

DELHI 1984: THE LONG AFTERMATH

**41 years of Criminal Injustice,
Apathy and Struggles of Survivors**



**Peoples Union for Democratic Rights (PUDR)
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“This Court is of the view that the mass killings of Sikhs in Delhi and elsewhere in November 1984 were in fact “crimes against humanity.” They will continue to shock the collective conscience of society for a long time to come. While it is undeniable that it has taken over three decades to bring the accused in this case to justice, and that our criminal justice system stands severely tested in that process, it is essential, in a democracy governed by the rule of law, to be able to call out those responsible for such mass crimes. It is important to assure those countless victims waiting patiently that despite the challenges, truth will prevail and justice will be done.”

From the judgment in ‘State Through CBI vs Sajjan Kumar & Ors on 17 December, 2018’ Author: S. Muralidhar Bench: S. Muralidhar, Vinod Goel

Seven years on, the process of bringing the accused to justice and justice for the victims/survivors of the Anti-Sikh violence in 1984 in Delhi is still slowly going on.

PUDR dedicates this report to survivors who have borne the brunt of communal violence and who continue to fight for justice against all odds.

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Preface

The anti-Sikh violence in Delhi that followed the assassination of the then PM Indira Gandhi on 31 October 1984, resulted officially in 2733 persons murdered though unofficial figures were much higher. It lasted between 31 October and 10 November, 1984, with the period between 1-4 November 1984 seeing the most violent attacks. Reports in the press, and by civil society groups - including PUDR-PUCL's fact finding report '*Who are the Guilty?*' (released on 17 November 1984) revealed from the outset that there was substantial evidence to show that this was planned and organized – by local leaders, political leaders associated with the ruling party, and by state agencies. In terms of both magnitude and intensity, it came to be widely accepted as a major incident of state organized and targeted violence against an ethnic group in India.

There were many indications of its planned nature. One was the distinct phase-wise occurrence of the violence – the first phase immediately after the assassination was marked by common rumours being spread, also by the police, across the city against the Sikhs (e.g., that the Sikhs had allegedly poisoned the water, or distributed sweets extensively and lit lamps after the assassination, or that train-loads of dead bodies of Hindus had arrived in the Old Delhi railway station). This was followed by the second phase, marked by the arrival of vehicles of groups of armed young men, to different areas in the city, equipped with weapons and material to carry out arson, and launching the attacks on the Sikhs – only possible with due calculated organization and mobilization. (*Who are the Guilty?*, PUDR-PUCL, 1984, pp 1-2). The blatantly premeditated nature of the violence emerged from several accounts of victims in 1984 – the way in which leaders of localities (all with the ruling party), called meetings and planned the forthcoming attacks carefully (*The Trans-Yamuna Carnage: A report from Nanaksar Ashram*, Nagarik Ekta Manch, 1984, p 2). The use of voters' lists and ration shop records (both not accessible to ordinary citizens but available to governmental authorities or Public Distribution System (ration) shop-owners), for the identification of Sikh houses and shops so that the attacking mob could target and kill the inhabitants further signalled calculated and organized attacks. The instance of the ruling party supporters in Prakash Nagar in Karol Bagh who were reported to be carrying voter lists to identify Sikh households (*Who are the Guilty?*, p11) is a case in point. This was done in several places and is covered in several investigative reports. The use of state run DTC buses to transport mobs mentioned multiple times in testimonies before the Nanavati Commission indicates further planning and the collusion of the state. The role of the political leaders and police, especially in the resettlement colonies – areas like Trilokpuri, Sultanpuri, Mangolpuri, and localities in southwest Delhi – like Palam, or the Cantonment and other areas – has been recorded in testimonies of victim/survivors and witnesses collected by civil society groups and also by numerous Commissions of Inquiry set up after the violence.

The role of the police – their inaction and active connivance both have been extensively recorded – and both showed prior organization and planning. The fact the police across the city acted similarly after and during the violence shows pre-meditation and coordination. For instance, the common strategy used by the police of recording literally hundreds of acts of murder of Sikhs in single FIRs – in areas as distant as southwest Delhi or east Delhi at about the same time – involved cold blooded coordination and was a measure which led to severe delays and denial of justice for victims and survivors.

The Opposition by and large remained silent on the violence in 1984, and made little attempt to substantively stop it, or publicly take a stance while it was taking place. The dubious role of the administration and those in the government emerged in several contemporary reports - this included instances like the following, reported in '*Who are the Guilty?*' (p. 7) – that on the morning of 2 November, 1984, two Opposition MPs requested the national Home Minister and Law Minister of India to give army protection to trains carrying Sikh passengers arriving from Punjab. No protection was given. Newspapers reported that 43 people were killed – pulled out from the trains, attacked, burnt and their bodies thrown on the tracks. This was denied in the state owned Doordarshan in the evening.

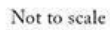
The term 'riot' – carrying connotations of simply a group of people behaving violently in public – does not convey the organized nature of the violence against the Sikhs that was directly and indirectly, through acts of commission and omission, enabled and backed by the state and those in power in 1984 in Delhi. The 1984 anti-Sikh violence was more akin to a *pogrom*, i.e. organized massacre and targeted violence against one community. Reports by civil society groups, and Commissions of Inquiry and governmental reports and court judgments have continued to use the term 'riot' however even though the civil society reports especially have from the

outset exposed the premeditated and organized nature of the attacks. Understanding this nature of the violence is not just a matter of semantics. It partly explains the subsequent delay and denial of justice to victims/survivors of the anti-Sikh violence of 1984. The failure to identify, arrest, prosecute and punish perpetrators and those in the government who enabled the violence is thus not coincidental, but a consequence of its pre-planned and organized nature, and the role of the state agencies in this.

This organized anti-Sikh violence took place over a few days but it has had a long aftermath that is continuing till date. This report is about this aftermath – and in order to write it, the PUDR team sought to examine court cases, reports of Commissions and Committees, conducted detailed interviews with members of the families of victims (particularly in Tilak Vihar in Delhi but also in other areas of Delhi and other cities where they now live), spoke extensively to lawyers, and civil society activists. The report still remains necessarily illustrative rather than comprehensive, owing to the difficulty of getting documents or even listing comprehensively numbers of ongoing cases, for instance. Despite these limitations, it is an attempt to bear witness to this long aftermath of 1984 and its three key dimensions – the four decades of Commissions of Inquiry and Committees and SITs; the role of the police and judiciary and the entire criminal justice system – in and since 1984; and finally, the report focuses on recording the journeys and lives of the women survivors of 1984 - as victims, witnesses and also as feisty survivors, their struggles for justice, the human cost of these struggles, and what carrying the burden of 1984 every single day has actually meant.

The following is the report.

(areas affected 1–4 November 1984)



(Source: '1984: India's Guilty Secret,' Pav Singh, 2017)

Chapter 1

FORTY-ONE YEARS OF COMMISSIONS, COMMITTEES AND SPECIAL INVESTIGATIONS

From the time when a city-level police inquiry headed by Shri Ved Prakash Marwah was ordered by the Commissioner of Police in November 1984 till January 2020 when the Justice Dhingra SIT (Special Investigation Team) report was submitted to the Supreme Court, a total of 11 Committees, 2 Commissions of Inquiry and 2 SITs have been ordered to probe facets of the 1984 anti Sikh violence in Delhi. In 1992, PUDR, in its review of official interventions, recorded “the demonstrative failure of all democratic institutions in the aftermath of the 1984 carnage, in Delhi” (*1984 Carnage in Delhi*, November 1992, p 6). But that was only 8 years after the violence. Today, the aftermath is much longer and the “demonstrative failure” much starker. A list of interventions (See **Annexure 1**) provides the trajectory of the official aftermath. Based on this official history and thematically arranged, the present chapter examines how these Commissions and Committees functioned and why they failed to provide justice to the survivors. Importantly, even though this long aftermath is unprecedented in the history of official interventions following mass killings, it nonetheless forms a significant ‘case study’ for addressing similar “demonstrative failures” of institutions in other instances of organized killings.

Two Commissions of Inquiry: Variations on a Theme

Set up on 26 April 1985, six months after the violence, the Ranganath Mishra Commission submitted its Report in August 1986 and it was tabled before parliament on 23 February 1987 almost three years after the killings. The second, the Nanavati Commission, was instituted in 2000, fourteen years after the massacre, and submitted its Report in 2005.

1. The Ranganath Mishra Commission of Inquiry

“In two respects the Ranganath Mishra Commission of Inquiry stands apart from all earlier commissions” (*Justice Denied*, p.2): the delay in setting it up, and its unprecedented terms of reference. Unlike other Commissions of Inquiry where the first term of reference is “To inquire into the causes and course of the disturbances”, the Mishra Commission's mandate was “to inquire into allegations in regard to the incidents of organized violence which took place in Delhi following the assassination of Prime Minister Smt. Indira Gandhi” (*Report of the Justice Ranganath Misra Commission of Inquiry*, 1986, [Vol. 1](#), p 1). Investigating “allegations” instead of inquiring into the underlying causes strategically shifted the focus of the Commission’s inquiry from ‘investigating’ causes to collecting ‘proof’ from survivors. Besides its mandate, the shocking procedure of revealing the names and addresses of the deponents, showed how indifferent the Commission remained towards their safety and security. Worse, its “in camera” procedure made sure that the workings of the Commission were closed to public scrutiny.

As far as affidavits were concerned, Appendix 3 of the Report offers a revealing breakup. Of the 2905 affidavits received, 2266 were “against the victims”, and only 639 were in “support of victims” ([Vol 2](#), p 3). Significantly, the maximum affidavits against the victims were received from the worst affected areas. For instance, while the Commission recorded 196 deaths in Kalyanpuri, as many as 144 affidavits out of 212 were against the victims. Again, in Shahdara, the Commission recorded 101 deaths but 223 affidavits out of a total of 261 affidavits were against the victims (See Vol. 2, “Classification of Affidavits Area/ Police Station Wise, Delhi, pp 6-7). The imbalance between the FIRs and affidavits attests to the fact of the survivors’ reluctance to come forward and, also to the obvious cover-up by the police. On the subject of “organized” violence, the Commission concluded that on the 31st October, the violence was people’s “spontaneous reaction of the people at large” (Vol.1, p 21), to the murder of the Prime Minister. Its subsequent change to “organized riots” was the outcome of the “take-over of the command of the situation by anti-social elements” (p.54). The Commission absolved the Congress party by holding forth at length on Prime Minister Rajiv Gandhi’s and the Congress Working Group’s appeals for peace. It rejected all allegations against Mr. HKL Bhagat, Cabinet Minister and Senior Congress (I) leader who had been named in a number of affidavits. Even where the Commission acknowledged involvement of some local Congress(I) workers and leaders, it opined that they participated in the violence for “considerations entirely their own” (p. 54). On the issue of “organized violence” it concluded that such violence had not been

organized “by any political party or a definite group of persons but by the anti-social elements“ drawn from the “lower ranks of the Congress (I) party and its sympathisers” (pp. 53-54). The Commission did not recommend action against the police, even while emphasizing their failure to act.

The failure of the Ranganath Commission in naming and indicting the guilty is significant as it emphasizes the processes of internal subversion underlying its mandates, procedures, and conclusions. Commenting on the functioning of the Commission, PUDR had rightly noted that the failure was not restricted to the Sikh community but one which affected the hopes and expectations of “all citizens” (*Justice Denied*, p 17).

II. Nanavati Commission: Twenty Years Too Late

Instituted in 2000 by the then NDA-led Central Government, the single-member Nanavati Commission was mandated to: a) probe the causes and course of the violence; b) the sequence of events and facts related to the violence and riots; c) whether these heinous crimes could have been averted and lapses or dereliction of duty by the responsible authorities / individuals; d) to inquire into the adequacy of the administrative measures taken to prevent and to deal with the said violence and riots; e) to recommend measures which may be adopted to meet the ends of the justice; and, f) to consider such matters as may be found relevant in the course of the inquiry. The wide-ranging terms of reference opened the possibility for the Commission to make significant recommendations towards fixing accountability.

The Commission received 2557 affidavits in addition to the 3752 affidavits filed before the Mishra Commission. In keeping with its mandate, the Commission “thought it fit to refer to only major incidents...which disclose the manner in which the violent acts were committed, or involvement of persons or organizations in commission of those acts or the conduct of the police” (Report, Justice Nanavati Commission of Inquiry (1984 Anti-Sikh Riots), 2005, [Vol I](#), p. 18). The Commission summoned responses from a variety of individuals, such as then Home Minister, PV Narasimha Rao, leaders of the Congress, police officials and others mentioned in the affidavits submitted by the victims.

The Commission concluded that the “systematic manner in which the Sikhs were thus killed indicate that the attacks on them were organized” (p.181) and that the carnage had the backing of “influential and resourceful” leaders of the Congress (I) who, along with their workers “appear to have done so for their personal political reasons” (p. 182). Several leaders were named because of “credible evidence” such as Jagdish Tytler, Sajjan Kumar, Balwant Khokhar and Dharam Das Shastri etc. In particular, the Commission suggested examination of Tytler and Shastri’s role in organizing attacks and recommended scrutiny of cases in which Sajjan Kumar was specifically accused but in which chargesheets had not been filed or had remained “terminated as untraced” (p. 162). The tabling of the Report in Parliament in 2005 created a furor and it led to the resignation of Jagdish Tytler and to the Prime Minister giving a ‘solemn promise’ of doing all that was needed after the tabling of the report. At the level of compensation and rehabilitation, the Commission recommended uniform ex-gratia compensation for deaths and rehabilitation of affected families, matters which were taken up by the KP Singh and DK Sankaran Committees which raised compensation to 7 lakhs and submitted suggestions on relief and rehabilitation.

Absolving High-Ranking Leaders: The Commission’s indictment of the aforementioned leaders was important, but it was inevitable given the overwhelming nature of evidence it received against them. However, some of its biases were revealed in the conclusions drawn on the allegations against other “high-ranking Congress (I) leaders”. For instance, it categorically held that there was “absolutely no evidence suggesting that Shri Rajiv Gandhi or any other high ranking Congress(I) leader had suggested or organized attacks on Sikhs.” (p. 182). Regarding complaints against the then Home Minister, PV Narasimha Rao, the Commission stated that the Minister showed no “delay or indifference” and that he “kept himself informed about the developments in Delhi and had taken appropriate decisions and given necessary instructions in time” (p.178). Moreover, the Commission cited the twenty-year delay while exonerating Rao by stating that “nobody had earlier made any grievance as regards the role played by him and the allegations which are now made after 20 years are really by way of an after thought and made ulterior reasons” (p. 177).

The Commission’s exoneration of Kamal Nath who had been accused of instigating mob violence at Rakab Ganj Gurdwara was a little more dilatory. It discounted two eyewitnesses on grounds that their testimonies were based on “inferences”, drawn from Nath’s gestures, and not an actual replication of what he said. It drew upon a third witness, a journalist, and partially used his statement wherein he said that Nath “tried to control the

crowd” (p. 22) (and not the rest where he had said that “the crowd was looking at him [Nath] for directions”) to infer that “it would not be proper to come to the conclusion that Shri Kamal Nath had in any manner instigated the mob”. Despite noting that Nath’s testimony was “vague”, it opined that he had been “called upon to give an explanation after about 20 years and probably for that reason he was not able to give more details as regards when and how he went there and what he did” (141). In 2004, Kamal Nath was the Union Minister of Commerce.

