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**REPORT OF
THE INDIAN PEOPLE'S
HUMAN RIGHTS TRIBUNAL
ON MEERUT RIOTS**

An IPHRC Publication

The Indian People's Human Rights Commission was formed on January 10, 1987 -- an event which will go down in the history of human rights. It is the first of its kind in Asia.

The Commission consists of human rights activists from all over India. Among these are such well-known people as Justice V.M. Tarkunde, Dr. A.R. Desai and Prof. Romila Thapar. The president of Commission is Mr. Mrinal Sen, the famous film maker.

The Commission has set up the Indian People's Human Rights Tribunal. The Tribunal consists of only ex-Judges of the Supreme Court and the High Courts. At present there are eleven ex-judges on the panel. The Chairman of the Tribunal is Mr. V.R. Krishna Iyer, retired judge of the Supreme Court.

The Commission takes up cases in which there is gross, systematic or significant violation of human rights by the state. The Tribunal tries the cases and passes judgements on them after evaluating the evidence gathered and produced.

The first case taken up by the commission is the firing at Arwal in which 21 people were killed. Subsequently, the Meerut killings by PAC and the Chintapalli Arson case have been taken up.



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ON
THE MEERUT RIOTS**

A.C.Gupta
(former Judge of Supreme Court)
and
Mrs. Jyotirmoyee Nag
(former Judge of Calcutta High Court)

Released on May 18, 1989
MEERUT

Preface

The incident at Arwal In Bihar was the first case we took up and passed on to the Indian People's Human Rights Tribunal. The 2-member Tribunal came out with a comprehensive report--- a report and the verdict that were sharp, unambiguous and even blatant. In a broader perspective the verdict of the Tribunal revealed the truth about life we live in a society where the law-makers turn unabashedly into law-breakers when necessary.

Now comes another report and another verdict by another 2-member Tribunal on the communal disturbances, particularly on its ghastly aftermath, that took place in Meerut in May 1987. First spread the word of the mouth, then the media-people rushed to the affected areas, and those who had courage enough to call a spade a spade came out with 'stories' about inhuman atrocities -- all stories making a big story about law-makers turning into law-breakers. This time, at Meerut, such a big story was spear-headed by the state-owned Provincial Armed Constabulary.

Ours, we know, is a secular State. Our claim to remain secular and to challenge all kinds of narrow fundamentalist activities is our national pride. But the happenings in Meerut, at least for once, disproved our claim and injured our national pride. It is a big shame. It is shocking and is a crime --an assault on our Constitution.

Mr Justice A.C.Gupta and Mrs. Justice Jyotirmoyee Nag who formed the 2-member TRibunal "to investigate into and adjudicate upon the cases of gross, systematic and significant violation of human rights by the state" made an exhaustive study and did it all except, however, one which relates to the "pathological conditions responsible for creation of the communal situation in Meerut". This particular

aspect highlighting the background of such unpleasant and uncalled for occurrences, as we can see, is important. But the tribunal feels, and we fully agree, that a thorough probe of this kind is not possible unless the local administration and the state government come forward to help the investigating team. Here, while at the job, the Tribunal requested the state government and the local administration to depose. The request, understandably, was not heeded to. It is sad, and it clearly shows that the administrative machinery employs itself more on other things but very little or none at all on the protection of secularism particularly at a time when fundamentalism is seen to have raised its ugly head all around the country.

On behalf of the Indian People's Human Rights Commission, I express my heart-felt gratitude to the members of the Tribunal and to all witnesses who appeared before the Tribunal to speak their minds.

MRINAL SEN

Justice A.C.Gupta's Report

On being requested by the Indian People's Human Rights Commission we agreed to function as a two-member tribunal to investigate into the facts relating to the widespread riots that took place in Meerut in May 1987 and ascertain if the facts disclosed deliberate violation of human rights of the citizens of India by the State. The President of the Indian People's Human Rights Commission had written to us as follows:

"As you take up the case, you are absolutely free to formulate the terms of reference and to evolve procedures. In doing so you may, if you so like, give a thought over the following:

- (a) To examine the pathological conditions responsible for creation of the communal situation in Meerut (April-May 1987).
- (b) To find out whether the Meerut Administration, UP Government, PAC and the Police helped in curbing the riots or by their acts of omission or commission instigated/perpetuated communal feelings and tension.
- (c) To enquire if there were any excesses committed by the PAC/
Police during the period between May 19 and May 25/1987.
- d) To estimate the number of deaths and the extent of allied atrocities."

It is common knowledge that on May 18, 1987 communal riots broke out all over Meerut which continued for several days. We heard in all about persons who came from different parts of the city, Hashimpura, Imlian, Malliana and Mian Mohammed Nagar. We recorded the evidence of most of the witnesses at the Constitution Club, New Delhi on March 12 and 13, 1988. We commenced our investigation by examining a number of witnesses from Hashimpura, Imlian and Mian Mohammed Nagar. These are predominantly Muslim majority areas. On March 16 we went to

Hashimpura, Imlian and Mian Mohammed Nagar to see for ourselves the areas where violence had erupted when we heard the evidence of a few more witnesses. On March 17 we went to Malliana to see some of the riot affected areas and recorded the evidence of a number of witnesses there.

