

(8 December, 1999]

RAJYA SABHA

**Rangnath Mishra Commission on 1984 Riots**

\*144. SHRI KULDIP NAYYAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the Rangnath Mishra Commission found that the 1984 riots in Delhi occurred broadly on account of total passivity, callousness and indifference of police in controlling the situation and protecting people of the Sikh community;

(b) if so, how many cases of disciplinary proceedings have been completed;

(c) how many officials, have been punished;

(d) in how many cases disciplinary proceedings are pending; and

(e) by when they are likely to be completed?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (e) A statement is laid on the Table of the House.

**Statement**

(a) Yes, Sir.

(b) and (c) The disciplinary proceedings have been completed in respect of 92 police officials as a result of which 14 of them were punished.

(d) and (e) The proceedings in respect of 13 police officials are pending. This includes one case in which the final orders could not be issued because of the restraint order passed by the Court. The proceedings in the remaining cases are in progress but it is difficult to specify a time-frame for their completion because of their quasi-judicial nature. It is, however, Government's endeavour to have these proceedings finalised at the earliest.

SHRI KULDIP NAYYAR: Sir, I am really disappointed with the reply and coming as it does from a person like Advaniji, it is really disappointing. Now, he would remember that 3,000 Sikhs were murdered in Delhi. Three thousand is the official figure. Till today, we are told that the proceedings are going on against 92 police officials and only 14 were punished. May I know from the Minister, how many people were really Chargesheeted? What are the ranks of those who have been punished? What kind of punishment was given?

SHRI L.K. ADVANI: Sir, when this Ranganth Misra Commission was appointed—it was appointed in 1985—it set up several committee for different tasks. One of the tasks was entrusted to the Home Secretary of Delhi Administration. He was assigned the responsibility of finding out the exact number of deaths that took place during the riots in Delhi. Though I had seen the Government replying in this House itself earlier that 2146 Sikhs had been killed during the 1984 disturbances, the Home Secretary's finding was that the number of persons killed was 2,733. This is the official figure that had been given, because this became important when the compensation was being paid. The figure is 2,733.

So far as the policy officials, who have been penalised, are concerned, the whole process has to be gone through and there is a difference between the date of occurrence and the date of indictment and the date of proceedings. This is what invariably happens. This is certainly something about which the Members like him and many others, and even we, when we were in the Opposition, have been agitating all along. This is a matter in which a serious lapse has occurred. Two thousand seven hundred and thirty-three persons had been killed and yet, the persons, who are responsible for it are going scot-free. I appreciate his concern about it. But the Government has not allowed anything to rest, so far as this matter is concerned. We are still pursuing the matter.

SHRI KULDIP NAYYAR: Sir, in 1990, the then Prime Minister said that Special Courts would be set up. 'Were any Special Court set up? Is it a fact that a lot of politicians, who are involved, have not been moved against, or at least, a very lenient attitude has been taken towards them because of political considerations?

SHRI L.K. ADVANI: Sir, Special Court have been set up. But this question relates mainly to the findings of the Ranganth Misra Commission in respect of the callousness of the police officers. The subsequent question also relates to that.

If there is a separate question, I will certainly deal with the persons who are supposed to be involved, the number of cases which they have been acquitted, the cases in which there is no evidence, etc. But this particular question is focussed on the findings of the Ranganth Misra Commission's report, about the action taken against the police official, etc.

SHRI KULDIP NAYYAR: My point is this. Was any politician involved in this? You have not given any response to that part of the question. (*Interruptions*). Has any person been hanged so far? (*Interruptions*)

SHRI L.K. ADVANI: No, no. (*Interruptions*). I have the answer with me...(*Interruptions*). But it does not directly arise from the question.

