

**REPORT
COMMISSION OF INQUIRY
JAMMU FIRING**

**CHAIRMAN
MR. JUSTICE B. MUKERJI**

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29th May, 1967.

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PART I

CHAPTER I

Constitution of the Commission

On October 19, 1966, the State Government, by Notification No: SR-425 dated October 19, 1966, published on the same day in an extraordinary Issue of the Government Gazette, in exercise of the powers conferred on it by Section 3 of the Jammu and Kashmir Commission of Inquiry Act, 1962, (Act No: XXXII of 1962), constituted a One-member Commission of Inquiry for the purpose of making an inquiry into the incidents which led to the police firing on the 17th and 18th October, 1966, at Jammu and into the firing itself as also matters necessary or incidental thereto. The full text of the said Notification was in these words:--

"SRO-425. - Whereas the Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into the incidents of disturbance of law and order leading upto, and to inquire into the firing, which reportedly resulted in the death of certain persons and injuries to others at Jammu on 17th and 18th October, 1966, as also into matters necessary or incidental thereto ;

Now, therefore, in exercise of the powers conferred by Section 3 of the Jammu and Kashmir Commission of Inquiry Act, 1962, the Government hereby appoint Shri Justice Basu Ieva Mukerji, Retired Judge of the Allahabad High Court as Commission for making the the said inquiry.

The Government hereby further direct that the said Commission shall complete its inquiry and make its report to the Government within one month from the date of issue of this Notification."

2. On October 21, Government by Order No IS-1200-A of 1966, dated October, 21, 1966, appointed Shri R. K. Kaul and Thakur Durga Singh Member Secretary and Member respectively of the Anti-Corruption Commission to assist the Commission.

3. On October 22, Government by Notification No: SRO-433 dated October 22, 1966, in amplification of matters originally referred to the Commission, directed :—

(a) that the said Commission shall also inquire into and report in respect of the measures which in the opinion

of the Commission, are necessary to be taken to afford relief to those persons who have suffered in the aforesaid firing, and to the dependents of such persons and

- (b) that the said Commission, as soon as possible after it enters on its duties, and thereafter whenever it consider necessary, will submit recommendations to Government in regard to whether it would be advisable to take administrative action with reference to any of the official personnel in Jammu, so as to ensure a fair inquiry and to assist in creating a constructive atmosphere to achieve this

4. By yet another Notification No: SRO-439 dated October, 31, 1966, the Government direct that all the provisions of sub-section (2), sub-section (4), sub-section (5) and sub-section (6) of section 5 of the Jammu and Kashmir Commission of Inquiry Act, 1962, were to apply to the Commission.

5. The time within which the Commission was originally required to complete the inquiry and make its report was one month from the date of the issue of the Notification setting up the Commission. By subsequent Notifications issued from time to time, the original time for submission of the report was extended upto the end of May 1967.

CHAPTER II

Preliminary Proceedings

6. The Chairman and his colleagues flew from Srinagar to Jammu on October 24, 1965 and soon after steps were taken for meeting the following morning the representatives of the Students Action Committee and of the Citizens Action Committee which had been set up for placing their version of the case and view points before the Commission.

7. The following representatives of the different interested groups called on the Chairman and his colleagues :

- (a) Brigadier Ghansar Singh and Shri Chet Ram Chopra, two prominent members of the Citizens' Defence Council. This Council, it may be observed, was not specifically concerned with placing before the Commission relevant material which could assist it in its task.
- (b) Sarvashri Rabintra Chaudhri, Srinivas Shah and Isher Dass Khanna, Members of the Citizens' Action Committee.
- (c) Shri Gupta, a Professor of the Gandhi Memorial Science College, representing the teaching staff of the said College.
- (d) Four members of the Legal Assistance Committee set up by the Jammu Bar Association, namely Sarvashri Roop Chand Nanda, Ram Nath Bhargotra, Devi Dass Thakhar and Hira Lal Wazir, Advocates.
- (e) Four representatives of the Students Action Committee including its Convenor Shri Harbans Singh.

8. (a) To the representatives mentioned above the Chairman explained the terms of reference as contained in Notification No. SRO-425 dated 19th October, 1966, (the later Notification No. 433 dated 22nd October, 1966, had not been received by then and he assured them that the Commission--

- i) would do its utmost to find out the truth and
- ii) would give adequate opportunity to interested parties to put before the Commission their respective cases.

(b) The Chairman at the same time impressed upon them that the Commission would be able to discharge its

obligations satisfactorily only if everyone concerned extended whole-hearted co-operation to the Commission.

9. The Chairman informed the representatives of the procedure the Commission would follow during the preliminary stages of the inquiry. To put it briefly, the representatives were told that the procedure would be as follows :-

(a) The Students Action Committee, the Citizen's Action Committee, the Government the Police personnel and the concerned executive officers would be requested to file written statements giving full particulars of the incidents which led to the police firings on the 17th and 18 October, 1966, as also about matters necessary or incidental thereto.

(b) Representation through Counsel was to be accorded to :-

- i) the Students Committee
- ii) the Citizens Action Committee
- iii) the Government, and
- (iv) the public servants, namely the police and executive officers principally concerned
- (v) any other person requesting for representation on good cause shown

(c) Cross-examination of witnesses was to be permitted to the parties and, with the permission of the Commission, to any other person requesting for such a privilege.

(d) A public notice was to issue inviting all persons acquainted with matters which could be relevant to the inquiry to furnish to the Commission written statements not later than a time and date to be specified in the notice calling for such statements.

(e) The procedure of taking evidence by means of affidavits was not to be resorted to, because the matters under inquiry could not satisfactorily be established by affidavit evidence only.

(f) After the receipt of the written statements and after their examination, a list of witnesses to be examined was to be settled in consultation with the Counsel of such of the parties as were represented before the Commission.

(g) It was settled that the scene of occurrence would be visited by the Commission on 26th October in the afternoon in the company of the students' representatives and again subsequently in the company of the representatives of the Government and the Police.

10 The representatives, of the Students' Action Committee and the Citizens' Action Committee informed the Commission that they had made common cause and that both Bodies would be represented at all stages of the inquiry by the Legal Assistance Committee comprising of eleven lawyers who had been nominated by the Jammu Bar Association. This was confirmed by the representatives of the Legal Assistance Committee and they undertook to file the required written statements on October 31.

11. All those who met the Commission pressed that the Officers responsible for the firing of the 17th and 18th October should be placed under suspension before other steps in connection with the inquiry are taken. The Chairman told those who made such a demand that being a 'statutory body' the Commission could not act so to speak *suo moto* in this matter. Nevertheless, the parties were at liberty to make a proper application, giving adequate grounds against specified officers which could show that there were reasonable grounds for believing that they were likely to interfere with the witnesses or that they were actually interfering with witnesses or other evidence and thereby prejudicing the inquiry. They were assured that if such an application was made, then the same would be considered on merits and appropriate recommendation made to Government in terms of Notification No: SRO-433 dated 22nd October, 1966.

12. (a) In the afternoon of the same day 25th October, 1966, Sarvashri Inder Das Grover and Suraj Prakash Gupta, Advocates met the Chairman and his colleagues at the Guest House and intimated that they were representing the Government as well as the Police and the Executive Officers concerned; and they were requested to file comprehensive written statements about the incidents in question as also about matters necessary or incidental thereto and also to file site-plans of the scenes of occurrence including photographs and copies of post-mortem reports and injury reports and other relevant records. They under took to file the required written statement on November 1, 1966.

(b) The aforesaid Advocates were informed by the Chairman of the procedure to be followed by the Commission as given in paragraph 9 above.

13. (a) On October 26 at 3 PM the Commission went to the Government Gandhi Memorial Science College (hereinafter to be referred to as the Science College) and inspected the grounds the buildings of the various Departments of the Science College as also the University Departments. They were accompanied at this inspection by the representatives of the Student's Action Committee and their Counsel throughout and from a certain stage also by the Principal and some members of the College teaching staff, the Pro-Vice Chancellor and some University Professors. After the inspection of the College and the University Campus the Commission inspected the scene of the firing of October 18 in Rajinder Bazar.

(b) The visit to the Science College and the University Campus was repeated by the Commission on November 4, this time in the company, besides others, of Messrs. B. B. Lall, Indar Das and Suraj Prakash representing the Government.

14 (a) On the same day, October 26 the English version of the public notice, inviting all persons acquainted with the subject matter of the inquiry to file written statements at the office of the Commission not later than 4 P.M on November 10, was prepared. An Urdu translation of the same was subsequently prepared. The aforesaid Notices were got printed at the Ranbir Government Press Jammu and necessary steps for their due publicity taken.

(b) A copy of the Notification No: SRO-433 dated 22nd October 1965 containing further terms of reference having been received in the office of the Commission by post from the Secretary to Government, Home Department, on October 27, a draft in English of another Public notice inviting all such persons as had suffered injury to person or in any other manner due to the firings of the 17th and 18th October 1965 to put in not later than 4 P.M on November 11, 1965, their claim statements detailing the nature and extent of such sufferings and the measures suggested for affording relief to them was prepared. An Urdu version of the above notice was prepared on October 28. These notices were also printed at the Ranbir Government Press, Jammu, and steps taken for their due publicity.

(c) Adequate publicity did not appear to have been given to the two notices issued by the Commission on the 26th and 28th October 1966 and it was, therefore, decided by the Commission, on November 7, to extend the time for filing of written statements and accordingly another public notice was issued on November 8, extending the time for the filing of written statements upto 4 P. M. on November 18 1966 and steps were taken for giving adequate publicity to this notice.

(d) The Chairman and his colleagues visited the S. M. G. S. Hospital on November 2, 1966 at 5 P. M. and met the Superintendent and some of his colleagues and sought from them information on some matters and again on the following day at 10 A M when they went round and saw the seventeen injured persons (the number was stated to be 17 at that time) The Chairman had a friendly talk with each injured person.

CHAPTER III

Students application for interim administrative action against five officials.

15. On November 4, 1966, Messrs. Hira Lal Wazir and Madan Baru, Members of the Legal Assistance Committee, made an application (accompanied by affidavits of two persons) praying for immediate suspension of five officers namely Sarvashri Amar Singh, Divisional Commissioner, Manmohan Wazir, Deputy Inspector General of Police, Madan Mohan Khajuria, Superintendent of Police and Chaudhri Banar Singh, Superintendent of Police and Commandant 15th Battalion of the Panjab Armed Police. This application was made pursuant to the second clause of Notification No: SRO-433 dated 22nd October 1966, on the main ground that the aforementioned officers, who had been responsible for the firing of the 17th and 18th October, 1966, were influencing the witnesses and interfering with other evidence as well and thereby prejudicing an impartial and fair inquiry by the Commission.

16. (a) The aforesaid application was set for hearing for November 5, and notice accompanied by a copy of application and the affidavits was served on Messrs. Inder Das Grover and Suraj Prakash Gupta, Advocates, since on October 25 they had informed the Commission that they were representing not only the Government but also the Police and executive officers concerned at the inquiry. At the hearing of the application on November 5, six members of the Legal Assistance Committee and Messrs. B. B. Lall Advocate of Delhi, Inder Dass Grover and Suraj Prakash Gupta appeared before the Commission and Mr. B. B. Lall, Advocate of Delhi, speaking for himself and for Messrs. Inder Das Grover and Suraj Prakash Gupta, stated that they were all representing only Manmohan Wazir and Madanmohan Khajuria and therefore the notice issued on 4th November could bind only the aforementioned and not others and therefore it became necessary to issue notices to the other three officers who were not represented before the Commission. In view of the above stand taken by Mr. Lall and his colleagues the hearing of the application was adjourned to November 9 and notice was directed to be given to Sarvashri Amar Singh, Sohan Singh and Banar Singh to arrange for their representation for the said date.

(b) In the afternoon of the same day, i. e., after the adjournment of the case to 9th November, Messrs. Inder Das and Suraj Prakash appeared and put in a Memorandum saying that they now represented the other three officers also to

whom notice had been issued for the 9th and they also made an application requesting that the hearing of the application be advanced to 7th. Their request for changing the date of hearing from 9th to 7th November was not acceded to.

(c) Messrs. Inder Das Grover and Suraj Prakash Advocates, on November 8, filed two Memoranda, the first recording that they represented the five officers only for the limited purpose of opposing the application for their suspension put in on behalf of the students and the second saying that they would be representing the Government at the inquiry during all stages and for all purposes.

17. On November 9, Mr. Purshottam Dass Tricom Das, a senior Advocate of Delhi and all the eleven members of the Legal Assistance Committee appeared for the students while Messrs. Inder Das Grover and Suraj Prakash appeared for all the five officers as well as for the Government. Mr. Tricom Das argued for the students and Mr. Grover for the five officers. The arguments could not be concluded on that day and continued for a short while on the following day.

18. The Commission submitted its recommendation to the Government on November 11, 1966. The Commission saw a clear distinction between the doings of the three Police officers and the two non-police officers. The recommendation with regard to the latter was that they should not continue to be in Jammu during the course of the inquiry. In the case of the three Police Officers, the Commission observed that "their mere removal from the areas of their activities in Jammu to some other scenes in the same capacity and with the same status and position may continue to have its effect on the inquiry" and recommend that "the Government should take such action against those officers as would incapacitate them from using, either directly or indirectly from near or afar, the colour or position of their office in respect of any matter relating to the inquiry". And on the aforesaid recommendation of the Commission, the Government, on November 12, 1966, issued orders transferring S Amar Singh and S. Sohan Singh and suspending till further orders Manmohan Wazir and Madan Mohan Khajuria with immediate effect.

19. Wazir and Khajuria filed writ petitions in the High Court in respect of the proceedings before the Commission and challenged the order of their suspension. The writ petitions were rejected in *limine* by the High Court.

CHAPTER IV

Opportunity to Five Officers of being heard.

20. Section 9 of the Commission of Inquiry Act, 1962 provides that 'the Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure'. The power to make rules has been conferred on the State Government by section 15 and in exercise of these powers Government has made rules—The Jammu and Kashmir Commission of Inquiry Rules, 1964—which are contained in Notification No. SRO-116 dated 8th April 1964 and were published in an extra ordinary issue of the Government Gazette dated 9th April, 1964 Sub-rule (1) of rule 6 provides:—

(1) The Commission shall, as soon as may be after its appointment,—

- a) issue a summons to every person, who in its opinion should be given an opportunity of being heard in the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notice or to produce documents;
- (b) issue a summons to be published in such manner as it may deem fit, inviting all persons acquainted with the subject matter of inquiry to give evidence, or to furnish to the Commission a statement relating to such matters as may be specified in the Notification'.

21. Apart from Section 9 of the Act and the rule set out above, section 3 of the Act, which permits a Commission of Inquiry to be appointed is wide enough to cover an inquiry into the conduct of any individual. As contemplated in clause (b) of sub rule (1) of rule 6, a public notice inviting written statements from all persons acquainted with the subject matter of the inquiry was issued on October 26. The question as to which of the Officers should be given an opportunity of being heard within the meaning of clause (a) of the aforesaid sub rule was considered; and the Commission was of the opinion that Amar Singh, Divisional Commissioner, Sohan Singh, Deputy Commissioner, Manmohan Wazir, Deputy Inspector General of Police, Madanmohan Khajuria, Superintendent of Police and Chaudhri Banar Singh, Commandant, 15 FAP should be given such opportunity and also an opportunity of representation before the Commission through Counsel. This decision was taken in pursuance of Section 3 of the Act, read with the sub rule referred to above. And accordingly on November 8, that is to say before the date fixed for hearing of the students application for interim administrative action against the aforesaid officers, the following notice,

which was duly served, was issued to the aforesaid officers:—

'Whereas the Commission is of opinion that an opportunity should be given to you of being heard in connection with the Police firings on the 17th and the 18th October, 1966.

Now, therefore, notice is given to you that you may, if you so desire, submit at the office of the Commission at Ajaib Garh, Jammu, not later than the 14th November, 1966, 4 PM a written statement giving your version of the circumstances that led to the firings of the 17th and 18th October 1966, the events necessary or incidental thereto and the events following thereafter and further that, if you so desire, you may have representation before the Commission through counsel. The receipt of this notice may please be acknowledged on the duplicate thereof."

22. The time for filling of written statements by the said officers as given in the Notice, was "not later than the 14th November 1966, 4 PM" as it was the date on which the students Legal Assistance Committee as well the Counsel for the Government had earlier undertaken to file their written statements. The date was later extended to 15th November at their request.

23. (a) On 14th November Shri Suraj Prakash appeared on behalf of the three Police Officers in compliance with the notice issued to them on the 8th and filed separate petitions on their behalf saying that for the reasons given therein they were advised not to file written statements giving their version. The petitions of Manmohan Wazir and Madanmohan Khajuria are in identical words and are set out below:—

'Kindly refer to your letter No: IC/A/66/23-2 dated 8-11-1966.

I have been required to put in my version of the case about police firing on 17th and 18th October, 1966, if I so desire. I am advised not to file my version for the following reasons.

- 1) The whole of the state version of the case is based on reports given by various officers mentioned in the letters and their subordinates as also on their version of the case.
- 2) The documents prepared by them or their subordinates have been submitted or will be submitted to the Commission and are to be proved by them.
- 3) The Police Department is producing me and examining me as witness before the Commission.

- (4) I feel that the terms of reference of the Commission do not envisage my appearance before the Commission as desired on an unformulated and general joint case.
- (5) I also feel that the Commission of Inquiry Act does not apply to me.

NOTE:

The words "The State version" in para one above was originally 'the Police version'— the change was made at the time the petitions were filed in the office of the Commission.

(b) Chaudhri Banar Singh has, while expressing his inability to file his version by 14th November because of his transfer to the State of Punjab, made in para 3, 4 and 5 of his petition substantially the same submissions as made in the petition quoted above, though set out in slightly different words.

(c) In regard to S. Amar Singh and S. Sohan Singh, Shri Suraj Prakash Advocate stated that they had informed him that while they agree with what has been stated by the Deputy Inspector General of Police and the Superintendent of Police in their petitions, they were advised not to commit themselves to anything in writing.

24. It was for the reasons given by the three Police officers in their petitions that Messrs Inder Das Grover and Suraj Prakash stated on November 8, that they represented the fire officers before the Commission for the limited purpose of opposing the students application dated 4th November praying for their suspension. These officers did not avail of the opportunity given to them of being heard and of filing their written statements relating to the subject matter of the inquiry, even though they save Amarsingh. appeared as witnesses. In the result we had before us only two versions namely that which was stated to be the version of the Government and that of the Students' Action Committee which put across the version not only of the students but also, in a sense, of the Citizens of Jammu.

CHAPTER V

Filing of written statements and further proceedings.

25. The Students Legal Assistance Committee and the Counsel for Government had undertaken to file their written statements on 31st October and 1st November 1966 respectively but they filed them on November 15 and copies of the same were delivered by each to the other side. They filed rejoinders to each others written statements on 22nd November. They also filed provisional lists of witnesses to be produced in support of their respective cases, the Government list being of 162 witnesses and that of the Students of 119 witnesses besides some witnesses whose names were for obvious reasons not disclosed in the list.

26. On 16th November Shri Devi Das Thakar, one of the members of the Legal Assistance Committee, filed 28 written statements on behalf of the Administrative and teaching staff of the University of Jammu and Kashmir, Jammu Division, including that of Mr. J. N. Bhan, the Pro-Vice Chancellor (Appendix 'A').

27. It having been brought to the notice of the Commission that Shri Ghansham Prinspal, Government Gandhi Memorial Science College, had sent a telegram and also a detailed written report to the higher authorities about the happenings of the 17th October, he was requested to send copies of the same; and under his letter No. C 4 dated 5th November 1966 he sent to the Commission a copy of the telegram, dated 17th October sent by him to the Chief Minister, Education Minister and Educational Adviser and also a copy of his report No. C/1-3 dated 19-10-1966 addressed to the Educational Adviser with copies to the Chief Minister and the Education Minister. On 18th November he submitted to the Commission written statements of 16 members of his staff (Appendix 'B').

28. So far as the general public was concerned the Commission received written statements from fourteen persons. Three persons, although they did not file written statements yet expressed their desire to appear as witnesses before the Commission (Appendix 'C').

29. Written statements about claims in regard to compensation by persons who had suffered, and by the dependents of those who had lost their lives, in the firings of the 17th and 18th October 1966 were received from fifty-three persons (Appendix 'D').

30. After the conclusion of the hearing on November 10, learned counsel had agreed among themselves and submitted:—

(a) that Counsel for the Government will open the case first to be followed by the Counsel for students ;

(b) that immediately after the conclusion of the opening address by the students Counsel, Government will lead evidence in support of its case and the students would produce their evidence thereafter

and

(c) that the next hearing before the Commission could not be earlier than the 5th December and on that day Counsel for the Government would open his case.

31. The case was taken up on 5th December when Mr. B. B. Lall, Counsel for Government opened his case and concluded his address on the 7th Mr. Purshotam Dass Tricom Dass opened the case of the students on the 8th and concluded on the 9th.

32. (a) The examination of the witnesses produced on behalf of the Government was commenced on December 12, 1966. The number of witnesses whose list had been filed earlier was curtailed considerably by Government's learned Counsel and finally only 28 witnesses (Appendix 'E') were produced on behalf of Government. The examination of these witnesses was over on February 28. The examination continued from day to day except when the hearing had to be adjourned for want of witnesses. About two weeks were wasted because the presence of Chaudhri Banar Singh, Commandant PAP, could not be secured, as he had been transferred from this State to some station in the Punjab from where he was said to have gone on leave. The evidence of Government witnesses covers as many as 971 typed pages of the record.

(b) The students who also had given a long list of witnesses reduced their number considerably and finally produced only 24 witnesses. Besides, these four witnesses including Aga Nassar Ahmed, Additional Mobile Magistrate, Jammu, and Mr. K. G. Bhandari, Principal of the Government Agriculture College, were summoned by the Commission. The examination of these 28 witnesses which was commenced on March 1, 1967 was over on March 18. The evidence of these 24 witnesses cover as many as 289 typed pages of the record.

(c) When the recording of evidence was over on March 18, the learned Counsel on both sides requested for an adjournment of not less than two weeks to enable them to prepare themselves for arguments and they suggested that the hearing of arguments should commence on April 7, 1967.

(d) Arguments were commenced by Mr. B. B. Lall, for the Government on 7th April. He took four days, short by one hour, and closed them on the 11th at 3 PM, when Mr. Bhasin started his arguments on behalf of the students. He took seven days and finished arguing on the 19th at 3 PM. when Mr. Inder Dass Grover began his reply finishing it, at 1 O'clock of 20th April. The arguments thus took in all twelve days. It was possible to finish the arguments on 20th only because, at the suggestion of the Commission, the learned Counsel agreed to work on four public holidays.

CHAPTER VI

Government's written statement of the case.

33. A good deal of criticism has been made by the learned Counsel appearing for the students about the representation, before the Commission, of Government's view point of what happened on the 17th and the 18th October and the representation of the five officers whose handling of the situation was more or less under investigation by the Commission.

34. The argument which was advanced, briefly put, was this Government had appointed a Commission of Inquiry in order to find the true facts and circumstances that led to the firings of the 17th and the 18th as also the facts and circumstances incidental thereto and as such, Government could not have ever intended Counsel who appeared before the Commission, purporting to represent Government's view point to put across the view point and the stand which was taken up by the five impugned officers. Strictly speaking, there was not before the Commission any properly authenticated 'case' of the Government for we have no document signed by any Secretary to Government setting out Government's view point of what actually happened. There can be, no doubt, that Government has to get the facts and circumstances relating to any incident like the one into which we have been called upon to inquire from the officers, even so, Government has the right and indeed a responsibility to check the facts put before it and to comment on them and either accept or reject them. Inherent in the appointment of a Commission of Inquiry was the fact that the Government had not made up their mind in regard to any version of the incidents of the 17th and the 18th; and it must be remembered that there were, at any rate, two fairly conflicting versions.

35. The Commission had, at the very outset, pointed out to Counsel who at one time appeared for the officers that they had to take steps, in their own interest, to have their representation and to set forth their case. A notice set out in para 21 was, on November 8, sent to them individually and what they said in reply is set out in para 23.

36. The aforesaid reply indicates that the officers did not say anything of their own, before the Commission. Their contention to quote the words of their application, is that "the whole of the State version of the case is based on reports given by various officers mentioned in the letters and their subordinates as also on their version of the case". The question arises whether the aforementioned point of view has been put before us by Government in any authenticated document: We can give

a categorical answer to this in the negative, for there is on record no such document. What has been filed before us is a typed document signed by Shri Inder Das Grover and Shri Suraj Prakash—Advocates under the caption "statement of facts on behalf of the State". This document is more than a 'a statement of facts'—it is a document which has marshalled certain facts to sustain and support a certain view point namely, the view point of the five officers whose conduct in relation to the firings of the 17th and 18th was under inquiry by the Commission. We are constrained to observe that this "lumping" together of the obligations of Government and the officers *qua* the Commission made the task of the Commission unnecessarily difficult and tended in a measure to cloud the issues. We shall not concern ourselves with apportioning blame or with even saying that blame would necessarily attach to anyone for this state of affairs, for we could not believe that there was any deliberate desire to mislead or any attempt to stultify Government's impartiality of fairness in helping the Commission.

37. Not being trammelled by any strict rules of procedure, we have, in the interest of truth and fairplay, treated the so called statement of facts filed, allegedly on behalf of Government as the case of the officers. We have treated Government's attitude as being neutral in regard to the disputed facts or else Government's objective in setting up the fact finding Commission would have appeared meaningless.

38. We shall, however, for purpose of reference to the document filed, allegedly on behalf of the Government refer to it as the 'case of the Government'— we emphasise that we shall only refer to it as the 'case of the Government' and not treat it as such

CHAPTER VII

The Law and Order situation prior to the 17th October, 1966 on the version set out in the aforementioned written statement.

39. According to the Government version there were four factors, not apparently connected with one another, that fall under this heading:

(a) The first factor was the agitation by the students of the Government Agriculture College Shri Ranbir Singhpura. The pay scales of Agriculture Graduates at the time of joining service having been reduced by the Government from 250-25-500 to 145-15-250-350, the students of the aforesaid College launched, in August, 1966, an agitation for the restoration of their earlier pay scales and in order to get their point of view accepted by Government they went on strike. They also appealed to the Student Community in general to boycott their classes in sympathy with their demands.

(b) The strike having yielded no results, the Students embarked on a programme of hunger strike from the 12th October 1966, when four students, namely M/S D. N. Mehta, Krishen Sharma, Teja Singh Dardi and Bhagat Ram Bhagat, started hunger strike at Shahidi Chowk, Jammu.

(c) On 15-10-1966 the condition of two of the hunger strikers, namely Teja Singh Dardi and Bhagat Ram Bhagat became precarious and they had to be removed from the Shahidi Chowk and subsequently their place was taken by two other students, namely Ranjit Singh and Mulk Raj Sanotra.

40. The second factor relates to clashes between two groups of students aided by non-students on 21st September and 23rd September 1966 resulting in the registration of cases in respect of FIR NO: 142/66 under Section 147/452, RPC, FIR NO: 143/66 under Sections 148/352/324 RPC and FIR NO: 144/66 under Sections 147 RPC, Police Station City Jammu. There were also a few cases of violence by the students and their supporters which resulted in the registration of cases in respect of FIR NO: 195/66 under Sections 147/336/436/448 RPC Police Station City and FIR NO: 18/66 under Sections 147/337 RPC Police Station Pacca Danga.

41. The third factor was the agitation started by Tandoor Wallas and Dhaba Wallas, to whom notice had been issued by the Taxation Department to file their Returns in order to

determine their liability to Sales Tax. They closed their shops and resorted to a hartal in agitation.

42. The last factor was the agitation started by the Refugees of several refugee camps because of the Government Order directing the closing of all Refugee Camps with effect from 1st October, 1966. The refugees who were expected to return to the Chamb area (from where they had been uprooted during the Indo-Pak conflict of September 1965) refused to go unless their demands were conceded in full by the Government. Large groups of refugees in a defiant mood started marching on foot from District Udhampur to Jammu. They were stopped by the Police at Salora, a place twenty miles from Jammu on the National Highway. Some of the refugees went on hunger strike to press their demands.

43. (a) According to the case put before us, to meet the law and order situation created by the aforementioned factors, the District Magistrate, Jammu, on 3rd October, 1966, promulgated an order under section 144 of Code of Criminal Procedure prohibiting processions and assembly of five or more persons in the Tehsil of Jammu falling within the jurisdiction of Police stations Saddar, Chak Kahna and Jajjhar Kotli.

(b) The sphere of the operation of the above order was extended over the territory falling within the jurisdiction of Police Stations City and Pacca Danga by an order purporting to have been made by the District Magistrate, on 5th October, 1966. This order was in amplification of the order of the 3rd October.