The witnesses fall broadly into two groups, those who speak about the occurrences between May 18 and 21, 1987 and others who narrate what happened on May 22, 1987; there are also a few who describe the happenings on all these days. We begin by referring to the evidence of some of the witnesses to the incidents that took place between May 18 and 21 in Hashimpura, Imlian and Mian Mohammed Nagar.

One of the witnesses, Jamal-ud-din, said that curfew was imposed in Hashimpura at about 10 A.M. on May 19, 1987. He found that men of the Provincial Armed Constabulary (PAC for short hereinafter) positioned themselves on top of the Hindu houses just behind Hashimpura, some "Hindu communal elements" were also there with them who were throwing stones and fire balls at the Muslim houses as a result of which several houses caught fire. When the residents of the burning houses came out they were fired upon by the PAC killing two of them, an old man named Abdul Majid and one Mohd. Yamin.

According to Nafis Ahmed, aged 22 years, who comes from Imlian, there was "a case of arson" at about 9.20 on the night of May 18, 1987. He and four or five others went over to the policemen present there and requested them to put out the fire but the policemen took no action. On May 19 (1987) during midday, at about 12.30 P.M., police began arresting the menfolks of the locality. The women and children who were left behind then went out in a body with the project of requesting the police either to release the men or to take into custody the women also. Nafis Ahmed's mother, Hanifa, was among those who came out. At about 3.45 P.M. a police jeep came along Hapur road and ploughed into the crowd of women and children who had gathered there. Shots were fired and, the witness said, his mother was hit by two bullets. The policemen did not allow him to remove his mother's body.

They told him to go away leaving the body there or he also would be shot. Later he found her mother's name in the list of missing persons. According to Nafis Ahmed two women, four children and three young men were killed in the firing.

Gulshan who comes from Hashimpura aged about 25 years is the widow of Mohd. Mann who died on May 19 1987. She described how her husband was killed. On May 19, (1987), at about 2.30 P.M. her husband was returning home when the PAC men stopped him and shot him in the head. Her neighbours dragged his body inside the house where it was left lying for three days after which he was buried with the permission of the army; PAC men were not willing to give permission."I have nobody except three small children", she said.

Rashidan aged about 40 years is witness from Mian Mohd. Nagar. She said that on May 19 (1987) at about 2.3- P.M. a large number of rioters entered the mohalla and started looting and setting fire to houses. They were accompanied by PAC men who started firing. According to the witness people started running away when her brother said that he would go back to get his clothes from their house. He went back and never returned. Later when she went back she found flames were still rising out of the house. She believed that her brother was burnt to death in the house.

Kallu comes from Mian Mohd. Nagar. According to him on May 19 (1987) at about 1.30 P.M. rioters attacked the area and started looting and setting fire to Muslim houses. The rioters were accompanied by men of the PAC and policemen with rifles. The witness added that the policemen were shouting that they were Hindus first and then policemen. There was an exchange of brickbats between the resistants and the rioters but ultimately the men of the locality had to run away. Returning the next day on May 20 at about 8.30 A.M. he saw the Muslim houses still on fire and that a fresh group of rioters coming. They pleaded with the policemen on duty there to do something but they did not move, on the contrary the policemen and the men of the PAC turned their rifles to the residents asking them to go back. A policeman abused Kallu's son,Shaheed aged 22 years when she asked the police to

stop the rioters and Shaheed abused the policemen in reply. He was at once shot dead. Another boy standing by the side of Shaheed was also shot dead and their bodies were dragged away by the policemen. The witness lodged an F.I.R

Haji Ali Sher, aged 42 years also comes from Mian Mohd. Nagar. His version is that on May 19 there were sounds of firing from all the four sides. From the top of his house which was the only three storied house in the area he saw "thousands of men" all around looting and shouting. He saw policemen, he was not sure whether they were men of the PAC or ordinary policemen, standing on the roofs of the nearby houses and watching what was going on. The rioters, according to him, had with them cycle tyres to which they set fire and threw them into the houses. As the residents of the locality ran away the rioters and the police people broke into their houses and looted their belongings. The witness also ran away from his house and when he returned at about 6 P.M. the next day May 20, he found his house totally gutted and everything inside looted.

Mohd. Hanif comes from Imlian. He is a powerloom weaver. His evidence is that on May 19 the women of the locality went out to protest against the injustice done to the residents of the area. Among them was his wife, Sakina. The witness and the children stayed back at home. The policemen were roaming the streets. His wife did not come back that night. He was told that she had been shot dead. He did not find the body of his wife but someone told him that her body was lying in front of a shop. The witness was arrested on May 21. As he was in jail he filed a complaint after 22 days of the incident.