**श्री मोहम्मद सलीम :** सभापति, मंत्री महोदय ने हमें यह जवाब दिया कि पोलिटीशियंस के इन्वॉल्वमेंट का जो मामला है, उसके लिए उन्हें सैपरेट नोटिस चाहिए। इसलिए मैं अपने को पुलिस के रोल तक सीमित रखूंगा। महोदय, प्रश्न के (क) और (ख) भाग में यह पूछा गया था कि रंगनाथ मिश्र की रिपोर्ट के मुताबिक उसमें कितने पुलिस अफसर इन्वॉल्व थे। आपने उत्तर दिया है कि 92 के बारे में यह डिपार्टमेंटल प्रोसीडिंग पूरी हो चुकी है और 13 पेंडिंग है। मतलब कुल मिलाकर 105 लोगों के खिलाफ डिपार्टमेंटल प्रोसीडिंग शुरू की गई थी। आपने बताया है कि उनमें से सिर्फ 14 को पनिसमेंट दी गई है। प्रश्न के (क) भाग से (ग) भाग के बारे में मेरा पहला सप्लीमेंटरी क्वेश्चन यह है कि इन 14 अधिकारियों को किस तरह की पनिसमेंट दी गई, इसके बारे में आप डिटेल्स दें। मंत्री महोदय कह रहे हैं कि जो 13 केसेज पेंडिंग है, उनके बारे में कोई टाइम-फ्रेम दिया नहीं जाएगा। यह उनके रिप्लाय में है क्योंकि यह स्वासी-जुडिशियल है। एक तरफ तो जुडिशियल मैटर को ऐक्सिडिट करने की हिदायत दी जा रही है और दूसरी ओर 15 साल हो चुके हैं, जिन 5-6 साल के बच्चों की आंखों के सामने ये हत्याएं हुई थी, वे अब नौजवान हो चुके हैं, लेकिन अभी तक इन केसेज का फैसला नहीं हो पाया है।

सभापति महोदय, मंत्री महोदय ने कहा है कि हमारी हुकूमत आने के बाद इस संबंध में लगातार कोशिश की जा रही है। मैं मंत्री महोदय से जानना चाहता हूँ, कि जिन 14 केसेज में डिपार्टमेंटल प्रोसीडिंग पूरी कर ली गई है उनका टाइम फ्रेम बताएं, जिन 92 केसेज के बारे में इन्क्वायरी शुरू की गई थी, उनकी ईयरवाइज डिटेल्स दें और जो 13 केसेज पेंडिंग हैं, उनका टाइम फ्रेम न देने की वजह क्या है, इनको क्यों लंबित किया जा रहा है? इसलिए एक तो आप क्वैटम बताइए ईयरवाइज और दूसरा जो पेंडिंग हैं उनकी डिटेल्स बताएं। WHY?

SHRI L.K. ADVANI: The actual number of police officials indicated by the two committees set up by the Commission was 147. Of these 147 police officers, 42 were those against whom no departmental action could be taken. This was because either they had expired, or, they had retired from service, and the case against them

had become time-barred. The status of the action taken against the remaining 105 is as follows:—

"77 were exonerated after inquiry 14 were punished; one officer was warned, and 13 are those against whom departmental proceedings are pending." (*interruptions*).

SHRI MD. SALIM: I want to know about the quantum of punishment.

SHRI L.K. ADVANI: The quantum of punishment is this. In the case of three, it is forfeiture of specified years of service; in the case of six it is censure; in the case of 4, it is withholding of increment; and in the case of one officer reduction of pay....(*Interruptions*). I can understand your dissatisfaction with this. But these are departmental inquiries. It is one a question of butchery. Butchery has not been committed by them. It is negligence, callousness, or, something else, for which departmental inquiries lead to this kind of punishment. That is the system.

श्री मोहम्मद सलीम : जो 13 निलंबित हुए हैं जो वेट कर रहे हैं, पेंडिंग है, मैंने उनके बारे में सवाल पूछा था कि वे किस कारण से लंबित हैं।

SHRI L.K. ADVANI: Mr. Chairman, Sir, we will try to expedite these thirteen cases.