(c) The factors mentioned above which had necessitated the promulgation of the order under section 144 CPC were incorporated in a *post facto* note made by the District Magistrate.

Events of the 17th October including the firing according to the statement of Government case.

44. The sequence of events as they developed on the 17th October, culminating in the firing by the Police may now be referred to. On 17th October information was received by the Police that the students of the Maulana Azad Memorial Arts College (hereinafter to be referred to as the Arts College) had planned taking out a procession in sympathy with the Agriculture College boys, in defiance of the prohibitory order under Section 144 Cr. P. C. They planned to take out a procession from their College, which is situated on the other side of the Tawi Bridge to the Ghandhi Memorial Science College (hereinafter to be referred to as the Science College) on this side of the bridge situated on the Canal road and after joining the students of that College, to march in a procession to the city. Manmohan Wazir Deputy Inspector General of Police, Jammu, ordered M. N. Saberwal, probationary Assistant Superintendent of Police and Shanti Saroop

Anand, City Inspector, Jammu, to go to the spot with two platoons of the Punjab Armed Police armed with lathis and a Tear Gas squad to take "preventive measures". The Police party headed by the A.S.P. left the City Police Station at 10.30 A.M.

45. Arriving on this side of the bridge near the Exhibition buildings, the A. S. P. found a procession of about 300/400 students marching on shouting slogans. He warned the processionists to disperse, as an order under section 144 Cr. P. C. prohibiting assembly of five or more persons was in force. Instead of dispersing in the sense their dispersal was required by the police, the students ran towards the Maulana Azad Stadium (to be referred to hereinafter as the Stadium) and therefrom to the Science College avoiding the mainroad.

46. The A. S. P. proceeded with the Police party to the Jewel Chowk, and while there, he saw a procession of students consisting of about 2000 persons marching along the Canal road towards the Jewel Chowk. The A. S. P. warned the processionists to disperse, as the prohibitory order under section 144 referred to above was in force. The processionists appeared determined not to disperse and some of them threw brick bats at the Police party injuring some policemen. The A.S. P. used tear gas to disperse the mob, whereupon some of the mob scaled the Science College boundary wall and started pelting stones on the Police party from the Cricket ground of the College as well as from the Canal road. Upon this the A. S. P. ordered the Police to push back the violent mob with a lathi charge and the mob was pushed back.

47. Thereafter the A. S. P. ordered the Police to withdraw to the Jewel Chowk, and while the Police was withdrawing the mob again came to the Canal road, the play-ground and to the mound near the *Nallah* bordering the Jewel Chowk crowds collected also on the B. C. road and the road leading to the city and brick batting of the police party again started.

48. At this stage Manmohan Wazir Deputy Inspector General of Police, Jammu, arrived at the scene and he tried to persuade the mob to disperse, but instead of dispersing the pressure of the mob on the Police party increased and the Police party was forced to retreat towards the Tawi Bridge near the Exhibition ground.

49. From this place the Deputy Inspector General of Police noticed some smoke going up near the Jewel Chowk and he was informed that a Motor cyclist of the Andhra Pradesh Police, S. Naganna No: 1315 had been assaulted by the students and his Motor cycle set on fire. He was also informed that a Constable of the Police party Rattan Chand No. 15/239 of the PAP, while retreating towards the Exhibition buildings, had been over powered by the mob assaulted and removed bodily to some unknown place.

50. In view of the deteriorating situation the Deputy Inspector General of Police requisitioned the services of three armed men from the armed guard of the Punjab Armed Police stationed at the Exhibition buildings for guarding certain stores. The Deputy Inspector General of Police returned to the Jewel Chowk with the Police party and also with the Commandant of the 15th P.A.P., Chaudhri Banar Singh, who had also arrived there. A Police reinforcement of 12 armed men from a platoon of the Punjab Armed Police 6 armed men of the Kashmir Armed Police and 6 men of a tear gas squad also arrived at the Jewel Chowk.

51. In the meantime Nassar Ahmed, Additional Mobile Magistrate 1st class Jammu, reached the spot. The mob was then violent and had been pelting stones, on the Deputy Inspector General of Police requesting the Magistrate to persuade the mob to disperse, the Magistrate proceeded towards the mob on the Canal road and, as he was talking to them, the students assaulted and injured him. He was rescued by Shanti Sarup, Inspector and brought back to Jewel Chowk and thereafter he left the spot.

52. After the Magistrate left, the mob intensified pelting of stones and pressed forward especially from the Canal road side and the mound side. The Police were surrounded by the mob on other sides also and many of the Police men had been injured as a result of pelting of stones; soda water bottles were looted from a shop by the mob and hurled on the Police. The Police party being in grave danger of being overwhelmed, the Deputy Inspector General of Police warned the mob to disperse adding that otherwise the Police would open fire. The mob ignored this warning and rushed forward with brick bats, whereupon Sub-Inspector Sher Singh of the Punjab Armed Police ordered opening of fire in self defence directing the men under his command to fire two rounds each; thus in all 36 rounds were fired. The mob thereupon withdrew towards the College premises. Finding the situation under control, the Deputy Inspector General of Police directed Saberwal, A. S. P. to remain there for sometime more and watch the situation. The injured persons were picked up and sent to the Hospital, the last one being taken by the Deputy Inspector General of Police himself at about 11.30 A. M in a Police vehicle by which he travelled to the Central Police Office. The Deputy Inspector General of Police on reaching his office reported to the Divisional Commissioner and the Government at Srinagar about the incident, he also sent a written report to the District Magistrate

53. After the Deputy Inspector General of Police left the Jewel Chowk, the Punjab Armed Police spread itself out along the Canal road upto the University Campus to remove the road blocks put up by the mob so as to clear the road for traffic. The students started pelting stones on the

Police from the University Campus, the College grounds and from Krishen Nagar area. They rushed towards the Police party caught hold of Constable Hazari Lal No: 641 of the 15th PAP who was standing outside the College gate, and dragged him inside the College compound and shouts of "burn him alive" were also heard at that time. Under the order of Sub Inspector Arjan Singh of the PAP, the Police party fired seven rounds in self defence and in defence of Constable Hazari Lal who was thus rescued.

54. At this stage, Sohan Singh, District Magistrate, Jammu, arrived on the scene and he took further steps to control the situation. Thereafter the Police withdrew from the area.

55. (a) In all 26 persons of the Police party including the Deputy Inspector General of Police and City Inspector were injured on 17th October near the Jewel Chowk.

(b) Three students died as a result of the firing on 17th October; they were Brij Moha, Gulshan Handa and Sabash Gandotra.

Further incidents in the city on 17th October after the firing.

56. Later in the day a mob indulged in the following acts of violence, loot and arson:—

- (a) Government Jeep No: JKA 297 coming from Gandhinagar towards the City was stopped. The driver (Mantha Ram) was dragged out and the Jeep was overturned and set on fire.
- (b) Government vehicle No. PNQ 2865 (Power Wagon) belonging to the Border Security Force parked on the Residency road was also set on fire.
- (c) The Government Emporium was looted and set on fire causing loss of lacs of rupees.
- (d) The fire brigade vehicle with fire engine which came to extinguish the Emporium fire was stoned, stopped and set on fire and several firemen on duty were injured.

Events of the 18th October, 1966, including the firing resorted to on that day according to the Government case.

57. The events that took place in the morning of that day were said to be :—

- (a) Groups of young men went round the City and set up road blocks at important places making use of stones, logs of wood and drums etc.

- (b) One such mob reached the old Secretariat building and forced officers to close their offices.
- (c) At about 10 A. M. a mob set fire to the office of the Director, Food and Supplies.

58. In view of the aforesaid incidents and mounting tension in the City, the District Magistrate, Jammu, clamped a 24-hour curfew on the city on the 18th October, 1966, to be effective from 12 o'clock that day to 12 o'clock of the 19th October, 1966.

59. Groups of people assembled at various places in defiance of the curfew. One crowd of about 600/700 assembled in Gundham Mandi since they did not disperse after warning they were pushed back forcibly towards the Ghass Mandhi chowk by the Police. At this time brick bating on the Police party was started from some of the house tops of the business premises in Gundham Mandi. It is alleged that under orders of Mr. Modhak, Inspector General of Police, who was present on the scene, Madanmohan Khajuria, Superintendent of Police, proceeded to Ghass Mandi Chowk with a police party consisting of one A.S.I. two Head Constables and seven Constables of the PAP and stationed himself there.

60. The crowds continued assembling in Lakhdatta Bazar. Rajinder Bazar and Ghass Mandi and despite warning by the Superintendent of Police to disperse, they resorted to continued brick batting and throwing of sodawater bottles on the Police party, which found itself completely encircled and in danger of being overwhelmed. The Police attempted many a time to push back the violent mob but met with little success. In this situation the Superintendent of Police signalled from Ghass Mandi chowk to the main police party at the City Chowk to come to the rescue of his party. A Police party which was stationed at City Chowk made attempts to go to the rescue of the party at Ghass Mandi but could not succeed because of heavy brick batting and stone throwing. Nevertheless, Saberwal Assistant Superintendent of Police, with Inspector Isher Dutt of the PAP, Head Constable Mangal Singh and Constable Ashwani Kumar No: 830 and Thoroo Ram No: 752 of the Tear Gas squad managed to reach the Ghass Mandi Chowk.

61. The crowd at Ghass Mandi resorted to brick batting and stone throwing and did not disperse despite repeated warnings. Tear Gas shells were fired and Tear Gas grenades thrown but they were ineffective. The mob advanced and when it reached dangerously close to the police party, the Superintendent of Police in order to save the police from the being overwhelmed, ordered one round to be fired in the air. This had a temporary effect and the crowd fell back a little.

62. A. S. I. Kuldip Singh, who was on duty in plain clothes, was directed to contact the JKAP party stationed at the office

of the Deputy Commissioner and direct them to come to the rescue of the police party at Ghass Mandi *via* Rajinder Bazar. A JKAP lathi party under Shri H. N. Hakhu, Deputy Superintendent of Police managed to reach Rajinder Bazar crowd which had by then swelled to about 500/600. This party also came under heavy stoning and was also in danger of being overwhelmed. At the same time the Lakhdara Bazar crowd of about 300/400 was pushing ahead and the police parties at the Ghass Mandi Chowk as well as at Rajinder Bazar were in danger of being sandwiched between two violent crowds. The Superintendent of Police directed Hakhu Deputy Superintendent of Police to withdraw to Ghass Mandi Chowk. The furious and violent mob advanced and got hold of Inspector Nek Ram and A. S. I. Kuldip Singh and a 38-bore Service Revolver with six rounds and six spare rounds along with holster etc. were snatched away from Inspector Nek Ram and the lives of both these officers were threatened. A group of JKAP men attempted to go to the rescue of the aforesaid two officers, when Constable Fazal Akbar No. 579 and Khadam Hussain No: 480 received sever injuries and fell down—Tear smoke shells were fired but to no effect. The stoning became so severe that the JKAP party had to take shelter in the shops on both sides of Rajinder Bazar. Finding the lives of these four men in imminent danger, the Superintendent of Police ordered again one round to be fired in the air after warning but it had no effect: Thereupon, he ordered one round to be fired at the 'most violent and pressing section' of the mob below the knees after proper warning. One round was fired and this checked the advance of the mob for a while, when the Police rescued and carried the injured. Gurcharan Singh died as a result of this firing at Rajinder Bazar.

63. The furious mob thereafter charged with brick bats and stones, which came from roof tops also, and the Police party of Ghass Mandi retreated to the City Chowk. The situation became so explosive that the District Magistrate handed over the control of the city to the Army at 4.45 P. M. on the 18th October, 1966.

64. Thirty-two members of the police received injuries in the incidents at Ghass Mandi and twenty-six in the incidents around the City Chowk.

CHAPTER VIII

The case of the Students Action Committee and the Citizens Action Committee as set out in their written statement.

CAUSES OF STUDENTS UNREST

65. The written statement starts with an admission of unrest among the students in general, the responsibility for which is laid on the State Government. The two causes of this unrest are stated to be :—

- (a) Unfairness in the selection of students for admission to the various Medical and Engineering Colleges, whether located inside the State or outside.
- (b) Lawlessness indulged in, with impunity, by Vinod and Bharat, the two sons of Pandit Trilochan Dutta, Rehabilitation Minister (who resigned subsequently) and the seeming inability of the Police to give protection to a section of the students against their criminal activities.

66. (a) A recent instance of the Criminal misbehaviour of the aforesaid sons of Mr. Trilochan Dutt was that on 20th of September 1966 they trespassed into the premises of the Church situated on the Residency road and criminally assaulted Anil Maini, Ramnik Singh and Leni. The wife of the Priest, who protested against this outrage inside the Church premises, was also manhandled. When the aggrieved students went to the City Police Station for lodging a report, the Officer-Incharge refused to register their case.

(b) A couple of days latter the aforesaid sons of the Mr. Tirlochan Dutta picked up a quarrel with some students on the Residency Road, in which both parties were injured, and when one of the assaulted students Harbans Singh son of Manna Singh, went to lodge a report at the City Police Station, the Police suddenly sprang into action and, instead of registering a case detained Harbans Singh at the Police Station. The other beaten up students were also later on called to the Police Station for interrogation and detained. This unequal application of the law swelled the resentment of the students against the Police.

(c) Next day the students took out a procession demanding the release of the students detained by the Police, when the Car of a Minister was seen in flames on the Residency road. The procession proceeded to the Central Police Office

demanding the dismissal of the Rehabilitation Minister and the release of the detained students. The situation was saved by the intervention of Col. Maini, Commandant of the N. C. C. in Jammu and the then Divisional Commissioner, Mr. Sirinivasa Varadhan, and the arrested students were released unconditionally.

67. (a) After a few days the said Ex-rehabilitation Minister came to Jammu, summoned the local police officials including the DIG and the SP Jammu and remonstrated with them for having failed to protect his car from being set on fire.

(b) The then Divisional Commission Mr. Sirinivasa Vardhan was transferred from Jammu at the instance of the Rehabilitation Minister as a mark of disapproval of this handling of the situation on the 23rd September and replaced by Sardar Amar Singh who, the Rehabilitation Minister thought could be depended upon in carrying out a repressive policy.

(c) A few days after Sardar Amar Singhs' taking over as Divisional Commissioner, helmeted Police were posted at the College gate and around the College and University Campus.

68. (a) Another proximate factor responsible for the student unrest in the Agriculture College, Ranbir Singhpura was the downward revision of the grades of Agriculture Graduates from 250-500 to 145-350.

(b) In protest the students of the said College abstained from their classes from the 29th August onwards. A delegation of students went to Srinagar to place their demands before the Minister for Agriculture, the Director of Agriculture and the Pradesh Congress Chief. This mission met with no success.

(c) A few days later the Rehabilitation Minister visited the Agriculture College when a students deputation headed by Divinder Nath Mehta placed their grievances before him. The Minister told the students that Agriculture graduates were no more needed in the State and that, if they were interested in service, they should go to Kerala State. The Minister threatened to close down the College if the strike was not called off.

(d) Having failed to get redress at the hands of the authorities, four students of the College went on indefinite hunger strike in Shahidi Chowk on 12th October 1966 and on 15th the Police forcibly removed two of the hunger strikers.

(e) The Divisional Commissioner S. Amar Singh, on whom called some students threatned to crush them if they did not give up the hunger strike.

(f) It was at this stage that the students of other Colleges decided to demonstrate in sympathy with the striking Students of the Agriculture College.

Events of the 17th October 1966.

69. (a) The students assembled in the Science College on the morning of 17th October and took out a procession at about 10.30 A. M. A Police force with lathis, reinforced by a tear gas squad, was deployed outside and around the College gate and a squad of Kashmir Armed Police was posted near the Jewel Chowk. The procession had hardly reached near the "Yatrik Hotel" on the main Canal road when the Police, without any sort of warning for peaceful dispersal, blocked the path of procession and resorted to a severe lathi charge chasing the students deep into the College premises. The Police also used teargas shells. Some Police men crossed over the College boundary wall and beat the students playing a Cricket match in the College ground who had no connection with the procession.

(b) The Principal along with his staff members Nirmal Singh and R. K. Chibber came out and protested against the Police entering into the College premises without his permission. The Police beat up the Principal and the said Lecturers. Having done this, the Police gradually withdrew towards the Jewel Chowk. Saberwal Assistant Superintendent of Police had himself led the police force which lathi charged on the students.

70. (a) Manmohan Wazir, went to the Exhibition grounds where the Punjab Armed Police and other Police units were stationed, and, after securing a fresh armed squad from there, led them to the Jewel Chowk.

(b) The DIG and other Police officials including Banar Singh, Commandant of the Punjab Armed Police, were busy ordering the armed constabulary into position when at about 11.30 AM Aga Nasar, Additional Mobile Magistrate, who had been deputed by the ADM Jammu "to accompany the procession", reached the spot. The DIG asked the Magistrate to allow the Police to open fire, but seeing no violence on the part of the students, who at this time were watching the movement of the police from inside the College premises, the Magistrate refused to order firing and told the DIG that he would first talk to the students to know their mind. The Magistrate, accompanied by Ved Bhasin, Editor, Kashmir Times, walked about 200 feet on the canal road from the sentry point in the Jewel Chowk and requested some of the students to cross over the College compound wall and meet him. Kanwal Sharma, Ashraf, Karanjit Singh, Jagjit Singh, and other students met the Magistrate and protested that the lathi police had entered the College premises without any provocation, lathi charged the students and insulted and menhandled their lecturers including the Principal. The students told the Magistrate that they wanted to take out a peaceful procession and the Magistrate told them that he would allow them to do so provided that they gave an assurance of peaceful conduct, which was accepted by the students.

(c) The Magistrate, Ved Bhasin and other students negotiating with the Magistrate had hardly walked back about 100 feet towards the Jewel Chowk to talk to the DIG, when the armed squad of the Police all of a sudden, without any warning opened fire on them and on the students in the College ground. Two of the students Kanwal Sharma and Jagjit Singh who were walking with the Magistrate, were hit by bullets. The Magistrate was saved by Karanjit Singh, who pushed him down on the road to keep him out of range of the police fire and in the process of saving him Karanjit Singh himself received three bullet hits and a bullet struck the Magistrate's shoe. The Magistrate along with the wounded students crawled into a nearby shop and immediately the police threw tear gas shell into the shop. Inspector Shanti Saroop came to this shop, caught the Magistrate by the Collar and dragged him out, where he was again made to receive a shower of lathis from the police. The said Inspector then pulled the Magistrate out and they moved to the spot where the DIG was standing.

(d) The Magistrate ordered the DIG to stop firing. The DIG snapped back 'get out of here, I know my business'. Some people who witnessed this helped the Magistrate to get a lift and he went to report the matter to the Divisional Commissioner.

71. (a) The Police firing squads had in the meantime spread all along the College boundary wall and towards the points facing the University Campus and Krishen Nagar, a locality facing the main entrance to the College. The armed police entered the College ground and kept on firing on the fleeing students. Uninterrupted and indiscriminate firing went on for about 45 minutes. During the course of the police firing three students were killed.

i) Brij Mohan was hit on the back by a bullet and he fell dead in the College Cricket ground.

ii) Gulshan Handa near the Geology Department. Before a bullet killed him, Gulshan Handa was alongwith Anupchawdhry engaged in the task of giving first aid to another student who had been hit by a bullet round the spot where Gulshan Handa died.

iii) Subash Gandotra. He was hit by a bullet in Krishan Nagar in front of Shri Suraj Prakash's house. Bleeding profusely he ran for protection and was picked up by another boy Chaman Lal. The Police followed the wounded boy, inflicted lathi blows on him and Chaman Lal and beat Subash Gandotra to death.

b) The Police firing injured about fifty others, some of them receiving two to three bullets each.

(c) One bullet pierced through and smashed the window panes of the University Social Science Block and hit a girl student Kumari Sudesh Saraf who was inside her class room.

(d) Police shots reached as far inside the College Campus as the spot near the Geology Department where Gulshan Handa was killed by a bullet. Armed Police fired into the class rooms and laboratories hitting a 'Black Board' in lecture room No: 10. Another bullet in the said room appeared to have hit the wall behind the black board. Similar shots were fired into the laboratory of the Biology Department, junior Physics laboratory and various other places in the College and University campus.

(e) The firing stopped at about 12.35 PM. The DIG had by this time left the spot and gone to the Divisional Commissioner's office.

(72) (a) The behaviour of the Police was callous and brutal. They made no immediate arrangements for the removal of the injured persons to the Hospital and did not allow social and other workers to help in evacuating the injured and those who tried to do so were ordered down from the vehicles carrying the injured and beaten. One of them Janak Singh was hit by the Police on his testicles and subsequently looked up in the City Police Station. A civilian came to his rescue and saw him admitted to the Hospital.

(b) Another student Vishvendar was also beaten up with lathis and shot at when he was accompanying the injured.

(c) The Police dragged the boys hit by the bullets in the College ground and beat up some of them in Krishen Nagar locality.

(73.) On hearing about the said happenings, a few members of the Jammu Bar went to make an on the spot study of the situation. One of them was caught by the neck by a Head Constable, who threatened to strangle him to death, if he dared to comment on Police behaviour-Another senior member of the Bar, Shri Bhagat Ram Sharma, was rudely pushed by the Police and this happened in the presence of the Deputy Commissioner, Sardar Sohan Singh.

Events of 18th October 1966. (Students' version)

(74) On the 18th October at about 11 a. m. the three students who were the victims of the police firing on the 17th were taken to the cremation ground in a funeral procession. The funeral procession estimated at about a lakh of people reached the Cremation ground at about 11.30 a. m. Despite the full knowledge that almost the entire adult population of

the town was accompanying the funeral procession and that it would take a minimum of about two to three hours for the mourners to return back to their homes, the District Magistrate imposed a curfew on the town from 12 O'clock on the 18th to 12 O'clock on the 19th.

75. In the meantime armed and Lathi police came out in full strength to enforce the curfew. The police, instead of appreciating the sadness of the occasion and allowing people to return peacefully to their homes, obstructed them which led to bitterness and even scuffles. The mob hooted the police and the police retaliated by throwing stones. Hardly any damage to life or property had been caused. The police fired tear gas shells in rapid succession, to disperse the crowd and without any warning they opened fire. Just before the police withdrew, an armed police detachment headed by Madanmohan Khajuria SP Jammu fired on the left side of the road (Rajinder Bazar) from the Ghass Mandi side injuring two or three persons, and on the right side of the road, aiming directly at Sardar Gurcharan Singh, who was appealing to the SP to allow the people to go to their homes through the Ghass Mandi area, the SP fired three successive shots at Gurcharan Singh leaving him dead on the spot.

76. It was said that what was said above would show that on 17th October 1966 the Police force led by the DIG and other officials was out for a murderous attack and not on considerations of maintaining law and order and also that the firing by the police in the Ghass Mandi and Rajinder Bazar area on the 18th October followed a similar pattern as that of the 17th October, which lent further support to the belief that the police firings were pre-meditated and accomplished in a revengeful spirit.

CHAPTER IX

Issues that arise on the respective versions set out in the written statements submitted on behalf of the Government and the Students.

77. Broadly speaking, the issues which arise for determination fall into two clear cut divisions, this is not only in respect of point of time but also in respect of providing cause and its effect. In the first division will fall those circumstances which provide the back ground and, more or less, provide cause for the unfortunate incidents which took place on the 17th and 18th October, 1966.

78. It is the common case of the parties that there existed circumstances which placed the law and order situation in Jammu at the time outside the pale of normalcy. It may at this stage, be noticed that there was a dispute between the two sides as to whether the situation was such as to call for, more or less, a drastic measure of promulgating an order under section 144 of the Cr. P. C. We shall revert to this matter for a closer examination at a later stage, suffice it here to say that an order under Section 144 Cr. P. C had actually been promulgated on the 3rd October, 1966. Further, it was alleged on behalf of the State that the original order which was promulgated on the 3rd October was to use their own words, 'amplified' by a subsequent order of the 5th of October. We should like here to state what was canvassed in relation to the aforementioned order. It was contended on behalf of the students that there was only one order, that of the 3rd October, 1966, and that the order did not cover the area in which fell the Arts and the Science Colleges. It was alleged that the document evidencing the order of amplification of the 5th October which was produced by the State to support their contention that there was an amplification of the order of the 3rd, whereby the area in which the Arts and the Science Colleges fell, was added was a document manufactured for the purposes of the inquiry only and that it had in fact no prior existence—we shall notice this matter too at a later stage.

79. It was alleged that prior to the 3rd October there were several agitations round about Jammu as also certain amount of unrest in the town of Jammu itself which necessitated the promulgation of the order under Section 144. The other circumstance to which reference had been made to justify the promulgation of the restrictive order under Section 144 was that there had been an unfortunate conflict that had arisen because of the alleged high-handedness of Bharat Vinod and Bharat Indoo,

who had on 21st August 1966 trespassed into the premises of the Priest of the local Christian Church and had beaten some boys and the report of which incident was lodged by Mr. A. William, Priest, whose son and wife had been threatened. The Police more or less ignored the report of Mr. William. This apparently caused a good deal of resentment and we were told that telegrams in regard to this had been sent by Mr. William to higher Church authorities in Delhi and elsewhere. On the 23rd of September 1966, there was a clash with some other boys one of them being Harbans Singh, near the Dak Bangalow, in which Bharat Vinod and Bharat Indoo again figured. Counter reports were made in regard to this incident, one on behalf of Bharat Vinod and the other on behalf of Harbans Singh. It appears that the Police detained Harbans Singh for the ostensible purpose of interrogating him for some hours at the City Police Station. This fact not only caused resentment but also gave rise to dangerous speculations, namely that Harbans Singh had been arrested by the Police without justification and was being detained at the Police Station. This led the students to take out a protest procession which on its way burnt a car registration No. JKA-7580, which was thought to belong to Pt. Trilochan Dutt and which was at that time used by his sons, who took shelter, when their car was attacked in the Cosmo Hotel which also suffered damage because an attack was made on it in an attempt by the processionists to get hold of Bharat Vinod and Bharat Indoo who, they thought, had taken refuge in that Hotel. The procession marched on from there to the Central police office, where they indulged in some stray stoning. The then Divisional Commissioner Mr. Srinivasavardhan intervened and, looking into the grievances of the students and had Harbans set at liberty from the city police Station. It appeared to us that this tactful handling of the situation by Mr. Srinivasa Vardhan at that time put the lid on a situation which had dangerous potentials.

80 Other circumstances which were relied upon to justify the promulgation of the order under section 144 were that the Dhaba Wallas and Tandoor wallas had started an agitation against the imposition of sales tax on their sales. On the 25th September these Dabha wallas observed a hartal and closed their shops. They resorted to picketing of shops. A public 'langer' (community kitchen) which had been started by the Sewa Samiti to cater to the needs of the pilgrims, who had been streaming into the town for the Vishnao Devi Yatra was also not allowed to function. The other fact which was pressed into service for justification of the order was the agitation, which was started by the Refugees of the Manwal Camp. This agitation was occasioned because of the Government's decision to close all Refugee camps with effect from 1st October, 1966.

81. It was, we may notice, contended on behalf of the students that the circumstances on which reliance was placed for promulgation of the order under Section 144 Cr. P. C.

were not sufficient to warrant such a drastic curtailment of the civil liberties of the people of Jammu. It was contended that the order itself suffered from the inherent defect of not having recited the grounds for the promulgation of the order. Suffice it to say that an order was promulgated on the 3rd October 1966 which was, according to the State version amplified by another order of the 5th October 1966. A document Ex. S. 22 was produced before us allegedly from the office of the District Magistrate to indicate that the District Magistrate had noted the circumstances which compelled him to take the course that he did. This document was a kind of a memorandum, which was prepared by S. Sohan Singh the District Magistrate in order to apprise the Home Secretary of the circumstances under which the order under Section 144 had been promulgated. This is what the District Magistrate S. Sohan Singh stated while in the witness box, in regard to Exh. S-22

"Sir, the Home Secretary rang up from Srinagar asking what were the conditions under which order under Section 144 had been promulgated. I booked a call for Srinagar and dictated a note to my Head clerk which he was asked to read to Home Secretary if the call would mature in my absence."

The District Magistrate was asked as to why the original order itself did not contain a recitation of the grounds for promulgation of the order. He answered in these words:

"Generally the facts are not given because by giving facts the order becomes controvertial and it is not a firm order."