The version of Mohd.Zahid who also comes from Imlian is that on May 19 the men of the PAC arrested some people of the locality and the residents of the area came out on the road protesting against the arrest of innocent persons. At that time a police jeep coming to that area drove through the crowd of women and children who had gathered to voice their protest. According to this witness Mohd. Hanif's wife was run over and killed. It may be recalled that Hanif's evidence is that he had heard that his wife

died as a result of firing. According to Mohd. Zahid, the PAC men started firing killing one Dilshad and one of the relatives of the witness. According to this witness, at about 2.30 P.M. on May 21 the PAC and the military men asked the people of the locality to come out as they wanted to conduct a search of their houses. The witness and his brother-in-law Mobeen came out, the latter taking his daughter Gulshaba who was only 40 days old in his arms. The people of the locality were asked to stand on one side of the gali when Mobeen said that he wanted to go back to his house to leave the child there. At this a PAC personnel snatched the child from his arms and threw her down. She hit a side wall and fell dead on the edge of a drain. A.F.I.R. is said to have been filed on this incident. Some people including the witness were taken to police lines and kept there for 48 hours where they were beaten mercilessly. The police people joked when the prisoners asked for a drink of water. The arrested persons were then taken to Abdulla Pur Jail, where his brother-in-law Mobeen succumbed to his injuries. Mobeen's legs and arms were fractured as a result of the beating. The witness said that his right arm was also broken. He was released on bail on 17 June, 1987.

Shakila Begum, widow of Master Hanif is from Hashimpura. She repeated what other witnesses had said that after the curfew was imposed on the morning of May 19, the police and the PAC/men got on top of the Hindu houses and fired at the Muslim residents of the locality. Her husband who was ill was lying in the house. The PAC and the police came to their house at about 4 P.M. to take him away. They hit her husband with the butt of a rifle in the stomach which made him vomit blood. She told us that she showed the police her husband's X-ray plates and medical reports and begged them not to take him away. When her six year old grandson tried to obstruct the police from taking away his grandfather they dragged him out also. However she snatched the boy from the police and brought him back. Her husband was taken away. On May 27, the PAC people came to their house again and told her that her husband was not well. She went with the PAC men to the civil lines police station where the police said that they

had a gift for her on the eve of Id. It appears from the counter affidavit filed by the Senior Superintendent of Police in connection with PUDR's writ petition that five persons had died in Fatehganj jail and their dead bodies were brought to Meerut.

In the batch of witnesses who narrated the incidents that took place on May 22, there was Jamal-ud-din who had also given evidence as regards the happenings on May 19. Jamal-ud-din's evidence is that on May 22 at about 3.30 in the afternoon the local police, the PAC and the army entered and searched the Muslim houses in Hashimpura. The police also indulged in looting. Except women and children all the residents were taken out and made to stand on the Hapur road. In that crowd Jamal-ud-din's son, Kamar-ud-din and younger brother Rias-ud-din were also there. There were also about 450 people. They were beaten up and then the younger men were packed in three PAC trucks and police van and taken to police lines. Among them were Kamar-ud-din and a boy named Zulfikar who was a school student. After several hours the police released a list of people who were detained in jail but the list did not include the name of his son Kamar-ud-din who did not come back. On June 1 the witness heard that PAC men had killed some of those whom they had taken away and had thrown their bodies in the canal Gang Nahar. He then went to Morad Nagar police station to inquire where he was told by the officer in-charge that some persons had been rescued from the canal and taken to a nursing home and had died there. Jamal-ud-din was asked to go to Ghaziabad police station which he did and there he saw the photograph of the dead body of his sons and got copy of it from the Supdt. of Police, Ghaziabad.

Zulfikar Nasir whose name was mentioned by Jamal-ul-dir also appeared before us and gave evidence. In May 1987 he was studying in the 10th standard in St. Joseph's High school in Meerut Cantonment. Zulfikar had sworn an affidavit in connection with the writ petition filed in the Supreme Court and he adopted the statements therein as his evidence here. Zulfikar is an important witness who claims to have seen a particularly shocking part of the incidents. He repeats what Jamal-ul-din had said that in the

afternoon of May 22 the residents of the locality were made to assemble on the road. What happened thereafter is best described by quoting from his affidavit.

"On the afternoon of May 22, 1987 at around 4.00 P.M. military personnel came to our house and asked us to come out of hiding. They continued to monitor our movements from their positions on the roof top of the house. At about 6.00 P.M. when I was doing the evening 'namaaz' the military personnel came down and collected the adult males of the house and took them outside the house. When I completed the Namaaz they also took me outside. Outside we were made to sit on the road side where I observed the military and P.A.C. personnel moving together. After collecting male residents of the locality, the military personnel separated the younger boys, sickly and old males from the rest. The rest of the able bodied males were put into military, U.P. (blue coloured) and P.A.C. (yellow coloured) trucks.

A PAC Commandant came and said that all of us were being released in the custody of the old people, and that the elders would be held responsible for our behaviour. After close examination P.A.C. jawans separated the more robust young males and some elderly males from our group and put this selected group into P.A.C. trucks. I know that these were P.A.C. trucks because I have seen such trucks before. There were some 40 to 45 people in our group and were made to sit in the truck in such a way that we were concealed from outside view. We were all taken in this truck to the banks of the Muradnagar Gang Nahar and off loaded one by one. The first to be taken down from the truck was an elderly neighbour of mine Mohd. Hasin whom I have known from childhood. I saw two P.A.C. men hold him from either side while a third shot him with a rifle. Similarly, another neighbour of mine, a young man named Mohd. Ashraf was shot. I was the third to be taken off and I fell down while getting down. I was shot as I lay on the ground. The bullet grazed my right armpit and I pretended to be dead by holding my breath and lying motionless. Then I was picked up and thrown into the Gang Nahar. I fell near the banks and held on to the bushes at the edge of the water and pulled

myself away from the scene. After I was out of sight I came out of the Gang Nahar and saw a friend I recognised Mohd. Arif who had been in the same P.A.C. truck with me.

