singh who was actually driving a truck in Gwalior had been arrested. One realises the enormity of oppression that has been going on mere suspicion—and without any check.

### Keep up the spirit

In spite of the prevailing sadness and tenseness the spirit of the people is being kept up through songs and poems. Even though Guru Nanak's songs are forbidden as Tagore's had been during the emergency. The irrepressible Surinder Singh Ragi (Patna Sahib walla), the head ragi of Darbar Sahib with a golden voice said, "I speak out through the songs of Guru Nanak". He was under house arrest from June 10-June 18 and then kept inside the Golden Temple for two and half months. "We were ordered to sing Gurbani in order to tell the world that all was well and everything was normal. On August 4 the Government warned him that he must not sing Guru Nanak's Shabad. "I did not stop singing it only reduced the number of lines. There is a warrant against me under section 124-A-Sedition, but Government has not arrested me yet though it has banned my songs." The allegory which is clear to a Punjabi speaking person cannot be brought out in English translation—so we are giving both the original as well as the English rendering of a couple of stanzas of the songs of the Ragi:

### SHABAD

Kutta Raj Behaliye Phir Chakki Chatte  
Sappey Dudh Pilaiye Mukh Thi Satte  
Pathar Paani Rakhiye Man Hatth na Ghatte  
Chooa Chandan parhare khar kheh Palatte  
Teaun Mindak par Nindeaun Hatth Mool no Hatte  
Aapan Haathi Aapni Jarh Aap ao Patte

### MEANING

A dog, even if crowned, would per his habit still lick the flour mill.  
A snake, even if fed with milk, would still spout venom.  
A stone kept immersed in water would still have a dry inner portion.  
A donkey, even if smeared with 'chandān' would still roll in dust.  
Whatever happens, a backbiter would not change his/her habits  
(Accordingly, a backbiter would uproot and destroy oneself).

### SHABAD

Kal Kaati Raaje Kasai  
Dharam Paankh kar Oodoreya  
Koorh Amavas sach Chandrama  
Deesay Naahi Kay Chharhaya

## MEANING

The time was the sword, the king were butchers  
The righteousness had taken wings and flown away  
There was darkness of untruth all around and the Moon of Truth was enveloped.

There was a time when the National All India Congress had rushed a fact-finding committee headed by Jawaharlal Nehru to Nabha, where hundreds of Akalis protesting against the arbitrary taking over the Sikh State of Nabha by the British Administrator had been thrown into the jail and tortured. Later when the Sikhs sent a thousand strong jatha many of them were killed and several wounded. Gidwani, a member of the team was also arrested with the Akalis and kept inside the Nabha Jail till he was on the verge of death. There was wide appreciation of Sikhs for their spirit of sacrifice, religious fervour and passionate love for their faith. Gandhiji had sent a telegram congratulating them after they won the Battle of the Key to the Golden Temple's Toshakhana.

Things began to change—attitude hardened after independence of India but today in 1985, 1923 looms to dim that it almost feels like other times in other climes.

Yet these are the same people, the same patriotic citizens of India who today as in those days would, without complaint, while being tortured, die reciting the name of their Gurus. These are those who were killed in Jallianwala Bagh—799 of them compared to 501 non-Sikhs.

What has been lost sight of is that to a Sikh, be he a religious one, atheist or an agnostic—a Gurdwara is not just a building of mortar and cement, of marble and stone, it stands for his living Guru who sustains him in his hours of trial. By desecrating that place of worship which could have been avoided that symbol of strength and solace has been desecrated.

### What kind of Khalistan

While coming to the end of this section we should like to observe that though we never found a Sikh who was communal, that old spontaneous trust in a Hindu as a brother is gone, for his heart is broken and it will take long for the wound to heal; and the methods the ruling party has adopted will not heal it. Even today, no one we met wanted Khalistan as an independent separate State like Pakistan or Bangladesh—not even Harbhajan Kaur Khalsa, the Militant Secretary of

Istri Akali Dal in Jalandhar. She had been arrested and taken to the Special Court because at a meeting addressed by Bibi Rajinder Kaur on September 11, 1984, she had lifted her hand in approval to the question if they wished to have a place where they could breathe freely. Harbhajan Kaur was out on bail and when asked if she wanted Khalistan, she said "Khalistan is not outside India, but it is a place which Sikhs can call 'Apna Ghar' with more autonomy. We are against 'be-insaf'; if we defend our temples, we are 'Atankwadi' and arrested and tortured, if Delhi people killed thousands of Sikhs—they are still free. I was declared an extremist—he or she who speaks truth and is fearless is an extremist.

"All our martyrs—Bhagat Singh, Sukhdev Rajguru are then extremists. They loved our country and died for our land. Thus Khalistan is a place within India where we Sikhs can live without being humiliated with dignity without being killed." When asked about Khalistan, Sri Kripal Singh quoted a small Urdu poem in answer:

"You say we should leave the garden?  
What a joke you are making!  
We have shed our blood  
For its each and every blossom."  
(Chaman Ko Chhod Den?  
Yeh Dillagi Bhi Khoob Rahi!  
Hamara Khoon Baha Hai,  
Kali Kali Ke Liye.)

## PART II

# ‘Operation Bluestar’: The untold story

### I. Eye-witness accounts of the Army Action

“Operation Bluestar” and “Ghallughara”. Two different terms for the same episode—the Army action on the Golden Temple in June 1984. Two different meanings given to the same unprecedented event. “Operation Bluestar” in the Government’s term, connoting a necessary military operation to flush out terrorists and recover arms from the Golden Temple; the implication being that it was an unavoidable cleansing operation, an act of purification. Whereas “Ghallughara” is how the Sikhs of Punjab remember the episode, connoting aggression, mass-massacre and religious persecution. The unmistakable allusion is to the killing in Punjab of tens of thousands of Sikhs by the Afghan raider, Ahmed Shah Abdali in 1762, after which the word “Ghallughara” was coined to become an integral part of the Punjabi folklore.

The contrast between “Operation Bluestar” and “Ghallughara” as two different perceptions of the same reality is symptomatic of the wide gap between the official version and the people’s recollections of what really happened at the Golden Temple when the army attacked it in June 1984. Listening to the gripping eye-witness accounts of those who were inside Golden Temple at that time, we felt the need to tell the truth, the as-yet untold story and in the process to correct the Government’s version as put out by the Army, the Press, the Radio, the T.V. and the White Paper.

Who are the eye-witnesses to the Golden Temple episode?

1. *Devinder Singh Duggal*—Incharge of the Sikh Reference Library located inside the Golden Temple complex, Duggal is an acknowledged authority on Sikh history. He used to reside in a house adjacent to the Sikh Reference Library, was present there between May 28 and June 6, 1984 and hence (in his own words) “an eye-



witness to some of the atrocities committed by the Army during its attack on the Golden Temple". About fiftyish, Duggal now lives with his lecturer-wife in Jalandhar, where we interviewed him. His eyes become moist and his voice quivered as he described the assault on the Golden Temple.

2. *Bhan Singh*—Secretary of the S.G.P.C., short, slim, in his mid-fifties, Bhan Singh is a man of few words. He was present in the Golden Temple Complex during the Army attack and was arrested at dawn on June 6 along with Longowal and Tohra from the Guru Nanak Nivas which now houses the SGPS Office, where we met and talked to him. His account begins from June 3, 1984.

3. *Giani Puran Singh*—one of the priests at Harmandir Sahib.

4. *Girl Student*—Grand-daughter of SGPC member, she preferred to remain anonymous. Aged about 20 years, she goes to College at Amritsar. She went to the Golden Temple on May 29, 1984, with her grand-parents and an aunt, to fulfil a vow, and was there upto June 6. We met her in Amritsar in the house of a widowed victim of the November 1984 Delhi violence.

5. *A.I.S.S.F. Member*—About 25-years old, he would not give his name, son of a police officer, he was visiting the Golden Temple in June 1984 for the Guru Parb and was there from June 1. He was arrested by the Army on June 6 but released in October. He was re-arrested soon after and had again been released a little before we met him. Remarkably calm and soft spoken, he said that there were about 100 fighters with Bhindranwale inside the Temple Complex and less than 100 arms, mostly, 303 guns of the II World War. Extremely handsome, he is a member of the All India Sikh Students' Federation.

6. *Prithipal Singh*—A young (24 years) Sevdar at the Akal Rest House, inside the Guru Ram Das Serai, Golden Temple Complex, where mostly distinguished guests stayed. He was on duty throughout the period of the Army Operation. He narrated how he had a hair-breadth escape, even after being lined up before the firing squad on June 6, after he had been arrested, stripped naked and his hands had been tied behind with his turban. He showed us the bullet-ridden walls of the Akal Rest House, where we spoke to him.

7. *Joginder Singh*—an employee of the S.G.P.C. whom we met at the Golden Temple.

8. *Surinder Singh Ragi "Patnasahib Wala"*—Head Ragi (singer) at the Harmandir Sahib, we met this young man (about 35 years) outside the Information Office of the Golden Temple. He was in the

*Kesari* (Sochre) roles of a priest. He was on duty at the Harmandir Sahib during the Army action. He is an extremely popular singer of 'Shabads' from the Gurbani and his tapes are on great demand. He spoke to us with great conviction. "The Guru taught us to resist *atyachar* (repression), not to do *atyachar*".

9. *Baldev Kaur*—an Amritdhari woman in her mid-thirties, she had come to the Golden Temple on June 2, 1984 for the Guru Parb with her husband (Puran Singh who is now in Kapurthala Jail) and three children from her village Khanowal in Kapurthala district. She was so calm and fearless when she described her tribulations. She is facing severe economic hardships, cultivating only two acres of land, having no regular source of income since her husband's arrest more than 9 months back.

10. *Harcharan Singh Ragi*—one of the Hazuri Ragis who sing at the Harmandir Sahib, he is in his late fifties. With serene eyes and flowing white beard, he has an endearing touch. He was on duty at the Harmandir Sahib singing 'kirtans' when the Army shelled it very early morning on June 4. Born into a Hindu Brahmin family, he was orphaned at the time of partition and then adopted and brought up by Amrik Singh, the blind Head Ragi of the Golden Temple who was killed inside the Harmandir Sahib on the morning of June 5. We met him at the Information Office of the Golden Temple, and he lives just above it. Raminderpal Singh—an innocent boy—one of his sons, is detained at Jodhpur Jail as a 'terrorist'.

Some of the details of the life in Amritsar at the time of the Army action, were provided to us by the relatives of a few of those who were captured from the Golden Temple after the army operations, as 'terrorists' accused of 'waging war against the State' and who are now being tried under the Special Courts (Terrorist) Act at Jodhpur Jail. It is the Jodhpur detainees who are eye-witnesses to the Army operations in Amritsar in June 1984, not the relatives we met. But some of their evidence was passed on to their relatives in the course of brief meetings in jail from time to time. We met the relatives of:

(a) *Kanwaljit Singh*—A 20-year-old student of Khalsa College (evening) Delhi, whose father (Satnam Singh) runs a provision store at Lawrence Road, Delhi. Kanwaljit Singh visited the Temple with his friend on June 2, wanted to return to Delhi the same afternoon, but found that the last train had left Amritsar. And so he was forced to stay at the Guru Ram Das Serai inside the Golden Temple Complex. After the Army Action, he was arrested by the Army from the Serai

and later chargesheeted with 378 others as 'terrorists' and detained under the N.S.A. We spoke to his younger brother, Inder Mohan Singh, at Delhi.

(b) *Jasbir Singh and Randhir Singh*—Two brothers who went to Golden Temple, separately, on June 3 to pay their respects. As Jasbir Singh was coming out after fulfilling his vow on June 3 at about 1.30 p.m. on the side of the Chowk Ghanta Ghar, he was detained along with other youths by the C. R. P. The C. R. P. made them take off their shirts, tied their hands behind and made them sit on the hot road outside the Information Office. Randhir Singh was staying in a room in Guru Ram Das Serai, belonging to their uncle (a member of the SGPC) from where he was arrested on June 5. Randhir was injured by bullets on his leg. We spoke to their father, Harbans Singh Ghumman, about 55 years a farmer and former MLA belonging to village Ghumankala, district Gurdaspur.