His answer quoted above clearly indicates that in this opinion facts and circumstances necessitating the promulgation of the order should not be mentioned in the order itself, even though the Legislature in its wisdom did think otherwise. The question whether the non-recital of the reasons for taking action under Section 144 made the order itself non-enforceable and invalid was also raised before us, but we do not propose to enter into any detailed examination of this question, because in our opinion, the legal position was fairly clear namely that any such omission as alleged did not make the order illegal but only amounted to an irregularity which was curable. Further, the question of the legality or otherwise of the order could be an appropriate question for determination in a prosecution for a breach of that order and could not be a question of any consequence in an inquiry of the nature which we have been called upon to make. The question whether the circumstances which were alleged to provide justification for the order actually provided such justification or not was not in our opinion a matter that could legitimately be canvassed before us; but nevertheless, the circumstances which were alleged to provide justification for the order may be looked into by us,

for knowing what exactly was the situation obtaining in and around Jammu during the crucial time when action under the restrictive provisions of Sections 144 had been taken by the District Magistrate of Jammu.

82. The agitation of the Agriculture College Students had started because their original grade of 250-500 was reduced to 145-350. This agitation started round about the 20th of August 1966, when the boys of the Agriculture College addressed a Memoranda to the Chief Minister, the Agriculture Minister, and others demanding the restoration of their original grades. From the 29th August the students of the Agriculture College started boycotting their classes as a protest. On the 6th September 1966 a delegation of the students went to Srinagar to meet the Agriculture Minister and others in order to canvass their cause but this delegation met with no success. The resentment persisted and when a few days later Mr. Trilochan Dutt, the Rehabilitation Minister along with another Minister visited R. S. Pura, not to visit the Agriculture College, but for some other purpose, then the opportunity was taken by the boys to meet the Minister. The case of the students was that the Minister, instead of sympathetically considering their grievances, dealt with them harshly. The boys of the Agriculture College continued their strike and, off and on, they took out a protest procession in Ranbirsinghpura. Subsequently, the Secretary, Agriculture Department came to R. S. Pura and met the boys and made an offer to raise their starting pay from Rs. 145/- to Rs. 190/-. The students, however, made it clear to the Secretary that they would continue their struggle unless their original grades were re-introduced. On 30th September, 1966, the boys of the Agriculture College staged, what they called, a token hunger strike of 24 hours at the Shahidi Chowk. The *modus operandi* of the Agriculture College students thereafter was to ventilate their grievances by posters and by groups of students of the Agriculture College coming to Jammu by Bus and taking out a protest procession in the town itself. What must, however, be clearly noted is that the agitation which the Agriculture College boys started had led to no violence of any kind and further that their agitation had not been taken up in any shape or form by the students of other institutions like the Arts and the Science College of Jammu. This fact apparently hurt the vanity of the students of the Agriculture College and, therefore, they decided to do something dramatic and drastic, which could not only catch public attention, not only fire the youthful imagination, but was also likely to cause deeper concern to the Administration. They, therefore, decided to go on a hunger strike to be carried on indefinitely or till such time as their demands were satisfied in batches of four at a time. This hunger strike was to be carried on at a public place, that is in one corner adjoining the Radhaswami Satsang building at Shahidi Chowk. This hunger strike was started on the 12th October. How far it attracted the sympathy of the people is not very clear from the evidence, but what is clear is that the administration decided to place a

posse of armed police nearabout the place where the boys sat to watch the hunger strikers. We could see no clear objective with which the police force was deployed there. No clear-cut case was put before us, indeed State witnesses, who were asked about it, felt a kind of embarrassment in telling us what exactly was the reason for such police posting.

83. On the evening of the 15th October the condition of two hunger striking boys deteriorated to an extent which appears to have caused some concern to their friends who sent for the Physician Specialist, Dr. J. N. Manhas, who examined the boys. We have on record no report of his examination, but even so we could very easily imagine that his report could not have been anything re-assuring, because soon after the police got astir and they brought the District Medical Officer Dr. J. N. Raina who also examined the boys and then issued two certificates on the spot. These certificates clearly indicate that the condition of the boys was low. It further appears from the evidence on record that the Police thought it desirable to remove them from the place to the hospital for whatever else may have been in their mind, they did not wish that any of the boys should die at the spot.

84. We should like in this connection to refer to another incident which related to the hunger strike and which helped considerably to harden the determination of the boys to persist in the hunger strike as also to add a greater sense of dissatisfaction to the Agriculture College boys generally. This incident took place either on the 14th or the 15th October—there is a dispute between the two sides in regard to this date. The State says it was the 14th while Mr. Bhasin on behalf of the students has stoutly maintained that it was the 15th. In our opinion it made little difference to the question which we are out to consider whether the incident took place on the 14th or 15th. What happened was that S. Amar Singh, the new Divisional Commissioner, who had succeeded Mr. Sirinivasa-wardhan, contacted the Principal of the Agriculture College, R. S. Pura, and asked him to bring some representatives of the agitating students for an interview. The Principal, Mr. K. G. Bhandari, took six boys with him to the Divisional Commissioner's office at 10 O'clock on the forenoon of the 14th. One of the boys who was prominent in this deputation of the students was R. S. Chadda. The interview was in the office of the Divisional Commissioner which is situated at the Central Police Office. At the interview the students put forward their own demands and wanted the Divisional Commissioner to get them accepted. The Divisional Commissioner, on the other hand, promised to assist them to his utmost, but said that he would get them a grade of Rs. 200/- to begin with. The boys wanted the Divisional Commissioner to give his assurance to them in writing. This fact apparently irritated the Divisional Commissioner who thereafter took a stiff attitude towards the boys. R. S. Chadda at page 1134 stated this in regard to this interview :

"The Divisional Commissioner asked us what we wanted. We told him that we only wanted that our grades should be revised and old ones restored. He told us that there were no vacancies for us and that the Government will take a decision within eight or ten days and that we should attend our college. We told him that we were already on strike and shall remain on strike till the Government takes some decision. He was very much provoked and told us --

You must immediately attend your classes, otherwise I will be compelled to use force and you will see our action within a couple of days. You will be ruthlessly crushed and killed. Your parents will come and cry before me, and I will not listen to anybody at that time."

Principal Bhandari who was also present at the interview of the boys and who had led them to the Divisional Commissioner, stated this in regard to what the Divisional Commissioner told the boys when they refused to give up their hunger strike without any assurance that their original grades would be re-introduced.

"If you will not give up fast I will not let the peace of the city be disturbed and I will have to put you all behind the bars and if you do not give up the agitation we may have to crush the same. At no cost I will let the peace of the city be disturbed."

85. Whether we accept the version of Chadda or of the Principal Bhandari the fact is clear that the Divisional Commissioner unfortunately took an attitude which stiffened the back of the students. We call this unfortunate, because we entertain no doubt in our mind that the situation could have been handled more sympathetically, and possibly such handling would have yielded better fruit than the handling of S. Amar Singh yielded. We have a feeling that the Divisional Commissioner could have done better by letting the students alone, particularly when he had nothing with him in the nature of a concrete offer on which he could legitimately think that he had a reasonable chance to succeed in breaking the Agriculture College students' agitation. He unfortunately had no clear appreciation of the students' determination which they had already manifested, in our opinion, in the clearest terms by having been on a fast for over 36 hours. It is unfortunate that the methods which the Divisional Commissioner employed were archaic; such methods could hardly yield proper results when applied in dealing with a volatile material like the highly combustible youth. But before we part with this matter we should like to notice what the DIG Wazir had to say about it. For accor-

ding to him, he got into the room of the Divisional Commissioner, admittedly uninvited and this is what he says he found when he entered the Divisional Commissioners' room:

"After I came in, the students were there for five minutes, when they went out to discuss among themselves the suggestion of the Divisional Commissioner they had to come back and give their reaction to the suggestion. They came back after ten minutes and rejected the advice of the Divisional Commissioner."

Then Mr. Bhasin suggested this to him:—

"And when the students came to the room of the Divisional Commissioner and reported that they rejected the advice he (Divisional Commissioner) told them that if the hunger strike would not be called off, he will crush them."

Mr. Wazir answered thus:—

"He did not use the word crush."

Mr. Kaul then asked him this question:

"What did he say then?"

The witness answered:

"He told them if they took law into their own hands, the administration will deal firmly with them."

The Chairman then asked this question:—

"What was the reaction of the students to the statement of the Divisional Commissioner."

The witness answered:

"The students were not happy that no decision could be reached at there. When they left the Divisional Commissioner's room they left peacefully. In fact the Divisional Commissioner advised them to once again think over his advice and meet him later on."

The Chairman further put this question:

"What reaction did the Divisional Commissioner's firmness have on the students."

The witness answered:

"There was no visible reaction." We are constrained to

notice that Wazir's uninvited presence at the interview which had been previously arranged by the Divisional Commissioner with the students of the Agriculture College was, to say the least, a social as also a departmental impropriety. By his alleged presence with the Divisional Commissioner Wazir put himself in the same category of witnesses which are disparagingly referred to as 'chance witnesses'. Obviously, Wazir could not talk of any matters of importance to the Divisional Commissioner in the presence of the deputationists nor could he usefully be a part of the personnel that had to receive the deputationists; he would in either case be one too many. It may appear to some that he deliberately planted himself in the room of the Divisional Commissioner for the purpose of lending moral support to the Divisional Commissioner's firm attitude by making the Police might personified in his presence so that the Divisional Commissioner's word 'crush' could have ocular meaning. His statement that he was with the Divisional Commissioner throughout may or may not be true, at any rate, this fact has not been supported by the Principal Bhandari who has clearly stated at page 1239 in answer to a question thus:

"For the first five minutes DIG Mr. Wazir was there."

The next question that was put to him was this:—

"This was before you came out to tell the boys separately."

Witness replied :

"Yes."

Not to leave matters in any doubt, Mr. Bhandari was asked this question:—

"After this meeting was over, did you meet Mr. Wazir."

The witness replied in the negative.

86. We have to notice here the fact that the Divisional Commissioner, S. Amar Singh, did not appear before us nor did he take the opportunity which we had provided him by issuing to him a notice calling upon him to put in his version of the incidents. We have, no doubt, on the state of the evidence before us that the Divisional Commissioner would have done well if he had not rubbed the Agriculture College students the wrong way.

87. A batch of four students, namely, D. N. Mehta, K. L. Sharma, Teja Singh Dardi and Bhagat Ram Bhat were as we have noticed earlier the first to embark on a hunger strike. We have further noticed that the condition of two of the hunger

strikers namely, K. L. Sharma and Teja Singh Dardi deteriorated to such an extent as to cause some anxiety to the students who were around them at the Shahidi Chowk on the evening of the 15th October. The examination by Dr. Manhas and Dr. Raina confirmed that their condition had become low and prudence dictated their hospitalisation for the sake of their own safety. The removal was arranged under the direct supervision of the Dy. S. P. Sharif Hussain Kazmi who was assisted in this task by the City Inspector Shanti Saroop. One of the questions that was seriously canvassed on behalf of the students was that the two hunger striking boys, namely, K. L. Sharma and Teja Singh Dardi whose condition had become low were arrested by the Police and thereafter forcibly and callously removed to a destination which was not disclosed to the people around them at Shahidi Chowk at the time of their removal. We have consequently to find whether the two boys had been arrested and then removed against their wishes and whether the fact that they were being removed to the hospital was made known to the people on the spot or not. According to the Dy. S. P. Sharif Hussain Kazmi, the decision to remove the boys to the hospital was taken after the Doctor's report had been received sometime about 10.15 P. M. According to him the decision was taken by the Deputy Inspector General of Police and he was only to execute it. That the boys were not moved to the hospital in an ambulance is admitted and the explanation for not doing so was offered by Sharif Hussain by saying that an ambulance was asked for from the hospital but it was not available at that time and so the boys were removed one in a police van and another in a taxi. Sharif Hussain himself went in the Taxi and Shanti Saroop in the police van. It is interesting to note here that under the instructions, apparently, of Sharif Hussain the bedding of the two boys was also packed up and taken with them. Why this was done, is difficult to understand but what was clear however, was that this circumstance was an added circumstance for lending weight to the rumour that the boys were being removed to an unknown destination for everybody around them would have known that in case the boys were to be hospitalized, no bedding would be necessary there. Sharif Hussain was asked the question in regard to their bedding by the Chairman "did you get their bedding back" and he answered, "when we reached the hospital with the boys, they were carried in stretchers and after that they told us that the boys had been provided bedding from the hospital so their bedding should be removed from that place as they will not be responsible for that." The evidence of this witness appeared unsatisfactory to us and his demeanour in the witness box was anything but satisfactory and we have made note of his demeanour in the witness box at several places during the course of the recording of his evidence. This witness said that the bedding was brought back and returned to the students who were, sort of incharge of the arrangements at the Shahidi Chowk. We are

not prepared to believe this story, for, we entertain doubt even about the fact that Sharif Hussain accompanied the boys to the hospital. The next question that has to be considered is whether the boys were, at any rate, technically arrested before their removal. At page 631, Mr. Sharif Hussain made this statement:

"in my opinion police had no authority to remove them unless the case was registered against them."

He was then asked this question :

"May I take it that you could not have removed the students unless the case was registered against them and unless you directed their arrest."

He answered thus :

"That is also possible."

88. The matter whether the boys were actually arrested or not is left in no doubt by the records maintained at the city Police Station namely the Roznamcha and the record of the first information report. We find that FIR No: 158 dated 15th October 1966 was recorded under Section 309 RPC at 8.45 A. M. on a report received from ASI Raj Karan. Raj Karan's report indicated that two of the boys' condition was low and that they were determined to end their lives because they refused to take any nourishment. After a case under Section 309 had been registered, there was no option for the Police but to effect arrest, for the offence was a non-bailable offence. The Police could release the accused on their personal bond if it appeared to the Police officer that there was no reasonable ground for believing that the accused had committed a non-bailable offence but there were sufficient ground for further inquiry into his guilt. Even if the Police acted under the powers quoted above, namely, under the provision of Section 497 (2) of the State Cr. P. C. even then the Police had to take a bond for the appearance of the accused. No bond apparently was taken for none was produced before us nor did any police officer come forward to state that any such bond had been taken. The matter is further put at rest by the Roznamcha entries—Entry No. 35 dated 15-10-1966 at 23.30 hours. This entry as it originally stood clearly indicated that the boys had actually been arrested and the fact is further supported by the conduct of the police in having the boys put in a separate room in the hospital and in placing an armed guard in front of their room. Later, however, as the case developed the police charged their mind and decided to take up the stand that the boys had not been arrested nor had they been removed against their wishes, and with this object in view they resorted to the very objectionable method of supporting the case by making interpolations and alterations in the original entries in the police Roznamcha. What we found on a close examination of the Roznamcha mentioned

earlier, namely the entry at No. 35 is that certain alterations, perfectly obvious even to the naked eye, were made which could sustain their subsequent case namely, that the boys had not been arrested, and therefore, no question of any bail arose.

89. The Station House Officer Vidhanand was asked about these alterations and this is what he said:—

"On the next day, Mohirrir told me that since I had asked him to detail the men on supervision at the hospital, he had said that those boys had been arrested and this is how he had mentioned in the report in the Roznamcha. When this thing was brought in my notice I wrote in the Zimini that this was incorrect. The boys had not been arrested and I made correction in the Roznamcha also."

The statement of the Station House Officer was made in an attempt to salvage the case but that attempt was so blatant as to merit no consideration. The statement of Vidhanand SHO however, made it clear that alterations had been made to the Roznamcha. It is also very interesting to notice that the Roznamcha entry No. 35 which Vidhyanand corrected was not made by him. It was in the hand of Mohirrir Ghulam Ali. Vidhyanand admitted that what was done was to cut out a few words and to change those words and adding other words. On his reply the Chairman asked him as to why was this method, which is the most undesirable method, adopted in respect of correcting the Roznamcha and why was no separate and proper entry in the Roznamcha incorporating the correct position made. This is the answer that Vidhyanand gave:—

"Since I had mentioned in the case diary, therefore it was not considered proper to make a separate report on the 16th about the incorrect report in the Roznamcha by the Mohirrir. I did not cut out anything but I only corrected the thing."

The witness had, however, to admit that there was no indication in the Roznamcha that any correction had been made at his instance with reference to any case diary. The witness was asked to explain this fact and he stated that he did not consider such a reference necessary. It is further interesting to observe that if the correction was made at the instance of Vidhyanand, in order to make the Roznamcha entries conform to the correct state of affairs, then one would have expected a correction in the Roznamcha or a separate entry incorporating the correct position. But then neither of these two methods was resorted to. What was done was to get Gaulam Ali who had originally made entry No. 35 in the Roznamcha to interpolate certain words which were necessary to support the changed version of the Police in regard to the arrest of the two hunger striking boys. Apparently, the Station House Officer, Vidhyanand and

90. From what has been stated above, there could be wishes that the boys were removed from the Shahidi Chowk against their wishes. The District Magistrate S. Sohan Singh, at page 84 of his testimony, answered in the affirmative to the following question by Mr. Bhasin :—

“On 16th you were informed by the Police that the students had objected that they had been taken to the hospital against their wishes”.

In his report to Government dated the 29th October, 1966, Exhibit S.27 this is what the District Magistrate S. Sohan Singh said :—

“On 15th October and 17th October 1966 the condition of two students each time was reported by the Doctor to be serious. These two hunger striking students were got sent to the Civil Hospital for treatment”.

The fact of arrest and detention in hospital against the wishes of the boys becomes also clear from the fact that the Police had placed an armed guard opposite the room in which the boys had been kept in the Hospital. We have also noticed that the boys had been kept in a separate room. At page 198 Shanti Saroop was asked this question by Mr. Bhasin :—

“Can you explain to the Hon’ble Commission why was it necessary to place police there, the nurses would have been much better”.

To this question Shanti Saroop answered as follows :

“For the sake of intelligence and for watching the condition of the boys”.

Mr. Bhasin naturally asked him further this :—

“What knowledge could this *Nafri* have as to how the condition was improved or deteriorated of the patients when the hospital authorities were not relied upon”.

The witness gave no answer. The Chairman thereupon asked this question :—

“Is it or is it not true that you posted the Policemen there because you had arrested those boys and you wanted to see that they did not decamp or escape or run away or were taken away”.

The witness said :

“We had not arrested them”.

Although Shanti Saroop says that he posted the Police guard at the hospital in order to watch the condition of the boys, yet surprisingly enough, there is not the slightest indication in his evidence as to whether the force actually carried out its duties of keeping a watch on the condition

of the boys. Instead Shanti Saroop remained supremely indifferent to the condition of the boys.

91. It is interesting to notice the attempt which Deputy Inspector General of Police Manmohan Wazir made to salvage the police case in regard to the arrest and removal of the boys to the Hospital. At page 519 to the following question put by Mr. Bhasin :—

“Then can you tell us when these students were removed from the Shahidi Chowk on the 15th October, 1966, and under whose orders”?

The witness answered thus :—

“I recollect perhaps it was Deputy Superintendent of Police who contacted me on telephone and told me that the condition of the two hunger strikers is causing concern after they had been examined by the District Medical Officer who had advised their hospitalisation. I inquired from the Officer whether the boys were resisting their removal to the hospital, he told me that since they have not yet tried, he was not in a position to say anything. I further told him that in case the boys resisted their removal to the hospital he should register a case and remove them to the Hospital and in case they do not resist, then they should be removed to the hospital and the case should not be registered”.

The Deputy Inspector General of Police emphatically told us that the boys had not been arrested although he placed no adequate material before us with reference to the entries in the Police *Roznamcha* to support his assertion. He simply asserted that they were not arrested, but were persuaded by the Police, after the District Medical Officer declared their condition serious, to go to the hospital, and that they did not object to their removal. In regard to the posting of Police at the hospital this is what the Deputy Inspector General of Police had to say at page 520:-

“The Policemen were posted there only with the sole purpose of watching as to who came to see them and what were their future plans regarding the agitation”.

After the witness had stated what has been quoted above, the Chairman asked him this question :—

“What instructions did you give to the Constables that were posted outside the room of the hunger striking boys in the hospital”.

The witness answered :—

“I did not know, they were not posted under my orders.”

If the policemen were not posted under his instructions then one would have expected that the Deputy Inspector General of Police would not

hazard a guess as to why the Police had been posted in the hospital but he apparently had to do so to save the police face. The answer that they had been posted for the sole purpose of watching as to who came to see them and what were their future plans regarding the agitation was an attempt to cloud the truth. From the materials on the record and from what we have said above, it is perfectly clear to us that the two hunger striking boys were arrested and removed against their wishes to the hospital and that this fact of their removal to the hospital was not adequately announced to the persons in whose presence they had been removed from the Shahidi Chowk. It is interesting to notice that in the statement of the case, which should be taken to be a considered version of the sequence of events all that is stated about this removal was this :

“That on 15th October 1966 the condition of two of the hunger strikers namely Teja Singh Dardi and Bhagat Ram Bhagat became serious and they had to be removed from the Shahidi Chowk”.

There was no suggestion even that they were removed to hospital.

92. In this connection, it would be important to bear in mind the fact that earlier, that is to say in the 3rd week of September the Police had given cause to the student community to believe that the Police were partial and that they did not care for either law or for the truth. The boys at that time smarted under a sense of irritation. This incident of the removal of the hunger strikers from the Shahidi Chowk against their wishes and in circumstances which lent support to the view entertained by the people present at the time of the removal that the boys had been removed forcibly to an unknown destination provided yet another cause for grievance and so irritation was piled on irritation. It is sad to notice how the people who were responsible for the law and order situation of the town completely ignored to take into consideration the effect which such incidents were likely to have on the mind of the people and how such circumstances could assist the underisable elements of the town in exploiting the situation to their advantage.

93. On the 16th there was admittedly a student's convention held at Jammu and to this convention students leaders from outside the State were to come. The Police had knowledge of this and indeed it is admitted by a Police witness that a watch was kept on who came for this meeting at the Bus stand, but even so no attempt was made to know the decision and even if it was made, the knowledge gathered was ignored, for it is clear on the evidence before us that such decisions were taken on that date as were likely to have a serious impact on the law and order situation. In any event, the holding of the Convention called for alertness on the part of the Police but even so the Police glibly told us that they had no knowledge of what transpired at the meeting since the Police had no access to it. We wonder if the Police expected an invitation to attend the convention. It is not that the Police did not expect any trouble being born out of this convention for the Deputy Superintendent of Police had this to say in this connection :—

“They cause trouble wherever they go”.

94. One of the decisions that was taken at this convention was to take out a procession the next day *i.e.* 17th forenoon in protest against the forcible removal of the hunger strikers from the Shahidi Chowk. It was to be a procession of the students of the Arts and the Science Colleges and such other students that may come and join. One question that calls for a little investigation is whether if the Police had taken note of this decision of the students to take out a protest procession against the high handedness of the Police in removing the boys from the Shahidi Chowk against their wishes, their plan could have been aborted by opening a kind of a dialogue between the student leaders, the Principal and the Police. There were rumours afloat and one of the rumours was that one of the hunger striking boys had died. This kind of rumour had a tremendous potential for mischief, particularly when the atmosphere was already charged with suspicion against the Police, but no attempt at all was made by either the Police or the District authorities to contradict the rumours. Some of the Police officials took refuge under the omnibus excuse of want of all knowledge while others thought it unworthy of the Police to contradict such rumours.

95. The morning of the 17th October dawned on the student world of Jammu with an uneasiness and with uncertain expectations, even so, the morning brought the student community a sense of having something tangible to do in the matter of giving vent to their pent up feelings. The Police apparently knew all that was afoot but for some inexplicable reason they pretended ignorance and we were told that the Police had no information. We shall presently notice certain circumstances which would indicate that the Police had information that the students would be taking out a procession but then, as we said earlier, for some inexplicable reason the Police before the Commission took shelter under want of knowledge.

96. It was suggested on behalf of the students by their learned counsel Mr. Bhasin that this feigned ignorance on the part of the Police in regard to the students decision to take out a procession on the morning of the 17th was due to the fact the Police had previously, at the instance of the Divisional Commissioner, decided to have a show down with the boys and to deal with them in such a firm and conclusive manner, as could crush their spirit for ever. We do not think that on the materials before us we could legitimately record any positive finding: we are inclined to think that there was no deliberate jockeying for a position to have a show down.

97. We shall now refer to those circumstances which would indicate that the Police had knowledge that a procession of students was to be taken out on the 17th forenoon from the Science College. Even on the 16th morning the Police had anticipated trouble because of the forcible removal of the hunger striking boys from the Shahidi Chowk. To support this we find a Roznamcha entry No: 3 at 9.45 A.M. under date 16th October which is to the effect that on account of the hunger strike of the Agriculture College students the Lines Officer has been telephoned to send a tear gas squad as well as a platoon of Police which was to be kept in reserve in the City Police Station. Further, the Deputy

Superintendent of Police asked the Additional District Magistrate to depute a Magistrate to the City Police Station. The Deputy Superintendent of Police also informed the Commissioner and the Deputy Inspector General of Police about the state of affairs. At 10 O'clock the same day 15 Police men and 2 sections of the tear gas squad arrived at the City Police Station. Then at 10.30 A.M. one platoon of the KAP was sent to the Hospital for duty and later at 11 A.M. a Sub-Inspector with two platoons of the PAP arrived at the City Police Station. Why these precautions, if they did not anticipate trouble in the sense of a possible attack on the City-Police Station after the same pattern of things that the students had done when the Police had detained Harbans Singh at the Police Station in the last week of September.

98. The Deputy Inspector General of Police was asked by Mr. Bhasin this question :—

“Look at the deployment on the 17th morning KAP 3rd Battalion one Deputy Superintendent of Police., 5 Head Constables., 64 Constables at the City Police Station and Central Police Office”.

The Chairman asked him this question before he had answered to Mr. Bhasin's question :—

“Was it not rather heavy for normal times”. To this he answered :—

“It is.”

The Deputy Inspector General of Police in our opinion, was not strictly correct when he wanted us to believe that on the 16th he had no idea at all that the students were going to take out a procession on the 17th but that he had information of it only on the morning of the 17th. When we said that the Deputy Inspector General of Police was not strictly accurate we had in mind the statement of P. N. Aima who at page 349 in answer to the following question by the Chairman”.

“Will you please look at the chart Exhibit S-12, and tell us what were the deployment of forces on the 17th October 1966”.

returned the answer :

“From 3rd Battalion JKAP one Deputy Superintendent of Police, one A.S.I. 5 Head Constables and 64 Constables’.

These were according to Aima's statement sent to the City Police Station and Central Police Office and from there they were deployed. He was again asked at what time were they sent, to which he replied :—

“I have no record with me, it must be in the Roznamcha of the Battalion”.

To Aima, Mr. Lall, Counsel for the State put this question :—

“Was 4th Battalion also deployed anywhere”,

To this question the witness answered thus :—

“Yes, one Deputy Superintendent of Police, one Inspector, 5 Sub-Inspectors, 11 Head Constables, and 135 Constables. They were deployed at the Bikram Chowk, Dak Bungalow, Pacca Danga Police Station, and City Police Station”.

The Chairman then asked him this question :—

“Do you remember the force deployed on different places mentioned by you”.

The witness answered :—

“Only City Thanna could give this information. Then about PAP Batallion which was deployed—two platoons of approximately 54 men along with some officers, were deployed at the Jewel Chowk. Details of the Officers will be in the City Police Station”.

Then he was asked :—

“When did you get information about their deployment”.

He answered :—

“On the morning of 17th October statements regarding their deployment was sent to us by the Commandant of that Batallion”.

Then the Chairman asked him :—

“Shall I take it that 54 PAP men were requisitioned by some body”.

The witness answered in the affirmative.

The Chairman again asked him :—

“You just now said that 54 men of the PAP were deployed at Jewel Chowk, did you have information about their deployment in the morning”.

The witness answered in the affirmative.

99. From the statement of Banar Singh at page 397 it appears that 3 platoons left the lines between 7 and 7.15 A. M., one after the other on the morning of the 17th. From the statement of Banar Singh at page 404 it would again appear that the platoons had been requisitioned by the Deputy Inspector General of Police. Further the Deputy Inspector General of Police had requisitioned these not through a note in writing but he had telephoned for these. From his statement at page 405 it becomes further clear that one more platoon, making a total of four was also requisitioned and that the same was also requisitioned by the Deputy Inspector General of Police.

100. From the statement of Aima and Banar Singh noticed above, two things should be perfectly clear, first, that originally the deployment contemplated for the 17th was not heavy, and secondly, that by about 7 O'clock in the morning further platoons were requisitioned by the Deputy Inspector General of Police for deployment and this made the deployment heavy. This was in our opinion, clear proof of the fact that the Deputy Inspector General of Police apprehended trouble and that he was preparing for meeting it in sufficient strength and in good time.

