Hashimpura massacre case

Why in news?

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The Delhi High Court sentenced 16 former Provincial Armed Constabulary personnel to life imprisonment for the mass murder in Hashimpura village.

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What was the case all about?

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- The Hashimpura massacre was a case of targeted killing (of Muslims) that revealed an institutional bias within the law enforcement agents.
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- The issue started with the brother of an Army officer killed in communal violence that rocked Meerut in 1987.
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- It was reported that two rifles were also stolen by the rioters involved in the violence from the PAC.
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- Recognising this, about 45 men from Hashimpura village near Meerut in Uttar Pradesh were rounded and abducted by the PAC.
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- Most of them were shot dead indiscriminately and their bodies were thrown into two canals.
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- Relatives got to identify only 11 bodies, though 38 men died from the incident.
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- However right from the start, the agencies involved in the investigation tried to hush up the case.
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- The first charge sheet was filed in a court in Ghaziabad only in 1996, 11 years after the incident.
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- After the Supreme Court intervened, the cases were shifted to Delhi in 2002 and a fresh charge sheet was filed in 2006.

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- The trial court in 2015 confirmed the massacre and ordered that compensation be paid to the families of victims.
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- But it acquitted all the 16 available accused, as it did not have evidence on the identity of the truck or the PAC men travelling on it.
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- Later, the National Human Rights Commission (NHRC) impleaded in the case citing new evidence.
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- Fresh evidence in the form of PAC's general diary and truck driving registers, which had been withheld from courts by the investigating agencies, allowed the HC to pin the crime on the accused and hence they were convicted recently.
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What is the role of UP Provincial Armed Constabulary?

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- The UP PAC is one of several State Armed Police Forces who operate in addition to the regular state police, and are equipped to handle law and order situations that are more severe than usual.
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- It was created to prevent frequent deployment of the Army in grave law & order situations which the local police could not handle on its own.
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- The PAC is generally assigned to VIP duties, and often deployed to try and ensure that situations don't turn violent in large gatherings, public festivals, and celebrations.
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- They are also called in at the time of elections and natural disasters, to deal with student or labour unrest, and to guard key posts.
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- However, over the years, the PAC has faced a litany of allegations of partisan and arbitrary actions.
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- The PAC was criticised for its role in the communal incidents in Aligarh in October 1978.
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- There were demands that it should be completely overhauled with the induction of persons from the minority community in its ranks.
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- The ‘anti-Muslim’ narrative around the PAC gained traction after the 1987 Hashimpura killings.
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- The Killings were in the nature of the armed constabulary’s crackdown on the Muslims.
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- Hence the hashimpura episode resulted in the demand of increased representation of minorities, especially Muslims, in the police either through reservation or by developing some in-house methodologies.
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- This in turn could prevent biased attitudes responsible for hostile behaviour towards Muslims.
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What are the takeaways from the case?

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- The judgement haunted only the constabulary, who merely execute the orders of superior officers, who have been held accountable for the murders.
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- However, it is inconceivable for a crime of this magnitude to have taken place, and its perpetrators shielded, without the connivance of higher officials in police and government.
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- The present case raises considerable doubts about the ability of a law enforcement agency to carry out an impartial and independent investigation when the persons accused of the crimes are members of the agency itself.
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- Justice for victims isn’t easy when the political class and state agencies collude in the crime.
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- The Nellie massacre in 1983, Delhi anti-Sikh riots of 1984, 2002 Gujarat massacres, 1992-93 Bombay riots, and several other major and minor incidents of communal violence confirm how systemic biases contribute to the subversion of due process.
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- However, when institutions such as courts, NHRC, media etc., work together, results can be achieved.
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- Apart from bringing home the culpability of the accused, the High Court concluded that these were custodial deaths as well as targeted killings of

people from a particular community in the hashimpura case.
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- This case will be long remembered both for the unconscionable **delay** the judicial system has become habituated to and for the manner in which a case almost lost has been **retrieved** by the higher judiciary.
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- It is also a reminder that there is a constant need for reassurance that policing and the criminal justice process in the country will remain fair, and free from all manner of prejudice.
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Source: The Hindu, The Indian Express

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