Piecing together the evidence of various eye-witnesses and also second-hand sources, such as Kripal Singh, President of the Khalsa Dewan, Amritsar and S. S. Bhagowalia, advocate at Gurdaspur and Vice-president of the Association for Protection of Democratic Rights (Punjab), the following picture emerges as to what happened at Golden Temple from June 1, 1984. It is really amazing how, except for some minor details, the accounts of different persons interviewed separately tally so closely with regard to the date, the time and the description of incident June 1, 1984: The AISSF, Member Duggal, the girl student, Sevdar Prithipal Singh and Baldev Kaur all said that the Golden Temple was fired at by security forces from the outside for the first time on June 1 itself, not June 5 as claimed by the White Paper.

According to the AISSF member, "At 12.40 in the afternoon of June 1, suddenly the CRP without any provocation started firing, aiming at the people inside the Parikramas. There was no firing, from inside the Golden Temple. The firing by the C. R. P. was on the Harmandir Sahib and the Manjih Sahib. The firing continued till about 8 p.m." Sevdar Prithipal Singh added that the shooting which started from outside, was not preceded by any warning.

Devinder Singh Duggal's account is extremely detailed and lucid. "By the end of May, it was widely known that the Army is going to attack the Golden Temple, and on that account there was tremendous tension in the entire city and its surrounding areas. The worst fears of the people came to the surface when on 1st June, the security forces which had besieged the Golden Temple for months together and had

made strong fortifications on the multi-storey buildings all around it, suddenly started firing inside the Golden Temple. The firing started at 12.30 p.m. and continued for a full 7 hours. What was worse was that Harmandir Sahib was made the main target of this firing. I took shelter along with my staff behind the steel almirahs of the Library; one of the bullets pierced through three almirahs and landed on the fourth and we had a narrow escape.”

Duggal continues—“Not a single shot was fired from inside the complex. When I asked some of the boys, as to why they did not answer the firing, they replied that they were under strict orders of the Sant not to fire a single shot unless and until the security forces or the Army entered the holy Golden Temple. In the evening, when I heard in the news bulletin that there was unprovoked firing from inside the Temple, but that the security forces showed extreme restraint and did not fire a single shot, I was surprised at this naked lie. The very fact that as many eight persons, including a woman and a child had been killed inside the Golden Temple complex and there were as many as 34 big bullet wounds on all sides of the Harmandir Sahib completely belied the Government’s version. I asked Bhan Singh, Secretary, S.G.P.C., to do something to refute this falsehood. He said that nothing could be done because all links with the outside world had been snapped.”

According to the girl student, curfew was clamped soon after the firing started. She confirmed the killings—“Authorities had said none had died, but I dressed the wounds of 3 men who died later in front of me in Guru Nanak Nivas.” That the curfew was lifted soon after the firing stopped is indicated by the AISSF member, who said, “after the firing stopped, at about 8.30 p.m., a group of people (Jatha) courted arrest.”

There is no doubt then that security forces (C.R.P.) fired on the Harmandir Sahib on June 1 itself and the news over the A.I.R. that there was unprovoked firing from inside was a blatant lie. However, most official versions maintain a meaningful silence about the happenings of June 1. For them, as for example, with the Government’s White Paper, the story begins on June 2 with the Government of India deciding to call in the Army in aid of civil authority in Punjab, with the object of “checking and controlling extremist, terrorist and communal violence in Punjab, providing security to the people and restoring normalcy.” How much security the Army succeeded in providing to the people and how much normalcy, they were able to restore, is however, another matter.

*June 2, 1984*—Duggal was relieved when “fortunately, on 2nd June, a team of five reporters including Mark Tully of B.B.C. came there (Golden Temple) and they were told the truth. They were taken around the Golden Temple and shown 34 big wounds caused by the bullets on all sides of the Harmandir Sahib some of them as big as almost 3” in diameter.”

“The 2nd June passed off peacefully,” according to Duggal, because there was no firing and no curfew, while Baldev Kaur said it was ‘quiet’. A large number of Sikhs came to the Golden Temple from the surrounding areas along with their families as the next day, June 3, was Guru Parb or the martyrdom day of Shri Guru Arjan Dev, the fifth holy Guru of the Sikhs.

The peace and quiet was only on the surface, because active preparations were afoot to break the peace. Kanwaljit Singh and his friend Manjit Singh from Delhi visited Golden Temple on the morning of June 2 and found that there was no restriction for pilgrims to enter Amritsar or even the Temple. But the exit doors out of Amritsar were being closed. After visiting the Temple, when Kanwaljit went at noon to the Amritsar Railway Station to catch a train for Delhi, they were told that the last train had already left and that the Flying Mail in the evening would not be leaving. In fact, they were told all outgoing trains had been cancelled. So Kanwaljit and Manjit were forced to return to the Golden Temple and put up in the Guru Ram Das Serai for the night. Thus was Kanwaljit to miss his interview at Delhi with the Institute of Bank Management on June 3 morning and his examination with the State Bank of India the same afternoon.

The AISSF young man said that the C.R.P., outside the Golden Temple was replaced by Army on the night of June 2. Although there was no formal curfew, and all visitors entering the Temple were allowed to come in without any ado, all those who left the Golden Temple on the night of June 2 were being taken into custody. “I did not therefore leave the Golden Temple complex”, said the A.I.S.S.F. member revealing his caution.

*June 3, 1984*—According to the A.I.S.S.F. member, “Guru Parb 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 Guru Parb, thousands of pilgrims had come. But suddenly there was a curfew, so the pilgrims and the 1300 Akali workers came to participate in the Dharam Yudh Morcha and to court arrest, could not leave. The Akali Jathas consisted of about 200 ladies, 18 children and about 1100 men and all of them along with the thousands of pilgrims were forced to stay back inside the Temple complex. Most were living in Guru Ram Das Serai, some at Teja Singh Samundri Hall."

The girl student remembers, "On June 3, at 6 o'clock in the evening, we came to know that Punjab had been sealed for 48 hours and that even cycles would not be allowed on the streets."

Kanwaljit Singh sent a telegram home to Delhi at 8.05 p.m. on June 3 from the Golden Temple Post Office "Coming after curfew". It means that the curfew was 'reimposed' (Duggal's word) between 8.05 p.m. and 10 p.m.

No one inside the Golden Temple had yet realised the sinister plan of the authorities. Punjab had been sealed. Amritsar had been sealed. The Golden Temple had been sealed. Thousands of pilgrims and hundreds of Akali workers had been allowed to collect inside the Temple complex. They had been given no inkling or warning either of the sudden curfew or of the imminent Army attack. It was to be a Black Hole-type of tragedy, not out of forgetfulness but out of deliberate planning and design.

*June 4, 1984*—Duggal's recollection are vivid almost photographic. "At about 4 a.m. in the early hours of the morning of June 4, the regular Army attack on the temple started with a 25-pounder which fell in the ramparts of the Deori to the left of Akal Takht Sahib with such a thunder that for a few moments I thought that the whole complex had collapsed. I along with my wife were then sitting in the verandah of my house adjacent to the Sikh Reference Library. Recovering from the initial shock, we moved into the room and took shelter in one of its corners. Thereafter, every second the ferocity of firing increased and it continued unabated till the evening of the 6th June.

As we were on the first floor, and our quarter was open on all sides, our position was very vulnerable. The bullets hit our quarters on all sides and some of them pierced through the doors and landed inside the room. To add to our miseries the power and water supplies had been cut. Through a slit in the shutter of a window we saw a large number of dead bodies in the Parikrama of the Golden Temple. They

included women and children. We could not leave our room. Coming out in the open would have exposed us to sure death.”

Baldev Kaur’s account of how the Army attack began is similar—“Very early on June 4, while it was dark, there was cannon fire from outside the Golden Temple without any warning. Shots were fired from all sides.”

Bhan Singh is emphatic that no warning was given, no public announcement was made by the Army before the shelling of the Golden Temple started on June 4—“had the army given a warning at least those pilgrims who had come for the Guru Parb could go out and then those persons who were simply here to participate in the Dharam Yudh Morcha could go out. But no warning was given to the people. The firing was started from all around the complex with vengeance, as if they were attacking on alien, enemy country.”

According to the girl student the shelling started at about 20 minutes past 4 o’clock on June 4 dawn and continued without interruption upto 2 o’clock in the afternoon of that day (June 4), and the evening of June 5.

Her account is extremely graphic—“On June 4 at about 3.30 a.m. we were inside the Harmandir Sahib reciting our prayers. Suddenly, there was a black-out in the whole of the Golden Temple complex. The devotees continued to be immersed in worship. At about 20 minutes past 4 o’clock there was a very loud explosion. We felt that the whole of the Golden Temple complex was shaking. I was alone on the balcony overlooking the lake or *sarovar*. Suddenly something roundish fell in front of me. I was curious. So I gently touched it and pushed it into the water. As it fell, there was a big noise and then the water rose and splashed into the Harmandir Sahib. I started reeling, once tilting on one side and again on the other. Someone pulled me inside. The explosions continued. We then realised that the Army’s attack on the Golden Temple had begun.” In a flash she described her companions—“Inside the Harmandir Sahib there were about 50 to 60 persons—some *gaanthis* (priests), *ragis* (singers), *sevadars* (employees), the rest of them *yatris* (pilgrims or visitors) like me and my family. I did not see any armed terrorist.”

The Army fired from all sides and did not spare any target in the Temple complex which seemed to shelter people. According to Prithipal Singh, the Sevardar on duty at Akal Rest House, deep inside the Guru Ram Das Serai, the Akal Rest House was shelled from the side of Gali Bagh Wali (to the left of the main entrance from the side of

chowk Ghanta Ghar) at 5 a.m. on June 4. The bullet marks on the walls, the doors and windows of the side rooms of the Akal Rest House bore silent testimony to the Sevadars story, as we listened to him in May, 1985 almost one year after the shooting.

The Harmandir Sahib was not spared by the Army on June 4, just as it had not been by the C.R.P. on June 1. According to the girl student, bullets hissed past her and her grandmother and aunt when they crawled across the bridge on their stomachs in their bid to escape from Harmandir Sahib. She managed to pick up a portion of a shell which had exploded on the bridge near Harmandir Sahib—it was marked 84 mm., and it had two colours, yellow on the upper part and blue on the lower part.

Baldev Kaur's account suggests that there was no immediate counter-fire from inside the Golden Temple complex. The A.I.S.S.F. member said that "there was some stray firing from inside the Golden Temple before the Army's entry into the complex". The girl student provides a comparative picture of the magnitude and intensity of firing from outside the Temple and from inside. "The firing that took place from inside the Golden Temple was negligible. On June 1, there was absolutely no firing from inside. Whereas on June 4, the ratio was something like this—if a thousand rounds were being fired by the Army from outside, then about one or one and half rounds were fired in reply by the armed militants from inside the Temple complex."

Meanwhile, according to Duggal, "the helicopter hovered above and continued to fire from above. Some of these helicopters also guided the firing squads of the Army by making a circle of light around the targets. Immediately after these circles, the cannon ball would land on the target causing havoc. We saw a large number of boys blown to pieces."

According to Bhan Singh, "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 the Jallianwallah Bagh,"—more than a kilometre away from the main entrance to the Golden Temple from the Chowk Ghanta Ghar side. In accordance with the U.N. 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 inside the Golden Temple upto June 10 when they were taken on a guided tour of the Complex for the first time since the Army Operations began almost a week before.

*June 5, 1984:* The firing and counter-firing continued. Harcharan Singh Ragi saw his guardian and mentor—the old completely blind Head Ragi of the Golden Temple, Amrik Singh being shot by a bullet and dying inside the Harmandir Sahib at about 6.30 a.m. on June 5.