101. We should like here to notice the attitude which the police took in regard to their intelligence agencies ; the Police wanted us to believe that because of some unforeseen failure in their system of intelligence they were, more or less, taken by surprise on the morning of the 17th October in regard to the movements of the students. We were unable to accept this suggestion ; we have it in the evidence of S. Sohan Singh, District Magistrate that the Police got their information through the Intelligence Department. Further we had been told that there is a separate Department of the Police under a Deputy Inspector General of Police, C.I.D. for this purpose. Sharif Hussain the Deputy Superintendent of Police at page 623 stated that there was one Head Constable and one Constable whose duty it was to give information to the City Police Station. Shanti Saroop at page 200 admits that the Special Branch of the Police not only gives information to the Station House Officer but also to him while the C.I.D. pass on their information to the higher authorities. The Police attitude to this matter would be further illuminated by some of the answers returned to questions put to Saberwal. The Chairman asked Saberwal this question at page 253 :—

“Is there any organised method of getting information about the law and order situation in the town”.

He answered :—

“Yes, Policemen are deputed in civil clothes to collect information”.

The Chairman further suggested to the witness this :—

“So there is no organised method for getting information by the Police in respect of the situation, pertaining to the law and order in the town”.

The witness reacted to the above suggestion as follows :—

“I was not concerned with the day to day problems of the law and order”.

This witness is an I.P.S. Officer and was having practical training in Jammu, so he was expected to know about organizational matters and

so he was asked :—

“May I ask you was it not a part of your education as an A.S.P. to know about this”.

The witness answered saying he was having practical training in two Police Stations, namely Saddar Police Station and Kahna Chack. The witness was thereupon put this question :—

“I am not asking you this question in relation to the 17th and 18th. Organised method is a general question relating to Police administration as such in Jammu”.

The witness then answered :—

“It was not a part of my training at that time”.

The above quoted replies indicated that the witness was not for some reason prepared to give a direct answer and consequently several questions had to be put before the witness made the following reply :—

“Yes, I was aware of the agency collecting information and then said there is a District Special Police collecting information. The information is collected from the Police Stations themselves besides the C.I.D. branch of Jammu and Kashmir State was also kept informed of the happenings. He further stated that the District Special Police was an agency for collecting information about the Law and order problems and Political agitations”.

102. From the statements of even Shanti Saroop and the Deputy Inspector General of Police Manmohan Wazir, it would be clear that the Police had information that students would be taking out a procession in protest against the removal of the hunger striking boys from the Shahidi Chowk to the hospital. What the Police Officers refrained from admitting was that they had information on the 16th, if not on the 16th then certainly very early in the morning of the 17th that the boys were to take out a procession. We have already noticed that reserve Police force from the Police lines were moved to strategic points as early as 7.15 in the morning. The question that arises is whether the Police deliberately shut their eyes to the consequences which could flow from the information namely that the boys were to take out a procession in the forenoon of the 17th October or the Police in their complacency thought that even if a procession were to be taken out by the students the same could be easily broken up. Mr. Bhasin argued that the Police pretended want of knowledge so that they could appear on the scene when the procession was on the move and thereby create a situation when they could have a show-down with the students and deal with them in a manner which

could break them up for some time to come. We do not think that on the state of evidence before us we can legitimately say that the slowness with which the Police got into activity on the 17th October was a part of a well thought out plan but we think that this was really due to a sense of smugness with which some of the Police Officers suffered, for we have had sufficient evidence to show us how slow of movement the Police administration from a certain level downwards was.

103. Shanti Saroop, City Inspector, at page 130 stated that he got information at 9.45 A.M. from the Intelligence Branch that the boys of the Arts and the Science Colleges intended to take out a procession. According to him, he passed on this information on telephone to the Deputy Inspector General of Police who asked him to verify it. Shanti Saroop states that on receiving the aforementioned instructions from the Deputy Inspector General of Police he contacted the Principals of the two Colleges on the telephone and asked them whether anything 'unusual' was afoot in their Colleges. Shanti Saroop tells us that he was told that there was nothing 'unusual' but then he goes on to say that 15/20 minutes later he was informed by the Principal of the Arts College that the students of the College had gone on strike and were coming out in a procession. Shanti Saroop on receipt of the above information wanted to convey it to the Deputy Inspector General of Police, but he could not contact him since the Deputy Inspector General of Police was neither at his residence nor at his Office, so he left the message in regard to this information with the stenographer of the Deputy Inspector General of Police. This according to Shanti Saroop was about 10.15 A.M. Shanti Saroop further tells us in his evidence that he telephoned the District Magistrate's office as also his residence, but he was unable to contact the District Magistrate. He, however, contacted the Additional District Magistrate and requested him to depute a Magistrate for duty as the students wanted to take out a procession. The fact that Shanti Saroop wanted to have a Magistrate on duty caused us a little curiosity and we asked him as to why he thought it necessary to have a Magistrate on duty. To this Shanti Saroop replied by saying that according to him it was necessary to have a senior officer like the District Magistrate or the Additional District Magistrate present whenever there was likely to be a defiance of an order promulgated under section 144 Cr.P.C. He further added that the defiance of the order could have been peaceful and it could also have taken a violent turn and since he apprehended that the defiance by the students was likely to lead to a breach of the peace so he asked the Additional District Magistrate to depute a Magistrate. The Chairman asked the following question to Shanti Saroop, in order to have an idea of his assessment of the situation that morning :—

“How did you anticipate that in this case defiance was going to be violent”.

The witness answered :—

“Generally conduct of the students led me to apprehend violence on the part of the students”.

From the above it would appear that the police anticipated violence and as such we would not be wrong if we were to presume that they came prepared to deal with it. It would be interesting to note here what Aijun Singh stated at page 718 in connection with this matter. This is what he said:—

“We had learnt that the students would create trouble and that is why we had been sent for”.

We have already noticed the nature of the deployment of forces. We shall now notice the movement of these forces to such of the points as the Police thought was necessary to move them to in order to meet the situation which might arise when the students took out their procession.

104. Item No. 10 of the Roznamcha dated 17th October, 1966 at 10.40 A. M. records the fact that information by telephone had been received from Bishan Dass Mengi that a procession of students of the Arts College had crossed the Tawi Bridge. On receipt of this information a reminder appears to have been sent to the Additional District Magistrate for the posting of a Magistrate. It appears from the statement of Shanti Saroop that he got orders from the Deputy Inspector General of police at about 10.30 A. M. to take action in respect of the procession which the students were to take out, to quote the actual words of Shanti Saroop, “according to law”. Shanti Saroop goes on to say that after the above directive from the Deputy Inspector General of Police he asked the available Police force to get ready for a move and as they were getting ready to move the Deputy Inspector General of Police arrived at the Police Station accompanied by Saberwal, A. S. P. The Deputy Inspector General of Police directed Saberwal and Shanti Saroop to proceed with the available force towards the Tawi Bridge. This was possibly in order to stop the boys of the Arts College from crossing over to this side of the Tawi Bridge in an endeavour to join the Science College students. Saberwal, Shanti Saroop and two platoons of the PAP which were at the City Police Station moved on to the Exhibition Chowk just near the place where the Tawi Bridge opens on this side of the river. According to the testimony of Shanti Saroop he saw the procession when it had crossed the Tawi Bridge and was at a distance of 60/70 yards from the Police force. At page 135 this is what Shanti Saroop has stated :—

“We personally moved towards the procession and when it was at a distance of 10/15 yards from us Saberwal and I warned the students that an order under section 144 was in force in the City and therefore they should disperse”. He went on to say further this—“on this warning the processionists ran towards the Stadium. Seeing the processionists breakup and running away towards the Stadium side the Police force was collected together and they moved on to the Jewel Chowk upto not straight along the Pathankot Road, but by the Vinaik Chowk side”.

105. A question was raised by Mr. Bhasin as to why the Police let the Arts College boys get across to the Science College so easily and he purported to answer the question by saying that the object was to let the Arts College boys join the Science College boys so that the Police could effectively deal with them collectively at one and the same time. There is practically no proper material before us on which we could agree with Mr. Bhasin's suggestion. Indeed, what appeared to us to have been the true position was that the boys of the Arts College did not move out in an organised procession but they started from the Arts College in groups and that when after crossing the Tawi Bridge they saw a Police force of some size, they broke up and ran helter-skelter through the Stadium for the Science College. This would be in keeping with what the Principal stated. The Police force went to the Jewel Chowk because the Police had information that the boys of the Arts College were to go to the Science College and there join the students of the Science College and thereafter were to come out in a procession. When the Police force reached the Jewel Chowk they found a procession of students moving up from the College gate towards the Jewel Crossing. At the time when the Police force reached the Jewel Chowk the composition of the force appeared to have been augmented to three platoons of the PAP a Tear Gas section comprising of one Head Constable, and eight Constables which were led by Saberwal and Shanti Saroop. On arrival at the Jewel crossing the Police force put a cordon across the road some 2/3 yards from the traffic island at the Jewel Chowk facing the College Campus. When the procession reached a distance of 15 yards from the point where the Police cordon had been placed, it was alleged that Saberwal warned the processionists that since section 144 had been in force in the city they should disperse. It was further stated that this warning had no effect in breaking up the procession, on the contrary, the processionists immediately thereafter started throwing stones on the Police. The pelting of stones acquired such intensity that Saberwal had to direct the firing of Tear Gas shells. This firing of Tear Gas shells also had no effect even on the pelting of stones in so far as, the pelting of stones instead of abating increased in intensity; indeed it was alleged that stoning now started from all sides, namely from the Canal road, the College Cricket ground and from the Mound adjacent to the Cricket ground. Stones which were thrown on the Police injured some of the Police personnel. It was stated on behalf of the Police that this necessitated for the purpose of not only enforcing the prohibitory order which had been made under the provisions of section 144 Cr. P. C. but also for protecting the Police from being further injured by the indiscriminate and intensive stoning which had been resorted to by the boys from several directions, a lathi charge.

106. There were 50 Policemen at the time armed with

lathis. They were deployed to handle the crowd in two groups. The first effect of the lathi charge on the crowd on the canal road was to break it up and force a major part of it to recede and another very appreciable part of it to jump over the boundry wall into the College Campus. That part of the crowd which had jumped across the boundry wall into the College Campus, it was alleged, started stoning again on the Police from behind the cover provided by the College boundry wall, so that it became necessary for the Police to jump into the College grounds to dislodge these boys from their advantageous positions from where they themselves being fairly protected were able to throw stones on the Police with impunity to injure them. According to the police version 15 lathi police jumped into College Campus and there they beat some of the boys in an endeavour to dislodge them from their protective cover and to drive them deep into the College Campus so that even if they threw stones from there at the Police the same could not reach and injure the Police.

107. Three questions were raised in connection with the sequence of events noticed above. The first question that was raised was whether there was any adequate warning by the Police before they resorted to the use of Tear Gas on the crowd. The second question was whether the Tear Gas was followed by a lathi charge only when the stoning became of such intensity as to really be a danger to the Police force. Thirdly whether jumping of the Police into the College Campus became necessary in order to dislodge those boys who were throwing stones at the Police from behind the protective cover of the boundry wall. On behalf of the students it was alleged that there was no warning by any Police Officer to the student to disperse and that there was no stoning at the stage at which the lathi charge or the firing of Tear Gas shells were resorted to by the Police. The case of the students was that the Police fell on the students with their lathis the moment the procession reached within easy distance of the Police assault. They denied that there was any kind of warning before either the Lathi charge or the firing of tear gas shells. The case of the students was that the Police lathi charged on them without any provocation or any stoning and that on being charged with lathis a part of the procession sought protection by jumping over the boundry wall into the College Campus and that there was no stoning even when the Police chased the boys in the College Campus in their endeavour to heat up the boys thoroughly and mercilessly. When the Professors and Principal came to learn of this, they came out and as the Principal came out he found the Police chasing the boys deep into the College Campus near the Cycle stand and as the Principal raised his hands appealing to the Police to stop their attack on the boys he as also two Professors along with him namely Chibber and Nirmal Singh who were there were severally beaten. The case of the boys was that they started stoning the Police when they found that the Police

not only trespassed into the College Campus, but had also beaten their Principal and their Professors. We have to remember that in the beginning, that is to say when the case of the Police was stated in their written statement, they no where, even remotely, suggested that any policemen armed with lathis or otherwise jumped into the College premises across its boundry wall for any purpose whatsoever, much less admit that any one was assaulted by them within the College Campus. They were supremely silent about any Police men having caused any injuries to the Principal Ghanshyam and the two Professors Chibber and Nirmal Singh. Even at the time when Counsel for the State opened the State case even then there was no admission in regard to the beating of the Principal and the two Professors. The first Police witness Shanti Saroop Arand, the City Inspector, said not a word in his testimony before us about any Policeman having ever caused any injuries to the Principal or the Professors. This is what Shanti Saroop stated (page 137):—

“Some of them (policemen) charged the procession on the Canal side and about 15 policemen went into the Cricket ground and charged students their with lathis. The Police that went into the Cricket ground went further upto the football ground”.

The State Counsel Mr. Grover then asked him this question:—
“What happened next”.

The witness answered:

“The Policeman who charged on the canal road went upto the College gate. The procession having dispersed, Saberwal went into the cricket ground and brought back the Police force from there. He also withdrew the Police force who had persued the boys on the canal road upto the College gate. The entire force was then withdrawn to the Jewel Chowk”.

The next Police witness Saberwal also did not say anything about his force having caused any injuries to either the Principal or any Professor. In regard to the lathi charge this is what Saberwal states:—

“I divided them into two equal groups one group lathi charged on the students on the canal road side and the other group was asked to go inside the College by jumping across the wall and some entering through a 'wicket gate' on the Jewel Chowk (page 200)”.

He further stated this:—

“From that point one group went to the Canal road and the other inside the College Campus. They

were asked to clear the area from which the students were throwing stones i. e., behind the wall and the mound."

"It went upto the Cricket pitch and further from that upto the beginning of the foot-ball ground the Police fanned out north-south."

"I myself entered the ground, ran, whistled them and shouted orders to come back."

The chairman then asked Saberwal this question:—

"Is there any landmark by which you can describe the point upto which the force went."

He answered:

"The Police force cleared the boys away from the Cricket ground inside the College Campus."

The idea with which the aforequoted questions were put to the witness was to know from him whether or not he admitted that his force had gone as deep into the College Campus as the Cycle stand where, according to the Students' version and the version of the Principal and the teachers, they were assaulted by the Police but the witness was not prepared to commit himself to any specific point upto which his force penetrated into the College grounds. The Counsel for the students, however, was not prepared to let the witness get away with an uncommitted position. So Mr. Bhasin asked him this question (page 219):—

"You have stated that you were not able to make the crowd recede from the Canal road. Kindly tell us then why you left that place and came to the College ground?"

The witness answered:—

"Because of them who were there, I mean behind the wall and near the Mound had been cleared by the Police party, I had to bring my men back, therefore, I shouted and whistled to them."

Mr. Bhasin again put this question :—

"Why did you leave the Canal road when you had not been able to disperse the crowd ?"

The witness answered :—

"Because the men who had gone into the College field had to be got back."

Then the Chairman put this question : -

"Why did you go yourself ?"

The witness answered :

"I cannot exactly say " .

Later the Chairman put him a more direct question thus:—

"You had gone to the College ground to collect your men, could you tell us whether your men had beaten the College staff ?"

The witness answered in the negative.

The Chairman then asked:—

"Did you make an inquiry in regard to that"?

He again answered in the negative.

Mr. Bhasin subsequently (at page 293) put this question to the witness:—

"I suggest you went to the College because your men had started beating the Professors and the Principal".

The witness answered in the negative.

The aforementioned answers can only indicate the cussedness of the witness and not his truthfulness or honesty.

108. It was really at the end of arguments that the fact of the beating of the Principal and the two Professors by the Policemen was conceded by learned counsel appearing for the State. The admission came, if we put it that way, with bad grace ; for much before the admission the fact had been put beyond controversy by the evidence of quite a number of teachers and the Pro-Vice Chancellor who when examined had in unmistakable terms supported the student's version. But then even when learned counsel for the State Mr. Lall made his concession, he added a rider to it by saying that apparently this happened because the Constables could not make a distinction between teachers and boys: the rider robbed the concession of any little grace that one could see in it.

109. We may here refer to a circumstances which made our task even more difficult than it otherwise was, namely that the Police appeared determined not to place the whole truth before the Commission but only such part of it as they thought should in their interest be

put before the Commission. Immediately after the unfortunate happenings of the forenoon of the 17th October, the Principal of the Science Colleges had sent a telegram to Government which was followed by a report which clearly indicated that the Police trespassed into the College Campus and they beat up the teachers also but these important documents were kept away from us till we got the Principal to produce their copies. It became obvious to us at quite an early stage that the Police were not prepared to touch any version, even with a pair of long tongs, that did not support them fully.

110. It was stated on behalf of the students that 'stoning' was only resorted to by them when they found the Police had not only trespassed into their Campus but had, without any adequate justification, assaulted the Principal and some of the teachers. According to the students they resorted to stoning in relation to the trespassing Police hordes. On the state of the evidence and on the circumstances we cannot but agree with the contention of the students that there was no violence till they had been actually lathi charged. The stoning intensified and practically all the available young hands and all the available missiles at hand were utilised against the Police when the Police beat up the Principal and the two lecturers.

111. As a result of the sustained stoning on the Police the Police party thought it advisable to retreat and they actually did retreat from both the College ground as also from Canal road to the Jewel crossing. As the Police had collected back at the Jewel crossing the Deputy Inspector General of Police Wazir made his appearance. We may here notice the fact that the Deputy Inspector General of Police, came to the Jewel crossing from the City Police Station for at page 436 he states that he went to the City Police Station at about 10.30 A. M. At page 437 he states that he stayed at the Police Station because both the Inspector and the Assistant Superintendent of Police had gone out with the Police force to the Jewel crossing and that Superintendent of Police was out of station and the Deputy Superintendent of Police was on leave. He says that he stayed on at the Police Station "to coordinate Police activities". He got information of a clash that took place between the Police and the boys not through any recognised channel through which such information is generally passed on, but as he says 'some taxi walla' passed on this information at the Police Station. One is naturally inclined to wonder as to what coordination of activities about which the Deputy Inspector General of Police had spoken could be possible when the coordinating officer has to depend for vital information on passing taxi walls for this is what we are told happened.

On receipt of the information whatever may have been its source, the Deputy Inspector General of Police left for the spot, he left without passing on the information to the District

Magistrate, who we think was the person in the official hierarchy who should have been informed of situation of the character that had developed. The Deputy Inspector General of Police was directly asked:

"Did you contact the District Magistrate and inform him about the situation".

The Deputy Inspector General of Police answered :

"I did not contact the District Magistrate because that is not my equation. I informed the Divisional Commissioner that this was the situation and I went to the spot myself. I deal directly with the Divisional Commissioner".

The above answer returned by the witness indicated to us a kind of arrogance of mind and therefore the Chairman put the witness the following question :-

"Was not the District Magistrate in normal course responsible for the law and order situation and should he not have been informed by you".

The witness made the following answer :-

"The correct position in regard to this is that it is not my job and in fact I had asked the Inspector of Police to inform the District Magistrate about it".

The above answer indicates again the witness' consciousness of his superiority in status and his anxiety to maintain his distance even so to the detriment of administrative efficiency. The Chairman again put this question to the witness:

"The District Magistrate was not your equation as you say and you route your information direct to the Divisional Commissioner, but I want to clarify one thing; a situation of Law and order had arisen within the jurisdiction of the District Magistrate the Officer primarily responsible and in over all charge of Law and Order situation, why was not the District Magistrate informed by you".

The witness answered :-

'In this connection I may submit that only two minutes before I had left I had asked the Inspector to contact the District Magistrate and tell him to come to the spot. On hearing later the District Magistrate was neither at his office nor at home, and that is one reason. The other reason was normally the Deputy Inspector General of Police does not keep the District Magistrate informed of the

law and order situation, but keeps the Divisional Commissioner informed."

The witness was then asked by the Chairman this:—

"Why do you say that the Deputy Inspector General of Police does not normally keep the District Magistrate informed about the Law and Order situation. Do you think there was any administrative wisdom in the Deputy Inspector General of Police not contacting the District Magistrate in regard to the Law and Order situation or was it a matter of protocol only".

The witness answered as follows:—

"It did not strike me to inform the District Magistrate about the situation at that time and there is no administrative protocol in not contacting the District Magistrate".

The aforementioned questions and answers clearly indicate to us that the Deputy Inspector General of Police suffered from a false sense of his own importance and a sense of proper or improper 'equation' in the administrative hierarchy and that he gave only Secondary importance to routing information even in a moment of crisis to the officers in whom the Law placed the responsibility for law and order namely, the District Magistrate. The Deputy Inspector General of Police seems to have thought that wherever the Code of Criminal Procedure referred to the District Magistrate, it really meant the Divisional Commissioner. We were told that in Jammu and Kashmir the Divisional Commissioner is in over all charge of the law and order situation and that the District Magistrate or the Deputy Commissioner plays but a subordinate role. We were referred to Government Order No. 118-C of 1964 dated 3-5-1964 Special Powers and Functions of Divisional Commissioners. We do not consider it necessary to discuss the merits of the Order for our purposes. All that we need say is that it is only an administrative order not made under way statute. The Order could not even if it purported to, affect the powers conferred under the Code of Criminal Procedure and other statutes on the District Magistrate and other Magistrates. This order could not and, in our opinion, it did not deprive the District Magistrate of his statutory responsibilities and duties nor did it provide any justification whatever to the Deputy Inspector General of police or for the matter of that to any other Police Officer to ignore his responsibilities of apprising the District Magistrate of the Law and Order situation further, it did not confer on the Deputy Inspector General of Police any higher status *qua* the District Magistrate than what the Law made provision for.

112. The Deputy Inspector General of Police arrived at the Jewel crossing at about 10:45 A.M. or thereabout. When he arrived he found the entire Police party was at the Jewel Chowk for the Police had withdrawn from the College ground as also from the Canal road and collected at the chowk. The Deputy Inspector General of Police states that soon after the students again formed themselves into a procession, this they did, while the Police were still at the Jewel crossing. He found on arrival the procession which was formed by the students to be about 2000 strong on the Canal road. He also found about 100 boys collected on the Mound (the raised area adjacent to the drain separating the College Campus from the Stadium side) and about 200 on the Cricket ground. According to the Deputy Inspector General of Police the crowds at the aforementioned three places were highly agitated and they carried stones and missiles with them—he explained that by missiles he meant brickbats—at this stage there was no stoning but according to the Deputy Inspector General of Police stones started coming when the three groups mentioned above which had been moving up came near the Jewel Chowk. At page 441 the Deputy Inspector General of Police stated this :—

“I tried to appeal to the students to stop brickbats so that I could find out what they wanted and perhaps my appeal was not forceful and it proved ineffective”.

He was then asked by the Chairman :—

“What did you actually tell them if you remember”.

The witness answered :—

“BACHOO ISA MAT KARO PATHRAO BAND KARO
HAM BAT KARANGAY AAP KAY SATH.”

From the above statement of the Deputy Inspector General of Police two things are clear :—

(1) that his appeal, if any, was not even on his assessment forceful enough;

and

(2) that beyond a half-hearted appeal the Deputy Inspector General of Police or, for the matter of that, any other Police Officer did nothing more to have any parleys understanding with either the students or their Principal or teachers.

We shall refer to this matter more fully at a later stage.

113. Suffice it here to say that the appeal, if any, did not have the desired effect and, according to the version of the Deputy Inspector General of Police the intensity of the stoning from all sides increased and many Policemen got injuries and they were unable to hold their

ground. The Deputy Inspector General of Police states at page 444 this :—

“The Police were injured and they could not hold their ground ; they had to fall back and I directed them to withdraw towards the Exhibition chowk”.

While the Police were withdrawing towards the Exhibition Chowk, some students, according to the Deputy Inspector General of Police chased the Police. At the Exhibition ground the Police party was 're-formed' and while this process of reforming was going on, the Deputy Inspector General of Police appears to have got information through some source, we were not told what, that a Jewan of the Andhara Police had been beaten and his Motor Cycle set on fire and further that another Constable of the PAP whose name was later known by the Deputy Inspector General of Police to be Rattan Charid Yad, not only been beaten, but had been kidnapped by the students. The Deputy Inspector General of Police appears thereafter to have thought of getting armed assistance so he walked across, to the Exhibition ground where there was an armed guard of the PAP and from there he requisitioned the services of three armed men. Further, he had a message sent on to the Police lines to rush to the Jewel Chowk a tear gas section with sufficient ammunition and some sections of the armed Police. At about 11.20 A.M. the tear gas section and the reinforcements of armed Police arrived at the Jewel Chowk, earlier the Deputy Inspector General of Police had requisitioned four armed men from amongst the armed guard at the Exhibition buildings. The above situation has been described by the Deputy Inspector General of Police at page 445 thus ;

“I directed these four armed men, the men whom he had requisitioned from the Stadium, to remain close to me and not to function without my orders”. Seeing us returning to the Jewel Chowk the boys who were scattered all over the College ground and on the Canal road started collecting and advancing towards the Jewel Chowk. They again started regrouping and converging on the Jewel Chowk. For a little while a state of confrontation existed. Stoning had started once again. It went on for about 2/3 minutes. At this stage the Commandant of PAP Chaudhri Barar Singh also arrived. At this moment the Additional Mobile Magistrate, Aga Nasar Ahmed also arrived. They both came when stone throwing was taking place. The Additional Mobile Magistrate was detailed on duty by the Additional District Magistrate. As soon as he arrived he realised that the situation was far from satisfactory and his first comment when he came to me was 'why have I been sent here in a situation like this'. The stone throwing was going on all this time. At the same time the reinforcement from the Police lines also arrived. The Magistrate and the reinforcements came simultaneously.

114. From the above statement of the Deputy Inspector General of Police it is clear that the boys had dispersed and that the stoning too

had stopped after the Police had moved away and the boys again started collecting and they resorted to stone throwing when they found the Police had reformed themselves ; this must have given to the boys the idea that the Police were returning to the place for another attack on them and therefore the boys also started regrouping. It has not been explained why the Police returned to the scene in all their might. It was argued that this was done to wreak vengeance on the boys : we have no materials before us on which we could agree with this without reservations. Their resorting to stoning must have been in the nature of a reflex action. The Deputy Inspector General of Police thereafter put the available armed men including men of the reinforcement, in the form of an arc—the larger sector of the arc facing the Canal road ; some of the armed men were also spread along with College boundry wall. The farthest point of the aforementioned arc was not more than 4/5 yards away from the traffic island at the Jewel crossing. Then followed, according to the Deputy Inspector General of Police certain consultations between the Magistrate and him. The Deputy Inspector General of Police then asked the Magistrate to go to the students and make a personal appeal to them. The Magistrate agreed and according to the Deputy Inspector General of Police after the Magistrate had left a minute or two later he heard an uproar which on inquiry he was told was because they boys had set upon the Magistrate and had assaulted him. Learning this the Deputy Inspector General of Police says he asked Shanti Saroop to make a dash and proceed to the place where the Magistrate had been encircled by the boys and rescue him. Soon after the City Inspector is alleged to have “recovered” and brought back the Magistrate. The Deputy Inspector General of Police did not set his eye on the Magistrate again that day or for the matter of that for some time to come.

115. According to the assessment of the Deputy Inspector General of Police the situation started worsening every moment and at about 11.25 or a little before 11.30 A.M. a ‘determined attempt’ in the words of the Deputy Inspector General of Police, was made by the students to injure policemen. Seeing this the Deputy Inspector General of Police says he advanced towards the centre of the Jewel chowk faced the crowd on the Canal road, raised his voice a little and warned the students to disperse and discontinue throwing of stones and sodawater bottles but this had no effect and the crowd started advancing towards the Police whereupon, the reason the Deputy Inspector General of Police gave for the warning going unheeded was this :

“In Jammu things are quite different here the people are very determined”.

The Deputy Inspector General of Police elaborated his observation by saying that he would not say the people of Jammu were obstinate but would only say that the people were very determined. He was asked

this question thereafter :—

“Had they taken it in their heads to attack the Police here and there”.

The Deputy Inspector General of Police answered in the affirmative. The Chairman thereupon asked him :—

“If that was your assumption, why then fire”.

To this question this was his answer :

“The only alternative would have been to abdicate the responsibility for which I was not prepared under the circumstances. The only alternative was to open fire”.

The Deputy Inspector General of Police then stated this :—

“Soon after this one of the PAP officers ordered his men to fire two rounds each”.

The Chairman asked him to explain what he meant by the word ‘soon after’. He explained that by the expression ‘soon after’ he meant less than a minute. The Deputy Inspector General of Police stated this :—

“Along with PAP men also ordered two rounds each”.

The Chairman asked this question then :—

“Did you hear this”

The witness answered :—

“About the first firing I had heard the order being given, about the second firing I learnt 5/10 minutes later”.

