

Hashimpura's long wait for justice

The conviction by the Delhi High Court of 16 personnel of the U.P. Provincial Armed Constabulary (PAC) for a massacre of Muslims committed 31 years ago was seen as bringing closure to one of India's biggest custodial killings. **Omar Rashid** reports from Meerut and pieces together an account of the survivors

"I don't know why Allah saved me! Perhaps, I was spared to seek justice for my brothers and myself," reflects Mohammad Usman, as he gently limps towards a small shop owned by his friend, on the road leading to Hashimpura. Nestled in the bustling city of Meerut, in Uttar Pradesh, residents in Hashimpura now recall the 'massacre' of 1987 when close to 45 Muslim men were picked up by the Uttar Pradesh Provincial Armed Constabulary (PAC) and 38 of them were shot dead at close range under the cover of the night, on May 22. Five survived. The PAC is an armed unit of the State Police deployed to tackle the law-and-order situation.

Hashimpura has no distinct markers or landmarks apart from a defunct cinema hall named 'Gulmarg' located a few blocks away. You might drive past Hashimpura locality without giving it even a second glance. The slightly built Usman, in his late fifties, with silver-grey hair, and wearing a faded cream kurta, baggy white pyjamas and dark sleeveless coat, blends perfectly into the nondescript landscape. But the scars on his body chronicle a sordid story. So does his aching limp, to which he makes several references in our conversation.

On that fateful night, on Friday, Usman cheated death not once but twice. He was shot at twice, the first bullet piercing his abdomen and exiting from the lower back. The second punctured his right thigh, leaving him with a permanent limp. "The PAC men should have been hanged!" he says, his voice shaking in anger and regret. "They left me a wreck in my 20s and made me forever dependent on others. I was bedridden for over a year."

After a long wait of 31 years, the Delhi High Court, on October 31 this year, sentenced 16 personnel of the PAC – some of whom are still serving men – to life imprisonment for abducting and later shooting dead the 38 men. In doing so, the court overturned the trial court's decision to acquit the same, in 2015. But the order brings little succour to Usman.

For Usman, the conviction has come a little too late; a mere consolation, not justice. The trauma has not only crushed him morally but also wrecked him financially, forcing him to take up menial jobs. But he had to quit work eventually, as the condition of his leg did not permit him to work long hours. The ₹5 lakh compensation which he received when the Samajwadi Party was in power in the State was spent on paying debts from medical treatment and pooling into the donations and contributions for the legal fight of the survivors. He even had to sell his two-storey house in Hashimpura and move to Ahmed Nagar, another locality 3 km away. He trembles as he recalls the day when he along with the four others survived the massacre, termed by many as one of the biggest custodial killings in the country.

Massacre on a holy day

It was a hot May afternoon and the last Friday of Ramadan in 1987 when, after attending prayers at the local mosque, the men of Hashimpura retired to their homes. The atmosphere outside was tense, following weeks of communal clashes in Meerut in the aftermath of the opening of the locks of the Babri Masjid. A curfew had been imposed when a search operation was launched by the Army and the PAC in Hashimpura on May 22. This was after two rifles belonging to the Constabulary were allegedly looted by "anti-social elements", and the brother of an Army Major posted there had been shot dead in a locality adjacent to Hashimpura. There are different narratives of the days leading up to the massacre and its likely trigger, and things are still inconclusive to this day.

One theory is that the killings were retribution for the murder of Prabhat Kaushik, a young Rashtriya Swayamsevak Sangh worker who had died of a bullet injury. The shots were allegedly fired from Hashimpura. This was on May 21. It was alleged that the Prabhat's brother, Satish Kaushik, who was posted as a major in Meerut then, had orchestrated the custodial killings to avenge his personal loss. However, none of this was ever brought on record or his role investigated.

Shadab Rizvi, a senior journalist from Meerut, who reported the incident, says there was "no direct link" between Prabhat's murder and the massacre. His account of the events leading up to the massacre are as follows. The PAC men harboured a grudge against local Muslims after they were allegedly attacked with stones and acid bottles while trying to enter the area for a search operation following a communal incident a day earlier. "The PAC men were angry with the Muslims of Hashimpura over their aggressive stance. They took them to a canal in Ghaziabad and killed them there for the reason that the battalion was based there and they felt it was a lot safer," says Rizvi.

The most popular narrative is that on



Test of strength: Recollecting her numerous trips to the Tis Hazari court in Delhi for the trial, Hazra, in her seventies, asks: "How could we answer our conscience if we had given up the battle?" Picture shows Hazra, at her residence in Hashimpura, with the pictures of three of her family members she lost. •R.V. MOORTHY



the fateful day, the Army went on a door-to-door and roof-to-roof search-and-arrest operation and rounded up over 600 Muslim men. They were then paraded out of the narrow lanes to the main street, near a peepal tree. The Army then handed over the men to the PAC who sorted them into three groups: the aged, the boys and the young men. Between 42 and 45 of the healthiest men were then packed inside a yellow-coloured truck of the C-Company of the PAC's 41st battalion and driven away. The detainees, forced to keep their heads low, were clueless about where they were headed. They assumed that like the rest, they would be taken to Abdullahpur jail, 4 km away, or the nearest police station. "But it was an act of deceit. They told us that some of the senior officers wanted to speak to us, so we agreed to go. It was a search operation only in name," says Zulfikar Nasir, another survivor.