This was the respect shown by the Indian Army to the Harmandir Sahib! The White Paper issued on July 10, 1984 adopts a holier-than-thou attitude—“Specific Orders were given to troops to use minimum force, to show the utmost reverence to all holy places and to ensure that no desecration or damage was done to the Harmandir Sahib...” (Para 10) and once more “In spite of this (machine-gun fire from Harmandir Sahib on the night of June 5) the troops exercised great restraint and refrained from directing any fire at Harmandir Sahib.” All this is propaganda. We have recorded the truth—the Harmandir Sahib was fired at by the C. R. P. on June 1 and there were 34 bullet-marks on it which were shown to Mark Tully of the B. B. C. the next day. When the Army attacked the Golden Temple at dawn on June 4, the Harmandir Sahib was the target of destructive shelling and on June 5 two Ragis—one Amrik Singh, blind, 65-year-old—a singer of devotional songs and another Avtar Singh were killed by bullets right inside the Harmandir Sahib. Perhaps the White Paper was doing as exercise in sarcasm and irony when it stated: “the troops exercised great restraint and refrained from directing any fire at Harmandir Sahib.”

Meanwhile, the girl student and her companions had managed to come away from the Harmandir Sahib, crawling on their stomachs across the small bridge. They were bundled into a room on the ground floor of the Akal Takht. They kept sitting there, having nothing to eat and no water to drink. To continue, in her own words, “Helicopters were encircling the Temple from above. After the helicopters completed their circle, at about 11.30 a.m. on June 5, the huge water tank inside the Temple complex was fired at. The tank could not be

broken even after the initial 10 shells hit the tank. Then one bomb hit the tank after which it burst and all the water gushed out. The fighters who had taken their positions beneath the tank were killed.

“They continued the firing till the evening of June 5 and then it was about 8.30 p.m. It was completely dark when they entered accompanied by very heavy firing. The blasting was so severe that I thought I had reached some other world.

“We were 40-50 persons huddled together in the room, including women and children, even a child of six months. In the next room were the pilgrims who had come on June 3 to celebrate Guru Parb but they had been trapped.

“The upper portion of the Akal Takht had been fired at by the Army and completely destroyed. Pieces of the Guru Granth Sahib were flying in the air and littering the ground. The place seemed to have been transformed into a haunted house.

“Then the tank entered. It had powerful searchlights. I thought the ambulance had come to attend to the dead and injured. But it had turned out the opposite. The tanks went riding past us. From the tanks the announcement came, loud and clear: “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, 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.”

The A.I.S.S.F. Members’ narration of the events of June 5 has a somewhat different emphasis—less personal reflection and more of detached observation. “On the 5th June at about 8 p.m. the Army entered the Complex through the Ghanta Ghar side under a heavy cover of fire. The road was blocked. Nobody was allowed to come out of the Complex. The Army entry was not preceded by any warning or announcement asking people to surrender. “There was some stray firing from inside the Golden Temple before the Army entry into the Complex. But the real resistance began only after the Army entered the Temple. The order from Bhindranwale was to use limited fire-arms with discretion. There were only about 100 people to fight and there were less than 100 arms consisting mostly of 303 rifles used in the World War II, 315 guns and a few stenguns. When the army entered, the ammunition was nearly exhausted. “After mid-night, at about 1 a.m. one armoured carrier and 8 tanks came inside the complex. The tanks had powerful searchlights and they came down the stair-case, and the Army surrounded the Langar building.” Even

11 months afterwards, we could see the marks of the tanks on the Parikrama.

Duggal's account is also informative. By the evening of June 5, he and his family had managed to move to the house of Giani Sahib Singh, the head priest of Golden Temple, which was about 25 yards away from the house he had earlier taken shelter in. In Duggal's words, "The night between 5th and 6th June was terrible. The tanks and armoured carriers had entered the Golden Temple Complex. The firing was such, that its ferocity cannot be described. In the early hours of June 6th, we learnt that the holy Akal Takht had been completely demolished in the firing. As devoted Sikhs, we were extremely shocked. Tears flowed through the eyes of everybody there. Although the night we heard the heart rending cries of the dying persons."

Giani Puran Singh, a priest at the Harmandir Sahib and also an eye-witness remembers—"At 7.30 p.m. on 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. Gyani Mohan Singh, whose duty was to conduct REGRAS (Evening Prayer) had not been able to reach Harmandir 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 Gyani Mohan Singh had passed that way. As per the tradition the 'Regras' at Akal Takht starts 5 minutes later than at the Harmandir Sahib, but that day Path at the Akali Takht had already started. Upon this I rushed towards Harmandir Sahib amidst gunfire, stopping for a breather at the Darshani Deori. On reaching I started the recitation. Meanwhile, Gyani Mohan Singh also reached the place. We were about 22 people in the Harmandir Sahib, some devotees and others the employees of the Gurudwara. By the time the path was over the firing outside became more intense. 'Sukhasan' of Guru Granth Sahib was done and then taken upstairs. At 10.00 p.m. the tanks started entering the complex and the barrage of shooting from without became more intense as heavy armour began to be used. At this stage an armoured warrior 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 Harmandir Sahib and thought that probably the fire brigade had come to get water for extinguishing fires ragging throughout the City. But we were proved wrong when this vehicle came down to the Parikrama and started

firing. From both sides the tanks started closing in, from clock tower to the Brahm Buta the tanks set fire to all rooms while desperate people collected water from the Sarovar to extinguish the fires. Loud cries and wails of both women and children rent the air. A vigorous battle ensued and the Darshani Deoris of Clock Tower and Atta Mandir along with the Serais (rest houses) was in Army control by 10 o'clock, the next day (June 6). The 40-50 youth who had been holding the forces fought bravely till either they were killed or the ammunition was exhausted. From about 10 in the night till 4.30 the next morning we were on the roof of Darbar Sahib.”

## 2. Official version—fact or fiction?

These accounts of what happened at the Golden Temple on June 5 are in marked contrast to the White Paper or the Army's common charge sheet to the 379 alleged 'terrorists' captured from Golden Temple now detained under N.S.A. at Jodhpur.

According to the White Paper: "All Commanders were instructed to continuously use the public address systems for a number of hours at every suspected hideout of terrorists to give themselves up in order to prevent bloodshed and damage to holy places before the use of force for their apprehension." Was this actually done? Our eyewitness accounts prove that it was not. Regarding Golden Temple, the White Paper is also specific, "During the afternoon and evening of June 5, 1984 repeated appeals were made to the terrorists over the public address system to lay down their arms and surrender and to others inside the Temple to come out, to prevent avoidable bloodshed and damage to structures in the Temple Complex. In response to this appeal 129 men, women and children came out and they were handed over to the civil authorities." Is it possible to believe this version? We have seen how the Army started shelling the Golden Temple without any warning or public announcement from the early hours of June 4. They continued this firing throughout June 4 and 5. The militants also fired in reply but they were no match, either in terms of numbers of men or in amounts of arms or ammunition. How could the Army make 'repeated appeals' during the afternoon and evening of June 5 when intense fighting was going on and how could 129 persons come out during this raging battle?

The Army's version, as revealed by its chargesheet to the 379 alleged 'terrorists' detained at Jodhpur Jail, is even more incredible. On June 5, when they were supposed to have been deputed for duty

outside the Golden Temple, the Army had the information that “the extremists/terrorists led by Jarnail Singh Bhindranwale had collected men, arms, ammunitions and explosives within the Golden Temple and had also made other preparations to wage war against the Government of India with the intention to establish a State independent of the Government of India to be known as Khalistan”. Or in other words, Khalistan was to be established at the Golden Temple and if the A.I.S.S.F. member is to be believed, by about 100 fighters equipped mostly with 303 decrepit guns of the II World War, a few 315 rifles and some stenguns. S. S. Bhagowalia an advocate at Gurdaspur and Vice President of the Association for Democratic Rights (A.F.D.R. Punjab) investigated and found that Bhindranwale’s armed supporters numbered not more than 140-150. It is strange that the White Paper has nothing to say about the Khalistan flag—a country without a flag! But the White Paper says that Khalistan was to be established at the Golden Temple. According to the Army’s chargesheet and also the White Paper, in response to the Army’s repeated appeals to the Terrorists to lay down their arms and surrender, they opened intensive firing from inside the Complex. “They were shouting anti-national slogans.” This was a battle not a demonstration. How could the ‘terrorists’ engage in shouting anti-national slogans at a time when they were allegedly using automatic and semi-automatic weapons, grenades, explosives, etc? Even if they did shout these slogans, how could the slogans be heard over the din and noise of rattling stenguns and automatic rifles?

The White Paper also describes how the library was allegedly gutted on the night between June 5 and 6—“Troops were able to enter the area around the Sarovar through the northern deori and the Southern library building. Terrorists were in control of the Library building and fired from there. At this stage, the library caught fire—the Army fire-brigade was rushed but their attempts were failed by the machin-gun fire from the terrorists.” A perfect brief for the Army!

But according to Duggal who was the Incharge of the Sikh Reference Library and who cared for it, the Library was intact when he last saw it on June 6, evening while leaving the Temple Complex. However, he was in for a terrible shock when he was brought back to the Temple complex by the Army on June 14. Let us listen to Duggal’s tale of sorrow as well as courage: “On 14th June 1984 I was arrested by the Army and taken inside the Golden Temple, where I was shocked to see that the Sikh Reference Library had been burnt.

The entire Golden Temple Complex presented a very, very painful look. It bore at least 3 lakhs of bullet marks. The Akal Takht was in shambles. Guru Nanak Nivas, Teja Singh Samundri Hall, Guru Ram Das Serai and the langar buildings had been burnt. When I left the Complex on 6th all those buildings were in good shape in spite of the Army Attack. Taken to the Library's ruins, I was asked by the Army Col. to take charge of the Library. I asked him as to where is the Library. He said that I had no option but to sign a typed receipt to the effect that I have taken over the charge of the Library. I refused to oblige him saying that I would not tell such a big lie."

The White Paper is very emphatic that "Troops were particularly instructed not to wear any leather items in holy places and to treat all apprehended persons with dignity and consideration." What was the reality? The reality was this:—

*June 6, 1984:* "At 2 a.m. on June 6, says Prithipal Singh, Sevarar, at the Akal Rest House, "the Army people came to the Rest House. They tore off all my clothes, stripped me naked, my kirpan was snatched, my head gear (patta) 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 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 the rifle butts. Then a Major came and ordered a soldier, shoot them, then shouted at us, "You must be Bhindranwale's Chelas? You want Khalistan? I said "I am here to do 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 3 bullets each). As my turn was coming, suddenly 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 a room in Guru Ram Das Serai, but we did not talk nor did I ask the other man's name. On 7th June 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." This was then the 'dignity and consideration' which the White Paper had claimed was shown to those apprehended by the Army.

Bhan Singh picks up the thread of the story at about 4 a.m. on June 6. "I was arrested along with Sant Longowal and Jathedar Gurcharan Singh Tohra early morning on the 6th. We were encircled by the Army people, throughout the day from 4 a.m. till 5 p.m. when Sant

Longowal and Jathedar Tohra were taken to the Army Camp, but I alongwith many others was kept inside the compound of Guru Ram Das Serai. We were taken away to the Army Camp at about 9.30 p.m.” Even on this point of arrest of Longowal and Tohra, the White Paper has a totally different version—“At 1.00 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 at them and also lobbed hand grenades to prevent surrender. As a result, 70 people were killed including 30 women and children.” Even Longowal is on record that he and Tohra were arrested at 5 a.m. from Guru Nanak Niwas (where the S. G. P. C. Office is now located) and kept there in Army custody the whole day. Neither he nor Bhan Singh talk about surrendering to the Army nor do they refer to the killing of 70 people including 30 women and children, by terrorists at the time of their surrender. Should we believe Bhan Singh (and Longowal) or should we blindly accept the White Paper’s version?

On the morning of June 6, as the girl student opened the door of their small room and “came out to fetch water, what did I see but piles of dead bodies, all stacked one over the other. At first I instinctively felt that I wouldn’t manage to go out. All I could see was a ceaseless mount of dead bodies. It seemed that all the persons who were staying in the Parikrama, not one of them had survived... The Army said later that they did not go inside the Golden Temple wearing boots. But I have seen some of the dead bodies of the Army men in uniform—they were wearing boots and belts.” The White Paper is contradicted once more.

