

# **The Nanavati report is utter garbage: killers roaming free**

*Khushwant Singh*

I have only two words for Justice G.T. Nanavati's inquiry report on the butchery of Sikhs 21 years ago: utter garbage. I have the report in hand, all 349 pages, plus the Action Taken Report presented by Prime Minister Manmohan *Singh's* government in Parliament on August 8. I thought it would take a whole day or two to go through it. It took only a couple of hours because it is largely based on what transpired in zones of different police stations and long lists of names which meant nothing to me. There are broad hints about the involvement of Congress leaders like H.K.L. Bhagat, Jagdish Tytler, Dharam Dass Shastri and Sajjan Kumar. He gives them the benefit of the doubt and suggests yet another inquiry commission to look into the charges against them. Yet another commission? For God's sake, is he serious? To say the least, I was deeply disappointed with the whole thing.

First, the government took its own sweet time to put the report on the table of the House, waiting till the last day allotted to it for doing so. Union home minister Shivraj Patil had assured the House when the report had been submitted to him six months ago that the government had nothing to hide. However, he hid it till he could hide it no more. That shows the government's mala fide intent in the whole business. Even the Action Taken Report makes sorry reading. Most of it is aimed at the policemen now retired from service and hence no longer liable for disciplinary action. Any wonder why, despite monetary compensation, the sense of outrage among families of victims has not diminished by the passage of years. About 21 years ago, northern India down to Karnataka witnessed a bloodbath the likes of which the country had not experienced since Independence nor after. In Delhi, over 3,000 Sikhs were murdered, their wives and daughters gangraped, their properties looted, 72 gurudwaras burnt down. The all-India total of casualties was close to 10,000, the loss of property over thousands of crores. What triggered off the holocaust was the assassination of Prime Minister Indira Gandhi. On the morning of October 31, 1984, she was assassinated by two of her Sikh security guards. As the news of her death spread, rampaging mobs of Hindus shouting *khoon ka badla khoon se lenge* (we will avenge blood with blood), armed with cans of petrol, matchboxes and lathis set upon Sikhs they met on the roads—easily identifiable because of their distinct appearance and set them on fire. Sikh-owned shops and homes were attacked and looted. Most of this mayhem and murder took place in Congress-ruled states. Word had gone round, "Teach the Sikhs a lesson"; the police was instructed not to intervene. No Sikh leader, neither Congress nor Akali, had raised his voice in protest. What followed was largely condoned by Hindus and the Hindu-owned media. Girilal Jain, editor of the Times of India, wrote that Sikhs should have been aware of what lay in store for them. N.C. Menon, editor of the Hindustan Times, wrote that they had "clawed their way to prosperity" and deserved what they got. There were few people left to share their pain. It must be acknowledged that some leaders of the Sangh parivar and the RSS, including A.B. Vajpayee, went out of their way to help the Sikhs. So did men like Ram Jethmalani, Soli Sorabjee and a few others.

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## **Carnage condoned**

### **What else was expected?**

Like eight other Commissions/Committees before it, the Nanavati probe into the slaughter of Sikhs in Delhi in 1984 has done little more than confirm the horror stories and suspicious

of those terrible times, but has yet again stopped short of nailing politicians publicly perceived as prime movers of organised outrage. Playing around with terms like “probably” or even “very probably” is pointless in an atmosphere which makes a mockery of morality, and the government and Congress party have lost no time in defending Jagdish Tytler and Sajjan Kumar – both of whom had earlier been denied tickets for Lok Sabha polls. Legal technicalities would be cited in support of their rehabilitation, the truth is the party attached greater value to their vote-catching capacity than the principled position it had appeared to take. To expect either of them to now bow out of public life would be to admit ignorance of contemporary political functioning. If “shame” entered the picture which politician would remain active: Lalu after the fodder fiasco? Advani after Ayodhya? Jaswant Singh after Kandahar? Manmohan Singh after the first securities scam? That is what the Nanavati Commission and the (No) Action Taken Report cynically confirm.

The latest report, like its forerunners, conveniently limits its condemnation to local officials – the lieutenant-governor, police commissioner and his team but ducks the key question of whose instructions the majority of them were implementing. To be fair there were stray exceptions, Maxwell Pereira prominent among them. The LG of the day has made no secret of how he receive no backing from the home ministry and it is inconceivable that PV Narasimha Rao’s lethargy was not authorised by those with more clout. While fresh evidence was hard to obtain by an inquiry launched 16 years after the riots, the politics of the probe cannot be discounted. It was set up by the NDA to satisfy its Akali partners, but submitted its report when that coalition had been voted out of office. Had it not laboured close to five years, there is reason to suspect its findings might have been angled differently. The judiciary and its advocates would protest that contention, the ground reality remains that commission have always been sensitive to shifts in the political will. They should not be, alas our judges are not made of “sterner stuff” though some of them are decidedly ambitious. Political, judicial and administrative arguments over 1984 are ceaseless. Time and nature have already “accounted for” some of the most guilty, the others will never be able to discard the stigma. The victims will continue to re-live the nightmare. But that’s not to total fall-out of the Nanavati probe and the government’s inaction – at a time when Sikh militancy is showing signs of revival, the whitewash could make many see red.

[Editorial in *The Statesman*]

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## **Sorry, PM, We need more than an apology**

The prime minister has done the right thing by apologising to the nation in Parliament for the 1984 anti-Sikh riots. His well-crafted speech was rich in emotion and promise. He now needs to deliver on his promise of justice to victims of the riots if the emotion is not to be constructed as a hollow political tactic. The Congress needs to walk the extra mile to enable Manmohan Singh in his endeavour. This “search for truth” has to be not just the prime minister’s but of the entire political spectrum. The nation needs apologies, and much more, if the scars of the riots are to heal. There are enough reasons for skeptics to worry if the sentiments expressed by the Congress leadership in the last few days go beyond addressing the immediate political moment. The ATR on the Nanavati commission’s report

approved by the Union cabinet and submitted in Parliament had glossed over most of Justice Nanavati's remarks. The moral outrage in the media and the threat of UPA allies to vote against the government pressurised the Congress to look at the commission's report anew. The party had begun rethinking its position on the '84 riots in the 90s itself. Sonia Gandhi's apology to the Sikhs went a long way in bridging the gap between the Congress and the community. But the sentiment was hardly reflected in the party's preference for politicians like Jagdish Tytler and Sajjan Kumar who were indicted by victims as instigators of violence. The ATR prepared by the home ministry only raised doubts about the government's commitment to justice.

The challenge before Manmohan is enormous. Free India's history is a history of failed promises. Riot after riot has challenged the idea of a secular and democratic India. Institutions meant to protect constitutional guarantees of political and social freedoms have been trampled upon repeatedly by the mainstream political class. Delhi '84 and Gujarat '02 are evidences of the collapse of the state. Such memories erode the belief of the people in the Indian state and democracy. Justice to the victims of the anti-Sikh riots can go a long way to restore the confidence of the people not just in the state but in the political class as well. Which is why Manmohan can't afford to fail. Commitment to justice has to be a fundamental character of Indian democracy.

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