

BEFORE JUSTICE RANGNATH MISRA,

COMMISSION OF ENQUIRY

WRITTEN ARGUMENTS ~~INXXXXXXXXXX~~ ON BEHALF OF  
DELHI ADMINISTRATION IN RESPECT OF POLICE STATION  
SULTANPURI

THE INCIDENTS

The incidents which are alleged to have taken place in police station Sultanpuri have been summarised by Citizen Justice Committee as under :

Sul tanpuri was attacked in the afternoon on 1st Nov. 1984 and it remained under sustained repeated and organised attacks by the mob till 3rd Nov. 1984. A large number of sikhs were brutally killed and grievously injured. Their properties were systematically looted and burnt. Some women were also subjected to humiliation, assault and rape. The police participated in the killing and themselves shot many sikhs in the area who were trying to escape from the mob. A number of sikhs were burnt alive. The dead bodies of the sikhs were burnt ~~sikhs~~ and corpses were carried away in vehicles to wipe out the evidence of brutality. The political leaders, including a very senior leader of the ruling party organised meeting and instigated and directed the mob which indulge in the murderous orgy of violence.

HIGHLIGHTS OF THE ATTACKS

1. A meeting was organised by the local leaders of the ruling party in the park of Block B in the morning of 1st Nov. 1984. This meeting was addressed by a very senior member of the ruling party Mr. Sajjan Kumar then

an MP. The local workers were directed to organise killings of sardars and looting and burning of their property by the said leaders.

2. Block 144 of Sultanpuri was attacked in the afternoon of 1st November, 1984. Police told the sardars to go to their houses otherwise they would be shot. Sardars remained in their houses and in many cases the doors were bolted from outside. This area was surrounded by the mob. The Gurudwara of Block A-4 was burnt.

3. Many Sikhs, tried to escape by running away from mob. They were shot by the SHO Bhatti and Hawaldar Jai Chand.

4. The houses were looted and burnt with the help of kerosene oil and the bodies of the sikhs were also burnt.

5. In the evening the other areas of Sultanpuri were also attacked, police was leading the mob and was pointing out the sikh houses.

6. By the evening a highly inflammable powder was supplied to the mob which made their task of burning sardar. The kerosene oil was supplied by the local oil dealers.

7. The local leaders of the ruling party supervised the operation of killing and looting. Senior leaders also kept a watch on the situation. Shri Sajjan Kumar visited the area repeatedly for this purpose.

8. Many girls were abducted and were raped. The non-sikh leaders who were helping the sardars were persuaded not to do it by spreading false humour that the sikhs had poisoned the water supply and that trains of full of corpses of Hindus had arrived from the Punjab.

9. The attacks continued on 2nd Nov. and 3rd Nov. 1984.

31 witnesses have been cited. The area which falls under the police station Sultanpuri is as under :

Resettlement colony Sultanpuri

Block A-I to A-5      Block B-I to B-5  
" C-I to C-9      " D-I to D-7  
" E-I to E-7      " F-I to F-7  
" H-I to H-7      " G block ~~44~~ ~~xxx~~ blocks.  
" P1, P2, P3

Each subblock has 400 to 500 houses of 22 square yards.

Residential colonies : Sultanpuri extension, Prem Nagar, Friends Enclave, Raj Park, Teachers Colony, Hindustan General Industries labour colony, Krishna Vihar, Marge Ram Park, Budh Vihar Phase-I & II.

Villages : Pooth Kalan, Begumpur, Pithari, Kirari, Mohd. pur Majri, Kerala, Madampur, Mubariqpur, Ranikhera, Rasoolpur, Sheera village with Geora Industrial Complex, Karjha-la, Savada, Lodpur, Jonti, Taleshar, Punjab Khur, Khimanpura (Hamlet of Jonti), Kutubgarh, Garhi Randhala, Misampur.

The aforesaid area under the police station ~~XXXX~~ Sultanpuri covers 72 square kms. having a population of over 2½ lakhs in which sikhs population is approximately 546 thousands.