Arif and I hid in the bushes in the Gang Nahar and heard the sounds of continued gun fire. We heard the P.A.C. truck move away and hid in the Gang Nahar for another one to one and half hours. After that we emerged from the Gang Nahar and saw three boys lying on the banks who were still breathing, of which only one Qamaruddin who was my neighbour was known to me. Arif and I got him water from the Gang Nahar to drink and after some time we with great difficulty half carried and half supported him and moved towards the Muradnagar bridge. Qamaruddin had tied his shirt around his stomach which was bleeding profusely. We stopped near the abridge to give Qamaruddin some water to drink from the hand pump. The noise from the hand pump woke up two men who were sleeping there. They on seeing our condition sent for the police which one of them went to call. We were frightened by the impending arrival of the police, and Arif ran off. I stayed near Qamaruddin, who asked me to run away as he felt there was no hope of his surviving. At the earliest opportunity I too ran away. I ran and hid in the urinal near the Muradnagar Checkpost for around fifteen hours. I only came out of hiding the next evening shortly after sunset around 6.30 P.M. and went to the Muradnagar Kasba."

Rashke Jahan of Hashimpura told us that on May 22 the police and the PAC took away her son, Shiraz Ahmed who has not been heard of since. Her husband, Shabir Ahmed made a written application to the SSP, Meerut on 15, June 1987 for information regarding their son but failed to get any response. Rashke Jahan said that some of the survivors of Gang Nagar shooting had told her that her son's body was thrown into the canal.

Mohammed Usman, of Hashimpura, aged about 26 years, was another witness to and also a victim of the Gang Nahar shooting. He adopted the affidavit he had sworn in connection with the writ petition filed in the Supreme Court by PUDR as his evidence before us. As stated in the affidavit in the evening of May

22 the police, PAC and the army forced the people of the locality to assemble on the road. What happened thereafter has been described in detail in his affidavit:

"That on 22.5.87 evening at about 6 P.M., PAC Military and the police arrested me and everyone from our neighbourhood and made us sit on the road side. In front of me they took away three or four truck loads of people from our mohallah and they sent back home the old and the children. Lastly, I with about 50 people from our Mohallah were left when the PAC Commander who had a mike and speakers ordered that we all be put in that truck. With me in the truck were Kadir Chaiwala, Haji Mustaqueen, Haji Shamum, Naem, Rizwar, Abdul Haq, and others whom I know by face but do not know their names. We were stuffed inside a truck and I was made to sit right inside that is why I do not know which way the truck went. The truck stopped at one or two places and three PAC jawans got down and the truck started again. It kept going and I wondered why we had not reached Thana Civil Lines.

The truck took a right turn and went on a curve when I heard one of the people from our Mohallah saying that there is the Muradnagar canal. The truck stopped on the bank of the canal. After this the PAC took one man out of the truck, shot him and threw him into the canal. Then they took out the second man from the truck, shot him and threw him into the canal, and like this the third man was also shot dead. At that time the rest of the people said that we should remember god because PAC are going to kill us all. Everyone stood up, at which time the PAC peppered us with bullets and those who were saved were also shot dead and thrown into the canal. One man fell over me that is why I was not hit by a bullet. Then two PAC men picked me up and I started crying and pleaded with them to spare me because I had two very small children and old parents. At that time a third PAC man came towards me pointing a rifle and I caught the barrel and pointed it away from me and two or three seconds passed in the confusion and he put the gun on my stomach and shot. I shouted that I had been killed and those PAC men thought I was dead and they threw me into the canal.

After that I was thrown into the canal I tried to swim but my legs would not work and with great difficulty, I reached the bank. I caught the grass and pushed myself to the bank. When the PAC truck went away, I came out of the canal and sat down. Then I saw that at some distance some other boys were alive but had been shot. Among them was Arif son of Yamin Bastiwala. I asked him for water but he said he would not go down. After that two boys came, one of them had a bullet wound on his shoulder. They said they were waiting for me. After saying this they left. I waited for them for a long time but they did not return. I thought they had run away and would not come back. Somehow I managed to climb on top of the canal bank and reach the metalled road. There two Bihari artisans (who had been shot) were already there. After that two trucks passed by and I tried to stop them but they did not stop. After that I heard Sehari and a little later some policemen came by on a motorcycle. I signalled to them with my hand so they stopped and they came and saw me. I told them that the PAC people had shot us and thrown us into the canal and the police said they would return with a jeep. One policeman stayed with us.

That the policeman said if I gave such evidence, my life would be in danger so you should say that I had come to my door to see my brother when riots broke out and I was shot on my back, and I do not know who shot me. I lost consciousness and was dumped into the Muradnagar canal and I came out of the canal.

After that the police brought us to the Meerut Medical Hospital in their jeep. We, three, were admitted to the Emergency and the next day I was taken in a matador to Delhi. There we stopped outside a high building which I later learnt was All India Hospital. There I was operated and given treatment. I do not know what happened to my two companions from Meerut.