Discharging important Officials: The Commission refrained from recommending actions against “higher ups” including the Lieutenant Governor who was responsible for not preventing the violence “as the person directly responsible for the maintenance of law and order in Delhi” (p. 179). Likewise, while holding the Police Commissioner responsible for “the colossal failure of maintenance of law and order”, it didn’t indict him (p.178). In the case of then DCP, Amod Kanth, where charges of harassment and false arrests were made, the Commission chose to give credence to Kanth’s testimony. In his affidavit, Trilok Singh had testified that his family was forced to open fire for self-protection when a rampaging mob attacked his house. Singh argued that the two accidental deaths were the result of firing done by a patrolling army unit outside his house and not from the firing from within. He also produced a necessary CFSL finding of the bullet to corroborate his version. Disbelieving this version, Kanth had ordered the arrest of the family members who were incarcerated and implicated them in a case which dragged on for three years. Singh also alleged that he had been threatened by the police and was forced to withdraw his first affidavit. The Commission however chose to believe Kanth who held Singh’s family responsible for the two deaths and a second CFSL finding which “did not rule out the possibility of the bullet” being fired from Singh’s home (p.150). Notably, Kanth was awarded the President’s Police Medal in 1985 for showing courage and gallantry in controlling the riots.

Prioritizing Acquittals and Departmental Inquiries: Despite clear evidence of culpability, the Commission did not recommend action against accused who had been acquitted. For instance, in the cases of two Congress (I) workers, Hem Chander and Mahesh Yadav, the Commission held that since the duo had been acquitted by the trial court, “no further action is recommended against them” (p.147). In several localities where the Commission found evidence of deliberate police inaction, ongoing departmental inquiries were deemed enough. For instance, SI Ramesh Singh Rana stated that as thana-incharge at Sagarpur, he had informed the DCP, Chandra Prakash of a deteriorating situation, but he was denied reinforcements, ordered to not open fire, and threatened with dire consequences if he disclosed the correct figure of 77 deaths in Sagarpur Division. He also alleged that the DCP helped in disposing of bodies (p. 63). Despite concluding that the “police officials did not perform their duties properly”, the Commission held that since a departmental inquiry was underway, “it would now be futile to initiate any criminal action against them as the other persons accused of having committed the actual acts of killing or looting have already been tried and acquitted in most of the cases” (p. 167).

Overlooking the role of the Administration: There were at least five instances where the Commission found that the mobs used DTC buses to move from one area to another. The Commission agreed that from the morning of 1st November 1984, “at some places the mobs indulging in violent attacks had come in DTC buses” (p.179). Despite noting this, the Commission failed to unravel the complicity of the state administration in the killings. In not doing so, it chose to overlook how the administration connived with the perpetrators as the DTC in 1987 functioned under the administrative control of the Government of India.

Indicting Subordinate Officials: Significantly, the Commission indicted lower-level police personnel for their dereliction of duties. In the aforesaid Rakab Ganj Gurdwara episode, witnesses testified against both ACP Gautam Kaul and SI Hoshiar Singh, but only the latter was indicted. Despite the eyewitness account of the journalist who stated that Kaul did nothing when the mob tried to enter the Gurdwara, the Commission discounted the testimony as there was a discrepancy regarding the time at which the journalist was present. Consequently, the Commission claimed that it was not “inclined to record a finding against him [Kaul] that he failed to perform his duty as alleged against him” (pp.142-143). However, the Commission chose to believe one of the eyewitness accounts which it had discarded in the Kamal Nath case, regarding Sub-Inspector Hoshiar Singh’s incitement of the mob. The SI denied the allegation, but the Commission held that the SI and his men did not take effective steps in protecting the Gurdwara and in dispersing the mob. Declaring it a “clear case of dereliction of duty”, the Commission recommended that the Government “initiate appropriate action against him and those policemen who were with him” (p. 145).

The Commission’s biases regarding rank and social position are reflected in its general opinion where it observes that “Substantial increase in the anti-social population also appears to be one of the causes for the large-scale

looting and killing that took place during the riots” (p. 16). Later in the report, it holds that “The poorer sections of society who are deprived of enjoyment of better things in life saw an opportunity of looting such things without the fear of being punished for the same” (p. 181). While these are general opinions, the Commission’s elitism deserves criticism especially since the overwhelming section of the victims belonged to this very section, the “poorer sections of society”.

Overall, the Nanavati Commission named some of the leaders who planned, instigated and participated in the killings. It had, after all, agreed that the killings were organized. But for the rest, it exonerated all other leaders of the Congress (I), let off state officials, ignored the role of the administration, and chose to not recommend reopening of cases in which the accused had been acquitted or were facing departmental inquiries. In opining on how ‘anti-social population’ exploited the killings, by engaging in burning, looting and killing, it diminished its own findings into the systematic nature of the attacks. In short, it was not only twenty years too late, but also one which failed in establishing accountability and in suggesting the mechanism for justice.

Why Commissions Fail

“Governments in power routinely cite the appointment of Commissions of Inquiry after communal riots, as proof of their renewed resolve to battle such violence. This emphasis leads to the popular misperception that a Commission is a post-riot replacement for normal investigative procedures. It is not. The due process of law does and must continue to operate simultaneously. And this is where the victims and their relatives have to struggle hardest to even set the process rolling at all.” (*Recalling Bhagalpur*, PUDR, 1996, pp. 13-14).

Is it just the Ranganath Mishra or Nanavati Commissions which failed to indict those involved or is it that the functioning of these Commissions tells us wider truths about Commissions of Inquiry in general? (See Box: The Tragedies of Bhagalpur and Nellie) The rationale underlying such institutional mechanisms is to bolster the confidence of the survivors in an ‘independent’ probe, outside of the courts, and is necessary. But delay in setting up such inquiries as in the case of the Nanavati Commission, set up 16 years after the carnage in 2000 and which submitted its findings 5 years after, twenty-years delay proved opportune for those indicted, but for the survivors it proved costly as they were forced to run from court to inquiry proceedings while picking up their broken lives amid trauma of loss and destruction. Delayed justice can only be partial, if at all.

PUDR had noted that Commissions are ‘susceptible’ to “the inclinations of governments in power” (*Recalling Bhagalpur*, p. 11). The two Commissions of Inquiry into 1984 amply illustrate how such susceptibility poses a large obstacle in their promised delivery of justice. However, these are not the only ones. For instance, the Vishnu Sahai Commission instituted immediately after the 2013 Muzaffarnagar riots gave a clean chit to the state government (the Samajwadi Party). In the 2002 Gujarat pogrom the toll was well over 1000 (apart from the 59 who died in the train carnage in Godhra). PUDR’s report into the post-Godhra killings had cited what the BJP Chief Minister had said to the media regarding the Godhra train incident on March 2, 2002: “Every action has an equal and opposite reaction” (*Maaro! Kaapo! Baalo!*, PUDR, 2002, p. 7). In 2014, the Nanavati-Mehta Commission exonerated the Narendra Modi led state government for its role in 2002.

Beyond delays, the problem that the reports are recommendatory in nature severely constrain the inquiries and little can be achieved vis-a-vis their Action Taken Report (ATR) that state governments are expected to table. For instance, the Srikrishna Commission, which examined the Mumbai riots of 1992-1993 was instituted by the then Congress state government but was wound up when the Shiv Sena-BJP came to power in 1996. Sustained public pressure ensured its reinstatement. When it submitted its report in 1998, the state government rejected the indictment of the Shiv Sena and Bal Thackeray for leading the riots against Muslims. Notably, the Commission had not just indicted the Shiv Sena, but had also recommended action against policemen, and reopening of cases closed by the police during the riots. The history of the ATRs of 1998, 2004, and 2007 show that notwithstanding their electoral promises, the subsequent Congress-NCP governments did precious little. While the battle for implementation continues till date in the Supreme Court, since Commissions of Inquiry are recommendatory authorities, it makes it easy for governments in power to not implement ‘unfavourable’ reports. Further, the absolving of all senior Congress (I) leaders by the Mishra and Nanavati Commissions into Delhi 1984 and the exoneration of BJP government in the case of Gujarat 2002, are transparent proof of the political compulsions which compromise the fairness of Commissions of inquiry. Less obviously, Commissions remain status-quoist because of underpinning of class biases where the rich and powerful are always less guilty, if at all.

Especially where 1984 is concerned, the real burden of testifying before the Commissions fell on the widows, the 'Kauras of 1984'. Between rebuilding their broken lives and eking out a living, testifying before a Commission also meant knowledge of official procedures, and understanding the processes by which Commissions conclude their findings. A run through of the Commissions' findings show that crimes related to sexual violence—rape, gang rape, attack, assault, forcible stripping, criminal intimidation etc—appear sporadically. Despite their presence, both Commissions ignored and overlooked these testimonies. They had nothing to say about what the women suffered. The irony cannot be missed: those testifying remain invisible and absent in the Commissions' findings (See **Annexure 3, "Erased From Memory: Rapes, Intimidation and Mental Health Impact"**).

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The Tragedies of Bhagalpur and Nellie

Incidents of communal violence are commonly regarded as occasional events, but their anti-poor character clearly shows how violence, both organized and 'spontaneous', emerges from within the prevailing social contradictions of politics, place and time. And while the anti-poor character ensures that such carnages remain forgotten, barring the 'capital focus' of Delhi 1984, the political purchase underlying 'large-scale' killings is sporadically exploited for electoral benefits and political opportunism. Bhagalpur (1989) and Nellie (1983) are classic examples of how organized killings are rescripted by political parties seeking electoral gain, political recognition or vendetta.

Imbricated in electoral politics, the Bhagalpur riots of 1989 witnessed the massacre of over a thousand people (primarily Muslims). Apart from over 40,000 displacements, the killing fields of Logain was, arguably, the worst as over 100 bodies were buried and ploughed over with "gobhis". The massacre was responsible for the Congress's loss and was instrumental in heralding Lalu Prasad Yadav's emergence as Chief Minister in 1990. After Yadav's 15-year stint, and a longer one by Nitish Kumar's (Janata Dal United), the question is what kind of accountability did the successive governments uphold over the massacre? There were two Commissions of Inquiry, the first in 1989 under Justice Ram Nandan Sagar and the second under Justice NN Singh set up by the BJP supported Nitish Kumar government in 2005. In 1995, Yadav had said that he would spare no one when the Members' Report which detailed the sequence of action and indicted the SP KS Dwivedi and the police and district administration, was tabled. However, no official action was taken. For Nitish Kumar, instituting a 2nd Commission was supposedly proof of his commitment to the survivors of the massacre. The Singh Commission submitted its Report ten years later, in 2015, on the eve of another election. The report recalled the 1984 massacre and even suggested inquiry against members of the district administration and the police. Instead, not only was the infamous SP of Bhagalpur, K.S Dwivedi promoted, but was also made the DGP of Bihar in 2018.

Today, thirty-six years later, in the context of the Bihar elections, Bhagalpur has hardly mattered. The survivors continue to wait for what the state promised: accountability, rehabilitation and justice. Within the failed history of aftermath, Bhagalpur not only explains why Commissions of Inquiry demonstrate their inclination towards "governments in power", but also shows how the findings can be forgotten.

However, the recent and sudden interest shown by the Assam government in the long forgotten Commission's report into the Nellie killings is another instance of how the past can be politically mobilized. As late as October 2025, the present BJP-led Assam government under Chief Minister, Hemanta Biswa Sarma, decided to table the commission report into the Nellie massacre of February 1983 in which over 2000 people were hacked to death in a space of a few hours. Notably, those killed were Bengali-speaking Muslims deemed as 'infiltrators' at the peak of the Assam Movement and the perpetrators largely belonged to the local tribes and to Hindu scheduled castes. Within a few months of the killings, in July 1983, a single member commission was set up under Shri TP Tewary, and the report was submitted in 1984 but was never tabled. Now, after 42 years, the Assam government has claimed that after forensically verifying the document as it purportedly did not have the signature of the Chairperson, it has decided to make it public "as people have the right to know what had happened and whose fault it was". Along with the government's claim, a news report stated that while 688 cases were filed and the police submitted chargesheets for 310, the "perpetrators were given total immunity" once the Assam Accord was signed in 1985 ([The Hindu](#), 25 October 2025).

Committees and the search for justice

Unlike Commissions of Inquiry, administrative committees have much less maneuverability and the 1984 saga bears this out: The Marwah Committee was wound up to make space for the Ranganath Commission. Similarly, the quashing of the Jain-Banerjee Committee or the resignation of the Poti-Rosha Committee speak volumes of the official interference that constrain and mar the functioning of post-communal killings Committees. Sometimes, the restricted scope, such as that of the Ahuja Committee, or vexing divergent reports of the Kapur-Mittal Committee, raise questions about the constitution and mandates of committees. Equally, frustrations arise when the state refuses to follow up the recommendations such as those made by the Jain-Aggarwal Committee which submitted a detailed report of faulty investigations and omissions in 1993.

Yet, the 1984 carnage and its aftermath have remained emotive as powerful electoral promises. While some cases were reopened for investigation following the Nanavati Commission's recommendations, the 2014 NDA led Central Government decided to institute a more convincing mechanism for holding the guilty to task. The GP Mathur Committee appointed in December 2014 was tasked to examine the constitution of an SIT (Special Investigation Team) for investigating cases and for suggesting recommendations on the issue of compensation, relief and rehabilitation. The Committee focused on the findings by the two Commission, and it relied on the Jain-Aggarwal Committee's report of failed police investigations. In 2015 January, the Committee recommended the setting up of an SIT which would investigate the records of the police stations and also the findings of the Jain-Aggarwal Committee in "appropriate serious cases" (p 43).

Based on the recommendations on compensation, relief and rehabilitation undertaken by the DK Shankaran and KP Singh Committees in 2005, the Mathur Committee noted how a uniform policy across states had been created in which 7 lakhs (from 3.5 lakhs) was to be paid in cases of deaths and 1.25 lakhs for injuries. For the survivors of '84 carnage, further relief had been provided in the form of a monthly pension of 2500/- to widows and aged parents of those killed or severely disabled in the 1984 carnage, and rehabilitation of 2 lakhs to those families which were forced to migrate to Punjab. The Committee reiterated the 2014 Central Government's decision to give further 5 lakhs to the families of the deceased. Regarding petitions seeking employment on grounds that the main breadwinner had been killed in the riots, the Committee refrained from recommending a policy on the grounds that three decades had elapsed since the time of the carnage. It arrived at a similar conclusion regarding waiving of loans taken well after the carnage or from private banks. At the same time, it recommended schemes for providing skills to family members.

Given that the Committee was entrusted to examine the issue of relief and rehabilitation, its failure to recognise and grapple with the socio-economic realities of migrated families is noticeable. Equally, while rejecting the need for a policy on compassionate employment, the Committee failed to address the absence of mechanisms or support that riot affected families need over a long term. Ensuring an integrated database of families that were affected in various ways during the carnage could have shown the way forward.