The sanction, present and effective strength as on 1st Nov. 1984 was as under :

	<u>Insp.</u>	<u>SIs</u>	<u>ASIs</u>	<u>HCs</u>	<u>Consts.</u>
Sanction Strength	1	6	2	16	72
Present strength	1	5	1	15	64
Effective strength	1	3	2	9	48

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There is a police post in Kenjhwala and the ~~available~~ strength of the police post is taken out of the strength of the police station which is as under :

<u>ASI</u>	<u>HC</u>	<u>Consts.</u>
1	1	10

The aforesaid available strength excludes policemen who are detailed for administrative duties viz. record room, report room, lock, escort duties, malkhara, dak duty, wireless operator, drivers, mess etc. besides the persons who were on earned/casual leave. The authorities had provided one jeep one pickup and two motor cycles at the police station Sultanpuri out of which one motor cycle was provided at police <sup>post</sup> Kenjhwala. Sultanpuri is mainly a resettlement colony and is comprising of 44 blocks. Each of the blocks is comprising of approximately 400-500 houses of 22 square yards.

The area in question is thickly populated and is highly congested area. There are very very small and narrow lanes in between the houses in these blocks and vehicular movement is not possible at all. There is no telephonic communication system available in this area and there is hardly one or two telephone in the area. This area is also not accessible to fire brigade due to the reasons stated above and water is also not readily available in this area so that the same could be used for extinguishing the fire.

On 31st Oct. 2004 no incident took place in this area. There was no intelligence report that

there is some tension of untoward incident which would be going to occur in this area although the inhabitants of this area were quite tense. By the evening of 31st Oct. 1984 there was strong rumours in A & C block that few misguided sikhs had celebrated and rejoiced on the occasion of demise of late Mrs. Indira Gandhi, and they were playing festive music loudly and it was also strong rumour that some of them had illuminated the houses and distributed sweets. It was decided on 31st Oct. 1984 that outer force was not available for Sultanpuri police station hence all available police force would be kept stand by in police station mobile patrolling was also made in the Ilakax on different shifts. Accordingly mobile patrolling was made in the area on 1-11-84 since morning.

On 1-11-84 there was complete lull in the area of police station Sultanpuri up to 1 PM. SHO Sultanpuri was also on patrolling in the area round the clock in his jeep. A message was received that the rioters had set the gurudwara of Rudh Vihar on fire at about 1.15 hours and looted the houses of wardens. SHO of the area personally reached Rudh Vihar and started giving message from there on wireless fitted in the jeep and he checked that the gurudwara was already burnt. He tried his best and passed on message to West District control room for arranging fire brigade. There was strong unruly mob of 5-6 thousands and police including SHO comprised of 4-5 constables and the mob practically outnumbered them but still the police present here lathi charged on the mob and dispersed them after struggling half an hour with them. SHO of the area requested other local residents

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and with their help they extinguished the fire. At 2.05 PM SHO got another message from police station Sultanpuri that sikhs near railway Phatak have taken out the swords and were moving near railway Phatak. Another message was received that few sikhs were chasing the people in C block having spears and swords in their hands. The SHO reached the spot. There was a sizeable number of mob which swelled in 10000 within half an hour. Even at this place SHO was having 4-5 constables to face this unruly mob of 10000. The people started setting the houses on fire and gurudwara in C block was set on fire. Lathi charge was ordered by the SHO and he also resorted to firing.. One Tota Singh of this gurudwara came out from his gurudwara with a sword in his hand. This Tota Singh was injured at this place by the mob and he was taken to Ram Manohar Lohia Hospital in the police jeep. This arrangement was made by the SHO personally and reached to provide him medical care. At this juncture it is to be mentioned that at no point of time the SHO fired at Tota Singh as alleged by the witness. This mob of 10-15 thousands includes inhabitants from rural areas. Total 10 rounds were fired by the police force to scare away the mob but police was inadequate in this area and it was humanly impossible to face the mob with this number of police. ~~XXXXXXXXXX~~ Thereafter mob started moving towards P-I and II block of Sultanpuri with an intention to loot and arson sikh properties. At this place SHO reached and fired 4 rounds from his service revolver. The constables fired 5 rounds at this place and they were able to disperse the mob. Then SHO received message that mob had gathered at A & B blocks and had attacked gurudwara, houses and shops of the sikhs and had been setting on fire. The SHO reached the spot along with one sub-inspector after dropping some policemen in C block for their protection. Time and again messages were being

