

THE BOOK THEY BANNED

REPORT TO THE NATION:

Oppression in Punjab

Foreword by
Justice V. M. Tarkunde

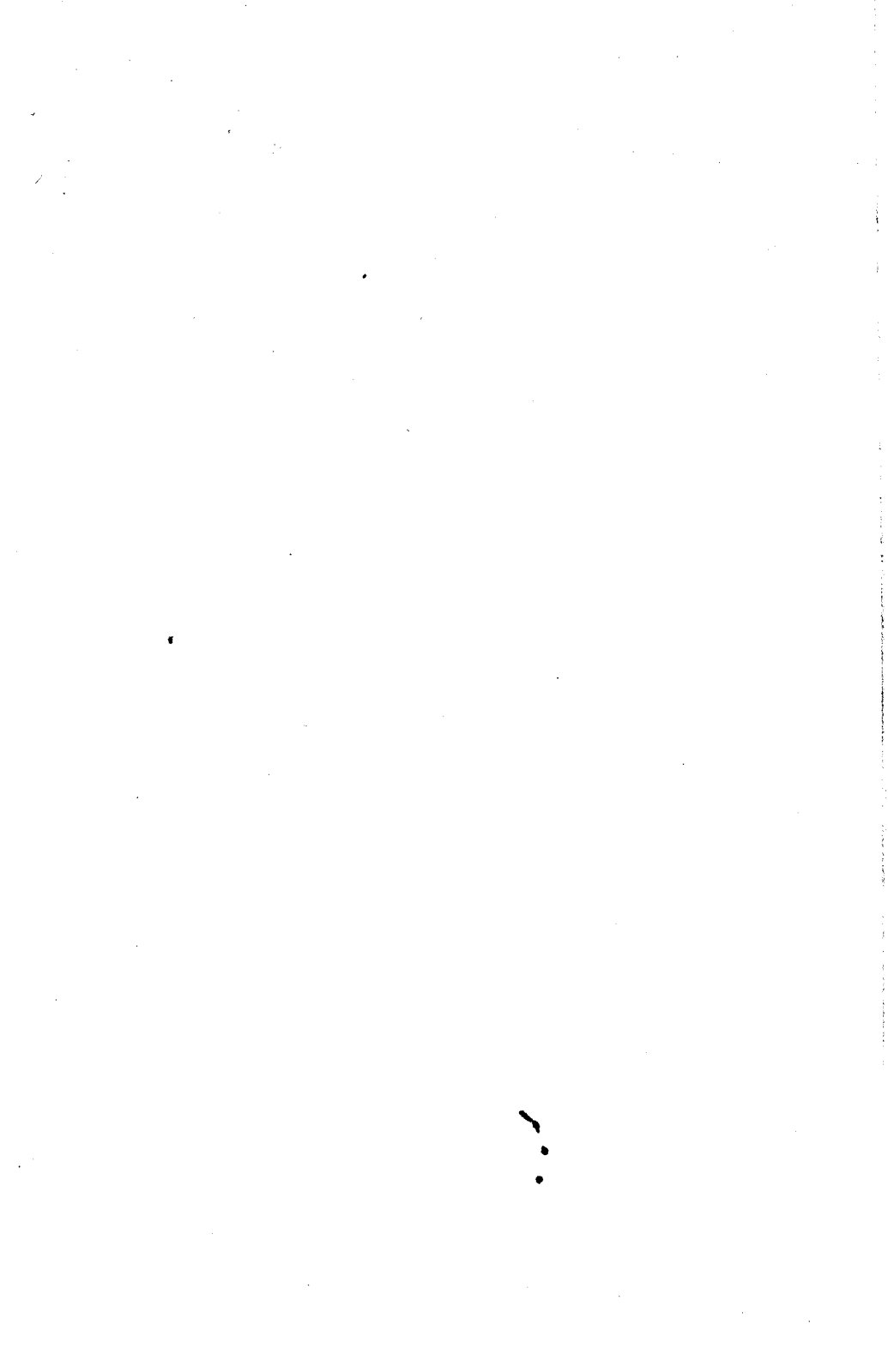
CITIZENS FOR DEMOCRACY

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Preface by
George Fernandes

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Oppression in Punjab

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

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Preface

On the threshold of a fascist state

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

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

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

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

evidence while making such patently false and malicious charges.

