



## Chronology of massacre

**PTI**

NEW DELHI, 31 OCTOBER

The following is the chronology of events relating to 1987 Hashimpura massacre case:

22 May 1987: 50 Muslims picked up allegedly by Provincial Armed Constabulary (PAC) personnel from Hashimpura village in Meerut, Uttar Pradesh.

Victims later shot and bodies thrown into canal. 42 persons declared dead.

1988: UP government orders CB-CID probe in the case.

February 1994: CB-CID submits inquiry report indicting over 60 PAC and police personnel of all ranks.

20 May 1996: Chargesheet filed against 19 accused before chief judicial magistrate, Ghaziabad

by CB-CID of Uttar Pradesh police. 161 people listed as witnesses.

2002: Case transferred to Delhi by the Supreme Court on petition by the families of victims and survivors.

July 2006: Delhi court frames charges of murder, attempt to murder, tampering with evidence and conspiracy under the IPC against 17 accused.

8 March 2013: Trial court dismisses Subramanian Swamy's plea seeking probe into the alleged role of P Chidambaram, then Minister of State for Home, in the matter.

22 January 2015: Trial court reserves judgment.

21 March: Court acquits 16 surviving accused giving them benefit of doubt regarding their identity.

18 May: Trial court deci-

sion challenged in the Delhi HC by the victims' families and eyewitnesses who survived the incident.

29 May: HC issues notice to the 16 PAC personnel on Uttar Pradesh government's appeal against the trial court verdict.

December: National Human Rights Commission is impleaded in the matter. NHRC also seeks further probe in to the massacre.

17 February 2016: HC tags Swamy's appeal with the other petitions in the matter.

6 September 2018: Delhi HC reserves verdict in the case.

31 October: Delhi HC convicts 16 former PAC personnel for life after finding them guilty of murder of 42 people.



हत्यारोपियों को उम्रकैद के फैसले पर पीड़ित परिजनों ने कहा, अदालत पर था भरोसा

# 31 साल संघर्ष के बाद इंसाफ मिला



मेरठ | कार्यालय संवाददाता

हाशिमपुरा कांड में 31 साल के लंबे संघर्ष के बाद आखिरकार बुधवार को दिल्ली हाइकोर्ट ने फैसला दे दिया। हत्यारोपियों को अदालत ने उम्रकैद का फरमान सुनाया। अदालत के इस फैसले से हाशिमपुरा कांड सुर्खियों में आ गया। फैसले के बाद हाशिमपुरा में लोगों और पीड़ितों ने कहा कि यह फैसला नजीर है, इंसाफ में आस मजबूत हुई है।

वक्त बीतता रहा, हालात बदलते रहे, जो गोद में थे, अब वे पिता बन चुके हैं और युवा, वृद्धावस्था की ओर बढ़ गए लेकिन न्याय की आस को लेकर जोश कभी ठंडा नहीं पड़ा।

हाशिमपुरा मामले में दिल्ली हाइकोर्ट द्वारा दोषियों को उम्रकैद सुनाए जाने पर पीड़ित परिवार खुश दिखाई दिए। 31 साल बाद आए इस फैसले से पीड़ितों के जख्मों पर कुछ मरहम लगा है। लोगों ने मिठाई बांटी और गले लगकर हर्ष जताया।

बुधवार को दिल्ली हाइकोर्ट का फैसला आने के बाद हाशिमपुरा में हलचल पैदा हो गई। फैसला आने पर कई लोगों की आंखें डबडबा गईं।



मेरठ के हाशिमपुरा में बुधवार को कोर्ट का फैसला आने के बाद दोपहर में मिठाई बांटने का सिलसिला शुरू हो गया, मुख्य पैरोकार के घर भीड़ एकत्र हो गई। • हिन्दुस्तान

क्या था मामला

हाइकोर्ट में पेश मामले के अनुसार, मेरठ जिले के हाशिमपुरा गांव में 22 मई 1987 की रात चल रही एक सभा से पीएसी के जवान अल्पसंख्यक समुदाय के 42 से 45 युवकों को ट्रक में भरकर अपने साथ ले गए। बाद में पीएसी के जवानों ने ट्रक में सवार लोगों को गोलियों से भून दिया और बाद में शव को गंग नहर में फेंक दिया। हाइकोर्ट के फैसले के अनुसार, इनमें से 38 लोगों की मौत हुई थी।

सुप्रीम कोर्ट ने केस को दिल्ली भेज दिया था

प्रभावित परिवारों की याचिका पर उच्चतम न्यायालय ने सितंबर 2002 में मामले को दिल्ली स्थानांतरित कर दिया गया था। इस मामले में 2006 में अदालत ने 19 व्यक्तियों को आरोपित किया था। इनमें से 17 आरोपियों के खिलाफ हत्या, हत्या के प्रयास, साक्ष्यों से छेड़छाड़ और साजिश के आरोप निर्धारित किए गए थे। 17 आरोपियों में से निचली अदालत ने 16 को संदेह का लाभ देते हुए 23 मार्च 2015 को बरी कर दिया था जबकि एक आरोपी की मौत हो गई थी। अदालत ने कहा था कि सबूतों के अभाव में उनकी पहचान निर्धारित नहीं की जा सकती।