given to arrange fire brigade for this area. For want of fire brigade and additional force substantial damage was caused in some blocks but as a result of sincere efforts of local police and number of males, females and children were saved in this area. Lathi charge was vigorously used in this area. There is another reason for the provocation in this area which caused extensive damage and that reason that 4 non sikhs received serious injuries by the action of sikhs and out of which one Mader Lal died later on.

After controlling the situation one subinspector was posted in this area with 4-5 constables.

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Another information was received that crowd had surrounded D-7 block. SHO reach with a minimum force. By the time he reached some outer parts of the gurudwara were already set on fire. Lathi charge was ordered and then police resorted to firing to disperse the mob. 12 rounds were fired in total in this area. In this area E & D blocks ~~xxxx~~ is comprising of 6000 thousands sikhs and no life and property was damaged in this area. All the sikhs were saved due to timely <sup>intervention</sup> invention of the police. The crowd in this area was chased away which reached in E-4 & 7 blocks of Sultanpuri and started setting the houses on fire. Lathi charge and firing was again resorted to and a sufficient number of people and houses saved. 7 rounds were fired at this place by the police.

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Thus it is evident from the above sequence and the events and occurrences that it was beyond the control of local police while all rioters started

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looting and killing simultaneously and mob was <sup>collecting</sup> arranging between 10-20-30 thousands and there was human sea. The police saved about 2906 out of total population of 3100 sikhs inhabited in various parts of Sultarpuri.

On 2nd Nov. 1984 at about 8.30 AM one platoon of CRPF was received and again one platoon of PAC was received at 3.40 PM and another platoon of Police headquarters was received at 3.50 PM. Before the afore said additional force was made available to the area another unfortunate incident occurred in early hours of 2nd Nov. 1984. The mob numbering 7-10 thousands gathered there and started looting, arson and killing and burning the persons alive. After received information police reached the spot and lathi charged them and resorted to firing. 10 rounds from the rifle and 4 from service revolver of SHO were fired to scare away the mob.

On 2nd Nov. 1984 the unruly mob tried to indulge in looting and arson in different areas in Budh Vihar, Krishna Vihar, Nange Ram Park and in other parts of the Sultarpuri but they were not allowed to do so due to timely intervention of the police. Every where the mob was chased away.

Between the night of 2nd & 3rd Nov. 1984 there was flag march by the army and curfew was announced by the SHO in the jeep on the loudspeaker fitted in the jeep and he warned people not to go <sup>come out of</sup> from the houses.

On 3rd Nov. 1984 no untoward incident was allowed to happen and day was peaceful in this area.

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Many sikh families were saved by the police. The victims and other sikh families were informed by the SHO in different blocks of Sultanpuri that since these areas are highly affected areas and police was unable to reach their lanes by lanes, they were requested to go out of their houses and to board the two DTC buses arranged by the Police on 2nd Nov. 1984. About 15000 people were <sup>rescued</sup> affected in this manner and were shifted to local Barat Ghar and Primary School where relief camps were privately organised with the help of locals and public members. Many people affected were hiding in their respective houses out of fear. The SHO alongwith other staff went from door to door in all affected blocks and took them to the safely places the Barat Ghar and Primary School.

About 10-12 sikh families were lodged in the police station and were provided with all basic amenities. Between 3 and 4th Nov. 1984, A relief camp was organised by persuasion <sup>at Shakarpur</sup> at a school. All these affected persons were later on shifted to this relief camp of Delhi Administration in DTC buses and privately trucks arranged by local police.

