

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) 11706/2005

Reserved on: March 16, 2011

Decision on: April 7, 2011

AMRIK SINGH (LOVELY) Petitioner

Through: Mr. H. S. Phoolka, Senior
Advocate (Amicus Curiae) with
Mr. Siddhartha Shankar Ray and
Mr. Kanwar Faisal, Advocates.

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. A. S. Chandhiok, ASG with
Dr. Sarabjit Sharma, Mr. Sumit Sharma,
Ms. Deepti Dogra and Ms. Neha Rastogi,
Advocates.

AND

W.P. (C) 1760/2007

TRILOK SINGH Petitioner-in-person.

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. A. S. Chandhiok, ASG with
Dr. Sarabjit Sharma, Mr. Sumit Sharma,
Ms. Deepti Dogra and
Ms. Neha Rastogi, Advocates.

CORAM: JUSTICE S. MURALIDHAR

1. Whether Reporters of local papers may be
allowed to see the judgment?

Yes

2. To be referred to the Reporter or not? Yes
3. Whether the judgment should be reported in Digest? Yes

JUDGMENT
07.04.2011

1. Both these writ petitions seek a direction to Respondent No. 1 Union of India, Ministry of Home Affairs ('MHA') to withdraw the Police Medal for gallantry conferred on Respondent No. 3, Mr. Amod Kanth, and Respondent No. 4, Mr. S. S. Manan, by a Presidential Notification No. 64 dated 7th June 1985.

Factual background

2. The Petitioner in Writ Petition (Civil) No. 11706 of 2005 is Mr. Amrik Singh (Lovely) s/o late Mr. Faqir Singh and the Petitioner in Writ Petition (Civil) No. 1760 of 2005 is Mr. Trilok Singh s/o late Mr. Amir Singh. Mr. Faqir Singh and Mr. Amir Singh were brothers. Their family had migrated during the partition and settled in Delhi. They were residing at House No. 2176, Street No. 1, Chuna Mandi, Pahar Ganj, New Delhi. Mr. Amrik Singh, with his mother Smt. Gurbachan Kaur and four brothers, one sister-in-law and her two children and one minor sister, lived on the first floor. In October 1984, one of their relatives Mr. Narinder Singh also came to stay

with them. On the second floor, the family of Mr. Amir Singh was residing. This included his wife Smt. Gurcharan Kaur, the Petitioner Mr. Trilok Singh, two minor sons and two daughters. There were three shops on the ground floor which were run by the families of the two brothers. It is stated in the petition filed by Mr. Trilok Singh that the relations between the two families were not cordial and FIR No. 147 dated 22nd May 1984 had been registered at Police Station Naraina against Mr. Faqir Singh's four sons.

3. On 31st October 1984, in the wake of the assassination of the Prime Minister late Smt. Indira Gandhi, riots broke out with mobs attacking the Sikh community. It is stated that around 8 a.m. on 1st November, 1984, the Petitioners heard a lot of noise coming from the side of Multani Dhanda. The Petitioners saw a crowd coming to Raj Guru Road breaking open the shutters of two hardware shops of the Sikhs and looting and burning the shops. It is stated that the family of late Mr. Amir Singh took shelter in the house of a Hindu neighbour. Later they returned to their house at Building No. 2176 on 3rd November, 1984, after the neighbours told them that they were being threatened on telephone for sheltering Sikhs. On 3rd November 1984, late Mr. Faqir Singh called the military and the military and

the police evacuated the two families. They were taken to the Police Station Pahar Ganj in a military vehicle. Both families, i.e., of late Mr. Amir Singh and late Mr. Faqir Singh, stayed in the Police Station till 5th November 1984. On the morning of 5th November 1984, the police informed the two families that since the situation was now peaceful, they should return to their homes. They then returned to their respective houses.

4. At around 6.00 a.m. on 5th November 1984, the Petitioners found that some unknown persons had gathered outside their house. Mr. Faqir Singh telephoned the Police Station at Pahar Ganj requesting that they be taken to a safe place. One police officer, however, had assured both Mr. Faqir Singh as well as Mr. Amir Singh that he had posted seven constables with rifles as well as some homeguards outside House No. 2176 and, therefore, there should be no trouble. Thereafter, Mr. Amir Singh asked Mr. Trilok Singh to serve tea to the policemen. When Mr. Trilok Singh went down with tea, he did not find any policemen. Mr. Amir Singh then informed the family members that he would go to the Police Station to call the police. However, soon after he left the house, a mob started throwing stones on the house of the Petitioners and broke the windowpanes. Mr.