हम निचली अदालत के आदेश को पलटते हैं और 16 आरोपियों को आईपीसी के तहत आपराधिक साजिश, अपहरण, हत्या और सबूतों को नष्ट करने का दोषी करार देते हैं। पीएसी जवानों के खिलाफ सबूत पक्के हैं और उनके खिलाफ आरोप बिना किसी शक के सही साबित हुए हैं।  
- दिल्ली हाइकोर्ट

मानवाधिकार आयोग ने हस्तक्षेप किया

निचली अदालत द्वारा हत्या तथा अन्य अपराधों के आरोपी 16 पूर्व पुलिसकर्मियों को बरी करने के फैसले को उच्च न्यायालय में चुनौती दी थी। इस मामले में और जांच के लिए राष्ट्रीय मानवाधिकार आयोग ने भी हस्तक्षेप किया था।

स्वामी की विशेष जांच कराने की मांग को टुकराया

हाइकोर्ट ने हाशिमपुरा नरसंहार मामले में दोषियों को सजा सुनाने के साथ ही भाजपा नेता सुब्रमण्यम स्वामी की उस मांग को भी खारिज कर दिया। हालांकि हाइकोर्ट ने 1987 में हुए इस नरसंहार मामले में उत्तर प्रदेश पुलिस की सीबीसीआईडी द्वारा सरकार को सौंपी गई जांच रिपोर्ट को सार्वजनिक करने का स्वामी की मांग को स्वीकार कर लिया। जस्टिस एस मुरालीधर और विनोद गोयल की पीठ ने अपने फैसले में कहा है कि मामले की आगे की जांच विशेष जांच दल (एसआईटी) से कराने की जरूरत नहीं है।





# Delayed 31 years, Hashimpura justice: 16 cops get life in jail

Delhi HC reverses acquittal order: This is perhaps too little, too late

**EXPRESS NEWS SERVICE**  
NEW DELHI, OCTOBER 31

THIRTY ONE years after the Hashimpura massacre near Meerut in Uttar Pradesh, the Delhi High Court Wednesday reversed a trial court acquittal order and sentenced to life imprisonment 16 personnel of the Provincial Armed Constabulary (PAC), who have since retired, for their role in the killing of 38 Muslims. It said "this case points to the systemic failure that results, not infrequently, in miscarriage of justice".

Calling the actions of the PAC personnel on May 22, 1987 as "brutal and bone-chilling" — there were 19 accused but three died during the pendency of trial

**CONTINUED ON PAGE 2**



Muslims being led away in Hashimpura, May 1987. *Praveen Jain*

**RELATED REPORT**

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## Hashimpura massacre

— the bench of justices S Muralidhar and Vinod Goel made it clear that the life term awarded to each convict in this case means the “remainder of the person’s natural life”.

“This court recommends that every State Legal Services Authority should designate a Nodal Officer to address the needs of the victim families in the case of custodial killings or State excesses. The procedure put in place should ensure that such victims or the families are able to access and seek relief under the scheme and that such relief should not be limited to monetary compensation but other range of reliefs respecting the rights to basic survival and dignity of such families,” the bench said.

Holding that the evidence before the court clearly established prior meeting of minds of the accused and careful planning in execution of the killings, the bench said this was “targeted killing by armed forces of the unarmed, innocent and defenceless members of a particular community... targeted killing revealing an institutional bias within the law enforcement agents in this case”.

The High Court directed the convicts to surrender on or before November 22, failing which the Station House Officers concerned will immediately take them into custody for serving the sentence awarded to each.

The trial court had acquitted them in the case on March 23, 2015 saying “it has not been proved beyond reasonable doubt” that the accused were PAC personnel.

Reversing the order, the High Court held the 16 accused “guilty of the offences with which they were charged viz., criminal conspiracy, kidnapping, murder, causing evidence of the crime to disappear... In arriving at this conclusion, we also relied on the additional evidence recorded, which was not available to

### PLAN TO MOVE SC: CONVICTED COP

*Lucknow:* Retired head constable Niranjan Lal, one of the 16 sentenced to life imprisonment for the 1987 Hashimpura massacre, plans to approach the Supreme Court against the Delhi High Court order. “I came to know of the judgment through a TV news channel. I immediately contacted my lawyers. All my dreams of living a peaceful life have been shattered,” he said. Niranjan Lal, who retired in December 2015 and lives in Etah with his wife and four sons, said: “The wedding of my youngest son is to take place next month. I will consult my lawyers on the next step. I also have to follow the court order.” — Manish Sahu

the trial court”.

“We are conscious that for the families of those killed, this is perhaps too little, too late. They have had to wait for 31 years for justice. The monetary compensation they have received cannot make up for the lives lost. This case points to the systemic failure that results, not infrequently, in miscarriage of justice,” the bench said.

