



# **JUSTICE DENIED - WHY?**

The SriKrishna Commission Report  
and the Maharashtra Government's response



A Publication by  
**Bombay Aman Committee**

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## PROLOGUE

The 50 years since independence have witnessed many Hindu - Muslim riots. Commissions of Inquiry were set up to inquire into a few of them, such as the riots in Ranchi, Ahmedabad, Jamshedpur, Moradabad, Meerut, Delhi, Aligarh, Bhiwandi, Jalgaon, Bhagalpur and Mumbai. After years of labour, the reports of these Commissions were published, only to set aside by those in power.

the responsibility of inquiring into the fearsome riots of December 92 - January 93 in Mumbai was entrusted to the Honourable justice B N Srikrishna of the Bombay High Court. From the start, the government ( at that time of the Congress) did all it could to obstruct the functioning of the Commission. For the first six months, no affidavits were filed by the police, and justice Srikrishna had to pull up counsel for the police and the government for dragging their feet. Every time there was a festival, the police excused themselves for "bandobast" duty. When the government changed, the additional burden of probing the link between the riots and the bomb blasts of March 12, 93, was placed on the Commission.

Despite all these obstacles, the Commission remained undeterred in its commitment to its task, until it was suddenly dismissed in January 96. The Bombay Aman Committee and the All India Milli Council as well as other concerned bodies filed a writ petition challenging its dismissal in the Bombay High Court, as a result of which the Commission was again revived ( though the credit for this is always given to the then PM A B Vajpayee).

With all these odds, justice Srikrishna submitted his report on February 16, 98. The report was tabled on August 6, 98, and simultaneously rejected. Coming from the present government, this wasn't entirely unexpected. Justice Srikrishna has held those very persons responsible for the riots who are today in power in the State. Chief Minister Manohar Joshi called the Report "anti - Hindu" and "in favour of Muslims". This pronouncement shows his own communal bias and his venomous thinking. The question arises, should the people believe the government - of the Commission, which spent five years examining the riots, an inquiry on which more than a crore of rupees was spent.

The government, the police, the Shiv Sena, the Bhartiya Janta Party, the Hindu Ekjut, the Jamait-e-Ulema, the Communist Party of



India, the Bombay Bar Association, the Committee for the Protection of Democratic Rights, Lawyers' Collective - all these parties appeared before the Commission, apart from the Bombay Aman Committee, the Lawyers' Legal Aid Committee and the All - India Milli Council. Senior and junior counsel participated in the proceedings.

After all this, the scrapping of the Commission's report, and indeed the fact that the Reports of all inquiry Commissions are ignored by those in power, give rise to two questions. One, are Commissions of inquiry set up only to selence the anger of riot victims and deprive them of justice? The second and more important question is, Can a government, the actions of which can be scrutinesed only by the courts, set aside the findings of a judicial Commission and thereby try to establish its supremacy over the judiciary?

Bombay Aman Committee and All India Milli Council have been a party before the Srikrishna Commission from Day 1, and have also struggled against the odds put in the way of the Commission's functioning. When the Commission was scrapped in '96, the Bombay Aman Committee and the All India Milli Council not only petitioned the Bombay High Court but were ready to approach the Supreme Court too. Again, we went to court to get the Commission's Report published. But now, when the Report has been rejected, and the Maharashtra government has refused to punish those held guilty by the Srikrishna Commission, which found them culpable after going through the entire evidence produced before it, then how are the people to get justice?

For this too, the Bombay Aman Committee and the All India Milli Council have filed a petition in the High Court and also intervened in the Supreme Court but it has now become necessary for all Muslims to align with secular groups and pressurise all political parties to amend the Commissions of Inquiry Act. The Act should give a Commission of Inquiry the right to punish those found guilty and deliver justice to the riot affected only then will we be able to succeed in ending this reign of lawlessness.

**Bombay Aman Committee.**

December 9, 98

## PREFACE

In 1984, the industrial township of Bhiwandi in Thane district, Maharashtra, was rocked by ugly communal riots. I was staying in my farm well-known as Ansari Baug, on the outskirts of Bhiwandi. My immense love for nature and my wife's readiness to live in a secluded place took me there.

I already had a family business of textiles. On my farm, I started growing roses of nearly a hundred varieties and fruits of every kind – even apples (Which didn't survive after the first crop). I also began poultry and dairy farming there. Many visitors came there to enjoy fresh air and the greenery, both of which are in short supply in Bhiwandi.

Bhiwandi was first scorched by communal riots in 1970 on Shivaji Jayanti. My farm was damaged at that time too. Since 70, Muslims of Bhiwandi used to migrate every year on Shiv Jayanti. In '84, my friends advised me to also leave the farm for a few days but somehow my involvement with nature on my farm filled me with confidence. I felt as if the leaves of every tree on the farm were telling me not to leave. I had no idea that I was top on the rioters' Hit List.

When the riots began on May 18, '84. More than 100 persons, including women and children from the nearby slums came to Ansari Baug for refuge. Their huts were razed by their own neighbours. I spoke to the commissioner of Police, Thane, who was already camping in Bhiwandi, to rescue us. But he ignored my desperate calls.

I had a revolver and a gun. I fought with the violent mob which entered my farm for three – and – a – half hours, from inside my house, trying to keep them at bay. Having destroyed my factories, they had come to burn down my house. After they completed their task, the death toll was 32: Killed and burnt alive. Most of them were men who had come to shelter with me; their wives and children were inside the house with my family members.

Property worth Rs 2.5 million was destroyed; my application for compensation govt. offer and insulting amount of Rs. 2000/- only. my collection of over 1000 books was burnt down. Years later, the Special Court acquitted all the 40 accused in the case despite my identifying them in court.

In front of the then PM Indira Gandhi, I blamed the Police Commissioner, Mr. D Ramchandran. He was later rewarded by being promoted to the rank of IGP.

Decades ago, on December 19, 1947, my father had been uprooted from our ancestral home in Kurla, Mumbai. In the first riot in Mumbai after Independence. But despite my family's history of uprootment, we have not once thought of leaving our beloved land. Despite this, men like L K Advani, who left his ancestral land after just one riot (or perhaps only the threat of one), propagate hatred against our community. His agenda does not give priority to providing water to our villagers or homes to the poor, but establishing a Hindu Akhand Bharat.

Mr. Advani's party, in collusion with the then Prime Minister, demolished the Babri Masjid on December 6, '92, betraying their assurances to the Supreme Court. Muslims all over the world felt like they had been kicked on the head. This blow will not be forgotten for generation to come.

Muslims in Mumbai tried to register their protest against the government, but were punished brutally. What happened then is given in this book, in the words of the Honourable Justice B N Srikrishna, who was appointed by the government to investigate the riots in Mumbai.

All that I can say is that jungle law ruled over the city. Worthy sons of Mumbai such as JRD Tata, F Khorakiwalla, the then Sheriff, Sunil Dutt, Sunil Gavaskar, & Moulana Bukhari cried for a stop to the violence, but in vain. The army was called in. It could have saved the city in a few hours, but it could only witness the carnage, as its hands were tied.

The one institution which played its role fully, was the press. *The Times of India* especially. Gave accurate accounts day after day.

Jyoti Punwani is a journalist who has been reporting on communal issues for long.

I first met her during the Bhiwandi riots of 1984. I find her to be the same fearless fighter as she was then. She doesn't bother to see the name, caste or creed of the sufferer, but jumps into the fray to fight his/her cause. With her command over the language, she can effectively convey her message.

This book: **Justice Denied – Why?** has been put together by Jyoti at my request.

Her Introduction and the excerpts from the Srikrishna Commission Report deserve the attention of our politicians, specially since it seems the BJP's hunger is not satiated after the demolition of the Babri Masjid. It is still trying to 'liberate' the Benares masjid and the Chikmagalur Dargah.

As for Mumbai, the city that grew into the financial capital of the country thanks to the efforts of people from every part of the country, from Peshawar to Calcutta, from Lahore to Madras, this mini-India is now ruled over by Mr Bal thackeray. He began his crusade with the 'sons- of – the – soil' ideology and now speaks the language of the RSS and the VHP.

I decided to bring out this book because I hope and believe that there may still be some people left whose conscience is alive and who feel for the people of this country. God says his best creature is man; it doesn't seem so when we look at the majority of our fellow Indians.

I hope Justice B N Srikrishna's findings stir people who still have a conscience into action.

M. I. Ansari.

3. XII. 98.

## AN INTRODUCTION

The Maharashtra Government tabled the Srikrishna Commission report of Inquiry into the December 92-January 93 Mumbai riots on August 6, 98, a day after the last session of Parliament ended. The only action taken by the government on the Report so far has been the setting up of two committees to examine whether the 31 policemen found guilty of various offences by the Commission should be punished or not, and to see if cases closed by the police during the riots can be re-opened. The State Home Secretary has gone on record to say that just because a policeman has been indicted by the Commission, it does not mean that he will be punished. The Maharashtra government has already rejected the main findings of the Report, ie. that the December 92 riots were a spontaneous outburst of anger by the Muslims at the demolition of the Babri Masjid on December 6, 92, and the January phase of the riots was instigated by the Shiv Sena chief, Bal Thackeray, who is presently the self-styled 'remote control' of the State.

The Report has also said that the depositions before the Commission of Manohar Joshi, now CM of Maharashtra and an MLA during the riots, and of Madhukar Sarpotdar, now leader of the Sena Parliamentary Party and then an MLA, as well as the evidence before it, indicate that the ideology of the Sena, an ideology of terror and retaliation, was responsible for the violence by Shiv Sainiks in January '93.

Chief Minister Joshi has proudly announced on TV that his government has rejected the report, while Mr Sarpotdar has said that "a judge is not God" and that the electorate doesn't bother about such findings.

In addition, Mr Bal Thackeray, the CM, Mr Sarpotdar and other powerful Sena leaders such as M/S Uddhav and Raj Thackeray, have called the report "anti-Hindu", "written with an extremely poisoned mind", "written to please Muslims". The government's Action Taken Report describes parts of the report as "frivolous".

It should be recalled that this government did all it could to thwart the functioning of the Commission. First it expanded its terms of Reference to include the link if any, between the riots

and the March 12, 93, bomb blasts. Then it tried its best to stop Mr Sarpotdar from deposing, claiming all sorts of privileges. When he was in the witness box, it scrapped the Commission.

Many people went to court challenging the scrapping of the Commission. It became clear from the tenor of the court proceedings that the Bombay High Court would order the government to re-install it. Just a day before the High Court was to give its judgment, the Maharashtra government re-installed the Commission, claiming that it was bowing to the wishes of the then PM, A B Vajpayee.

Soon after, the government refused to allow the Commission to make public the files relating to the withdrawal of riot cases against Bal Thackeray, but after week-long arguments, had to bow to the Commission's order that the files must be made public.

Here it must be made clear that though this government has all along blamed the Commission for taking too long, the government and the police have been the two parties most responsible for delaying the work of the Commission. Seeking adjournments, not producing documents in time, raising objections which needed to be argued out, claiming privilege, have been only some of the tactics employed by these two parties.

After Justice B N Srikrishna submitted his report on February 16, 98, the Sena tried its best to scuttle it, even urging the PM to "scrap" it since it would reopen old wounds, or be unfair to one section of society. Again, had it not been for petitions filed in the Bombay High Court, the government may not have tabled the Report when it did, ie, 10 days before the statutory six-month deadline expired.

Since the Report has held Bal Thackeray guilty of orchestrating the second phase of the riots, and has blamed the Hindutva parties for provoking the already hurt sentiments of the Muslims in December by celebrating the demolition of the Babri Masjid, it is not surprising that the government has rejected the Report. While doing so, it has indulged in plain lying as well as half-truths.

For instance, it has said that the Commission has spent only a few pages on the bomb blasts and over 300 on the riots. This,

according to the government, shows the Report's anti-Hindu bias.

This is a half-truth. The government omits to say that the brief given to the Commission regarding the bomb blasts was limited to examine the circumstances and immediate cause of the bomb blasts, whether any common link existed between the riots and the blasts and whether the two were part of a common design.

