

FORGOTTEN MASSACRES

A Report on Aftermath of Meerut

**PEOPLE'S UNION FOR DEMOCRATIC RIGHTS
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In the late 1982, for the fifth time in two decades, Meerut witnessed a major riot between Hindus and Muslims. Reports of the time suggest that over a hundred and fifty people were killed. The Provincial Armed Constabulary (PAC) of Uttar Pradesh actively participated in these riots and killed many people. In the immediate aftermath, a writ petition was filed in Supreme Court demanding action against PAC, Srimati Indira Gandhi, the then prime minister., visited the building in which about thirty people were reportedly shot dead by the PAC. She promised action against the guilty policemen and ordered a judicial inquiry. Five years later, her son, the present Prime Minister, visited Maliana, Hashimpura and other areas of Meerut that witnessed a major riot in the summer of 1987. A judicial inquiry was ordered into the events at Maliana. A writ petition was also filed, on the events in Hashimpura, in the Supreme Court. In the meantime, six years after its institution, the Justice Parikh Commission of Enquiry submitted its incomplete report over the 1982 riots, in September 1988. The Justice Srivastava Commission on Maliana is still continuing its work.

The passage of time has made communalism and the role of the state in its spread, a series of disjointed events where the dead becomes numbers and the massacres becomes dates. The brief report by People's Union for democratic Rights is an attempt to remember the processes, to trace the invisible links that connect one riot with the next. It seeks to record the aftermath of 1987 riots in Meerut.

BACKGROUND

On 17 May 1987, the incidents that led to riots took place in Kainchiyan Mohalla, (Kotwali Police Station). By the next day, the riots had spread first to Hapur Road and Pilokheri (Lesari Gate) and then to other areas. On 19 May curfew was imposed throughout the city. To an estimated 60,000 strong local police, 11 companies of PAC were added. After the armed police established 'law and order', the character of the riots got completely transformed. In the initial phase the riots were a confrontation between Hindus and Muslims, in which mobs killed each other. More Hindus appear to have been killed in this phase. But later, after 22 May, the riots ceased to be riots and became PAC violence against Muslims. On that day PAC indulged in large-scale arson, looting and burning in Hashimpura. A large number of people were taken away in trucks by the police. Some of them were eventually sent to jails in Mainpuri, Agra, Meerut and Fatehgarh. But others were taken to Ganga nahar, shot dead and their bodies were thrown into the canal. At least 32 people from Hashimpura, mostly from Bagicha Mohammad Husain, were killed in this manner. A few days later their corpses were discovered in Hindon canal, in and around Muradnagar, Ghaziabad. Five of them survived to tell their tale. Further on 23 May, the PAC also indulged in arson, looting and burning in Maliana, a village 10 km west of Meerut. At least 30 people including two children, aged 4 and 6 years were shot dead by the PAC. Some of the bodies were secretly disposed off. In the meantime, arrested people were tortured and assaulted both in police stations and also in jails. Five people reportedly died in Meerut jail. Six people, who were attacked by jail officials with the help of convicts, died in Fatehgarh prison.

Altogether 30 Muslims and 100 Hindus, according to Hindu sources and 300 Muslims and 50 Hindus according to Muslim sources, were killed in the riots. Estimates of people killed in communal riots usually become part of communal folklore. In Meerut, the demographic balance is also exceptionally precarious (A5 per cent Muslims in a city of one million). Most people who get killed in any riot, whatever be their community, live on the margins of economy and society. They live, when they were living, a life of unrecorded existence. A substantial number of the victims in Hashimpura, for instance, are rootless migrant workers employed in the powerloom karkhanas. Most of them were from Madhubani, Dharbanga, Bhagalpur and Purnea districts of Bihar. In such a situation it is difficult to estimate the loss of life and livelihood. According to official figures, cited later by the Gian Prakash Panel, property worth Rs.10 crores was destroyed, 623 houses, 34A shops and 1A factories were burnt, 159 people were injured and 117 people were killed. But going by the compensation paid (at the rate of Rs.20,000 for the family of every dead person) only 91 of the dead people were identified. Thus the living members of the families of about 30 dead people seem to have become as non-existent as the dead themselves, while many others killed are not even recognised as dead by the government.