The 73-page judgment details what transpired on the evening of May 22, 1987 in Hashimpura, an incident that left a “deep festering wound”: “Around 42 to 45 men, old and young, all Muslim, were rounded up by the PAC, packed into a truck and taken away. Each

of them was shot by the PAC personnel with .303 rifles in cold blood and the bodies dispatched to a watery grave — some in the Gangahar (Ganga canal) and the remaining in the Hindon river.”

“Five of them survived to recount the horrific tale. Of the 38 that were killed, the dead bodies of just 11 of them were able to be identified later by their relatives. The remaining bodies were not recovered,” the bench said.

“The present case is yet another instance of custodial killing where the legal system has been unable to effectively prosecute the perpetrators of gross human rights abuses. The prolongation of the trial for over two decades, compounded by the endemic systemic delays, have frustrated attempts at securing effective justice for the victims,” it said.

The High Court order came on three appeals — one filed by the State of Uttar Pradesh and two by the victims and their families including Zulfiqar Nasir, a survivor of the massacre. The High Court permitted the National Human Rights Commission to intervene in the matter and had ordered recording of additional evidence into the incident by the trial court.

The High Court allowed BJP leader Subramanian Swamy’s plea to make public the original inquiry report into the Hashimpura massacre by the UP Crime Branch-Criminal Investigation Department (CB-CID) which was tabled before the State of UP in 1994, and said the same shall be placed on the state government’s website in a prominent place.

It rejected the demand for a SIT probe into the killings, saying “in the over three decades since the massacre, no significant developments are stated to have taken place, or leads unearthed, warranting the direction sought”.

FULL REPORT ON  
[www.indianexpress.com](http://www.indianexpress.com)



HASHIMPURA MASSACRE

# DELHI HC SENTENCES 16 EX-COPS TO LIFE IMPRISONMENT

PRESS TRUST OF INDIA

New Delhi

**T**HE Delhi High Court on Wednesday sentenced a platoon commander and 16 of his men from the Provincial Armed Constabulary (PAC) for killing 42 Muslims in the 1987 Hashimpura massacre case at Meerut in Uttar Pradesh.

Platoon Commander Surender Pal Singh had died during the pendency of the trial, and the acquittal of 16 others from the trial court was overturned on Wednesday by the Delhi High Court which awarded them life imprisonment for killing 38 people of a minority community.

The high court convicted the 16 former Provincial Armed Constabulary (PAC) personnel for murder, kidnapping, criminal conspiracy and destruction of evidence under the Indian Penal Code. It termed the massacre "targeted killing" of unarmed and defenceless persons by the police. All the 16 convicts have retired from service. The Delhi High Court also allowed BJP leader Subramanian Swamy's plea to make public the report of Uttar Pradesh police's CB-CID in the case.

A bench of Justices S. Muradidhar and Vinod Goel, however, declined Swamy's plea for further probe by a Special Investigation Team (SIT) into the massacre. The high court in its judgment noted that in the over three decades since the massacre, no significant developments are stated to have taken place nor any leads have been unearthed that warrant the direction for further SIT probe.

"However, this will not preclude the concerned investigating agency from further pursuing the matter in accordance with law. It will be open for the petitioner (Swamy) too, if he has any further material, to share it with such agency to facilitate the exercise," the court asked.

The high court verdict came on pleas challenging a trial court's decision on March 21, 2015 to acquit 16 policemen of charges of murder and other crimes in the case giving them benefit of doubt due to lack of evidence. The case was transferred



May 22, 1987



Oct 31, 2018

to Delhi on a Supreme Court direction in September 2002 following a petition by the families of the massacre victims and survivors. The NHRC too sought further probe into the massacre.

The high court had on September 6 reserved its verdict on the appeals filed by Uttar Pradesh, the National Human Rights Commission (NHRC) and some private parties including a survivor of the massacre, Zulfikar Nasir. It had also reserved its judgement on Subramanian Swamy's plea seeking further probe to ascertain the alleged role of then minister of state for Home P. Chidambaram in the case. A trial court had on March 8, 2013, dismissed Swamy's plea for further probe in the incident, saying he has no locus standi and it is only the police who can move an applica-

tion for further probe. Thereafter, Swamy had approached the high court with the appeal.

Swamy in his plea had urged for a probe into whether Chidambaram and then Uttar Pradesh chief minister, Veer Bahadur Singh, held a closed door meeting in Meerut with PAC officers and allegedly sanctioned or directed them to carry out the killings. The high court in its judgement disposing of Swamy's plea has not referred to these arguments by him.