The girl student’s narration continues. It is an amazing and astonishing account of how she accidentally met Bhai Amrik Singh, President of the A.I.S.S.F. and Bhindranwale’s close associate. She had not met him before but once he told her his name, she recognised him at once because his pictures had come out in the papers. How Amrik Singh gave her some water in a bucket which she gave to her relatives and acquaintances, but she could not bring herself to drinking it because it was red, mixed with blood. How Bhai Amrit Singh sent her a message urging her to leave the Temple Complex at once with her group in order to escape being dishonoured or being shot dead as ‘terrorists’ by the Army personnel, and also to survive to tell the true story of what happened inside Golden Temple to the world outside. She recounts in breathtaking detail how she picked up the courage to first come out of the Complex and then bring out her relatives and

acquaintances.

To quote her own words—“So I decided to try to find the way out. There was a man lying dead. I had to place my foot on him. My foot touched sometimes somebody’s hand, sometimes somebody’s body. I had to move in this fashion. There is a staircase next to the Nishan Saheb (outside the Akal Takht) and next to it there was an iron gate, which had got twisted because of the shelling. I pulled the gate and came out, there was nobody. The place was deserted. The doors of the houses were shut and locked from outside. I was in a haze. For I saw the locks and yet I kept shouting for shelter. Then I came to my senses, realizing that the inhabitants had locked their houses and gone away. Then I broke the mud patch in the wall of a house and entered it. One of the doors of this house opened out into the Golden Temple. I went back to the temple through this door. I found a wounded man who relayed my message to my grandmother through other wounded persons, that I had managed to come outside, she should also come out. By then the room in the Akal Takht building, where I had taken shelter with my grandmother, was already in flames. The 20-25 people in that room came out with much difficulty and reached the place where I was. The house had been sprayed with shells and bullets and there were gaping holes in the walls. We found a water tank in that house which had escaped destruction, unlike the water tank in the Golden Temple complex. First we all drank water from that tank. We met an injured man who had also taken shelter in that house. He asked us to go with him to his house. We accompanied him. He made us change all our blood-soaked clothes; some we washed clean.”

The narrations of Bhan Singh, Harcharan Singh Ragi, Giani Puran Singh and the girl student tear apart the White Paper that the Army had been instructed ‘to treat all apprehended persons with dignity and consideration’, and also that ‘no women and children were killed in the action by the troops.’

Bhan Singh remembers—“On the 6th morning when hundreds of people were killed or wounded, everywhere there were cries of those people who were wounded and injured but there was no provisions for their dressings and there were no Red Cross people within the complex... Many young people aged between 18 and 22 years were killed and so were some ladies. A lady carrying a child of only a few months saw her husband lying before her. The child was also killed on account of the firing. It was a very touching scene when she placed the dead body of the child alongside her husband’s body. Many people



were crying for drinking water, but they were not provided any. Some had to take water out of the drains where dead bodies were lying and the water was red with blood. The way the injured were quenching their thirst was an awful sight which could not be tolerated. The Army people were there, moving about mercilessly without showing any sign of sympathy with those injured or wounded. Those who were under arrest were not provided any facility of water or food or any other thing of that sort. The clothes of those who were arrested were removed and they were only left with shorts—their turbans, shirts, etc. were all removed and heaped together. Such a brute treatment was given to them, as if they were aliens and not the citizens of the country to which the forces belonged.”

Harcharan Singh Ragi similarly recounts—“My quarters are on the first floor above the information office and it was unsafe, with the firing going on endlessly, to stay there. Four members of the family of Narinder Pal Singh, the Information Officer who also lived on the same floor as us and we five took shelter in the basement of the Information office building. On the 6th of June, between 12 noon and 5 p.m., the Army announced that people should come out. This was the first announcement given since the Army operations began. All of us in the basement volunteered arrest and the Information Officer and myself showed our identity cards as employees of the S.G.P.C. As we were coming out, we saw that hundreds of people were being shot down as they came out. We saw many women being shot dead by the Commanders. I also would have been, but for my little girl, Jaswinder Pal Kaur (Anju), rushing to the Army Commander and begging to save her father’s life.”

And now let us listen to the girl student once more—“On June 6 at o’clock in the evening, they announced a relaxation in the curfew for one hour. Meanwhile, we went through some devious lanes and managed to take shelter in a house which was some distance from the Golden Temple. The Army people announced that everyone should come out. So we came out.

“There were about 27-28 persons with us, 5 of them ladies, some elderly men, the rest young boys. The Army made all of us stand in queue. There were 13 boys out of which three I claimed to be my brothers. I did not know them from before. I merely wanted to save them. I don’t know why, perhaps because they thought the 3 boys were part of our family but the Army released these three boys. They went away. Out of the remaining male youths, they picked out four

and took off their turbans with which they tied their hands behind their backs. Then the Army men beat these 4 Sikh boys with the butts of their rifles till they fell on the ground and started bleeding. They kept telling the boys all along, “you are terrorists. You were coming from inside. You were taking part in the action. You will be shot.” These boys were shot dead right in front of me. They looked completely innocent. Neither they seemed to know how to use a rifle, nor they seemed to know the meaning of ‘terrorism’. They were shot before my eyes. Their age was between 18 and 20 years. I did not know who they were—circumstances had brought us together by chance. Whenever I recollect that scene, I seem to lose my bearings.

“Then they (the Army people) surrounded me and started questioning me. I told my grandmother not to speak a word to them as they were speaking only with bullets. I asked them whether they had come to protect us or to finish us. I said my grandfather was a colonel in the Army... The Army man... incharge then asked his colleagues to leave me and my family members. He told me to go away quickly. And so we were saved.”

Giani Puran Singh narrates — “At 4.30 a.m. on June 6, Guru Granth Sahib was brought down, PRAKASH done and the Kukumnama taken, the kirtan of Asa-di-vaar started. This kirtan was not done by the appointed Ragi Jatha (Hymn singers) but by members of Bhai Randhir Singh Jatha, one member of which Avtar Singh of Parowal was later martyred inside the Darbar Sahib. The official Jatha of Bhai Amrik Singh had been martyred at the Darshani Deori the previous day. Bhai Avtar Singh was hit by a bullet which tore through the southern door, one of which is still embedded in the Guru Granth Sahib which is there since Maharaja Ranjit Singh’s time. Time passed and at 4.00 p.m. on June 6, some poisonous gas was spread and the Akal Takht captured, if not for this gas the forces could not have been able to gain the Akal Takht. At 4.30 the commandant, Brar spoke from a speaker on the Southern Deori that all living people should surrender. All those who had come face to face with the forces had been eliminated. We (I and Gyani Mohan Singh) asked all the 22 within the Darbar Sahib to surrender and told the commanding officer that two priests had stayed behind and if need be, he could send his men for them. He did not agree with them and called aloud on the speaker that we should come out with raised hands. We decided against this because if we were shot on the way it would merely be a waste. We were in the Darbar Sahib till 7.30 when two

soldiers and a sewadar were sent to fetch us. While on our way out I stopped to pour a handful of water in the mouth of the wounded member of the Jatha, who asked us to send for help. I promised to do so provided I remained alive. Gen. Brar, meanwhile announced over the loudspeaker that nobody should fire upon us. The moment I stepped out of the Darshani Deori, I saw the Akal Takht ruined and the rubble was spread all around. Hundreds of corpses were lying scattered. We were wished by Gen. Brar who told that he too was a Sikh. He then enquired as to what did we propose to do. We told him that we wanted to go to the urinal and then be allowed to go to our residences. He allowed us to go to the urinal and then we were questioned of the whereabouts of Santji and were told that he would not be harmed. We told them that they knew better as they were in command. We were questioned, whether any machine gunnists were operating from Darbar Sahib to which we said that they were welcome to inspect the premises themselves. Five persons accompanied us to the Hari Mandir, one Sikh officer and 3-4 others. When we started the Sikh officer insisted that we lead because if firing started from within, we would face them, moreover we would be shot if someone shot from within. When we reached the Harimandir, a search was carried out by them, picking and searching below very carpet but no sign of firing was traced. Meanwhile the wounded member left behind had passed away. His body was placed in a white sheet, brought out and placed along with various others lying outside.”

According to the A.I.S.S.F. member, “On 6th June at 5.30 p.m. we surrendered before the Army. 199 surrendered before us. We were made to lie down on the hot road, interrogated, made to move on our knees, hit with rifle butts and kicked with boots on private parts and head. Our hands were tied behind our backs and no water was given to us. We were asked, ‘how many people were inside?’ and ‘where are the arms and ammunition?’ At about 7 p.m., we were made to sit in the parikrama—near the Army tanks. There was firing from the side of the Akal Takht and many were injured.” This is yet another convincing evidence of the dignity and consideration shown by the Indian Army to those captured, after the action was over.

*June 7, 1984:* Giani Puran Singh’s account throws light on how and when Bhindranwale was killed: “Time passed away and at 7.30 a.m. on 7th we were taken out of the complex and informed that the bodies of Santji, Gen. Subeg Singh, Bhai Amrik Singh, had all been found. When asked as to where were the bodies found, the reply was that

Santji's body was recovered from between the 2 Nishan Sahibs while Amrik Singh and Shubeg Singh's bodies had been found behind the Nishan Sahibs. The news carried by the media said that Santji's body had been recovered from the basement in Akal Takht. We were not shown these bodies but were led to our residences by the military. The head priests who also came there were informed that the bodies of Santji and others had been found. In fact, if the bodies had been found, we would have been called for identification but instead we were threatened to be shot lest we tried to go near the rooms where they had been kept. Moreover, if found, the body would have been embalmed taken to Delhi and kept for some time before finally dispersing it. The White Paper's version of these events is distorted and not convincing. For example: "By the morning of June 6, the troops had effectively engaged all gun positions at the Akal Takht and were able to enter the Akal Takht. Room-to-room engagement commenced till it was cleared by 12.30 p.m. on the afternoon of June 6, except for resistance continuing from the ground floor and basements... On the afternoon of June 6, 200 terrorists surrendered including 22 from Harmandir Sahib." Giani Puran Singh who was one of the 22 has clearly said that the 22 persons who had surrendered from inside Harmandir Sahib were 'some devotees and others the employees of the Gurdwara'. Thus there were no armed terrorists inside the Harmandir Sahib, a fact corroborated by the girl student. There is only an apparent discrepancy in the number of people inside the Harmandir Sahib—50 to 60 persons—cited by the girl student and the same figures—of 22 persons—given by all other eye-witnesses and also the White Paper. The fact that the girl student accompanied by 27-28 persons left the Harmandir Sahib on the afternoon of June 4 amidst the firing and took shelter in the Akal Takht explains the discrepancy in figures.

The White Paper also claims that "On 8th June 1984, the terrorists hacked to death an unarmed army doctor who had entered a basement of the Akal Takht to treat some casualties." Giani Puran Singh's account gives an accurate description of this incident: "There were 4 Singhs in the basement of the BUNGA JASSA SINGH RAM-GARHIA who were giving a tough fight to the forces. They had also pulled down 3 personnel of the army who had ventured close—one of them was a so called doctor. They were swiftly put to death. The authorities wanted these people to surrender but they wanted some mutually responsible person to mediate. I was then asked to mediate but first of all I asked the army officers of a guarantee that none would

be shot only arrested and later law would take its own course. They were not ready for this and wished me to talk to their Brigadier who too was noncommittal. They then asked me to inquire if the three army personnel were alive. The reply received was that no live personnel was there in the base—At this the Brigadier asked me to leave and that they would themselves deal with them. These men in the basement fought the whole day, that night and also the next day when Giani Zail Singh came to visit the ruins of Akal Takht. Some thought that they had also aimed for Giani but it was not so. These people did not know that Giani was coming. If they knew before hand, they would definitely put a bullet through the 'tyrant' but they were totally cut out from the outside world. A colonel of the commandos attempted to flush out these men in the basement with a gun and light arrangement but as soon as he entered the basement, a burst of LMG wounded him and it was later learnt that he had succumbed to the injuries in the hospital. 2 cannons were employed to fire at the Bunga, gaping holes were formed on the Parikrama end but the men within were safe. I saw from the roof of Harmandir Sahib that two grenadiers, had been put on the grenade shooter and a continuous barrage of grenades was being poured but they still survived. Burnt red chilly bags, chilly powder and smoke grenades were thrown in; one of them came out to be greeted with a hail of bullets while the others finally were silenced on the 10th."