THE AFTERMATH

In the last week of May 1987, the Uttar Pradesh government announced a judicial enquiry on the Maliana incidents, under the Commission of Enquiries Act, 1952. The Commission headed by Justice Srivastav, a retired judge of Allahabad High Court started its proceedings three months later, on 27 August. Three Muslim bodies one each from Bombay, Delhi and Meerut, a Buddhijivi Naitik Manch, a Hindu organisation from Meerut, administration and the police filed their submissions before the commission. The examination of witnesses from Maliana was hindered by the continued presence of the PAC in Maliana. Finally, in January 1988, the Commission ordered the government to remove the PAC. Altogether 84 public witnesses, 70 Muslims and 14 Hindus, were examined by the Commission, in addition to five official witnesses. But over time the apathy and indifference of the public and the media seem to have afflicted its proceedings. Last week, when we attended its hearings, apart from a lawyer each representing local Hindus, Muslims and the government, no one else was present. The location of the Commission itself was shifted from place to place and during our visit it was in a small dingy room of the Meerut collectorate that the Commission was holding its sittings (The expression is a misnomer since there are no chairs in the room even for the advocates!) It appears only two more witnesses, the then District Magistrate and the then Superintendent of Police, are left to be examined. The Commission has announced that its next sitting, to hear the arguments, will be held in Musoorie from June. When it will be able to complete the process and submit its report is anybody's guess.

The state government also ordered two other enquiries, into the incidents in Meerut prison and the discovery of dead bodies in Ghaziabad canal. In addition, Central Home Ministry announced a CBI enquiry on the abduction and shooting of three of the five survivors of nahar killings. None of these three reports have been disclosed. Nor any action taken on them, to our knowledge. A magisterial enquiry ordered into the incidents in Fatehgarh prison, established that six people died as a result of injuries received, among other places, in the 'scuffles that took place inside the jail'. On the basis of the report, two jail guards (Behari Lai and Kunj Behari), two convict warders (Girish Chandra and Daya Ram) were suspended. Departmental proceedings, that include transfer, were launched against Chief Head Warder (Balak Ram), a Deputy Jailor (Nagendranath Srivastav) and the Deputy Superintendent of the prison (Ram Singh). Three murder cases relating to these six killings were launched in Kotwali police station. But the First Information Reports (FIRs) do not list any names despite certain officials being indicted by the enquiry. So no prosecution was launched.

Independently, the government also ordered an administrative enquiry over the riots that took place from 18th to 22nd, May. Thus they exclude the events in Maliana. The panel, headed by Gian Prakash, former Comptroller and Auditor General of India, consisted of Ghulam Ahmad, a retired IAS official and a former Vice-Chancellor of Avadh university and Ram Krishan, IAS, Secretary PWD. The panel was asked to submit its report within thirty days, which it did. On the grounds that the enquiry was of an administrative nature, ordered for its own purposes, the government did not place its report before the legislature or public. But Telegraph, a daily from Calcutta, carried the entire

report in November 1987. Among other things, the report noted the 'negligence and failure of the administration' as one of the causes for the spread of riots. Thus, of the six enquiries ordered in the immediate aftermath of the riots, three were never placed before public, one was not officially disclosed. And no action was taken on any of them. On the findings of the only enquiry which indicted the concerned officials, no substantive action was taken. And one of the enquiries is carrying on its listless existence.

But the legal proceedings launched against people are continuing. Altogether about 20 cases involving 2500 people were registered in the police stations of Civil Lines (the largest in number), Kotwali, Lesari Gate, Medical College and Transport Nagar. Of them, only about 500 are Hindus, mostly involved in the cases at Transport Nagar (under which Maliana falls). In almost all other cases the accused are Muslims. But whether Hindu or Muslim, the accused are usually ordinary people of the affected mohallas. For them legal defence is an expensive affair. Appearance at court on any day also means loss of a day's earnings. As a local citizen, involved in helping the people over three decades of riots in Meerut put it, usually not more than five per cent of the accused are actually involved in the riots. Most of them are habituals, known to their local thanas anyway.