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

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

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

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

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

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

Acknowledgements

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

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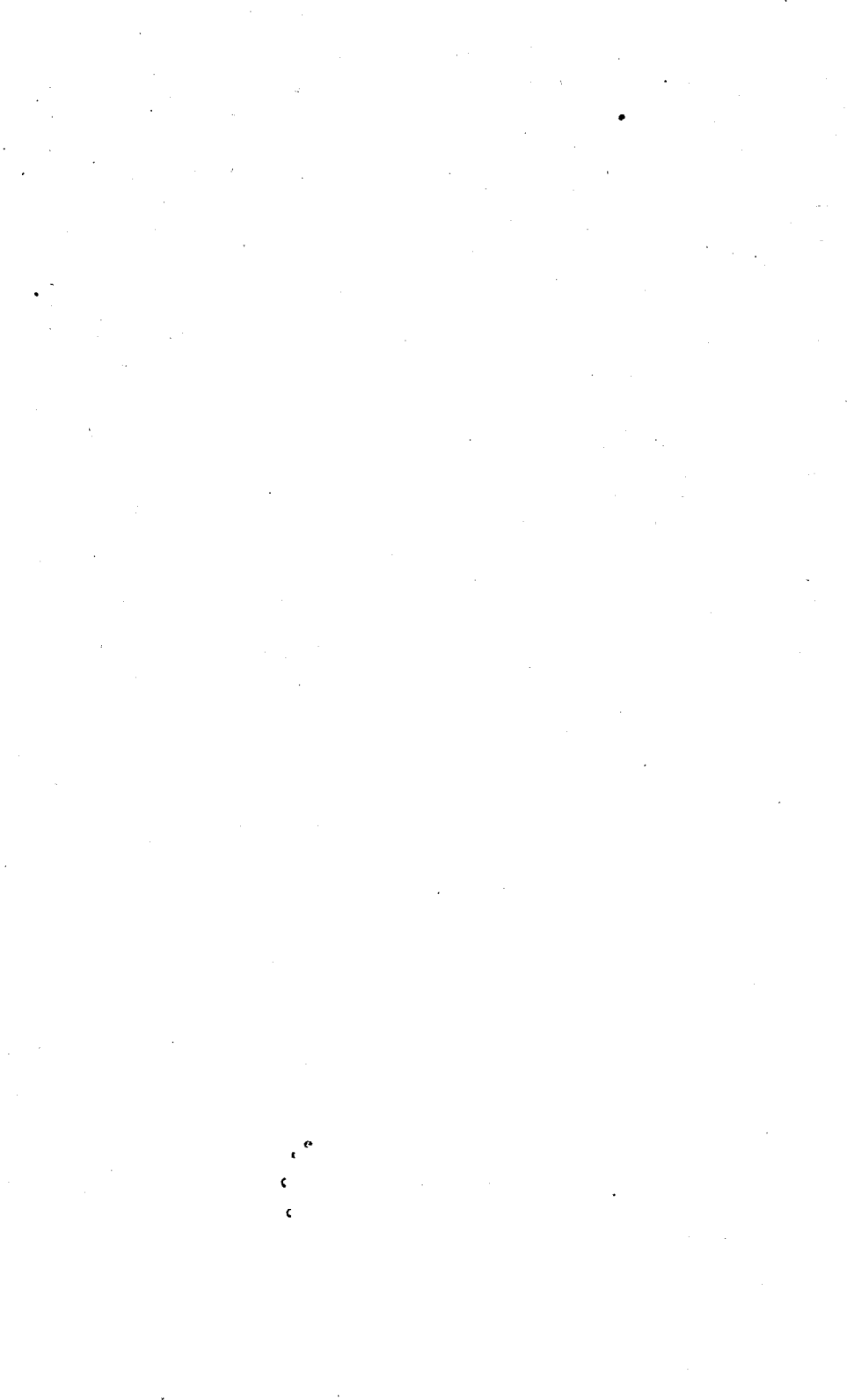
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Foreword

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

The whole report except the Introduction had been written before

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

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

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

evidence, which show that much of what is stated in the Government's White Paper is far from the truth. Evidence shows that on June 1, 1984, no shots from the Golden Temple were fired at the police. It was on the contrary the CRP which fired continuously at Harminder Sahib on that day. The 4th of June, 1984 was wrongly chosen by the army for an attack on the inmates of the Golden Temple because, the 3rd of June being Guru Purb, a large number of pilgrims, nearly 10,000 in number, had come to stay in the Golden Temple. Many of them appear to have been killed in the army action. According to this report, the number of terrorists flushed out, from the Golden Temple as a result of the Blue Star Operation was rather small, a much larger number of alleged terrorists being inoffensive pilgrims staying at the Golden Temple. The report also shows that a large number of persons subjected to preventive detention or arrested under the anti-terrorist law are clearly innocent of the alleged offences.