SHRI K.R. MALKANI: Mr. Chairman, Sir, action has been taken against some gentlemen, some police officers, etc. I can quite see the problem of the Government. After that slaughter this is the eighth Government. If nothing could happen during the period of seven Governments what can happen after 15 years? Where are the witnesses? Where are the accused? Everything has gone. But what happened at that time is unforgettable and unforgivable. My friend Shri, Kuldip Nayyar, was very modest when he said that the Commission had found that the police was casual and passive. Sir, the police was neither casual nor passive. It was actively cruel and actively criminal. Sir, not a single rioter was arrested, not a single rioter was caught and not a single rioter was shot. Even the President of India rang up BJP people to tell us, "Please do something and save the Sikhs". This was the situation. No ACP could be contacted and no Police Commissioner could be contacted at that time. They could\* have functioned in this manner only if they had a green signal from above, from the Government of India, whoever

[8 December, 1999]

RAJYA SABHA

was in charge at that time. Sir, a Commission was appointed. May I suggest that a second Commission be appointed to go into the matter? The lives lost cannot be brought back to life, But let the facts be established. Let truth prevail. I would therefore beg of the hon. Minister to consider having another Commission to go into the matter and come out with a detailed, comprehensive, white paper?

SHRI L.K. ADVANI: Mr. Chairman, Sir, the anguish of the House has been expressed by the hon. Member. But as a representative of the Government I doubt whether after this period of time, setting up of another Commission would serve a very useful purpose. I seriously doubt it. However, I appreciate the anguish expressed by the hon. Member. I am sure if reflected that views of the other hon. Members of the House also.

**श्री सुखदेव सिंह ढिंडसा :** मुझे भी टाइम दीजिए ।

**श्री सभापति :** आपको भी टाइम मिलेगा ।

SHRI K!R. MALKANI: Mr. Chairman, Sir, if there could be a third and a fourth inquiry into the mysterious disappearance of Netaji Subhas Chandra Bose, why can't we have a second inquiry into the murder of 3000 people?

DR. BIPLAB DASGUPTA: Sir, we all support Shri Malkani.

**श्री सतीश प्रधान :** वे जवाब नहीं देगे, वे तो खुद ही इन्वाल्व है इसमें ।

SHRI L.K. ADVANI: If this is the unanimous wish of the House, particularly of Members sitting on that side, I would be happy to consider it.

**श्री सुखदेव सिंह ढिंडसा :** सभापति जी, मैं होम मिनिस्टर साहब से दो बातें पूछना चाहता हूँ कि अगर नये कमीशन से आपको महसूस होता है कि देर लगेगी, वह ठीक नहीं बनेगा तो क्या रंगनाथ कमीशन, जिसमें रिटायर्ड जस्टिस ऑफ इंडिया जज थे, जिसकी इंकवारी में और भी रिटायर्ड जज थे, तो क्या उसके इंकवारी को बेस मानकर दुबारा ओपन करके, स्पेशल कोर्ट बनाकर सजा दिलाने का यत्न करेंगे ?

सभापति महोदय, अगर मरने के बाद करप्शन केस में सी0 बी0 आई सजा के लिए नाम डाल सकती है, कोर्ट में केस जा सकता है जो क्या कत्ल करने वाले, जो जिंदा हैं, जो रिटायर्ड हो गए हैं और वे जिंदा हैं क्या रिटायर्ड होना कानून के बाहर है, जो रिटायर्ड ऑफीसर और नान-ऑफीसर हैं, उनके खिलाफ सिर्फ 14 केस हुए, जो सिर्फ एक आई वॉश है, क्या उनके खिलाफ सारे केस रीओपन करके, डिमोशन के केस, डिस्पोजल के केस, मर्डर के

केस चलाए जाएंगे ? लास्ट में एक बात कहना चाहूंगा कि एक कमीशन बिठाकर उसकी इंकवारी की जाए।