A little over a month after communal riots broke out in Meerut on April 14, 1987, the PAC and Army personnel carried out searches in Hashimpura and some other Meerut localities. The PAC had picked up the men, who were later shot and their bodies thrown into a canal. Zul-

"I've counted the days since the massacre. My husband and son were killed by police men. I had a four-day-old son then. The accused should've got death"

## India's biggest custodial killings

- May 22, 1987: 50 Muslims picked up allegedly by Provincial Armed Constabulary (PAC) personnel from Hashimpura village in Meerut, Uttar Pradesh. Victims later shot and bodies thrown into canal. 42 persons declared dead.
- 1988: UP government orders CB-CID probe in the case.
- Feb 1994: CB-CID submits inquiry report indicting over 60 PAC and police personnel of all ranks.
- May 20, 1996: Charge sheet filed against 19 accused before Chief Judicial Magistrate, Ghaziabad by CB-CID of Uttar Pradesh police. 161 people listed as witnesses.
- Sept 2002: Case transferred to Delhi by the Supreme Court on petition by the families of victims and survivors.
- July 2006: Delhi court frames charges of murder, attempt to murder, tampering with evidence and conspiracy under the IPC against 17 accused.
- March 8, 2013: Trial court dismisses Subramanian Swamy's plea seeking probe into the alleged role of P. Chidambaram, then minister of state for home, in the matter.
- Jan 22, 2015: Trial court reserves judgement.
- March 21: Court acquits 16 surviving accused giving them benefit of doubt regarding their identity.
- May 18: Trial court decision challenged in the Delhi HC by the victims' families and eyewitnesses who survived the incident.
- May 29: HC issues notice to the 16 PAC personnel on Uttar Pradesh government's appeal against the trial court verdict.
- December: National Human Rights Commission is impleaded in the matter. NHRC also seeks further probe in to the massacre.
- Feb 17, 2016: HC tags Swamy's appeal with the other petitions in the matter.
- Sept 6, 2018: Delhi HC reserves verdict in the case.
- Oct 31: Delhi HC convicts 16 former PAC personnel for life after finding them guilty of murder of 42 people.

fikar, Babbudin, Mujib-ur-Rehman, Mohammed Usman and Nayeem survived the shooting. A charge sheet was filed against 19 personnel, including Platoon Commander Surender Pal Singh of the 'C-Company' of PAC's 41st Battalion. However, the Crime Branch, Criminal Investigation Department (CB-CID) of Uttar Pradesh police had in its report indicted 66 PAC personnel for the killings.

Out of the 19 accused, three

— Om Prakash Sharma, Kush Kumar Singh and Surender Pal Singh, died during the trial. The high court has convicted the remaining 16 former PAC officials, which include: Suresh Chand Sharma, Niranjana Lal, Kamal Singh, Ram Bir Singh, Samiullah, Mahesh Prasad Singh, Jai Pal Singh, Ram Dhiyan, Arun Kumar, Lila Dhar Lohani, Hamir Singh, Kunwar Pal Singh, Buda Singh, Budhi Singh, Mohkam Singh and Basant Ballabh.





# 31 yrs on, 16 get life for Hashimpura killings

Abhinav.Garg@timesgroup.com

**New Delhi:** The survivors and the families of the victims of the Hashimpura massacre had waited over three decades for justice.

On Wednesday, a little over 31 years later, the Delhi high court delivered closure, convicting 16 former UP Provincial Armed Constabulary

## 'God had a purpose in keeping me alive'

**B**abudin Ansari (in pic), a survivor who fought for justice for 31 years, said, "God had a purpose in keeping me alive. I had to be the witness. I had to tell the truth". **P 13**



personnel of shooting dead 42 Muslim men (38 bodies were found) in Meerut's Hashimpura area in the sweltering night of May 22, 1987 and sentencing them to imprisonment for the remainder of their natural lives. The judgment overturned a trial court's acquittal in 2015.

The men had been shot and thrown into an irrigation ca-

nal. A bench of Justices S Muralidhar and Vinod Goel said it was a case of "targeted killings of persons belonging to one minority community". The judges did not go into hearing arguments on sentencing.

IPC Section 302 (murder) provides for only a life term or the death penalty.

► **'Payout not enough', P 13**





# Just payout isn't enough: Court

►Continued from P 1

The bench also convicted the 16 former PAC personnel of kidnapping, criminal conspiracy and destruction of evidence under the IPC.

"The present case involved the abduction of 42 to 45 persons belonging to the minority community and the killing of 38 of them soon after the incident of riots in which two rifles of the PAC were allegedly taken away by the rioters. It points to the disproportionate reaction by the PAC in targeting members of the minority community," the bench observed.

The court noted that the families of the victims had to wait 31 years to get justice and monetary relief could not be considered adequate compensation. It directed the convicts to surrender on or before November 22.

All 16 convicts have retired from service.

"The gravity of the crime is obvious. At the same time, the court is aware that this case has been pending for over three decades for reasons not entirely attributable to the accused. Their acquittal by the trial court 28 years after the event is reversed by this court, 31 years after the event. The present age of the accused persons has also therefore to be accounted for. The court also notes that substantial sums by way of compensation have been disbursed to the victims and their families," it observed while deciding petitions challenging the trial court's acquittal of the 16 PAC men.

It said the evidence against the PAC personnel was "clinching" in nature and the charges against them stood true beyond rea-

sonable doubt. The high court had on September 6 reserved its verdict on the appeals filed by Uttar Pradesh, the National Human Rights Commission (NHRC) and some private parties, including a survivor of the massacre, Zulfiqar Nasir.

