

Justice delayed DENIED

The CBI has finally shut the Tytler case file. No, we are not disappointed. Not any more. If people burn to death 4,000 Sikhs on the streets of Delhi and India's conscience can live with it, if the guilty can be made federal ministers and the country can live with them, then we too were right in giving up hope.

WSN Bureau

The internet is a useful tool for anyone trying to extract information on a particular subject, but there are ways in which it befuddles you at times. Google "Tytler 1984 case" and you bang into two kinds of screaming headlines popping up: 1. Nanawati Commission nails Tytler, and, 2. CBI closes case against Tytler.

That's the face of Indian jurisprudence for you when it comes to affairs of the Sikhs. That it is happening under the watchful eyes of a Sikh Prime Minister is something that the community will find hard to swallow.

This Friday, India's top sleuthing agency, the Central Bureau of Investigation, roughly comparable to the FBI of the United States, closed the 1984 anti-Sikh massacre case against senior Congress leader and former Union Minister Jagdish Tytler saying it was unable to find witnesses to support its charges against him.

The CBI has filed the closure report before a court in Delhi and has held that many of the witness-



es in the case were either dead or did not want to testify. The closure report also included the name of late Congress MP Dharam Das Shastri. This comes within weeks of the country agonising itself on witness encouragement and witness protection plans and Supreme Court's searing remarks on delay in justice delivery. India has recently witnessed a number of incidents where the people on the streets lynched to death rank criminals because they had little faith in the power of the justice delivery mechanism to deliver.

India's opposition right-wing Bharatiya Janata Party (BJP), which has an alliance with the Akali Dal and shares power in Punjab has condemned the closure of the anti-Sikh massacre case and said the agency has become a "tool" to save the Congress and its leaders.

Party spokesperson Ravi Shankar Prasad has sought from Prime Minister Manmohan Singh the justification for closing the case.

Jagdish Tytler, 64, wedded to the Congress party, is one of India's most controversial politicians, has been a Union Minister repeatedly, and was India's federal minister for Overseas Indian Affairs, when he was severely indicted by the Nanawati Commission tasked with probing the massacres of Sikhs in Delhi and elsewhere in 1984 in which Tytler was said to be one of the leading players among instigators. The Commission said the 'balance of probability' indicated he was responsible for inciting and leading murderous mobs against the Sikh community in Delhi during the 1984 massacre of the Sikhs.

So shameless was the Congress that Tytler, born in Gujranwala (now in Pakistan), and adopted by a missionary and educationalist Rev. James Douglas Tytler, was repeatedly given tickets and the party ensured that he won in 1991 and 2004.

Despite the Nanawati Commission's scathing report, the Indian government decided not to prosecute Tytler who made light of the evidence against him by saying it was a case of mistaken identity. When the civil society's protest crescendo became too shrill, Tytler quit the ministership on August 10, 2005.

Tytler, alongside Sajjan Kumar, R.K. Anand and others was accused not just by Nanawati Commission 20 years after the genocidal massacres but even earlier, and from the very beginning, by several independent commissions of inquiry of being complicit in the riots, including the People's Union for Civil Liberties, the People's Union for Democratic Rights and the Citizens' Justice Committee.

The Shining Example in US

Civil Society voices from the United States have often shamed the Indian establishment, and the Sikhs will forever be grateful to some of the leading names for always siding with the truth, irrespective of which larger than life persona they infuriated by striking such a stance. Here are the excerpts from the speech of Hon. Edolphus Towns of New York in the House of Representatives on June 23, 2004 when he lobbied hard to block the visit of Sikh-killer leader Jagdish Tytler to the United States. In fact, not only did he ask, "Why is such a person being granted entry to the United States?" but he also shamed the Indian establishment by asking: "And why is he in India's Cabinet?"

Mr. TOWNS: Mr. Speaker, I was disturbed to read that Jagdish Tytler, India's Minister of State for Non-Resident Indian Affairs, was coming to the United States to speak to the American Association of Physicians of Indian Origin.

'Tytler and others



organized bands of Hindus who grabbed Sikhs and

burned them to death...We embarrass ourselves and our principles by allowing the likes of Jagdish Tytler to come and make speeches in our country.'

While there are many fine people of Indian origin, Jagdish Tytler is a person who is unfit to visit this country. He is the person most responsible for the genocide against Sikhs in Delhi in November 1984. To bring Jagdish Tytler to America is to give our implicit blessing to that massacre.

After the assassination of Indira Gandhi, Tytler and others organized bands of Hindus who grabbed Sikhs and burned them to death. He was one of the people responsible for getting the Sikh police locked in their barracks so that they could not intervene. Meanwhile, the state-run radio and TV screamed for more Sikh blood. In all, over 20,000 Sikhs were murdered.

Mr. Speaker, why is such a person being granted entry to the United States? And why is he in India's Cabinet? Unfortunately, rewarding people who carry out such activities is too common in India. We do not have to grant it our implicit approval.

As you know, over a quarter of a million Sikhs have been murdered at the hands of the Indian government since 1984. The Indian government has also killed more than 300,000 Christians in Nagaland, over

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The Trials: '84 cases beat Kafka

Just as in the case of Jagdish Tytler, so had happened in Sajjan Kumar's case. Justice got a jolt when an Additional Sessions Judge on December 23, 2002 had acquitted Congress leader Sajjan Kumar in the only case that was left against him in connection with his well documented and irrefutable complicity in the massacre. Earlier, the police had, on its own, closed all cases against him without even filing any charge sheet in the court. This was the only case where the chargesheet was filed. The CBI had handled the case after one Anwar Kaur had complained that Sajjan Kumar was leading the mob that killed her husband Navin Singh at Sultanpuri in West Delhi.

The case was registered by CBI on September 7, 1989 during the tenure of V.P. Singh's government on the basis of recommendations of Poti Rosha

Committee which was headed by a retired Chief Justice of the High Court and a retired Director General of Police. By the time the CBI had completed the investigation the Congress Government came in power at the Centre. In the year 1992 the CBI completed the investigations and applied to the Central Government for grant of sanction to file the charge sheet. The Narasimha Rao Government in the Centre slept over the matter for two years. When Madan Lal Khurana became the Chief Minister of Delhi, he appointed Narula Committee to recommend and advise him on the steps to be taken to punish the guilty.

One of the recommendations of Narula Committee was to impress upon the Central Government to grant sanction in this matter. Mr. Khurana took up the matter with the Central Government and in the middle of 1994, the Central Government decided that the matter does not fall within its purview and sent the case to the Lt. Governor of Delhi.

It took two years for the Narasimha Rao

Government to decide that it does not fall within Centre's purview in a case of this nature, where 4,000 Sikhs were massacred. As if eight years of delay in filing the charge sheet was not enough, Narasimha Rao Government further decided to sleep over the matter to ensure that delay should kill the matter itself. Ultimately, the CBI was able to file the charge sheet in December, 1994.

The statements of the prosecution witnesses were recorded in the year 1999, fifteen years after the incident. Two witnesses namely Salawati Kaur and Fota Singh deposed before the Court that Sajjan Kumar addressed a meeting in front of Block A-4 Gurudwara and gave instructions to kill Sikhs. These two witnesses withstood the cross examination by a battery of lawyers representing Sajjan Kumar and other accused.

The statement of Anwar Kaur, the Complainant in this case was recorded on 22nd March, 1999. During her cross examination on 23rd March, 1999 and on 23rd May, 1999, no questions were asked

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