For almost two years, the Sena-BJP government ignored the Commission's repeated requests that the government disclose the material available with it on these issues. The Commission finally issued an order directing the government to do so. In his affidavit dated February 5, 97, ie, in the last few months of the Commission's hearings, the additional Chief Secretary (Home) said that all the material with the government had already been presented before the Commission in affidavits filed by six police officers concerned with the blasts.

Three of these officers were examined and based on their testimony, the Commission has given its conclusions **on the specific terms of reference assigned to it.**

The second half-truth regards the Commission's alleged perfunctory treatment of the Radhabai Chawl incident of January 7-8, 93, in which nine Hindus, of whom only one was a man, were attempted to be burnt alive by some Muslims. Six died. Here again, the government deliberately hides the fact that the Shiv Sena counsel before the Commission objected loudest to any examination by the Commission of the Radhabai Chawl incident because the TADA court had just then convicted 11 of the 17 accused in the incident. The Sena counsel held that a Commission of Inquiry could not investigate a case which had already been decided by the competent court. The Commission accepted this argument and neither the Jogeshwari police, nor the survivors of the incident, nor any witnesses were called to depose on this incident before the Commission. Thus the incident itself went unexamined.

However, its impact on the January '93 riots was thoroughly argued by both sides. The Commission has concluded that the incident was exaggerated in sections of the press to whip up

passions, but has not held it to be one of the causes of the January riots

The third allegation against the Commission regards Mr Bal Thackeray's complaint that he has been indicted without being given a chance to be heard. This charge is a total lie. Mr Thackeray was given a chance to explain his position. He was issued a notice under Sec 8 B of the Commissions of Inquiry Act, which enables a person against whom allegations have been made, to appear in person to explain his position or be represented by a lawyer. The notice was issued on December 9, 96, more than a month before TIME correspondent Anita Pratap was to appear before the Commission to depose on the interview Thackeray had given to her soon after the riots, entitled 'Kick Them Out'.

The notice said, *"From the material likely to be placed on the record of this Commission, the Commission considers it necessary to inquire into your conduct during the riots. The Commission is also of the opinion that your reputation is likely to be prejudicially affected by the inquiry. ...you are hereby given a notice...that if you desire to cross-examine the witness, be heard in the inquiry and produce evidence in your defence, you may do so."*

Thackeray chose not to appear in person, but sent his lawyer Rajya Sabha Sena MP Adhik Shirodkar instead.

The BJP has not called the Commission biased, but has gone along with the Sena in rejecting its findings. Union Home Minister L K Advani had the gall to say at a press conference in Mumbai, almost three months after the Report had been tabled, "I have not yet read the Report." Could the person in charge of law and order for the entire country be unaware that he has been held responsible by the Commission for building up communal tension which climaxed in the post-Babri Masjid-demolition riots? The PM, credited with reviving the Commission, has only said that the State government has a right to reject its findings.

....

Almost 1000 persons died in the Mumbai riots. Barely a handful have been punished. More than 60 % of the riot cases were closed, despite enough evidence available with the police about the culprits.



Families of missing persons have yet to get compensation, since the government claims the missing may still come back. The police know that some of these missing persons were killed and burnt alive. In some cases, eye-witnesses have seen this happen. A TADA court has even acquitted those accused of having killed two persons who continue to be listed as 'missing'. Some of those missing were taken away by the police themselves.

Justice Srikrishna has recommended that cases of missing persons which he has examined be paid the same compensation as that given to the dead. But Mantralay officials have told NGOs working on this that "Justice Srikrishna's recommendations carry no weight for us."

But they do carry weight for the people. Since the tabling of the Srikrishna Commission Report, a number of groups have approached the court for its implementation. The matter is pending before the Supreme Court.

Since the Maharashtra government has printed only as many copies as it was statutorily required to do so, for distribution to members of both the Legislative Houses, the press and, as per the High Court's orders, to the two Bar associations, private citizens have printed the report in English, Marathi and Urdu. Civil rights and other citizens' groups are now trying to get the Report implemented by filing private complaints against the policemen indicted by the Commission. This will need the sanction of the government for serving policemen, but the victims are prepared to fight as long as it takes.

However, the work of these groups and of the victims will be made easier if ordinary and influential people in Delhi raise their voice in their support. Members of Parliament will be failing in their duty if they do not do this.

To make their task easier, we have printed excerpts from Volume I of the Report, which deals with the Commission's conclusions. Except for the recommendations regarding policing, the remaining chapters have been reproduced in full.

JYOTI PUNWANI

Monday, November 30, 1998

## CHAPTER I

### 1 Preliminary

1.1 For five days in December 1992 (6th to 10th December 1992) and fifteen days in January 1993 (6th to 20th January 1993), Bombay, prima urbs of this country, was rocked by riots and violence unprecedented in magnitude and ferocity, as though the forces of Satan were let loose, destroying all human values and civilized behaviour. Neighbour killed neighbour; houses were ransacked, looted and burned, all in the name of religion, as if to vindicate painfully the cynical observation of Carl Marx, "Religion ... is the opium of the people". Those fateful fifteen days saw the people on the streets opiated beyond the call of right and wrong. The blood-shed persuaded the Government of Maharashtra, at the instance of the then Prime Minister, Shri P.V. Narsimha Rao, to constitute a Judicial Commission of Inquiry to inquire into the gruesome incidents of riots and violence.

1.2 By a Notification Home Department No.FIR-5693/Bombay-1/Appointment/SPL-2 dated 25th January 1993, the Government of Maharashtra constituted this Commission of Inquiry with the following Terms of Reference :-

- i) the circumstances, events and immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December 1992 on or after the 6th December 1992 and, again in January 1993, on or after the 6th January 1993;
- ii) Whether any individual or group of individuals or any other organization,

- were responsible for such events and circumstances;
- iii) the adequacy or otherwise of the precautionary and preventive measures, taken by the Police preceding the aforesaid incidents;
  - iv) Whether the steps taken by the Police in controlling the riots were adequate and proper and whether the Police firing resulting in deaths was justified or not; and
  - v) the measures, long and short term, which are required to be taken by the administration to avoid recurrence of such incidents, to secure communal harmony and also to suggest improvements in law and order machinery.

1.3 After the Commission's office and establishment had been set up, public notices were issued on 15th February 1993 calling upon all persons having knowledge about facts touching the Terms of Reference to come forth and file affidavits before the Commission. The Commission also called upon the Government and the Police to file detailed affidavits putting forth their respective versions. Though, initially, the time given was upto 22nd March 1993, the time came to be extended, in response to applications for extension of time made by several prominent citizens, the State Government and the Police from time to time, upto 7th June 1993. 2126 affidavits were filed before the Commission, of which 02 were by Government, 549 by the Police and 1575 by members of public.

1.4 Recording of evidence commenced on 29th June 1993. As virtually the entire area falling within the Bombay Police Commissionerate had been affected by the incidents of riots and violence, the Commission decided to examine the incidents Police Station-wise, that too taking up for examination twenty-six police stations where large number of serious incidents had occurred. Evidence was recorded from day to day, excepting for

short periods of recess requested by the Police on the grounds of unusual bandobust and security arrangements

1.5 Congress-I was the party in power in the State when the Notification appointing the Commission was issued, but went out of power in the Assembly elections of 1993. The coalition Government of Shiv Sena-Bharatiya Janata Party was installed by or about 11th March 1993. Consistent with its public utterances, the Shiv Sena-Bharatiya Janata Party Government desired the Commission to go into certain aspects of the Serial Bomb Blasts which occurred on 12th March 1993 in the city of Bombay. The Terms of Reference were expanded and the following additional terms were referred to the Commission -

- vi) the circumstances and the immediate cause of the incidents commonly known as the serial bomb-blasts of the 12th March 1993, which occurred in the Bombay Police Commissionerate area;
- vii) whether the incidents referred to in term (i), have any common link with the incidents referred to in term (vi) above;  
and
- viii) whether the incidents referred to in term (i) and in term (vi) were part of a common design.

1.6 By a Notification Home Department No FIR-5696/Mumbai-1/Appointment/JC dated 23rd January 1996, the Commission was disbanded on the ground that it had taken unduly long time to produce its report and that its report, even if produced, was only likely to open old wounds which had healed. As could have been expected, there was a backlash of media and public protests. A group of Writ Petitions were moved before the Bombay High Court challenging the Government's action of disbanning the Commission. By the time the Writ Petitions were heard and about to be decided, the Government at the Centre changed and Bharatiya Janata Party led coalition assumed power for about two weeks. During those two weeks, the then Prime Minister, Shri Atal Behari Vajpayee, addressed a letter to the Chief Minister of Maharashtra, Shri Manohar Joshi, advising

him to revive the Commission and the Commission was reconstituted by the Notification Home Department No.FIR-5696/Mumbai-1/Appointment/JC dated 28th May 1996.

1.8 The work of recording of evidence was resumed from 24th June 1996, continued and came to an end on 4th July 1997, during the course of which the Commission has recorded the evidence of 502 witnesses, whose depositions run into 9655 pages and also took on record 2903 documents as Exhibits (about 15,000 pages) and 536 orders were passed.

## **2. The build-up**

2.1 The sense of camaraderie, which existed between the Hindus and the Muslims when they were united in their efforts to throw the British out of this country, appeared to have vaporized and vanished with the "two Nation theory" advocated by Mohammed Ali Jinnah spawning the political perfidy of partition of the country and leading to the massacre of thousands of innocent citizens on both sides of the border, uprooting and utter ruin of innocent families whose only mistake was that they happened to reside in an area predominantly occupied by the other community. With attainment of freedom and adoption of the Indian Constitution with its inbuilt guaranteed fundamental rights of minorities, apprehensions entertained by the minorities should have subsided. However, it was soon realized that the apprehensions were merely driven deeper into the psyche, to fester there and manifest themselves at periodic intervals. Creation of Special Rights in favour of the minority, though intended for allaying their fears, brought in its wake a resentment against the minorities on the part of the majority i.e. the Hindus. An atmosphere of distrust, and a feeling of "us" and "them" which existed, albeit nebulously, soon after the partition, became thickened by opportunistic politics. Piffing issues become insuperable when the mind is biased and absent the will to reconcile. Right through the Forties, a section of Hindus started the clamour for "liberalization" of several mosques, which according to them, were temples oppressively converted into mosques during Muslim reign. The Government at the Centre, instead of addressing itself to an acceptable resolution of the

issue, dragged its feet, perhaps with the fond hope that the problem would soon disappear if swept under the carpet.

2.2 Time and again, the Hindutvawadis (as the Hindu communal parties are popularly called) raised a shrill cry for construction of a temple at Ayodhya at the very place where the Babri Masjid stood, claiming that it was the hallowed place where Lord Shri Ram, the embodiment of all that is Indian, was born. This was, of course, stoutly resisted by the Muslims who refused to give up even an inch.

2.3 The issue became contentious and landed itself in the lap of Courts. Thanks to the inevitable judicial delays, the issue smoldered in Courts, till the Nineties when the Bharatiya Janata Party revived it to regain lost political mileage. The Rath Yatra of Shri L.K. Advani, leader of the Bharatiya Janata Party, refocussed attention on the Ram Janma Bhoomi-Babri Masjid dispute. The inevitable clashes and minor cases of rioting, which took place along the route of the Rath Yatra, as reported by the newspapers, were the distant thunderclaps portending the storm to come.

2.4 From or about July 1992, the Bharatiya Janata Party orchestrated its campaign for construction of a temple at Ayodhya by holding Ram Paduka processions, Chowk Sabhas and Meetings using these occasions for delivering speeches exhorting the Hindus to become united on the issue. Not only were these occasions used for exhorting Hindus to unite, but some speeches and slogans on such occasions were down right communal, warning the Muslims that dissent on the Ram Janma Bhoomi-Babri Masjid dispute would be an act of treachery for which the Muslims would be banished from the country. Slogans like "Mandir Vahi Banayenge" and "Is Desh me rahana hoga to Vande Mataram kahana hoga" rent the air. Though ostensibly religious, the Ram Paduka procession had less of religion and more of politics. Under the attractive garb of advocating one's own religion, the Hindutvawadis politicized the issue and tried to pre-empt the issue pending in the Court of law, by their strident clamour for construction of Lord Shri Ram's temple at Ayodhya.