That during my treatment at the All India Hospital there was a CID man who stayed near me and would not allow anyone to meet me and he did not allow any journalist speak to me. In this period who ever met me I told them the same story that the policeman had told me to tell because I felt my life was under threat. However, one day, one girl came to me with a camera

hanging around the neck and she said she was a journalist and asked me to give her my story. I told her I would tell her the entire story if she would inform my people at home. She took my photo, just at that time that CID man came and pushed her out. That girl came afterwards to Hashimpura and I gave her my evidence."The witness has filed his medical report as an exhibit.

The journalist who met Mohammed Usman in hospital, the girl "with a camera hanging round her neck" also came to give evidence before us. She is Smita Gupta attached to Media Post. Her evidence is that on getting a 'tip' she went to AIIMS and met Mohammed Usman on May 28 where she heard his story. Next day on May 29 having got another 'tip' that some more survivors of May 22 shooting were in Narinder Mohan Hospital in Mohan Nagar, Ghaziabad District, she went there with a colleague and learnt that two persons Babudin aged 17 years and Muzbir Rehman aged 25 years has been admitted on May 23 with gunshot injuries. The room in which the injured were kept was heavily guarded by CRPF men. A hospital official gave the witness the details of the statements made by the two injured men when they were admitted which, it appears, substantially corroborate the version given by Mohammed Usman. Smita Gupta stated further that on May 27 the SHO of Link Road Police Station had told her that fourteen bodies had been fished out of the canal and that cases had been registered against unknown accused. The villagers around the canal told the witness that they had seen policemen pushing the corpses downstream so that they would go into the neighbouring district. Smita Gupta again visited Hashimpura on July 1 when she found at least forty people with plaster casts on their hand or leg. They were the people, she was told, who were arrested on May 22, taken to jail and released on bail.

Not all who were picked up from Hashimpura on May 22 were taken to Gang Nahar to be shot. Many were beaten up and tortured in various ways as a result of which some of them also died. An account of this was given by Mohammed Rizwan in the affidavit he had sworn in connection with the said writ petition filed by PUDR. Appearing before us, Rizwan adopted the contents

of the affidavit as his evidence. It will be more useful to set out the entire affidavit here which contains a detailed account of what happened .

"That I am in the embroidery business which I carry on in my residence and ion my shop. Military personnel entered our houses and climbed on to the roof tops around 4 P.M. on 22.5.87. Later around 5.30 P.M. I was taken out of my house and taken in a group of some 25-30 men to the cross roads. A photograph of the group in which I was taken has been published in Dinaman, 25 June 1987. I am the person marked No.2 in the photograph. No.1 is my younger brother Hafiz Mehboob Ali; No.3 is Mohd. Hanif alias Toriwala son of Majid who is known to me; No.4 is Zahir s/o Chhote; No.5 is Tafseer s/o Zahir.

Around 7 P.M. I along with others was put into a military truck and two military personnel guarded us in the truck. We were taken to the police lines. The truck was made to park there for some 45 minutes in the grounds with us inside it. Then another truck load of males from Hashimpura arrived. Police personnel made us raise our hands and took off our wrist watches. Gold neck chains were also removed. Then the police beat us with canes and lathis till we were unconscious. Then we were hit on the heads with bricks. After this we were taken to the Civil Lines Police Station. There also we were brutally beaten.

We were provided no medical attention for our injuries. We were also provided no food and little water. As a consequence of this treatment my relative Zahir son of Chhote (No.4 in photograph in Appendix I) died on the 22.5.87 night itself. Another person known to me was beaten brutally in the truck and he died shortly after being taken off the truck.

On the 24.5.87 evening around 7.00 P.M. we were put inside a U.P. Roadways bus and taken to Abdullahpur Jail, Meerut. There we were told that there was no room for prisoners there, and we were brought back to the Civil Lines P.S. There the policemen assaulted all those of us who were able to move about and were helping the others. My neighbour Haji Zahir son of Abdul Aziz, who for helping his badly injured brother Amiruddin, was tortured,

his beard pulled out hair by hair, and his left arm and right leg was broken. My close friend Mohd. Salim son of Siddique was helping others to drink water and to ease themselves, was beaten so badly by the police that he started bleeding from the mouth and fell unconscious. We were in the Civil Lines till the 24.5.87 evening and throughout we were given no medical treatment for food.

On the 24.5.87 night we were taken in a U.P. Roadways bus with five armed police guards led by a daroga to Fatehgarh Jail. En route we stopped for the guards to eat and drink. On our repeated requests they agreed to buy us some food from the money that we gave them. Only a few people managed to eat. We reached Fatehgarh Jail in the morning. Some people were waiting outside the Jail, armed with iron rods and lathis. We were taken off the bus, made to sit in line and beaten. Inside the Jail the numberdars also beat us. We were then kept in Barrack No.5 There in Barracks a friend Din Mohd. son of Abdul Majid, who had earlier worked with me, was so badly beaten when he asked for water, that he died on the spot.

We were all fed for the first time in Fatehgarh Jail barracks around 10 A.M. on 25.5.87. On the same evening when my friend Mohd. Salim's condition worsened further he was taken to Fatehgarh Jail hospital."