116. According to the Deputy Inspector General of Police the firing had the desired effect namely that the students dispersed and fled towards the College Campus but this was, he admitted at the cost of three boys who had been hit by bullets and had dropped down, two on the main road and one in the Cricket ground. Two of the boys who dropped on the main road were picked up and despatched to the Hospital in a Scooter with a Police Inspector, the third who had become unconscious in the Cricket field was got from there and he was put in a Police wagon and sent to the hospital as no other vehicle was, at that time, available. At this stage the Deputy Inspector General of Police decided to leave the place—this is how he put the matter in his evidence:

“The third boy was removed and put in a Power wagon. The City Inspector and the Assistant Superintendent of Police were there. I called the Assistant Superintendent of Police and told him that situation was now under control. I was going to

make a report to the Government. He was told to stay there till he received further instructions and to watch the situation”.

117. After the departure of the Deputy Inspector General of Police, the situation according to the Police evidence deteriorated again necessitating another firing. Arjan Singh who is alleged to have taken the initiative in the matter of the second firing stated that after 11.42 or 11.43 A.M. he and 12 or 13 other men of the force went near the University and College gate for duty : of the 12/13 men accompanying him three had rifles while the others were armed with lathis. After about 6/7 minutes of their reaching the College gate a batch of students came there and some others also came from the streets of Krishen Nagar. These people, whom Arjan Singh called processionists, caught hold of Constable Hazarilal, one of the men who was with Arjan Singh, and removed him from the scene. Stoning now started from three sides. Hazarilal, was taken some 6/7 yards inside when Arjan Singh shouted ‘leave him, leave him’, some of them according to Arjan Singh shouted back saying, “we will throw petrol on him and burn him”, According to Arjan Singh again this indicated to him clearly that Hazarilal’s life was in danger. So he asked Swaran Singh who was near the gate to fire two rounds on the boys who were beating the Constable. Later on the witness added that Daljit Singh had given the order of firing. After this firing, according to Arjan Singh, the crowds dispersed, and Constable Hazarilal returned. Constable Hazarilal according to Arjan Singh, was bleeding from his mouth and his teeth appeared to have been damaged though he could not say whether any tooth had actually been knocked out. At this stage, the Deputy Commissioner, S. Sohan Singh, arrived at the Jewel Chowk. He was met there by Assistant Superintendent of Police Saberwal and from the latter S. Sohan Singh got a quick resume of the happenings.

118. The District Magistrate thereafter had a look round. He also states that he had not got any information about the happenings earlier than 11.30 A.M. The District Magistrate in the most uncertain terms stated before us that it was the obligation of the Police to have informed him earlier of the turn events had taken since the morning. The District Magistrate also told us that he had asked the Police as to why they did not inform him earlier. He told us that the explanation that the Police gave was that the Police was unable to contact him on the Phone. He further told us that the above explanation of the Police did not satisfy him.

119. The District Magistrate got to the place of occurrence on information received by him from the Principal of the Science College. The Principal telephoned the District Magistrate to apprise him of the fact that there had been firing on his boys. When the District Magistrate passed this information on to the Divisional Commissioner, the Divisional Commissioner informed him that he had already had information of this and that the Deputy Inspector General of Police was already on the spot. The District Magistrate after having had the resume of events from Saberwal walked down the Canal road. He also said that when he walked down the road from the Jewel crossing he found road blocks and a litter of stones and brickbats on the road.

When he arrived at the College gate the Police party there informed him that one of their men had been taken away by the students and that they were worried about his safety. We have already noticed the Police case in respect of this "taking away of one of the Policeman by the students". The Police version was that the boys had forcibly lifted the Policeman and had taken him away and they were shouting that he, will be burnt alive whereupon the Police fired on the students who were holding the Policeman in order to get him released. It is, however, necessary to note that the District Magistrate when he was told about the abduction of the Policeman by the students was not told that any of the students had shouted nor said that the abducted Policeman would be burnt alive. It is interesting to notice that while the District Magistrate was still listening to the story of the Police the alleged abducted Policeman reappeared. It is a pity that the District Magistrate did not at that time question the abducted Policeman for if he had done so, then many a cobweb that obstructed the truth about this matter could not have done so; at any rate, the District Magistrate would have told us the story which the abducted Policeman would have given to the District Magistrate at the earliest opportunity and thus precluded the possibility of many a subsequent embellishment which such stories get when they are related after a lapse of time.

120. The District Magistrate then gives us a picture of the agitated crowds that he found at many a place round and about the disturbed area. He also tells us that he met a group of advocates as also Mr. Bhasin, Editor of a local paper. The Advocates, in no uncertain terms, appear to have told the District Magistrate that the Police had been rude and rough and that they did not permit them to render the assistance that they could have and would have, to those who had been injured. The District Magistrate says he requisitioned a 'civil truck' which stood near by and asked a retired Government employce of the Garages, Jia Lal, to go inside the College Campus, contact the Principal there and bring the injured who were still in the College Campus out on the truck so that they could be sent to the hospital for treatment. Jia Lal, the District Magistrate tells us, did as he was asked and he brought some injured from the College Campus and took them to the hospital. The District Magistrate thereafter found 2 or 3 other injured near a shop who, to him did not appear to be students. He put them in a Scooter Taxi and sent them to the hospital. Thereafter, he returned to the Jewel crossing and and sought the co-operation of the Advocates who were present there in helping him to clear the area round the Jewel Chowk right upto Gumat Chowk. By this time a Magistrate, Haji appeared on the scene for the assistance of the District Magistrate. Haji and Advocates went inside the College Campus to render such help there as was called for and the District Magistrate himself gave attention to clearing the traffic jam which had assumed large proportions at the Jewel crossing. After having restored, near normalcy, to the area the District Magistrate contacted the Commissioner to apprise him of the situation. When he contacted the Divisional Commissioner he was told by him to withdraw all the force from the Jewel crossing area and reach the Government Emporium area since the Emporium had been set on fire by a mob; the District Magistrate thereupon, collected the

entire force with the assistance of Saberwal and left the spot of the Emporium *via* B. C. Road and the City chowk in an endeavour to avoid going through Gumat where he thought there was a possibility of his meeting with obstruction. The entire Police force which according to the District Magistrate totalled 150 or 200 men were loaded in 5 or 6 trucks and they followed the District Magistrate. They reached City Police Station between 1.30 and 2 P.M. and therefrom he attempted to send a force to the Dak Burgalow, to reinforce the forces that were already there, but his attempt, even though he tried two alternative routes, failed. The situation round about the Emporium remained explosive for the mobs had complete control of the situation and not the administration. The situation eased only round about 5 P.M. when a majority of the people who had collected in that area wended their way to the hospital in an endeavour to get news of the injured who had been sent for treatment there.

121. We now reach the end of that chapter which started with the arrival of the police at the Jewel Chowk and the departure of the Police therefrom. We shall now examine some of the controversies which were raised in regard to the crucial incidents in order to determine what the truth was.

122. The first matter that needs our consideration was whether the situation was such as ;

- (a) necessitated a lathi charge at the time when it had been resorted to ; and
- (b) whether in the process of this lathi charge there was any excess and if there was, then whether the responsibility for such excess could not be fastened on the persons who had organised and directed the lathi charge.

123. We have already, in unmistakable terms, expressed the opinion that the lathi charge as also tear gas shelling had been resorted to by the Police before there had been any organised or any appreciable stamping by the students. The circumstances clearly indicate that the Police thought that since an order under section 144 had been promulgated and since the procession which the students had taken out of the College premises was in defiance of such an order, the Police had a duty to break up the procession even by resorting to force. On behalf of the students it was contended that there was no validly promulgated order under section 144 Cr. P.C. in respect of the area in which the students had taken out the procession. We have already noticed that even according to the administration the original order which had been promulgated on the 3rd October did, not in terms, apply to the area which we shall for convenience's sake refer to as the University area. The order which was alleged to have been issued on the 5th October by way of amplification of the order of the 3rd October was, either,

- (a) not made at all ; or
- (b) if it was, it was not validly promulgated.

Therefore, in respect of the University area, it could not be said that any restrictions on the taking out of a procession could be enforced by force. On behalf of the State Mr. Grover relied on two circumstances

for saying that the Police had a right to break up the procession forcibly first, that it had been admitted by Kamal Sharma at page 1092 in unmistakable terms that the students were aware of the fact an order under section 144 Cr. P.C. had been in force, secondly, that the Police bonafide believed that there was a properly promulgated order under section 144 Cr. P.C. restricting the liberties of the people of the University area and, therefore, if they made use of force to break up a procession which they thought had been illegally taken out they could not be blamed for it.

124. The question whether the Police action was protected because the Police had acted in good faith then they could claim protection if they could show that whatever they did, they did honestly and with due care. To put this matter slightly differently it would mean that the Police have to show that their action was inevitable at least on the belief which they honestly entertained. On this view of matter we will have to determine whether the lathi charge in the situation in which the Police found themselves was inevitable. On the state of the evidence on record, what clearly appeared was that there had been no stoning of any consequence whatever on the Police prior to the lathi charge, and therefore the Police were not entitled to claim protection on the ground that their action had been done in good faith. In our view a lathi charge when it was first resorted to was neither necessary nor was it in any proper sense called for and consequently even if there had been in force a validly promulgated order under section 144 Cr. P.C. even then the Police action would not have been protected under the law. The other question which has to be determined in this connection is whether the responsibility for the action and for the excesses committed in execution thereof should be fastened on the person who ordered the use of force or not. We have already found that the time the lathi charge was ordered it was not the way to deal with the situation, indeed, it was the least desirable way of meeting the situation. Therefore, in our adjustment the blame for what subsequently happened in the course of the lathi charge, namely the trespass into the College Campus and the beating of the Principal and Professors must be squarely placed on the shoulders of Saberwal who ordered and directed the lathi charge. We should like in this connection to note that in view of the back ground in which the procession of the students had been conceived, the Deputy Inspector General of Police should have known and indeed circumstances indicated that he was not unaware of it that a situation would develop unless tactfully handled. Under the circumstances the Deputy Inspector General of Police showed very poor generalship and operational ability when he, in the first instance, deputed a probationary Police Officer to be in charge of operations. The Deputy Inspector General of Police in his statement said that he stayed behind at the Police station and did not go with the force in order to direct operations. We have not been able to understand what operations he had to direct from the Police Station nor has he enlightened us about this in his evidence. This act of the Deputy Inspector General of Police in staying behind at the Police Station and not making his appearance at the Jewel crossing along with the Police force prompted Mr. Bhasin Counsel for the students to argue that this was a part of the Deputy Inspector General of Police's technique for creating a situation where he could put the students in the wrong and

then deal with them as he liked. It was stated that in furtherance of this the Deputy Inspector General of Police deputed a young probationer to go with the Police force and he banked on his inexperience to make a muddle so as to give the Deputy Inspector General of Police this chance. We are unable to take the extreme view for which Mr. Bhasin canvassed yet we cannot help expressing our regret at the fact the Deputy Inspector General of Police should have left the situation in its early stages, when it required the most tactful handling in the hands of a young probationer and a mere City Inspector.

125. The second matter of some consequence on which there has been divergence of opinion and conflict of evidence is in regard to the activities of the Additional Mobile Magistrate Aga Nassar. Only two facts in connection with the Mobile Magistrate's activities appear to be admitted, first, that he came to the scene before the firing had taken place and secondly that he left the place immediately after he had sustained some injuries : who caused these injuries was also a matter which was in controversy. However, at the stage of his reply the State Counsel Mr. Grover, very fairly conceded that there was no evidence worth the name on which he could contend that the Magistrate had been beaten by the students, as had been the case of the Police. According to the Magistrate and indeed even according to the Police case, the Magistrate had been posted, under the orders of the Additional District Magistrate for 'duty' in words of the order the Magistrate was put on duty "with the procession". There was a good deal of controversy as to what exactly was meant by the expression 'with the procession'. At page 996 Mr. Grover asked this question from the Magistrate :—

"At what point were you placed on duty with the procession".

The witness answered :—

"With the procession".

Mr. Grover then asked this question :—

"What do you understand by being with the procession".

The witness answered :

"Something":

This recorded answer appeared incorrect and we referred to our own notes of evidence and we found that we have noted the Magistrate to say,

"He understood that he would go with the procession".

The Mr. Grover asked him :—

"You understand that not to interfere with it".

This question too has been incorrectly recorded. What was intended to be asked was whether the Magistrate understood by the order that he was not to interfere with the procession.

The witness answered :—

"my impression was that".

126. Several questions arose in connection with the part played by the Additional Mobile Magistrate after his arrival at the Jewel Chowk. The account which the Magistrate gave of the situation at the time of his arrival at the Jewel Chowk was not materially different from the police version of it. There had been teargassing and a fall of gas was still hanging in the atmosphere. Volleys of stones were still coming, though intermittently, from the College grounds. A motor cycle was also burning by the College boundary wall some yards away from the Jewel Chowk. The Magistrate's version that he saw some students playing cricket was obviously incorrect but then we are not prepared to say that he deliberately lied on this matter for we believe that this was really occasioned by some visual confusion due to his having seen some boys in the grounds in cricket kit.

127. The Magistrate was obviously anxious to get an appraisal of the situation from the D. I. G., so he went upto him. This was about 11 40 a. m. and within five minutes of his arrival near the D. I. G. the witness says he was requested by the D. I. G. to permit his firing a few rounds in the air to scare away the boys. The witness stated that he did not allow this then as he had not himself properly assessed the needs of the situation and wanted to evaluate the situation for himself in order to be able to determine the next move. The witness says he asked the D. I. G. to wait and watch. The D. I. G. has denied that he ever asked the Magistrate for permission to fire a few rounds. There is no other specific evidence about the talk that took place between the DIG and the Magistrate; we are inclined to accept that has been stated by the DIG for we think that the Magistrate mixed up what Saberwal had asked the DIG for what he said the DIG asked him. The witness has stated that when the DIG was talking to him, a young IPS Officer came running from about 10/22 yards from the traffic island towards the Tawi bridge (Pathankote road starting point) and informed the DIG that the police force was being injured by stones and suggested that they should be permitted to fire a few rounds to control the students. The witness further deposed that the DIG smiled at this and asked the young IPS Officer to speak to the witness the officer thereupon looked at the witness and the witness, told him that there shall be no firing without his "written permission". The Magistrate went on to state that the DIG at this stage suggested that he should speak to the students, as that might help in improving the situation. The witness agreed to the course suggested by the DIG and also thought that such action might help in easing the situation. In view of the circumstances that the DIG suggested to the Magistrate to go and speak to the boys, we feel fortified in our opinion that the DIG could not have asked the Magistrate for permission to fire.

128. The next question is what happened when the Magistrate proceeded towards the boys. The Magistrate says that as he

started towards the students he saw Mr. Ved Bhasin, Editor of the Kashmir Times, and he requested him to accompany him in the belief that his presence might be helpful; Mr. Ved Bhasin's presence at this time is admitted by the DIG and other witnesses though in regard to what happened afterwards there is difference between the version of the Magistrate on the one hand and that of the DIG and other police officers on the other.

129: (a) The Magistrate's version of what followed was that as soon as he and Mr. Ved Bhasin turned towards the boys, stoning stopped. They had gone a little distance only when 20-25 boys jumped from the College ground over the College boundary wall on to the canal road and surrounded the witness and Mr. Bhasin. These students complained that the police had entered into the College premises and beaten the Principal and that they had decided to take out a protest procession peacefully at any cost. They told the witness that the police should withdraw from the place so as not to be within sight of the students or the College premises. The witness told the boys to be peaceful and not indulge in throwing stones and setting fire to property and they in reply asserted that they had nothing to do with such things.

(b) The Magistrate after his talk with the students started walking towards the Jewel Chowk to contact the DIG when his attention was attracted by the sound of gun fire, immediately thereafter a young sikh student who was next to him fell down on the ground, this was followed by a volley of sudden firing. The witness was looking towards the boy who had fallen when a boy shouted warning him of the firing and, in order to protect him, he threw him down. The boy who did this was himself hit in the right arm and right leg. He later came to know that this boy was Karanjit Singh. When he and Karanjit Singh, fell down, they both crept into a nearby Chappar shop. Another boy also crawled into the same shop. Then a tear gas shell fell on the door step of the shop immediately followed a charge by the lathi police. The witness was given a few blows when Inspector Shanti Saroop came and dragged the witness away by the collar, possibly with the object of protecting him. Inspector Shanti Saroop sort of dumped the witness in a corner of the B. C. road and when he composed himself a little, he saw people running helter-skelter. Seeing the DIG coming, the witness protested to him as to why he had got him beaten and why he had opened fire. In reply, the DIG said 'Go away from here, I know my job'. The witness thereafter sought a lift in a car standing there to go to the Divisional Commissioner's office. He apprised the Divisional Commissioner as to how the police had behaved with him and the students.

130 The evidence of Inspector Shanti Saroop on this point is that the Magistrate arrived on the scene at about 11.15 a. m. when stone throwing was intense. The DIG informed

the Magistrate of the situation and requested him to ask the boys to refrain from violence. The Magistrate proceeded about 20 yards towards the crowd of boys on the canal road, when stone throwing from the canal road side stopped for a while. The witness heard some one saying that the Magistrate had been encircled by the boys and was being beaten. Hearing this the witness stepped forward and seeing the Magistrate encircled by eight or ten boys, he, accompanied by two or three constables, went to rescue him from the boys, who were beating him near the tea shop and dragging him towards the college side. The witness succeeded in dragging away the Magistrate from the boys. The witness has further stated that while attempting to rescue the Magistrate from the boys he dragged him towards himself, the boys tried to hold him back by pulling him by his clothes. After being rescued, the Magistrate came to the Jewel Chowk and from there went away. The evidence of other police witnesses is substantially in the same terms as that of Inspector Shanti Saroop.

131. a) In regard to the above mentioned incident the students examined (i) Jagjit Singh (ii) Kanwal Sharma, (iii) Vijay Rampal, (iv) Karanjit Singh, (v) Vishvendra Dev (vi) Janak Singh, (vii) Mohammed Ashraf Moghal, (viii) Ram Saroop Chada. Of these witnesses three had received bullet injuries as a result of the police firing on the 17th October and were subsequently admitted to the indoor department of the S. M. G. S. Hospital and remained there for treatment for varying periods for treatment.

b) The evidence of Kanwal Sharma on this point is that Mr. Ved Bhasin Editor of the Kashmir Times called out the witness from the canal road when the witness was in the college ground. This witness along with 15/20 other students crossed over the college boundary wall to meet Mr. Bhasin on the Canal road. Mr. Bhasin introduced the Magistrate to the boys, thereupon the boys complained to him about the police excesses and told him that they were determined to take out a procession to the Shahidi Chowk as a gesture of protest; the Magistrate agreed, provided the procession was peaceful. The boys demanded that DIG should withdraw the police force from the scene.

(c) The Magistrate turned back in order to talk to the DIG and the students also followed him towards the Jewel Chowk, when all of a sudden and without any warning the police started firing from the Jewel Chowk. The witness and three other students and also the Magistrate took shelter in the Varendah of a shop nearby. The witness was hit by bullets in his chest as well as in the left shoulder. The firing was rapid, thereafter a tear gas shell fell on the Varendah of the shop, and immediately after this policemen came inside the Varendah. One of the police men dragged the Magistrate and the others started beating the students including the witness.

The witness closed his eyes so as to appear unconscious. He was dragged out and brought to the Jewel Chowk where he was again beaten in the presence of the DIG. The witness and two or three other injured boys were placed in a truck and taken first to the police station and then to the Hospital under orders of the DIG. Mr. Bhasin has generally corroborated the account of the incidents given by the student witnesses.

132. Two broad questions arise in this connection, the first as to who beat the Magistrate, the students or the police, and the second relating to the circumstances in which firing was resorted to by the police, which is really the cardinal point of inquiry by the Commission. These two questions are inextricably connected, but nonetheless we propose to consider first, the first question even though very briefly.

133. (a) It is not disputed that the Magistrate proceeded from the traffic island at the Jewel crossing towards the crowd of students on the canal road. It is also not disputed that the Magistrate was as a matter of fact beaten and injured. The police witnesses have stated that the students who had encircled the magistrate, beat him and one of them, has gone to the length of saying that when the Magistrate was talking to the boys some one in the crowd shouted that being a Government man he should be beaten so that the Principal's beating by the police could be avenged. The student witnesses as also the Magistrate have, on the contrary, stated that the police beat the Magistrate. That the police version about the students beating the Magistrate did not appear correct is apparent *inter alia*, on the following circumstances :—

In report No. 21 of 17-10-1966 recorded by the Inspector in the Roznamcha of the police station at 1.50 P. m. about the incident there is no mention whatever of the Magistrate's presence on the scene. There is similarly no mention of the Magistrate in the "Special Report" about the incident. In FIR 159/66 all that the Inspector has stated about the Magistrate is that the Magistrate came to the spot and exhorted the unlawful assembly to disperse but it had no effect. The DIG has, in his report to the District Magistrate stated that "the Magistrate advanced towards the mob in order to pacify them and was hit and rescued by the police party. This report of the DIG, though it purported to have been made at 1.30 PM on the 17th October, did not appear to us to have been made that early. The District Magistrate has in his report to the Commission of 29-10-66 stated that "the Magistrate on duty was also injured by the mob and had left the spot" There is no mention in the FIR about the Magistrate being beaten by the students, though there is mention of his coming to the scene. This omission is very significant and it was a very potent circumstance to belief the police story of the boys beating the Magistrate. It is admitted that the Deputy

Inspector General of Police had told the Inspector, who made the FIR, the general lines on which the FIR was to be made. If the beating of the Magistrate by the students had been a fact then it would have undoubtedly figured very prominently in the FIR especially when the Magistrates coming on the spot and exhorting the mob to disperse were mentioned. Mr. Grover, in reply to Mr. Bhasins arguments very fairly conceded that there was no material on which he could legitimately ask us to record the finding that the students had beaten the Magistrate.

b/ The question naturally arises whether on the state of the materials on the record it can be held that the police beat the Magistrate. While we have no doubt that the Magistrate received lathi blows at the hands of the police, we have found it difficult to hold that the beating of the Magistrate by the police was deliberate in the sense that it was planned or that he had been selected as a target for a beating by the police. While the dragging of the Magistrate by Shanti Saroop Inspector and his being brought to the Jewel Chowk is not disputed, it is admitted by the Magistrate that this was done by the Inspector with the object of protecting him. We are inclined to the view that the indiscriminate use of lathi that was resorted to on the students with whom the Magistrate had been taking shelter in the Varendah of a shop, resulted in the Magistrate also getting a few blows, he was neither selected for the beating nor for being excluded from it.

134. There is in this connection a controversy as to whether, when and by whom the Magistrate got himself treated for his injuries. In view however of there being no dispute about the Magistrate having in fact received injuries as a result of a beating, we think it unnecessary to consider these matters about which controversy was raised. The evidence of Dr. William Rebeiro, Superintendent of the SMGS Hospital that the record of the out door patients of the Ear, Nose and Throat Department appeared to have been tampered with and consequently it had been kept by him in safe custody of the Punjab National Bank may cast a suspicion on the conduct of Dr. Rafiq Ahmed Firdousi, but this, in our opinion, was a matter which should be inquired into departmentally for appropriate administrative action, rather than by us, since this conduct did not affect the merits of the controversy before us. There were many such irrelevant controversies raised before us which we have not considered nor have we noticed many exaggerations in the evidence of the Magistrate.

135. The Magistrate has stated that when he got a lift in a car from the Jewel crossing area he went direct to the Divisional Commissioner's office and there at about 12. 20 P. M. he reported to him as to how he and the boys had been treated by the Police. He

says that the Divisional Commissioner noticed his bleeding nose and advised him to go to the Hospital for treatment. The Divisional Commissioner has not come in the witness box nor is there any signed statement by him in contradiction, under such circumstance we are inclined to accept the statement, on oath, of the Magistrate.

136. We now come to the crucial question in the inquiry before us, namely the facts relating to the firing on the students. The City Inspector has stated (and the other police witnesses have given more or less the same account) that after the Magistrate had left the scene, stone throwing became more intense and soda-water bottles were also thrown and the Deputy Inspector General of Police warned the boys to desist from such activities, but this had no effect. The witness estimated the strength of the crowd at this time to be about 1500 on the Canal road, about the same on the lower Gumat side and about 500 on the B.C. road, the crowd on the Canal road being predominantly of students while those on the lower Gumat side and on the B. C. road being largely of the general public other than students. The DIG again warned the crowd that if stone throwing was not stopped they would be fired at. This warning was not heeded. Stone throwing became more intense and retreat became difficult so that the lives of policemen were in danger and so Sub-Inspector, Sher Singh of the PAP, who was in charge of the armed section, ordered the armed men (12 of PAP and 6 of KAP) to fire two rounds each. Thirtysix rounds in all were fired at this time and thereafter crowds on all sides dispersed, except those on the lower Gumat road and B. C. road. The DIG and the Commandant Banar Singh were both there when Sher Singh ordered his men to open fire. To sum up, according to the police witnesses, the firing was resorted to by the police in self defence after the Magistrate had left scene, when the stone throwing from all sides had increased in intensity and retreat became difficult and not under the order of the DIG.

137. As has already been stated, according to the student witnesses and the Magistrate, the firing started suddenly when the Magistrate started proceeding towards the DIG with some boys to apprise him of the students reactions to his talks. Jagjit Singh was the first person to be hit and to fall down. The Magistrate was looking towards the boy who had fallen, when Karanjit Singh warned him of the firing and threw him down in an attempt to protect him. Karanjit Singh was himself hit in the right arm and right leg. The Magistrate and Karanjit Singh ducked into a nearby chapper shop and another boy crawled into the same shop. A tear gas shell was thrown in front of the verandah of the shop. Jagjit Singh, Karanjit Singh and Kanwal Sharma who received bullets at this point of time and other students who also were with the Magistrate in the shelter in the verandah of the shop have all stated that firing was started by the police when the Magistrate was about to return to the

Jewel Chowk to inform the DIG about his talks with the students. Mr. Ved Bhasin has in main corroborated the above account of the Magistrate.

138. According to the police witnesses, the police firing was subsequent to the Magistrate's departure from the scene and quite independent of what happened to him when he was talking to the students. According to the students version the firing was resorted to without justification and at a time when the Magistrate was with the students. We have carefully considered the rival versions and are of the opinion that the version given by the Magistrate and the student witnesses was the correct one. It has been stated on both sides that when the Magistrate proceeded from the Jewel crossing towards the students on the Canal road, stone throwing stopped even though according to the police for a while. It is difficult to say on the state of evidence as to why after this lull in stoning the firing was started and under whose orders this was done. What is, in our opinion, clear is that firing started as soon as the Magistrate was about to return to the Jewel crossing with the student representatives for talks with the DIG and this firing hit several boys whereon the Magistrate and the boys who were with him including those hit by bullets took shelter in the Verandah of a nearby shop in order to save themselves. They had hardly gone to the verandah when a tear gas shell was thrown near the doorstep of the shop. Why a stray tear gas shell was thrown at that particular point of time and place after firing having been resorted to can only be explained on the hypothesis that it may have been resorted to for the purpose of dislodging the gathering of the boys, who had along with the Magistrate taken shelter in the shop. The police action did not stop there: Several lathi police men went to the verandah and beat the boys with lathis. The Magistrate too was beaten and dragged out of the shop.

139. The police version of the firing given by their witnesses including the DIG was in our opinion wholly improbable. They have generally stated that, apart from a later firing near the College gate under the orders of sub-Inspector Arjan Singh to which we shall revert later, the firing continued only for a few minutes, two rounds each having been fired by 18 armed men: 12 of the PAP and 6 of the KAP after the Magistrate had left the place. This version is contradicted by voluminous and reliable evidence. The evidence of Dr. J. N. Bhan Pro Vice Chancellor, the University teachers and that of Principal Ghanshyam and Col. Mahinder Singh, all independent and respectable witnesses show that the duration of the firing, which was mostly intermittent, extended over a considerable length of time. The period of time for which firing continued is stated differently by different witnesses but they are generally agreed that it must have lasted from half an hour to one hour. The police witnesses have stated that in all 35 rounds were fired in the first firing and seven rounds in the second firing, in all

43 rounds were fired, but the estimate of independent witnesses of the total number of rounds fired was vastly in excess of the specific number mentioned by the police witnesses. We are inclined to believe that the number of rounds fired was much larger than stated by the Police, further that the firing was largely intermittent. The large number of persons that received bullet injuries, including the dead, the bullet marks on the College and the University buildings and the large number of misses that such firings always entail lends further assurance to the version which we have chosen to accept. The police tried to support their version by referring us to the ammunition register to show that only 43 empties were received back. This Register was not a document which could inspire the confidence even of the most innocent investigator. The relevant information in regard to the empties was pasted on to that page of the Register where the issue of ammunition was made to certain policemen who were alleged to have fired. Even a cursory examination of the paper referred to above indicated that it was an interpolation. The circumstances in which the aforementioned paper was brought into being were also such as showed the laboured attempt which was made to provide some sort of documentary evidence of the number of rounds fired.