2.5 The vacillating attitude of the Central Government emboldened the sudden installation of the idols of Ram Lalla in the disputed structure and spawned the demand for permission to carry out pooja therein. The Babri Masjid, a dilapidated structure, which perhaps was not even used as a Mosque, suddenly became a rallying point for the Muslims. Vocal sections amongst the Muslims formed the Babri Masjid Protection Committee, which called upon the Government of India to ensure that no harm would befall the Babri Masjid. Hindu religious passions were whipped up by the demand for permission to hold Karseva at the disputed spot. The first Karseva was sometime in 1991 and, barring minor incidents of rioting and police firing, there was not much serious trouble. Though, Hindutvawadis kept up sustained propaganda that the waters of Sarayu had turned crimson with the blood of innocent martyrs shot down by the police, the issue cooled off. The waning influence of the Congress-I and the waxing popularity of the Bharatiya Janata Party aspiring to capture power at the Centre led to the declaration of a second Karseva on 6th December 1992.

2.6 The period from October 1992 to November 1992 saw hectic preparations on the part of the Bharatiya Janata Party, and its allied parties like V.H.P., Bajrang Dal and R.S.S., for the Karseva scheduled on 6th December 1992. The strident clamour of the Hindutvawadis for construction of a temple at the disputed site grew louder every day; so did the resistance of the Muslims who were bent upon opposing the Hindus on any further concessions in the matter of using the disputed structure. Meetings, processions, placards, pamphlets issued on both sides, each fielding its most eloquent speaker to exhort the public that its point of view was right. Speaker after speaker thundered forth at the meetings about the disastrous consequences that would ensue if the Babri Masjid was harmed, or if Karseva was stopped. Hindutvawadis roared that not permitting the construction of a temple on the sacred banks of Sarayu at Ayodhya at the spot where Lord Shri Ram was born, was a blot on the self-respect of every Hindu; Muslim leaders harangued that any concession on the issue would put Islam into "Khatra" (danger). The Hindu majority, with its new-found

identity, and the Muslim minority, with its heightened sense of insecurity, flexed muscles and rattled sabres.

2.7 As preparations for Karseva at Ayodhya were in full swing, large numbers of Karsevaks were recruited all over the country, expectation being that lakhs of Karsevaks would congregate for Karseva on 6th December 1992. The Government of India held rounds of unfruitful talks with the representatives of the Babri Masjid Protection Committee and representatives of the Hindutvawadi parties. Neither side was prepared to relent. The Central Government formed a High Powered Committee consisting of the then Defence Minister, Home Secretary, and other high officials to monitor the situation at Ayodhya from day to day and to keep the Prime Minister advised. The issue of safety of the Babri Masjid became subjudice before the Supreme Court, as the Babri Masjid Protection Committee apprehended that the Bharatiya Janata Party Government in Uttar Pradesh, led by Shri Kalyan Singh, would show scant regard for its safety. The issue was also raised on the Floor of the Lok Sabha. The then Prime Minister, Shri Narsimha Rao, assured the House that the safety of the Babri Masjid, and all that it represented in a secular democratic polity like India, would be fully safeguarded. A categorical undertaking was given by the Chief Minister of Uttar Pradesh before the Supreme Court that no harm would be allowed to befall the Babri Masjid during the Karseva. A categorical assurance to similar effect was also given in the meeting of the National Integration Council.

2.8 The Central Government deployed a large number of Para-Military forces around the Babri Masjid from or about the 1st December 1992. Though the situation was growing potentially explosive from minute to minute as lakhs of Karsevaks congregated at Ayodhya, the Central Government was lulled into a false sense of security on account of the undertakings given to the Supreme Court and its deployment of a large number of Military and Para-Military forces around the disputed structure at Ayodhya. This was the general scenario on the fateful 6th of December 1992.

2.9 On 6th December 1992, a large number of local policemen, who ringed the Babri Masjid, were attempting to stop



the surging multitude of Karsevaks from proceeding beyond the barricades built around it. Throngs of frenzied Karsevaks kept pushing against the Para-Military forces and the Constabulary. It is alleged that the District Magistrate present at the spot refused to give an order of firing to the Military and Para-Military forces and that the Constabulary declined to fire on the Karsevaks whom they considered their own brethren. Hordes of Karsevaks broke through the barricades, forcibly entered the Babri Masjid structure and succeeded in demolishing it. Foreign Television media, particularly the British Broadcasting Corporation Television (BBC T.V.), showed the footage demolition of the Babri Masjid by triumphant Karsevaks in its news bulletins hour after hour, from or about 2.30 p.m. on 6th December 1992.

### **3. Impact of the news of demolition of Babri Masjid**

3.1 The demolition of Babri Masjid appears to have caught the State administration and police machinery totally unawares. The intelligence inputs obtained by the State Government through its Intelligence Agencies and the Central Intelligence Agencies neither indicated, nor led to the assessment that there could be damage to or demolition of the Babri Masjid. All police officers, who gave evidence before the Commission, and the then Chief Minister Shri Sudhakar Rao Naik, frankly admitted that demolition of Babri Masjid was a wholly unexpected contingency. Surprisingly, most of them learnt of the happening only through Television coverage. By the time the news was officially conveyed by the Government of India's Intelligence Agency, it was too late and things had begun to roll.

3.2 Coming events cast long shadows. Scrutiny of the Log Books of wireless communication maintained by the Police Control Room fairly portends the events to follow. In the view of the Commission, these Log Books, though in illegible and, often, indecipherable hand-writing, provide first hand information about events transpiring in the city during the crucial moments. Being contemporaneous documents, their authenticity is greater than the documents which have come into existence subsequent to appointment of this Commission. Painstaking wading through the entries in the Log Books for 6th December

and 7th December 1992 gives an insight into the genesis of trouble during the crucial hours when the communal conflagration was sparked off.

#### 4. 6th December 1992

4.1 Trouble appears to be brewing in the city even before the demolition of the Babri Masjid and percolation of the news. The chronology of events on that day :-

4.2 0010 hours - 155 people gather near Ambedkar Garden at Charni Road and there is trouble near Bharat Cafe in Chembur at 0045 hours.

4.3 1134 hours - There is trouble reported near Bombay Municipal Corporation Building Darga, Lohar Chawl, within the jurisdiction of L.T.Marg Police Station.

4.4 1100-1200 hours - There are various meetings held by Karsevaks, activists of Vishwa Hindu Parishad and Bharatiya Janata Party at different places in the city.

4.5 1233 hours - A crowd of 300/400 holds a meeting opposite Shiv Mandir, Dadar.

4.6 1400 hours - A crowd is reported near Elphinstone Bridge in Bhoiwada jurisdiction.

4.7 The Babri Masjid is demolished at about 1230 hours and the news of this event is widely publicized by the electronic media, particularly BBC News.

4.8 1640 hours - A cycle rally of 200/300 persons is taken out by the local leaders of Shiv Sena in Dharavi jurisdiction. This rally passes through several communally sensitive and Muslim predominant areas in Dharavi and terminates at Kala Killa where a meeting is held and addressed by the local activists of Shiv Sena. Provocative speeches are made at this meeting.

4.9 1952 hours- A crowd collects at Imam Wada, Bhendi Bazar in Pydhonie jurisdiction.

- 4.10                    2033 hours - A crowd collects at Nizam Street, Masjid Cross Lane.
- 4.11                    2042 hours - A crowd of 50/60 Hindutvawadis collects at Jijamata Lane in Byculla jurisdiction.
- 4.12                    2110 hours - There is stone throwing reported at Hajar Nagar, 'G' Building in Jogeshwari jurisdiction.
- 4.13                    2115 hours - Trouble is reported at Kala Killa, Chembur.
- 4.14                    2322 hours - 500 people are reported to be indulging in stone throwing near Minara Masjid in Pydhonie jurisdiction. This becomes intensive and police become the target. The police use force and disperse the crowd successfully by 2326 hours.
- 4.15                    2334 hours - Attempted arson by an irate mob is reported near Mandvi Telephone Exchange, Pydhonie.
- 4.16                    2344 hours - The police report having fired only one round near Minara Masjid and that about 200 people had gathered near Mandvi Head Quarters.
- 4.17                    2352 hours - Stone throwing and soda-water bottles is reported in Bhendi Bazar in Pydhonie jurisdiction.
- 4.18                    2350 hours - Stone throwing is also reported near Momin Masjid, Mohammed Ali Road.
- 4.19                    2356 hours - Private firing is reported from a building in Bhendi Bazar, Dongri jurisdiction.
- 4.20                    2358 hours - Firing and stone throwing incidents are reported in Bhendi Bazar and Dongri jurisdictions.
- 4.21                    The flames catch on in several parts of the city and the whole of Bombay is aflame from the next day
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## CHAPTER II

### Term No.(i)

- i) the circumstances, events and immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December 1992 on or after the 6th December 1992 and, again in January 1993, on or after the 6th January 1993.

### **1. Circumstances and Events**

1.1 The period under study can be divided into the following five phases

- i) Period prior to 6th December 1992;
- ii) 6th December 1992 to 12th December 1992;
- iii) 12th December 1992 to 5th January 1993;
- iv) 6th January 1993 to 20th January 1993; and
- v) The period subsequent to 20th January 1993.

### **1.2 Period prior to 6th December 1992**

i) This period saw intense activity on the part of Bharatiya Janata Party and its allied parties (VHP, Bajrang Dal and RSS) and Shiv Sena by holding several meetings, chowk sabhas and carrying out propaganda in favour of construction of the Ram temple at Ayodhya. Ghantanaad programmes organized in various parts of the city to coincide with the karseva

at Ayodhya. The Muslim organizations like Students Islamic Movement of India (SIMI) and Bombay Muslim Action Committee also carried on propaganda opposing the construction of a temple at Ayodhya and calling for Babri Masjid being left alone. Some of the speeches made during this period by both sides were likely to incite communal passion. These activities on the part of the rival communities were building up an undercurrent of communal tension, the dangerous implications of which were not fully realized by the Police and the State machinery.

ii) After the formal announcement of the Karseva proposed on 6th December 1992 at Ayodhya, the Hindutva parties started recruitment of volunteers for Karseva from different parts of the city. They also started Ram Paduka processions in different parts of the city.

iii) The Rath Yatra by the Bharatiya Janata Party in support of its campaign for building of Ram Temple at Ayodhya further added to communal tension all over the country and Bombay city was no exception.

iv) Against the background of the communal tension in the city came the demolitions of unauthorized structures by the officers of Bombay Municipal Corporation. Though it is not possible to say that they were directed only against Muslims, the fact that the people then affected happened to be Muslims gave a handle for some of the affected Muslim criminal elements to step up a propaganda against the Bombay Municipal Corporation authorities. The incident of alleged desecration of religious objects and books of Muslims was a fallout of this propaganda. The ongoing action taken by police against the criminals, though it affected both Hindu and Muslim criminal elements equally in terms of lessening opportunities for crime and choking of finances, became an aggravating factor to some of the underworld Muslims who were also affected by the demolition drive. Some of the Muslim extremists and fundamentalists seized upon this opportunity to canvass that their religious interests were at stake and that Muslims were being subjected to systematic attack. This call to religion found

a ready response amongst the Muslim youth. This explosive mixture was ready to be ignited.