Abdul Majid whose affidavit is an annexure to the rejoinder filed by PUDR in the said writ petition adopted what he said in that affidavit as his evidence before us. On May 22, the Police and the PAC came to his house in the afternoon at about 3 and took away his son Din Mohd. On May 27 at about 9 in the morning the witness was summoned to the Civil Lines Police Station and after making him wait there for several hours he was taken to Shah Vilayat graveyard where the police handed over to him his son's dead body with the remarks "this is the Id present to you".

Hasina Begum, wife of Mohd. Zaffar gave evidence that on May 22 the police and the PAC came to their house and arrested their son Mehtab who was aged 20 years, and about 50 other men who had taken shelter there. The police searched the

house in a manner that almost destroyed it. According to the witness, the police asked for water to drink and said "why don't you keep a fridge because we want cold water". Later she found that her son's name was not in the list of persons detained in jail. She learnt subsequently that her son Mehtab had been killed and thrown in Gang Nahar.

Neena Vyas of Statesman who visited Meerut on May 23, 24 and 27 appeared before us and submitted a set of reports that she filed for the Statesman during the riots. Though she was not allowed to enter the area where "massacre" by the PAC had taken place on May 22, visiting the main city hospital she was able to get eye witness accounts of what happened on May 22 from persons injured during the happenings on that day. Her reports are corroborated by the witnesses examined before us.

The evidence summarised above gives a fairly clear picture of what happened in Meerut between May 18 and 22, 1987. Of course the witnesses were not cross-examined on their statements because the Meerut administration did not participate in the proceedings before us in spite of notice. However, we are of the opinion that barring certain exaggerations here and there prompted perhaps by a desire to paint the black deeds of the PAC and the police in blacker colour if possible, the witnesses were generally speaking the truth. From the evidence before us it does not appear that the happenings in Meerut in May, 1987 were a repetition of the familiar story of members of one community hurling themselves against another. It was the PAC and the police who appear to have been responsible for the atrocities that were committed on men, women and children and the terror that was let loose in Meerut on these days. They brought with them what has been described by some witness as "Hindu communal elements". The victims were mostly Muslims. All the rift-raffs and the goondas accompanying the PAC or the police set fire to Muslim houses and looted their belongings. The PAC and the police maimed, tortured and killed. It was not communal frenzy as such that caused the loss of so many lives and brought sorrow and grief to so many people, it was the

doing of those who were entrusted with the task of protecting law and order and preserving the peace!

The question that naturally arises is, why should the PAC and the police act in the way they had done? To be able to answer this question one must have knowledge of all the facts and circumstances relating to the origin of the trouble and its progress. The witnesses who deposed before us were mostly poor village people who were concerned only with the humiliation, loss and injury they had suffered and the acts of brutality they had seen. They were not interested in any matter that did not directly concern them. We do not have enough material from which one could explain the conduct of the PAC and the police in Meerut on the days in question. One of the witnesses linked that the PAC being predominantly a Hindu force was hostile to the Muslims and suggested a reduction in the percentage of Hindu recruits in the PAC. As we said earlier, we do not have sufficient evidence to ascertain the truth of the allegation or most of the suggestions of the witnesses. However, almost all who had witnessed the scenes of evidence in Meerut on those days spoke with fright and bitterness about the PAC. There must be something seriously wrong with a police force that evokes such strong feelings of terror and hatred in a very large section of the people. What exactly is the malady can be ascertained only on a closer examination of the problem on adequate material.

The evidence of the witnesses to which we have referred above gives an indication of the excesses committed by the PAC and the police. We have mentioned earlier the estimated number of deaths appearing from the evidence as 108. The evidence also discloses the "allied atrocities" by the police and the PAC; instead of trying to curb the riots they appear to have taken a leading role in instigating the communal tension. As the Meerut administration or the UP government did not appear in these proceedings there is not material before us to indicate what steps they had taken, if any, to control the situation.

We believe we have answered all the questions we were asked the consider except one which relates to the "pathological

conditions responsible for creation of the communal situation in Meerut". We are afraid, on the evidence we were able to collect which is mostly confined to the immediate loss and suffering of the helpless victims of the riots, it is not possible to attempt an answer to this question.

Signed/-

Justice A.C.Gupta

Justice Jyotimoyee Nag's Report

Before I deal with the Meerut riots I quote a few paragraphs from the declaration of Indian Peoples Human Rights Commission.

"Whereas we, the people of India, are concerned with growing State violence and lawlessness have decided to set up an Indian People's Human Rights Commission which will act as an agency of opinion and conscience against the State's growing lawlessness.

The Indian People's Human Rights Commission hereby sets up a Tribunal called INDIAN PEOPLE'S HUMAN RIGHTS TRIBUNAL which will investigate into and adjudicate upon the cases of gross, systematic and significant violation of human of gross, systematic and significant violation of human rights by the State".

Mr. Justice A.C. Gupta and myself have been asked by the Chairman of Indian Peoples' Human Rights Commission to act Tribunal Judges and enquire into the Meerut Riots of 1987, and the role of district administration and Provincial Armed Constabulary (PAC) in the riots.