140. This brings us to the question as to why firing was ordered and by whom. There is no adequate material on the record on which a clear finding could be based, but the fact appeared clear that the firing to a large extent was indiscriminate. There was considerable police force in the area. It would not be inappropriate to expect that the police force accompanied by a number of officers including some senior ones would act in a disciplined way, but this expectation was completely belied in this case. It is not disputed that the DIG being the senior most officer present was in command of the situation. It is also admitted that the DIG was near enough to the armed force to be able to effectively regulate and direct police action. It is the police case that Sub-Inspector Sher Singh feeling that the lives of the police force were in danger ordered his men to fire in self defence. Even the DIG in a way supported this statement. The DIG could not dispute the proposition that properly the direction to fire should have issued from him but he attempted to explain the unusual by saying that the situation was such if Sher Singh had not ordered firing for another minute or two he would have himself given orders for firing. This attempt of the DIG to salvage the situation did not, in our opinion succeed. We may mention here that the DIG stated before us that he took the entire responsibility for the firing on himself. This had all the show of a noble gesture but was rather detrimental to discipline and possibly also truth.

141. We have found it difficult to believe the police version that firing was ordered by Sher Singh. The students

case was that order for firing was given by the DIG. Witness Vinod Kumar, who was some time ago a Lieutenant in the Territorial Army, was examined on this point. He lives in a residential quarter over the shops which are situated at the starting point of the B. C. Road in the jewel crossing area, the entire property there was owned by him. He has given a detailed account of the incidents of 17th October, some of which he says he saw from one or the other window of his room or from the roof and he also heard some of the talk. He has stated that he heard the DIG give direction for opening fire. This is the solitary direct evidence to the effect that the firing was resorted to under the DIG's orders. There are many discrepancies and inconsistencies in the evidence of this witness and his evidence we were not prepared to accept without adequate corroboration. We have, therefore, not relied on this witness even for this part of his evidence. We may here point out that since learned counsel for the students did not rely on this witness we consider it unnecessary to consider his evidence any further. On the materials before us we have found it difficult to record a positive finding as to who ordered the firing. It appears to us that probably the armed men whom the DIG had placed in an area for firing took the warning of DIG as an order for firing or may be that there was some sort of signal from some officer which the panicky police men interpreted as an order for firing. The officers it appeared to us did not exert their authority to either stop the firing or to keep it within reasonable bounds; this was a failure of the police command. To us this failure appeared to be due in a measure also to the fact that the motley force—the KAP, the PAP and the APSP—did not properly weld together, as each looked to its own Commandant for instruction and not to the DIG under whom they operated.

142. We now take up the question whether Sher Singh had ordered firing. As already stated, every police witness has stated that Sher Singh ordered firing and Sher Singh himself has admitted that he ordered firing as an act of self defence. We have found it difficult to believe this evidence. It may be stated here that the police force under Saberwal left the Jewel Chowk area at about 1.30 PM and on arrival at the City Police Station Inspector Shanti Saroop lodged the FIR No. 159/66 at the Police Station at 1.50 PM giving a detailed account of the incidents. The FIR is a lengthy document, even so, there is no mention in it of Sher Singh having ordered the firing. It is not even mentioned in the FIR that firing was ordered by a Sub-Inspector of the PAP, whose name had not till then been ascertained. All that is mentioned about this important matter is that firing was resorted to by the police in self defence. The explanation given by the Inspector for not mentioning the fact that firing had been opened under the orders of an officer of the PAP is un-satisfactory and unconvincing. He says that he cannot know the name of the Sub-

Inspector next morning, when his statement was recorded by the Station House Officer in the course of the investigation of the case registered under FIR No. 159/66. This is not all. There is no mention of the fact that firing was ordered by an officer of the PAP; much less of the name of Sher Singh, in any of the following relevant and important documents in which this fact should have been mentioned:—

- (a) In the Roznamcha of the Lines of the PAP.
- (b) The report dated 17-10-1966 submitted by the DIG to the District Magistrate. The DIG says that he had seen Sher Singh, Sub Inspector giving directions for firing but that he came to know of his name at about 4 PM after he had written the report at 1.30 PM, by which time he had not come to know the name of the Sub-Inspector. Leave alone the mention of the name of the Sub-Inspector, he has not even mentioned in the report the fact that firing had been ordered by a Sub-Inspector or any other officer of the PAP. The DIG did not submit any supplementary or further report to the District Magistrate communicating to him the above fact when he came to know of the name of Sher Singh.
- (c) The relevant special report No. 25 (A) dated 24th October, '66 Ex S. 35 relating to the matter signed by the Deputy Superintendent of police Syed Sharif Hussain Kazimi.
- (d) The report that the District Magistrate submitted to the Commission as late as the 29th October.

No document containing a mention of the above fact has been placed before us and the learned Counsel for the Government conceded that he could not refer to any such record in any office. All that he said, and it was so stated by some police officers, is that the only record of this fact is in the "Zimni" of the 18th October containing the statement of Sher Singh. We need not comment upon such "Zimni" and content ourselves by observing that the statement of Sher Singh referred to above has no value and deserves no consideration. Without referring to the statement of any particular witness in this behalf, it may be observed that the evidence of police witnesses about this matter makes interesting reading and appears on the face of it unreliable. The omission of this important fact in all documents detailed above had led the learned counsel for students to contend that the police had not made up its mind as to the officer on whom would be fastened responsibility for the order of firing until 14th November, the date borne on the statement of the case submitted on behalf of the Government. The learned counsel contended that it was only while preparing the statement of the Government's case that the police officers and their advisers decided to ascribe the firing to Sher Singh, probably because he was an officer outside the administrative or disciplinary jurisdiction of the State Government and he was then away from Jammu

143. We now come to what the police referred to as the 'Second firing' under the alleged orders of Sub Inspector Arjan Singh of PAP outside the entrance gate of the Science College. In regard to this firing the evidence of Inspector Shanti Saroop is that after the DIG had left leaving Saberwal in charge of the situation, the police force spread themselves out on the canal road upto the College gate to remove road blocks set up in order to clear the road for traffic. The witness and the ASP were in the Jewel Chowk when sound of gun fire was heard and immediately after he was informed that some College students had bodily lifted Hazarilal PAP constable from outside the College gate and taken him inside the College premises and it was with the object of rescuing that Sub-Inspector Arjan Singh of the PAP had ordered his men to fire and they had fired seven rounds. Arjan Singh and Hazari Lal have deposed about this incident. The story of Hazarilal constable's kidnapping and the firing by the police under the orders of Arjan Singh is, in our opinion, an entirely concocted story. This is clear from the fact the FIR 159/66, which is a detailed document, contains no reference whatever to this so called second firing by the police. No satisfactory explanation has been given about the omission of this incident in the FIR. Besides this, the direct evidence of some University Professors clearly contradicted the police version and showed that the firing started by the police when the Magistrate was with the boys went on intermittently and that a part of that firing was from outside the College gate as well. Their evidence further shows that this firing was unwarranted and unjustified and certainly not in self defence. It seems that the first firing had caused a flutter among the boys and in order to break the boys collected in the College premises, the police, who were at the College gate, fired from outside the gate into the College Campus to break up the collection of boys inside. It appears that now and again groups of armed police men apparently, trigger happy men thought it necessary to fire a few shots & they did so. The pattern of the firing followed the objective of terrorising the boys including the fleeing boys and every one else in that area.

144. It has been stated by Inspector Shanti Saroop that immediately after the first firing from the Jewel Chowk, the DIG sent two or three men of the PAP inside the College ground to see if there were any injured boys there. They found one injured boy in the Cricket ground and brought him to the Jewel Chowk and two other injured persons were brought from the Canal road. The DIG arranged to send these injured boys to the Hospital and then left the scene leaving situation in the uncertain care of Saberwal. It is not disputed that the DIG left the scene. When asked why he left the scene at this juncture, the DIG said that he left in order to report the incidents to the Divisional Commissioner and the Government. The situation had not yet been brought under complete control and it required, in our opinion, the continued presence of the DIG there. Even on the police case itself the situation had not eased and stoning continued when the police spread itself out on the canal road to clear road blocks, again on the police case they had to resort to firing near the College gate. The situation had not eased sufficiently to justify the DIG leaving the spot and leaving the shape of future events in charge of a probationary ASP who was yet under training. This act of the DIG was, to say the least, indiscreet

and irresponsible. The DIG has admitted this, though in different words; for he stated that in the retrospect he was prepared to agree that he should not have left the scene of occurrence! He has further stated that apprehending that the firing on the canal road might have violent repercussions in the city he left the scene and took a number of steps at his office to prevent violent repercussions in the city. He has mentioned a fairly long list of steps alleged to have been taken by him. But what was the effect of the steps taken by him? What happened in the city immediately after his withdrawal from the Jewel Chowk would show that either no steps had been taken, or, if they had been taken, they were wholly inadequate. The incident that took place were :—

(a) At 1.55 PM a Government Jeep bearing registration No : JQA 297 was burnt near the lower Gumat crossing by a mob of 200/300.

(b) A power Wagon bearing registration No : PNQ 2850 of the Border Security Force was burnt near the Arts Emporium and the Kerosine Oil tins which were loaded on it were taken away.

(c) The kerosine oil taken from the Power Wagon was used in setting fire to the Government Arts Emporium.

(d) The Fire Brigade's Bedford Vehicle which had come to the Residency Road for extinguishing the Emporium fire was also burnt.

The incidents of arson mentioned in (b) (c) and (d) all took place between two to three in the afternoon, in the vicinity of the Dak Bungalow situated at a distance of only 2½ furlongs from the City Police Station. There was an armed platoon of Police already stationed at the Dak Bungalow and there were reserves at the police station and yet these incidents of arson could not be prevented. There was nothing placed before the Commission on which it could be said that the police made an attempt even to prevent any of the happenings mentioned above. We have, therefore, failed to see any substance in the assertion of the DIG that many preventive steps had been taken by him on return from the Jewel Chowk. The DIG submitted no report to the Home Secretary for information of the Government nor to the Divisional Commissioner and had only submitted a report to the District Magistrate. On the circumstances noticed above the question which obviously poses itself for an answer is what really was the reason for the DIG to leave the Jewel Chowk area at the time that he did. We have a feeling that the DIG left from Jewel Chowk in hurry, perhaps, to get an early opportunity to contradict the version that may be given by the Magistrate to the Divisional Commissioner, for the DIG knew that the Magistrate when he left the Jewel Chowk intended going to the Divisional Commissioner.

145. (a) Two other matters even though not of much importance, may be referred to now. The DIG told us that when he was informed at the police station by a 'Taxiwalla' that there had been a clash between the students and the police, he had passed that information to the Divisional Commissioner and himself proceeded to the spot at once. What

action did the Commissioner take on receipt of this information is not even remotely discernible on the evidence. We have wondered as to why he did not think it advisable to go to the spot himself. No one gave an answer to this question and unfortunately the Divisional Commissioner chose to keep away from the Commission.

(b) The other matter to which we wanted to refer was the part played by G. A. Tak the then Additional District Magistrate, Jammu. He said in the witness box that he went to the disturbed area but did not proceed beyond the Vinayak Chowk as he found the situation on the Jewel crossing side tense; apparently it appeared too tense for his liking. He has told us that he returned almost post haste without even contacting any officer at the spot. When he returned from the spot he did not even inform the Divisional Commissioner of the situation, because he said that the Commissioner had complete information of the situation from other sources. We cannot help saying to at the less we see of such behaviour and the less the number of such Magistrates the better for the State.

CHAPTER X

Events after the firing on 17th October and the morning of 18th October and imposition of curfew on 18th October.

146. As stated earlier, after the incidents of firing on the central road on 17th October, the Police withdrew from the Jewel Chowk to the City Police Station and immediately on arriving there at 1.50 PM the City Inspector Shanti Saroop lodged FIR 159 about the whole incident culminating in the firing of that day. The case of the Government is that immediately after the withdrawal of the police, the mob indulged in acts of violence, loot and arson. A catalogue of these acts are stated in para 33 of the Government's statement of the case as follows :—

(a) Government Jeep No. JKA 292 coming from Candhinagar towards the city was stopped. The driver (Mantha Ram) was dragged out, the Jeep was overturned and set on fire.

(b) Government vehicle PNQ 2865 (Power Wagon) belonging to BSF parked on the Residency Road was set on fire.

(c) The Government Emporium was looted and set on fire causing a loss of lacs of rupees.

(d) The Fire Brigade vehicle with fire engine which came to extinguish the Emporium fire was stoned, stopped and set on fire. Several firemen on duty were injured."

147. The incidents affecting the law and order situation which, according to the Government case happened in the morning of 18th October are stated in paras 36,37,38 and 39 of the Government's statement of the case. We shall quote these :—

Paragraph 36. "That on the morning of 18th October 1966 groups of young men went round the Jammu City. They set up road blocks at important places on strategic roads making use of stones, logs of wood and drums etc. The traffic was thus blocked."

Paragraph 37. "That one such mob reached the old Secretariat building and forced officers to close down their offices".

Paragraph 38. "That mob, at about 10 AM set fire to the office of the Food and Supplies Department in the old Secretariat in Jammu."

Paragraph 39. "That in view of the aforesaid incidents and mounting tension in the town the District Magistrate, Jammu, clamped curfew on 18-10-1966 in the town from 1200 hours that day to 1200 hours on 19-10-1966".

148. The incidents mentioned above may now be referred to in some detail.

(a) At 1.55 p.m. on 17-10-1966 Mohanlal clerk, Head Constable of the Saddar Police Station informed the City Police Station by telephone that a mob of 100/300 bouys had stopped a Govt. jeep, beaten its driver and dragged him out and set the Jeep on fire, which was still burning. Vidya Nand Station House Officer of the City Police Station on receiving the above information, registered a case in respect of FIR No. 160/66 for offences under Sections 436/148/149 R.F.C. with the added observation that the atmosphere in the City being tense the investigation of the case would be taken up when there was an improvement in the situation. The Jeep was burnt near the lower Gumat crossing and the driver had also submitted a report about it to the Works Manager, State Garages the same day.

(b) At 2.35 p.m. on the same day Raj Karan ASI who was on duty at the Shahidi Chowk informed the City Police Station that a riotous mob of over 300/400 men had set fire to the Government Arts Emporium on the Residency Road and the S. H. O. thereon registered a case No. 161/66 for offences under Section 395/436/149 with a note that the investigation of the case would be taken up on the improvement of the atmosphere in the city. The SHO also informed the Fire Brigade by telephone and requested it to proceed to the spot immediately to extinguish the fire.

(c) At 2.35 of the same day the SHO City Police Station registered on his own information FIR No. 162/66 for offences under Section 336/148/149 RPC, the allegation being that a mob of 500/600 boys, with petrol and pieces of wood in their hands, had attacked the Police Station and had started pelting stones and attempted to enter the Station and set fire to it. Their attempt to enter the Police Station was foiled and tear gas was used to disperse them and they dispersed towards the City Chowk.

(d) At 6 PM of the same day a written report by Kundan Lal Sub-Inspector, First Border Security Force, Batallion P6 was brought to the City Police Station by Zail Singh Driver Constable No. 14/4203 giving information that Power Wagon No. PNQ 2850 (which had come from Rajouri Head Quarters on 14-10-1966 for depositing Government money in the Treasury and for purchasing rations etc. in Jammu) was, after depositing the money in the treasury nearing the Government Emporium, when a large crowd of people threw empty drums and other things on the road in order to block traffic, and they also began throwing brickbats on the vehicle and before the three occupants of the vehicle could get out of it, the mob set fire to the vehicle and the occupants were surrounded by the mob but were rescued by more sensible members of the public. On a written report FIR No. 163/66 for offences under Sections 436/307/148/149 was registered by the Station House Officer. It has been noted by the SHO at the end of the FIR that the mob has made it difficult for the police to move out and that the case would be investigated on improvement of the situation.

(e) At 10 PM of the same day a written report from Amar Nath Munshi Divisional Fire Officer, Fire Brigade Jammu, was received at the City Police Station accompanied by copies of Reports No. 4 and No. 5 of the Roznamcha of the Fire Station. Report No. 4 recorded at 2.34PM the receipt of information from the City Police Station about the Government Emporium having been set on fire and the departure of the aforesaid officer for the Residency Road with his men, vehicles and fire extinguishing equipment. Report No. 5 records the facts of certain incidents and return of the party to the fire station. The report was to the effect that when the fire extinguishing party was nearing the Government Arts Emporium, a large crowd of people started pelting stones on them and surrounded their Bedford Truck No : DLH 9936, the Fire Officer and the Driver Jagat Dev Singh who were sitting on the front seats, were hurt by stones, people came up to the vehicle and beat them there and set fire to the vehicle. With great difficulty they saved themselves by taking shelter away from the scene and on getting dark they returned to the Headquarter. Other men who were at the back of the vehicle made good their escape and took shelter in a nearby house. The firemen succeeded in saving the accompanying "Layland Vehicle".

(f) At 7 PM on 17-10-1966 Abdul Ahad Sub-Inspector, fourth Battalion JKAP who alongwith his men was on duty at Puranimandi, came to the pacca Danga Police Station along with Moh'd Ibrahim Constable (who was in an injured condition) and made a report that a procession of 400/500 students assaulted the Sub-Inspector and his men at Puranimandi and beat them with fists and kicks and caused injuries to them. At this information Thakar SukdevSingh ASI registered a case FIR No. 130/66 for offences under section 353/332/147 RPC.

149. The events of the morning of 18th October, 1966 as stated in the Government's statement of the case have already been referred to. In regard to the incidents mentioned in para 38 of the Government's statement of the case Gian Chand Clerk Head Constable, Police Station Pacca Danga received at 1.20 PM on 18-10-1966 a docket from Thakar Sahdev Singh ASI, Police Station Pacca Danga informing him that on learning that the office of the Food and Supply Department had been set on fire and that he, after informing the Fire Brigade, went to the spot himself and saw a fire raging on the southern corner of the office of the Food and Supplies Directorate. The fire was, when he reached there, being brought under control. The clerk Head Constable registered a case FIR No. 131/66 for offences under section 436 RPC.

150. The District Magistrate at 11.45 AM on 18th October made an order under Section 144 Cr.P.C. imposing a 24-hour Curfew on Jammu City with effect from 12 noon of 18th October. The order stated that :

"No person shall be permitted to leave his home and move within the municipal limits of Jammu City from 12 noon on 18th October 1966 upto 12 noon 19th October without the prior and written permission of the undersigned or any officer authorised by the undersigned."

The order does not state the material facts which necessitated its promulgation : these circumstances were the same which have been set out in paras 36,37 and 38 of the Government's statement of the case. These were the incidents mentioned :—

(a) Groups of boys went round Jammu City and put up road blocks using stones, logs of wood and drums etc.

(b) A crowd forced the officers in the old Secretariat buildings to close down their offices.

(c) A mob set fire to the office of the Food and Supplies Department in the old Secretariat at 10 AM.

151. The one question that was raised was whether the above events, singly or collectively, necessitated or even justified the imposition of the Curfew. The Superintendent of Police has given a detailed account of the road blocks put up. He says that when he, along with the Director General, Border Security Force and the Inspector General of Police went round the City at about 11 AM from the CPO they found road blocks in front of the Ustad Mohalla entrance, Kachhi Chawni Chowk, Old Club Chowk, in front of Ghulab Bhawan and opposite the Dak-Bungalow gate on the Residency Road. He has also described the type of obstructions which were met with and stated that these were cleared by the men accompanying them. The putting up of the road blocks mentioned above was nothing unusual or unexpected in Jammu City or at least not a circumstances that could adequately justify imposition of Curfew. This opinion of ours followed from the following statement of the Superintendent of Police himself.

“These crowds put in road blocks. This is the normal type of a thing which happens in Jammu by a category of people who invariably indulge in rowdyism.”

152. The second circumstance was that the crowds went to the offices in the Old Secretariat buildings and compelled the officers to close their offices. While judging this conduct we have to remember that three boys had been killed by the police firing on the previous day and a good number injured, some very seriously, by the firing as well by the lathi charge of the police. The dead bodies of the three boys killed in the firing had to be cremated and the whole city was observing a complete hartal. The most conservative estimate of the funeral procession given by Government witnesses is ten to fifteen thousands. Some Government witnesses have estimated it at about twenty to twenty-five thousands : These were modest estimates. It would in such circumstances not be unusual or mischievous if the people demanded that the offices should remain closed for that day, and it was not only natural but also discreet on the part of the officers to agree to the closing of their offices ; this could not necessitate or justify the imposition of a curfew.

153. Great emphasis was laid on the fire in the office of the Director Food and Supplies. The Director Food and Supplies was not in

station on 18th October and his Deputy, D. P. Gaiind was incharge of the office. He attended the office and at about 10 30 AM when some one hundred youngmen came to his office premises shouting slogans and demanding that the office be closed and so he closed the office. He and the other office employees came down to the Courtyard and soon after they saw smoke coming out of the southern corner to the Accounts Branch Rooms within a short time the fire spread damaging five rooms and the records of the Accounts branch. The witness saw no one setting fire and he did not suspect any outsider. He has, however, stated that there were several embezzlement cases, whose records were lying in the Accounts Branch room and he did not rule out the possibility of some one of the Accounts branch being responsible for the fire. The office is located in the first floor; there was no fire in the ground floor, which contains the valuable stores of the Tawāza Department. If the intention of the persons setting fire was to damage or destroy Government property then they would have set fire to the ground floor rooms where valuable Government property was stored. We rule out the suggestion that this fire had been the act of those who were out to have the offices closed. This fire could not in our opinion, be considered to be a link in the vandalistic chain of events of the morning of 18th October but must be considered in its isolation. The fire may have been the act of some body in the Accounts branch, the motive being to destroy incriminating records relating to cases of embezzlement of Government property/money or it may have been due to some other cause like an electric short-circuit but it could in no way be connected with the events of that day and could therefore provide no ground for imposing a curfew.

154. The events of arson of the 17th October indulged in by mobs have not been mentioned in the Government statement of the case to have necessitated the imposition of the curfew, even so these may be considered in this context. FIR 160/66 relating to the burning of the jeep No. JKA 292 near the Lower Gumat crossing was registered at 1.55 PM on 17th October, that is immediately after the withdrawal of the police from the Jewel Chowk area. The other three incidents of arson namely the burning of Power Wagon No. PNQ 2850 of the Border Security Force and the setting fire to the Government Arts Emporium and then to the Fire Brigade Bedford vehicle, which came to extinguish the Emporium fire were cases of arson which took place on the 17th October between 2 and 3 PM. These acts were apparently the result of the immediate reactions on the young mind which triggered off their baser instincts of revenge and were rather distant in point of time and circumstance to provide adequate reason for the imposition of a curfew on the 18th October at 12 noon.

155. The Government Arts Emporium is next door to the Dak Bungalow or to refer to it by its other name, 'The Torist Reception Centre.'. There was according to the police sufficient reserves of police at the Dak Bungalow and further the Emporium was only 2 furlongs from the City Police Station, where also there were considerable reserves. We have failed to understand why the police force at the Dak Bungalow remained indifferent and inactive and did absolutely nothing to prevent the mob from setting fire to the Power Wagon and the Government

Emporium. The burning of the Emporium could have been easily prevented by the Reserve Police force at the Dak Bungalow and their failure to do so, particularly when there was no explanation for this culpable inaction, verged on criminal neglect. The DIG had stated in the witness box that he left the Jewel Chowk area leaving the situation in the charge of the A. S. P. because he had to look to the law and order situation in the town. In the back ground of the ashes of the Emporium one is left to wonder what was the contribution which the D.I.G. made to the safeguarding of Government property. These events were over by 3 PM. If these had been considered dangerous to public peace and tranquility then a Curfew should have been imposed immediately. Apparently these events were not considered as providing sufficient grounds necessitating the imposition of a Curfew.

156. The imposition of the curfew has, however, to be considered in another context. The administrative authorities as also the District Magistrate were aware that a funeral procession of the three dead bodies had left Mastgarh-Link Road, at about 11 AM and would be reaching the cremation ghat at about 12 noon and that thousands of people, who had joined the funeral procession would start returning from the cremation ghat after the sanskar of the dead bodies. Knowing that thousands of people of the city were away from their homes, the time at which curfew was imposed appeared to us an administrative absurdity. The impracticability of its enforcement made the absurdity appear still more absurd. A prohibitory order under section 144 prohibiting an assembly of more than five persons was already in force which properly made an exception in the case of funeral and marriage processions. On the face of the original order imposing a curfew there was no exception provided for persons who had joined the funeral procession, but the District Magistrate stated before us that when he sent the gist of this order in Urdu to the Information Department for being announced by loudspeaker Van of the Department he had, besides filling in the blanks in the draft order, added the following :

**JO SHAQHAS MATMI JALOOSE QAY SATH HAN WEO
WAPAS APNAY GAR ARAM SAY JA SAQTAY HAN.**

According to him he had provided an Exemption in this curfew order for those people who would be returning to their homes from the cremation ground. The District Magistrates' statement in regard to the above mentioned exemption and the manner in which the exemption could be implemented makes interesting reading. It would be waste of energy to refer in any detail to the District Magistrate's statement in this connection. All that need be said is that his statement was full of inconsistencies making everything connected with the curfew order wholly absurd. We have advisedly refrained from commenting upon the legal aspect of the curfew order, for that was not necessary for our purposes. We may, however, say that the ugly events of the 18th October in Rajinder Bazar were in large measure sparked off by the promulgation and enforcement of the curfew and that if there had been no curfew many a tragic things may never have happened.

CHAPTER XI

Police Firing on 18th October, 1966.

157. We now come to the Police firing on 18th October 1966 at Rajinder Bazar ; the Government have in support of thier version, produced two main witnesses namely :

- (1) Madan Mohan Khajuria, Superintendent of Police, Jammu District and
- (2) Nek Ram Sharma, Inspector District Special Police, Jammu,

M. N. Saberwal, ASP has also deposed about it.

158. The evidence of Khajuria is as follows :—

(a) That he had been to Srinagar to appear as a witness before a Commission of Inquiry and he returned to Jammu on the 17th October a little after 9 P.M. and while passing by the City Police Station he saw some people in front of it and he was there told that there had been trouble in the city and that things were not normal. He therefrom went to his residence at Gandhinagar, got into his uniform and reported for duty to the Inspector General of Police and Deputy Inspector General of Police at the Central Police Office. They apprised him of the whole situation and asked him to look into the deployments and other arrangement for the next day. He came to the City Police Station, at about 10.45 P.M. and there worked out a scheme of deployments for the next day. Having planned the deployment, he intimated the same on telephone to the District Magistrate, Deputy Inspector General of Police, Divisional Commissioner and the Inspector General of Police at about 11 p.m. and they approved of it. The units deployed to the various places were directed to take their posts by 7 A.M. next morning. He stayed for the night at the Police Station and on 18th morning he checked up to see if the forces had moved to their respective posts. He was told that the reserves had taken their posts by the appointed time. Thereafter, he detailed about 50 plain clothe police men to collect information.

(b) At about 9 A.M. a Jeep went round the town announcing that the funeral procession of the boys killed in the previous days' firing would start at 11 A.M. from Mastgarh, Link Road. The announcer on the Jeep exhorted the people to collect there. A few minutes later the dead bodies of Brij Mohan Sharma and Gulshan Handa and a little later that of Subash were collected by their relatives from the hospital and carried to their homes at Dhaunthali and Mastgarh. Khajuria was at the Police Station when at about 10.30 A.M. he got telephonic information from the Central Police Office that a crowd had set fire

to the Food and Supplies Department situated in the Old Secretariat Building and that the Inspector General of Police had gone with force to the spot to deal with the situation. He telephoned to the Fire Brigade and was told that the Fire Engine had already left for the spot.

(c) Learning on inquiry that no tear gas squad accompanied the Inspector General of Police, the witness took out one of the tear gas squad with him from the Police Station and left for the spot *via* B. C. Road, as the road passing through the town was reported to have been blocked at various places. On his way the witness stopped at the Central Police Office at about 11 A.M. and found that the Inspector General of Police had returned. At that time, Mr. Rustomji, Director General, Border Security Force, had also arrived at the Central Police office and also a contingent of about 200 men of the 18th Battalion of the Punjab Armed Police. The Director General and the Inspector General of Police accompanied by the witness and a company of the Punjab Armed Police, went round the town and found road blocks at a number of places which they got cleared by their men and returned to the Central Police Office at about 11.30 A.M. The witness further stated that after certain discussions and consultations the District Magistrate at about 11.45 A.M. made a formal order imposing a 24 hour curfew from 12 noon of that day, on the town and gave a written note on a slip to the Information Department people for the order being publicised.