On March 21, 2015, a trial court had acquitted the 16 former PAC personnel by giving them the benefit of doubt, saying their identities could not be established due to lack of evidence. Nineteen people were named as accused and charges were framed against 17 by the court here in 2006. The case was transferred to Delhi on the Supreme Court's direction in September 2002 following a petition by the families of the massacre victims and survivors. Of the 17 accused, the trial court had acquitted 16; one per had died during trial.





1987 HASHIMPURA MASSACRE

# HC sentences 16 ex-policemen to life imprisonment

MPOST BUREAU

**NEW DELHI:** The Delhi High Court on Wednesday sentenced 16 former policemen to life imprisonment for killing 42 people of a minority community in Hashimpura locality of Uttar Pradesh's Meerut in 1987.

A bench of Justices S Muralidhar and Vinod Goel reversed a trial court's verdict which had acquitted the accused.

The high court termed the massacre "targeted killing" of unarmed and defenceless people by the police.

It convicted the 16 former Provincial Armed Constabulary (PAC) personnel for murder, kidnapping, criminal conspiracy and destruction of evidence under the Indian Penal Code.

While sentencing all the convicts to life imprisonment, the court said the families of the victims had to wait 31 years to get justice, and monetary relief cannot compensate their loss.

The high court directed the convicts to surrender on or before November 22. All the 16 convicts have retired from service.

The high court's verdict came on pleas challenging a trial court's decision to acquit 16 policemen of charges of murder and other crimes in the case.

"We have proceeded to reverse the trial court judgement and to hold the 16 accused guilty for the offences of criminal conspiracy, kidnapping, murder and destruction of evidence under the IPC," the bench said.

It said the evidence against the PAC personnel is "clinching" in nature and the charges against them stand true beyond reasonable doubt.

The high court had on September 6 reserved its verdict on the appeals filed by Uttar Pradesh, the National Human Rights Commission (NHRC) and some private parties including a survivor of the massacre, Zulfiqar Nasir.

It had also reserved its judgement on BJP leader Subramanian Swamy's plea seeking further probe to ascertain the alleged role of then Minister of State for Home P Chidam-



People celebrate with sweets after Delhi High Court verdict on 1987 Hashimpura massacre case PTI

## Justice at last

- » For killing 42 people of a minority community in Hashimpura locality of Uttar Pradesh's Meerut in 1987
- » A bench of Justices S Muralidhar and Vinod Goel reversed a trial court's verdict which had acquitted the accused

baram in the case.

On March 21, 2015, a trial court here had acquitted the 16 former PAC personnel giving them the benefit of the doubt, saying their identification could not be established due to lack of evidence.

Nineteen people were named as accused and charges were framed against 17 of them for offences of murder, attempt to murder, tampering with evidence and conspiracy, by the court here in 2006.

The case was transferred to Delhi on a Supreme Court direction in September 2002 following a petition by the families of the massacre victims and survivors.

Of the 17 accused, the trial court had acquitted 16, while one died during the trial.

The NHRC has intervened in the matter seeking further probe into the massacre in the Hashimpura locality of Meerut in Uttar Pradesh.

A trial court had on March 8, 2013, dismissed Swamy's plea for a further probe to ascertain the role of Chidambaram, who was a Union Minister between 1986 and 1989, in the incident.

After that, Swamy had approached the high court with the appeal.





# जिम प्रशिक्षक के परिवार को पांच लाख रुपए दे सरकार

जनसत्ता ब्यूरो

नई दिल्ली, 31 अक्टूबर।

नोएडा के एक जिम प्रशिक्षक की फर्जी मुठभेड़ में हत्या के मामले को गंभीरता से लेते हुए राष्ट्रीय मानवाधिकार आयोग ने उत्तर प्रदेश सरकार को आदेश दिया है कि उसके परिवार को पांच लाख रुपए बतौर राहत अदा करें।

जिम ट्रेनर जितेंद्र यादव को कुछ पुलिसवालों ने इस साल तीन फरवरी की रात फर्जी मुठभेड़ में मौत के घाट उतार दिया था। आयोग ने उत्तर प्रदेश के मुख्य सचिव को हिदायत दी है कि पांच लाख रुपए की राशि अदा करने के प्रमाण सहित छह हफ्ते के भीतर आयोग को उसके आदेश पर अमल की सूचना दी जाए। मामले पर घटना के दो दिन बाद खुद ही संज्ञान लेते हुए आयोग ने इस पर कार्रवाई की थी। यह संज्ञान इस बाबत मीडिया में आई खबर पर लिया था। पड़ताल के दौरान राज्य सरकार ने आयोग को दिए जवाब में स्वीकार किया था कि पुलिस वालों पर लगाए गए आरोप सही हैं और मामले में एक सब इंस्पेक्टर के खिलाफ मामला दर्ज कर आरोप पत्र दाखिल किया गया है, जबकि बाकी तीन पुलिसवालों की गिरफ्तारी के प्रयास जारी हैं।



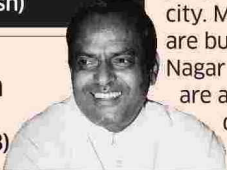


### Described As the First & Biggest Custodial Massacre in Independent India

Year  
**1987** Events of  
**May 18-23**

Meerut (Uttar Pradesh)