Faqir Singh noticed from the window that Mr. Amir Singh was being chased by the mob. Mr. Faqir Singh, who had a licenced firearm, opened fire in the air to scare the mob. It is stated that thereafter the mob retreated. After a short while the military and the police arrived. The Petitioner Mr. Amrik Singh states that he heard firing from outside, between the military and the police and the mob. The police then took both families and made them sit at Raj Guru Road opposite street No. 1. The policemen then started beating Mr. Narinder Singh with a *lathi*. It is stated that Mr. Narinder Singh fell down and at that time a shot was fired by an Army officer on him and he started bleeding profusely. The families of Mr. Faqir Singh and late Mr. Amir Singh were made to sit in a truck and taken around for more than one and a half-hour and finally to the Police Station Darya Ganj late at night. On the repeated pleas of the Petitioners and their families, the police took Mr. Narinder Singh to the hospital. All the members of the two families remained in the police lock up throughout the night. It is stated that late Mr. Amir Singh was badly beaten and tortured by the police. As a result of which, he suffered multiple injuries.

5. Both petitions state that the police registered a false case against

both the families being FIR No. 1349/1984 dated 5th November 1984 under Section 302,307, 147, 148, 149 & 120B IPC and Section 28, 54 & 57 of the Arms Act. It is stated in the FIR that the members of both families residing in House No. 2176 were firing indiscriminately on the public and the armed forces and therefore the police arrested 16 persons including four minor children and five ladies. On 8th November 1984, the police filed a statement before the learned Metropolitan Magistrate ('MM') that some unknown injured persons were found by the Joint Search Party of the armed forces, one of whom was later identified as Mr. Amir Singh by his relatives. Mr. Amrik Singh states in his petition that late Mr. Amir Singh was later cremated by his elder married daughter along with other relatives. Mr. Narinder Singh remained in the hospital till 23rd November 1984 when he succumbed to injuries and died.

6. On 12th November 1984, the members of both families including both the Petitioners were granted bail by the learned Additional Sessions Judge ('ASJ'). They remained in jail till 13th November 1984. On 16th November 1984, Mr. Faqir Singh wrote to the SHO, Police Station Pahar Ganj praying that action be taken against the real culprits for murder of Mr. Amir Singh and for the attempted

murder of Mr. Narinder Singh. It is pointed out that in the statement filed before the Learned MM, it was explained by the police that Mr. Amir Singh had fallen down from the roof of his building inside the Transport Corporation of India Building adjoining House No. 2176. However, the place where his body was found was at a distance of 25 feet from the boundary wall of House No. 2176. According to the Petitioners, the police fabricated the story that the family members of late Mr. Amir Singh and Mr. Faqir Singh were firing indiscriminately on the police, army and the public and that they had killed one person from the army and one from the public. The police allegedly recovered one air gun and four firearms from the families of the two brothers. The Petitioners, however, state that the firearms recovered were licenced weapons. It is stated that the police falsely alleged that the members of the two families were apprehended while they were firing at the police.

7. The allegation against the Petitioners was that one Mangal from the public and one Mr. Krishan Bahadur Gurung, a military person was killed by the families of the two brothers. However, the findings of the Central Forensic and Scientific Laboratory ('CFSL') which were received in April 1985 showed that neither Mangal nor Krishan

Bahadur Gurung was killed by bullets from the firearms recovered from the two families of late Mr. Faqir Singh and late Mr. Amir Singh. The cases were nevertheless pursued thereafter for three years. Later the prosecution filed an application to withdraw the cases against the Petitioners and by an order dated 8th December 1988 the learned ASJ permitted the cases to be withdrawn. The postmortem report of late Mr. Amir Singh showed bullet marks on his body whereas according to the Petitioners there were injuries on his head and both arms. There were no bullet injuries.

8. It is stated that on 30th September 2000, Mr. Trilok Singh had filed an affidavit before Justice G. T. Nanavati Commission (hereinafter 'the Nanavati Commission') which enquired into the 1984 riots. Mr. Trilok Singh claims that in the first week of November, 2000, he withdrew his affidavit dated 30th September 2000 and filed a new affidavit under instructions and pressure of the police. He also filed a new complete affidavit dated 19th January 2001. Both petitions refer to the affidavits dated 7th December 2000 and dated 17th January 2001 of Mr. T. N. Mohan, Deputy Commissioner of Police ('DCP') DCP Headquarters filed before the Nanavati Commission. It is stated that it was only in March 2001 that both families came to know that Respondent Nos. 3 and 4, i.e.,