Similarly the White Paper's account of the amount of arms recovered seems to be patently exaggerated. We may not accept the A.I.S.S.F. members' version that there were less than 100 arms, mostly obsolete. 303 guns from the II World War and some stenguns, on the ground that it may be a partisan account. At the same time it is not possible to believe the White Paper's version—"A large quantity of weapons, ammunition and explosives was recovered, including automatic and anti-tank weapons. A small factory for the manufacture of hand grenades and sten-guns was also found within the precincts of the Golden Temple." If this modern arms factory had been discovered inside the Golden Temple before the Army Operations began, there would have been no room for doubt or controversy. But making such a claim after the Army operation was over. Only there was the Army to testify. In contrast, our eye-witnesses have repeatedly pointed out that the terrorists had a small number of men and limited arms which had to be used sparingly. Would the resistance have collapsed so abruptly, if there were hundreds of

terrorists manning a modern arms factory, as claimed by the White Paper.

The White Paper's figures of the number of people killed or injured at the Golden Temple during the Army operations, seems to reflect gross under-estimation and understatement. The White Paper's figures of the casualties on account of the Operation Bluestar alone are:

1. Own troops killed	83
2. Own troops wounded	249
3. Civilians/terrorists killed	493
4. Terrorists and other injured	86
5. Civilians/terrorists apprehended	592

Our eye-witness accounts point out two unmistakable facts:

(a) There were thousands, perhaps ten thousand people, consisting of pilgrims, S.G.P.C. employees, Akali volunteers came to court arrest, and terrorists present inside Golden Temple complex when the Army started firing at the Golden Temple from all sides on the dawn of June 4.

(b) The battle lasted nearly 56 to 60 hours from 4 a.m. on June 4 to about 4 p.m. on June 6. The firing was almost incessant and continuous and, despite the White Paper's several claims, had no constraints. It was a most fierce battle.

Therefore, not hundreds but thousands could well have died during the operations, and thousands maimed or injured. The girl student had seen stacks and stacks of dead bodies piled up all over the parikrama very early on the morning of June 6. Joginder Singh estimates that at least 1500 dead bodies were lying on the parikrama. Bhan Singh saw hundreds of people dying before him on June 6. Harcharan Singh Ragi saw hundreds of people including women and children, being shot down by Army commandos, as they came out to surrender on the after-noon of June 6, outside the Golden Temple on the Ghanta Ghar side. We may hesitate to accept exact figures such as A.F.D.R. Vice President S. S. Bhagawalia's estimate of 2009 killed including about 400 Hindu Bhaiyyas or the AISSF members estimate "that 7 to 8 thousand people were killed" or Surinder Singh Ragi's confident assertion that "during the Army operation at least 7000 people were killed on the parikrama and another 1000 dead bodies were recovered from various rooms." These are all impressions. There is no reliable estimate because the Press was not allowed.

Nevertheless, the clear conclusion emerges that hundreds and

hundreds of people were killed during the Army Action on Golden Temple in June 1984 most brutally. It was indeed a mass massacre mostly of innocents. The post-mortem reports (see Annexures 7 & 8) speak of the Army's brutalities in very clear terms—

- (i) Most of the dead bodies had their hands tied behind their backs implying that they had not died during the action, but like Sevadar Prithipal Singh's temporary companions lined up before the firing squad, all of them must have been shot after being captured alive and
- (ii) At the time of the post-mortem, the bodies were in a putrid and highly decomposed state—they had been brought for post-mortem after 72 hours implying a totally callous attitude towards the injured and the dead.

Even after June 6, many died due to negligence, while under the detention of the Army and many others were killed in Army camps. According to the AISSF member: "On the evening of 7th June 1984 I was brought to the Army Camp and locked in the Arms Rooms with 28 persons. It had no ventilation and there was no water. 14 died of suffocation including Sujan Singh, a member of the SGPC." According to a former MLA, Harbans Singh Ghumman, 37 Sikh youths were killed in one of the Army camps at Amritsar between June 16 and June 18, 1984. He had been personally concerned about this incident at that time as he had learnt that this youngest son, Randhir Singh, was also being detained in one of the military camps at Amritsar.

### 3. Jodhpur detainees—Were they waging war?

One of the purposes of "Operation Bluestar" according to the White Paper, was to flush out the terrorists from the Golden Temple complex. Hundreds of people who were arrested from the Golden Temple after the Army action and detained by the Army were charged as terrorists". 379 of the alleged "most dangerous terrorists" were forced to sign a common confessional statement and thereafter served a common charge sheet that they were all Bhindranwale's closest associates and comrades-in-arms engaged in 'waging war against the State'. They were, therefore, detained under the NSA and are now being tried at Jodhpur under the Terrorists-Affected Areas (Special Courts) Act of 1984. As we were curious regarding the extent of danger these hardcore 'terrorists' posed to the State 'with the intention to establish a State independent from the Government of India to be

known as Khalistan”, we visited the homes of some of the Jodhpur detenues and met their families or relatives. The evidence collected established beyond doubt that none of the Jodhpur detenues we succeeded in profiling are ‘terrorists’ but rather all of them are completely innocent, ordinary persons, whose only crime was that they had all gone to or were coming from the Golden Temple—as devotees or pilgrims visiting the Golden Temple for the Guru Parb on June 3, 1984 or farmers gone to the Temple to deliver village donation of grain to the S.G.P.C. or students gone to pay obeisance at their holiest religious shrine, the Harmandir Sahib before their examinations or interviews. The following are the case studies of the Jodhpur detenues:

1. RAMINDERPAL SINGH (Pet name: Happy), aged 20 years, son of Harcharan Singh Ragi, whom we have met already. When Harcharan Singh Ragi and Information Officer Narinder Pal Singh’s families came out of the basement on the 6th of June, they were all arrested from outside the Golden Temple and taken to the Army Camp. In the words of Harcharan Singh Ragi—“I was released on June 18. My wife and daughter were released on June 22, but not the boys. Again, on July 13, my eldest son was released but not Raminderpal, my second son. He was taken to Amritsar Jail from where he took his first year examination between August 8 and 22. Then he was shifted to Nabha Jail on August 31, 1984. On March 10, 1985, he was taken to Jodhpur Jail, from where he is taking the second year examinations now. There was no charge-sheet against any of us. But Raminderpal was falsely implicated as having been arrested from inside the Golden Temple and charged ‘with waging war against the State.’ He was put under the Amended NSA, which disregards the recommendations of the Advisory Board.... My son has been charged with “waging war against the State”. But he is one of the gentlest and known for his courteous behaviour. He used to play hockey at the district level when he was at school. He is fond of reading, can play the harmonium and he is a good singer. Often he used to accompany me in the Golden Temple during our Kirtan sessions. He was a serious student and in December 1983 when there was a strike at Khalsa College, he left it in disgust and studied at home. What he earned doing overtime singing kirtans in Harmandir Sahib, he spent it for lessons in mathematics. His closest friends are Hindus. An ideal boy, so innocent, today he is in Jodhpur Jail accused as an ‘extremist’.

With great sadness, his wife said, “One who spent his life in



struggle, how could he bring up his children as 'extremists'?

2. KANWALJIT SINGH— We have met Kanwaljit before we left his story at the point when he sent telegram home on the night of June 3, 1984. Operation Blue Star started thereafter. Kanwaljit was arrested by the army from the Serai and was taken to an Army Camp where he was tortured and interrogated. "Why did you come to Golden Temple? Where have you come from? Did you have arms? Did you come to fight?"

Meanwhile, Kanwaljit and Manjit's families in Delhi had no knowledge about their whereabouts, Kanwaljit's mother visited Amritsar in the late June 1984 to inquire about her son. His father and brother did not go as it was feared that any male Sikh who would go to Amritsar to inquire would be arrested. At Amritsar, Kanwaljit's mother saw a list of those killed, injured and arrested during Operation Bluestar with the S.G.P.C. In the list of those who had died, there were only 3 or 4 names, that of Bhindranwale, Amrik Singh and so on. The mother saw Kanwaljit and Manjit's names in the list of those arrested.

She was told that Kanwaljit was being detained in an Army Camp. She went to the said Army Camp in July with her sister. She was not allowed to meet her son. She went twice more in July to the Army Camp but was not permitted to see or meet her son.

The Government first informed Kanwaljit's family on September 15, that he had been transferred to the Nabha Jail on September 6. The parents went to meet him at Nabha Jail. They could have an interview with him twice a week, on Tuesdays and Thursdays. In Nabha jail, Kanwaljit and many others were made to sign a common confessional statement and served a common charge-sheet alleging that he and his companion, were armed terrorists, that they were followers of Bindranwale and that they had gathered to wage war against the Indian State in order to establish a separate State of Khalistan by violent means.

They were then transferred to Jodhpur Special Court. He has been put under NSA, detained for 2 years. Whereas in Nabha Jail, all relatives were permitted to visit, at Jodhpur only parents were allowed to visit once a week.

Kanwaljit was brought to Delhi on April 11, 1985 to take his examinations to reappear for B. Com. (Hons.) II year. The parents were allowed to meet him at Tihar Jail only after a lot of harassment and objections.

Kanwaljit is a man of few words. He does not mix much and has few friends, Manjit being the closest. Kanwaljit used to go to the NDMC Stadium at New Delhi every morning for swimming. On returning he used to play carrom and chess with Manjit and read chess books. Chess is his first love and he was winning awards in chess competitions. In 1982-83, he came second in the Khalsa College (Evening) Class tournament. In 1983-84, he again came second in the Inter-class Chess Tournament. He received a magnetic chess set as a prize from Raja Bhalinder Singh, who was President of the Indian Committee of the Asiad Games, 1982. He used to participate in various chess tournaments in Delhi and rarely missed prize chess matches between wellknown chess masters.

There is a photograph of Kanwaljit receiving a prize from Raja Bhalinder Singh. He looks simple, innocent and so straight-forward and honest. He is not an Amritdhari. Lately, he was very keen to find a job and that is why he was to attend an interview with the National Institute of Bank Management at Delhi on the morning of June 3, 1984 and again take an examination in the afternoon for the State Bank of India Regional Recruitment Group. He has also applied to the Railway Service Commission to take the written examinations for recruitment to non-technical popular categories such as signallers, ticket collectors, train/office clerks, etc. He was to appear for this examination on 26 February 1984 but it was postponed. It was to be held again on September 9, but this time Kanwaljit was under detention.

Kanwaljit enjoys a very good reputation. Mr. Shyam Lal Garg, Member of the Delhi Metropolitan Council from Tri Nagar and Mr. Sahib Singh Verma, Member of the Municipal Corporation from Lawrence Road, West Delhi, have both certified that Kanwaljit was personally known to them and that he was just a student and never participated in any party or political activity.

3. BHUPINDER SINGH: aged 22 years, s/o Jiwan Singh r/o Vill, Rayya Tehsil Baba Bakola, P. S. Beas, Distt. Amritsar—Interview with the father, Jiwan Singh:

“I came here during partition from Sargodah, Distt. Multan, which is now in Pakistan. I have 3 sons and 2 daughters. I have a business of paints, steel trunks and agricultural implements. I have no agriculture land. I am the Pradhan of Akali Dal (Longowal) unit in village Rayya.

My youngest son Bhupinder used to manufacture steel almirahs. He had taken part in the Rasta Roko movement, putting up posters,

etc. but was not arrested then. But during the Constitution agitation of 1983 he was arrested and mercilessly beaten but he was released due to the intervention of Bhai Amrik Singh of the AISSF. That was his first contact with AISSF. And it was only after his brother, Tejender Singh's arrest in a false case for which he was jailed and the case went on for 7 months, that Bhupinder started visiting Darbar Sahib. After his brother's arrest, because of the harassment of the police, he was careful and often he used to sleep out.

Finally, he himself was arrested at Kathiwali Bazar on June 6, 1984 after he had escaped from Golden Temple on June 3. He was taken to an Army Interrogation centre from where he was taken to Nabha Jail. The army subjected him to inhuman torture. When he was in Nabha Jail, he was taken to Lodha Kothi in Sangrur for 18 days. When I saw him, I could see that he had been terribly tortured but he wouldn't tell us. There I learnt from him that he had taken Amrit and was doing Path daily, which he said gave him strength.