Chief Minister:  
**Vir Bahadur Singh**  
Congress  
(Sept 1985-June 1988)



**May 16, 1987:** Land dispute turns into a Hindu-Muslim riot, people of both the communities are killed

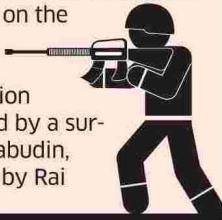
**May 19:** A curfew is imposed. It is alleged that some people, helped by the PAC, loot and burn parts of the city. Many Muslims from poor backgrounds are burnt alive, particularly in Shastri Nagar area of the city. Several people are also killed in Maliana. The total deaths in these Meerut riots estimated at around 300



People celebrating court verdict in Meerut on Wednesday —PTI

#### Hashimpura massacre

**May 22:** 41st Battalion of Uttar Pradesh's Provincial Armed Constabulary pick up Muslims from the Hashimpura neighbourhood during a search operation and take them away in trucks, line them up and shoot them in cold blood. The murder count is put at 42, though unofficial sources quote much higher numbers. Ghaziabad SP Vibhuti Narain Rai registers first FIR on the basis of the description provided by a survivor, Babudin, rescued by Rai



#### 1988 TORTUOUS PACE OF JUSTICE

Gian Prakash Commission submits inquiry report. A CID inquiry takes six years to submit its report to the state government, which takes another two years to file a charge sheet

**1996**  
First charge sheet filed before the chief judicial magistrate in Ghaziabad. In this charge sheet filed by the crime branch of the CID, only 19 low-ranking policemen among the 66 accused named

**1997-2000**  
The accused policemen ignored 23 warrants issued to compel them to appear in court. In 2000, 16 accused surrendered, but all got bail. Suspended briefly, but reinstated. In 2007, RTIs revealed the accused's ACRs never mentioned the murder charges

**2002**  
Case transferred to Delhi on the Supreme Court's orders following a petition by the families of the victims and the lone survivor

**July 2006**  
A Delhi sessions court framed charges of murder, attempt to murder, tampering with evidence and conspiracy against all the accused. First witness testimony recorded (19 years after the killings)

**March 2015**  
A trial court acquits the 16 men (out of originally 19 accused, three of whom died during the prolonged trial) after giving them the benefit of doubt

**October 31, 2018**  
The Delhi High Court sentences to life imprisonment the 16 PAC men (all retired now) for killing 42 people

SOURCES: MEDIA REPORTS, AGENCIES

**THE DISTURBING ASPECT** Delhi HC terms the incident 'custodial deaths' and 'targeted killing of persons belonging to one minority community'

# 1987 Hashimpura Massacre: Lifer for 16 Ex-PAC Members

VIBHUTI NARAIN RAI

THEN GHAZIABAD SP

## Small Fry Convicted, Big Fish Got Away ...Those Who Designed it Not Touched

Anubhuti.Vishnoi  
@timesgroup.com

**New Delhi:** Justice has been done only partially in the Hashimpura case as those 'behind the curtain' have not been touched even after 30 years, retired IPS officer Vibhuti Narain Rai, who was Superintendent of Police of Ghaziabad when the first FIR was registered, has said. Rai has tracked the case and even penned a book on it.

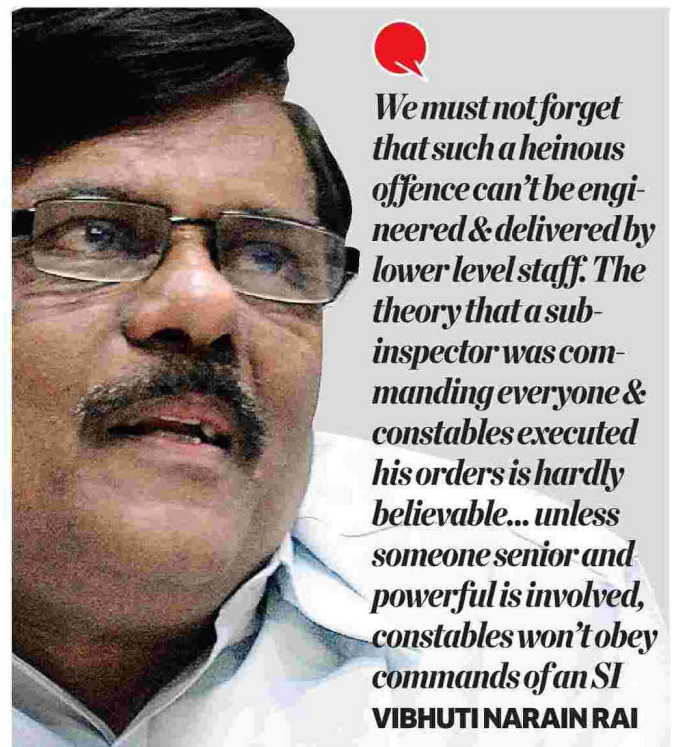
"Today's verdict is welcome but we must not forget that such a heinous offence cannot be engineered and delivered by lower level staff. The theory that a sub-inspector was commanding everyone and constables executed his orders is hardly believable. My personal view is, unless someone senior and powerful is involved, constables will not obey commands of an SI," Rai told ET.