Mr. Amod Kanth who was at that time a DCP and Respondent No. 4 Mr. S. S. Manan who was at that time the SHO of Police Station Pahar Ganj had been awarded the Police Medal by a notification dated 7th June 1985. The case of the Petitioners is that Respondent Nos. 3 and 4 were “awarded for killing unknown persons, allowing one person to be killed by a mob and also implicated the Petitioners and his family including the family of late Mr. Amir Singh in false criminal case”. It is stated that it was only in March 2001 that the Petitioners became aware of the Notification No. 64 dated 7th June 1985 from the Advocates of the Delhi Sikh Gurudwara Management Committee.

9. Respondent No. 2, Delhi Police, has filed its counter affidavit dated 8th May 2006 enclosing the factual and documentary evidence in the form of an affidavit dated 7th December 2000 filed by Mr. T. N. Mohan, DCP before the Nanavati Commission. It is stated that in its Report dated 9th February 2005 the Nanavati Commission, after examining the entire evidence, held that there was no reliable material on the basis of which it could be said that Respondent Nos. 3 and 4 had either failed to perform their duty properly or had an anti-Sikh attitude or had misused their position. The relevant extracts

of the findings of the Nanavati Commission have been enclosed with the affidavit. As regards the withdrawal of the prosecution, it is pointed out that charges had already been framed at that stage and therefore the learned ASJ had to necessarily order 'acquittal' of the Petitioners.

10. A further detailed counter affidavit was filed by the DCP on 8th May 2006 in Writ Petition (Civil) No. 11706 of 2005 enclosing a copy of the affidavit dated 8th September 1995 of Smt. Gurcharan Kaur. The Union of India has filed an affidavit dated 7th June 2006 denying that Respondent Nos. 3 and 4 were awarded Police Medals for gallantry for killing unknown persons. In his rejoinder, Mr. Amrik Singh has placed on record a copy of the CFSL report dated 16th February 1985 and the subsequent FSL report dated 26th February 1985. In a counter affidavit filed by the MHA on 8th May 2007, the copies of the CFSL reports dated 26th February 1985 and 20th April 1985 have been enclosed.

11. Both the Petitioners also filed written submissions on 24th March and 1st April 2011 respectively, which have been considered.

Submissions of counsel

12. Mr. H. S. Phoolka, learned Senior counsel submitted at the outset that the Petitioner Amrik Singh was confining the prayer in the writ petition to challenging the award of the police medals to Respondent Nos. 3 and 4 on the ground that relevant material was not placed before the President of India. It is submitted that the Citation for the award of the medals presented a one-sided police version of the incident that took place in the evening of 5th November 1984. It wrongly projected the members of the families of late Mr. Amir Singh and Mr. Faqir Singh as aggressors and persons responsible for firing on the public as well as the military and the police. It is submitted that what was not placed before the President of India was the fact that the persons who were described as firing from House No. 2176 were members of same joint family who possessed licenced firearms and that they were in fact victims of the 1984 riots who were subject to attack by the mob. Further, it was not informed that they had been granted bail by learned ASJ prior to the date of the Citation for award of the medals to Respondent Nos. 3 and 4. Mr. Phoolka further submitted that the CFSL report dated 16th February 1985 and the subsequent report dated 20th April 1985 were also available before the notification dated 7th June 1985 was issued

awarding the medals to the two officers. He points out that the CFSL reports demonstrate that the two victims of firing, i.e., Mangal as well as Krishan Bahadur Gurung, were not killed by the bullets from the firearms recovered from the family members of late Mr. Amir Singh and Mr. Faqir Singh. It is submitted that had these facts been placed before the President it would have demonstrated that the Citation on the basis of which the medals were awarded to Respondent Nos. 3 and 4 was false. It is prayed that the entire matter now be again placed before the President with all the relevant material to enable the President to come to a fresh decision in the matter. Mr. Phoolka placed reliance on the decisions of the Supreme Court in *State of Haryana v. Jagdish* (2010) 4 SCC 216, *Epuru Sudhakar v. Govt. of Andhra Pradesh* AIR 2006 SCC 3385 and *Dhananjay Chatterjee v. State of West Bengal* AIR 2004 SCC 3454 which relate to exercise of the executive power of the Governor or the President, as the case may be, to grant pardon under Articles 72 and 161 of the Constitution. The submissions of the other Petitioner, Mr. Trilok Singh, are also on similar lines.