The First Information Reports in these cases make curious reading. In all the cases, launched in different police stations, by different police officers, on different dates against different sets of people, under different sections, the description of the offence is identical. In all of them the accused were described as shouting 'hinduon ki dukano aur makano men aag laga do tatha jan se mar dalo'. Anyone who is familiar with Hindi language should know that this kind of textbook Hindi could not have been part of the day to day language of rioting mobs in this country.

At present, leaving aside the minor offences, about 900 people are involved in cases of a serious nature that are yet to reach the trial stage at sessions court. Meanwhile, the state government, in a major policy decision announced that it is withdrawing all riot related cases all over the state. But this has yet to be implemented in the case of Meerut. So people keep making their appearances at every adjournment.

In sharp contrast are cases against police officials. In the two cases, registered over the discovery of dead bodies in Ganga canal the FIRs describe the accused as 'unknown persons wearing khaki uniforms'. Since no one was named, no one was prosecuted.

At a higher level, one case is pending at Supreme Court. In July 1987, PUDR filed a writ petition on incidents in Hashimpura. The petition prayed the court to order the state government to pay adequate compensation to the victims and to produce before the court all reports, documents and other relevant material. It was based on the detailed investigations conducted by us immediately after the riots. It also listed 25 people from Hashimpura missing since 22-23 May. In its counter affidavit the state government acknowledged that nine of the sixteen corpses recovered from the canal near Muradnagar were those listed in PUDR's list of missing people. It also submitted the findings of Sri Krishna enquiry over the Fatehgarh prison killings. Later, on 5 October, 1987, the government claimed privilege over the report of Gian Prakash Panel on the grounds that its disclosure 'would be injurious to communal amity and public interest'. Subsequently, in December 1987, PUDR itself submitted the

privileged report published by Telegraph. Since then the case, pending before the bench of honourable Justice Ranganath Misra & Justice M.N. Venkatachaliah, began getting adjourned as the state representative either failed to appear or sought further adjournment. In the last fifteen months, the case was adjourned twelve times. The last adjournment was on 8 March, 1989.

This then is the account of the aftermath of the 1987 riots in Meerut. But no such account would be complete without the story of life and death of Masha Allah. A rickshaw puller by profession, thirty year old Masha Allah was a habitual offender. For some time he was also in police parlance, a 'rowdy sheeter', those included in the list of habituals in their jurisdiction, maintained by the police in every thana, under section 110 CrPC. Later he seems to have become a regular sarkari gawah, giving evidence in favour of police in routine cases. But during the 1987 riots his relations with his mentors changed. He appears to have given evidence, perhaps the only genuine evidence in his long experience as a professional witness, against the police in the enquiry over the riots. Late last year he was arrested by the Transport Nagar Police in a theft case. Three days later, as a result of the torture in police custody, he died.

PAST AND PRESENT

Immediately after the 1982 riots a petition was filed in Supreme Court (W.P.No.50 of 1983) asking the court to direct the state government to take action against the PAC. The petitioners, led by Ms.Subhadra Joshi, included Prof. Harpal Singh, whose son Dr. Prabhat was killed in the 1987 riots. After a few initial hearings, the case was afflicted with interminable adjournments and is still pending. The enquiry by Justice C.D.Parikh continued till last year. Among other reasons, it was delayed due to the continued absence by the then SP and the then District Magistrate (DM). The DM, Shri Shambunath in the meantime, after receiving many promotions became secretary to the governor of UP. He simply refused to comply with the Commission's notice to appear before it. Nor did the honourable judge issue any warrant. But by September 1988 the Commission's time was up and the government refused to grant further extension. We understand that the Commission submitted some sort of incomplete report to the government late last year.

The aftermath of the 1987 riots seems to be no different. Our petition in the Supreme Court is afflicted with interminable adjournments, as was the earlier petition. The reports that are submitted were not disclosed while the sole judicial Commission is yet to complete its work. In the immediate aftermath of the riots, two senior officials, SP V.B.Nayyar and DM Radhe Sham Kaushik were transferred while the Commandant of the PAC, R.D. Tripathi was suspended. In the last two years all of them got promotions. Tripathi became DIG, Police, Nayyar became Deputy Commissioner (Central Excise, Kanpur) and Kaushik became Managing Director of UP State Textile Corporation, Kanpur. He was also given an award for his 'contribution to communal peace and harmony in Uttar Pradesh'.