"The 16 convicted are small fry. Big people got away. The Army role was never investigated despite early case diaries mentioning the role of a Major linked to a political leader. I am happy that those who executed the orders have been punished but let us not forget that those behind the curtain, who planned and designed it, were not touched," Rai said.

The retired IPS officer said he could not recall anything to substantiate Subramanian Swamy's allegation that the then minister for internal security in the home ministry, P Chidambaram, had any role. "I was at a distance in Ghaziabad and, from what I remember, knew I couldn't get any such substantiation. I cannot, however, say that these claims are totally wrong or right," Rai told ET.

After learning that over 40 Muslims were driven away by PAC personnel from Meerut, shot and thrown in a drain in Ghaziabad, Rai had rushed to the site and rescued survivor Babudin who filed an FIR, shedding light on the involvement of PAC in the riot. Rai said even parties that made proclamations of secularism did little to pursue the probe with the rigour and honesty required.

"There was a Congress chief minister in UP when the incident happened and Rajiv Gandhi was PM. The kind of alertness needed in the case was not shown, probably because elections were little more than a year away. There was no course correction even when Mulayam Singh assumed power. The tone and tenor of the investigation changed with change of power in Lucknow and is



**We must not forget that such a heinous offence can't be engineered & delivered by lower level staff. The theory that a sub-inspector was commanding everyone & constables executed his orders is hardly believable... unless someone senior and powerful is involved, constables won't obey commands of an SI**  
VIBHUTI NARAIN RAI

#### RAI ON THE THEN GOVERNMENTS

There was a Cong CM in UP...and Rajiv Gandhi was the PM. The kind of alertness needed... wasn't shown. There was no course correction even when Mulayam Singh assumed power. The tone and tenor of investigation changed with change of power in Lucknow and is evident in case diaries



Nasim Zaidi Ex-CEC & the then Ghaziabad DM

A crime had taken place and an FIR was lodged immediately which resulted in probe and a judicial process. This is a satisfactory judgement...

evident in case diaries," Rai said. He conceded the verdict was based on shoddy probe and poor quality evidence. The demand for re-investigation was never accepted. In his book — The Forgotten Story of India's biggest custodial killing — Rai mentioned the helplessness of well-placed Muslims, including senior Union Cabinet minister Mohsina Kidwai, to act on the case due to social and political constraints. Rai said while Hashimpura had at least come to light, the Mailana massacre in Meerut was worse but hushed up. "Hashimpura came to light only because they moved to Ghaziabad to effect the killings and we swung into action and lodged an FIR. At least a hundred Muslims were killed in Mailana and buried right there and the matter hushed up. There is no case diary and no one knows the case status," Rai said.





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Thursday, 1st November 2018; Page: 8

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# These were custodial deaths: HC

‘The Hashimpura massacre victims were not in an enclosed place but were unlawfully detained’

SOIBAM ROCKY SINGH

NEW DELHI

The Delhi High Court on Wednesday held that the killing of 38 Muslims in Hashimpura in 1987 by the Uttar Pradesh Provincial Armed Constabulary (PAC) personnel was a case of custodial death.

“In the present case, although the victims were not taken to an enclosed place by the PAC, they were unlawfully detained, kept in a PAC truck and taken to two places and asked to keep their heads down and not allowed to move,” a Bench of Justices S. Muralidhar and Vinod Goel said.

## ‘Sufficient proof’

“This is sufficient proof for this court to conclude that they were kept in unlawful custody by the accused purporting to discharge their official functions when in fact they were clearly acting illegally. The deaths of the victims, in the present case, are custodial deaths,” the Bench

## Murder most foul

How the families of the victims of a carnage had to wait over three decades for justice



Jaibun Nisha holding a photo of her husband Mohammed Iqbal, a victim of the Hashimpura massacre. ■ R.V. MOORTHY

**MAY 22, 1987:** Provincial Armed Constabulary (PAC) personnel round up 42 to 45 persons from the Muslim community in Hashimpura. Shoot down 38

ruled. The High Court noted the submission of the National Human Rights Commission that ‘custody’ extends beyond the mere spatial construct of prisons or lock-ups.

The NHRC had pointed out, during the trial before the High Court, that many of

the victims are survived by women who are either illiterate or ignorant of the State procedure.

The commission had argued that merely having a scheme for compensation would not serve the purpose unless the persons entitled

to relief are made aware of their rights and are able to access it.

Accepting the NHRC’s suggestion, the High Court recommended that every State Legal Services Authority should designate a Nodal Officer to address the needs of

**1988:** U.P. government orders a CB-CID investigation

**1996:** CB-CID files chargesheet in the criminal court in Ghaziabad against 19 PAC personnel

**2002:** Supreme Court transfers trial in the case to Delhi on a petition by the families of victims and survivors

**MAY 2006:** Charges are framed by the trial court against all the accused for murder and other offences

**MARCH 23, 2015:** The Delhi court acquits all the 16 accused; three other accused died during the trial

**MAY 2015:** Trial court verdict challenged in the Delhi High Court by the victims’ families

**SEPTEMBER 6, 2018:** High Court reserves verdict

**OCTOBER 31:** Court convicts 16 former PAC personnel for murder and sentences them to life imprisonment

the victims’ families in the case of custodial killings or State excesses.