Property worth 10 lakhs was reported to be looted and out of which property worth 6 lakhs was recovered and was handed over to the affected concerned persons. Even orders from the courts were secured by the local police and was delivered to the affected persons by the local police without taking them from the courts.

After active persuasion of the local police and after meeting number of respectables of all the communities in the area peace committee was formed .

A number of witnesses have been examined who were alleged to be the affected persons. The first witness was Smt. Durjan being affidavit No. 2293 who has deposed that police never came to her help. In the cross examination she has admitted that she went after 8 days of her ~~death~~ husband's death to the police station. Her FIR was registered and the alleged killers had been taken into custody by the police.

The second affidavit ~~xxx~~ of Smt. Banto Kaur filed vide No. 2424 who has deposed that 2nd Nov. 1984 at about 7-8 AM a mob of 4-5 thousand came and they had spears, lathies etc. in their hands. She has also deposed that policemen including Havaldar Jai Chand including Bhati Sahib were also with them.. In the affidavit she has not named Sajjan Kumar but in the cross examination she deviated from her statement that Sajjan Kumar was also with Bhati the SHO. at about 7 AM on 2nd Nov. 1984 and further alleged that Sajjan Kumar was inciting people to kill the sikhs. She has wrongly named Bhati and Havaldar Jai Chand and Sajjan Kumar.

Smt. Prem Kaur being affidavit No. 2475 has filed the affidavit. She has cited a false incident in her affidavit that she has seen a meeting being held by Sajjan Kumar the then MP in the park which she alleged was held in A block on 1st Nov. 1984. at about 9.30 AM when she went to give tea to her father in law Moti Singh. In cross examination by Delhi Administration she deposed that her house is 100 square yards from her father in law and she used to ~~goes~~ everyday to give tea which does not look plausible. She also deposed in the cross examination that more ~~less~~ than 1000 people attended the meeting in the park between 9-10 AM in the park and Sajjan Kumar was addressing the meeting and she has heard him for 5 minutes

It is pertinent to note that when the time alleged by her Shri Sajjan Kumar was in Teen Murti ~~location~~ where the body of late Prime Minister was lying and SHO Bhati was attending a meeting in the office of ACP Punjabi Bagh. She said that she stayed there for 10 minutes and there was a side cover of 4-5 feet and she saw the incident from the same. So this part of the story is also false and unbelievable. She has admitted in her cross examination that there was no report regarding her alleged statement. She has further admitted that she did not know where her husband is died as a result of firing by SHD or Udai. It is also pertinent to note that ~~in~~ in her statement in FIR No.252/84 under various sections of IPC on 14-11-84 she has stated that her husband has been killed by a group and has been burnt alive. She made second statement on 24-1-85 to Inspector Daya <sup>Kishan</sup> Ghand that her husband has been killed by Udai with his gun shot. On her statement Udai was arrested and gun was seized by the Vigilance department. In the application given by her to SHD Sultanpuri on 11-11-84 she has written that her husband has been killed by someone from the mob and she could not identify <sup>him</sup> him. She has stated in her affidavit that her sons had died in the riots and it is noteworthy and worth investigation that there is Jarnail Singh son of Roshan Singh having ration card and he is still drawing ration from the fair price shop no.3795 of Rajinder Singhal A-4 block Sultanpuri so it is doubtful where he is died or not.

Anek Kaur has filed another affidavit No.2427 and alleged in para 1 that police was standing when mob was there and instead of stopping them was inciting the mob to kill the SHDs. In para 3 of the affidavit she has stated that whenever they used to go to police station the

SID and other policemen used to threaten them to cut their hairs and shaved of their beards. It is pertinent to note that no other witness has levelled this type of allegation that they were asked to cut their <sup>hair</sup> beards and especially in the case of lady there was no question of asking to clean shaven their hairs and beard. She did not know the names of other police officials except Bhati and Prem Singh.

Another affidavit has been filed by Asudhi Bai bearing No.2606 of 84. In the cross examination she has admitted that all the curprits have been taken into custody and she did not go to the police station to make any report.