It is unfortunate that in an atmosphere of hate, interest a dispute between a tenant and a landlord, who happened to belong to two different communities, led to the murder of Ajoy Sharma on May 16, 1987, which immediately assumed a communal colour. Perhaps under normal circumstances a small incident like this may have gone unnoticed. On May 17, when the dead body of Ajay

Sharma was taken for cremation there was a big crowd in which young men participated in large numbers. The atmosphere got vitiated in the mohallas through which the procession was carried. The funeral procession in such a charged atmosphere soon led to a series of incidents which resulted in large parts of Meerut becoming engulfed in communal frenzy. Some of the worst affected areas are Hashimpura, Imlian, Mian Mohammed Nagar and Malliana.

In order to carry out our investigations, we met a large number of witnesses and recorded their evidence at the Constitution Club, New Delhi on March 12 and 13, 1988. We visited Hashimpura, Imlian and Mian Mohammed Nagar on March 16, and to Malliana on March 17 to see the areas and speak to residents and also recorded further evidence.

Since my colleague on the bench, Justice A.C. Gupta has already dealt with the evidence from the other areas, I intend to confine my report to the events at Malliana.

The village of Malliana is situated about 10 km. from Meerut. What sets the events here on May 23, 1987 apart from what happened in Meerut is the allegation that there was no communal riot here till the PAC arrived. The residents of the area charge the men of PAC, led by their officers went berserk here; firing on unarmed civilians, killing, looting and burning houses. In this respect, it is an incident where the armed police of the state is involved in an incident affecting the members of the minority community.

Malliana is part of a cluster of semi-urban settlements some 120 km. west of Meerut. Since it is the biggest locality in the area, other nearby settlements like Sanjay Colony, Indra nagar, Islamnagar, Shekhpura and Multannagar are often referred to as Malliana.

A large number of witnesses testified that there had been no history of tension at Malliana between Muslims and Hindus. Nafiza Begum mentioned that her husband Sarif used to patrol the area along with Harijans during the last riots to maintain peace. On the fateful day, Sarif felt secure enough to leave his family and go to Delhi despite the rumours of growing tensions.

On 22nd and 23rd of May, 1987 a series of incidents took place in the area known as 'greater' Malliana. One witness, Hasmat Ali, a resident of Islam Nagar who is a radio mechanic, deposed that on May 22nd, a posse of PAC jawans led by Station officer of T.P. Nagar Police Station, Shri V. K. Singh surrounded Islamnagar and started a house to house search. Hasmat Ali was arrested along with some instruments used by him in his shop and taken to the police station. Here he was badly beaten with lathis and rods and sent to Police Lines. More beating took place here and his fingers were broken. Similar treatment was in store for a number of Muslims who were brought to the Police Lines in a truck. Hasmat Ali was sent to Jail on 23rd May and on the same day his house was ransacked and burned forcing his wife and children to flee to Mohalla Shekhan.

Another witness from Islam Nagar, Maliana, Ali Nishan stated that in the afternoon of 22nd May, PAC was patrolling and searching houses at Islamnagar and the posse went back at about 8 p.m. next morning. The same batch of policemen went to Sanjay Colony (inhabited by Hindus) through Islam nagar. An hour later, a mob of Hindu rioters gathered on the main road and looted a liquor shop and carried the bottles to Sanjay Colony and Harijan basti. The crowd became bigger by 11 a.m. and a large number of PAC jeeps were seen moving about near this mob. Ali Nishan and many other residents ran to Mohalla Shekhan armed with spears, swords etc.

At around 2.30 p.m. the mob armed with spears, swords etc. attacked Islamnagar and Shekhan mohalla. They looted and set fire to a large number of Muslim houses. While this attack was going on the PAC jawans started firing from the roof top of houses of Hindu baniyas which went on for two hours. PAC jawans also entered the houses in Mohalla Shekhan and shot many people.

About 5 p.m. all residents of Mohalla Shekhan including women and children came out of their houses with their hands raised and were gathered near the lake. They saw Islam nagar burning with PAC standing in the fields nearby.

Other witnesses from Sekhan corroborated this version.

Rais Ahmed stated that those Muslims who escaped from the mob were being systematically being gunned down by PAC jawans perched on the roof of baniya households. They also named a few Hindu rioters who too were using guns from roof tops. While Rias Ahmed was peeping through a window, a PAC jawan fired so that a bullet went through his cheek. He lost one eye and was shifted to Medical College in a critical condition. His father, Yameen, who had gone to the Railway Gate that morning (23rd May) is still missing and he suspects that he has been killed by the mob. Rais Ahmed deposed that he has been given Rs.500/- as compensation.

Nafisa Begum, 30, wife of Sarif, a carpenter of Shekhan, Malliana mentioned that on 23rd, while her husband was away, she saw a contingent of police in her settlement. The mob soon attacked her house and in presence of police entered the house and threw acid on her two daughters. Her 10 year old daughter, Sanjida died while the elder girl, Shamsida was badly burnt.

Several other witnesses also recounted the horror stories of that day. Muni, 21, of Shekhan Mohalla recounted how they escaped from their burning house by breaking the adjoining wall. Her 4 year old son, Babloo, broke away from his sister in the melee and ran back to his house to look for his mother. The mob threw him into a burning rickshaw. Next day, his mother found his charred body in the burnt out rickshaw.