In all Bhupinder has been implicated in 8 cases, each of which is false:

- (i) Today he is in Jodhpur jail because he is supposed to have been arrested from the Golden Temple for 'waging war against the State'. But the police know that he was picked up from Kathiwali Bazaar outside Amritsar.
- (ii) The Nirankari murder case of village Khabbe Rajputana near P. S. Mehta of 1979-80, when Bhupinder was just a school boy. It is obvious that this case has been planted on him retrospectively.
- (iii) Another Nirankari murder case of village Ghanapur Kaleke, P.S. Chaherta, near Metha Chowk of 1980.
- (iv) Mannawale Railway Station, Flying Mail Murder Case of Sub-Inspector in 1982.
- (v) Encounter of an 'extremist' group with the Railway Protection Force at Rayya Railway Station.
- (vi) Nirankari Bomb case of Rayya—Bhupinder was at home at 4-5 p.m. when the bomb exploded. Bhupinder's name was not there in the initial list of suspects but it was added later.
- (vii) Sadhram Bomb Case—which occurred at 10 p.m. when Bhupinder was actually at home.
- (viii) Dhyyanpur Bridge Explosion case in which Bhupinder's name was added to the list of the three accused.

At this point, Jiwan Singh brought out the photograph of his son

Bhupinder. AN AMAZINGLY GENTLE AND INNOCENT FACE FOR SUCH A SUPPOSEDLY HARDENED CRIMINAL. Bhupinder's mother has given up eating certain dishes which the boy was fond of. Very gently, she told us that the food the boys get in jail is so bad.

Jiwan Singh continued, and went on to narrate the harassments that he and his family have undergone:

"After the Operation Bluestar, the CRP visited my house 3 times in 24 hours and raided it but found nothing. They abused my wife and daughters and daughter-in-law.

After a couple of days, the Punjab Police came and took me and my eldest son Gurvinder Pal to Jondiala, P. S. and released us after a couple of days. Another couple of days, the Punjab Police came again and took away two of my sons Gurvinder Pal and Tejinder for interrogation and detained them at Rayya P.S. for 20 days.

But we were not to have peace. A couple of days after Gurvinder and Tejinder's removal, came the army, who took me, my son-in-law and the son of my brother-in-law to the Army camp at Satwiala College, Baba Bakola. We were made to sit in the hot sun. We were terrorised and then released."

The old man said with the great bitterness, "We are *gulams* (slaves). Whenever they made signs, we are taken."

4. KASHMIR SINGH s/o Gajjan Singh, r/o Vill. & P. O. Baba Balia, P.S. Beas, Distt. Amritsar, aged 50 years—Interview with Smt. Jasbir Kaur, 45 years, wife of Kashmir Singh.

"My husband went to Darbar Sahib for the Guru Purb. He did not return for about a month, when I learnt from a policeman who came to tell me that he had been arrested and was in Nabha Jail. I went to see him on 20.7.84 and heard that he had been picked up from Bazaar Kathian on June 6." (Obviously, he too like Bhupinder Singh of Rayya who was arrested from outside the State—a middle aged small farmer hardly owning one and half acres of land and four small children to feed and not belonging to any political organisation. He was too dangerous to move about freely and knew so much that he had to be repeatedly tortured at Lodha Kothi. "He was taken twice to Lodha Kothi and tortured for 12 days each time by all the wellknown methods."

"I met him again on October 31. Since then I have not been able to see him since I am too poor to afford it."

5. RAM SINGH, s/o Late Makhan Singh, r/o Vill. & P.O. Baba

Bakola, aged 30 years—His uncle Sulakhan Singh (who looks after the family) was interviewed:

“Ram Singh is the only son of widow. He has only 1/9 acre of land, belongs to a poor peasant family. He has studied only upto class 8 and was employed in a small capacity in the Government depot. He is a bachelor.

He had gone to Darbar Sahib for the Guru Purb. He was arrested from Golden Temple charged, with ‘waging war’, taken to Amritsar and Nabha Jails and is now in Jodhpur jail. There was never any case against him. He was extremely well-behaved. He is totally innocent.

The police have been coming and repeatedly interrogating his mother and uncle.

6. GULZAR SINGH, s/o Late Arjun Singh, r/o Vill. & P. O. Baba Bakola, aged 33 years—Interviewed his uncle Rattan Singh, a granthi.

They have a joint family. Gulzar is married and has a little girl, aged one and a half years. He is a preacher and does the Akhand Path in the Gurudwara. He went to Golden Temple for Guru Purb and was arrested from there and charged with ‘waging war against the State’.

Gulzar is a simple person. He studied in a orphanage in Amritsar.

7. MANJIT SINGH s/o Bawa Singh.

8. RANDIR SINGH s/o Mangal Singh

9. RANDIR SINGH s/o Bahadur Singh

r/o village Dehriwal, Kiran, P. S. Kalanpur, Distt. Gurdaspur.

These 3 young boys took the village donation of grain to Darbar Sahib for the Guru Purb, but were arrested and charged with ‘waging war against the State’ and are now proclaimed as terrorists and lodged in Jodhpur Jail.

10. BAKSHISH SINGH, s/o Hon. Capt. Ram Singh, r/o Vill. Butala, P. S. Dhilwan, Distt. Kapurthala, aged 43 years.

Interview with Bakshish Singh’s sister, Smt Hardev Kaur, a widow with two children.

“My brother Bakshish Singh was a manager of Punjab & Sind Bank branch at Guru Ramdas Serai, Golden Temple, Amritsar. He was receiving a salary of Rs. 3000 per month. He was a devout Sikh, had taken Amrit and used to preach in the villages and exhort people to take Amrit. He was very generous and used to help people.

Our mother is 65-year-old and father is ill and now in Patiala Hospital. We have no land.

On June 7, 1982 my brother had organised a religious meeting at

the village, but he did not speak. Early the next day he was arrested for the first time in his life, on a false report that he was propagating Khalistan. He was detained at P. S. Dhilwana and then sent to Interrogation Centre, Amritsar for one week, where he was severely beaten. Later he was taken to Kapurthala jail and was released only after 1 year between June 1983 and end of May 1984 when Bakshish rejoined his work at the Punjab and Sind Bank, Amritsar.

On June 1, 1984 Bakshish had gone to the Golden Temple with his wife for her treatment for tumour and they were in Guru Ram Das Serai, from where both were arrested on June 6. His wife was taken to Jalandhar jail, kept there for 22 days and then taken to Hospital and operated upon.

Bakshish Singh was first taken to Amritsar Jail and after two months to Nabha Jail and after 7 months there, and mercilessly tortured at Lodha Kothi where he was kept for 15 to 20 days, and then he was shifted to Jodhpur Jail on January 11, 1985. We have not met him since then.

The family is so impoverished that Bakshish's two sons could not continue their studies. The elder son (Iqbal) along with his mother are in Patiala Rajindra Hospital suffering from mental depression. The Bank has not paid Bakshish Singh anything and has shown him as absent. We have about 5 to 6 acres of land for the entire joint family.

We are being constantly harassed. Earlier the Army used to come and interrogate us and now the police visit us every other day."

We have here documented for the first time eye-witness accounts of what really happened when the Indian Army attacked the Golden Temple complex in the first week of June 1984. It is one of the most gory and tragic chapters in the entire history of modern India. The brutalities, the killings, the desecration and destruction of their most sacred place, has left a most bitter memory and feeling of deep resentment in the mind of every Sikh.

#### **4. Some retrospections**

At the end of it all, two questions are asked by the Sikhs of Punjab. Was the Army action necessary and unavoidable? Secondly, if unavoidable, could it not have taken a different form, avoiding all the destruction and the bloodshed and the brutalities?

Kripal Singh, President of Khalsa Dewan, Amritsar, told us—"If the Government had been sincere in its efforts in solving the Punjab problem, it would have solved it long ago even before the Blue Star

Operation, and there would have been no cause for the Akalis and others to organise Morchas of the thousands of the people, from time to time, and the extremists would have been isolated and it would have become known as to who were the extremists, what kind of men they were, and what they had been doing. The Government could have negotiated with them. If the Government could talk with Laldenga of Mizos and extremists of the Nagaland, who had been fighting with our military for the last 31 years, then what was the difficulty in talking to the extremists of Punjab and asking them as to what they wanted, what they were fighting and why they were collecting arms?"

Similarly, S. S. Bhagowalia who is the Vice-President of the Association for Protection of Democratic Rights (Punjab) was extremely forthright, "when the government in 1948 could control and capture Hyderabad from the Nizam who wanted to secede from independent India without any violence and killings of the common people, why this Government could not capture Bhindranwale with tact, without any damage to the Golden Temple? This has created tension and anger amongst the minds of the people". Surinder Singh Ragi gave another example—"The Indian Army had captured 93,000 soldiers of Pakistan army in Bangladesh in 1971 without bloodshed. Was bloodshed then absolutely necessary at the Golden Temple to flush out a hundred or so terrorists?"

Hazara Singh Vadale, an employee of the SGPC, echoed a common sentiment. "The way the government of Independent country attacked the Golden Temple reminded us of the medieval time when our religion was attacked and we are persecuted. Thousands of women, children, pilgrims, had gathered here on June 3 for Guru Purb. They had no connection with politics, why they shot down?"

Kripal Singh elaborating on the excesses committed said: "At the time of Blue Star Act, it could be known how many died of those who were fighting with the military but the fact is that due to Guru Purb Day hundreds of pilgrims had come and were staying in the premises of the Darbar Sahib. There were children and women among them. These pilgrims were unarmed and the military attacked them and killed them. Thereafter the military did not allow their dead bodies to be cremated by the relatives nor handed over the same to them. Their dead bodies were insulted. No effort was made to record their names and addresses. Now it has created a lot of problem. For example, if any deceased had any insurance or bank balance or any land dispute,

his heirs require death certificate but in absence of any record of it, they did not get any compensation. Even in the history of military wars, the people are allowed to take the dead bodies from each other's territories by showing white flags. When General Dyer killed people in Jallianwala Bagh, he also allowed the dead bodies to be taken by the relatives. But, strangely, our own government and our own military killed our own people and did not even return dead bodies to the relatives."

Shiv Singh Khushpuri, 65 years, a member of the S.G.P.C. from Gurdaspur district, said, "It was the duty of the State to identify the bodies of those who died in Operation Blue Star. After the Jallianwala Bagh massacre, the British Government identified those killed, handed over their bodies to the next kin and paid Rs. 2000 as compensation for every person killed in the incident. Whereas in Blue Star Operation, the present government of an apparently independent country have not only not identified those killed or missing, rather they are harassing and persecuting the families and friends of those who are reportedly missing."

S. S. Bhagowalia throws light on the efforts of the Government to suppress information. "The doctors who conducted the post-mortem of the victims of the army action at Golden Temple were simply terrorised. If there were 20 bullets in a body, they were forced to record only two bullet wounds, under the threat of being shot." This only indicates the extent of massacre that took place and the ferocity with which the Army undertook the operation. The common feeling in Punjab is that it was indeed not an Operation against Bhindranwale and other terrorists, it was an attack on the Sikhs "to teach them a lesson" so that they would never again raise their head or voice of protest.



## PART III

# The black laws: charters of slavery

### A disillusionment

When the British tried to crush Indian dissent by passing more drastic black laws like the Rowlatt Act in 1919, Gandhi gave a call of 'Satyagraha' and it was Punjab which gave the most powerful and militant resistance to such alien repression—showing remarkable Hindu-Muslim-Sikh unity. The historical Jallianwala Bagh massacre in Amritsar took place on 13th April 1919 which formed a turning point in Indo-British relations almost as important as the mutiny of 1857. Stanley Wolpert comments, "... On April 13, 1919, Amritsar (Nectar of Immortality), a city sacred to the Sikhs of the Punjab, was transformed shortly before sundown into India's first national urban shrine." (Jinnah of Pakistan by Stanley Wolpert, page 64).