Hope and Frustration underlying delayed SITs

Based on the Mathur Committee's recommendation, the Home Ministry constituted a three-member SIT, under the chairmanship of Pramod Asthana (IPS) in February 2015. While the SIT was able to successfully reopen a case of murder involving two accused, Yashpal and Naresh Sehrawat (see next chapter), the SIT recommended the closure of 199 cases. At this juncture, based on a petition filed by an ex-member of the Delhi Sikh Gurdwara Prabandhak Committee, the Supreme Court decided to appoint a judicial supervisory committee to scrutinize the cases closed by the SIT ([*The Indian Express*](#), 16 August 2017). The apex court supervisory committee found that 186 (of the 199) were closed without investigation.

Based on the ongoing writ petition filed in 2016 (*S. Gurlad Singh Kahlon v UOI*), the Supreme Court appointed an SIT under SN Dhingra (former High Court Justice) in 2018 to look into the 199 cases. After a delay of eight months, the government forwarded the SIT's findings to the Supreme Court in January 2020. The scrutiny of the cases reveal the following anomalies: 426 deaths had been covered in 199 cases; 84 deaths remained unidentified; the cases also covered 200 injuries and destruction, looting and arsoning of 700 properties including Gurdwaras, homes, shops, commercial properties and vehicles. In short the existing cases showed how the police had failed to accurately report and investigate the actual numbers of death, injuries and property losses

A particularly stark case of police ineptitude and complicity is one which deals with killings of Sikh passengers. The report finds 5 instances in which “rioters” attacked Sikh passengers travelling in trains on 1st and 2nd November at 5 different railway stations: Nangloi, Kishanganj, Dayabasti, Shahadara, and Tughlaqabad. The passengers were dragged out, beaten and burnt to death. 71 bodies were recovered of which 29 remained unidentified. Several persons received injuries in these incidents. Despite having information, the police failed to arrest the perpetrators—stated to be “few hundreds to few thousands”—and who “ran away” on seeing a “very small” police force. During investigations, the police could not identify the rioters and the cases were closed as “untraced” (“Report of SIT (1984 Riots), Constituted on 14.12.2018 by MHA-GOI....Summary”, p 7). Focusing on deliberate and shoddy investigations, the report gives the example of an omnibus FIR 268/84 (PS Sultanpuri) in which 337 varied complaints were booked together in one FIR. That’s not all; another 161 incidents were also clubbed in this FIR which was investigated by one investigating officer. (pp 8-9).

Given the long delay, shoddy investigations and easy acquittal, the SIT could recommend filing of appeals only in a limited number of cases. Additionally the report recommended action against the then SHO of Kalyanpuri Police Station. While the Centre had already accepted the SIT’s findings, yet, in December 2024, when the Supreme Court asked for a status report from the government, the latter sought additional time ([The Tribune](#), 21 December 2024). In February 2025, the apex court questioned the Delhi High Court in its delay in deciding appeals and the Delhi Police’s delay in filing appeals against six cases of acquittal given by the High Court ([Hindustan Times](#), 18 February 2025).

After over 41 years, the only conviction worth naming is that of Sajjan Kumar. Charges are still being framed against Jagdish Tytler – the other major political figure. In his meeting with the PUDR team in October 2025, Justice Dhingra, while reflecting on the issue of delayed and ineffective justice into the question of accountability of those involved in the killings, reiterated his views in an interview to *Outlook* (“I Don’t Know Why Centre Delayed SIT Report on 1984 Sikh Riots”, [Outlook](#), 18 January 2024) where he said, “I do not believe that a conviction in a ghastly crime or massacre, after 30 or 40 years having lapsed, amounts to justice. After such a long time, most of those who had lost their loved ones have died too. To those who are alive, how do you justify a sentence after 35 years? How do you call it justice? Justice after 35 years may make for a good headline for you people in the media but for a human being who has lost everything because of that riot, it will mean nothing”. Justice delayed is justice denied as this protracted history only confirms that both justice and reconciliation have remained elusive, facts which ring hard for those who are still waiting for their voices to be heard.

Chapter 2

FROM 1984 TILL NOW: THE CRIMINAL JUSTICE SYSTEM

For women and men who had witnessed the brutalities and killings of their family and neighbours in the course of the three days of deadly violence in Delhi, the onslaught of an endless wait for justice, multiple statements and depositions, and the experience of an inaccessible and complex judicial system ensured that the violence and trauma of 1984 continued in different forms.

Of the total killings - for which there could never be an accurate estimate - Delhi alone saw at least 2733 murders with all-India estimates going up to 30,000 ("40 Years of the 1984 Sikh Massacre", [PUDR 2024](#)). Official estimates eventually settled on the figure of 2,733 deaths in the city of Delhi. Following the Nanavati Commission, a total of 650 F.I.R.s were registered as per an affidavit filed by the Delhi police in February 2025 on the Supreme Court directed review of 186 cases by SIT led by Justice S N Dhingra ("Sikh Riots: Convictions only in 39 Cases," [Times of India](#), 13 February 2025). This affidavit forms part of the ongoing review by the Supreme Court in Writ Petition (Crl.) 09/2016 instituted by S.Gurlad Singh Kahlon (former Shiromani Gurdwara Parbandhak Committee member) into the violence of 1984. Two features stand out in the news reports of this affidavit. First, the extent of State complicity as only 650 FIRs were filed despite at least 2733 cases of killings besides numerous incidents of violence, destruction of property including places of worship, grave injuries, incitement to violence, and police complicity. Second, the specific details of these 650 cases indicate that the State complicity continued post the incidents themselves. The following is a summary of the fate of the 650 cases as reported:

§ 362 chargesheets and 267 closure reports filed as "untraced" (i.e. the accused could not be identified) to make a total of 649 (the news report does not indicate what happened to the one case)

§ 362 chargesheets resulted in only 39 convictions of 442 people and the remaining 323 cases ended in acquittals. In 51 of the 323 cases, the courts did not even frame charges i.e. the courts held that there was no *prima facie* material to even proceed to trial against the accused.

§ Of 12 appeals filed in the Delhi High Court, 8 were dismissed (of which 6 are now pending in the Supreme Court) and 4 appeals remain pending in the Delhi High Court.

At the time of the Nanavati Commission, the status of cases was as follows (Annexure X, Vol 2):

Total FIRs	FIRs Quashed	Proceedings Withdrawn	Pending Trial	Pending Investigation	Filed as Untraced	Discharged	Convicted	Acquitted
587	11	3	42	1	241	11	25	253

The Report of the SIT (1984 Riots) headed by Justice Dhingra as referred to in the earlier chapter, while criticising the role of the police and the courts, noted that of the 199 cases reviewed, 114 related to loss of property (of 500+ instances as incidents were clubbed into common FIR's) of which 102 were closed as untraced by the police, 31 related to injuries (of 80 persons and 150+ incidents) of which 26 were closed as untraced by the police, and finally, 54 cases of murder (of 426 persons killed, with 84 unidentified bodies) where in only 6 cases trial was concluded after filing of chargesheets and ended in acquittals. The Dhingra Committee noted the lack of interest by the police and authorities in handling the cases and that the trial courts did not pass necessary directions to separate the cases and this resulted in delay and acquittals. The Committee recommended that the State file appeals in five cases and while noting the complicity in incident by disarming victims in FIR 503/1991 PS Kalyanpuri of Insp Shoor Veer Singh Tyagi, then SHO PS Kalyanpuri, recommended that his case be referred to Riot Cell, Delhi Police for action.

In May 2025, it was reported that the Supreme Court had issued notice in appeals filed by the Delhi Police challenging the Delhi High Court's orders acquitting 14 accused in six cases related to the 1984 anti-Sikh riots in Delhi ([The Tribune](#), 7 May 2025). The extent of state complicity and apathy may be gauged by the fact that, in a particularly (in)famous case, concerning the Raj Nagar and Palam neighbourhoods, over 100 instances of killing were clubbed together into a single FIR No. 416/84. Running against a cardinal principle of criminal law

– each incident is to be investigated independently – an omnibus FIR allows the investigator scope for arbitrariness and limits judicial scrutiny.

As of writing this report, as per lawyers associated with the 1984 cases, only 20 cases remain active in the various courts of Delhi. Of these 6 cases are against the senior Congress (I) leader and former Member of Parliament, Sajjan Kumar (3 in trial courts, 3 in High Court of Delhi and 1 in Supreme Court) and 2 cases against another Congress (I) prominent leader and former Member of Parliament, Jagdish Tytler. These influential political leaders have gone out of the way - with direct and tacit political patronage - to pervert the course of justice and unjustly leverage their political, social and economic standing to evade accountability and responsibility for their actions.

Major political figures of Congress (I), apart from Jagdish Tytler, including Sajjan Kumar, Hari Krishan Lal Bhagat, Kamal Nath, Dharam Dass Shastri and Lalit Maken who were named by witness-survivors in the report *Who Are the Guilty?* (p.43), accentuated or at least maintained their political fortunes. Kamal Nath, for instance, rose to the position of Chief Minister of the state of Madhya Pradesh. While Sajjan Kumar returned as MP for the outer Delhi constituency, despite being named as key instigator in violence against the Sikhs, purely based on his clout with both the political set up and the police.

Jagdish Tytler – a Congress (I) leader, has since the days of 1984 held portfolios such as the Minister of State (Independent Charge) for Overseas Indian Affairs. That Tytler held such an important portfolio, despite strong allegations to his involvement in the carnage, is in equal measure an indictment of the electoral-political system that rewards targeting of the most vulnerable sections of societies. He was named in the Nanavati Commission Report, in February 2005, recommending action against him.

It is only in 2025, a full forty-plus years after the violence of 1984 however, that a Court in Delhi ordered for charges to be framed against Tytler, in the murder of three men outside the Pul Bangash Gurdwara in 1984. This came after the CBI filed multiple closure reports, between 2007 and 2015 against the politician, citing lack of evidence, but each time rejected by the courts.

Furthermore, witnesses who came forward to depose pointed to the pervasive atmosphere of fear that imposed an unsaid and unwritten gag order on the families who could not depose for fear of reprisals against their loved ones – again an aspect that the PUDR team encountered in its own investigations. In this case, Harpal Kaur, a 70-year-old witness, who deposed in the Rouse Avenue Court, as recently as July 2025, pointed to Jagdish Tytler’s central role in instigating mobs to “loot and kill Sikhs”, while bearing witness to the torching of the Gurdwara near Pul Bangash.

Another Congress (I) leader in Hari Krishan Lal (HKL) Bhagat – deceased for over 20 years - continues to haunt the memories of his victims. The politician was first arraigned in 1996, following the testimony of Satnami Bai, who alleged Bhagat’s whipping-up of hysteria and sentiments that led to mob violence and murder of Darshan Kaur’s husband. Importantly, Darshan Kaur was a crucial witness who helped in putting Bhagat on trial in 1996 for the carnage in the resettlement colonies of Trilokpuri etc. And while Bhagat eventually did not live to see the culmination of judicial action against him as he passed away in 2005, Darshan Kaur narrated to the PUDR team how Bhagat left no stone unturned in influencing the judiciary and intimidating her; all within the confines of the courtroom (See Chapter 3).

Another Congress (I) leader, Dharam Dass Shastri, was identified (and named), as early as 16 November 1984, by the New York Times as having intervened to secure the release of 300 people who had been rounded up for looting ([New York Times](#), 16 November 1984). Like his other colleagues, he was never found guilty by the courts for his actions.

Who are the guilty?

On 17 November 1984, PUDR-PUCL in their report *Who are the guilty?*, released a list of 227 persons identified by survivors – 16 politicians, 13 police personnel and 198 others – “alleged to have instigated violence and/or protected alleged criminals” (Annexure IV, *Who are the guilty?*). As noted above, 41 years later the Delhi police has noted 39 convictions against 442 individuals. This chapter proceeds to consider the court record and reflects on both the criminal justice system, accountability and the experience of the family members who have struggled for justice for 41 years.

Where are we 41 years later?

What do the trial and appellate records tell us?

Who are the guilty?

First, the numbers tell us a story in and of themselves. Of the 442 individuals said to be convicted, it appears as many as 89 are convicted in ONE case alone (*State v. Shambir & Ors*, SC 34/1995). Of these 89, news reports suggest that 15 convicts have now been acquitted in appeal by the Supreme Court with appeals of a further 57 convicts pending (as is clear from the trial court judgment all the accused had the same role). This is not a case of murder, but of unlawful assembly and rioting. Murder convictions may be expected to be only in a handful of cases.

Second, the records have remained inaccessible. Perhaps the inaccessibility of records must not surprise us. For decades the courtroom has remained inaccessible for the women and men who have lived on to fight for justice. In the present instance, the gap in information about court records or proceedings is particularly striking as the 1984 violence has been extensively documented. Not surprisingly, PUDR's documentation of the aftermath, in large measure, has entailed an engagement with the complexities involved in information gathering. While the search for the records began with the families concerned, important witnesses such as Darshan Kaur and Anwar Kaur did not have personal records of their affidavits, depositions or judgments. In the absence of available documentation, the team had to rely on oral testimonies for names of lawyers and other details, a process that was not easy since the survivors' testimonies were scarred with the trauma of recollection of the carnage and of its aftermath in their broken lives. Besides suffering coercion and intimidation from influential accused and from the police, the endless court procedures and proceedings also added to the bleakness in their testimonies. The team was advised to seek assistance from the Delhi State Gurudwara Management Committee (henceforth, DSGMC), but the institution remained unresponsive, despite multiple attempts. Under these circumstances, the indifferent attitude of the members of the DSGMC further clarified how access to information can be institutionally protected. In short, PUDR's access to limited official records, certain trial and appellate court judgments, has been based on online sources, lawyers and survivors.

Third, shockingly, the original records no longer exist in many cases. The Delhi High Court order of 11 August 2025 is instructive in this regard. The High Court was hearing three criminal appeals against acquittals in: 1) *State v. Dhanraj & Ors* (SC 32/1986), Murder of Nirmal Singh (Complainant: Sampuran Kaur, wife), 2) *State v. Balwan Khokar* (SC 10/1986), Murder of Avtar Singh (Complainant: Baljit Kaur, daughter) and 3) *State v. Vidyanand & Ors* (SC 31/1986), Murder of Joga Singh (Complainant: Jagir Kaur). But the original trial court record does not exist! The High Court has directed the reconstruction of the records. Three murder trials end in acquittals and 41 years later the families continue to struggle – but today they face the further challenge of an absent court record. Meanwhile, as the High Court notes, across the three cases, acquitted accused Dhanraj, Mahender Singh, Mahender Yadav and Vidyanand have passed away.

Fourth, right at the outset the quest for accountability was set up for failure. Not just Delhi 1984, but the longer historical record indicates that the Indian State has not fairly investigated mass crimes perpetrated by itself or any of its arms. The criminal justice system is not equipped, and in most cases the will to do so does not exist. Thus, the Indian State is unwilling or unable to investigate itself. This is not the subject of the present report, but three points deserve mention: 1) The laws for mass crimes do not exist in our criminal law: Genocide, Crimes Against Humanity or War Crimes. Nonetheless, India is a party to the Genocide Convention, 1948 and Geneva Conventions, 1949 (and subject to international customary law). Not just mass crimes, India has not criminalised the offences of torture or enforced disappearance. 2) Command Responsibility: the responsibility of "superiors" is not in our laws. Command Responsibility holds responsible those in command (those with effective control over another) who fail to prevent or punish criminal acts. The Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011, that includes this mode of responsibility, is yet to be passed. 3) Finally, the 1984 violence is a fit example where it is obvious that the Delhi police will not and is unable to carry out fair and independent investigations. A reading of the Nanavati Commission of Inquiry report or the criminal court judgments make this evident in the table below.

