Anti-Sikh riot case - Judgement

Why in news?

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The Delhi high court has recently reversed the acquittal charges by the trial court on the 1984 anti-Sikh riot convict.

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What is the case?

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- The case relates to killing of five Sikhs and burning down of a gurdwara in Raj Nagar area in south-west Delhi on 1 and 2 November 1984.
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- This has happened at the backdrop of a riot that broke out following the assassination of then Prime Minister Indira Gandhi on 31 October of that year.
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- Thousands of people were killed in the riots.
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- Six accused, including Sajjan Kumar, who was a member of Parliament at that time, were tried in 2010.
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- Three years later, the lower court had convicted five of the accused but acquitted Kumar of all the charges.
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- The trial court had rejected the testimony of eye witnesses against him.
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- The case was appealed by the CBI, riots victims and the convicts challenging the trial court’s order.
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- The Delhi High Court reversed the acquittal and sentenced Kumar to imprisonment for the remainder of his life.
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- The court accused him of promoting enmity and for acts against communal harmony.
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- It has also said that the riots were a “crime against humanity”.
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What are the concerns?

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- The court says that the Delhi Police and its Riot Cell had failed to carry out a genuine investigation.
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- The police have failed to record any untoward incident in the station’s daily register and has also avoided the examination of key witnesses.
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- Thus this case is an example not only of the slowness of judicial processes but also of derailed investigations.
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- The investigation made meaningful progress only after it has been transferred to CBI based on a recommendation by the Nanavati Commission.
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What should be done?

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- The Delhi high court has heard testimonies of fearless and truthful witnesses and has proceeded the case accordingly, reigniting the hope for substantial justice.
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- The judgement reinforce the hope that political patronage, administrative complicity and plain muscle power cannot prevail over the truth all the time.
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- However, the court has flagged the need for a separate law for punishment for crimes against humanity and genocide, since they are rarely invoked in domestic crimes.
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- Thus, given the major communal flashpoints in recent history, the legislature should look at the need for it and implement accordingly.
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Source: The Hindu

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