The events of the day were captured by a photographer, Praveen Jain, whose graphic black and white images show petrified Muslim men and boys with their hands raised being forcefully paraded through the lanes of Hashimpura by Army soldiers. The images proved to be crucial testimony in the conviction of the accused. Jain says he had no idea the photographs he clicked that day would become "historical". "I had no hint of what was in store for these men. No weapons were recovered from the locality and I believed they were being arrested as a formality, to be released later," he recalls.

Zulfikar Nasir was a high school student then, barely 17. Today, seated on a sofa in his house in Hashimpura, which over the past three decades has become a rallying place for the victims and families for a prolonged legal battle. Zulfikar was the first to survive the brutality that day and narrate the experience before the media. That evening, after the truck was driven near the Gang Nahar in Ghaziabad, on the outskirts of Delhi, the PAC dragged the men out of the vehicle and then shot them using their .303 rifles. First it was Yasim and then Ashraf. Zulfikar was third. Like the first two, he too was thrown into the canal. But he feigned death and miraculously survived by concealing himself under the bushes. Later, he escaped on foot. "It was dark and the PAC men wore hel-

met to avoid identification. The night turned out to be my ally as the constables could not see where I got hit," Zulfikar recalls.

He was too terrified to understand what the PAC men were saying to each other. Even while shooting him, they did not speak to him or make any communal taunts. "All they did was prod each other to hurry up and finish the job," he says. While in the truck, they communicated very little with each other and whispered whenever they had to say anything.

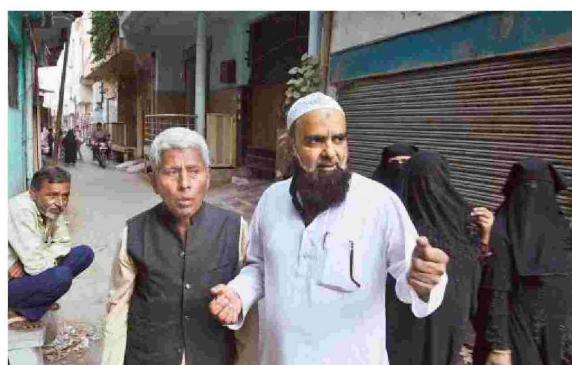
A ghost of a place

In Hashimpura, the throbbing sounds of the cottage looms resonate in the backdrop. Hashimpura was once a weaving hub for traders who came here from different States to purchase cloth. Most men here today work as daily wage labourers, small artisans or run stalls for a living. Zulfikar is relatively better off and trades in tube-well spare parts.

Some of the survivors of the night were rescued by locals and the remainder by the State police. Clearly, their ordeal was not over. The policemen who found Usman threatened to poison him to death if he named the PAC in his statement. Usman initially gave in and for almost a month his family did not know his whereabouts as he was taken to Delhi for treatment. His five brothers had also been lodged in jail. The massacre took place in two phases. As the Delhi High Court judgment notes, the policemen stopped firing in the Gang Nahar after they noticed the headlights of an approaching vehicle and then moved the truck towards Hindon canal, stopping at its culvert. A PAC jawan, Leela Dhar, even sustained injuries after a ricocheting bullet hit him. After the first three persons were shot, the others in the truck screamed for help. As they

"We did not get help in the same magnitude that we suffered."

ZULFIKAR NASIR, A SURVIVOR



Still vivid: Two survivors, Mohammad Usman and Zulfikar Nasir (right), recollect the fateful day, at Hashimpura. •R.V. MOORTHY

tried to jump off, the PAC fired at them indiscriminately.

The PAC men then got down, opened the rear portion of the truck and finished the task. They dumped the bodies into the Hindon river. The incident left behind grieving families, including widows and mothers who lost their breadwinners. Hazra, in her seventies, lost three members of her family: son Naeem, who was only 14, her brother-in-law Zaheer, who worked the embroidery on clothes, and his son Javed, 13.

In several ways, the Hashimpura massacre is also testimony to the mental strength of the survivors and their families, who despite the odds, did not abandon hope for justice. The legal battle was supported by the victims themselves through donations and contributions.

"No political party helped us," says Zulfikar. The Samajwadi Party only gave us some economic relief in the form of ₹5 lakh compensation (in 2015). We did not get help in the same magnitude that we suffered. But we didn't allow any politician to interfere."

Their faith in the courts remained unshaken. Babuddin, another survivor, filed the first First Information Report at Link Road police station in Ghaziabad. Originally from Dharbanga in Bihar, he was visiting his uncle in the hope of finding a job in Hashimpura when he was also picked up. Today, he works as a weaver.