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

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

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

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

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

Delhi, August 12, 1985

V. M. Tarkunde

Introduction

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

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

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

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

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

was a religious teacher.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART I

Suppression of a community

Punjab : 1982-84

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

Rise of Bhindranwale

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

PART II

'Operation Bluestar': The untold story

1. Eye-witness accounts of the Army Action

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

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

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

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

PART III

The black laws: charters of slavery

A disillusionment

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

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

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

Annexure 1

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

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

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

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

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

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

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

Sd/Regulating Officer for C.O.

Dated 4.4.1985.

(Original letter seen)

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

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

Annexure 2

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

"I am an agriculturist and my father and brother own 40 acres of land. We have one tractor, one truck 3 tube-wells and all necessary implements much as thresher trolley etc. I have received a substantial bank loan of Rs. 1½ lakhs. I live with my parents and two brothers and their families.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.7.1984

Amrik Singh

This statement was extorted from
me under threats and force.

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

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

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

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

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

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

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

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

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

Annexure 3

STATEMENT OF SHRI NARINDER SINGH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annexure 4

STATEMENT OF SHRI SWARN SINGH

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

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

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

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

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

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

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

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

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

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

Annexure 5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

T. S. Chema
District and Sessions Judge,
Patiala

Annexure 6

To

The Home Secretary,
Government of Punjab,
Chandigarh.

Through District Magistrate, Gurdaspur.

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

Sir,

It is submitted as under :—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully,

Sd/Harbans Singh

Dated: 30-4-85

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

V.P.O.: Ghuman Kalan

Distt. Gurdaspur.

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

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

Annexure 6-A

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

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

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

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

* * * *

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

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

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

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

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

Annexure-7

DMRN. 707 10/6/84

Name: Nukunou N. 396 Son of Nukunou Aged about 25 yrs Sex M Caste --- Occupation ---
 Residence: Police Station B Div Name of relative or friend --- Date and time of examination 10/6/84 4.40 P.M.

Gate number of arrival 10/6/84

No. and name of police docket ---

No. and name of constable Madan Lal AET B Div BDR

Date of admission ---
 Date of discharge ---

Site and number of report sent to police ---

Police Officer 10/6/84 11.30 AM

Specimens as to further reference to the court giving evidence in the Court. Despatch of articles which contain poison, etc. ---

- ① A stained body with clotted
- ② of P.M.
- ③ stained paper

Intention marks Madan Lal AET B Div

Time of death ---

Time in death about 4 days

PARTICULARS OF INJURIES, SYMPTOMS, IN CASE OF POISONING

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

Injury: A lacerated wound 2.5cm x 1.5cm present on the (Rt) side of chest (lower part) & (RP) upper part of abdomen. On dorsal side lung, fissure of (RP) side & liver are badly lacerated. Rib on the (RP) side fractured. Margen are unvated of spleen, kidney, liver, lung - badly perforated. Injury an intention caused by explosives.

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

Nature of injuries Simple, grievous or dangerous The kind of poison used or poison suspected in case of poisoning ---

Probable duration of injuries ---

IN POLICE CASES

Place examination --- No fee received ---

Dated --- of --- 197 ---

Examining Medical Officer

IN PRIVATE CASES

A fee of Rs. --- paid to the Medical Officer

Signature or thumb-impresion of the Private: --- Examining Medical Officer

Annexure-8

RMR No 703, Date 10.6.84

Name Unknown m ³⁹⁷ Unknown Aged 25 yrs Sex Male Caste Occupation
 Police Station Kotwadi Name of relative or friend Date and time of examination 10/6/84 at 4.45 PM

of arrival BB to mortuary
 of police docket on 10/6/84
 of constable from Dombivli
 Date of admission
 Date of discharge
 of report sent to police

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

PARTICULARS OF INJURIES, SYMPTOMS, IN CASE OF POISONING

Body of a young male about 25 years of age, about 5'-7" tall, swollen wearing a katcha and bare on legs, wrist, hands & feet. Alleged to have died due to bullet injury. The clothes are tied behind with cloth. Greenish discoloration of body. Lacerated wound 1/2 cm X 8 cm on the left side of face. Wounds of face are shallow on left side. Lacerations of face are caused by explosion. Other organs are healthy though post-mortem has set in. Death in my opinion is due to shock and haemorrhage caused by the above injury due to explosives which in ordinary course of nature is sufficient to cause death. Time between injury and death immediate. Time between death and post-mortem more than 72 hrs.

Handed over to Police
 i) Stained body in cloths etc
 ii) C.C. of RMR
 iii) Police papers - 2

Identification marks

[Handwritten signatures and marks]
 Kishanji
 M. Prasad K. S. S.

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

If kind of capon used or poison NO suspected in case of poisoning

IN POLICE CASES

IN PRIVATE CASES

amination of 19

was received

A fee of Rs. paid to the Medical Officer.

Exo Medical Officer







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