MASS CREMATION IN PUNJAB: DECEASE OF JUSTICE

[1]MAHAN SINGH, [2]SANDEEP KAUR

[1, 2]Department of Political Science, Guru Nanak Dev University Amritsar, Punjab, India
Email: [1]mahan.singh1992@gmail.com , [2]3sandeepkaur@gmail.com

Abstract: This paper is the modest attempt to understand the scenario of Mass Cremation in Punjab. Where the first part deals with the root causes of the occurrence and incidents of incineration, second explains the role of Judiciary followed by the work of Jaswant Singh Khalra, a Human Right Activist. However, next section is about the reasons of sham justice.

Keywords: Mass cremation, judiciary, incineration, Genocide, Disappearances, Torture, killing, Justice, fake encounter

The Disposal of a dead person's body by burning it to ashes, typically after a funeral ceremony [1] is cremation. Generally, body kept with heap of wooden logs, before making it to fire. Hence, the mass cremation would be burning of bodies in large numbers. But, what if this cremation had been performed without informing the families of the dead ones? What if the innocent were killed and cremated in single pyre? What if the Democratic State itself snatches the Right to Life and Liberty of its Citizens? What if the Kin of dead ones still waiting for the justice, all they got is Compensation? This paper is about the situation of Punjab during 1980's-90's. Initiatl part throw light on 'Operation Blue Star' and its consequences, focusing on mass cremation cases and work of Human Rights Activist Jaswant Singh Khalra .Further, it explains the role of judiciary which fails to justify with the intensity of the matter.

I

Sikhs, Natives of North-West province of India i.e. Punjab, has only 2% share in population and 75% in India's independence struggle.[2]Despite these facts, this race faced prejudice of being separatists or anti–nationalists during period of 1980's to mid 90's.The militant movement for Sikh self - determination in Punjab, India developed after Indian army invaded the Harminder sahib (Golden Temple) complex in Amritsar, Punjab –the centre of Sikh religious and political life –and around 40 other Sikh Gurudwaras in June 1984. During this invasion, eyewitnesses estimate that the army killed between 4000 to 8000 people, mostly pilgrims.[3] In response of this recrimination, two Sikh security members of Prime Minister Indira Gandhi assassinated her on 31 October 1984 which led to the series of atrocities against Sikhs.

Senior politicians and police officers were engaged in this act of brutality. 'Sikh genocide' broke out across India soon after the assassination and approximately 8000 people were killed and their properties were burned. [4]

All the above, resulted as 'chain of reactions' by Sikh people, particularly Sikh youth. The demand of separate nation arose as the outcome of feeling of 'danger to their identity'. Furthermore, this led to violent activities by separatists. In counter- response police initiated several operations, encounters, escaping, third degree investigation and even fake encounters.

However, several brutal laws were passed by Indian government which sanctioned police impunity and abuse of human rights. Like, the Terrorist and Disruptive Activities (prevention) Act (TADA) of 1985 formed, under which any person in disturbed area' can be detained even on mere suspicion. The Armed forces (Punjab and Chandigarh) Special Powers Act of 1983 provides authority to security forces to search and arrest any person without warrant. Section 4 of Special Powers Act allows them shoot to kill suspected terrorists, and Section 7 extends prosecutorial immunity as to any police action taken pursuant to the Act. [5] Several reports were published in this period which displayed the methods used by government in its counter-insurgency operations such as disappearances, extrajudicial execution and custodial torture.

According to Human Rights Watch (HRW), the police counter–insurgency operations are "the most extreme example of a policy in which the end appeared to justify any and all means, including torture and murder." [6]

II

On the whole, approximate 25000 were disappeared. A human right activist Jaswant Singh Khalra, launched investigation about these disappearances, he raised the issue of 'missing', while responding to it DGP (director general of police) of that time Kanwar Pal Singh Gill said in press conference at Amritsar 'All the missing ones are not killed but are labours in Europe and Canada . Whereas, In actual Khalra founded that police had cremated multiple corpses by labelling them "unidentified and unclaimed." Only in Amritsar, Tarn Taran, Patti 6017 bodies were burned and there were 50 these types of public cremation grounds, where around 25000 Sikh people were cremated in ten years. Police officials picked innocent Sikh youth from home or streets by referring them terrorists and detained them.[7]

'The Chief Medical Officer of the Civil Hospital at Patti confessed that a post - mortem there was typically completed in less than five minutes; it amounted to no more than filling out a paper announcing the cause, time and place of death, with police providing all the information'[6]. Even independent bodies found floating in canals or possibly decaying, unclaimed, in fields. Estimates of total casualties in Punjab over the past twenty years have ranged from twenty thousand to over a hundred thousand. [8]