Recalling her numerous trips to the Tis Hazari court in Delhi for the trial, Hazra asks, "How could we answer our conscience if we had given up the battle?"

Zaibunissa's struggle was even harder. Her husband, Iqbal, who was 29, was also killed leaving her with three young daughters to look after. The youngest girl, Uzma, was born only two days before the incident.

Holding a photograph of Iqbal, a handsome young man with a neat moustache and neatly packed black hair, Zaibunissa becomes emotional.

"We had been married for five years. Our dreams were also not complete. My daughters did not experience the love of a father," she says.

Iqbal was shot in the head. The family never got to see his body but identified his clothes. For Zaibunissa, it meant starting life afresh by sewing and doing labour work. Today she lives alone in a house gifted to her by a son-in-law. All her girls are now married. Her eyes well up as she recalls life with Iqbal. "He didn't do anything. He was scared of the police and never stepped out of Meerut," she says, recalling that tragic separation.

Targeted killings

The Delhi High Court pronounced the case as "targeted killings" of Muslims and a custodial killing. The judgment assumes significance in the context of impunity in custodial death cases and police brutality. Despite being accused of such a grave crime, the PAC men continued to be in service. *The Hindu* spoke to four of the convicted PAC men, who had claimed in court that they were not present when the killings happened. One of them, Niranjan Lal, 64, who was a section commander then and now retired, claims his innocence. He says that he and his team did get into the truck but were asked to drop off at the Meerut Police lines, deposit their weapons and go back to their tents.

Lal says that as a consequence of the case, he retired as head constable, a post he had been promoted to early in his career. "Had this case not come about, I would have retired as inspector. I would have never allowed it to happen. I thank God that I was not a part of such an incident," he says. Lal and his three associates claim that they were made to drop off so as to avoid the lone Muslim among them, Samiullah Khan, from being a part of the operation as he could not be trusted, and to also avoid suspicion. Samiullah, from Deoria, corroborated this explanation.

The CB-CID, which was handed the probe, filed a chargesheet in the criminal court in Ghaziabad in 1996. The Delhi High Court noted in its order that over 20 warrants issued by the criminal court between 2000 and 2003 had failed to produce an outcome. The trial was later transferred to Delhi on the orders of the Supreme Court after the survivors and their families were not satisfied with the progress of the investigation, alleging bias. Charges were framed against the accused by the trial court in May 2006: there were 19 originally, but three, including platoon commander, Surendra Pal Singh, died during the trial. The charges filed were for murder, criminal conspiracy, kidnapping and disappearance of evidence, among others.

Retired Indian Police Service (IPS) officer, Vibhuti Narain Rai, who was then the superintendent of police of Ghaziabad, says that despite political parties

which claim to be sympathetic towards Muslims coming to power, neither was a prosecutor appointed in the case for long nor was an investigation properly supervised. It was only in May 2014 that the statements of the accused were recorded. But a year later, all 16 PAC men were acquitted by the trial court, which noted that the evidence required to connect them to the killings was missing.

"When they got a clean chit, I thought there is nothing called law in India," recollects Zulfikar. The acquittal was challenged by the survivors and their families and the National Human Rights Commission was allowed by the court to seek a further probe. The High Court then allowed additional evidence to be recorded in the case. Rebecca Mammen John, counsel for the victims in the High Court, says the 'General Diary' entries kept by the PAC that marked the battalion in question moving towards Hashimpura, and the return entry were the evidence that really clinched the case.

However, she rues that there was no urgency displayed by even the judiciary to take the case forward despite it having been transferred to Delhi. While there were serious indications of a cover-up and destruction of evidence, a lot of evidence was also not brought forward and was at the PAC level, says John. But the larger questions, of conspiracy and culpability, still remain unanswered. Was this a standalone case of a few PAC men going berserk betraying their communal mindset? The senior-level officer prosecuted in the case was a sub-inspector.

"My 36 years of experience in the IPS tells me that he cannot take such a big decision. And even if he takes such a decision, his under-command will not obey," says Rai. He believes the PAC wanted to "teach the Muslims a lesson" which is why they selected the healthiest of the lot.

John says there was "absolutely no evidence" on record to support the theory that it was a case of revenge killing. "There was no attempt on the part of the prosecution to find out if these men acted on the instructions of their superiors or political masters."

Back in Hashimpura, Hazra says the conviction has provided "dil ko sukoon (solace)", but insists that the PAC men deserve death: "Those policemen kept their jobs, lived a normal life and groomed their children and their future and are going to jail when they are almost ready to die. And look at us!"

While the conviction has brought a sense of consolation, the survivors are still grappling with questions. Naeem, another survivor, has only one question: Were we targeted because we were Muslims?

Zulfikar chips in and wonders, "There were many Muslim localities in Meerut they could have chosen. Why did they pick on Hashimpura?" The question hangs in the air.