Why was no independent investigation ordered? The Supreme Court has recognized the need for such independent investigations in other cases, including in 2014 in the case of encounters (*PUCL v. State of Maharashtra*, (2014) 10 SCC 635). What was/is required is an investigation agency that would also have the

resources to investigate multiple cases and piece together the comprehensive answers to the questions of who gave the orders, who directed the mobs, who looked away, and ultimately who crafted the policy that resulted in the violence. The question is as relevant today as in 1984 as the Supreme Court and Delhi High Court – both operating as constitutional courts in addition to their role as appellate courts - continue to be seized of the cases of the 1984 violence but to date we do not see a judicial willingness to take on the task at hand in a comprehensive manner and bring relief to the families struggling for justice, hold the powerful accountable and give confidence to the wider society who also suffer the consequences of a cover up. As our courts continue to deal with the pending cases it is incumbent upon us to continue to observe and reflect on the role of the judiciary.

Following the publication of the report in 1984, PUCL and PUDR filed a writ petition in the Delhi High Court seeking an enquiry by an independent agency such as the CBI on 29 November 1984. The petition was heard by Justices Rajender Sachar and S. B. Wad and it was listed for hearing on 4 December 1984. The Delhi government first prevaricated and then finally filed a counter-affidavit on 19 December which claimed that the police was pursuing investigations and Ved Marwah, Additional Commissioner of Police, was already engaged in an internal enquiry on the role of the police. The counter-affidavit also questioned the right of the petitioners to file the case on behalf of the victims. On 21 December 1984 the bench again asked the government to respond to the charges in the petition. On 11 January 1985 the case came up and was listed next for 23 February 1985 for detailed arguments. However, on 23 January 1985 an application in this petition was suddenly listed before a completely different bench, composed of Justices Y. Dayal and B. N. Kirpal. The state argued that the petitioners had no legal basis to ask for an enquiry and doing so would imperil the “security of the state and the integrity of India”. The application was next listed on 24 January and then an interim order for listing for hearing on the main petition on the issue of maintainability and finally on 11 March 1985 the petition was dismissed ([*PUDR v UOI \(MHA\)*](#), 11 March 1985). PUDR also filed a Special Leave Petition in the Supreme Court against the interim order of the new bench, which was also dismissed by the Supreme Court. Shortly after, the Ved Marwah enquiry itself was scuttled.

Therefore, after 41 years, we do not have a clear picture of the apparatus and individuals behind the widespread and systematic killings of 1984. Families and communities certainly “know” who is responsible, but the legal process has not done what it was meant to: fair and thorough investigations that could lay bare the structure behind the killings.

Nonetheless, the Commissions, Committees and court records that are available provide ample evidence that the violence was not sporadic or provoked. It was organized and systematic and well directed. Further, the record also raises concerns about the role of the police and the judiciary.

Role of the police and the Judiciary

The role of the Delhi police in the violence was at different levels as it included its active participation in the violence and its complicity with the perpetrators of the violence. A reading of the Nanavati Commission of Inquiry Report and trial court judgments, where available, reveal instances of police personnel either directly aiding and abetting rioters in acts of violence or being complicit in standing by, disappearing from the scene as rioters arrive. Instances are also documented wherein the police aided the rioters in burning and killing by forcibly preventing the victims from defending themselves and their Gurdwaras against mob violence. Further, available records equally show how the police ensured that the criminal procedure and checks and balances and records were not triggered or created thus erasing the violence from police records to scuttle future investigations and prosecutions.

The role of the judiciary regarding specific cases is hard to analyze due to the limited record. It must be borne in mind that a trial court (and appellate court) is ultimately guided by the record brought before it by the investigating agency. Therefore, with the information of the crimes, role(s) of accused and the nature of policing that aided and abetted the mobs, the cases that would make it to courts would be either complete fabrications or so far removed from events on the ground to be considered close to. All this led to a domino effect which appears to have led to closure reports or weak chargesheets and finally acquittals (See **Annexure 2**).

Regarding the role of the Delhi police, as noted before, it was involved in a cover up from the outset. Yet, and as referenced by the Delhi High Court (*CBI v. Sajjan Kumar & Ors* (SC 26/2010), Delhi High Court, 17.12.2018): “extraordinary situations demand extraordinary remedies”. Within the limited range of final

judgments, most of them following re-investigations, three examples are useful to illustrate how the prosecution and courts dealt with the violence of 1984 and the challenges faced by the families struggling for justice.

First, the case of *State v. Dhanraj & Ors* (SC 32/1986) which ended in an acquittal on 17.05.1986 and is presently pending in the Delhi High Court where, as already detailed above, the court has directed for a restoration of the record. The standout feature of this case is how Sampuran Kaur and Nirpreet Kaur, respectively wife and daughter of Nirmal Singh, the victim who was killed, came to be excluded from the court process itself. As noted in the judgment, Sampuran Kaur and Nirpreet Kaur were eyewitnesses. The judgment notes the details of the statement of Sampuran Kaur (where the presence of Nirpreet Kaur is also mentioned) and all four accused are named. Therefore, on the face of it, this case should have qualified for successful prosecution. But, neither of the two women are produced in court because they were deemed “untraceable”. The first summons was issued for 14.04.1986, second summons for 28.04.1986 and the “last opportunity” was given for 16.05.1986. While noting the slackness of the process servers and that “no other address of these witnesses was supplied by the prosecution”, and some additional comments, the case was closed and the accused acquitted. The High Court is seized of this case and has observed on the lack of fair trial wherein the cited instances from the court record show that when questioned the Investigating Officer had pleaded ignorance about the veracity of Nirpreet and her mother’s address where the two summons were served. Given the shocking way in which the prosecution and the trial court perfunctorily and hastily disposed of the case, the High Court is considering whether to order a retrial under S. 401 of the Cr.P.C.. Outside of the retrial if ordered where Nirpreet and her mother may be able to testify, it bears remembering that in *CBI v. Sajjan Kumar & Ors* (SC 26/2010), Nirpreet Kaur got her day in court albeit in the trial relating to murders of Kehar Singh, Gurpreet Singh, Raghuvinder Singh, Narender Pal Singh and Kuldeep Singh in Rajnagar Palam area on 01 / 02.11.1984. In court she named not only the four accused tried – and acquitted – for the killing of her father Nirmal Singh in the same area but she went beyond and provided compelling evidence implicating other accused including Sajjan Kumar for the killings in the area. *State v. Dhanraj & Ors* (SC 32/1986) is an early example of a court that completely failed to assert itself and served the interests of a pliant prosecution and accused.

Second are the cases of 1) *State v. Shambir & Ors* (SC 34/1995) and 2) *State v. Naresh Sehrawat & Anr* (SC 125/2017). In the former, the trial court and the High Court confirmed conviction, but the Supreme Court reversed the judgment by acquitting 23 of the accused. In the latter, following re-investigation, the trial court has sentenced one of the accused to life imprisonment and awarded death penalty to the other accused.

State v. Shambir & Ors relates to unlawful assembly and rioting in Trilok Puri on 02.11.1984. 107 persons were arrested and 94 charged and faced trial. Finally, 89 were convicted by the trial court (and upheld by the Delhi High Court). Both in the trial court and the Delhi High Court the accused argued that “the present case is founded primarily on the allegations of ‘mere presence’ at the scene of the crime without any overt-act indulged in by any of the appellants being proved.” The High Court confirmed the judgment of the trial court in the following terms:

“At the cost of repetition, one may say again that the areas from which the appellants were apprehended were one of the worst affected in the riots. Almost all houses in the vicinity had been subjected to arson. The household articles of such riot-affected homes were found scattered on public roads and in lanes. A large number of motor vehicles were found abandoned on roads, and they had been set on fire. The properties which were damaged by fire included religious places, shops or hutments. Even while the local police - which included PW-5, PW-7 and PW-8 - assisted by reinforcements (later joined by paramilitary forces) were trying to bring the situation under control, the riotous mob was moving almost with impunity. The evidence has shown unmistakably that curfew and prohibitory orders had already been promulgated. After such prohibitory orders had come into force, no public person was entitled to be outside his home, not the least so as to be a part of riotous unlawful assembly. If a public person was found to be outside his home in such circumstances, onus would be on him to explain or justify the reasons for his presence at such a place.”

The above finding by the Delhi High Court followed an observation regarding the concerned SHO as follows:

“It may be that PW-7 (SHO) had come under a cloud but the allegations against him in the disciplinary action to which he appears to have been subjected to by his controlling authority related to dereliction of duty in controlling the riotous conditions and failure to take timely or effective steps in such regard including by prompt reporting to the superior authorities in the hierarchy. He was placed under suspension on the night of 2nd & 3rd

November 1984. At the time of apprehension of the appellants leading to their arrests, however, he was on duty as a public servant, there being no reason to doubt as to his presence in the vicinity of block no.32 where the apprehended accused were brought and from where they were taken to police station”.

To put it simply, the courts have convicted accused (except for the Supreme Court, which in ongoing appeals has acquitted some of the accused with further appeals pending) based on their mere presence even as the local police face questions for their role. It would appear on the face of it to be an overreach by the trial court and the Delhi High Court. Therefore, extraordinary circumstances can also have the effect of courts stretching the application of criminal law principles which must ultimately bind all prosecutions and judicial orders.

A similar concern arises in the case of *State v. Naresh Sehrawat & Anr* (SC 125/2017) when it comes to the question of death penalty. Firstly, PUDR has maintained a principled position on its opposition to the death penalty (in this case and for that matter the case of *State v. Kishori & Ors*). But, secondly, on what basis has the trial court differentiated between the two accused Naresh Sehrawat and Yashpal Singh in this case? PUDR does not have the sentencing order. As per news reports the trial court did not give the death penalty to one of the accused on medical grounds ([The Print](#), 1 April 2019). Here too it would appear that the extraordinary circumstances may have resulted in judicial overreach.

Third is the case of *CBI v Sajjan Kumar & Ors* (SC 26/2010) which relates to the rioting and murders of Kehar Singh, Gurpreet Singh, Raghuvinder Singh, Narender Pal Singh and Kuldeep Singh in Rajnagar Palam area on 01 /02.11.1984. Jagdish Kaur (wife of Kehar Singh and mother of Gurpreet Singh) was the complainant. As the chart in Annexure 2 shows, the five chargesheets emerging from FIR no 416/1984 were disposed of in 1986, including a subsequent chargesheet of 1993. The case into the killings of Jagdish Kaur’s family members was reopened in 2002, but its closure report was also filed in 2005. However, following the deposition of Jagdish Kaur and others against Sajjan Kumar before the Nanavati Inquiry Commission, the CBI took over the investigations. Importantly, not all reinvestigations have provided avenues for fair trials, especially those involving influential accused of serious crimes. In this instance, the trial court, in 2013, convicted five others for various charges of rioting and murder, but it acquitted Sajjan Kumar. Primarily the court discredited Jagdish Kaur’s testimony against Kumar on grounds of hearsay and delay, and likewise those of Jagsher Singh and Nirpreet Kaur’s too. Strangely, while upholding Jagdish Kaur’s testimony against the other five, the trial court categorically rejected her testimony against Kumar as false because it believed that she had not named him till before her deposition before the Nanavati Commission, and that too ‘evasively’.

Contrary to the trial court’s zealous approach in interpreting a delayed testimony to be false and manipulative, the High Court, in 2018, contextualized the problem of delay as an inevitable consequence given the extraordinary circumstances coupled with the intimidatory power of Sajjan Kumar. Besides upholding the testimonies of Jagsher Singh and Nirpreet Kaur, the High Court rejected the trial court’s view of Jagdish Kaur as a motivated and false witness. In addition to scrutinizing and upholding her denials regarding statements that were attributed to her (before the police in 1985, the riot cell in 1992 or for joining the investigation when summoned in 2002), the High Court reflected on the connivance of the police insofar as her complaint made on November 3, 1984 has remained untraceable as it is not recorded in the daily records of the police post. The Court also scrutinized her testimony before the Ranganath Mishra Commission where she had stated how her complaint of November 3 had gone missing and had named Kumar too. However, her written deposition did not include the name. The High Court agreed with the CBI counsel that since Kaur had signed without being acquainted with the English translation of her Punjabi deposition, the “crude, erroneous and motivated translation” distorted the original Punjabi testimony (*State Through CBI vs Sajjan Kumar & Ors*). Most importantly, the Court reaffirmed her reliability as a credible witness as she identified Kumar correctly and withstood the cross-examination.

Undoubtedly, an insightful judgment or an order raises hopes and expectations, but their occasional and sporadic nature cannot overturn the overwhelming fact that much like the Commissions and Committees, the criminal justice system too has failed in delivering justice. From the constitutional courts to the trial courts, there has been a disjointed effort where the families struggling for justice have faced a system that has not provided the structural efficiency, security or judiciousness to stand up against the passage of time and police and State complicity.

Witnesses on Trial

The costs of the structural flaws within the justice system, its inbuilt dilatory processes or its intended or unintended acts of omissions and commissions, are typically borne by those who struggle for justice, but these forty-one years have also produced an additional incontrovertible truth: that the women fighting for justice have been most punished by the justice system. Keeping aside their trauma, both Jagdish Kaur and Sampuran Kaur immediately reported to the police about the murders of family members. However, Jagdish Kaur's complaint remained untraceable, and Sampuran Kaur was served summons in her burnt down house. The consequences were massive: Sampuran Kaur was omitted from the trial and Jagdish Kaur was deemed an untruthful and unreliable witness in the trial court.

The case of Anwar Kaur, an eyewitness to Sajjan Kumar's instigation to mob violence at Sultanpuri because of which she lost her husband and her home, is even more stunning. Presumably the first complainant in the omnibus FIR 250/1984, the fact that she did not name Sajjan Kumar in it assumed a disturbing trajectory. In 1987, Kaur mentioned his name before the Jain-Banerjee Committee, and the case was subsequently recommended by the Poti-Rosha Committee. The CBI registered a case in 1990 against Kumar and five others. As has been described in PUDR's report, *1984 Carnage in Delhi*, Kumar gathered a mob to evade arrest, but what is ironic is the way in which the High Court doubled down on the CBI for harbouring apprehensions against Kumar. Rejecting the CBI's fears as "misplaced", the Court stated that Kumar had "a standing in society" and that he commanded "respect, love and affection". Not just that, the Court held Anwar Kaur as unreliable because she never made a complaint before the police or before the Ranganath Commission and it used the delay of 3 years as reasons for giving "benefit" to Kumar while confirming his "anticipatory bail" ([Sajjan Kumar Petitioner v. State](#), 7 November 1990). The trial in this case, in 1999, was riddled with contradictions: Kaur correctly identified Kumar in court and stood by her statement. However, she "seemingly retracted from her earlier statement" when she stated that she had not seen Kumar in the mob. (Naunidhi Kaur, "Acquittal of a Politician", [Frontline](#), 7 January 2003). Commenting on Kumar's acquittal in 2002, a later bench of High Court in another matter concerning Kumar, correctly opined, "the investigation never went anywhere and nothing of consequence happened in that case" (*State through CBI v. Sajjan Kumar & Ors*, Delhi High Court, 17 December 2018).