### **1.3 6th December 1992 to 12th December 1992**

#### **A) 6th December 1992**

i) News of demolition of Babri Masjid spread by 1430 hours on 6th December 1992. The cry of danger to Islam reverberated in the air. The Muslim fundamentalists seized this opportunity to aggressively propagate that Islam was in imminent danger since proponents of the Hindu nation had been allowed a free hand to destroy, in broad day light, under the very nose of the armed forces, the Babri Masjid, a standing symbol of Islam, despite assurances and undertakings by the Uttar Pradesh State Government and the Government of India that no harm would be permitted to be caused to the Babri Masjid during Karseva at Ayodhya on 6th December 1992. The repeated media coverage, particularly on Television, of footage of film pictures of previous Karseva during which some of the misguided Karsevaks were seen dancing on the dome of the Masjid as well as the latest video shots showing actual demolition of the Babri Masjid, caused a sense of deep resentment, frustration and anger in the Muslims. The ready explosive mixture was ignited by the demolition of Babri Masjid which provided the spark of ignition. The sight of large contingent of Armed Constabulary and Central and State Para-Military forces standing mutely without raising a finger to protect the mosque being pulled down and the fact that some of them were even seen to be gleeful over the said fact, caused deep hurt and anguish beyond endurance to the Muslims.

ii) The irresponsible act of the Hindutva parties in celebrating and gloating over the demolition of Babri structure was like twisting a knife in the wound and heightened the anguished ire of the Muslims. The celebration rally organized by Shiv Sena in Dharavi jurisdiction is an example. The Muslims protested, and protested angrily on the streets. Large number of Muslims congregated near Minara Masjid in Pydhonie jurisdiction at about 2320 hours on 6th December 1992 and came out protesting. Even at this stage, if the mobs had been handled tactfully and with sensitivity by the police and accepted

leaders of both communities, the protest would have peacefully blown over. The police mishandled the situation and by their aggressive posture turned the peaceful protests into violent demonstrations during which the first targets of the anger of the mob became the Municipal van and the Constabulary, both visible signs of the establishment. It is significant that the mobs were not armed, not even with stones and sticks, though they were angry and wanting to vent their spleen against anyone in authority. This situation was misdiagnosed, mishandled and turned messier.

iii) At this juncture the Hindus had nothing to complain and should have left the matter to be dealt with by the police as a problem of law and order. It is unfortunate that even at this stage the activists of Bharatiya Janata Party and Shiv Sena jumped into the fray, and escalated communal passion, as seen from their act of stopping the vehicles on roads in the jurisdiction of VP Road Police Station.

iv) In Nirmal Nagar jurisdiction, a Ganesh idol in the Ganesh Mandir on Anant Kanekar Marg was found decapitated and moved out from its place of installation though the lock on the grill surrounding the sanctum sanctorum was found intact. This was noticed at about 2345 hours. Though at the time the incident happened there were no immediate clues as to the identity of the miscreants, it was widely suspected that Muslims fanatics were behind it.

v) In the jurisdiction of Deonar, there was a sharp counter reaction by Muslims who stoned the house of a local Bharatiya Janata Party leader. The situation was getting uglier with attacks on Hindu temples in this area. Efforts of the police to control the situation brought forth forceful violent reaction from Muslims against them. Large scale firing resulted, which perhaps justified to quell the violent riots, was construed as an unwarranted act of suppression by police of what the violent Muslim elements thought was their legitimate protest.

B) 7th December 1992

i) From 7th December 1992 onwards there was a qualitative transformation in the situation. Large mobs of

Muslims came on the streets and there was recourse taken to violence without doubt. This time the Muslim mobs appear to have come out with the intention of mounting violent attacks as noticed from their preparedness with weapons of offence. There were violent attacks on the policemen in Muslim dominated areas like Bhendi Bazar and its vicinity. The jurisdictional areas affected were mostly Muslim dominated or mixed localities in which the misguided and irresponsible Hindu youths aggravated the situation by engaging the rioting Muslims, leading to a situation where the police found it difficult to restrain both sections; when the police did it by force, the police came to be attacked by both Hindu and Muslim mobs.

ii) By this time the protest had degenerated into a full scale communal riot between Hindus and Muslims. Eleven temples in different jurisdictions were damaged, demolished or set on fire. The Hindus did not fall behind and damaged Mosques and Madrassas in different jurisdictions. BEST Buses in the Bombay Central Bus Depot and BEST Bus stops became easy targets for the Muslim mobs and were damaged and/or set on fire.

iii) Two Constables in Deonar jurisdiction were killed with choppers and swords by the rampaging Muslims. While one lay on the ground bleeding to death, the body of another was dragged and thrown into the garbage heap from where it was recovered seven days later. One constable was done to death in Byculla jurisdiction. Several police officers and policemen who bravely attempted to stem the tide sustained injuries in mob action.

iv) Jogeshwari area, which has been the hotbed of frequent communal riots saw serious riots at the junction of Pascal Colony and Shankarwadi. A police officer carrying on his duty received a bullet injury in his head and died subsequently, though it cannot be said with certitude that it was a case of private firing. The police recovered large number of iron rods, sickles, choppers, knives and soda water bottles from different jurisdictions indicating that there was intention and preparations to carry on the communal riots.



v) Though the police found their resources stretched, they were unwilling to take the help of Army for carrying out operational duties. Army Columns were used only to carry out flag marches which had little impact on the, by now hardened and emboldened, rioters. The imposition of curfew from the night of 7th December 1992 also did not appear to deter the clashing mobs in view of its effete enforcement. Police intervention came about by resort to fire on seventy-two occasions, killing twenty Hindus and seventy-two Muslims and injuring one hundred and thirty one Muslims and one other.

) 8th December 1992

i) On 8th December 1992 the communal rioting and communal violence spread to 33 jurisdictions, the number of clashes of rioting mobs with police as well as rioting mobs inter se increased alarmingly. Attacks on places of worship also continued.

ii) The police had to resort to firing in forty three cases resulting in the death of twenty one Hindus, thirty one Muslims and three others. There were several cases of mob violence, stabbing and arson. One temple in Dharavi, four in Deonar, one in Park Site and one in Saki Naka were attacked. Simultaneously, two Mosques in Dharavi, one Madrassa in Mahim and Bhoiwada each and one Darga in Dadar were also attacked.

iii) The police firing resulted in the death of a large number of Muslims as compared to Hindus. A clamour went up that the police were deliberately targeting Muslims for attack. Perhaps as a matter of political prudence, the Chief Minister advised the Commissioner of Police to instruct his officers and men to 'go easy' with the firing. These instructions were conveyed by B.C.Message No.414 dated 8th December 1992 instructing the police to control the rioting mobs by using tear gas and lathi charge without resorting to firing.

D) 9th December 1992

i) The situation improved for better and the number of cases of mob violence, stabbing, arson and

rioting showed a downward trend. The number of occasions when the police had to resort to firing dropped to twenty eight. The police firing resulted in deaths of seventeen persons (five Hindus and twelve Muslims) while thirteen Hindus, twelve Muslims and six others sustained injuries. Thirty four cases of arson resulting in loss of property and injuries to one Hindu and ten Muslims were reported from different jurisdictions. Two temples in Ghatkopar, one Mosque in Trombay and one Kabrastan in Jogeshwari were subjected to attack by violent mobs.

E) 10th December 1992

i) The situation improved further with the number of police stations affected coming down to four, though serious communal riots occurred in Dharavi and Mahim Police jurisdictions to control which when the police had to fire on three and two occasions respectively. Two Muslims were injured in police firing within the jurisdiction of Mahim.

F) 11th December 1992

i) On this day there was one case of private firing in Azad Maidan jurisdiction in which one Hindu died and four Hindus were injured. However, there was further improvement in overall situation. There was no occasion for police to resort to firing, though twenty three different police stations appear to have been affected in varying degrees.

G) 12th December 1992

i) The situation showed further improvement and the number of police stations affected came down to fourteen, though there also the occurrences were stray. There were three instances of police firing, one each in Ghatkopar, Bhandup and Dindoshi in which one Hindu and one Muslim were injured. Mob violence took the toll of one Hindu's life. There were six cases of stabbing in which seven Hindus and two Muslims died and two Hindus and one Muslim sustained injuries. There were eight stray cases of arson.

1.4 December phase of the rioting petered out with 12th December 1992. The police appeared to have regained grip on the law and order situation and peace appeared to have returned. However, behind the surface there was simmering discontent and seething anger amongst the Muslims that unduly excessive police firing had resulted in large number of Muslim casualties. Media had criticized the police for having used unnecessary and excessive fire power, going far as to suggest that Muslims were intentionally targeted and selectively killed. This refrain was repeated by political leaders and Ministers, past and current. The explanation of the Commissioner of Police that the aggressive and violent mobs in the initial stages comprised Muslims and, therefore, Muslim casualties were higher, does not appear to be as far fetched as it has been made out by Muslims, nor can it be dismissed offhand. Despite standing instructions to police that the firing should be effective and directed below the waist, there were number of cases in which the victims, mostly Muslims, appear to have sustained injuries above the waist, leading to death. This per se is not suggestive of deliberate firing and wanton killing on the part of police. The explanation of police is two-fold. Firstly, that rioters in a mob are moving targets and second, firing under attack from a frenzied mob, unlike target practice, is fraught with errors of judgment. Even a fractional error in the angle of ejection could mean drastic change in the trajectory of the projectile and wide variance in the point of impact. This explanation is not so improbable as to be rejected outright. The possibility of some of the rioters ducking to escape becoming targets and in the bargain taking the bullets in the upper regions of their body is not too remote for consideration.

1.5 Considering it from all aspects, the Commission is not inclined to give serious credence to the theory that disproportionately large number of Muslim deaths in December 1992 was necessarily indicative of an attempt on the part of the police to target and liquidate Muslims because of bias.

1.6 The Commission is of the view that there is evidence of police bias against Muslims which has manifested itself in other ways like the harsh treatment given to them, failure

to register even cognizable offences by Muslim complainants and the indecent haste shown in classifying offences registered in "A" summary in cases where Muslim complainants had specifically indicated the names and even addresses of the miscreants. That there was a general bias against the Muslims in the minds of the average policemen which was evident in the way they dealt with the Muslims, is accepted by the officer of the rank of Additional Commissioner, V.N. Deshmukh. This general police bias against Muslims crystallizes itself in action during January 1993.

### **1.7 12th December 1992 to 5th January 1993**

i) On 20th December 1992 two Muslims were locked inside a room and the room was set on fire in Goregaon jurisdiction as a result of which they suffered severe burns resulting in the death of one.

ii) On 24th/25th December 1992 one Mathadi worker was killed in Dongri area. Though subsequent investigation by police resulted in arrest of the accused who was an alcoholic and whose motive was far from communal, at the material time the immediate reaction was that the killing was done by a Muslim.

iii) The fires under the simmering cauldron were continuously stoked by communal activities even after the active phase of the December 1992 riots was over. There was a sudden spurt in attendance at Friday Namaaz in Mosques, which was interpreted by the Hindu fanatics as ominous and evidencing intent to seek revenge on the part of Muslims. The Hindus replied with their ingenious Maha Artis, ostensibly to protest against the Namaaz on Streets and calling of Azaans from Mosques, though both were going on for years and were, perhaps, no more than minor irritants. The Maha Artis were started from 26th December 1992 and kept adding to the communal tension and endangering the fragile peace which had been established. Some of the Maha Artis were later used as occasions for delivering communally inciting speeches and the crowds dispersing from the Maha Arti indulged in damage.

looting and arson of Muslim establishments in the vicinity and on their way. The Maha Artis continued unabated throughout January 1993 and came to an end only by or about the first week of February 1993.

iv) The last week of December 1992 and first week of January 1993, particularly between 1st to 5th, saw a series of stabbing incidents in which both Hindus and Muslims were victims, though the majority of such incidents took place in Muslim dominated areas of South Bombay and a majority of victims were Hindus. The stabbings appeared to be executed with professional accuracy intended to kill the victims. The killers had not been then identified in several cases, though it was presumed, at least in the cases where the Hindus were victims, that the killers were Muslims. The motive for the stabbings appears to have been to whip up communal frenzy between Hindus and Muslims. Some of the Muslim criminal elements operating in South Bombay, like Salim Rampuri and Firoz Konkani, have been identified as the brains behind the stabbing incidents. That they were criminals was underplayed by Hindus; that they were Muslims was all that mattered, and a cry went up that the Muslims were bent upon a second round of riots.

v) On 1st January 1993 there was an article in 'Saamna' under the caption "Hindunni Akramak Vhayala Have", openly inciting Hindus to violence.

vi) On 2nd January 1993 a number of Muslim hutments in M.P. Mill Compound in Tardeo jurisdiction were set on fire. On the same day there was an incident in Dharavi jurisdiction in which two Muslims were assaulted with iron rods by Hindus.

vii) On 3rd January 1993 there was an attack on a Muslim in Dharavi jurisdiction with a knife. On the same day, several persons claiming to be officials of MHADA, and alleged to be Shiv Sainiks, went around Pratiksha Nagar in Antop Hill jurisdiction surveying the residences of Muslims there.