13. Appearing for the Respondents Mr. A. S. Chandhiok, learned Additional Solicitor General of India ('ASG'), submitted that the

Citation demonstrated that the medals were awarded for the bravery displayed by the two officers in the situation on 5th November 1984 when admittedly an exchange of fire was taking place between the army and the police on the one side and certain others who were firing at them. He submitted that the fact that the Petitioners have been released on bail could not really make a difference to the fact that bravery had been displayed by Respondent Nos. 3 and 4. In arriving at the decision to award the Police Medals, the MHA was at that stage not required to assess the culpability or otherwise of the persons against whom the allegations of being the ones who opened fire had been made. That was a matter for the Court to consider. The CFSL reports were the only corroborative pieces of evidence for the purposes of the criminal trial. They would not have made any difference to the fact that Respondent Nos. 3 and 4 displayed exemplary courage during the firing that took place on 5th November 1984. The ASG submitted that this very case of the Petitioners was examined in detail by the Nanavati Commission but was not found believable. There was nothing to substantiate the allegation that Respondent Nos. 3 and 4 had permitted the mob to attack late Mr. Amir Singh. It was not the Petitioners' case that Respondent Nos. 3 and 4 were themselves responsible for the death of Mr. Narinder

Singh. The ASG referred to the affidavit filed by Smt. Gurcharan Kaur which spoke of the fact that Respondent No. 3 had in fact ensured the safety of the Petitioners.

The Citation and the Rules for the award of Medals

14. In the first place, it is important to extract in full the Citation which was prepared by the Commissioner of Police, Delhi while recommending that Respondent Nos. 3 and 4 be awarded the Police Medal for gallantry. The said citation reads as under:

CITATION

Some miscreants started an indiscriminate firing from House No. 3176, Chuna Mandi on Rajguru Road, Paharganj at about 8 p.m. on 5th November 1984. On receipt of this information, Sh. S. S. Manan, SHO/Pahar Ganj, rushed to the spot and found that one person (later identified as Mangal s/o Dhani Ram r/o 3034, Hari Masjid) was lying dead. He was told that some other persons had also sustained gunshot injuries.

The area was very congested and a large number of scared people were running in all directions for safety as the firing was completely unprovoked and indiscriminate. The SHO had to enter Rajguru Road through the valley of fire as he could clearly see a serious danger being faced

by the passers-by and the residents of the nearby houses. Sh. Manan, SHO gave warning to the shooters to stop the firing but they, instead of stopping it, actually increased the firing on the police and the police party. The SHO fired warning shots in the air but it, did not have any effect.

After sometime, Sh. A. K. Kanth, DCP accompanied by Major Y. S. Tyagi of 3/5 Gorkha Rifles reached the spot. The crowd had melted from the road but the shooters, obviously in possession of several weapons and huge fire power, were firing in all directions making their targets the policemen, the Army Jawans and the members of public visible anywhere in the side lanes. The intention of the shooters was clearly to kill anyone visible. While the SHO was facing the firing near 'Hari Masjid' next to the shooters' building, Sh. A. K. Kanth, DCP/Central Distt. took position on the roof top opposite. He gave repeated warnings on the loud-hailer which was apparently heard by the shooters. The shooters were told that there was no danger to them and the house was surrounded by the Army and the Police. On this warning, they started shooting in that direction. About this time, Sh. Kanth got an information that SHO/Pahar Ganj had been surrounded and was in the line of fire. Without losing time and in disregard to his personal safety, Sh. Kanth went on Rajguru Road facing the fire and took his position near 'Hari Masjid'. Meanwhile, the SHO with his staff and

some jawans had already taken position on the roof of a house opposite Hari Masjid and found the Army and Police Party on another roof top, they started indiscriminately firing in that directions.

The shooters were again warned to stop the firing, but it had no effect. One person was dead and at least half of dozen persons, later identified as Vimal, Vinay Kumar, Anil Kumar, Sohan Lal, Siri Ram and Harbans Kapoor, had sustained gunshot injuries. There was imminent danger to the lives of Army/Police personnel on duty and the public if the shooters, who occupied an advantageous position, did not stop the firing. Realizing the gravity of the situation and the need to stop the firing, the DCP/Central, along with Major Tyagi and a few Constables and jawans, took their position at the roof top of the adjacent building of Hotel Hocks. He again warned the shooters from the roof top of Hotel Hocks to stop the firing. The policemen and jawans standing on Hotel Hocks and another roof top between Hotel Hocks and the shooters' building, were directly facing the fire while the shooter appeared to have completely lost their discretion. They were aiming at the Army/Policemen from very close quarters. At this state, Shri Kanth, Major Tyagi and the two Army Jawans tried to come still closer to the shooters. Sh. Kanth took his position on asking them to surrender. One of the shooters fired at Sh. Kanth and two shots struck a wall near his face. As the Police/Army

Party headed closer to the shooter, Hav. K. B. Gurang of 3/5 Gorkha Rifles was hit in his neck. The DCP, with the help of the Major brought the jawan downstairs and took him to J.P.N. Hospital, where he died in the morning. Sh. Kanth, however, immediately returned to the spot and joined the operation.