Bhag Singh has filed affidavit No.2686 in which he alleged that on 1-11-84 ~~Shri Bhati~~ at about 2.30 PM Shri Bhati with a constable Jai Chand came to his house and took him away at the police station and his gun was taken away from him and was deposited in the police station. In the cross examination she has admitted that he met with 2 ACSP in Moti Nagar police station and discussed the matter with them and he also admitted that he gave in writing that he has been saved by Shri Bhati. This writing was given by him on 16-11-84. Writing was confronted to him while cross examining and he admitted the same as his writing and this writing is a clear case of contradiction with the affidavit. In this writing he never reported anything against Shri Bhati when an opportunity was afforded to hi. His gun was taken into custody because he fired on shot and ~~and~~ he admitted that there was strong mob of 4-5 thousands persons and his house was set on fire and when his house was set ablazed he was brought out from the house and was taken to police station to protect him. He has further admitted that his brother was involved in a criminal case of Karol Bagh where Jai Chand Havaladar was also posted.

Jatan Kaur has filed another affidavit No.2405 who alleged in her affidavit in para 2 that she along with other persons met with Shri Bhati and Hawaldar Jai Chand who told them to go inside the houses otherwise they would shoot them. The facts in the affidavit have been manipulated in fact there was curfew in the area and police had been warning on the mike fitted in the jeep to go into the houses and clear warning of dire consequences was given. In the affidavit she has admitted that all the persons who filed the affidavits had gone at 49 North Avenue and deposited the affidavits at one time. There are lot of contradictions in the affidavit. She has admitted that police had taken into custody the culprits named in the affidavit and she has never reported against SHO or the constable to any of the officers of the police authorities.

Gopi Kaur filed affidavit bearing No.2430 who alleged in para 4 that SHO told her threateningly to go inside the house otherwise ~~xxxxx~~ she would be shot at. In fact as already stated above SHO was warning to the members of all communities. Since the mob was running in thousands and outnumbered the SHO and his policemen and were putting ~~xxxxxx~~ with heavy hands, paying no heed to any warning. In the cross examination she could not name ~~xxxxxx~~ the name SHO referred in para 4 of her affidavit. She has also admitted that there was a crowd of 1000 near the gurudwara. But she saw the SHO twice but did not care even the name. She said that she met him more than 5 times although she came to her place on some occasions and she even met him at the relief camp where she had stayed for four days. It is pertinent to note that a separate case has been registered on her complaint vide FIR No.261/8445 sub 1/c against ~~xxxxxx~~ and challenged. In the cross examination she has referred the name of Tota Singh who

has been killed by police firing. She has admitted that Tota Singh came out with a sword in his hand and rushed towards the crowd and she saw the crowd when there was thousand people in between her house and gurud ara. She admitted that she was beaten up by the crowd and further SHO allegedly fired at her. In the medical report there was <sup>no</sup> report of bullet injury otherwise ~~she~~ she was badly beaten up by lathies, sarias by the mob.

After seeing the evidence it is crystal ~~clear~~ clear that these persons were affected persons who filed the affidavits and out of their anguish and influence they tried to implicate the police in this case and all they had gone to 49 North Avenue at onepoint of time and contents of all the affidavits are same.

In all 4 FIRS were registered of substantive offences in which 66 persons were arrested and have been challaned. One case has been got untraced and rest all the cases are pending trial. 46 persons were rounded up in preventive arrest and total ~~persons~~ 123 rounds of revolvers, sterguns and rifles have been fired by the police.

From the aforesaid it would be cleat that police had been on their toes right from the 31st Oct.1984. Mob infact outnumbered the police force and it was humanly impossible to control the riots. It may be mentioned that people in this area belong to poor state of society who had become emotional ~~mob~~ which was a result of this outburst of riots, arson and looting. There was a lack of manpower, transport and communication. The mob was very much in number and highly agitated. Fire brigade could not cope with the situation and could not reach in time, but police had taken all possible steps to the best of their abilities and manpower.

( R. K. ANAND )