There is a school of thought which argues how police can associate someone as a "terrorist" and then incinerated them by calling them as "unidentified". A victim Baldev Singh whose son Pargat Singh had been killed in an encounter, testified that

"*The pyre had already been lit. Pargat's head was burning, but the rest of body had not yet caught fire. I removed the logs from the pyre. The body was indeed my son's. There were many bullet marks on his body under his left shoulder. The police were burning him as an unidentified person, whose body no one had come to claim. There was nothing I could do.* [9]

The investigation of Jaswant Singh towards disappearances ended up with one more disappearance, the man himself Jaswant Singh abducted and murdered in 1996. [10]

III

Before his killing, in 1995 Jaswant Singh filed writ petition number 900 in Punjab and Haryana High Court to request an inquiry into the possibility of mass cremation in Punjab , which was dismissed by Court, remarking it as "too vogue" and that petitioner had "no standing" in the matter. [11]

Believing on the judiciary, widow of Khalra petitioned the Supreme Court for a writ of Habeas Corpus. A bench of court ordered the CBI to investigate Khalra's disappearance and also large issue of illegal cremation. [12]

Miserably, inquiry held under the same Ajit Singh Sandhu (SSP Tarn Taran) who had the allegation of Jaswant Singh's missing. Although the report was given to the court in December of 1996, in which CBI has identified 585 bodies but totally failed in the identification of 1238 cases.

On the other hand, in December 1996 the court passed this case National Human Right Commission for examination after the Public Interest Litigation filled by the Committee for information and initiative on Punjab (CIIP) aiming for comprehensive inquiry.

Unfortunately, Commission too failed to provide justice. The failures of the Commission could be seen on following notes:

1) Restricting its territorial mandate only up to Tarn Taran, Patti and Durgana Mandir's crematoria.
2) Had concern in the correctness of cremation process, but not on the violation of basic rights of life and liberty of people.
3) No police official got punished.
4) Ignore the International law.
5) Refused to consider the reports by international groups.
6) Thus, National Human Right Commission (NHRC) has ordered 279.4 Million Rupees as monetary relief to families of 1513 people killed during mass cremation.

In one of his speech, Khalra said "A mother's heart is such that even if she sees her son's dead body, she does not accept that her son has left her. And those mothers who have not even seen their children's dead bodies, they were asking us: at least find out, is our son alive or not". Is the given compensation is justice for those mothers? Is this Justice with whole community? Is this justice with humanity?

REFERENCES

[1] https://en.oxforddictionaries.com/definition/cremation
[2] Sikhs contribution in independence at
[3] www.sikhiwiki.org/index.php/Sikhs_%26_Indian_Independence.
[4] Ram Narayan kumar , " The Ghalughara: Operation Blue Star A retrospect," sikh Review (Calcutta : june 2000) at
[5] http://www.sikhreview.org/june2000/tsr8.htm.
[6] https://en.m.wikipedia.org/wiki/1984_anti-sikh_riots.
[7] Section 7 states: No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the central government, against any person in respect of anything done or purported to be done in exercise of power conferred by this Act. Armed Forces (Punjab and Chandigarh) special powers Act (1992).
[8] Human Rights Watch, Dead Silence at https://www.ensaaf.org/publications/other/HRW-DeadSilence.pdf.
[9] Jaswant Singh Khlara speech at https://youtu.be/RLztbn70AHw.
[10] Horrifying visual images of these cremations were provided in the documentary film about the khalra-Dhillon investigation, "Disappearances in Punjab," produced by Ram Narayan Kumar and Lorenz Skerjanz.
[11] Affidavit of Mr. Baldev Singh, filed at the Supreme Court of India, 27 September, 1995
[12] A report on Current Human Rights Efforts by Ram Narayan Kumart and Cynthia mahmood October 1, 1998 http://www.rajkaregakhalsa.net/literature/General%20Sikhism/A%20Report%20on%20Current%20Human%20Rights%20Efforts%20(in%20Punjab).pdf.
[13] Ram Narayan Kumar, Ashok Agrwal, Amrik Singh and Jaskaran kaur ,Reducedto ashes: The Insurgency and Human Rights in Punjab (Nepal: sSouth Asia Forum for Human Rights, 2003)
[14] A report on Current Human Rights Efforts by ram Narayan Kumart and Cynthia mahmood October 1, 1998 http://www.rajkaregakhalsa.net/literature/General%20Sikhism/A%20Report%20on%20Current%20Human%20Rights%20Efforts%20(in%20Punjab).pdf.