If the happenings in Meerut in May 1987 are a tragedy, then the aftermath is a farce. And both the tragedy and farce are a repetition of the past. Each time they repeat, the violence becomes more intense and the follow-up, more brazen. Initially the riots were confined to a few crowded mohallas but now they have spread to nearby villages, like Maliana. Initially the dead were never more than 20 or 30. Now they are in hundreds. Initially the guilty officials were suspended, transferred and adverse remarks were entered into their service records. Later, as in 1982, they were allowed to defy commissions of enquiry. And now they are being promoted and given awards. The enquiry commissions themselves, at least in the perception of some, are being sucked into this process. Justice Parikh, at the time of his appointment was, among other things, a legal adviser to the Kashi Vishvanath Trust, Benares. And the Gian Prakash panel report states that 'Muslims are more prone to communal incitement because of their illiteracy and cultural backwardness'. The end result of such a process is that democratic institutions lose their legitimacy and hence also their ability to intervene.

Each time such a process repeats itself, it drives a few more Muslims into the fold of communal forces. As for Hindu communalists they forge links with sections of state agencies. They take upon themselves the task of defending criminal policemen as they did in the Parikh Commission of Enquiry and as they are doing now, at least in the case of Maliana. Like the number of the dead, the details of the follow-up action become part of the communal folklore and joins the underworld of knowledge that remains local and localised.

Outside, the public remains ignorant of the aftermath, an ignorance which becomes the strength of the government. But the 'invisible' aftermath fuels the next round of communal violence. Democratic sections must learn to remember and recall the processes to prevent further fragmentation of our polity and people.

CASES AGAINST PEOPLE

OFFENCE	NO. OF ACCUSED
1. Security for keeping peace and preventive arrests (Sec.107 & 151 , CrPC)	700
2. Violation of curfew (Sec. 188, IPC)	900
3. Rioting (Sec.146, 147 & 148, IPC)	400
4. Causing grievous hurt (Sec.325 & 327, IPC)	350
5. Attempt to murder or culpable homicide (Sec.307 & 308, IPC)	100
6. Murder (Sec.302, IPC)	50

Total 2500

(The figures are only rough approximations. In many cases the same people are charged under more than one set of offences).

ENQUIRIES

ISSUE	ENQUIRING AGENCY (date of appointment)	OUTCOME
1. Riots 18-22 May	Administrative Panel headed by Gian Prakash (3 June)	Report officially not disclosed No action taken
2. Maliana incidents	Judicial Commission by Justice Srivastav	Work in progress
3. Muradnagar dead bodies	CB CID enquiry by Jangi Singh DIG Police (4 June)	Report not disclosed No action taken
4. Meerut jail incidents	Departmental enquiry by IG Prisons, UP (15 June)	Report not disclosed No action taken
5. Fatehgarh jail incidents	Magisterial enquiry by Sri Krishna, ADM Fatehgarh	Four warders suspended and three official transferred
6. Ganga canal abduction & shooting of survivors	CBI enquiry (28 June)	Report not disclosed No action taken

KHAMOSH

ADALAT JARI HA1

Cr.No. 110/87
P.S. Link Road, Ghaziabad.
Sec.302, IPC (murder) 'discovery of
dead bodies near the canal at the
jungle village Makkapur'.

No prosecution
launched

Cr.No. 141/87
P.S. Muradnagar, Ghaziabad
Sec.302, IPC
'discovery of dead bodies
near the canal'

No prosecution
launched

Cr.No. 226/88
P.S. Kotwali, Meerut
Sec.302, IPC
Murder of two prisoners
in Fatehgarh prison

No prosecution
launched

Cr.No, 232/88
P.S. Kotwali, Meerut
Sec. 302, u'C
Murder of two prisoner in
Fatehgarh prison

No prosecution
launched

Cr.No. 236/88
P.S. Kotwali, Meerut
Sec.302, IPC
Murder of two prisoners
in Fatehgarh prison

No prosecution
launched