Both trial courts had deemed the women complainants as unreliable and untrustworthy. While Jagdish Kaur was fortunate in getting justice at the High Court, in 2018, where she was held as "fearless and truthful witness", the case against the 2002 acquittal was never re-opened. Anwar Kaur, a nonagenarian today, lives with the tragedy of losing her family and with the failure in standing up to her word. Not just the trauma of surviving the carnage, but the aftermath has shown how these women have had to struggle for their honour and integrity as witnesses and as survivors.

Chapter 3

THE LONG AFTERMATH: WOMEN AS VICTIMS, WITNESSES, CRUSADERS AND SURVIVORS

“In one hall where survivors of Block A-4 [Sultanpuri] were, we saw the only four traceable surviving male residents of the entire block. The rest were all widows and orphans...The large number of babies in the halls where A-4 and C-4 survivors were lodged is due to the fact that only women and babies in arms were spared...They feel they are stepping on the ashes of their husbands and men. The women wail, saying that the homes are cremation grounds where the souls of the dead hover around at night, looking for water.”

Excerpt from 'Only Widows and Children Left : A Report on the Massacre of November 1984' by a Delhi University Teachers' fact-finding team, 15 November, 1984.

The previous chapters trace the long aftermath of the anti Sikh violence in Delhi 1984 through the workings of commissions and courts and what this pursuit of justice entailed for the survivors, including women. Preceding, parallel to and following the cases are the struggles faced outside the courts, which continue to mark the present. Amidst the killings and in the immediate aftermath of the violence, with no time to mourn, searching for safety, arranging shelter, food and water for children and the elderly, succouring girls who had been raped, supporting traumatized male survivors, finding the remains of the bodies of men of their families to perform last rites, the women survivors of 1984 were victims, witnesses, survivors and so much else in between. Amidst all of this, women managed to register FIRs and complaints, and even appear before the Ranganath Commission. Not surprisingly, they were often defrauded, or too harried or frightened to check the FIRs or later their statements.

Reports from organizations and individuals who visited relief camps—the Teachers Report which documented the Rani Bagh relief camp which housed over 400 survivors from Sultanpuri, the Nagrik Ekta Manch account of Nanaksar Ashram, the PUDR-PUCL petition before the Courts—provide written records of this aftermath. But these reports were confined to the times of the killings and to the immediate aftermath. The lived realities since and today stay with the women survivors of 1984. In an attempt to fill in the in-between years, PUDR interviewed some of the survivors, Anwar Kaur, Nirpreet Kaur, Sampuran Kaur, Shammi Kaur, Pappi Kaur, Jagdish Kaur and Darshan Kaur. Several of them have spoken on public platforms, featured in documentaries and published accounts as faces of the fight for justice. Some of them have traversed the entire arc connecting the collective carnage and personal tragedies, to the struggles involved in building new lives for which most were not equipped, and to the fight for justice in which they were put on trial. The lives of these seven women represent the long aftermath in its many dimensions, standing in for lives of others which have faded away with the passage of time.

Anwar Kaur: The Long Road to Nowhere

89 year old Anwar Kaur, a resident of Sultanpuri in 1984, was the first witness against Sajjan Kumar. A Sikligarh Sikh, in 2024, she had been living in the locality of Chander Vihar in West Delhi for over 15 years. (Chander Vihar, like Tilak Vihar was a locality where Sikhs had been given houses after 1984). Bedridden and suffering from dementia, she could barely communicate the events of 1 November 1984, the day when she had gone to purchase vegetables she was chased by the police. Sensing something amiss, she quickly got back to her family, but by then the attacks in her neighbourhood had begun. The mob dragged her brother-in-law, Anant Singh and her husband, Navin Singh out of the house and killed them. The family's house was gutted and valuables looted. Her son Ranjit Singh who was 8 years old at the time narrated how Anwar Kaur, he, his two brothers and four sisters took shelter in an abandoned building in Block A Sultanpuri. They eventually shifted to a relief camp set up by volunteers from Punjab.

Anwar became a star-witness in one of the cases against Sajjan Kumar. Her name was often in the papers. She made countless trips to the courts accompanied by her daughter who was made to sit outside while she waited for her mother to come out and return home safely. Anwar had deposed that she had both seen and heard Sajjan Kumar inciting the mob. But when it came to a critical recording of her testimony, due to the process adopted

by the defence lawyers of badgering, her final testimony appeared to say that she only “heard” that Sajjan Kumar ordered the riots and did not see him. Her testimony was dismissed as “hearsay” and a section of the Sikh community regarded Anwar as having betrayed the survivors. Despite what was said of her, Anwar kept going to the courts, till at least 2006, till she had a fall and injured herself. Once seen as the key witness who could secure justice for the Sikh victims, her family lamented how virtually no one comes to enquire after her now. Anwar Kaur the survivor and crusader has been made the ‘traitor’ over these years. Her present mental state is possibly the consequence of this experience and history.

Darshan Kaur: Drama in the Courtroom

A resident of Trilokpuri, Block 32, Darshan Kaur was 19 at the time of the violence. Married at the age of 14, a mother by 16 and widowed by 19, Darshan Kaur has had to fend for herself and her three children. Her youngest child was only 15 days old at that time of the attacks. She can never forget the horrors that were thrust upon her as she had to assume the role of being the sole breadwinner along with the role of parenting three young children. Keeping her personal tragedies aside, she had to also unfailingly be present in court and before commissions. She now lives in Raghubir Nagar with her children and grandchildren.

Labana Sikhs, Darshan Kaur’s husband Ram Singh was a tailor, and he and his family members ran the business together with hired workers. The carnage claimed the lives of Ram Singh, an older brother-in-law, Gian Singh, and his family. Her mother-in-law and two sisters-in-law also lived with them at the time. On the morning of 1 November 1984, while buying groceries, Darshan Kaur noticed men congregating nearby. She could hear policemen’s exhortations against the Sikhs, urging the crowd to massacre them. That same evening, led by Rampal Saroj, a local Congress (I) leader, a mob barged into their house looking for her husband Ram Singh. By then she had seen an elderly Sikh man being assaulted by the mob. Rampal Saroj left, only to return with a larger group of assailants who broke down the door and found her husband hiding in the kitchen. They dragged him by his hair, put a quilt over him and a tire around his neck before setting him on fire. *‘I had asked him to cut his hair, instead he [Ram Singh] got angry at me and began hurling abuses.’* Darshan recalled how the mob smashed all the pots of water so that the family could not douse the fire. The mob chased Gian Singh and slashed his belly open. The women somehow dragged him into the house and tried to stop the bleeding. He soon too succumbed to his injuries.

The women of Block 32 were then brought outside by the mob, mainly from the Chilla village. Irrespective of age, women and girls were abducted, raped/gang-raped for hours before being released. Darshan Kaur’s mother-in-law applied mud on her face so that she looked disheveled and could escape the attention of the mob. Apart from the constant fear of rape that she faced, Darshan Kaur also got separated from her fifteen-day old son.

Late in the evening, an Ambassador car rolled in with Hari Krishan Lal Bhagat or H.K.L. Bhagat who got out. Darshan thought he was there to save the people who were being attacked. She still had no idea why they had been attacked. The reason became clear as he whipped up communal frenzy declaring how the Sikhs had killed their ‘mother’ and therefore not one ‘child of a sardar must be left alive’. Bhagat promised whatever was needed - chemicals, petrol or kerosene - would be provided without question. Darshan Kaur realized then, for the first time, that Indira Gandhi had been killed.

They could not even mourn the dead. She revealed how the women survivors, acutely aware of their responsibilities towards their children, had to galvanize into action. Eventually, numbering about 50-60, the women set off in search of safety. By 10 am on 2 November, the group reached Pandav Nagar P.S. where the SHO offered the tired group food - alu sabzi and roti. The policeman advised the group to leave the premises of the Police Station by nightfall as he could not offer them longer protection. Reluctantly, they left the station and reached the Pandav Nagar Gurdwara in search of safety. However, word had somehow got out of Sikhs having sheltered themselves in the Gurdwara. A mob again assembled, pelted stones with an attempt to enter the building. The women fought back from the roof hurling bricks and other construction materials and soon the mob dispersed, but not before Darshan Kaur had witnessed the Guru Granth Sahib being desecrated.

By the morning of 3 November 1984, the survivors began moving towards Damdama Sahib Gurdwara. They witnessed numerous dead bodies and severed body parts dumped into the Yamuna River by uniformed police personnel. The group came across a convoy of the armed forces who advised them to turn back and register their complaints at the Kalyanpuri Police Station. Fully aware of the role the police had essayed over the past few days, the group chose to continue their journey and eventually reached Farash Bazaar. Darshan Kaur was

reunited with her fifteen-day old son who had been lost in Trilokpuri, during the mayhem. At Swami Agnivesh's insistence, the police were compelled to provide immediate housing in the police colony. The women stayed in the colony for around 6-7 months, finally moving to Tilak Vihar in the second half of 1985, like many other widows. Darshan Kaur never found the bodies of her husband Ram Singh or brother-in-law Gian Singh, and she could not offer them a dignified farewell.

In 1994 Darshan Kaur received summons from the court at Karkardooma. She recalls being intimidated by the presence of a battery of lawyers for the defense, and the dizzying media presence. It was around 1997, that she began to be approached by Bhagat's middlemen with bribes and other allurements to renege on her testimony. She was offered Rs. 25 lakhs and a house in Rajouri Garden. She was stunned to see turbaned Sikhs as part of the Bhagat's 'outreach'. She shouted at them : *'I don't want your money, give me back, not all, but one, just one member of my family who was killed'*. A certain Atma Singh Lubana had positioned himself as the fixer, as a henchman of Bhagat. When monetary allurements did not work, Atma Singh tried to have her kidnapped in broad daylight. She fought off her attackers. This episode generated considerable outrage in Tilak Vihar, after which she was afforded police protection, which she relinquished in 2017. Darshan was also viciously attacked in Mata Sundari Gurdwara in 1999. She was ambushed and struck with sticks which inflicted injuries on the back of her head and lower back. She had to be treated at LNJP Hospital for this. Darshan believes this attack was also orchestrated by Atma Singh, acting under directions of H.K.L. Bhagat. Tired and exasperated at having to fend off constant attacks, Darshan Kaur reached out to the Akal Takht. They formally registered her complaint against Atma Singh Lubana after she threatened to march on foot to Amritsar if her pleas were not heard. Eventually Atma Singh was declared a '*tankhaiyya*' (lit. excommunicated) from the faith. He was also arrested and had to serve a 90-day prison sentence.

Around the time when she was recovering from her injuries, she had many sympathetic visitors, among whom were two young men who were later arrested in an explosives and bomb-manufacturing case. *'I hadn't the slightest idea who those boys were! They came to visit and that was that'*. An attempt was made to discredit Darshan Kaur as a complainant and credible witness in the media by linking her with them. She was also questioned by the police. She was eventually cleared of allegations of involvement in the youths' activities.

The case against Bhagat dragged on in court. The strategy of the defense was simply to confuse Darshan Kaur and secure an acquittal. On a given day, the defense lined up several 'lookalikes' with Bhagat amongst them. For a short while Darshan Kaur was confused. After recess when the court reconvened, Darshan recovered from her confusion. She pushed people aside, grabbed Bhagat's collar and attacked him with her slippers. Her attack was so fierce and unexpected that she had to be pulled away and physically restrained. But this was all the confirmation that was needed. She was escorted to the chambers of the presiding judge, Justice Dhillon, who calmed her. She was escorted out of the court premises via another exit. Darshan Kaur had recognized Bhagat correctly despite his henchmen's murderous pursuit, and despite the defense's low attempt at confusing her in court. She appealed against Bhagat's acquittal in the High Court, but by then Bhagat had been declared medically unfit to stand trial and the case was dropped. Despite acquittal, his political fortunes never recovered. Darshan Kaur said she'd heard that Bhagat's body was covered with sores, that it began rotting away, and none of his children came near him. For her, this was God's justice for his actions in 1984.

Jagdish Kaur: The fearless witness

Married at the age of 22, Jagdish Kaur was 42 at the time of the carnage. She had five children, 2 sons and 3 daughters, all between 4 and 13 years of age. Her civil engineer husband, Kehar Singh, worked as a gun-fitter in the army. The family moved to Raj Nagar in 1982-83 at the suggestion of her cousins, Raghuvinder Singh and Narender Pal Singh who were contractors with the MES and were on familiar terms with Congress (I) leaders such as Dhanraj, Balwan Khokar and Mahendar Yadav.

Upon learning of Mrs. Gandhi's assassination, on 31 October 1984, Jagdish Kaur stayed indoors except for running grocery errands with her son, Gurpreet Singh. Mobs began attacking their house from the morning of 1 November 1984. They first attacked Kehar Singh, beating him to death with sticks and rods. Gurpreet fled only to be caught by another mob on the road outside and set on fire. Her cousins Narendar Pal Singh, Raghuvinder Singh and Kuldip Singh hid in the house of a local resident throughout the day. Discovered by the mob the next morning, Narendar Pal Singh was beaten and burnt to death. She saw the mob dragging away Raghuvinder and Kuldip. She has not seen or heard of them since.

On the morning of 2 November, Jagdish Kaur went to the nearest police post to file an FIR, but the police refused to register her complaint. She saw Sajjan Kumar instigating the mobs against both Sikhs and Hindus who sheltered the Sikhs. The SHO was asking the mobs “*Kitne murge bhun diye?*”. Undeterred, she continued to pursue the police into registering her complaint. On her second trip she saw Sajjan Kumar with the SHO, and this confirmed her doubts about Kumar’s murderous role especially after she heard him exhorting the crowd, near a temple, to kill the Sikhs and the Hindus who sheltered them. Jagdish Kaur’s efforts at registering her complaint did not escape Sajjan Kumar’s attention and she started receiving threats from him. The police warned her by asking, ‘*Do you even know the people you are filing your complaint against?*’ Fearful of the consequences, she hid in a cattle-shed at her husband’s colleague’s house.

On 3 November, her FIR 416/1984 was finally registered at Delhi Cantonment Police Station. It was also the day when, with the help of some people, she finally cremated the bodies of her husband and son. She moved with her children and another cousin, Jagsher Singh, to the Air Force Gurdwara from where she had to move to Moti Bagh Gurdwara. She stayed there for over a month, before moving to Punjab. In Amritsar she initially lived in rented accommodation sponsored by the Golden Temple authorities. She received land from the Punjab government as compensation in lieu of her house. Since 1986 she has been living in the house she constructed in the suburbs of Amritsar.

Jagdish Kaur deposed before both the Mishra and the Nanavati Commissions. Initially, according to Jagdish Kaur, Sajjan Kumar’s names and those of other attackers whom she had identified were omitted from her FIR. Before the Mishra Commission, the names were deleted in the translation, from Punjabi to English. Sajjan Kumar also attempted to bribe her, offering up to Rs. 3 crores, and land in Panchkula, adjoining Chandigarh.