## Seeking relief

“The procedure put in place should ensure that such victims or the families are able to access and seek relief under the scheme and that such relief should not be limited to monetary compensation but other relief respecting the rights to basic survival and dignity of such families,” the Bench said.

The High Court also referred to the right of the victim to know the truth and “the right for the truth to be known as an integral facet of right to justice.”

The Bench noted that in this case, the relatives of the victims who died as a result of “the brutal and bone-chilling action” of the PAC remained in the dark about not only the fate of the victims themselves, but also about the steps taken to investigate the case and unearth the truth.





# Hashimpura case: Life term for 16 former cops

PRESS TRUST OF INDIA

NEW DELHI, 31 OCTOBER

The Delhi High Court today sentenced 16 former policemen to life imprisonment for killing 42 people of a minority community in Hashimpura locality of Uttar Pradesh's Meerut in 1987.

A Bench of Justices S Muralidhar and Vinod Goel reversed a trial court's verdict which had acquitted the accused. The high court termed the massacre "targeted killing" of unarmed and defenceless people by the police.

It convicted the 16 former Provincial Armed Constabulary (PAC) personnel for murder, kidnapping, criminal conspiracy and destruction of evidence under the Indian Penal Code.

While sentencing all the convicts to life imprisonment, the court said that the families of the victims had to wait 31 years to get justice and monetary relief cannot compensate their loss.

The high court directed the convicts to surrender on or



before 22 November.

The high court's verdict came on pleas challenging a trial court's decision to acquit 16 policemen of charges of murder and other crimes in the case.

"We have proceeded to reverse the trial court judgement and holding the 16 accused guilty for the offences of criminal conspiracy, kidnapping, murder and destruction of evidence under the IPC," the Bench said.

It said the evidence against the PAC personnel is "clinching" in nature and the charges against them stand true beyond reasonable doubt.

The high court had on 6 September reserved its verdict on the appeals filed by Uttar Pradesh, the National Human Rights Commission (NHRC) and some private parties including a survivor of the massacre, Zulfiqar Nasir.

It had also reserved its judgement on BJP leader Sub-

ramanian Swamy's plea seeking further probe to ascertain the alleged role of then minister of state for home P Chidambaram in the case.

The court had on 17 February, 2016, tagged Swamy's plea with the other petitions in the matter. On 21 March, 2015, a trial court here had acquitted the 16 former PAC personnel giving them benefit of doubt, saying their identification could not be established due to lack of evidence.

Nineteen people were named as accused and charges were framed against 17 of them for offences of murder, attempt to murder, tampering with evidence and conspiracy, by the court here in 2006.

The case was transferred to Delhi on a Supreme Court direction in September 2002 following a petition by the families of the massacre victims and survivors.

Of the 17 accused, the trial court had acquitted 16, while one died during the trial.

The NHRC has intervened in the matter seeking further probe into the massacre in the Hashimpura locality of Meerut in Uttar Pradesh.

A trial court had on 8 March, 2013, dismissed Swamy's plea for further probe to ascertain the role of Chidambaram, who was a Union minister between 1986 and 1989, in the incident, saying that he has no locus standi and it is only the police who can move an application for further probe. Thereafter, Swamy had approached the high court with the appeal.

SEE ALSO PAGE 3





# Pay Rs 5 lakh relief to victim of fake encounter: NHRC to UP govt

## OUR CORRESPONDENT

**NEW DELHI:** The National Human Rights Commission, (NHRC) has recommended that the Uttar Pradesh government pay Rs five lakh as relief to the next of kin of Jitendra Yadav, a gym trainer who was shot by some police personnel in a fake encounter in Noida on the night of February 3.

The Commission, in a press statement on Wednesday, said it has asked the Chief Secretary of the state to submit a compliance report, along with the proof of payment within six weeks after receiving of its recommendations. The Commission on February 5, had registered the case suo motu on the basis of media reports about the incident.

## Jitendra Yadav, a gym trainer, was shot by UP police personnel in a fake encounter in Noida on February 3

The statement further claimed that during the course of enquiry and response to its notices, the Government of Uttar Pradesh informed the Commission that allegations leveled against the police personnel were substantiated and charge sheet has been submitted against one Sub-Inspector in a case crime number 249/2018 U/Ss 308, 323 and 504 IPC.

Efforts are being made to

arrest the remaining three accused police personnel including one Sub Inspector and two Constables, it added.

Post these findings and the action initiated against the erring police personnel, the Commission held that based on these facts, a case of violation of human rights of the victim is made out and the state government is vicariously liable to pay monetary relief to the victim.

Accordingly, it asked the government to show cause why it should not recommend monetary relief to the victim.

However, having received no response to the show cause notice, the Commission concluded that it shows that the government had nothing to say in the matter and hence recommended the payment of Rs five lakh as relief.