**श्री लाल कृष्ण आडवाणी :** सभापति महोदय, रंगनाथ कमीशन की रिपोर्ट में मुख्य रूप से दोष जो है जैसे कि माननीय सदस्य ने अपने सवाल में लिखा है, उसको अगर मैं कोट करूंगा तो उन्होंने कहा है

"That the 1984 riots occurred in Delhi broadly on account of total passivity, callousness and indifference of police in controlling the situation and protecting people of the Sikh community within the Union Territory." The hon. Member, sitting behind me, had just said that it is much more than this. He said that it was actual collaboration and collusion in the criminal acts done by the people at that time. Furthermore, I have seen the other important reasons that have been given by the Commission. None of them refers to the responsibility on those at the helm of affairs. It refers to the fact that there was a delay on the part of the Delhi Administration in calling the Army, that there was a lack of control over the antisocial elements, that they could combine and form themselves into riotous groups which took over full control of the situation in Delhi for almost three days; and identification, without the least justification, of the entire Sikh community with the two assassins of Smt. Indira Gandhi. All these factors which have been indicated do not, in any way, point to what is being demanded at the moment. And, as I said, if it is the unanimous wish of the House, as it was the unanimous wish in the case of Netaji Subhas Chandra Bose, — even though there were doubts by an earlier Government whether it would serve any purpose, yet, because a unanimous desire of the West Bengal Assembly was projected through a resolution, and the court of law had also pronounced on it, we did it — if, here in this House all of us are keen to find out who really was behind it, who really was responsible, whether by omission or by commission, the Government would have no hesitation in appointing another commission, though we would not like anybody to think that we are on a witch-hunt after political adversaries. I would not like to accept that kind of an allegation. Therefore, as I said, if the House is unanimous on this, the Government is willing to consider it.

[8 December, 1999]

RAJYA SABHA

SOME HON. MEMBERS: Yes, the House is unanimous on this.

**श्री नरेन्द्र मोहन** : इसको अपोज़ नहीं किया जा रहा है । ...**(व्यवधान)**

**सरदार बलविन्दर सिंह भुंडर** : अगर कोई अपोज़ करता है तो करे । सारा हाऊस यूनेनीमस है ...**(व्यवधान)** चेयरमैन साहब मैं होम मिनिस्टर साहब से कहना चाहता हूँ कि वह कमीशन कायम करें ...**(व्यवधान)**

SHRI KULDIP NAYYAR: A majority of the Members of this House are in favour of this ...**(Interruptions)**

**श्री संजय निरुपम** : किसी ने अपोज़ नहीं किया ...**(व्यवधान)**

**श्री नरेन्द्र मोहन** : सदन की सर्वसम्मति राय है कि दूसरे आयोग का गठन किया जाए । **(व्यवधान)** विपक्ष के नेता का मौन रहना इस बात का द्योतक है । ...**(व्यवधान)**

MISS SAROJ KHAPARDE: But why are you not implementing the Srikrishna Commission Report in Maharashtra? **(Interruptions)** What has happened to that? **(Interruptions)**

**सरदार बलविन्दर सिंह भुंडर** : भयानक कत्ले-आम हुआ है । ...**(व्यवधान)**

PROF. RAM GOPAL YADAV: The entire House is unanimous in this matter...**(Interruptions)** There is no opposition from any corner of the House...**(Interruptions)** The entire House is unanimous ...**(Interruptions)**

SHRI SANGH PRIYA GAUTAM: We would like to know what the view of the Leader of the Opposition is ...**(Interruptions)**

SHRI GURUDAS DAS GUPTA: Mr. Chairman, Sir, since no dissenting voice is being raised in this House, it is assumed that it is the unanimous suggestion to the Government that such an inquiry should be made.

SHRI L.K. ADVANI: As I have said, the Government has no hesitation in accepting it. But I would not just take the silence for granted. I would like to know the views of the Leader of the Opposition... **(Interruptions)**

MR. CHAIRMAN: Question Hour is over.