1984 Anti Sikh Pogrom

Why in news?

The first order of capital punishment in the 1984 anti-Sikh riots case after the 2015 reopening was announced recently.

What was the verdict in this case?

- The punishment was announced by the Patiala House court.
- It is in connection with one of the cases reopened by the Special Investigation Team (SIT).
- The SIT was formed by the Ministry of Home Affairs (MHA) in 2015; a year after the NDA government came to power.
- Earlier, the case was closed in 1994, with the Delhi Police citing a lack of evidence.
- Court records reveal that a mob of 500 people, including the two accused, allegedly burnt shops and looted the area.
- Convict Yashpal Singh, who was accused of killing two persons during the anti-Sikh riots in Delhi's Mahipalpur area, was given the death sentence.
- The other convict, Naresh Sherawat, will be serving a life term in prison.
- The court directed that the complete original case file be submitted to the Delhi High Court for confirmation of the death penalty.
- As per the Code of Criminal Procedure (CrPC), the death penalty cannot be executed unless confirmed by the High Court.
- This is the first time a convict has been handed the death sentence in the 1984 anti-Sikh riots after the cases were reopened by the SIT in 2015.
- The last time a person involved in the anti-Sikh riots was sentenced to death was in 1996.
- This verdict offers a glimmer of hope for substantial justice despite the passage of 34 years.

What happened in 1984 anti Sikh riots?

- Anti-Sikh pogrom of 1984 was a watershed event in India’s secular consciousness.
- In June 1984, Operation Bluestar was launched to ‘flush out’ armed Sikh separatists who had taken refuge in the Golden temple premises, Amristar.
- Most of the Sikh community was angered by the damage caused by the

Army's assault on the Golden Temple.

- On October 31 1984, the then Prime Minister Indira Gandhi was assassinated by her Sikh bodyguards as a revenge.
- The assassination was followed by the anti-Sikh riots in 1984.
- The riot lasted three days with Sikhs raped and murdered, their homes and businesses torched, especially in Delhi.
- In the Mahilapur case, Delhi, a mob of about 500 persons, led by the two convicts, had encircled the house of the victims and had killed them.
- It was just one of the incidents out of several others in Delhi.
- Of the 650 cases registered in connection with the anti-Sikh riots in Delhi, 267 were closed as untraced by the Delhi Police.

What is the significance of this judgment?

- The judgment is significant in many ways, especially in terms of the time taken etc.,
- The conviction of two rioters marks a rare success in the long struggle to bring the perpetrators to justice.
- This case was reopened after being closed as 'untraced' in 1994.
- The court also concluded that the testimony of key witnesses, who were themselves injured, was cogent and reliable despite minor discrepancies in evidences.
- The latest verdict demonstrates that these many years (34 years) was not an impediment to the project of securing justice.

What were the challenges in bringing the preparators to the justice?

- Large sections of the police cooperated illegally with the rioters, who included Congress functionaries and supporters.
- This was a major factor that hampered the investigation into the 1984 riot cases.
- Manipulative investigation and shoddy prosecution along with the slow judicial process are the other challenges.
- This judgment is only a token reassurance that can at best send out a message to limit the complaint that nothing was done.
- A long-time Congress functionary, Jai Pal Singh, had been tried and acquitted by a magistrate's court as early as in 1986.
- Still the main culprits in the anti-Sikh riot are yet to be brought to the justice.

Source: The Hindu, Press Trust of India



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