

615 RTI Applications

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On 24th May 2007, to mark the twentieth anniversary of the communally motivated Hashimpura PAC custodial killings, victim families and survivors had filed 615 RTI applications. These applications were filed at the office of the DGP at 1 Tilak Marg, Lucknow. The survivors and families of the victims asked the State why the accused PAC men charged by a Delhi Sessions Court for the murder of 42 Muslim men, continue to be in active service of the PAC? Was any departmental inquiry initiated against them? Was any disciplinary action taken against them? Or were they rewarded with promotions in rank and emoluments? Were the 19 accused PAC men ever suspended from service? What were the grounds on which they were reinstated? They asked for copies of the Annual Confidential Report (ACR) of each of the accused persons to be made available.

In reply to these RTI applications some information has been made available. The ACR of the accused PAC men reveals that mass custodial killing of Muslims does not even invite a negative comment in the Report. To the contrary the ACR noting for the year 1987 gives the PAC accused a glowing and congratulatory report. The career prospects of the accused were in no way hurt by the fact that the CBCID was enquiring into their role in the brutal killings of over 42 innocent Muslims.

The reply received from the State states that no Departmental Enquiry was ever conducted against any of the 19 PAC accused men, nor any disciplinary action taken. Was the mass killing of Muslims in custody not a cause serious enough to warrant a departmental enquiry?

Further documents obtained through RTI disclose that they were suspended very briefly in 1995 after the chargesheet was submitted by the CBCID. Within a year or more the accused PAC personnel were reinstated on flimsy and untenable grounds. Shockingly the reinstatement orders disclose that they were being reinstated, as the PAC required their services. So one may conclude that the PAC requires the services of those men who have been charged with and are currently being prosecuted for the murder of over 42 innocent Muslim men. Other PAC men were reinstated as they were facing financial hardships. Of course no thought was spared for the families of Hashimpura who were rendered destitute due to the PAC custodial killings. The attitude and approach both of the State and the Police Department sends a clear signal condoning the communally motivated custodial killings and encouraging State impunity.

It is shocking to see that some of the documents supplied in reply are completely blank and the concerned officer has even attested the same. Such a brazen disregard for the rights of the people belies all claims of good and transparent governance.

RTI was also deployed to expose the complicity of the State and unmask the truth. The counsel for the victim families, Advocate Vrinda Grover, had filed 2 RTI applications with the Home Department. These RTI applications asked for a copy of the Inquiry Report submitted by the CBCID into the Hashimpura killings of Muslims by the PAC, to be made available. The State was asked to reveal how many persons were indicted by the CBCID Report as complicit in the PAC killings and why did the State sanction criminal prosecution only against 19 PAC men and not all the others indicted in the CBCID Report? The RTI application also pointedly asks the reasons for the delay in the prosecution of the PAC accused and the names of those responsible for the same.

The response of the State to these 2 RTI applications is very disappointing. The CBCID report has not been made available nor have answers been given to any of the above questions. The State has simply chosen to stonewall and blatantly violate the citizens' right to information.

On 3rd September 2007 the Appeals were argued before Mr Harmol Singh, Director General CBCID, in Lucknow, by lawyer Vrinda Grover who was accompanied by Magsaysay award winner Sandeep Pandey, journalist Nasiruddin Haider Khan and Vanagna activist Puneet Goel. The DG admitted that as per the RTI Act they ought to have answered the RTI's filed more than 3 months ago. The DG sought time and assured that information would be supplied shortly. □□□