and Muslims kept attacking each other and the police when they tried to intervene. The mobs also created road blocks to prevent the police and fire-brigade from reaching the sites of incidents for rendering assistance. A taxi in which two Muslims were travelling was set on fire in Pratiksha Nagar, Antop Hill jurisdiction resulting in the two Muslims being burnt alive

1.11 8th January 1993

i) During the wee hours of 8th January 1993, at about 0030 hours, some of the Hindu residences in a chawl popularly known as Radhabai Chawl in Jogeshwari jurisdiction were locked from outside and set on fire by miscreants. One male and five female members of a Hindu family (Bane) and their neighbours were charred to death and three other Hindus sustained serious burn injuries. One of the victims was a handicapped girl. This incident was sensationalized by the media by giving exaggerated and provoking reports.

ii) The Hindu 'backlash' commenced. The communal riots spread to the jurisdictions of Pydhonie, Dongri, Jogeshwari, M.R.A. Marg, L.T. Marg, V.P. Road, D.B. Marg, Gamdevi, Nagpada, Agripada, Byculla, Kala Chowki, N.M. Joshi Marg, Worli, Bhoiwada, Dadar, Mahim, Dharavi, Kurla, Nehru Nagar, Trombay, Chembur, Bandra, Nirmal Nagar, Ghatkopar, Vikhroli, Parksite, Vakola, Oshiwara, D.N. Nagar, Jogeshwari and Aarey sub-police stations. Sixty-six stabbing cases were reported from different jurisdictions, in which eleven Hindus, fifteen Muslims and two others were killed and injuries caused to several Hindus and Muslims. Forty-eight cases of mob violence occurred in which six Muslims were killed and eleven Hindus and seventeen Muslims and one other received injuries. Thirty-one cases of arson were reported which, apart from causing loss of property, resulted in deaths of six Hindus and two Muslims and injuries to five Muslims and two Hindus. A Dargah and Mosque in Pydhonie jurisdiction, a Kabrastan and a Madrassa in Jogeshwari jurisdiction and a temple in Byculla jurisdiction were attacked and damaged. Police resorted to firing on thirty-one occasions in different jurisdictions resulting in the killing of nine Hindus and eighteen Muslims and injuries to twenty Hindus and twenty-four Muslims and one other. Several raids conducted by

Road, Nagpada, Tardeo, Mahim, Dharavi, Nirmal Nagar, Chembur and Kherwadi police stations. Most of the stabbing cases occurred in isolated lanes and bye-lanes and by the time police arrived on the scene, the miscreants would vanish. In all, eighteen cases of stabbing were reported by the evening of this day of which eight were from Pydhonie, two from Dharavi, two from V.P.Road, two from Nagpada and one each from Nirmal Nagar, Kherwadi and Andheri. These stabbing cases resulted in one Hindu, one Muslim and two others being killed and thirteen Hindus, one Muslim and one other being injured. Mob violence accounted for the deaths of seven Hindus and one Muslim and injuries to nine Hindus and eight Muslims.

ii) The situation in Mahim went out of control at 2100 hours. Hindus attacked Muslims in Muslim pockets in Mahim area led by Shiv Sena Corporator, Milind Vaidya, and a Police Constable Sanjay Gawade, openly carrying a sword. There were serious riots in which frenzied mobs of Hindus and Muslims attacked each other.

1.9 Curtains went up for the second phase of the riots in the city.

1.10 7th January 1993

i) The violence and riots spread to several parts of the city. There were more deaths and more stabbings and sixteen police station areas (Pydhonie, Dongri, Agripada, Gamdevi, V.P.Road, Byculla, Bhoiwada, Nagpada, Kherwadi, Nehru Nagar, Kurla, Deonar, Trombay, Bandra, Vakola and Jogeshwari) were affected by serious riots. The stabbing incidents resulted in deaths of sixteen Hindus and four Muslims and injured forty one Hindus and twelve Muslims. Eleven cases of mob violence occurred in different jurisdictional areas, killing two Hindus and injuring ten Hindus and two Muslims. Seven cases of arson were reported on that day in which, apart from huge property loss, two Hindus were killed, five Hindus and two Muslims were injured. A Dargah in Pydhonie jurisdiction and another Dargah in V.P.Road jurisdiction were attacked by Hindu mobs. The police resorted to firing on four occasions, resulting in injuries to 6 Hindus and 5 Muslims. Violent mobs of Hindus

and Muslims kept attacking each other and the police when they tried to intervene. The mobs also created road blocks to prevent the police and fire-brigade from reaching the sites of incidents for rendering assistance. A taxi in which two Muslims were travelling was set on fire in Pratiksha Nagar, Antop Hill jurisdiction resulting in the two Muslims being burnt alive

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the police resulted in seizure of weapons of offence like broken tube lights, swords, petrol bombs and daggers

iii) That the rioters had become defiant and the authority of the police was considerably eroded, appeared clear when a crude bomb was hurled at the Police Commissioner's car from one of the buildings in Pydhonie jurisdiction and exploded on the road. The Commissioner of Police and his staff had a lucky escape, though the severity of the explosion caused a big dent on the road. Eleven Army Columns were deployed by the police to do Flag Marching in different areas. Curfew was imposed in areas where it was considered necessary.

#### 1.12 9th January 1993

i) The riots continued unabated in forty-three police station jurisdictions. Fifty-seven cases of stabbing resulting in death of eight Hindus and eighteen Muslims and injuries to twenty-seven Hindus, thirty-three Muslims and one other, were reported. Ninety-seven cases of mob violence occurred in various parts of the city resulting in the death of one Hindu and six Muslims and injures to nineteen Hindus and twenty-four Muslims. Seventy-three cases of arson were reported from different jurisdictions which caused loss of property, death of three Hindus and six Muslims and injures to four Hindus and six Muslims.

ii) The Shiv Sainiks mobilized themselves for retaliating against the Muslims. The shakhas in different jurisdictional areas turned into centres of local commands. The attacks on Muslims by the Shiv Sainiks were mounted with military precision, with list of establishments and voter's list in hand.

iii) Police suspected terrorists to be holed up on the terrace of Suleman Usman Bakery in Pydhonie jurisdiction. Operation launched against the alleged terrorists by the Special Operation Squad (SOS) under the direction of Joint Commissioner of Police, R.D. Tyagi, and extensive firing by the SOS resulted in deaths of nine Muslims. The police failed to apprehend even a single so-called terrorist, nor did they seize any fire-arms.

sophisticated or otherwise, from which firing was done at them as claimed

iv) Fifty-two cases of police firing occurred in different jurisdictions, killing fifteen Hindus, twenty-two Muslims and one other. Police combing operations resulted in seizure of stocks of swords, iron bars, choppers, kerosene cans, acid bulbs and soda water bottles from different areas.

### 1.13 10th January 1993

i) Twenty-six Army Columns were deployed for carrying out flag marches and for the first time the Government issued instructions to the Commissioner of Police that the Army personnel may be directed to do operational duties by resorting to firing after taking control of a situation. Fifty-one police stations were affected by the riots. Eighty-one cases of stabbing occurred in different jurisdictions resulting in deaths of ten Hindus and thirty-nine Muslims and injuries to twenty-four Hindus and forty-two Muslims. One hundred and eight cases of arson occurred in which there was property loss, death of one Hindu, five Muslims and two others, while one Hindu, one Muslim and one other were injured. Attempts of the fire brigade to reach the places of fire were frustrated by the rioters who not only blocked the streets but also threatened the fire brigade staff and resorted to stone throwing against the fire brigade vehicles. Fires blazed uncontrolled. Mob violence was reported from twenty-five jurisdictions causing deaths of two Hindus, nine Muslims, while thirteen Hindus, twenty-seven Muslims and two others were injured.

ii) The police were given orders to fire by B.C. Message No.454 dated 10th January 1993 at about 1140 hours and resorted to firing on eighty-two occasions, resulting in deaths of twenty-two Hindus, twenty-three Muslims and one other, while injuries were caused to seventy-seven Hindus, twenty-seven Muslims and two others. Police seized large number of swords, choppers, tube lights, fire balls, soda water bottles, iron bars, guptis and also one country made revolver. The situation was very grave in several jurisdictional areas. Even normally law abiding citizens seemed gripped by the communal frenzy and were seen attacking members of the rival

community. Peace Committee members, politicians and other social workers were conspicuous by their absence. Communal hatred and fear psychosis appeared to have over-taken the citizens of Bombay making tolerance and reason prime casualties. Rumours about attacks from rival community swept the city.

#### 1.14 11th January 1993

i) The situation continued to be serious. Fifty-two police stations were affected by communal violence in varying degrees. Eighty-six cases of stabbing occurred in different jurisdictions resulting in the death of eleven Hindus, forty-four Muslims and one other; twenty-three Hindus, fifty-eight Muslims and one other were injured. Four Hindus, nineteen Muslims and two others were killed in one hundred and twenty nine incidents of mob violence in different jurisdictions. Ninety-three cases of arson in different jurisdictions resulted in the death of two Hindus and twelve Muslims and injuries to seven Muslims. Police firing on sixty-seven occasions caused to deaths of nineteen Hindus and seven Muslims and injuries to forty-five Hindus, twenty-one Muslims and two others. The Army Column was used for operational duty in Dadar jurisdiction where it fired on a riotous mob of Hindus without causing any injuries.

ii) Police raids unearthed several swords, knives, choppers, kerosene bottles, acid bulbs, tube lights, one country made revolvers and live cartridges.

#### 1.15 12th January 1993

i) A gruesome incident occurs in Devipada in Kasturba Marg jurisdiction. A Hindu mob surrounds, strips and assaults two Muslim women. The older woman manages to run away. The uncle of the younger woman who comes to rescue the young girl of 19, and that girl, are beaten and burnt alive by the violent mob. The names of the miscreants are disclosed to police by a Hindu lady in the locality. (Though the miscreants were arrested and tried by the Sessions Court at Bombay, later on they were all acquitted on the ground that the panchanamas were defective and that the eye witnesses were not produced).

ii) Police resorted to firing on thirty-one occasions in different jurisdictions resulting in the deaths of four Hindus and six Muslims and injuries to twenty-three Hindus and seven Muslims. Fifty-six cases of stabbing occurred in different areas resulting in the deaths of three Hindus, twenty-seven Muslims and injuries to eleven Hindus and forty-one Muslims. Seventy-one cases of mob violence in different areas occurred in which one Hindu and six Muslims were killed; nine Hindus and twenty-one Muslims were injured. Seventy cases of arson were reported from different police stations, in which two Muslims were killed and one Muslim was injured.

iii) The Army Column detailed to rescue a group of besieged Muslims in Antop Hill jurisdiction is attacked by a violent Hindu mob resorts to firing to disperse the mob. Army Column resorts to firing within the jurisdiction of Trombay jurisdiction against another rioting mob of Hindus killing one Hindu and injury to one.

#### 1.16 13th January 1993

i) The situation improves slightly in several areas, the number of affected police stations comes down to forty-eight; stabbing cases to thirty-six; mob violence to sixty-seven and arson to fifty-one. The police resort to firing on twenty-four occasions resulting in the killing of one Hindu and two Muslims and injuries to six Hindus and four Muslims. Mob violence takes a toll of the lives of three Muslims and injures eight Hindus and eighteen Muslims. Stabbings cause the death of one Hindu and sixteen Muslims, while eight Hindus and ten Muslims and one other are injured. Arson kills five Muslims and two others and causes injuries to four Muslims, apart from destruction of property.

#### 1.17 14th January 1993

i) The situation shows substantial improvement. The number of affected police stations comes down to forty, the number of arson cases drops to thirty-nine, in which one Hindu

and five Muslims were killed apart from loss to property, mob violence is reported only in thirty-four cases in which one Muslim and three others are killed and seven Muslims are injured, the police resort to firing only on four occasions in which no one is killed and two Hindus are injured. Stabbing cases resulted in death of four Hindus and twelve Muslims and three others, while seven Hindus, twelve Muslims and one other are injured. The deployment of Army Columns is increased to thirty-three

#### 1.18 15th January 1993

i) There is further improvement in the situation; the number of police stations affected comes down to twenty-nine; mob violence occurs only in twenty-four cases resulting in death of two Muslims and four Hindus and injuries to eight Muslims. The number of stabbing cases comes down to twelve in which one Hindu and eleven Muslims are killed and three Hindus and five Muslims are injured, the number of arson cases comes down to twenty five in which there was only loss of property without death or injury to anyone. The police resort to firing only on two occasions which result in killing of three Muslims, one Hindu and injuries to fourteen Muslims. Army Column deployed at Nirmal Nagar resorts to quell a riotous mob.

ii) The Prime Minister of India, Shri Narsimha Rao, makes a quick tour of the riot affected areas amidst heavy security arrangements.