Finding no alternative to control the shooters from taking more lives, the Police/Army fired in their direction. As a result, the shooters realized that they were over-powered and they decided to surrender. Since, each and every member of this unlawful group was either directly firing or aiding the shooters, 16 persons were taken into custody, while 4 of them were actually shooting the others were throwing brick-bats, aiding or encouraging the shooters. It was clear that the 4 shooters later identified as Faqir Singh, Avtar Singh, Harinder Singh and Amir Singh, were firing continuously with 4 deadly weapons i.e. one .30 bore Spring Field Rifle, two .12 bore DBBL Guns and one .32 Revolver. The police recovered these 4 weapons and at least 140 cartridges, including empties. The shooters were in possession of a huge fire power with which they could have decidedly taken many more lives if they were not over-powered. On their surrender, it was found that two of the shooters, namely Amir Singh s/o Diwan Singh and Harinder Singh had sustained gunshot injuries. While Amir Singh died on that day and Harinder Singh died on 23rd November,

1984.

A case FIR No. 1349/84 u/s 147/148/149/307/302 IPC dated 05.11.84 was registered at PS Pahar Ganj in which 16 persons were arrested, 4 dead and 6 injured.

Throughout this action, S/Shri A.K. Kanth, DCP/Central District and S. S. Manan, SHO/Pahar Ganj exposed themselves to fire and imminent danger repeatedly and never held back. The position taken by them was particularly dangerous, and they stood in danger to their lives throughout the operation. S/Shri Kanth and Manan remained undeterred, steady and cool under fire. They worked with single minded devotion to protect the lives of the passers-by and the residents of the building in thickly populated area from the indiscriminate firing and pointed sniping of the shooters. S/Shri A. K. Kanth and S. S. Manan are, therefore, recommended for Police Medal for gallantry for their courage and devotion to duty.

-Sd-
(S. S. JOG)
COMMISSIONER OF POLICE
DELHI

15. The rules governing selection of police personnel for award of the Police Medal by the President lay down a procedure required to be followed before such an award is made. The said rules also state

the criteria for award of a Police Medal as under:

“4 (i) For conspicuous gallantry. Awards for gallantry will be made as soon as possible after the event occasioning the grant.

(ii) For valuable services characterized by resource and devotion to duty including prolonged service or ability and merit.”

16. The medal is liable to be forfeited only “when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the President brings the force into disrepute”. It is not the case of the Petitioners, and it was not disputed by Mr. Phoolka, that neither Respondent No.3 nor Respondent No. 4 had, subsequent to the award of the Police Medals, committed any act that would attract the above clause concerning forfeiture.

17. It is not the case of the Petitioners that the procedure outlined in the rules for award of the medals has not been adhered to. The original file containing the Citation and the notes leading to the decision of the President has been produced before and perused by the Court. They reflect the application of mind by several authorities in a hierarchical manner up to the Prime Minister and the President

of India. Therefore the only ground of challenge that requires to be examined is whether the material relevant for the decision of the President was placed before the President. Considering that one of the criteria for award of a Police medal is the display of ‘conspicuous gallantry’ what was required to be considered was whether the actions of Respondent Nos. 3 and 4 as described in the Citation were worthy of the award of a Police Medal.

18. The sequence of events narrated in the Citation shows that on the evening of 5th November 1984 Respondent No. 4 Mr. S. S. Manan, SHO Pahar Ganj reached the spot and warned the miscreants to surrender. The Citation does not name the ‘miscreants’. Mr. Manan’s warning was in vain. After some time Mr. Amod Kanth, DCP accompanied by Major Tyagi of 3/5 Gorkha Rifles reached there. He gave “repeated warnings to the shooters on loud-hailer to surrender”. However, the shooters started firing heavily. Again, there is no indication of who these shooters were. The Citation then states that the SHO was facing the firing near Hari Masjid while the DCP took position on the roof top opposite. When the DCP got information that the SHO had been surrounded and was in the line of fire, the DCP rushed to Raj Guru Road facing the fire and took