Martial law was promulgated in Amritsar, Lahore and a number of districts in Punjab on 15th April 1919. Special Courts and summary courts were appointed. Arrests, imprisonment and executions on a big scale took place. Martial Law lasted from 15.4.1919 to 11.6.1919 during which whole of Punjab was isolated from rest of the world by a rigid censorship.

Those who suffered and faced gallows during freedom struggle in Punjab resisting British repression could never have imagined that Punjab would have to face again the same kind of repressive laws, even more drastic, in free India against which they were revolting! It is a sad commentary on the functioning of Indian democracy that the same kind of repressive laws which used to be condemned as Charters of Slavery during British time are being enacted in one form or other in Free India. Though Indian Penal Code and other laws already provide for all kinds of offences like, sedition, waging war against the

Government and acts of Terrorism, the Maintenance of Internal Security Act, popularly known as MISA, was passed in 1971 with the avowed object of preserving national security, but we know how this Act was used against political parties, Trade Union workers and other innocent activists.

The same government of free India has now passed the National Security Act, 1980; the Punjab Disturbed Areas Ordinance, 1983; Armed Forces (Punjab & Chandigarh), Special Powers Act, 1983; The Terrorist Affected Areas (Special Courts) Act, 1984 and now the Terrorist and Disruptive Activities (Prevention) Act, 1985. Our investigation has revealed that these Acts are being widely used in depriving the people of Punjab of their civil liberties and fundamental rights and have given a free hand to the police and other para military forces to torture and harass the simple village folks for ulterior purposes.

### **National Security Act 1980**

In spite of the harrowing experience of MISA, the present ruling party passed the National Security Act in December 1980. The object and reasons proclaimed for the said Act were:

In the prevailing situation of communal disharmony, social tensions, extremist activities, industrial unrest and increased tendency on the part of various interested parties to engineer agitation on different issues, it was considered necessary that the law and order situation in the country is tackled in a most determined and effective way. The anti-social and anti-national elements including secessionists, communal and pro-caste elements and also other elements who adversely influence and affect the services essential to the community pose a grave challenge to the lawful authority and sometimes even hold the society to ransom.

2. Considering the complexity and nature of the problems, particularly in respect of defence, security, public order and services essential to the community, it is the considered view of the Government that the administration would be greatly handicapped in dealing effectively with the same in the absence of powers of preventive detention.

Through this Act the Government acquired powers for preventive detention of such persons who posed a threat to the defence or security of India and maintenance of public order. However, the developments from 1980 to 1984 shows how the Government tackled the dete-

riorating law and order situation in the country, in spite of its resolve to tackle the same 'in a more determined and effective way'. The activities of Sant Bhindranwale and his various associates were wellknown to the Government but the National Security Act was never revoked against him. But how more draconian amendments were made in it after Blue Star Operation and how the same were used against innocent citizens will be seen subsequently.

### **Blue Star Operation & rigid censorship**

Then came the Blue Star Operation, and rigid censorship was imposed in Punjab. There was no independent and reliable source of news about the happenings in Punjab. The rest of India and the world could know about the situation in Punjab only through the government sponsored news. Any journalist or other independent person, who tried to discover the truth, was charged with sedition. There is the case of Brahma Chellaney, Correspondent, Associated Press of America who was arrested and is now being persecuted by the Government for reporting unpalatable news about the official conduct. At the start of the Blue Star Operation, a large number of foreign and Indian journalists had been rounded up and forced to leave Amritsar in a military convoy. A party to the dispute became its own witness and its own judge in its own case.

If the Government's intentions were honest and it had nothing to hide, then why did it not allow independent observers, journalists and other neutral persons to watch with their own eyes as to how the conflict between the two sides developed and how both of them conducted themselves during the course of the attack? Even during international wars and battles journalists are allowed to cover the same, but in this Blue Star Operation by the Indian Army against its own citizens, majority of them being innocent pilgrims—the Government did not allow any neutral journalists or newsman. In such circumstances, the following portion of the eye witness account given by the 'girl student' who was trapped in the Golden Temple alongwith her family, becomes significant:

“...I could not drink the water because it was mixed with blood. Immediately then Bhai Amrik Singh sent us a message that all of 'you must try to get out of the Golden Temple because you are innocent. If you are captured by the army, they would not spare you because whosoever is captured by them—whether boy, girl, old or child, would be a terrorist for them and would be shot. Therefore you must try to get

out somehow so there would be somebody to tell outside as to what actually happened inside. They are making so much false propaganda about us and therefore you must get out to tell the real truth”.

During this rigid censorship all kinds of wildest and exaggerated rumours spread in Punjab as well as outside. We already had such experience of ‘rumour mongering’ during Emergency. While All India Radio and Television blurted out the government propaganda, which no Sikh would believe, the newspapers—national or local—had no independent source of information to provide to the public. In the absence of any reliable source of information, the Sikh and non-Sikh opinions stood divided on opposite extremes. The Sikh masses were led to believe that the government had completely destroyed the Harmandir Sahib and occupied it and had deliberately insulted Guru Granth Sahib by defiling and burning it. The other news like destruction of Akal Takht and killing of innocent pilgrims were accompanied by all sorts of exaggerations. Resentment and anger began to develop fast and Akali Dal gave a call to the Sikh masses to organise into ‘Jathas’ and march to Amritsar to liberate Golden Temple from the clutches of the ‘Satanic forces’. In the words of Swarn Singh, aged 65 years and Sarpanch of Jefferwal village: “Meanwhile Akali Dal had given a call to liberate premises of Golden Temple and Morcha had to be started from 17.7.1984 for this purpose. There were large number of arrests on the eve of this and I was also arrested on 14.7.1984 under section 107/151 IPC and was kept in the Gurdaspur Jail for 15 days and then bailed out.”

The news of the attack on the Golden Temple, the rumours of destruction of Harmandir Sahib and defiling of Guru Granth Sahib had a traumatic effect on the Sikh soldiers. The training and traditions of the Sikh Regiments are nurtured on religious tenets and before being inducted into the Army as a trained soldier, a Sikh has to take the oath of allegiance by physically touching with both hands the Guru Granth Sahib. Lest a Sikh soldier falter in keeping his vow to die fighting in the thick of the battle for the honour of the country, the Guru Granth Sahib accompanies the battalion into the battle-field. And the same Guru Granth Sahib, the Sikh soldier was informed, was now being trampled upon under the booted feet of the Indian Army inside the Golden Temple and other Gurudwaras in Punjab. Many of them went out of their mind and started to march to the Golden Temple to defend their faith, without which their very existence seemed meaningless to them.

Bhindranwale became a sort of martyr in the eyes of the Sikh masses—not because he extolled violence and terrorism, but because he had died fighting in defending their faith. Folk-songs eulogising the brave fight given by Bhindranwale and his associates, and atrocities committed by the Indian Army during the attack on the Golden Temple began to be sung in the villages and cities. The folk-song named 'SAKA' sung by famous Nabha ladies, who were arrested later on, became very popular. The song narrated as to how the Sikhs had sacrificed most for the freedom of this country and how they were being killed by bullets and cannon fire, and if they wanted to save their pugree and beard, they had to stand and fight.

As the peoples movement began to gather strength, the Government retaliated by passing the more brutal and draconian laws like the Amendments in the N. S. A. and the Terrorist Affected Areas (Special Courts) Act, 1984.

### **Amendments in the National Security Act**

The National Security Amendment Ordinance No. 5 was issued in April 1984 by which a detenu may remain in jail for fifteen days without knowing the reasons of his arrest and without having any effective remedy because the period of furnishing the grounds of detention was extended to 15 days. Further the procedure for submission of the case of the detenu was amended in such a way that a detenu will undergo imprisonment for a period of six months before his detention could be found unjustified by the Advisory Board.

The National Security Amendment Ordinance was issued in June 1984 by which Section 5-A was introduced in the Act which provided even if detention order is based on several grounds, it shall be deemed to have been made separately on each of such grounds. Thus the detenu now has to challenge each of the ground of detention in order to get himself acquitted. The another important amendment in this ordinance is that after the revocation or expiry of a detention order, another detention order can be issued even if no fresh facts have arisen, provided that total period of detention does not exceed one year.

Thus the Government acquired arbitrary and repressive powers in its hands by the above amendments in the said National Security Act. The government officials started arresting the people at their whims and fancy, and there was almost no check on their arbitrary actions.

Following are the few examples of the arbitrary manner in which the National Security Act is used.

(a) Giani Puran Singh, who is a Granthi at Akal Takht was arrested in FIR No. 263/84 on 30.9.1984 under section 124 and 153A and he was released on bail after three months. He was again re-arrested after one month and is still in Amritsar jail. He was involved with 10 others in the said case but none of them was named in the said FIR.

(b) Mrs. Rajinder Kaur, President, Stri Akali Dal, Punjab, made a speech on 14.9.1984 in a Gurdwara in which she said, "... We want a place where Sikhs could have breath of freedom." Then she asked people to raise their hands if they approved of such a place. One lady Mrs. Harbhajan Kaur Khalsa raised her hand. She was arrested under the National Security Act, though Bibi Rajinder Kaur was not arrested. She was able to get bail only in February 1985.

(c) Shri. G.S. Grewal, Advocate, Shri Manjit Singh Khera and Shri Joginder Singh Sahni attended a small meeting in a Gurdwara in Chandigarh on 8.6.1984. Students felt agitated and they wanted to take out a procession. These three and some other elderly persons were persuading them not to do so. During his speech Shri G.S. Grewal said "... The weapons which are being shown by the army are not there likely to be the ones used by the terrorists. In that case there would have been more resistance than they are telling us. We must rehabilitate and help families killed in Blue Star and collect funds."

Shri Manjit Singh Khera said, "Our struggle has not ended. It has just begun. We must sit quietly and decide how to carry on our agitation rather than just emotionally agitate."

Joginder Singh Sahni said, "Next week we will commemorate the operation. Then we can wear black turbans."

All the above speeches were objected to as sedition and all of the three were apprehended under NSA.

In the said meeting only resolutions were passed and one resolution said, "Deserters have deserted because their sentiments were touched. Their cases should be looked at sympathetically and their families should be looked after." This resolution was also objected to and there was harassment of all those who participated in the said meeting.

Thus the people were being, and still are, prosecuted for merely expressing their resentment and views which is one of their fundamental rights. The time honoured truth of a democratic system,

2. **Bakshish Singh:** He was manager of the Punjab & Sind Bank branch situated at Guru Ram Das Serai, Golden Temple. He was receiving a salary of Rs 3000 p.m. He had taken his wife to the Golden Temple on June 1, 1984 for her treatment for tumour and they were staying in Guru Ram Das Serai from where both of them were arrested on June 6. His wife was taken to Jalandhar jail, kept there for 22 days and then taken to Hospital and operated upon and then released. Bakshish Singh, aged 43 years is still in the Jodhpur jail.

3. **Raminder Pal Singh,** Aged 20 years. He is the son of Shri Harcharan Singh Ragi who is an employee of the SGPC. His family has its residential quarters in Parikrama Scheme in the Golden Temple. Finding themselves unsafe in the midst of the firing, the family, along with some other employees took shelter in the basement of the Information Office. Raminder Pal Singh was arrested on June 6 alongwith others and is still in the Jodhpur jail. Extremely studious boy, he also took his B.A. II year examination from the Jodhpur Jail.

4. **Kashmir Singh,** s/o Gujjan Singh, r/o village Baba Bakola, aged 45 years: He had gone to Darbar Sahib for Guru Purb. He has only one and half acres of land and four small children to feed. His wife learnt after one month that he was picked up from Bazar Kathian on June 6 and was falsely implicated as 'waging war against the State' and was shown to have been arrested from inside the Golden Temple.

5. **Bhupinder Singh,** s/o Jiwan Singh, aged 22 years, r/o village Rayya, Distt. Amritsar. He used to manufacture steel almirahs. He was arrested from Kathiwali Bazar on June 6 in Amritsar but was shown to have been arrested from inside the Golden Temple.