#### 1.19 16th January 1993

i) The situation shows further improvement. Only fifteen stray cases of stabbing are reported in which twelve Muslims are killed and injuries caused to eight Hindus and seven Muslims. Seven mob violence cases occur resulting in injury to one Muslim; twenty three stray cases of arson are reported in different areas in which there is only property loss. Police firing comes down to two cases in which none is injured.

#### 1.20 17th January 1993

i) The situation seems to be improving for the better. There is no occasion for the police to resort to firing.

Three cases of stabbing are reported from different areas in which one Hindu and two Muslims were injured three minor cases of mob violence occur causing injuries to five Hindus and thirteen Muslims, and six minor cases of arson reported in which, apart from loss of property, one Muslim is killed and one Hindu is injured.

1.21     18th January 1993

i)        There was no occasion on which police resorted to firing on this day. There was one case of stabbing resulting in the killing of one Muslim, three minor cases of mob violence in which none was injured, five stray minor cases of arson were reported in which none was injured.

1.22     19th January 1993

i)        The city appears to be limping back to normalcy. Five stray cases of stabbing are reported in which one Muslim was killed and two Hindus and two Muslims were injured. Though nine stray cases of arson are reported, there was no loss of life or injury.

1.23     The period subsequent to 20th January 1993

i)        From 20th January 1993 onwards there was no major communal incident despite a few stray cases being reported. The rumour mills worked overtime and rumours about imminent attacks and explosions likely to occur were thick. Call was given out by Imam of Jama Masjid that Muslims should boycott the Republic Day and hoist black flags on their establishments and houses. Police maintained continued vigil along with the Army and Para-Military forces.

ii)       On 25th January 1993, there is a minor riot in Dharavi jurisdiction which is quickly controlled by police firing without any death or injury.

iii)      26th January 1993 passed off peacefully in all jurisdictions except Dindoshi where the police resorted to firing in

which two Muslims were killed and three Muslims were injured. mob violence caused injuries to two policemen and two Muslims.

iv) During the subsequent period in January the situation in the city slowly comes back to normalcy.

1.24 The final tally of casualty figures for December 1992 and January 1993 are as under :

Dead - nine hundred (575 Muslims, 275 Hindus, 45 unknown and 5 others). The causes for the deaths are Police firing (356), Stabbing (347), Arson (91), Mob action (80), Private firing (22) and Other causes (4)

Injured - two thousand thirty six (1105 Muslims, 893 Hindus, and 38 others).

## **1.25 Immediate Causes :**

### Socio-Economic, Demographic and Political Factors

i) A communal riot has several causes, some are political, some socio-economical and others demographic. Since it was impossible for the Commission itself to undertake a study of these factors it appointed a Committee of experts from Tata Institute of Social Sciences, to undertake an analysis of the causative factors for the December 1992 and January 1993 riots from these perspectives.

ii) The expert panel submitted a report giving various theoretical formulations for analyzing communal riots as a social phenomenon. It also collected and analysed the data available to examine how far different factors were responsible for the riots of December 1992 and January 1993 and presented its conclusions tersely in Chapter-III of the report. After studying the conclusions of the expert panel the Commission is inclined to accept the report and conclusions drawn by the panel of experts from TISS. Class conflict, Economic Competition, Decline in employment opportunities and

Changing Political Discourse are some of the immediate causes for urban riots in different studies undertaken by Sociologists. How far they are relevant or they are responsible for the riots of December 1992 and January 1993 in Bombay city is discussed below.

A) Class Conflict

i) The theories of class conflict, viz. class stratification coinciding with religious cleavages or the dominant property group trying to raise bogie of (Hindu) communalism in order to mute or deflect the rising demands of the (Muslim) under-privileged are hardly applicable to Bombay. Muslim communalism in Bombay is not due to their comparing themselves with affluent Hindus or because of their feeling of being exploited by Hindus.

ii) There is also no evidence to suggest that the riots on such large scale could have been engineered by builders or land-grabbers, though land-grabbing may have occurred on certain occasions as a consequence of riots.

B) Economic Competition

i) There is no adequate data to conclude that factors of economic competition between the ethnic groups and the ethnic division of labour caused the riots. The city has not witnessed any rising Muslim bourgeoisie competing with Hindu bourgeoisie. The Muslim community in Bombay has hardly produced sufficiently large number of educated youth to compete with educated Hindu youth for the white collared jobs. There is also no evidence that Hindus had encroached upon the traditional economic activities and businesses like bakery, poultry, leather, leather goods, timber etc. in which Muslim businessmen have sizeable share. There is no material to show that Hindus felt any threat of displacement from their usual economic enterprises. On the other hand, large exodus of Muslims during the riot periods affected garment industries in which there is economic interdependence of Hindus and Muslims.



C) Decline of Employment in Organized Sector and Growth of Informal Sector

i) The employment in organized sector which provides stable job and hence is coveted has declined since 1971 in the city and the decline has been quite sharp between 1981 to 1990. There is also decline in employment in large factories over the same period. This economic decline could have generated frustrations mainly among unemployed youth and poorer sections. De-industrialization of Bombay has generated unemployment in organized sectors while inflation has hit hard even those in jobs. This is another powerful source of frustration which could have contributed to make the city vulnerable to communal violence.

ii) More than half of the employed people in Bombay are employed in the informal sector - the sector which has no legal existence and is not accountable to any one. The world of informal sector is lawless, cruel and harsh with rank exploitation of workers. There is neither protection of any labour laws, nor job security in this sector. It is possible that informal sector workers are likely to be first victims of communal aggression and, conversely, it is also probable that they are easily susceptible to be drawn into communal riots.

iii) There has been almost a three-fold increase in the slum population as compared to 1961. The number of footpath dwellers and dwellers in slums, has also sizably increased. Though not necessarily under the poverty line, life under such conditions involves misery and lack of civic amenities. This is likely to produce in them frustration-aggression syndrome. Thus, the relative deprivation in regard to economic situation in Bombay is also a relevant factor facilitating ethnic violence.

D) Density of Population

i) Increasing density of population of the city is a factor which has generally affected life in Bombay. The average number of occupants for one room tenement is higher in

Bombay than the other Metropolises. Though there is no concrete proof of ghettoisation, the concentration of minority community in distinct pockets has probably led to withdrawal and exclusivist tendency among its members. Given the historical antecedents, national contexts and peculiar economic and political situation in Bombay, such demographical changes might have created the potential for communal mobilization. All over the world such tendencies draw the ire of the majority community.

#### E) Changing Political Discourse

i) The political discourse has changed over the decades throughout the country. During the early years the themes of parliamentary democracy, respective merits of public versus private sectors used to dominate political discourse. Suddenly, all this has yielded place to communal discourse. Bombay is no exception. On the other hand, it has other aggravating factors like decline of organized sector employment, phenomenal growth of informal sector, presence of vocal Hindutva parties and increasing assertion of Muslim ethnic identity and the like.

ii) Originally confined to the forward caste the middle class in Bombay, Hindutva has recently gained currency and fashionableness and its appeal cuts across economic strata and linguistic divisions. Issues like reversal of Shah Bano decision and singing of Vande Mataram and the aborted co-operative endeavour between Bharatiya Vidya Bhavan and Anjuman-E-Islam and the alleged appeasement of Muslims have increasingly helped the acceptance of Hindutva among the Hindus. The Muslims on their part have been driven more and more to assert their identity and become increasingly exclusive.

iii) Unlike elsewhere in the country the Muslims have not acquired sufficient political clout, nor have they been able to increase their representation in B.M.C. or in the Legislative Assembly. This has contributed to the Hindutva idiom gaining ground.

iv) Thus, over the years various social, political, economic and demographic factors prepared the ground for communal violence and riots. The socio-economic and demographic factors contributed to development of a situation conducive to ethnic violence. The political factors aggravated the cleavages between the ethnic groups, functioning as proximate contributory cause for riots and violence in Bombay.

## **1.26 December 1992**

i) The immediate causes of the communal riots on 6th December 1992 were: (a) the demolition of Babri Masjid, (b) the aggravation of Muslim sentiments by the Hindus with their celebration rallies and (c) the insensitive and harsh approach of the police while handling the protesting mobs which initially were not violent.

## **1.27 January 1993**

i) As far as the causes for January 1993 phase of the rioting is concerned, the Commission does not accept the theory that it was merely a backlash of the Hindus because of the stabbing, Mathadi murders incidents and the Radhabai Chawl incident.

ii) The events which took place between the period 12th December 1992 and 15th January 1993 indicate that there were attacks going on against the Muslims and their properties in different areas; there were also several stabbing incidents carried out by professional criminals in different areas of the city, with the intention of whipping up communal frenzy, in which the majority of the victims happened to be Hindus (two of the notorious Muslim criminals Salim Rampuri and Feroz Kokani were subsequently identified to be behind the Hindu stabbings); the communal passions of the Hindus were aroused to fever pitch by the inciting writings in print media, particularly 'Saamna' and 'Navakal' which gave exaggerated accounts of the Mathadi murders and the Radhabai Chawl incident; rumours were floated that there were imminent attacks by Muslims using sophisticated

arms. These factors impelled some of the irresponsible and hot-headed Hindu elements to take to violence. From 8th January 1993 at least there is no doubt that the Shiv Sena and Shiv Sainiks took the lead in organizing attacks on Muslims and their properties under the guidance of several leaders of the Shiv Sena from the level of Shakhya Pramukh to the Shiv Sena Pramukh Bal Thackeray who, like a veteran General, commanded his loyal Shiv Sainiks to retaliate by organized attacks against Muslims. The communal violence and rioting triggered off by the Shiv Sena was hijacked by local criminal elements who saw in it an opportunity to make quick gains. By the time the Shiv Sena realized that enough had been done by way of "retaliation", the violence and rioting was beyond the control of its leaders who had to issue an appeal to put an end to it.

1.28 Effete political leadership, vacillation for political reasons and conflicting orders issued to the Commissioner of Police and percolated downwards created a general sense of confusion in the lower ranks of the police, resulting in the dilemma 'to shoot, or not to shoot'. Four precious days were lost for the Chief Minister to consider and issue orders as to effective use of Army for controlling the riots.

1.29 The built-in bias of the police force against Muslims became more pronounced with murderous attacks on the Constabulary and officers and manifested in their reluctance to firmly put down incidents of violence, looting and arson which went on unchecked.

## CHAPTER III

### Term No.(ii)

- ii) Whether any individual or group of individuals or any other organization, were responsible for such events and circumstances.

#### **1.1 December 1992**

i) As far as the December 1992 phase of the rioting by the Muslims is concerned there is no material to show that it was anything other than a spontaneous reaction of leaderless and incensed Muslim mobs, which commenced as peaceful protest, but soon degenerated into riots. The Hindus must share a part of the blame in provoking the Muslims by their celebration rallies, inciting slogans and rasta rokos which were all organized mostly by Shiv Sainiks, and to a marginal extent by BJP activists.

#### **1.2 January 1993**

i) Turning to the events of January 1993, the Commission's view is that though several incidents of violence took place during the period from 15th December 1992 to 5th January 1993, large scale rioting and violence was commenced from 6th January 1993 by the Hindus brought to fever pitch by communally inciting propaganda unleashed by Hindu communal organizations and writings in newspapers like 'Saamna' and 'Navakal'. It was taken over by Shiv Sena and its leaders who continued to whip up communal frenzy by their statements and acts and writings and directives issued by the Shiv Sena Pramukh Bal Thackeray. The attitude of Shiv Sena as reflected in the 'TIME' interview given by Bal Thackeray and its doctrine of 'retaliation', as expounded by Shri Sarpotdar and Shri Manohar Joshi, together with the thinking of Shiv Sainiks that 'Shiv Sena's terror was the true guarantee of the safety of citizens', were responsible for the vigilantism of Shiv Sainiks. Because some

criminal Muslims killed innocent Hindus in one corner of the city, the Shiv Sainiks 'retaliated' against several innocent Muslims in other corners of the city.

ii) There is no material on record suggesting that even during this phase any known Muslim individuals or organizations were responsible for the riots, though a number of individual Muslims and Muslim criminal elements appear to have indulged in violence, looting, arson and rioting.