Jagdish Kaur was provided with armed protection because her safety was paramount. When she came to depose, Jagdish Kaur used to be lodged at a secret location to prevent Sajjan Kumar or any of his associates from reaching her. Her case was ‘high profile’ and Sajjan Kumar’s influence was considerable. Two members of the AISSF, Karnail Singh Peer Mohammad and Devender Singh Sodhi, used to accompany her for hearings. Their presence put her at ease.

Jagdish Kaur found the court hearings grueling as she had to go through every little detail of the most painful chapter of her life. Unfortunately, when the trial court at Karkardooma Court pronounced its verdict on 30 April 2013, all but Sajjan Kumar were judged guilty. The acquittal of Sajjan Kumar represented a dead end, a moment when she felt that she had lost all strength. Finally, after five long years, on 17 December 2018, the High Court convicted Sajjan Kumar based on her appeal (See Chapter 2). For Jagdish Kaur, the judgment vindicated years of untiring struggle against odds that were almost insurmountable. But she, along with the others, had prevailed.

Shammi Kaur and Pappi Kaur: From Trilokpuri to Tilak Vihar

Residents of Block 32-Trilokpuri, Shammi Kaur and her daughter Pappi Kaur were part of a family of ten at the time of the carnage—Shammi Kaur, her husband Inder Singh, their four sons and four daughters including Pappi Kaur. With a death count of over 300, Trilokpuri was amongst the worst affected colonies. Pappi Kaur lost her father Inder Singh, her elder brother Manohar Singh, her father’s younger brothers, Samundar and Jagdish Singh, her brother-in-law, Gurmukh Singh, her mother’s brother Lachchu Singh, and her mother’s brother-in-law, Gyan Singh. Pappi Kaur was 15 at the time. Along with her mother, Pappi recounted the experiences of the colony to the PUDR team.

The mobs first attacked the neighbourhood on 1 November, 1984. Initially, there was some local resistance by the Sikhs, especially by the Sikligar Sikhs – the traditional ironsmiths whose tools could be improvised as weapons. Some of the families even possessed single-shot firearms. Not having expected such resistance, the mobs quickly dispersed. However, around 10 am, the police entered the colony along with prominent leaders and assured them protection against further attacks. Once the residents handed over their weapons to the police, the mobs then reappeared. The mob dragged young turbaned Sikhs out of their homes and set them on fire after assaulting them. Pappi Kaur recalled there were three different mobs; the first was engaged in looting after assaulting the men; a second group burnt alive the young Sikh men, and the third group carried off the women to nearby Chilla village, gang-raped and then released them. She recalled how the murderous mob raped an elderly woman in front of her son, after killing and burning her other son. Her mother, Shammi Kaur narrated how Hariya, a headman of the nearby Chilla Village organized mobs to attack Trilokpuri on both 1 and 2 November, and how the mob carried off women off to Chilla, gang-raped and then released them.

Pappi Kaur's family sought shelter in the houses of Hindu neighbours but were rebuffed. With her mother and siblings, Pappi Kaur had to spend the nights of 1 and 2 November on the streets. Finally, on 3 November, Pappi Kaur moved to Farash Bazaar relief camp with her mother. Shammi Kaur said that the police, including those at the Farash Bazaar Camp, dissuaded the women and their families from filing cases of sexual violence even when they wished to, on the grounds that such complaints would adversely affect their daughters' and sisters' chances of marriage.

Unlike many others, Pappi's family returned to their charred home in Trilokpuri, where they stayed for a few months before moving to their present address in Tilak Vihar in early 1985. Pappi's father had been the earning member of the family. With no earning members left and lacking in skills, livelihood was a problem. Soon Shammi Kaur started working as a house help for Sikh families in Tilak Nagar and Pappi would accompany her. Pappi and her siblings had to drop out of school. In 1987, Shammi Kaur was given a peon's job in a government school at Rs. 700 per month. She worked in the school for 19 years. At the time of retirement in 2006, she was drawing Rs 7,000 p/m. When PUDR spoke to her in 2024, she was drawing a monthly pension of Rs.14,000. Today, Pappi makes a living as a vegetable seller, and she sells vegetables from a cart by the side of the main road in the locality. Shammi Kaur laments her inability to educate her children. Pappi Kaur condemned the larger Sikh community's lack of vision and empathy. The children were initially enrolled in schools which were under the DSGMC. Gradually the difference between the children affected by the carnage and those relatively unscathed turned out to be too great with the former being subjected to taunts, humiliation and bullying. With little help from the leaders of the community, the children eventually dropped out and virtually faded into oblivion.

Nirpreet Kaur: Personal Tragedy and Collective Victory

Nirpreet Kaur was living in Raj Nagar in the Delhi Cantonment area with her parents Sampuran Kaur and Nirmal Singh and two brothers, at the time of the carnage. On 1 November, 16 year old Nirpreet saw her father Nirmal Singh being set ablaze and their house looted and burnt down. Nirmal Singh had worked as a non-commissioned officer in the army, in the hotel industry and had undertaken various financial ventures. His prosperity earned him a significant position in the community. Sajjan Kumar the MP for Outer Delhi and other local leaders had acquainted themselves with Nirmal Singh because of his wealth and status. Heavily invested in developing Raj Nagar, he had just bought a 200 yard plot for constructing a Gurdwara when he was killed. *'In hindsight, it was our prosperity that really built resentment in their minds'*.

In the wake of her father's killing the family relocated for a short while to Moti Bagh and then to Anand Niketan. As witnesses and victims the family was targeted by Sajjan Kumar's goons and even the police. Eventually, she, her mother, Sampuran Kaur, and brothers, Nirpal Singh and Nirmolak Singh moved to Punjab. Nirpreet had wanted to stay in Delhi to continue her studies in Venkateshwara College but could not. Enrolled in Khalsa College, Jalandhar, Nirpreet became a member of the All-India Sikh Student Federation (AISSF) and briefly joined the Khalistan movement, with a view to avenge the killers of 1984. Nirpreet was imprisoned under TADA (Terrorist and Disruptive Activities (Prevention) Act, as was her mother Sampuran Kaur for her association with Nirpreet. She had got married earlier and her first husband was killed by the police, and her second marriage after getting out of jail, ended in a separation. Nirpreet then joined her mother in Delhi and started living in Chaukhandi near Chand Nagar, close to Tilak Vihar. Seeing the destitution of the survivors first hand, she began supporting the families in Tilak Vihar, however she could.

In 1986 Sampuran Kaur's case relating to the murder of Nirmal Singh, her husband and Nirpreet's father had been tried at the New Delhi Sessions Court and all the accused acquitted. Nirpreet for the past two-and-a-half decades has been solely focused on ensuring that Sajjan Kumar is pronounced guilty. In 2010 the CBI filed two chargesheets against Sajjan Kumar. Nirpreet was a key witness in Jagdish Kaur's case against Sajjan Kumar for the murder of five members of her family in Raj Nagar. In 2013 the trial court again acquitted Sajjan Kumar while convicting four others. On appeal Sajjan Kumar was convicted by the HC in 2018 in the murder of Jagdish Kaur's husband and son and Nirpreet's relentless efforts were successful. But justice for her own father Nirmal

Singh's murder remains hanging. In 2017, the High Court issued a show cause notice why a retrial should not be ordered in the case of killings in Raj Nagar, including that of Nirmal Singh, which has not moved forward.

Nirpreet has ploughed the resources from a garment business she set up into the legal battles. While Nirpreet and her acumen could very well have earned some fortune back; by her own admission, she was never keen on reinstating the family's position as she was and is, in securing justice for her murdered father. In 1986, Nirpreet had already emerged as a voice of 1984 with the Weekend Television of London contacting her for an interview in December 1984, just before the general elections. They wanted to film the house in Raj Nagar. but the television crew and Nirpreet were attacked by Sajjan Kumar's men. Speaking to PUDR, she continues to still be a prominent voice even 41 years later, using every available space to draw attention to betrayals in the forty-one years driven by vested interests and shifting political alliances.

Support and solidarity

The sentiment of most women (and residents) of Tilak Vihar can be captured by what Pappi Kaur told the PUDR team, *'Even if one of the culprits is punished by a court of law, that would be enough for us'*. In Tilak Vihar there is a sense that the mother-daughter duo of Shammi and Pappi Kaur do not have any individual stakes, as their cases have fallen apart but continue to visit the courts as show of support and remind those outside of Tilak Vihar: We are here, we will not allow you to forget. Shammi Kaur herself, has played an active role, as mentioned, in naming the village headman of Chilla village who led the mobs that abducted and raped women, and another Maharaj alias Rishi who she identified as having killed her brother-in-law, Samundar Singh. Similarly Nirpreet and Sampuran represent women who even while their own case had fallen through have stood by and fought for justice in Jagdish Kaur's case and feel vindicated by her victory. While this support for each other and a common commitment to justice remains rock-solid, life circumstances of the women survivors are diverse and affect their ability to fight their own cases. Thus while Nirpreet can continue to fight having built a business for herself, in contrast life has been very hard for Shammi and Pappi Kaur stuck in the limbo of Tilak Vihar. The struggle for justice in 1984, of speaking out and fighting the good fight too exists within a silent caste-class dynamic.

Good Mother/ Bad Mother

Another aspect of the aftermath that deserves more attention is the burden of child-care in the aftermath. We interviewed three men Santok Singh, Charanjeet Singh and Mahender Singh, members of what has popularly come to be known as the 'lost generation' because of the devastating impact of the anti-Sikh violence on their lives (See Annexure 4). Santok Singh son of Amarjeet Kaur was 2 years 6 months old, Charanjeet was 1 year 5 months, and Mahender 2 months old at the time of the carnage. Obviously they have little to no memory of the carnage but are living proof of the long term consequences of the events of 31 October to 3 November 1984. In each case the responsibility of taking care of the children and the families fell on their mothers even though in both Mahendar and Charanjeet's cases their fathers survived. Mahendar's father Lachhman Singh lost his mental balance and Charanjeet's father Bachchu Singh took to drugs, abandoned his family and took to the streets. His mother and siblings had to shift to his grandparents' house as Bachchu Singh sold the house he had got as compensation. Santok, Charanjeet and Mahender all dropped out of school. Santok Singh attributed his dropping out of school and falling into bad company because of his mother's absence from home for long periods when she was at work. Mahender Singh told us that he dropped out of school to take care of his younger brother as their mother was not at home. In each instance the mothers had to get jobs to support their children and families, yet this meant they could not be at home to take care of the children's emotional needs, for which the second generation and the women hold themselves responsible. Shammi Kaur's biggest lament is that she could not educate her children. The significance and implications - of an Amarjeet giving birth to a son, in a camp, or a Bachchu Singh selling his family's house leaving his wife, a mother and her young children, with no shelter, has to be grasped to understand the struggles of the women survivors. In addition, Charanjeet and Mahender's mothers had to attend to their husband's mental health. These are the silent and largely unacknowledged burdens of the long aftermath of 1984.

CONCLUSION

The cutting short of the slogan “Justice Delayed is Justice Denied” to “Justice Denied” that greets people at the entrance of Tilak Vihar Gurdwara, also known as Gurdwara *Shaheedan* (Martyrs), is symptomatic of the pain, angst, and betrayal suffered by the residents in seeking justice for the murders of their loved ones almost 41 years ago. The Gurdwara also houses a museum in the memory of all those killed in the Delhi carnage from the resettlement colonies in Trilokpuri, Kalyanpuri, Sultanpuri, Mangolpuri, Palam and other places. Between 1-3 November, each year, prayers for the murdered along with commemoration of the carnage mark the three days.

The failure of the various Committees and Commissions and the criminal justice system in dealing with the “crimes against humanity” and organized mass crimes abetted and also perpetrated by the state and political leaders thus far seems starkly apparent to observers. Yet for many of the victims and survivors who have been carrying the weight of 1984 everyday for more than 41 years, the quest for justice has changed shape but remains essential and present, and it has shaped their lives, rights and existence decisively.

In all these years, a combination of factors have worked to influence the survivors’ quest for justice. While in some cases, for instance, caste-class-regional dynamics have played a critical role in their ability to pursue court cases and continue the active pursuit of justice, there were others who could only draw solace from being the driving force, in keeping the quest for justice alive – despite having their own individual case dismissed in court decades ago. There were those who became key witnesses whose identity, history and being, came to be closely associated with the carnage, but who could never find the bodies of their own family members or give them a proper funeral. In all, one can see the consequences of the cumulative miscarriages of justice play out in terms of how life has eventually unfolded the past four decades for survivors. The systemic nature of the protection given to powerful perpetrators of the violence, the deliberately botched up FIRs and intentional failure to collect evidence against the accused, the failure to prosecute the guilty, the deliberate delays set up systemically, and the Courts dismissing cases of victims on account of ‘delays’ or ‘lack of evidence’ - all neatly recorded in official documents amount to grave violations of the rights of the victims/survivors. These processes - the nitty gritty of what constitutes ‘the quest for justice’ also has to be understood in terms of what it has meant for the human beings against whom the crimes were committed. It becomes important then, after four decades and more, to grapple with the question of whether only those acts of brutal violence committed between 31 October and 10 November 1984 were the ‘crimes’ committed against them, or whether the continuous denial of justice could also be considered a ‘crime’?

The impact of the carnage can be gauged through how families have spiraled deeper into a web of poverty and precarity. The question of justice therefore varies across generations: while for the direct victims, it has come to be ironically identified with the abuse of the legal justice system; for their children, the ‘lost generation’ who have carried the psychological, material and sociological burdens of the carnage, and make up the “second generation”, securing access to secure and dignified work has been the largest challenge. For the teenagers and adolescents today, the “third generation”, ensuring access to quality education along with a clear path towards upward socio-economic mobility remains the largest priority. Justice, if it is to be served, then must be attuned to such nuances while striving to enable the people to secure it.

It is important also to address the relative silence in the quest for justice, by survivors and also by the community, and civil society groups and lawyers fighting for the rights of survivors, on the question of sexual violence that was part of the violence. It’s a question worth considering how and why the speech around sexual violence changes in the continuing aftermaths of mob violence. Why is it that the first account is often the briefest? Bearing witness to either other women’s experience of sexual violence or their own, exists within a structure where the pre-carnage gender ideologies fall back into place after the pause of the extraordinary days of violence. Victims/survivors voluntarily speak of those harrowing experiences of being ‘doubly-silenced’; viz. carrying the trauma of their family ravaged and living with experiences of having witnessed women being carried off

'like animals'. Women survivors spoke of how women were dissuaded from speaking out, playing on anxieties of chastity and marriage. The report of the Delhi University teachers' fact-finding team which visited Rani Bagh, records that survivors named four girls as having been abducted and raped, spoke of other being too traumatised to speak to the team, while one girl fainted before them. No names are mentioned in the team's report. Raking up painful details, pressing for names, their own and the perpetrators, the very real threats to their safety and victims'/survivors' choices and contexts surely shaped their decision. Would those girls, now women, wish to come forward today? We don't know. What is undeniably true is that several women gave testimony before the Commissions but went unheard. Forty-one years later it's a case in-built into women's accounts of the violence of 1984 that live on, outside Commissions and Courts which failed them.

