

HASHIMPURA

'A Forgotten Massacre'

Subhash Gatade

[As of now the court of Additional Sessions Judge, Delhi has finally framed charges of murder, attempt to murder, criminal conspiracy, abduction, unlawful confinement, assault and unlawful compulsory labour against these Provincial Armed Constabulary (PAC) men charged with killing Muslims during curfew in Meerut on May 22, 1987. And the trial has started on 15th July after an agonising wait for 19 years.]

In any modern, multi-cultural society, conflicts between different communities always bear a possibility of taking a violent turn. But the important thing to remember is that effective steps are taken by the state for the maintenance of rule of law and order, so that any such untoward incident does not get reduced to a riot like situation. It is also incumbent upon the civil society that it plays a positive role by being inclusive so that none of its members, whatever may be the caste or creed or nationality does not feel marginalised or left out in the unfolding dynamic. And if at all there are any fissures at local level, they do not attain national ramifications.

Coming to India, with its billion plus people, the track record of the state as well as the civil society vis-a-vis management of such inter-communal conflicts has been rather pathetic. While the 1984 carnage of Sikhs or the post-Babri Mosque demolition riots which engulfed the nation or the Gujarat genocide 2002 provide the macro-picture in such cases, the massacre of 42 innocent Muslims by a horde of PAC (Provincial Armed Constabulary) personnel from UP way back in 1987 and the long winding process of justice denial is symptomatic of the deeper malaise which afflict the body politic.

As of now the court of Additional Sessions Judge, Delhi has finally framed charges of murder, attempt to murder, criminal conspiracy, abduction, unlawful confinement, assault and unlawful compulsory labour against these PAC men charged with killing Muslims during curfew in Meerut on May 22, 1987. And the trial has started on 15th July this year. And as rightly pointed out in a perceptive writeup it could be said to be a 'major landmark in the arduous journey of pursuit of elusive and uncertain justice in the case' (*The Milli Gazette*, 16-30 June 2006)

But before proceeding further it would be opportune to have a recap of the events to get an overall picture. There was a communal conflagration at Meerut there 19 years ago when the Congress ruled both in the State and at the centre. Both Police and PAC pickets were posted there to bring the situation under control. The 1994 Confidential report of the CBI throws light on the sordid saga. "On 22nd May 1987 around 8 pm they herded 40-42 'rioters' in PAC Truck No. UR 1493 at Hashimpura overtly for taking them to Meerut Civil Lines or Police Lines. However, the Platoon Commander S P Singh drove to the Upper Ganga Canal Muradnagar(Ghaziabad) ignoring their protests. On reaching there they

started to unceremoniously shooting them down. When a few tried to escape they were shot down on the spot and their bodies were cast into the Canal. Rest of them were taken to the Hindon canal and there the sordid show was reenacted.”

Inquiry reports by reputed journalists like Nikhil Chakravarty and, Kuldip Nayar, and organisations like the People’s Union For Civil Liberties (PUCL) and the People’s Union For Democratic Rights (PUDR) revealed that it was a case of barbaric cold-blooded murder by the PAC personnel. Nikhil Chakravarty compared the event with “Nazi Pogrom against the Jews, to strike terror and nothing but terror in a whole minority Community”. The Amnesty International’s inquiry report observed, “There is evidence to suggest that members of the PAC have been responsible for dozens of extra-judicial killings and disappearances”.(AI Index: ASA 20/06/87).

The State Govt. had also the incident looked into by the CID. But this internal investigation was completed only in 1993—six years later. Its Findings came one year later. As if this delay was not enough, it was further compounded by procrastination in implementing the action recommended. Orders in the matter were issued only in 1995 and 1997. Even in this Order action was recommended only against 19 officials as against 66 recommended in the CID Report. Interestingly there was no compliance of the court’s summoning order followed by bailable warrants six times and non-bailable warrants 17 times between January 1997 and April 2000. Although all of them were in active service then, they were declared as ‘absconders’ by the government. It was not for nothing that senior journalist Siddarth Varadarajan, in his writeup on the incident said “Even by the lethargic and Kafkaesque standards of the Indian judicial system, the Hashimpura case is in a class of its own” (*Times of India*, 17 May 2000).

According to Mr Iqbal Ansari, an Aligarh lawyer and founding member of the Minority Council, who made all out efforts so that justice be rendered to the victims of the Hashimpura Massacre “...The UP government says that the amount of Rs 40,000/- it paid for each of those killed is enough. It needs to be kept in mind that Hashimpura’s is a case of custodial killings by PAC, not that of killings during riots because of failure of governance as in 1984 in Delhi for which the Delhi High Court awarded compensation of Rs. 2 lakhs.” (Ref. *Forgotten Massacre* by Mr Iqbal Ansari ‘Human Rights Today’)

A close look at the trajectory of the case makes it clear about the connivance of the state and the police machinery in denying justice to the innocent victims. It is clear that if the Supreme Court had not intervened the process of justice delivery would have been indefinitely postponed further. An appeal by the Hashimpura Advisory Committee to the Supreme Court seeking transfer of the case to Delhi since the accused were allegedly “exerting pressure and influence” to stall the proceedings in Ghaziabad, prompted the highest court to transfer the same to Tees Hazari court in Delhi in 2002. Of course despite transfer it took four more years for framing of charges since there was lack of will on the part of the UP

government to promptly appoint competent Special Public Prosecutor in transferred cases.

Even now nobody can claim authoritatively that the guilty will be punished or the yearning of the affected people for justice will be fulfilled and the next of kin of those killed will get adequate compensation. This is because of the fact that many eyewitnesses of the whole incident are long dead and while the killers are openly moving about, the few surviving witnesses live constantly in danger to their life.

It is indeed galling to find that, even more than fifty years after the formation of Indian Republic Hashimpura is not an exception. It is not just a synonym for massacre. It is a tendency. There is nothing new in such massacres which are well thought-out handiwork of those at the helm of power and capital for their political and economic objectives. In the event the Constitution becomes a Parody. The rules made under the Constitution only subserve their interest.

✍✍✍✍