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## CHAPTER IV

### Term Nos.(iii) and (iv)

iii) the adequacy or otherwise of the precautionary and preventive measures, taken by the Police preceding the aforesaid incidents;

and

iv) Whether the steps taken by the Police in controlling the riots were adequate and proper and whether the Police firing resulting in deaths was justified or not,

1.1 The precautionary and preventive measures taken by the police preceding the aforesaid incidents were inadequate. The intelligence machinery of police did not give information in good time about the possible damage to Babri

Masjid, nor was an accurate assessment made of the situation if such a contingency arose. The intelligence apparatus failed to gather crucial intelligence about the close-door meetings held by Bombay Muslim Action Committee on 2nd December 1992 in Madanpura and by Shiv Sena at Sena Bhavan on 29th December 1992. On several occasions police station concerned did not even have persons knowing Urdu to interact with Muslims and feel the pulse of Muslim community or even to read and understand Urdu writings. This also led to their inability to keep themselves apprised of the communal Urdu writings circulating in the city.

1.2 The Maha Artis were erroneously treated as purely religious activity and given full freedom, despite evidence that they were being used for political purposes, that communally inciting speeches were being made and the dispersing crowds after the Maha Artis had indulged in attacking, damaging and looting establishments of Muslims in the nearby areas. Though the responsibility for dealing with such assemblies on public streets is of the police, the police left it to the political judgment of the then Chief Minister who failed to act promptly and effectively and give clear cut directives.

1.3 The enforcement of the curfew and ban against assembly of five or more persons turned into a farce. The police appear to have been totally overawed by numbers and such orders were flouted with impunity. No seriousness appears to have been shown towards the utility of such orders to control communal situations.

1.4 The police were hopelessly outnumbered as the strength of the police staff was inadequate by about 30% to 35% even to handle day to day problems. A fortiori it was hopelessly inadequate to handle extraordinary situations which arose during December 1992 and January 1993.

1.5 The arms and equipments held by police stations were inadequate qualitatively and quantitatively to deal with the riot situations.

1.6 The transport facilities for quick movements of police contingents were woefully inadequate.

1.7 The wireless communication equipments were not foolproof. This enabled communally affected policemen to successfully break into and intrude upon the police channel and transmit abusive, conflicting and confusing talk on the police wireless channels during the height of the communal riots when accurate communication on wireless channel was imperative.

1.8 Despite the clear cut guideline in the "Guidelines for controlling communal disturbances", no police station appears to have maintained the 'list of communal goondas'. Consequently, when the Commissioner of Police instructed the police stations to round up 'communal goondas', there was wholesale confusion in understanding the import of the message, each Senior Police Inspector interpreting it in his own fashion. The preventive rounding up was, therefore, confined only to known criminals and bad characters on the list of the respective police stations.

1.9 Though the Army was alerted on 6th December 1992 itself, there was utter confusion in making effective utilization of the Army columns. Both in December 1992 and January 1993 the Army could have been given operational role which could have swiftly and decisively put an end to the communal riots. The police over estimated their ability to control the communal riots, or were reluctant to requisition the aid of Army to disperse unlawful assemblies when it was apparent to the local police officers that the situation was slipping out of their hands. This has led to avoidable loss of lives, limbs and property.

1.10 There was no serious combing operations carried out even in cases where private firing was suspected. The excuse was that soon after the occurrence of the suspected private firing the police personnel on hand was small and by the time their strength had been augmented and combing was carried out it was too late to apprehend miscreants or unearth fire-arms. Consequently, though the police claim that there were so many instances of private firing, some even from



sophisticated fire arms, they have not been able to seize any but one country made pistol

1.11 The response of police to appeals from desperate victims, particularly Muslims, was cynical and utterly indifferent. On occasions, the response was that they were unable to leave the appointed post, on others, the attitude was that one Muslim killed, was one Muslim less.

1.12 The alertness of police pickets left much to be desired. Several arson incidents, stabbing and violence occurred within the eye sight and earshot of the police pickets without any action by them. In one case a Bakery situated within the very compound in which the police station (Jogeshwari) is located was attacked, looted and burnt in broad day light without the police lifting a finger.

1.13 Police officers and men, particularly at the junior level, appeared to have an inbuilt bias against the Muslims which was evident in their treatment of the suspected Muslims and Muslim victims of riots. The treatment given was harsh and brutal and, on occasions, bordering on inhuman, hardly doing credit to the police. The bias of policemen was seen in the active connivance of police constables with the rioting Hindu mobs on occasions, with their adopting the role of passive on lookers on occasions, and finally, in their lack of enthusiasm in registering offences against Hindus even when the accused were clearly identified and post haste classifying the cases in "A" summary.

1.14 Even the registered riot related offences were most unsatisfactorily investigated. The investigations showed lack of enthusiasm, lackadaisical approach and utter cynicism. Despite clear clues the miscreants were not pursued, arrested and interrogated, particularly when the suspected accused happened to be Hindus with connections to Shiv Sena or were Shiv Sainiks. This general apathy appears to be the outcome of the built in prejudice in the mind of an average policeman that every Muslim is prone to crime.

1.15 The degeneration of the protests, which were initially not violent, in Minara Masjid area on 6.12.1992 and Dharavi area on 7th December 1992 into violent riots was partly on account of insensitive handling of the rioters by police. The police should have realized that the Muslim community felt betrayed, hurt, humiliated and distrustful of the authorities on account of the demolition of the Babri Masjid in spite of the assurances and promises at the highest level and that too in the presence of armed police and para-military forces. Though there was some marginal violence like stone throwing, it should have been controlled by use of persuasion and minimal force.

1.16 The adverse criticism of the police in handling the December 1992 phase of the rioting, which was aired in the media and from platforms by political leaders caused considerable demoralization of the force. Apart from demoralizing the force, it also induced a knee jerk reaction from the government at the political level with the Chief Minister instructing the police that his officers and men should "go slow". A specific broadcast message was issued on 8.12.1992 instructing the men not to fire while dealing with communal mobs. This order was very much in existence till countermanded by B.C.Message No 457 on 10th January 1993. This order caused immense confusion amongst the police ranks since, in the interregnum, the officers and men were not sure how to handle the mobs. Consequently, some of them continued to fire, but large number of officers did not fire, resulting in prolongation of the violent incidents.

1.17 Notwithstanding Sections 130 and 131 of the Criminal Procedure Code the government did not take active aid of the Army when such use was imperative. Political dithering delayed a clear cut order to the Commissioner of Police on using the army for operational purpose. The flag marches by the Army columns had no psychological effect on the rioting mobs.

1.18 The police, by their own conduct, appeared to have lost moral authority over the citizens and appeared to evoke no fear even in the minds of the criminal elements. The criminal elements were emboldened to hurl a crude bomb at the Commissioner of Police and hack constables to death without

fear. The police developed a psychological fear about attacks on them. Lathi charge by the police was ineffective and useless as it mostly consisted of brandishing lathis from a safe distance.

1.19 The police firing was, on several occasions, ineffective and large number of rounds are said to have been fired without producing any visible effect. The police firing at least on two occasions appears to be unjustified, excessive and resulted in killing innocent citizens, one in the Suleman Bakery incident in Pydhonie jurisdiction and the other in the Hilal (Hari) Masjid in RAK Marg jurisdiction. The ensuing deaths on these two occasions were not justified at all.

1e 20 Even after it became apparent that the leaders of Shiv Sena were active in stoking the fires of communal riots, the police dragged their feet on the facile and exaggerated assumption that if such leaders were arrested the communal situation would further flare up, or to put it in the words of the then Chief Minister Naik, "Bombay would burn", not that Bombay did not burn even otherwise.

1.21 Though the police did take action in some cases against newspapers by registering offences under section 153A of Indian Penal Code, such cases were kept pending for inordinately long time for want of sanction by the government. A large number of vituperative and communally inciting writing in newspapers was ignored by police, emboldening the writers of such material to greater heights of abuse, incitement and calumny.

1.22 Despite knowledge of the fact that the force had been infected by communal virus, no effective curative steps were taken over a large period of time as a result of which communal violence became chronic and its virulent symptoms showed up during the two riot periods.

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## CHAPTER V

### 1.30 Delinquency of police personnel

The evidence before the Commission indicates that the police personnel were found actively participating in riots, communal incidents or incidents of looting arson and so on. The Commission strongly recommends that Government take strict action against the following persons .

A) Colaba : S.I.Vasant Madhukar More, A.P.I.Sahebrao Hari Jadhav, PC-3181 Suresh Pandurang Ithape, PN-985 Shivaji Govindrao Kashid, PN-2238 Hanumant Pandurang Chavan and HC-3649 Gopichand Shaitram Borase. These police personnel were responsible for allowing the violent mob to hack to death one Abdul Razak @ Aba Kalshekar (C.R.No.13 of 1993).

B) Agripada : PC-23960 of LA-IV Ashok Naik and Rajaram K.Bhoir were arrested while indulging in rioting and violent activities (C.R.No.98 of 1993). Ashok Naik was arrested by N.M.Joshi Marg Police.

C) Byculla : Sr.PI Patankar, P.I.Wahule and S.I.Ramdesai - Their conduct during the riots was extremely communal. They refused to record complaints in which Hindus were the accused and harassed and ill treated Muslims. Their conduct indicated attempt to shield miscreants belonging to Shiv Sena (C R No 591 of 1992). The Government should also institute an impartial inquiry into the cold blooded murder of one young boy, Shahnawaz Hassanmiya Wagle. The inquiry conducted by Deputy Commissioner of Police Surinder Kumar is just an eyewash.

D) Dongri : Joint Commissioner of Police R.D.Tyagi, Assistant Police Inspector Deshmukh and Police Inspector Lahane of the Special Operation Squad are guilty of excessive and unnecessary firing resulting in the death of nine Muslims in the Suleman Bakery incident (C.R.No.46 of 1993).

E) Mahim : Police Constable Sanjay Laxman Gawade was openly indulging in riots and violent activities while carrying a naked sword along with Shiv Sena activist Milind Vaidya. Though the constable was placed under suspension and the sanction of the government was sought for his prosecution the sanction had not yet been granted. The Commission recommends that such sanction should be granted.

F) L.T.Marg : Assistant Police Inspector Kamath, for utter dereliction of duty by not acting against the miscreants in the Diamond Jubilee Compound incident (C R No 25 of 1993).

G) M.R.A.Marg : PC-24242 Vidyadhar Raghunath Shelar, Police Inspector Salvi, Police Sub Inspector More. Babu Abdul Shaikh had been taken into custody by them. But because of their conduct he was attacked and murdered by Hindu miscreants (C.R.No.579 of 1992). Though the accused, all active Shiv Sainiks, have been arrested, the conduct of the police personnel is not beyond reproach.

H) Nagpada : Police Inspector Dhavale over-reacted by firing at a mob of ten to twelve miscreants throwing stones, resulting in injury to a two year old child. Constable Sanjay Bhosale was part of the miscreant mob which broke open and looted articles from the shop 'Cat's collections'.

I) Tardeo : PC-7783 Shrirang Pathade, popularly known as "Richard Hawaldar" was openly collaborating with the Shiv Sainiks in looting and violent activities.

J) RAK Marg : Police Sub Inspector N.K.Kapse's act of unprovoked firing at Hilal Masjid killed seven Muslims (C.R.No.17 of 1993).

K) Antop Hill : Inspector B.B.Shinge, Sub Inspector Shivgonda Patil and Constables A.M.Ghadi, A.Y.Kamble, P.S.Dukare, D.R.Phadtare, S.P.Patil and B.K.Gaikwad failed to protect the lives and properties of the Muslim victims.