Amarudin of Shekhan, Maliana mentioned that the PAC jawans were not only perched on rooftops to fire at the Muslims but some of them also entered houses to shoot the unarmed residents. Around 5.p.m. he saw several Muslims leaving their homes with their hands raised and were going towards the pond. With the hope of saving his family, Amarudin too gathered his children and started marching towards the 'hadi'. Just then PAC started firing on them, killing his 12 year old daughter Shahjehan, on the spot.

Anis Ahmed of Saban Garden, Malliana was even more unfortunate. He did not leave his house as his neighbours assured him protection. On May 21, his house which is a furlong away from the police station was attacked by rioters and set fire. The

family escaped to a nearby factory but were chased and twenty members of his family, including his mother, father, his two brothers and a sister were killed and bodies thrown into the nearby well. Despite his complaint to the police next day, the bodies were not returned and he claimed that no compensation has been paid to him.

Liyaquat Ali, an advocate and a resident of Malliana stated before the Tribunal that the incidents at Malliana should entirely be attributed to PAC and it was not a communal riot. He claimed that he was eye witness to several incidents, like the burning of the Shabum Godam on May 21, 1987, in the presence of police. He also claimed that the Muslim shops near the Godam were being burnt by uniformed men. Several people were killed on 23rd at Malliana in the presence of the police and many were shot by the PAC personnel. Despite all this no curfew was imposed in Malliana.

The deposition of the witnesses largely corroborated the stories which were heard with hardly any contradictions. Neena Vyas of Statesman claimed that there is little doubt the killings were a direct consequence of police action. She cited an army officer as describing the incident at Malliana as a "carnage by the PAC."

Ejaz Ali, a resident of Malliana, blamed the U.P. Government and administration for the Babri Masjid/Ram Janma Bhoomi issue for the entire riot. Before the riots, provocative slogans like "Bachcha, Bachcha Ram ka - Hindu Dharma ke kam ka" had appeared on the walls. He also blamed the local press and Samyukt Vyapar Sangh and its links with RSS and Shiv Sena fanning the flames.

The killings in greater Maliana began on May 21, when one Rafiq and 20 members of his family were killed and burnt outside the boring well while the PAC was going around the Basti. On 22nd, muslims in Multannagar and Kishanpura were attacked and killed again in the presence of police. On 23rd May, with the looting of liquor shop, the killings spread to Shekhan and Maliana. On that day, at about 2.30 p.m. some PAC trucks and jeeps

reached the Mill road going to Mohalla Shekhan from Islam Nagar. The jawans were divided into 3 groups. One batch went to Sanjay Colony, the second to the potters colony and the third group stood near the pond.

The PAC units that went to Sanjay Colony reached the border of Sekhan via the graveyard and tubewell and some of them climbed the roof of Gokul Baniya's house.

A few minutes later rioters started attacking the areas where the PAC was now positioned. They killed 9 people in Sanjay Colony including 5 belonging to Manga Khan's family.

In the meantime, Muslims returning from 'namaz' at the Masjid situated on the central lane of Mohalla Shekhan were surrounded by police and PAC from all sides. The unit coming from Holi Chowk first opened fire killing 2 on the spot.

The witness claimed that he could hear shouts of 'Jai Bajrangbali' and 'Bachao, bachao' and the wailing of women and children in Shekhan. As Harijan mobs entered the area burning houses with torches, kerosene etc. the Muslims started running towards the houses on the outskirts through the field. PAC at this juncture opened fire from the rooftops of high buildings. This firing continued for about 2 hours. He also alleged that PAC broke open doors of 2 houses and shot the inmates.

When some of the muslims reached the police party near the pond with their hands raised they saw the entire Islam nagar in flames. He even cited 2 PAC officers as telling him, that their 'job was to finish the muslims'. Mr. Ejaz Khan claims that he has cited all these incidents he gave to the Prime Minister when the latter visited Maliana on May 30, 1987. Peace returned to the area only when the PAC was withdrawn and the area handed over to CRPF and the army.

In an affidavit filed before the Srivastava Commission, Shri V.K.B. Nair, the then SSP of Meerut claimed that when he reached Maliana at 4.30 p.m. he found a large crowd of Muslims near the pond weeping and howling. PAC claimed that there had been incidents between Hindus and Muslims and that the police had fired only 4 rounds and that no one had died due to police firing. After our visit to the area and examining the

witnesses, we find hard to believe that there is any semblance of truth in the police version.

The so-called communal riot was really the outcome of PAC atrocities who have been described by one the witnesses as "a ferocious beast, let loose". The negligence of the local administration to give protection to the victims is also a contributory factor in the great killing that occurred on these charges of riot. The victims of the minority community were killed indiscriminately and arrested and confined in custody but the houses burnt and their mills to business places burnt and damaged without adequate compensation being given to the victims.

It is stated by some witnesses that the PAC was the stooge of the majority community and they were more communal minded than the Hindus themselves. They fanned the riots to flames and that peace and tranquility in Meerut returned only after they were replaced by a more impartial minded C.R.P. Force.

Signed/-
Jyotirmoyee Nag