6. **Manjit Singh** s/o Bawa Singh

7. **Randhir Singh** s/o Mangal Singh

8. **Randhir Singh** s/o Bahadur Singh

r/o village Dehriwal Kiran, P.S. Kalanaur, Distt. Gurdaspur:

These three young boys, like hundreds of others, took the customary village donation of grain to Darbar Sahib on the eve of Guru Parb, were were trapped inside the Golden Temple and are now lodged in Jodhpur jail as terrorists.

And there are several cases like that. All these accused numbering more than a thousand have been charged with 'waging war against the State' and are detained under the National Security Act.

**The Terrorist Affected Areas (Special Courts) Act 1984**

This Act, hereinafter referred to be as the Special Courts Act, was

enacted in strange circumstances. Blue Star Operation in June 1984 claimed to have successfully curbed terrorism but soon after one month of the said Operation, this Act was passed in the form of a Presidential Ordinance on 14th July 1984 with the ostensible purpose of curbing and controlling the menace of terrorism.

The avowed object of the Special Courts Act was declared to provide for speedy trial of certain offences in the terrorist affected areas, but in practice the Act is most dilatory, and tortuous. A host of offences have been listed in this Act as scheduled offences which are already covered by the Indian Penal Code. The Explosives Act, the Arms Act, the Telegraph Act, the Railway Act, the Unlawful Activities Act, the Anti-Hijacking Act and the Prevention of Damage to Public property Act. The offences such as waging war, sedition, abetting mutiny or attempting to seduce a member of the armed forces from his duty, creating communal hatred, threat of injury to public servant, harbouring offender, defiling or injuring place of worship with intent to insult the religion, intentional acts of such insult, murder, attempt to murder, serious hurt, wrongful confinement, kidnapping, robbery and dacoity are already provided and punishable under the Indian Penal Code. All these things even on paper are so fearful, but in life when used how difficult it must be for a human being to carry out his every day life. The Government has not explained as to why it resorted to such drastic measures as this Act.

There are about 47 courts presided over by the District and Sessions Judges and Additional Judges and there are only 11 special courts in Punjab. More than 3/4th work of the regular courts now stand transferred to these 11 special courts which are overworked as even ordinary offences without any element of terrorism are being tried by them. The ordinary adjournment are from 5 to 8 months and it is beyond any comprehension as to how it can achieve the object of speedy trial.

The object of 'speedy trial' could very well have been achieved by establishing additional courts and appointment of more judges to preside over these courts. But this has not been done. On the other hand an extra-ordinary procedure has been adopted for the special courts which is most fanciful, oppressive and arbitrary.

According to section 167 of the Criminal Procedure Code, Magistrate can give police remand only for 15 days but in the Special Courts Act this period has been extended to 30 days. Moreover, according to the Criminal Procedure Code, on the expiry of 60 or 90



days as the case may be, the accused is bound to be released on bail. But the Special Courts Act has extended this period to one year. The result is that the police has been empowered to deprive an innocent person of his liberty for a period of one year without even bringing a charge against him. There have been several cases in which a person was arrested by the police just to harass and torture him and after the expiry of 7 or 8 month period in jail, the police has just withdrawn the case on the ground that no material could be gathered against the detainee. Though the accused is released in such cases, but during the period of detention, the family of the accused stands broken and his means of livelihood deprived.

Following are the illustrative cases to show how the police is making use of this Act in order to deprive the innocent persons of their civil liberties:

1. **Randhir Singh**, s/o Harbans Singh Ghumman, r/o village Ghumman Kalan, aged about 20 years: Randhir Singh was arrested in Gurdaspur on 16.8.84 in FIR No. 80/84 dated 2.4.84 u/s 302 IPC of PS Dera Baba Nanak. After torturing him for a number of days and keeping him in jail for more than 3 months, the police withdrew the case against him. The orders of the Addl. Sessions Judge, Batala, Shri R. N. Moudgil, dated 26.11.84 are as follows:

**Present:** App accused in custody. ASI Gural Singh, P. S. Dera Baba Nanak, ASI Gural Singh who is present in Court states that Narinder Singh is no longer required by them in this case. His further judicial custody is not requested. Accused Narinder Singh, he therefore, released.

Sd/ R. N. Moudgil  
JMJC 26.11.84

Contention of Shri Narindar Singh is that he was released because the police wanted to liquidate him in false encounter and how he saved himself is described in his statement filed as Annexure.....3 Since then he is underground.

2. **Pargat Singh:** Pargat Singh was arrested in June 1984 and he was able to get his bail when he showed to Court the three different versions of the police and the military about the recovery made from him and his arrest. The whole order is reproduced below:

In the Court of Sardar K. S. Bhalla, Judge, Special Court  
Judicial Zone, Jalandhar  
Bail application No. 668 of 1984  
Date of Decision: 11.12.1984  
State Versus Pargat Singh, Son of Harbhajan  
Singh r/o village Bhullar Hans,  
District Amritsar.

F.I.R. No. 143 dated 29.6.1984 P. S. Kathu  
Nangal (Distt. Amritsar) U/s 4/5 Explosive  
Substances Act

**Present:** Shri P. S. Hundal, Counsel for the applicant  
Shri V. K. Gupta, Public Prosecutor for State.

### **Order**

Arguments heard. In this case under section 4 of the Explosive Substances Act a hand grenade is said to have been recovered from the possession of applicant Pargat Singh but there are three different versions with regard to the recovery. One is provided by Capt. S. C. Shukla, a commissioned Officer of Indian Army. He in his written report dated 29.6.84 addressed the SHO, Police Station Kathu Nangal, states that on receipt of information houses were searched in village Bhullar Hans and a hand grenade was recovered from the possession of applicant Pargat Singh. It has not been spelt out in the report from where the recovery was made and how the possession of the applicant is fixed so far as the hand grenade is concerned. The SHO in his turn provides 2nd version through FIR No. 143 of 1984. In that important document it is mentioned by S.I. Joginder Singh that applicant Pargat Singh on his interrogation, made a disclosure statement to him at his house in village Bhullar Hans, which was already secured by Military authorities, leading to recovery of a hand grenade after digging out of the court yard of his house.

The light of the day has been shown in the third version in a Calendar dated 10.7.1984 prepared by an officer not less than the rank of Inspector Police, SHO, Police Station, Kotwali, Amritsar, photostat copy of which has been placed on the file by the counsel for the applicant and existence of which calendar is not disputed. In the version provided by said responsible officer in that Calendar under section 107/151 Cr. P. C. It is mentioned that security forces apprehended the applicant from Golden Temple complex, Amritsar while fighting after collecting arms and ammunition

against the Indian Government during Military action. If the applicant was apprehended, during military action which took place in the first week of June 1984, recovery if any was bound to have taken place at Amritsar and in the first week of June 1984. In this situation of the matter for obvious reasons, it is fit case to admit applicant Pargat Singh to bail and he is, therefore, ordered to be released on furnishing personal bond with one surety in the sum of Rs. 7000 each to the satisfaction of Chief Judicial Magistrate, Amritsar.

sd/Judge

Special Court, Judicial Zone

Jalandhar

Announced on December 11, 1984

3. **Amrik Singh:** He was arrested on 3.7.84 and a case was planted on him that Amrik Singh was making provocative slogans in a meeting of 100 men audience. In April 1985 the police furnished the names of two witnesses in the case i.e. Shri Kashmir Singh and Shri Seva Singh. However, when contacted, these two witnesses, told the family of Amrik Singh that they had not seen any such incident but the police had told them that they were witnesses in the case. These two persons filed their affidavits in the court alleging that they had not seen any such incident and on the basis of the same Shri Amrik Singh was released on 3rd May 1985. His statement is enclosed as Annexure No. 2.

4. **Rajinder Singh,** s/o Subedar Ganga Singh, aged 35 years, r/o village Narrawali, P.O. & P. Kalanaur, doing private medical practice. He is an Akali activist and was arrested in July 1984 and was falsely implicated in a case of fire which occurred in a shop in Kalanaur on 25.11.1983. However, Rajinder Singh had courted arrest in Akali Agitation and was in jail from 18.9.83 to 26.11.83. He showed these facts to the Judge and so the judge released him after 15 days dismissing the case of the police.

5. **Shri Puran Singh,** s/o Fauji Singh, aged 27-28 years, employed as Assistant Linesman with the Punjab Electricity Board: He was arrested on September 10, 1984 as he was coming out of duty at 11 p.m. at Kanun and was badly tortured. He was acquitted in February 1985 as the police withdrew his case for want of evidence.

## **Jail, not Bail**

“Bail, not jail” is the general rule which has been adopted in the criminal trials which begin with the presumption of innocence in favour of the accused. The idea behind is this if the accused is detained before and during the trial, then it has grave consequences for the accused. Though he is presumed to be innocent till his guilt is proved, yet he would be subjected to psychological and physical deprivations of jail life. The jailed accused loses his job and is prevented from contributing effectively to the preparation of his defence. Moreover, the burden of his detention fall heavily on the innocent members of his family. Therefore to grant bail is the rule than exception. But in Punjab this rule has been changed into ‘jail, not Bail’, Special Courts Act has been framed in such a manner that it is almost impossible for the accused to be released on bail under it.

One of the most obnoxious features of the Act is the denial of the rights guaranteed under section 438 of the Criminal Procedure Code. Section 438, usually called the Provision for Anticipatory bail, empowers the High Court and the Court of Sessions to grant anticipatory bail i.e. direction to release a person on bail even before the person is arrested. According to the Forty First Report of the Law Commission on the Code of Criminal Procedure Code, the necessity for granting anticipatory bail arises because sometimes influential persons try to implicate their rivals in false cases for the purpose of disgracing them or for other purposes by getting them detained in jail for some days. Apart from false cases, where there are reasonable grounds for holding that a person accused of an offence is not likely to abscond, or otherwise misuse his liberty while on bail, there seems to be no justification to require him to first submit to custody, and remain in prison for some days and then apply for bail. The section is salutary provision which enacts the mandate of Article 21 of the Constitution of India but the people of Punjab have been deprived of this salutary provision. The numerous cases mentioned in the report elsewhere show that how the deletion of section 438 of the Cr. P.C. for the people in Punjab has brought misfortune and havoc for the innocent persons. The case of Shri Paramjit Singh Sidhu, Advocate at Jalandhar, is also illustrative of this. Though this advocate has been daily practising in the Jalandhar Court and there is no likelihood of his absconding yet the police has raided his houses several times in his absence and tried to arrest him on false charges. His only crime is that he is valiantly fighting for justice for the several innocent citizens who

have fallen victim to the police rapacity. It is with great difficulty that he has been able to save himself from the malafide detention, but there is no security in future so long the Special Courts Act exists.

Further, when a person is arrested, to make it almost impossible to secure his release on bail, it has been provided in the Act that the Court, while making an order must be satisfied that there are reasonable grounds for believing that such an accused is not guilty of such an offence and that he is not likely to commit any offence while on bail. Which Court will take such future guarantee for an accused?

### **Everyone guilty till proved innocent**

Section 20 of the Special Court Act puts everybody in jeopardy and the dreaded sword of Damocles hangs on everybody's head. According to this section, if an accused person is shown to have been at a place declared as disturbed area at a time when firearms or explosives were used at or from that place to attack or resist the members of any armed forces or other state forces, then presumption is there, unless contrary is shown that 'such a person had committed such an offence.' This section is applicable to offences under sections 121, 121A, 122, or 123 Indian Penal Code which relate to the waging of war or attempting to wage war against the Government of India, conspiracy to wage war or overawe the Government of India, collecting arms with the intention to wage war, and concealing with intent to facilitate design to wage war. Thus any law abiding and innocent person can be roped in with the help of these draconian principles. Such brutal laws have no place in a society which call itself as democratic and civilised.

### **Avoiding the public: Trial in camera**

Section 327 of the Criminal Procedure Code provides for open trial to which the public generally may have access, because public trial in open court acts as a check against judicial caprice or vagaries and serves as powerful instrument for creating confidence of public in fairness, objectivity and impartiality of the criminal justice. But the Special Courts Act offends this basic norms of fair trial. Sub-section (1) of Section 12 under the pretext of protection of witnesses provides that all proceedings before Special Court shall be conducted in camera. This provision is serving as a cover for hiding governmental incompetence and inefficiency and police brutality.

In order to justify the existence of the special courts, the police has