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## CHAPTER VI

### Terms of Reference Nos.(vi, (vii) and (viii)

1.1 By Notification No.FIR 5695/Bombay-1/ Appointment/J.C. dated 24th May 1995, the original Terms of Reference were expanded by including the following terms :

vi) the circumstances and the immediate cause of the incidents commonly known as the serial bomb-blasts of the 12th March 1993, which occurred in the Bombay Police Commissionerate area;

vii) whether the incidents referred to in term (i), have any common link with the incidents referred to in term (vi) above;

and

viii) whether the incidents referred to in term (i) and in term (vi) were part of a common design.

1.2 After the above Terms were added to its Reference the Commission by an order dated 22nd January 1997 directed the Government of Maharashtra to disclose the material available with it, upon consideration of which the above terms were added. By an affidavit of the Additional Chief Secretary (Home), dated 5th February 1997 the Commission was informed that all the material which the government was in

possession of had been disclosed in the affidavits of Mr.Amarjit Singh Samra dated 25th August 1995, Vasant Narsingrao Deshmukh 25th September 1995, Mahesh Narainsingh dated 25th September 1995, Satish Sawhney dated 25th September 1995, Shivajirao K. Babar dated 25th September 1995 and Rakesh Maria dated 25th September 1995 and that there was no other material besides this.

1.3 The Commission issued a public notice in newspapers calling upon all members of public to disclose by an affidavit any information they may have in connection with the above Terms of Reference. The only affidavit filed pursuant to the notice was an affidavit dated 2nd August 1995 by Prabhakar V. Pradhan, Advocate.

#### **Term No.(vi)**

- vi) the circumstances and the immediate cause of the incidents commonly known as the serial bomb-blasts of the 12th March 1993, which occurred in the Bombay Police Commissionerate area,

i) Affidavit of Shri Prabhakar V. Pradhan appears to be based on rumours and does not really indicate any concrete material which would be of use to the Commission. All that he says is that he had casually bumped into someone who claimed that the serial bomb-blasts were the handy work of Central Intelligence Agency of U.S.A. and not the outcome of revenge of Muslims because of the demolition of Babri Masjid or the riots of December 1992 and January 1993. After having perused the affidavit of Shri Pradhan, the Commission was not impressed that there was any important material for serious consideration which could be elicited from Shri Pradhan and, therefore, the Commission did not summon Shri Pradhan to give evidence before it. The Commission feels that the contents of the affidavit appear to be sheerly speculative

ii) A cumulative reading of the affidavits of the police officers referred to above leads to the following

As a result of the demolition of Babri Masjid and the riots which took place in Bombay during December 1992 and January 1993, there was communal cleavage in Bombay. The Muslims felt a feeling of insecurity, tension and anger on account of their sufferings during the two riot periods and they were inclined to blame the State Government and police for their misery. The Muslims perhaps felt that the Government and police, instead protecting their interests, had actually acted against their interests by joining hands with communal elements which took a lead in the riots. A large number of Muslim youths came to entertain this firm belief. This body of angry young men was exploited by anti-national elements, who were desirous of de-stabilizing the situation in this country. Certain anti-national elements aided and abetted by ISI of Pakistan recruited some of the angry young men by brainwashing them that they should take revenge for the humiliation and misery heaped upon them. A grand conspiracy was hatched at the instance of the notorious smuggler, Dawood Ibrahim Kaskar, operating from Dubai, to recruit and train young Muslims to vent their anger and wreak revenge by exploding bombs near vital installations and also in Hindu dominated areas so as to engineer a fresh bout of communal riots.

iii) Pursuant to this conspiracy certain brainwashed Muslim youngsters were recruited and taken to Pakistan for intensive training in the handling of sophisticated weapons and explosives. As a part of this conspiracy Dawood Ibrahim and smugglers like Mohd. Dossa, aided and abetted by several criminal or similar elements in Bombay, smuggled large consignments of AK-56 rifles, hand grenades, and sophisticated explosives known as RDX. Some of these were landed clandestinely on the coast of Raigad District and some on the Coast of Gujarat State. These were then clandestinely transported to be stored at convenient places within and outside Bombay, awaiting the signal for their use.



iv) The conspiracy was actually implemented when a series of blasts occurred on 12th March 1992 in Bombay, almost simultaneously, at several places. The serial bomb blasts resulted in loss of life of two hundred and fifty seven persons and injuries to seven hundred and thirteen persons and caused damage to properties worth about Rupees twenty seven crores. The first of the bomb blasts occurred at about 1330 hours near the Bombay Stock Exchange Building, the next within a few minutes near the Air India building. In all there were ten such explosions at different places viz. Stock Exchange Building at Fort, Air India Building at Nariman Point, Zaveri Bazar, Katha Bazar, Century Bazar at Worli, Sena Bhavan at Dadar, Hotel Sea Rock at Bandra, Hotel Centaur at Juhu and Hotel Centaur at Santacruz Airport. Apart from these ten explosions, explosives were also set to explode at Naigaum Cross Road, Dhanji Street and Shaikh Memon Street, but the explosives fortunately did not explode. Simultaneously, there was an attack on the Hindu Machhimar colony at Mahim with hand grenades which caused the death of three Hindus and injuries to many. An incipient communal riot at Machhimar colony was immediately put down by police. A similar attack was also launched at the Sahar International Airport where a hand grenade was lobbed towards a parked aircraft. The investigations disclosed that the explosive devices were planted in cars and scooters in specially made cavities.

v) Investigations revealed the wide ramifications of the conspiracy. Twenty seven different cases filed within the respective jurisdictions where offences were committed, were all transferred for investigations to DCB-CID. The DCB-CID, acted promptly, and it is a matter of gratification that within twenty four hours they were able to get clues to the heinous offences and the conspiracy. Considering the national security implications, the Government of India in the Home Ministry by an order dated 5th August 1993 constituted a special Task Force comprising officers from Bombay Police, CBI, IB and RAW under the convenership of Mahendra Narainsingh, Joint Commissioner of Police, (Crime and Administration) to pursue further investigations. The investigations resulted in arrest of one hundred and forty five accused who have been charge-sheeted, while forty four are still absconding. The role of one Tiger

Memon and his relatives came to particular notice during the investigations. It appeared that Tiger Memon was the prime accused co-ordinating the smuggling activities and supervising the implementation of the conspiracy from Bombay. The accused have been charged under the provisions of TADA Act and are standing trial in the designated Court at Bombay.

vi) Since the charges against the accused are pending trial before the designated Court at Bombay, the Commission does not deem it proper to deal with the details of the accusations against the different accused who are standing trial before the designated Court at Bombay. Suffice it to say that all the accused, except two or three, are Muslims and there is no doubt that the major role in the conspiracy, at the Indian end as well as foreign end, was played by Muslims.

#### **Term No.(vii)**

vii) whether the incidents referred to in term (i), have any common link with the incidents referred to in term (vi) above;

i) One common link between the riots of December 1992 and January 1993 and Bomb Blasts of 12th March 1993 appear to be that the former appear to have been a causative factor for the latter. There does appear to be a cause and effect relationship between the two riots and the serial bomb blasts.

ii) Another common link is that some of the accused who were involved in substantive riot-related offences were also accused in the serial bomb blasts case, though their number is only three or four.

iii) Tiger Memon, the key figure in the serial bomb blasts case and his family had suffered extensively during the riots and therefore can be said to have had deep rooted motive for revenge. It would appear that one of his trusted accomplices, Javed Dawood Tailor @ Javed Chikna, had also suffered a bullet injury during the riots and therefore he also had a motive

for revenge. Apart from these two specific cases, there was a large amorphous body of angry frustrated and desperate Muslims keen to seek revenge for the perceived injustice done to and atrocities perpetrated on them or to others of their community and it is this sense of revenge which spawned the conspiracy of the serial blasts. This body of angry frustrated and desperate Muslims provided the material upon which the anti-national and criminal elements succeeded in building up their conspiracy for the serial bomb blasts.

### **Term No.(viii)**

viii) whether the incidents referred to in term (i) and in term (vi) were part of a common design.

i) There is no material placed before the Commission indicating that the riots during December 1992 and January 1993 and the serial blasts were part of a common design. In fact, this situation has been accepted by Mahesh Narain Singh who was heading the team of investigators who investigated into the serial bomb blasts case. He also emphasizes that the serial bomb blasts were a reaction to the totality of events at Ayodhya and Bombay in December 1992 and January 1993 and the Commission is inclined to agree with him.

## **SUMMARY OF RECOMMENDATIONS**

### **ACCEPTED BY THE GOVT :**

#### **Most important recommendations:**

1. Committee to examine cases of delinquent policemen for taking action.
2. Committee to scrutinise cases which were closed (A Summary cases).

### **Changes to be made:**

1. Change Police Manual & Service Rules to punish delinquent policemen swiftly & reward honest ones
2. Steps to reduce political interference in police administration.
3. Revamp riot control scheme, revise interrogatory sheets specifically for riot offences, & change riot control methods.
4. A police station in every slum with knowledgeable officers
5. Insulate police against communal thinking.

### **Instructions to be given:**

1. (To policemen) Ensure speedy & effective trials.
2. Maintain updated & accurate list of communal goondas at every police station.
3. Ensure registration & thorough investigation of offences.
4. Transfer key officers only after they have spent enough time in their area.
5. Maintain diaries & records used in intelligence gathering & during riots.
6. Maintain Log Books in Control Room properly.
7. Compulsory attendance at weekly parades.

### **Better working conditions**

1. Reduce working hours of policemen.
2. Create fully equipped Rapid Action Squads & Reserve Forces.
3. Provide enough weapons, light helmets & hand shields.
4. Computer in every police station; more audio cassettes, stationery, phone lines/EPABX equipment.
5. Lighting in bye-lanes.

### **RECOMMENDATIONS NOT ACCEPTED, SIMPLY 'NOTED'**

1. Peace Committee members should have no political links

ATR (Action Taken Report). Govt feels that presence of local political leaders in Peace Committees will help in resolving disputed issues.

2. Police Stations must maintain an accurate updated list of communal goondas

ATR: Noted.

3. Police should devise a special interrogatory sheet for accused in communal offences, to facilitate identification of associations and connections of the accused.

ATR: Noted.

4. A deposit of Rs 5000 should be taken from the organizers of religious processions, with a written guarantee of peaceful conduct of the procession. If there is any disturbance by the processionists, the deposit should be forfeited and action taken against the organizers.

ATR: Noted.

5. The organizers should be made to pay the charges for deployment of police leaving the number of policemen to be determined by the Senior Police Inspector of the police station.

ATR: Noted.

6. Religious observances, whether by Hindus or Muslims or any other, in open public places so as to cause obstruction, annoyance or inconvenience to the citizens at large must be strictly discouraged and action taken against those who defy the instructions of police.

ATR: Noted.

7. Ministers and politicians should be strictly prohibited from visiting police stations and interfering with policing including searches, seizures and combing. Visits to police stations while the riot is in progress and questioning the officers in charge about arrests and insisting upon interviews with the arrested persons is highly demoralizing and amounts to interference in the work of police. Communal goondas and mischievous elements get vocal representation inside the police station. This must be avoided at all costs and any information which such

Ministers and dignitaries desire must be routed through the Commissioner of Police only.  
ATR: Noted.

8. Once a prosecution has been launched against a person for rioting or other communal offence, it should under no circumstances be withdrawn. Not even oft repeated ground of "public interest" should permit prosecutions of communal offences to be withdrawn. It is not only demoralizing to police, but also sends wrong signals to the offenders that they can somehow get away with it.

The senior officers have a responsibility to ensure that the sectional police are not pressurized into registering offences, not registering offences, arresting or not arresting people in connection with communal riots. Honest and bona fide actions taken by the sectional police should be backed up by the top officers who must not only stand up to the politicians but commend their subordinates doing so.

ATR: Noted.

9. The top officers and the state administration should not feel it below their dignity to seek the assistance of the Army during riots. Army columns should be immediately given operational duties.

ATR: Noted.

10. Better co-ordination is necessary between the police and the army after the army is requisitioned, without each trying to upstage the other.

ATR: Noted.

11. The evidence before the Commission suggests that in some measure at least there has been polarization in the police force on communal lines.

ATR: Barring stray exceptions, the police force in Mumbai by and large is secular and non-communal. Efforts will be made to weed out communal elements.

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