position near Hari Masjid. When the shooting did not stop and realizing the gravity of the situation and the need to stop the firing, the DCP along with Major Tyagi and a few Constables and jawans took position at the roof top of the adjacent building of Hotel Hocks. “Now they were directly facing the firing”. The Citation then states that finding no alternative, the police/army fired in the direction of the shooters who then surrendered. The Citation mentions two of the shooters as Amir Singh and Narinder Singh and refers to the arrest of 16 persons and recovery of firearms from them. The key portion of the Citation relevant to the recommendation for award of Police Medals is that in the said encounter Respondent Nos. 3 and 4 “displayed conspicuous gallantry, courage and devotion to duty of a high order”.

19. The narrative in the Citation is that during the heavy exchange of fire Respondent Nos. 3 and 4 displayed courage in going forward to intervene, putting themselves in the line of fire and trying to control the situation. While the narrative does refer to the 16 persons arrested as the ‘shooters’ and states that two among the ‘shooters’ got killed, for the purposes of the award of the Police Medal, what was important was the courage displayed by the two police officers.

Effect of non-consideration of three factors

20. In the context of the judicial precedents cited by the learned Senior counsel for the Petitioners, it must be observed that the decision to award Police Medals for gallantry cannot possibly be equated with the exercise of clemency power by the executive. The factors that require to be considered for awarding Police Medals are obviously different from the factors relevant for the grant of pardon. Consequently, the decisions cited are of no assistance to the case of the Petitioners.

21. The Petitioners submit that three factors relevant to the decision to award Police Medal to Respondents 3 and 4, and which were not considered by the decision-making authorities, were (i) the grant of bail to the 16 accused by the learned ASJ; (ii) the CFSL reports that show that the bullets recovered from the body of one of the two dead persons did not come from any of the fire arms recovered from the 16 persons and (iii) the fact that the 16 persons belonged to the same family and they held licences for the fire arms seized from them. The question that arises is whether the non-consideration of the above factors vitiated the decision to award Police Medals to Respondents

3 and 4.

22. In the considered view of this Court the answer to the said question has to be in the negative. At the stage when the decision to award the medals was taken, i.e. June 1985, the criminal case was under investigation. The questions whether the 16 persons were rightly arrested and whether any or both persons killed fell to the bullets from the fire arms seized from the Petitioners' families were perhaps relevant as regards their criminal culpability or the lack of it. However, the context for the decision to award the medals was the courage and 'gallantry' displayed by Respondent Nos. 3 and 4. Neither the bail order nor the CFSL reports throw light on the role of Respondent Nos.3 and 4. The Petitioners' version of the incident does not negate the presence of Respondent Nos. 3 and 4 or their efforts at controlling the situation.

23. The affidavit of Smt. Gurcharan Kaur and the affidavits of the DCP filed before the Nanavati Commission have been considered by it. The correctness of the conclusions in the Report of the Nanavati Commission need not be examined in these proceedings.

Independent of the said Report, this Court is satisfied that the failure to consider the bail order, the CFSL reports and the fact that the accused persons belonged to the same family did not, by itself, vitiate the decision to award Police Medals to Respondent Nos. 3 and 4.

24. The 1984 riots in Delhi have left deep scars in the collective memory of the nation, and especially of the Sikh community. Several Commissions of Enquiry have been constituted over the years to uncover the truth of the tragic events that transpired in the early days of November 1984 in which thousands of innocent persons were killed. The role of the State machinery has come under critical scrutiny. It is arguable that in the context of a tragedy of such proportions the State ought to display sensitivity to the feelings of the victim community and be circumspect in hastening to award gallantry medals to the officials of the law enforcement machinery soon after the events. Yet, the scope of judicial review in such matters is limited. It is in the first place confined to examining the transgressions if any in the decision-making process. On this score there is no scope for interference as far as the present case is

concerned. As regards the merits of the decision itself, it cannot be held that the material placed before the decision-making authority was not relevant to the grant of Police Medals to Respondent Nos. 3 and 4. Further, it is not possible to conclude that the failure to consider certain other materials like the order granting bail to the Petitioners' families or the CFSL reports vitiated the decision to award Police Medals to Respondent Nos. 3 and 4.

25. For the aforementioned reasons, this Court is not persuaded to grant the reliefs sought for by the Petitioners. The writ petitions are dismissed with no order as to costs.

S. MURALIDHAR, J

APRIL 7, 2011

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