ANNEXURES

Annexure 1

In the Name of Truth and Justice: Or how rights are sacrificed in search of ‘facts’**

Interventions by the State into the anti-Sikh violence in 1984

Number	Name of Commission/Committee	Time Frame	Terms of Reference	Remarks
1	Marwah Committee**	Nov 1984- May 1985	Role of Police	Wrapped up by Central Govt when close to completion. Files handed to Ranganath Misra Commission of Inquiry.
2	Ranganath Misra Commission	April 1985- Aug 1986	Whether violence was organized or not	Examined 2905 affidavits and 403 FIRs on the violence in Delhi. “The Commission held that the riots in Delhi were spontaneous in their origin”, PUDR-PUCL, <i>Justice Denied</i> , (1987, p 13). Recommended setting up 3 committees
3	Dhillon Committee	Nov 1985- May 1986	Rehabilitation measures	Partial acceptance of measures suggested were accepted, especially claims related to 2427 deaths, 2403 injuries and 3537 cases of damage to houses; 7000 other claims were rejected. (PUDR: <i>1984 Carnage</i> , p 6).

Number	Name of Commission/Committee	Time Frame	Terms of Reference	Remarks
4	Kapoor-Mittal Committee as recommended by Misra Commission	Feb 1987- Feb 1990	Role of police	Two differing reports. The Mittal report recommended action against 72 policemen based on Marwah documents, which the govt. accepted. No inquiries happened against 16 as 13 retired and 3 expired before inquiries were initiated. Of the 56 remaining, 13 were exonerated (including quashing of inquiry in 1); in 1 case pension was reduced; and 3 remained pending. Of the 39 non-gazetted officials: 32 were exonerated and 2 were censured, 1 was warned. Inquiry in 4 cases pending, as of 2005 (Nanavati Com. Report. Vol. I, p.4)
5	R.K Ahuja Committee As recommended by Misra Commission	Feb 1987- June 1988	Total number of deaths	Ascertained the official figure of 2733 deaths
6	Jain-Banerjee Committee As recommended by Misra Commission	Feb 1987- Oct 1989	Registration & Prosecution of cases	Restrained by HC in Nov 1987 from recommending registration of fresh cases and the committee was quashed by HC in 1989. (See PUDR, <i>Murder of a Corpse</i>, 1989).

Number	Name of Commission/Committee	Time Frame	Terms of Reference	Remarks
7	Poti-Rosha Committee	March-Sept 1990	Registration and prosecution of new cases	Examined over 1000 affidavits. Recommended prosecution in 30 cases including Sajjan Kumar's. CBI sought arrest but was prevented by mob while Delhi police sought assurance from them against arrest. Kumar got anticipatory bail in the interval. Given government interference, both Poti and Rosha resigned. (PUDR, 1984 <i>Carnage in Delhi</i> , p 11).
8	Jain-Agrawal Committee	Nov 1990-June 1993	Registration and prosecution of new cases (403 FIRs and 415 fresh affidavits examined)	Recommended action against 90 officials, in addition to the 72 named by the Mittal Committee. 147 of the total of 162 were policemen. Report submitted to Lt Gov. Statement of IK Gujral in Rajya Sabha, Aug 16, 1993 : "the Jain-Agarwal Committee Report is now with the Lt. Governor. It is suspected that once again no action will be taken on this. It is suspected that all the persons whom the Committee has named will again go scot-free".
9	Narula Committee Delhi state advisory committee	Dec 1993-1994	Registration and Prosecution of cases	Recommended registration of cases against Sajjan Kumar and HKL Bhagat.

Number	Name of Commission/Committee	Time Frame	Terms of Reference	Remarks
10	Nanavati Commission	May 2000-Aug 2005	To ascertain the causes, sequence, lapses etc and examine affidavits and complaints	Examined 2557 affidavits and 197 witnesses. Report mentioned out of 587 FIRs, 11 were quashed, 241 remained 'untraced', 225 resulted in conviction; 253 resulted in acquittal and 42 were pending trial. "Whatever acts were done, were done by the local Congress(I) leaders and workers, and they appear to have done so for their personal political reasons" (Nanavati Commission Report, Vol I, p 182).
11	KP Singh Committee As recommended by Nanavati Commission.	2005	Adequate and uniform compensation	Report submitted in Oct 2005. Raised compensation for death to 7 lakhs
12	DK Sankaran Committee As recommended by Nanavati Commission.	October 2005	Relief and Rehabilitation	Report submitted in Oct 2005.
13	GP Mathur Committee Central Govt appointed	Dec 2014-Dec 2015	Constitution of SIT. Compensation and assistance to survivors.	Recommendation of SIT; reiteration of Singh and Shankaran Committees' compensation and relief measures; direction for new compensation announced in 2014

Number	Name of Commission/Committee	Time Frame	Terms of Reference	Remarks
14	Central Govt SIT: Asthana Committee As recommended by Mathur Committee.	Feb 2015-March 2017	Reinvestigate and prosecute a total of 293 serious criminal cases which had been closed	SIT recommended closure of 199 cases in which no trials were happening. Independently, 42 other cases were also closed by August 2017. SIT findings were challenged in court by petitioner, an ex-member of Delhi Sikh Gurdwara Management Committee.
15	SC mandated two-member SIT: Dhingra Committee	Jan 2018-Jan 2020	To probe 186 of 199 cases closed by previous SIT. .	The report slammed the police's deliberate failure in doing proper investigation. It also criticized the trial courts for not following due process in many cases because of which acquittal happened. However, barring limited appeals, reinvestigations could not be ordered for reasons of delay and lack of evidence/material by the police.

**Just before the appointment of the Marwah Committee in November 1984, the Commissioner of Police ordered a police inquiry into incidents at Mangolpuri. This Committee was abandoned after the city-level Marwah Committee was instituted. The Central Government also appointed the RC Srivastava Committee to inquire into police mechanisms “so as to strengthen it to prevent future such disturbances”. In its report submitted in June 1985, it recommended additional police sub-divisions and police stations, for which the Government immediately allocated Rs 310 million (PUDR, 1984 *Carnage in Delhi*, p.6).

Annexure 2

A few Cases and updates**

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appel)
1	CBI v. Sajjan Kumar & Ors (SC 26/2010)	Sajjan Kumar (A1), Balwan Khokar (A2), Mahender Yadav (A3), Capt Bhagmal (Retd., A4), Girdhari Lal (A5), Krishan Khokar (A6) Expired accused not proceeded against: Maha Singh, Santosh Rani, Ishwar Chand Gaur, Dharamveer Singh Solanki, Balidan Singh and Rajkumar	FIR 416/1984 PS Delhi Cantt dt. 04.11.1984 (Above FIR directed to be reinvestigated by Ministry of Home Affairs order dated 24.10.2005 and CBI filed fresh FIR RC-24(S)/2005-SCU I/SCR I dated 02.11.2008) Complainant: Jagdish Kaur, wife of Kehar Singh and mother of Gurpreet Singh (Complaint dated 13.11.1984)	Unlawful assembly, rioting and murders of Kehar Singh, Gurpreet Singh, Raghuvinder Singh, Narender Pal Singh and Kuldeep Singh in Rajnagar Palam area on 01 / 02.11.1984	Trial Court (30.04.2013): A1 acquitted; A2, A4 and A5 convicted for rioting and murder (Life imprisonment); A2, A3, A4, A5, A6 convicted for rioting (Three years imprisonment) High Court (17.12.2018): A1 convicted for murder, mischief by fire/explosive substance, promoting enmity, destruction of place of worship (Life imprisonment); A2-A6 – trial judgment affirmed and further convicted for mischief by fire/explosive substance, promoting enmity, destruction of place of worship (Ten years imprisonment) Supreme Court: Pending
2	State v. Balwan Khokar (SC 10/1986)	Balwan Khokar	FIR 416/194 PS Delhi Cantt dt. 04.11.1984	Murder of Avtar Singh	Trial Court (15.07.1986): Acquittal High Court: Pending

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appel)
			Complainant: Baljit Kaur daughter of Avtar Singh		
3	State v. Dhanraj & Ors (SC 11/1986)	Dhanraj (A1), Ved Prakash (A2), Shiv Charan (A3), Ramji Lal Sharma (A4)	FIR 416/194 PS Delhi Cantt dt. 04.11.1984 Complainant: Swaran Kaur	Murder of Harbhajan Singh	Trial Court (28.05.1986): Acquittal
4	State v. Vidyanand & Ors (SC 31/1986)	Vidyanand (A1), Balwan Khokar (A2), Mahender Yadav (A3)	FIR 416/194 PS Delhi Cantt dt. 04.11.1984 Complainant: Jagir Kaur	Murder of Joga Singh	Trial Court (29.04.1986): Acquittal High Court: Pending
5	State v. Dhanraj & Ors (SC 32/1986)	Dhanraj (A1), Mahender Singh (A2), Balwan Khokar (A3), Mahender Yadav (A4)	FIR 416/194 PS Delhi Cantt dt. 04.11.1984 Complainant: Sampuran Kaur	Unlawful assembly, rioting, Murder of Nirmal Singh	Trial Court (17.05.1986): Acquittal High Court: Pending
6	State v. Mahender Singh & Ors (SC 33/1986)	Mahender Singh (A1), Ram Kumar (A2)	FIR 416/194 PS Delhi Cantt dt. 04.11.1984 Complainant: Baljit Kaur	Murder of Avtar Singh	Trial Court (04.10.1986): Acquittal
7.	CBI v. Sajjan Kumar & Ors (SC 01/2021)	Sajjan Kumar (A1), Ved Prakash (A2), Peeru (A3, Expired),	FIR 250/1984 PS Sultanpuri dt. 01.11.1984 (Complainant: Unknown person by telephone of setting of fire to Gurdwara, Budh		

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appel)
		Khushal Singh (A4, Expired), Brahmanan d Gupta (A5)	Vihar and burning and lotting of houses of Sikh community). Four chargesheets filed against 25 accused “covering the death of 60 persons”. First chargesheet: Trial Court, Acquittal (23.12.2002) Second chargesheet: Trial Court, Acquittal (30.09.1993) Third chargesheet: Trial Court, Conviction (30.03.1991) (It appears that this conviction was set aside in the High Court) Fourth chargesheet: Trial Court, Acquittal (24.04.1997) FIR 347/1991 PS Sultanpuri dt. 13.12.1991 (Complainant: Joginder Singh affidavit before ML Jain / AK Bannerjee Committee regarding instigation by A1 and murder of his brother Surjeet Singh). Police filed closure report and accepted by court on 28.02.2004. FIR 307/1994 PS Sultanpuri dt.14.06.1994 (Complainant: Anek Kaur affidavit before Justice Ranganath Misra Commission of Inquiry regarding mob led by Ratan		

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appeal)
			surrounding houses of Sikh community and AI and Congress leader Jai Kishan threatening Sikhs). Police filed closure report and accepted by court on 15.01.1999. Above FIR directed to be reinvestigated by Ministry of Home Affairs order dated 24.10.2005 and CBI filed FIR RC7(S)/2005/CBI/SCB II, RC8S/2005/CBI/SCBII, RC25(S)/2005/CBI/SC R-I Note: An affidavit of Anwar Kaur before ML Jain / AK Bannerjee Committee resulted in a separate CBI case for killing of her husband Nevin Singh which ended in an acquittal on 23.12 2002 against Sajjan Kumar, Brahmanand Gupta, Perea Ram, Mahinder Singh Yadav and eight more accused. Appeal was filed before the High Court.		
8.	State v. Shambir & Ors (SC 34/1995)	Shambir & 93 other accused	FIR 426/1984 PS Kalyan Puri Complainant: Wireless message received from police control room	Unlawful assembly, rioting in Trilok Puri on 02.11.1984	Trial Court (27.08.1996): 89 accused convicted (Five years) High Court (28.11.2018): Appeals dismissed and convictions upheld

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appeal)
					Supreme Court: 15 accused acquitted (Review petition pending), Appeals of 57 accused/convicts pending ^[1]
9.	State v. Om Prakash & Ors (SC 65/1995)	Om Prakash (A1), Vedi (A2), Karamat (A3) (Expired)	FIR 426/1984 PS Kalyan Puri Complainant: Vidya Wati	Unlawful assembly, rioting and murder of Thakur Singh in Trilok Puri on 02.11.1984	Trial Court (13.11.1996): Conviction (Life imprisonment) High Court (07.12.2009): Appeals on murder conviction dismissed and convictions upheld
10	State v. Kishori & Ors.	Kishori (A1), Ram Pal Saroj (A2), Shabnam (A3), Budh Prakash Kashyap (A4), Abbas (A5)	FIR 426/1984 PS Kalyan Puri Complainant: Mansa Singh	Unlawful assembly, rioting and murder of Darshan Singh, Amar Singh, Nirmal Singh and Kirpal Singh in Trilok Puri on 02.11.1984	Trial Court: A1, A4 and A5 convicted (Death sentence) High Court (16.10.1998): A1 death sentence confirmed, A4, A5 appeal allowed and conviction/sentence set aside Supreme Court: A1 death sentence commuted to life imprisonment

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appel)
11.	State v. Mangal Sain	Mangal Sain (A1), Bhagat Singh (A2), Brij Mohan Verma (A3)	FIR 489/1984 PS Sarai Rohilla dt. 01.11.1984 Complainant: Azayab Singh This FIR resulted in chargesheet and then acquittal on 29.03.1993. Affidavits of Joginder Singh, Jagmohan Singh and Gurinder Singh filed before Justice Ranganath Misra Commission of Inquiry and Committee and case was further investigated by the Special Riots Cell	Unlawful assembly, rioting and attack and attempt to murder Jagmohan Singh and Gurinder Singh on 01.11.1984 at Shastri Nagar	Trial Court (22.08.2009): Conviction (Life imprisonment) High Court (21.05.2010): Acquittal
12.	State v. Sajjan Kumar (SC 03/2021)	Sajjan Kumar (A1)	FIR 458/1991 PS Saraswati Vihar (Re-investigated by The Office of SIT (1984 riots) constituted by Ministry of Home Affairs order dated 12.02.2015) Complainant: X (Wife of S.Jaswant Singh protected under the Witness Protection Scheme 2018) based on her affidavit before Justice Ranganath Misra Commission of Inquiry and on the recommendation of Justice J.D Jain D.K Aggarwal Committee	Unlawful assembly, rioting and murder of S.Jaswant Singh and his son S.Tarundeep Singh of Raj Nagar on	Trial Court (12.02.2025): A1 convicted for unlawful assembly, rioting and murder (Life imprisonment) High Court: Pending

S.No	Case title	Accused	Case details	Allegation	Case status (Judgment/Sentence/Appel)
13.	State v. Naresh Sehrawat & Anr (SC 125/2017)	Naresh Sehrawat (A1), Yashpal Singh (A2)	FIR 141/1993 PS Vasant Kunj (North) dt. 29.04.1993 (Closure report filed and accepted by the Magistrate on 09.02.1994. Re-investigated by The Office of SIT (1984 riots) constituted by Ministry of Home Affairs order dated 12.02.2015) Complainant: Santokh Singh (Asst. Granthi, Gurdwara, Sadar Bazaar) based on his affidavit dated 09.09.1985 before Justice Ranganath Misra Commission of Inquiry and on the recommendation of Justice J.D Jain D.K Aggarwal Committee (Incident was also investigated in FIR 406/1984 PS Mehrauli dt. 01.11.1984 and accused Jaipal Singh was acquitted by order dated 20.12.1986)	Unlawful assembly, rioting and murder of Hardev Singh and Avtar Singh and injury to Surjeet Singh, Sangat Singh and Kuldeep Singh in Mahipalpur and damage to Gurdwara on 01.11.1984	Trial Court (14.11.2018): A1 and A2 convicted (A1: Life imprisonment and A2: Death sentence) High Court: Pending

**The chart profiles 13 individual cases which offer information on police investigations, court proceedings and re-opening of cases following the Nanavati Commission Inquiry Report and recent SITs. The information has been sourced from 1) copies of judgments with updates from news reports 2) other cases and their summary referred to in court judgments. While this is a small pool of cases to consider, PUDR was unable to access the 267 closure reports filed or the 51 discharge orders. Most of the 323 acquittal judgments are not available (for example, the acquittals of 1996 noted in the chart below are not available). For comprehensibility, cases referred to only in news reports or reports of the Commission of Inquiries have not been included. Also, the judgments cited are the final ones, as PUDR did not have access to the entire trial court record i.e. witness depositions in court, chargesheet and all annexed documents/statements. The chart begins with FIR 416/1984, the omnibus FIR whose original complainant was Baljit Kaur d/o Avtar Singh. As noted in court records including the Delhi High Court judgment (*State through CBI v. Sajjan Kumar & Ors*, Delhi High Court, 17 December 2018), further complaints - “15/20” – were clubbed together in this original FIR. The subsequent entries in the chart proceed to list cases in order of when the FIR was filed.