(d) The procession of about 10,000 to 15,000 people accompanying the three dead boys left Mastgarh at 11 A.M. and passing through Purani Mandi, City Chowk, Kanak Mandi, Shahidi Chowk, Rughnath Mandi Chowk, Dharamsala Sunder Singh, Hari Singh High School, it reached the cremation ghat on the bank of the Tawi at 12 noon. The people who had joined the funeral procession started returning from the cremation ghat in groups shortly after 1 P.M.

(e) At 12.15 P.M. the witness accompanied the Director General, Border Security Force and the Inspector General of Police and came from the Central Police Office to the City Chowk, a contingent of Punjab Armed Police following them in a vehicle. When they reached the City Chowk, they found crowds on the Rughnath Mandir, the Kanak Mandi, and the State Bank of India sides. The crowds were enjoined to go to their homes as curfew had been imposed on the town and those on the Rughnath Mandi and State Bank sides started moving away but those on the Kanak Mandi side (which consisted of about 300 men at that time) showed no such inclination. The Police, therefore, moved up to the Kanak Mandi side in order to disperse the crowd there. At the Police moved up, some people entered into the bylanes on the right and left and the rest moved towards the Ghas Mandi. The police kept moving after them towards Ghas Mandi and from the Ghas Mandi trijunction some people went towards Lakhdatta Bazar, and some into the lanes adjoining the area.

(f) At Ghas Mandi the Inspector General of Police directed the witness to station himself there and accordingly he remained there with Assistant Sub-Inspector Ram Chand, two Head Constables and seven

Constables of the PUNJAB Armed Police, three of them with armed rifles. The Inspector General of Police further directed two platoons to spread themselves over the Kanak Mandi between Ghas Mandi and City Chowk in order to maintain direct contact with the main police part at the City Chowk. After these directions the Inspector General of Police and the Director General, Border Security Forces, started moving back towards the City Chowk and the witness went to Lakhdatta Bazar to persuade the people there to go home. When he came back to Ghas Mandi, he found that the police force that had been directed to be in Kanak Mandi was not there and the crowds had re-assembled in the Kanak Mandi ; and a little after 1 O'clock some stone throwing started towards the City Chowk.

(g) A few minutes after 1 P.M. people started returning in small groups from the cremation ghat and by 1.40 P.M. 700/800 people had come through Rajinder Bazar and 400/500 were noticed going towards Talab Khatikan. At about 2 O'clock a crowd reappeared in Lakhdatta Bazar and people started collecting in Rajinder Bazar also. About this time tear gas shells were fired from the City Chowk direction and immediately after stoning started from all directions and even from house-tops. Brickbats and sodawater bottles were also thrown. The intensity of stone throwing having increased the witness tried, though unsuccessfully to push back the Lakhdatta Bazar crowd. Finding himself and his men completely trapped the witness came to the middle of the Kanak Mandi road, and facing towards the City Chowk, he signalled to the City Chowk party for reinforcements and 15 minutes later ASP Saberwal, Inspector Ishri Datt of Punjab Armed Police, Head Constable Manghal Singh and two Constables of the District Armed Reserve managed to come to Ghas Mandi ; Ishri Dutt carrying a revolver, the Head Constable and one Constable light gun and one Constable tear-gas grenades and other shells.

(h) After warning to the crowd the witness ordered firing of tear gas shells towards the Rajinder Bazar crowd and grenades in the direction of Lakhdatta Bazar. On this the crowd in Rajinder Bazar direction (300/400) charged on the Police and the stoning was continued with greater intensity and even some of the tear gas shells were picked up and thrown back. The witness warned the crowd to disperse, failing which they were told they would be fired at. This warning had no effect, stone throwing continued and the crowd kept on advancing. At this the witness directed Ishar Dutt to have one round fired above the head in the air. The one round fired in the air had some effect and the crowd fell back and the police kept on firing tear gas shells intermittently in an effort to press home the advantage gained.

(i) At 2.30 P.M. ASI Kuldip Singh of the District Special Branch arrived in plain clothes and the witness directed him to go to the Deputy Commissioner's office and ask Mr. Hakku Deputy Superintendent of Police to come with a platoon to Ghas Mandi and hold back the Rajinder Bazar crowd in Rajinder Bazar itself. About 20/25 minutes later a platoon of Kashmir Armed Police under Hakku came *via* Shahidi Chowk from behind the crowd ; but they also were stoned. The lathi

men of this platoon charged the crowd with lathis, pushed them back, making gaps in them and thus they were able to pass through. All this time tear gas shells were being thrown at the crowd and the crowd threw stones but this platoon, which was a lathi platoon except for one man who carried a rifle and Mr. Hakku who carried a revolver, succeeded in holding the crowd back for a time.

(j) At this time (3.15 P.M.) the Lakhdatta Bazar crowd was pushing towards the Ghas Mandi and Mr. Hakku's platoon, which was in Rajinder Bazar, came under great pressure and the witness therefore directed Mr. Hakku to gradually withdraw his platoon to Ghas Mandi. There was danger of both parties being sandwiched, if the Lakhdatta Bazar crowd had managed to come to Ghasmandi.

(k) At this time Inspector Nek Ram of the District Special Branch came in plain clothes to Ghas Mandi and the witness directed him to go towards Rajinder Bazar for some intelligence work. The Rajinder Bazar crowd started coming towards Ghas Mandi stoning all the time and the police firing tear gas shells from Ghas Mandi. Suddenly, the retreat of Mr. Hakku's men stopped and they advanced towards Rajinder Bazar. Two Constables Fazal Akbar and Khadim Hussain were hit by stones and fell down. ASI Ram Chand came running from Rajinder Bazar side and informed the witness that the crowd had got hold of Inspector Nek Ram Sharma and ASI Kuldip Singh and were beating them mercilessly. He also informed the witness that he had heard Nek Ram shouting that his revolver had been snatched away. On finding the lives of these four men in danger, the witness administered a warning to the crowd that if they did not disperse, they would be fired upon. This warning had no effect and the witness thereupon ordered Inspector Ishwar Dutt to have one shot fired over the head in the air. This also had no effect and the witness again warned the crowd that if it did not disperse it would be fired upon. This warning too had no effect and the stoning and brick batting continued from all directions and therefore the witness ordered Inspector Ishwar Dutt to have one round fire at the most threatening section of the crowd below the knees. This was done and the mob fell back in disarray. This was at about 3.30 P.M. Inspector Nek Ram and ASI Kuldip Singh were recovered in a dazed condition, Kuldip Singh was bleeding from the head and the clothes of Nek Ram were torn and out of 44 police men on duty in this area 32 had sustained injuries.

(l) Under the orders of the witness all the policemen retreated to the City Chowk but they had to do this under heavy stoning from roof tops of Kanak Mandi premises and from the crowd that chased them from behind upto the City Chowk. Inspector Nek Ram was a few paces ahead of the witness. Proceeding forward the witness met the District Magistrate in front of the City Police Station and he informed him of the entire chain of events. After a few minutes the Inspector General of Police also arrived there. The situation had become so grave that the law and order situation was handed over to the Military.

159. The crowd brought a Rerha—a hand cart—and it was

said that a dead body was carried on it. In the evening between 6 and 7 p. m. the witness learnt that Gurcharan Singh had been hit by a bullet in the Rajinder Bazar and he had died. Nek Ram Inspector lodged a report of the incident which took place at Ghas Mandi at the City Police Station, FIR No: 166/66. The FIR shows that Nek Ram had made this report at the City Police Station at 3.30 P.M.

160. The students did not accept the version given by the police—for they had a different version and in support of their version, the students examined three witnesses, namely Mohan Singh, Rattan Lal and Harbajan Singh. The evidence of Rattan Lal, who is a student of the Arts College and lives in Palluda is as follows :—

That he left his home at 9 A.M. on 18th October 1966 for participating in the cremation ceremony of the boys who had been killed by the Police firing on the previous day and reached Jammu at about 11 a.m. He joined the funeral procession at Purani Mandi and accompanied it to the cremation ghat. After the cremation he returned with four or five boys at about 3 P.M. and met Gurcharan Singh deceased, whom he knew from before. When they were proceeding through the Rajinder Bazar the Police stopped them, a little ahead of the lane leading to Talab Khatikan. The Superintendent of Police was there and Gurcharan Singh requested him to allow them to go on that road but the latter did not permit. Gurcharan Singh insisted on going that way and argued vociferously with the Superintendent of Police, whereupon the latter took out his pistol and fired 3 or 4 bullets at Gurcharan Singh. One of these bullet missing Gurcharan crossed through one of the legs of the trousers of the witness and struck another person who was standing behind him. The people who saw the Superintendent firing at Gurcharan Singh cried out that the Superintendent had killed him and the people started pelting stones on the police. The witness then left.

From the evidence of Mohan Singh it appears that he put the dead body of Gurcharan Singh in a Rehrha (hand cart) and took it to the Gurdawara and from the Gurdawara he took it to the Hospital on a cot. At the hospital he met the father of the deceased and the three went away.

161. We have already noticed that the imposition of the curfew with effect from the noon of the 18th October was not only unjustified but also that the imposition of the curfew, in a measure, was instrumental in bringing about some of the tragic events of Rajinder Bazar that afternoon. The imposition of curfew, we were told, was the result of discussions between the top police and administrative officials in the Central Police Office and the order itself was issued under the signature of the District Magistrate as it had to be under the law. Immediately, after the enforcement of the curfew order the top police officers, accompanied by the Superintendent of Police, left the Central Police office and came to the City Chowk. The City chowk is at the cross roads coming from four sides, the Police Station side, the Rughnath Bazar side, the State Bank side, and the Kanak Mandi side. When these officers arrived at the City chowk, they found crowds on three

sides, the only side where there was no collection on the road was the Police Station side. The collection of people were told of the imposition of curfew and were ordered to disperse and to go to their respective homes, whereupon the crowds on the Rughnath Bazar side and the State Bank side started moving away but not the crowd that was on the Kanak Mandi side, which numbered at that time about 300 to 400 persons. These persons on the Kanak Mandi side persisted in staying on, the Police on the other hand were not prepared to put up with this and they moved upto Kanakmandi in an effort to drive the people standing on that side away. The result was that people moved into the bylanes on the right and the left and some even moved on to Ghas Mandi wherefrom some people also went towards Lakhdatta Bazar and into the bylanes adjoining it. This act of the police in pushing people away brought about some stoning from the roof tops of some business premises. The question that at once arises is whether there was any administrative wisdom in attempting to drive away this crowd of 300/400 persons collected in the Kanak mandi and the adjoining area and pushing them on to Ghas Mandi. This crowd had by then given no evidence of the fact that they were a crowd of mischief makers or trouble shooters: the men who made up the crowd were out on the streets under a peculiar psychological stress and the last thing which the police should have done was to fall foul of them. The Police needed tact, discretion and wisdom to handle this crowd in case they thought it in any way obligatory to get them away. We have, no doubt on the materials before us, that the tactless handling of this crowd let loose a chain of violent reactions on the part of people starting with stray stoning from the roof tops of business premises. In other parts of the town, where the police were not present for meddling and mudling there, there was no trouble and no whence of any sort. Along the entire route of the funeral procession from Mastgarh Link road to the cremation ground there was no police force deployed and so no trouble or violence occurred anywhere.

162. The strength of the procession had been stated by one of the Police witnesses to have been upto about twenty to twenty five thousand but it must have been larger. When such a huge procession, which took about an hour to reach its destination, passed through the most crowded parts of the town including business centres and there was no trouble of any sort anywhere, one can not resist the conclusion that mischief and violence did not come to the people naturally; their mood was sad and solemn. We have not been able to understand as to why, after keeping themselves away from the funeral procession, the police thought it desirable to interfere with the apparently peaceful and harmless crowd on the Kanakmandi side and attempted to disperse them by show of force. The stray pelting of stones from the roof tops of business premises started because of the ill advised and provocative insistence of the police in dispersing these crowds. There is no evidence to indicate that the curfew order had been announced in this area at about 12.30 P.M. when the police operations to disperse the people started. Even if the curfew had been duly announced in this area, the Police could not, as already noticed earlier, on the terms of the order, legally order the people to go to their homes. The curfew did not order that no person should be on the roads. The people were out of their homes from

before the passing of the order. There was no power in the Police under the curfew order to direct the people to get to their homes. We are constrained to hold that the curfew order was both in its conception and execution an administrative howler. The curfew, far from serving the intended purpose provided cause for the tragic events of that day. The evidence on the record clearly establishes that the trouble of 18th October afternoon, started because of provocation offered by the Police and in their insisting on dispersing the harmless crowds on the Kanakmandi side at about 12.30 P.M. that day.

163. It should have been realised by the police that the bulk of the people who had joined the funeral procession would have to return to their homes through the Rajinder Bazar sometime after 2 P.M. and any trouble that may start in that area would very much aggravate when the people who had joined the funeral procession would start returning by that way. And this is what actually happened. We felt on the evidence on the record that the handling of the Kanakmandi crowd and those that had collected at Ghasmandi was, to say the least, officious and in a measure tactless, particularly when Khajuria admitted in the witness box that the order promulgating curfew had not been announced in the area in which he operated.

164. The Inspector General of Police had made certain strategic deployment of forces but it appeared from the evidence that something happened which upset the plans and the chain of contacts which were contemplated broke down completely; this in a large measure contributed to the mob rule which followed in the wake of the crumbling police authority. We have no doubt that the Inspector General of Police would look into this failure of his men, if he has not done so already.

165. We have earlier referred to the account given by Khajuria of what happened in the Ghas Mandi area round about 1 P.M. when the people, who had joined the funeral procession, started returning in groups. It appears that by about 1.40 P.M. some 700/800 people had come through Rajinder Bazar and about 400/500 persons had entered Talab Khatikan area. From 2 P.M. crowds started reappearing in Lakhdatta Bazar and in Rajinder Bazar, this was after some earlier police action on the crowd: thereafter brickbats and stones started coming in some numbers and Khajuria and his men found themselves trapped; Khajuria signalled to the Police force at City chowk for reinforcements and some reinforcements came to him under Assistant Superintendent of Police, Saberwal. Soon after A.S.I. Kuldip Singh of the District Special Police who had appeared at Ghas Mandi in plain clothes was directed to go to the Deputy Commissioners' office and ask Deputy Superintendent of Police Hakku to come with a platoon to Ghasmandi and that a platoon of KAP men did come under Deputy Superintendent of Police Hakku's command *via* the Shahidi Chowk. We regret to record that Khajuria's evidence in regard to the happenings after Hakku's arrival with his force till the complete collapse of police control was in a measure disjointed and purposive. We have been unable to place any reliance

on Nek Ram's evidence and Khajuria's evidence in corroboration thereof. Khajuria's evidence in regard to getting "intelligence" through Nek Ram looked ludicrous in the context of the happenings. This story was probably thought of as a curtain raising fact for ushering Nek Ram on the stage, for Nek Ram had to get a beating and lost a revolver to justify the firing.

166. The students examined Mohan Singh, Rattan Lal and Harbajan Singh. Rattan Lal has stated that Khajuria stopped the people, who were returning from the cremation ground, from proceeding to their homes *via* Ghas Mandi and on Gurcharan Singh's insisting on going that way Khajuria took out his revolver and fired 3 or 4 shots at Gurcharan Singh one of which missed the target and crossed through one of the legs of his trousers and struck another person who was standing by him. That Khajuria shot at Gurcharan Singh is stated by Harbajan Singh also though Mohan Singh does not say that Khajuria fired at Gurcharan Singh but says that after Gurcharan Singh fell after being hit by a shot people there cried out that the Superintendent of Police had shot him. According to Rattan Lal and Harbajan Singh the Superintendent of Police had shot Gurcharan Singh by taking deliberate aim at him. This evidence has not carried conviction to us because of the fact that had this been true then we cannot believe that Khajuria could have, thereafter, succeeded in getting away from the scene in tact; further Mohan Singh who was standing close to the deceased has not stated so. He only stated that the people standing there raised a cry that the Superintendent of Police had shot at the deceased. We are inclined to think that since Superintendent of Police was in command of the situation there and a shot had been fired killing the deceased, the people ascribed the killing to the Superintendent of Police, the crowd, however, by and large did not believe in this assertion. The injuries caused to the deceased would show that probably two shots were fired at him, though the possibility of two shots not having hit him could not be completely ruled out. Khajuria was said to have used his revolver to shoot Gurcharan Singh, there is no expert evidence before us on which we could hold that the injuries which were found on the body of Gurcharan Singh were caused by a revolver shot. On the state of evidence before us we cannot hold that Khajuria fired on the deceased, nevertheless, on the circumstances and the evidence produced before us we could not with any semblance of reasonableness hold that the firing which was resorted to under the orders of Khajuria was justified. On the evidence it was clear to us that Khajuria created a situation which had explosive reactions from some young men, particularly from Gurcharan Singh and thereafter Khajuria doubled his wrong by being impetuous and in directing firing as a result of which Gurdharan Singh was killed.

CHAPTER XII

Concluding Chapter.

167. The earlier chapters have recorded the details of the grim tragedy which disfigured not only parts of the University Campus but also the relationship that subsisted between the administration and the people of Jammu, in particular its youth. Very few in Jammu went to bed on the night of the 17th with an easy mind—the killing, the burning and the cries from many hearts must have made easy breathing difficult both for the Police and the people. The fire that consumed the rich wares of the Government Emporium was more than a fire of hate and retribution—though the hands that lighted it were not to those who could have some semblance of a cause for lighting it, even so, those that set the fire appear to have given expression to the pent up feelings of retribution in the hearts of a very sizeable section of the people of Jammu. No one can justify acts of vandalism, even so, no one can legitimately shut his eyes to the stark realities of the human nature.

168. We have it in evidence that large crowds converged on the hospital to find out particulars of the injured and the dead. Wild and exaggerated reports about these were current. Circulating amongst the curious crowd were also parents whose children had been part of that mass of youth which had been fired upon—their anxiety added to the tenseness of the atmosphere:—there were women crying, dazed children, swooning mothers and sisters— all were part of the crowd at the hospital. The Superintendent and the Doctors of the hospital had a delicate and a difficult job and we cannot but record our appreciation of the way they handled both the physically and mentally injured. The hospital authorities did all that was possible to make accurate information available to all that wanted the information as to how many were injured and were being treated—their names were put up in at least two prominent places.

169. Events of an unprecedented nature happened as we have already noticed on the 17th and the 18th of October: these events had all the characteristics of a drama—there was even a *dramatis personae*. We have noticed the background which ushered in the circumstances that triggered the happenings. We shall now notice, in the order of importance, adhering as closely to chronology as possible, the leading actors who, willingly or unwillingly, shaped the size and content of the drama.

170. S. Amar Singh was the Divisional Commissioner of Jammu. He came to Jammu on the 10th October, 1966, to succeed Srinivasvardhan who was transferred to a Secretariat job. The many insinuations of learned counsel for the defence, which centred round this 'transfer' need not be noticed here: only a mention of the fact was necessary. One of the early acts of S. Amar Singh was to arrange, through the instrumentality of the Principal of the Agricultural College, to have the representatives of the students of that College before him may be for a dressing down. The Agricultural College students were on strike and a batch of them was on hunger strike in the Shahidi Chowk from the 12th of October. They were determined to starve to death unless their grievances were redressed: such was their mood, such their determination. S. Amar Singh apparently had not the capacity to ease the situation but, as very often happens, his limitations were not known to him, and he rushed in where angels would dread to tread: this we believe was in a large measure due to the fact that S. Amar Singh had not the necessary executive experience as a district officer which in a large measure, supplies the sinews for making a sound executive head. Instead of applying any healing balm to the sores he festered them in a sense, though his intentions must have been honourable. This was either on the 14th or the 15th of October—the greater probability pointing to the 15th of October. The Divisional Commissioner S. Amar Singh not only chose to ignore his responsibility to the Commission of placing the facts which were within his knowledge but did not even avail of the opportunity given to him by the Commission to give his version of the events. He remained completely mum. Learned Counsel for the students argued that the action of S. Amar Singh in not appearing as a witness before the Commission was a deliberate move so that he could not be exposed, and if he kept out of the witness box so that his image could not be tarnished; then ironically enough, by keeping away from the witness box his image sustained a greater tarnish than it possibly would have, had he come forward to explain many an odd bit of his activity.

171. The role of the Deputy Inspector General of Police Manmohan Wazir may be considered next. Like the Divisional Commissioner, Wazir showed a lack of appreciation of the potential dangers which the strike situation of the Agricultural College students and the consequent hunger strike by them posed. He appears to have shared the belief of the Divisional Commissioner or may be the Divisional Commissioner shared the belief of the Deputy Inspector General of Police that a show of strength and toughness was the only proper method of dealing with the agitating boys. As luck would have it, the condition of two of the hunger striking boys deteriorated to such an extent that on the night of the 15th a Doctor was sent for by the boys to examine two of the hunger strikers. We have not the report or the evidence of Dr. Manhas who had been sent for by the boys, but whatever may have been his opinion about

the condition of the two boys it could not have been that they were in good fettle. It appears that the visit of Dr. Manhas alerted the Police and they got the District Medical Officer, Dr. Raina to make another examination of the boys. Dr. Raina's report provided the police a God-sent opportunity to remove the boys from Shahidi Chowk. The removal was done in a manner that added fuel to the fire. Some of the police witnesses made incorrect and even false statements in regard to on crucial fact namely, whether the boys went of their free will to the hospital or they were arrested and then removed against their wishes. The removal was definitely against their wishes and was done after a formal arrest. The Deputy Inspector General of Police's act of leaving the removal of the hunger striking boys, whose condition had been reported to be low, to a Deputy Superintendent of Police who did not appear to have his heart in the job and to an Inspector—with previous little experience and even lesser awareness necessary for such a delicate job, verged on negligence. The result was that a problem which was confined to a very small group of youngmen became an all prevailing students problem—a new dimension was added to the problem. No attempt was made to allay public suspicion which was caused by the removal. The importance of the Student's Convention on the attitude of the student world of Jammu was completely ignored. If the Deputy Inspector General of Police ever told the whole truth about this matter, then we believe he would say something like this: 'I did not think anything was going to happen and if anything did happen then we could settle it in no time with the force that we had'.

172. The Deputy Inspector General of Police appears to have suffered from what we may call a "prestige complex",—the idea of 'equation', the idea of "abdication", were to our mind clear indices of the complex. We should like to emphasize the fact that if the Divisional Commissioner and his 'equation' the Deputy Inspector General of Police had kept themselves properly informed of what was happening in the student world, what agitated their minds, then they would have clearly known that their greatest worry was about the condition of the boys who had been removed from the Shahidi Chowk against their wishes. Their fears could have been allayed and once these were allayed then we are inclined to think that the majority of the students of the Arts and the Science Colleges would have lost all interest in the 'protest procession'. Our view is not pure speculation, we rely on two circumstances for our expression of opinion first, that the hunger strike as such had made no impression on the students of the Arts and Science Colleges and secondly that the call to which the students *en masse* responded was the call for a protest against the Police highhandedness. The printed handbill Exhibit S. 230, which was distributed clearly put across this matter to the students: the resolutions passed at the student's Convention, about which Kanwal Sharma has given evidence, also pointed to that and not what provided cause for the Agricul-

tural College Students to resort to hunger strike. No attempt was made to contradict the wild rumours that were afloat—the Deputy Inspector General of Police glibly told us that there was “no machinery for contradicting rumours”.

173. While in the witness box the Deputy Inspector General of Police's attitude was generally to cloud the issue under irrelevance and vagueness. He is clever and he made full use of it in answering questions in cross examination but even so the pertinacity of Counsel for the students very often got what he wanted out of him, this meant painful waste of energy and time which the Commission suffered in their endeavour to get at the truth.

174. The next officer to whom reference may be made was S. Sohan Singh, the District Magistrate of Jammu. S. Sohan Singh appeared before us and he was examined at considerable length and we must say that, by and large, he acquitted himself well in the witness box. S. Sohan Singh sort of played the third fiddle, not even the second in all the situations of any consequence that arose after S. Amar Singh took over charge as Divisional Commissioner. The evidence which we had before us irresistably drove us to the conclusion that S. Amar Singh and more particularly the Deputy Inspector General of Police Manmohan Wazir, completely ignored him because, to quote the words of the Deputy Inspector General of Police, (Sohan Singh) was not his “equation”. The Deputy Inspector General of Police appears to have set the pattern for the treatment which even the Police underlings offered him. Is it not extraordinary to notice that it was left to the District Magistrate to learn of a clash between the police and the students from the Principal of the College? The police wanted us to believe that their attempts to contact the District Magistrate had been unsuccessful all we need say about this assertion of the Police is that they needed a more gullible set of people than the members of the Commission to believe their story. We have little hesitation in believing that if the police had got on to the scene the District Magistrate or some other senior Magistrate before they started their ‘operations’, then possibly we may have had a different tale to tell—we say this because we have in evidence the conduct of the District Magistrate and his doings on his arrival on the scene, when admittedly all was not quiet—there were still menacing crowds around: the District Magistrate did handle the situation with tact and above all with sympathy. We have, however, to notice another performance of S. Sohan Singh not so complimentary as the one noticed above. On the 18th October S. Sohan Singh as District Magistrate decided at 11.45 A. M. to clamp a curfew on the town of Jammu—S. Sohan Singh sportingly took upon himself the entire responsibility for the decision to impose a curfew but on the evidence we could easily discover that the decision was not solely S. Sohan Singh's the legal responsibility, however, for the decision certainly was his, for the law only vested in the District Magistrate the right to impose a curfew.

175. The words in which the curfew order was made could do no credit to any draftsman: what was intended was not conveyed by the words used—the curfew order appeared to us to be symptomatic of the grip the administration had on itself. The curfew order was made at a time when a very sizeable portion of the population of Jammu was out of doors forming part of a tragic funeral procession. The curfew order was not properly promulgated and so, if anything, it provided the greatest single potential for a clash between the police and the people. The act of making the curfew order almost put one in mind of the Greek saying "whom the Gods wish to ruin drive them mad first". The question arises on whom should the responsibility be fastened for this—without doubt on the two top executives S. Amar Singh and S. Sohan Singh—on S. Amar Singh since he appeared to us to have arrogated to himself the status of the 'supreme commander' on S. Sohan Singh because the order went out under his signature.

176. In our opinion the real merit of an officer lies first, in accurate anticipation of events, secondly, in knowing what not to do—the 'donts' in our view are more important in such moments of crisis than the 'dos'. We have at an earlier stage expressed the opinion that another method than the use of force should have been tried. There was sufficient circumstantial evidence on which we could say that by tactful handling and by having a kind of sympathetic discussion with those students who were organising the procession and by utilizing the good offices of the Principal and teachers some solution could have been found: the authorities on the spot were not apparently prepared for such parleys. We see little justification for the belief that even if the students were allowed, under certain restrictions and on a solemn undertaking that the procession would be peaceful, to take out a procession, then such a concession would have amounted to any 'abdication' of authority. The administration would not have been stultified if the Divisional Commissioner and the Deputy Inspector General of Police, who admittedly had got information of the students resolve to take out a procession at 10 A. M. had himself immediately gone to the College Campus and had not sent a raw young officer and an Inspector as the young officer's mentor with a provocative show of force. We have earlier held that the lathi charge on the students was not the way in which the procession should have been met, at least, to begin with. The excesses of lathi charge, the beating of the Principal and the Professors was so provocative that the violence to which the students resorted to subsequently may even appear justified to many. If the authorities in charge of law and order by their own actions create a situation which could have such reactions then they cannot justly blame any one else. The Police force and its officers are public servants and their duty even while acting to maintain law and order is to subserve a public interest. Constitutionally, the Police powers of the State are

exercisable only in the public interest. It has to be realised that the law while placing punitive power in the hands of any one places him forthwith under an obligation to exercise that power not only with due caution but only when such exercise is essential in the public interest. No one can advocate that the majesty of law should not be protected or upheld but that does not mean that the only method of upholding the majesty of the law is to use force. In this context it is appropriate to notice that the law which gives authority to an officer to break up an unlawful assembly by the use of force enjoins in no uncertain terms the use of minimum force—this in our mind was a definite pointer. Further, the law makes provision for providing adequate opportunity to the unlawful assembly to disperse—this was another indication of the law giver's mind that the objective should be achieved first, through peaceful methods of persuasion. Officers have a curious idea that they remain on the right side of the law if they mumble something in the nature of a warning to the assembly to disperse; they forget that the stage of 'warning' is reached only after other attempts at persuasion have failed—the warning is not something in the nature of 'open sesame' for unleashing an attack—with lathis and then fire-arms. We have the admission of the Deputy Inspector General of Police that his warning was not forceful enough but that was at the "warning" stage—for the earlier stage there is nothing to show that any attempt on the part of the police was made to appeal to the better sense of the students. The police slammed the door against any understanding when they mounted a lathi attack and carried it deep into the College Campus even beating up the Principal. A police officer who fails to realise that youth was volatile and in a sense desperate when organised in support of a cause should best seek another profession. We do not hold any brief for placating students indiscipline but even so we firmly decry any precipitate action like a lathi charge or firing before other rational and human approaches have been tried.