Annexure 3

Erased from Memory: Rapes, and Intimidation and Mental Health Impact

PUDR-PUCL's "*Who Are the Guilty*" had noted how instances of rapes were specifically inserted in the general pattern of murder and mayhem in resettlement colonies, such as in the trans-Jamuna area and in Mangolpuri in the west. The report noted the "continuous spree of arson, rape and murders" in Trilokpuri and referred to in places - e.g. on p. 18 it noted that "a pregnant woman was stabbed by the rioters and some women are reported to have been raped. A graphic account is available with certain members of our team that visited the relief camp at Shakarpur (Rani Bagh)". It also included the information that "Enquiries conducted by a senior police official also revealed that at least four women, their ages ranging from 14 to 50 were gang raped. Later seven cases of rape from Trilokpuri were officially reported by the J. P. Narayan Hospital, Delhi (p 22)." A study a set of affidavits that accompanied the filing of a Special Leave Petition by PUDR-PUCL (seeking the appointment of a Commission of Inquiry - and when that was dismissed, a petition against the dismissal of the original petition) reveals that the matter of sexual violence against women and young girls surfaced episodically. These affidavits, some handwritten and others formally framed as documents, reference instances of sexual violence. They are signed by women and list the names of survivors or allude to infamous incidents, accounts of which were circulating in the areas of Kalyanpuri and Trilokpuri. These areas were known for sexual violence against girls, where groups of young women and girls fleeing from marauding mobs were "captured," taken to Chilla village, raped, and then left to return to the other women, sometimes without their clothes. The accounts of Darshan Kaur, Shammi and Pappi Kaur variously refer to threats of rape, widespread abduction and gang rape, and cases naming individual rape victims. A more detailed contemporary account of sexual violence in 1984 from women survivors of Trilokpuri was gathered in "Gangster Rule: Massacre of Sikhs in 1984" (*Manushi*, December 1984). Hence, it is clear that fact-finding teams had come across several instances of rapes and gang-rapes and victims/survivors knew, and spoke about them.

The question is what did the two Commissions do?

The Ranganath Mishra Commission recorded the testimony of abc* Kaur of Sultanpuri, a resettlement colony adjoining Mangolpuri of what happened on 1 November. "After some time the mob arrived, broke open our door and came inside. They caught hold of my daughter fgh* Kaur forcibly, and started tearing her clothes. In her self-defence my daughter also tore their clothes and also hit them. They tried to criminally assault my daughter. My husband begged them to let her go. The mob said that they would kill him "Koyi bhi Sikh ka bacha nahin bachega" (No Sikh son would be spared). They broke the hands and feet of my daughter and kidnapped her". She identified Brahmanand Gupta and his brother Hari Om as members of the mob. (*Report of Justice Ranganath Mishra Commission of Inquiry, Vol. 1*, p 30). Also, mno* Kaur, resident of Mangolpuri stated, "On 3rd November, at 4 O'clock in the morning my husband was killed before my eyes... After that his body was thrown on a handcart and my brother Bhajan Singh was ordered to push that." She narrates how her father-in-law and uncle were forcibly taken away and burnt alive by Ram Niwas Khatti, a milk vendor and resident of the area. "Afterwards Ram Niwas and his companions tried to rape me (p 31).

Importantly, abc* Kaur of Sultanpuri narrated the same sequence of events before Justice Nanavati and how her husband was killed and her daughter, fgh* Kaur, was forcibly taken away by the mob led by Gupta and his brother (*Justice Nanavati Commission of Inquiry: 1984 Anti-Sikh Riots*, Vol 1, p 112). The Commission

recorded another instance from jkl* Kaur, a resident of Sultanpuri whose house was set on fire and her husband was hit by a bullet fired by Station House Officer Bhatia." She stated that her "sons were also hit by shots fired by the crowd." The Commission noted that "jkl* Kaur has stated that when she tried to go near her sons Nathu Pradhan, Brahmanand Gupta and Rajesh stripped her and committed rape" (p 111). The Commission noted yet another instance of rape from Mangolpuri when Tara Rani, a resident of Q block, stated Ms. pqr* Kaur was raped by one Shanti Sawrup (106). Also, tuv* Kaur, a resident of Block 32 Trilokpuri, a trans-Yamuna resettlement colony, stated that "Abbas Chappalwala a resident of Block 32, forcibly took away some young women to the jhuggis where they were raped" (p 88). Sadhora Singh, a Congress (I) member gave the same information in his affidavit.

The testimony of tnd* Kaur of Mangolpuri D Block is equally disturbing. She stated that her husband and two sons were beaten and burnt alive. The mob was led by Sajjan Kumar. On witnessing this, her daughter turned “insane”. When she went to the police station to record her statement, “the police did not record it. On the contrary they gave her a prepared statement which only referred to the loss suffered by her” (109). The Commission noted a similar instance of criminal intimidation by Smt Daropati who went to the Mangolpuri PS to lodge a complaint about how her house was attacked and her father-in-law was burnt alive. The police threatened her: “the police officials told her to get out of the Police Station and even threatened her that she would otherwise be killed.” In another instance from the same colony, mno* Kaur, resident of Y Block stated that “Ram Niwas Khatri, a resident of Y-Block and his companion tried to rape her.” (p 110).

Why did neither Commission recommend action in instances of rape testified by survivors? The Ranganath Mishra Commission noted that while there were “some allegations of molestation of young ladies”, but that “no evidence of dependable nature could be obtained” (Vol. 1, 33). But how did the Commission conclude the lack of evidence when it averred that its “Investigating Agency did not pursue this matter”? What about Prem Kaur stating that “Nathu Pradhan, Brahmanand Gupta and Rajesh stripped her and committed rape”? What about Abbas Chappalwala forcibly taking away “some young women” to the jhuggis and raping them? What about Tara Rani’s witness account of how cde* Kaur was raped by Shanti Swaroop? What about Amrit Kaur’s account of sexual harassment? Why did the Ranganath Mishra Commission describe abc* Kaur’s account of her daughter’s kidnapping as “one more instance of killing pathetically described”? Why did it conclude that these were not sufficient instances of evidence? How prepared was the Commission in addressing the question of sexual violence?

Why is it that the Nanavati Commission did not address the issue of her daughter’s kidnap which abc* Kaur testified to? Despite the passage of time, abc* Kaur accurately recalled the incident and the fact that Brahmanand Gupta was the leader of the mob. Why is it that the Commission overlooked the account of the adverse mental health impact that Mohinder Kaur’s daughter suffered on seeing her father and brothers being burnt alive? She had said that Sajjan Kumar had led the mob. Why did the Commission not examine the issue of criminal intimidation that Mohinder Kaur and Daropati faced from the police when they went to lodge their complaints?

Between the two Commissions, the affidavits present a gamut of crimes: kidnap, rape, forcible stripping, criminal assault, intimidation, etc besides mental and emotional consequences of witnessing and or surviving these crimes. *Who are the Guilty?* had rightly noted that the “targets [of violence] were primarily young Sikhs. They were dragged out, beaten-up and then burnt alive. While old men, women and children were generally allowed to escape, their houses were set on fire after looting of valuables. Documents pertaining to their legal possession of the houses were also burnt” (p. 2). The Commissions were aware that the women who testified had survived the trauma of witnessing and loss, then why did they overlook addressing the questions of sexual violence, intimidation and adverse mental health impact that some of the survivors testified? Why is it that the Commissions inquired into death and loss of property as empirical evidence of carnage and not accounts of rape and other forms of sexual violence?

As a postscript, one should add the Ranganath Mishra Commission’s opinion about “molestations” occurring in “riots”. It said, “It is, however, not difficult for the Commission to take notice of the position that gangsters of very low type were involved in the riots and taking advantage of the disturbed situation that prevailed and the fact that male members of the affected families were being done to death and the ladies were finding difficulty in immediately seeking shelter, incidents of molestation would have been quite natural.” (Vol 1, p 97). The Commission’s justification of sexual violence as ‘natural’ corollary of organized killings, coupled with its class consciousness regarding rioters clearly reveal its biases and prejudices in addressing sexual violence.

Annexure 4

The Lost Generation

Jaise taise pal hi gye, rab ka shukr hai

(We were raised somehow, thank God for that)

-Santok Singh

Santok Singh lost his father Gurmukh Singh and grandfather Ladda Singh in the carnage in Mangolpuri on 1st November. His father had been away in Raghubir Nagar when the attacks began. Gurmukh Singh had returned to Mangolpuri in search of his family and was murdered by the mob. Just 2 years and 6 months at the time, Santok still recalls his hair being tied into plaits, his mother Amarjeet Kaur dressing him in girl's clothes and him and his mother somehow managing to escape. They sought shelter at the Rakab Ganj Gurdwara where his mother gave birth to his younger brother. Amarjeet Kaur was given a job in Sena Bhawan, and allotted a house in C-block, Tilak Vihar.

Now in his mid-40s, Santok Singh said that growing up, the absence of male role models and the long absence of his mother at work affected him. Harassed and bullied at school he felt alienated from his peers. He fell in with the 'wrong-kind' of people and started taking recreational drugs. Eventually he dropped out of school and took up odd jobs. Realizing the downward spiral his life was taking he managed to arrest it. He says that '*Waheguru's Kirpa*' (lit. God's grace) saved him.

Santok Singh's first job, after leaving school, was as a factory worker for Rs. 600 a month. He learnt to drive, finding a job at a five star hotel, where he continued to work till 2016-17. He quit because the pay was low and working hours were very long. Santok then started driving an auto-rickshaw at his mother's suggestion. This allowed him to control his working hours. Eventually, he quit this too and, as of writing this report, is unemployed.

Santok laments his lost childhood and regrets the choices he made. Having learnt the significance of education he has ensured his son pursues a Master's degree in music. His son performs at Sikh religious gatherings. Santok hopes that his son, Ajit Singh (24) will find enough success to make their lives comfortable. His daughter, Kamalpreet Kaur (21) quit her studies after secondary school and is now training as a beautician and is also part of an NGO involved in training girls in Gurbani music and other vocational courses.

Charanjeet Singh, who was one and a half years old at the time, also resided in Block-32 of Trilokpuri. Charanjeet lost seven members from his extended family - his maternal grandfather, three maternal uncles, one cousin brother and two other distant relatives. But his father, Bacchu Singh and his grandfather survived by remaining hidden in a friend's house where they had gone before the attacks began. Both of them were reunited with the rest of the family who had survived, mainly women, on 3 November in Trilokpuri and then in the Farash Bazar camp. Though he survived, Bachchu Singh didn't emerge unscathed. He had plied a cycle rickshaw before the carnage. Afterwards, when they all shifted to Tilak Vihar, he was depressed and turned to drugs. He sold the house he was allotted as compensation and began to live on the streets, dependent on handouts. Maya Kaur, Charanjeet's mother, his three siblings and he shifted to his grandparents' house. This situation continued for around five years when Charanjeet's father came back home, and with due care his health gradually improved. Later, he documented the names of the people who had participated in the attacks on Trilokpuri Block-32. Charanjeet too had to drop out of school in 1992-93. Charanjeet began working in a factory to support his mother and siblings and eventually began driving an auto-rickshaw. He got married in 2007. Both his sisters and younger brother also got married. Today, he remains the chief breadwinner of the family. Both his children are in school. His younger brother, also an autodriver, has shifted to another house in the same locality.

Mahendar Singh: The youngest of three siblings Mahendar Singh was just two months old at the time of the carnage. His sister who is the eldest lives in Chander Vihar and his older brother works in the Moti Bagh Gurdwara. They lived in Trilokpuri Block-32. His maternal grandfather Hotu Singh and an uncle Bhagat Singh were killed. Both his parents and the rest of his family survived, but their house in Trilokpuri was burnt. After seeing the killings and destruction in Trilokpuri and other areas in Delhi, Mahendra's father Lacchman Singh never got over the trauma. He lost his mental balance and passed away in 1992, not long after. Mahendar Singh asks- *don't you think the carnage killed him, after all?*

As a riot survivor his maternal grandmother, Shanti Kaur, was allocated a flat in Rajouri Garden, while Mahender's father got a house in Tilak Vihar. His mother Lachchi Kaur was given a government job in Super Bazar, Tilak Nagar as a worker involved in packaging of grocery items and continues to work there till today, earning around Rs. 12,000-13,000 per month. Mahendar, who initially joined school, had to drop out as there was no one at home to look after him and his brother. Today he drives his own auto-rickshaw which he purchased in 2012. He lives with his wife and two children; a girl aged 12 years and boy aged 8 years.

It took three decades and years seven
Resurrecting from the ashes of 1947
Then came the year — 1984
Burning down everything to ashes once more

Fellow brethren carved out
Such a macabre divide
Widowing Ma like her mother
Orphaned me like my Pa when he was a child
Refugee camps became again
Refuge for the isled

O Delhi — O you one heartless beast
(What did you do to us?)
Was this your promised tryst
Making sure in just four days
Our lives were laid to waste
Our majestic luminance too bright to endure
It took you but a moment only
Ruining riches and render us poor

In the penumbra of forty-seven
The year was eighty-four
To this day my sister checks
The lock on her door
Glow of lights of Diwali nights
Leave me ashen faced, shaken to my core

Ma is an apparition
Knitting unravelled dreams
With her stiff gnarly fingers and
Needles spiked in her conscious stream
Her yarn has not run out
Though thirty-seven years it's been

Every morning Pa's turban
Ma starches and hangs out to dry
Every evening she wonders and says with a sigh
"What is taking it so long
For my husband to arrive?"

The salt of her tears
Which were never shed
Couldn't grit her eyes
Seeing her husband dead
In the pool of blood curdled
Curdling her blood as well

Her life since equals a million lives
Multiplied by
not less, not more
by the number 84

From a poem, "1984 – yeh meri atamkatha hai by Sarbjot Singh Behl
(translated by Jeena Singh)