177. On the 17th October Madan Mohan Khajuria the Superintendent of Police, Jammu, was away at Srinagar giving evidence before the Khosla Commission which was enquiring into an air disaster. So he played no part in the happenings of that day. Khajuria returned to Jammu late in the night of the 17th, immediately on return he learnt of the happenings. Khajuria when he contacted the Deputy Inspector General of Police was posted to the City Police Station. He took his bedding from his house at Gandhinagar to sleep the night at the Police Station.

178. As we have already noticed the 18th of October dawned on Jammu in a constricting atmosphere—nothing seems to have run a normal course. We were told that road blocks had been erected in many places in attempts to block

free passage of traffic: we must, however, state here that our examination of the evidence about these "road blocks" did not indicate to us that these could have provided any serious obstacle to essential traffic. Crowds appear to have started gathering in small groups, at various points in the city from fairly early in the morning: these were not crowds of trouble shooters; they were just that normal curious crowd which extraordinary happenings always throw out in the streets of any Indian city. There was a peculiar sadness in the air—as we said earlier the atmosphere was constricting. Movement of police forces to so called strategic points started fairly early—these movements too must have had its psychological impacts on the minds of the people. By 9 A. M. a Jeep went about the town informing the people of the arrangements which had been made for the funeral procession of those youngmen who had been killed. The procession was to start from Mastgarh at 11 A.M and then proceed to cremation grounds on the banks of the tawi. Everyone, interested in this procession appears to have had knowledge of it even the police seem to have known about it. It appears that temporarily, wisdom dawned on the police and they kept completely clear of this procession: it was a temporary wisdom, as succeeding events would show.

179. Groups of people appear to have started moving round the town to enforce a complete Hartal to mourn the tragic deaths. One such group reached the old secretariat buildings where function the District Courts and many other Government Offices: this group had the offices closed: the District Courts too were closed. There is no evidence on the record which could even remotely suggest that any coercive methods were adopted to have the offices closed - offices closed more or less without a murmur for we should not forget that people working in these offices had also been moved by the tragic events of the 17th. Somehow, as ill luck would have it, a fire broke out in one of the rooms of the Civil Supplies and Food Department Office. The information about the fire and the knowledge that groups of people were on the move enforcing 'Hartal' apparently made the administration panicky. The District Magistrate started rushing round but fortunately he acted mildly with the result that there were no clashes with the crowd. We examined every circumstance which could be relevant to determining whether this crowd intended any real mischief and we came to the conclusion that this crowd, by and large, intended nothing else than enforcing a 'Hartal' they had no programme of mischief although it could not be ruled out that in case they were defied in the matter of closing business or office they would not have caused trouble by resorting to violence. We have earlier held that the fire in the Civil Supplies and Food Department was certainly not the work of any one of the crowd that was out enforcing a 'Hartal'.

180. We have said above that the administration became panicky—Yes, it did - and the result was, as often happens, that they started 'seeing more than was meant', in the Civil Supplies Department fire which could not be ascribed to the crowd, in the road blocks, in a 'toppled over' "Dumper" in such other small nothings the Divisional Commissioner and his advisers started seeing ill omen of all kinds. The Deputy Inspector General of Police told us while in the witness box that a non-stop conference went on in the Control Room to which officers came and went in relays: the Conference must have been a babel of tongues and of decisions. Such a Conference led to the making of the curfew order at 11.45 A. M.—we have already noticed this.

181. The funeral procession was out at about 11 a. m. and it was expected to start returning in groups to the City after about 1 P. M. Those who could not join the procession came out in groups—may be, in mere idle curiosity, may be, to offer condolences, may be for any other reason but the fact remained that crowds were out at street corners—those corners which would have to be passed by the majority of the town dwellers who had gone with the funeral procession to return to their homes. These crowds appear to have unnecessarily worried Khajuria, he saw mischief in them though he could give no convincing reason for his off-hand opinion of their intentions. Police interfered with this crowd on the ostensible ground that they were collected on the streets in violation of an order under Section 144 Cr. P. C. The people were in no mood to stand the police ordering them away. the result was that the crowd which was quite peaceful started brick batting the police—again the police due to the narrowness of their outlook picked up a quarrel—the pent up feelings mounted like a crescendo. By then the crowds from the Cremation ground also started coming in—they not only swelled the numbers but added to the venom—Khajuria and his police became thoroughly panicky and they again resorted to the trigger of the fire arm. One young man, Gurcharan Singh, fell dead some others were injured—The violence of the crowd naturally increased—the police had to run for safety—but they could find no safety in their own strength—the army was called in and almost immediately like snow on a summer's day the violence melted away. The people no more had an enemy to fight so they settled down to their sorrow.

182. Khajuria's role as a police officer followed precisely the same pattern as that of Wazir his Deputy Inspector General of Police. In the witness box, Khajuria, if anything, was worse.

183. We found it impossible to place much reliance on the police version of serious injuries to their personnel—they story of Nek Ram's losing his revolver at the hands of the crowd has been disbelieved by us—no one could believe

the cock and bull story which Nek Ram had to tell. His evidence about the serious injuries he received was a tissue of lies. Khajuria's attempt to support Nek Ram's story was thoroughly unworthy. Khajuria's role in handling the crowd was, if we are to believe the evidence adduced on behalf of the students, and we have seen no adequate reason to discard that evidence, quite provocative. Khajuria admitted in the witness box that in the area in which he operated the curfew order was not announced, even so, the police obviously under orders from Khajuria interfered with peoples' movements—Admittedly, Khajuria ordered people to get away to their houses. Khajuria in our opinion displayed a complete lack of appreciation of the temper of the people with whom he dealt—the people who were collected at Ghasmandi were in no mood to be ordered about at the time for they were awaiting the return of the main bulk of the funeral procession—their's at the time, was no morbid curiosity there's was, if we could, in the retrospect, assess their feelings, one of sympathy and they wanted to demonstrate it by their presence on the streets. Counsel for the students suggested to Khajuria that it was customary for people to come out of their houses to condole with relations of the deceased when they return from a cremation—indeed, it was suggested that this was thought all the more necessary for those who could not join the funeral procession, Khajuria stoutly denied there being any such custom. We did not consider it necessary to encumber our record, which already had become voluminous, by calling evidence on this count for we thought that the alleged custom had such a social grace about it that people must have instinctively followed that course. It is in our opinion a requisite quality of a police officer, particularly when he has attained the position of a District Superintendent of Police or that of a Deputy Inspector General of Police to be able to assess the feelings and the temper of the people and to be able to enforce restrictive laws with sympathy and understanding. To some, these observations of ours may appear as mere platitude, to such people we would make an appeal to give the matter deep thought since the police and the administration in the modern context of living is constantly called upon to deal with people on whom restrictions of some kind or the other have to be enforced. It must be realised that law is not like nature "red in tooth and claw". Law is the epitome of man's civilized conscience and therefore Law expects that in its enforcement man will act like a civilized being. Hasty resort to force is not a quality it is a failing and we do not think that any administration can fail to ignore this fact or condone it in its officers. The concept of 'public relationship' is a modern concept for the police force which is still weighed down by many of the traditions which have been handed down to it by the British though it has in many cases unfortunately, hugged the evil and let go the good.

184. We wish to make it perfectly clear that we have

not judged the actions of the police on any pedantic or doctrinaire standards—the police subserve a common social interest, so that their actions even in the enforcement of the laws has to be tested on the touch stone of least harm done. Judged on these standards the action of the police could only be dubbed as miserable failures in handling the situation which their many follies helped to make worse.

185. It is common knowledge that youth the world over is restive—the restiveness of the Indian Youth is, we believe, to protest against there being not enough recognition of their potential merits, they believe that there is not enough justice done to their aspirations. Today the challenge of youth to age is a tremendous challenge though very few are prepared to see this and even fewer are prepared to meet it. The result is an estrangement which makes understanding between youth and age difficult. Our survival would largely depend on our genius for adjustment to our changed environments. We have to face the mounting expectations of the youth for a better life, the obstacles which litter the way to its realization are trite knowledge but the problem has to be tackled. We believe that youth still possesses a certain amount of pliability, a certain basic understanding of the difficulties that lie ahead of both youth and “crabbed age”. We have to utilize this understanding and pliability for the common benefit of both. A sympathetic handling of their problems is a *sine qua non* of winning the confidence of youth—it is essential that those who have to deal with youth should have a certain awareness of what stuff they are now made of. It is for those who have the responsibility of training our youth to discover ways and means to inculcate the basic virtues in the youth. There is nothing very wrong with them may be, their is something wrong in our handling of them. Nevertheless, youth has to realise that a great responsibility rests on them—their responsibility lies primarily in their realizing that knowledge may come speedily but wisdom takes its own time to come—they must learn with reverence and with faith if they wish to bring in the millenium that they dream of. We have had reason to believe that there is sufficient realization in the senior section of the students of Jammu that everything that was done by them on the 17th was not creditable—we sincerely hope that the youth of Jammu would always bear in mind their responsibilities for upholding a civilized Indian way of life even under the gravest provocation and that no unseemly incidents would again mar the academic atmosphere of Jammu and Kishmir.

186. We have seen earlier that S. Amir Singh and the police under Deputy Inspector General of Police Wazir were as ignorant of the challenge they were out to meet as a rabbit. When we put the blame on the Divisional Commissioner and the Deputy Inspector General of Police for their lack of awareness, we are not, we believe blaming them for their

failure to do something which should not be expected normally from an administrator and a policeman—that is not so—their failure has been in respect of obvious realizations which any officer should have had.

187. We have heard a slogan which is sometimes raised namely that however proper the police action may be they would be blamed. This is an unworthy slogan because those who are called upon to judge the actions of the police and the Magistracy Judge their actions on a careful examination of all circumstances—whenever, in doubt as regard to any matter the benefit always goes to the administration and the police. Those who judge the actions of the Police as we have had to are aware of their difficulties and limitations. We were while weighing evidence, always conscious of the fact that any condemnation lightly made of any officer was likely to affect not only the good name of the officer but also in a way reflect adversely on the administration generally.

188. We think it necessary also to refer here to the composition and the leadership of the police force that went into action, so to speak on the 17th and the 18th of October. There were at least three distinct groups of police personnel—the Kashmir Constabulary, the Punjab Police and the Andhra Police each with its own officers. There was sufficient circumstantial evidence on record to show that this apparently motley force did not properly weld together each unit looked to its Commandant for inspiration and not to the Deputy Inspector General of Police under whom they operated this kind of divided loyalty did not appear to us to have been conducive to adequate operational discipline—this matter deserves some consideration at the hands of the Government.

189. Before we end our report we wish to make certain acknowledgements. We wish first of all to acknowledge our appreciation of the assistance Government gave to the Commission in the matter of supplying adequate staff and such other facilities as made for easier working conditions. To Dr. Karan Singh, the then Governor of Jammu and Kashmir and the Chief Minister, the Chairman has a special word of thanks to record for the very personal interest they took to see that proper arrangements for travel and stay were made for him.

190. To Counsel for the parties the Commission acknowledges its gratefulness for the very great assistance they gave to help the Commission unravel many a difficult knot. The cooperation which they offered was great for they agreed to work on many holidays many a time at great personal inconvenience. The Commission could not have completed its task in the time in which it has, had it not been for the very willing and hard labour put in by the. Recorders namely Mohd Shaffi, M. N. Kaul, S. N. Ganjoc and C. L. Raina and the Reader Bakshi Sukh Raj—

they all worked more than over time to keep up to the time schedule set by the Commission. Last, but not the least, we acknowledge our gratefulness to the Secretary of the Commission Mr. N. K. Hak for organising the office and its records and for preparing for the use of the Commission several useful statements and in many other matters connected with the day to day working of the Commission.

B. MUKERJI
Commission of Inquiry
Jammu.

1. R. K. KAUL
2. DURGA SINGH

Srinagar

Dated May 29, 1967.

PART II

Summary of Findings

A. BACKGROUND OF EVENTS.

1. (a) There were quarrels between two groups of youngmen on the 21st and the 23rd September, 1966, in which the sons of Shri Trilochan Dutta namely, Bharat Vinod and Bharat Indu played a prominent part.

(b) The partial attitude of the police in respect of the investigations connected with FIR NOS. 142/66, FIR 143/66, and FIR 144/66 arising out of the aforesaid quarrels registered at the City Police Station started the first surge of student dissatisfaction and discontent against the Police.

(c) The unjustified detention of Harbans Singh at the City Police Station, ostensibly for the purpose of interrogation, led to the taking out of a protest procession by the students demanding the release of the detained students on 24th September, 1966, which indulged in acts of violence.

2. The timely intervention of the then Divisional Commissioner, Srinivasavardhan, and his getting the release of the detained students eased a situation which otherwise may have assumed ugly proportions.

3. The agitation of the Government Agriculture College Students which had started on the 29th of August, 1966, at R. S. Pura did not interest the students of Jammu at all till they started a hanger strike at the Shahidi Chowk, Jammu, from the 12th of October, 1966, even so, it touched only the fringe of the student community of Jammu till the police bungled in their removal of two of the hunger striking boys from the Shahidi Chowk to the Hospital on the night of the 15th of October, 1966.

4 (a) The Police were, to say the least, tactless in their actions relating to the removal of the two hunger striking boys whose condition had become 'low'.

(b) i. They were formally arrested and then removed.

ii. They were removed against their wishes.

iii. The fact that they were being taken to hospital was not declared sufficiently clearly to be known by all those that were interested about it.

- (c) i. Rumours which were afloat about their having been removed to an unknown destination and of one of the boys having died were not contradicted by the police or the administrative authorities.
- ii. The Deputy Inspector General of Police should not have applied a satisfying unaction to his conscience by taking refuge under the excuse that there was no machinery for contradicting rumours.
- (d) The Deputy Inspector General's leaving the removal of the hunger striking boys to a Deputy Superintendent of Police who had no heart in the job, and to a City Inspector, who had precious little experience and awareness necessary for such a delicate task, verged on negligence.

5. The dissatisfaction which was confined to the Agriculture College boys affected almost the entire student community after the police bungling in the removal of the two boys from the Shahidi Chowk. This problem assumed new dimensions.

6. The Police failed to appreciate the significance of the Student's Convention which was held at Jammu on the 16th October, 1966; they did not even trouble to know the resolutions which were passed.

7. (a) If the Police had, as they should have, kept themselves properly informed of what was happening in the student world of Jammu, then they would have known that their greatest worry was about the condition of the boys who had been removed from the Shahidi Chowk.

(b) The Police failed to take steps to disabuse the fears and misgivings of the students arising from the removal of the hunger striking boys

8. (a) The Deputy Inspector General of Police and the Divisional Commissioner showed lack of appreciation of the potential danger which the hunger strike of the Agriculture College students posed. They seem to have shared the belief that a show of strength and toughness was the only method of dealing with it.

(b) The Divisional Commissioner did worse by sending for the representatives of the Agriculture College students and rubbing them the wrong way. It was largely due to the fact that the Divisional Commissioner had not the necessary experience of a District Officer which, in a large measure, supplies the sinews for making a sound executive head.

9. The Police had information that a student's procession would be taken out on the 17th October, in protest

against police highhandedness, but they were complacent about it: their assertion that they had no knowledge was not only not correct but did great injustice to the work of the intelligence branch.

10. The order promulgated under section 144 Cr. P. C. on the 3rd October, 1966, did not apply to the area in which the Arts or the Science Colleges were situated—the alleged 'amplification' of the 5th October, 1966, by which an attempt was made to extend the territorial operation of the order to the said area was really not made or, at least, not shown to have been announced.

B. EVENTS OF THE 17TH OF OCTOBER.

11. (a) The Deputy Inspector General of Police showed poor generalship when he sent a probationer Assistant Superintendent of Police and the City Inspector as the former's mentor with a provocative force to handle a situation which called for imaginative tactfulness. The Deputy Inspector General of Police should himself have gone to the scene and not stayed behind at the City Police Station.

(b) The Deputy Inspector General of police was unjustified in treating the District Magistrate as below his 'equation', ignoring the fact that under the law the primary responsibility for the maintenance of law and order rested on the District Magistrate. He was further unjustified in not himself taking steps to appraise the District Magistrate of the situation, for we believe, that the District Magistrate's presence at the time on the scene would have, had it, nothing else, a sobering affect.

(c) The District Magistrate had the information about the clash between the boys and the police from the Principal of the Science College and not from any one of the police force.

12. (a) No attempt was made to utilise the good offices of the Principal and the Pro-Vice Chancellor to dissuade the students from taking out a procession, on the other hand, precipitate action was taken by Assistant Superintendent of Police, Saberwal by ordering a lathi charge on the boys.

13. The lathi charge on the students was indiscriminate and without adequate warning and it continued on the fleeing students deep into the College Campus not sparing even the Principal and the Lecturers.

14. The boys started stoning the police in retaliation for the lathi charges which had been carried into the College Campus on the fleeing students, the Principal and the two lecturers.

15. Fairly heavy stoning was in progress when the Deputy Inspector General of Police arrived on the scene after the lathi charge at about 10.45 A. M. and was followed by Police reinforcements and the Additional Mobile Magistrate.

16. There was a lull in stoning, when, on the suggestion of the Deputy Inspector General of Police, the Magistrate went to speak to the boys.

17. The boys wanted to take out a procession as a protest against the Police excesses--they gave an undertaking to the Magistrate to be peaceful

18. The Magistrate and some boys were coming upto the Jewel crossing to discuss the matter with the Deputy Inspector General of Police when suddenly fire was opened by the Police from the Jewel crossing side.

19 (a) The Magistrate was injured but the plea of the police that he was manhandled and injured by the students was not established.

(b) The Magistrate did receive some lathi blows at the hands of the police but then this was not a deliberate act of beating the Magistrate, as such, but this happened when the police went out to break up a group of students who were in the shop with the Magistrate.

(c) The Magistrate was dragged away by Shanti Saroop in the belief that the students were being rough on him and he had to be rescued from them.

20. (a) The Magistrate's story that the Deputy Inspector General of Police had asked him for permission to fire on the crowd of students to disperse them was not true nor his assertion that he prohibited firing at any stage true.

(b) The Magistrate's story that he was hit by a bullet which struck his shoe was a complete fabrication: there was much exaggeration in the Magistrate's statement but we have not noticed all these since they were unnecessary.

I. (a) The Police version of the seriousness of the injuries sustained by the police personnel was greatly exaggerated.

(b) i. The firing was resorted to without adequate justification.

ii. We were unable to hold that firing had to be resorted to in self defence.

(c) It was not established to our satisfaction as to who ordered firing.

(d) The Police story of there being two separate firings on two different occasions was incorrect.

22. The firing was indiscriminate and spread over a much longer period of time than the Police stated, further, the number of rounds fired were much more than 43 as stated by the police.

23. There was sufficient circumstantial evidence on record to show that the motley police force did not properly weld together, each unit looked to its 'Commandant' for inspiration and not the Deputy Inspector General of Police under whom they operated; this kind of divided loyalty did not appear to us to have been conducive to adequate operational discipline.

24. The Deputy Inspector General of Police's leaving the Jewel chowk area at the time at which he did, when the situation had not been brought completely under control, was rather rash.

25. Adequate precautions had not been taken after the firing of the 17th to safeguard State property, particularly the costly Government Emporium from any possible mob action. The Police force which was alleged to have been stationed at the Dak Bungalow did nothing to protect the Emporium from being set on fire.

C. HAPPENINGS OF THE 18TH OCTOBER.

26. (a) There was nothing to show that any coercive methods were used or any violent disposition shown by the groups of people who were out to enforce a hartal on the morning of 18th October when the funeral procession of the three boys killed in the police firing of the 17th October was to be taken out.

(b) No coercive method was used by any such group that went to the old Secretariat and asked for the closing of the offices and the District Courts there.

(c) The fire in one of the Accounts Section rooms of the Food and Supplies Department, which was situated in the first floor, was not lighted by any one of those who were out enforcing a hartal; the fire was very likely the work of some employee of the Food and Supplies Department who was interested in destroying some records of the Accounts Section in order to escape from embezzlement charges.

(d) The District Magistrate had no difficulty in persuading the crowd which was circulating in the old Secretariat area to leave.

(e) The road blocks at many places did not effectively obstruct any essential traffic.

27. (a) The order to impose a 24-hour curfew effective from 12 noon of the 18th October was signed by the District Magistrate at 11-45 A. M., it was apparently the result of a conference which must have been a babel of tongues and decisions.

(b) The decision to impose a curfew was an administrative absurdity. The order as worded failed to achieve its purpose and in a sense provided a circumstance for the ugly incidents which led up to the firing on the 18th October afternoon.

(c) Crowds which were out on the streets and remained there without any knowledge of the curfew order were not out for any mischief, they were only curiously awaiting for the return of those who had joined the funeral procession.

28. Police insistence that the aforementioned crowds, which had collected at various places, should disperse was impolitic, for it unnecessarily brought about a conflict which assumed large proportions.

29. The story of Nek Ram's injuries and his having been deprived of his revolver was false.

30. The handling of the crowd at Ghasmandi chowk by Khajuria was tactless and the firing which resulted in the death of Gurcharan Singh was unjustified. The evidence did not establish that Khajuria fired the shots himself.

31. The police action was by and large tactless.

32. There was no sufficient realization of the fact either by the Divisional Commissioner or Deputy Inspector General of Police that for the handling of a young and volatile crowd a certain amount of sympathy and understanding was essential and that a show of force was inappropriate as a general rule of conduct.

33. A sympathetic handling of the problems of the youth is a *sine qua non* of winning the confidence of youth—it is essential that those who have to deal with youth should have sufficient awareness of what stuff they are now made of.

34. It is necessary that those that have the responsibility of training our youth should discover ways and means to inculcate the basic virtues in them.

35. The youth must be made to realise that knowledge may come speedily but wisdom takes its own time to come.

PART III

CHAPTER I—Preliminary

COMPENSATION CLAIMS

As stated in an early chapter, the Government, by Notification No: SRO 433 dated October 22, 1966, amplifying the matter originally referred to this Commission, directed:—

“That the said Commission shall also inquire into, and report in respect of, the measures which, in the opinion of the Commission, are necessary to be taken to afford relief to those persons who have suffered in the aforesaid firing, and to the dependants of such persons”.

On 28th October, 1966 a public notice, both in English and Urdu, inviting all such persons as had suffered in the firings of 17th and 18th October, 1966 to put in not later than November 10, 1966 (this time was by another notice dated 8th November extended upto November 18) their written statements detailing the nature and extent of such sufferings and the measures that should be taken for affording relief to them was got printed at the Government Press Jammu and steps taken for its due publicity.

In response to the above notice, written statements about claims in regard to compensation were received from fifty-three persons, including four by the survivors of the persons killed in the firing. Notices were issued to the claimants to file documentary evidence in support of their claims and then, by letter No: IC/C/A/66/280 dated 20th February 1967 notice was given to the Secretary to Government, Home Department that if the Government desired to be heard in respect of the claims filed before the Commission, they may depute somebody to examine the record with respect to the same and furnish by 6th March their written statements in reply or objections as the case may be. In reply, the Secretary to Government Home Department forwarded to this office a copy of his letter No. IS/57-A/67 dated 16th March 1967 to the address of the Inspector General of Police saying that necessary instructions should be given to the Additional DIG CID in this connection for the Government being represented before, and heard by, the Commission in regard to this matter through the counsel already appearing on their behalf in the main proceedings. The Government counsel or the DIG CID did not appear before the Commission in connection with this matter nor filed any written statements or objections.

It appears that similar claims had been preferred before the Government also who awarded and paid compensation to such claimants, about which information has been supplied to the Commission. The total amount paid is Rs.56,000/-

Each application has been considered by us and recommendations made in each case separately. These claims may be divided into three groups, namely;

- (a) Claims by the survivors of the persons killed.
- (b) Claims by persons who have received bullet injuries, and
- (c) Claims by persons injured by lathi charge or otherwise.

The summary of the recommendation is as follows:—

(a) In the case of four persons killed Rs. 7,500/- have been recommended for the survivors in the case of three and Rs. 10,000/- in case of Gurcharan Singh deceased.

The Government has already paid Rs. 20,000/- and the additional amount to be paid is Rs.12,500/- Appendix 'F'.

(b) In the case of 30 persons who have received bullet injuries the total amount recommended by us is Rs. 33,500/-. The Government has already paid them Rs. 24,000/- and the additional amount recommended for them is Rs. 9,500/- Appendix 'G'.

(c) In the case of 19 persons who had received injuries by lathi-charge or otherwise, the total amount recommended by us is Rs. 14,500/-. The Government has already paid such persons Rs. 12,000/- and therefore the additional amount recommended by us is Rs. 2,500/- Appendix 'H'. Thus the additional amount recommended by us in addition to Rs. 56,000/- already paid by the Government comes to Rs. 24,500/-.

A consolidated and comprehensive statement giving details of claims prepared by the Secretary is on record and may if necessary, be referred to for ready reference.

We have already observed the compensation which is to be paid by the Government to the persons who deserve compensation is to be assessed not on the principle on which compensation is assessable while it is awardable against a wrong doer in action for torts. In these cases before the Commission, compensation is to be paid by the Government more or less on compassionate grounds in a vicarious capacity, for the acts of its employees who 'prima facie' at any rate acted in the discharge of their duties within the law.

It appears that generally these claimants have not at all kept this aspect of the matter in mind while making their claims for compensation. They also do not seem to have correctly appreciated or understood the scope of the Commission and also the considerations which would in such cases weigh with the Commission in making recommendation with respect to the quantum of the compensation to be paid in each case. This attitude and misconstrued conception, on the part of those who have claimed compensation before us can be clearly seen from the fantastic amount of Rs. 14,39,752/- claimed as compensation by the said 53 claimants.

CHAPTER II

Claims Relating to Dead

As a result of the firing which was resorted to by the police on the 17th and 18th October, 1966, the following four persons lost their lives:—

1. Shri Gulshan Handa S/o Kastuti Lal Handa R/o Kucha Nainu Shah Jain Bazar, Jammu.
2. Shri Brij Mohan Sharma S/o Padam Nabh R/o Mohalla Mast-Garh, Jammu.
3. Shri Subash Gandotra S/o Madho Lal Shopkeeper Pouni Tehsil Reasi, and;
4. Shri Gurcharan Singh S/o Gain Singh, R/o Mohalla Rehari, Jammu.

The first three were killed on the 17-10-66 and the fourth on the 18th. Two of them Gulshan Handa and Brij Mohan were shot at and died within the College Campus, Subash Gandotra, also a student of the College was however shot at while he was in Krishen Nagar Lane opposite the Science College main gate and died the same day in the Hospital.

All the three were students of G. G M. Science College reading in 1st year T. D. C.

Gurcharan Singh was shot at and killed on spot at Ghas Mandi Chowk. He was running an Engineering shop.

Gulshan Handa was aged about 17 years, Brij Mohan about 19 years, Subash Gandotra about 13-20 years and Gurcharan Singh was aged about 22 years.

Compensation to the extent of Rs 5,000/- to each deceased's representatives has already been paid by Government. Claims for further compensation have been preferred before us by the legal representatives of the deceased

Two questions of some importance arise in connection with the claims to compensation preferred before us. The first question is in regard to their right to receive compensation and the second as to the amount of compensation awardable,

Under Notification No: SRO-433 dated 22-10-1966, the Commission has been called upon to "inquire into and report in respect of the measures which, in the opinion of the Commission, are necessary to be taken to afford relief to those persons who have suffered in the aforesaid firing and to the dependents of such persons."

The wording of the Notification is not very happy for on a cursory reading of the third paragraph of the Notification set out above, would seem to indicate that relief is to be afforded to the persons, who have suffered in the firing and to their dependents. We are, however, of the view that the word "dependents" used in the aforesaid paragraph was intended to refer to the dependents of the persons who were killed and not only to the dependents of those whose suffering did not extend to loss of life.

We have first to determine as to who are the persons who can appropriately fall in the category of dependents within the meaning of the Notification. The workmen's Compensation Act defines dependents as follows:—

"Dependent means any of the following relatives of a deceased workman i. e. ;

- (1) widow, a minor legitimate son and unmarried legitimate daughter or a widowed mother;
- (2) if in whole or in part depending on the earnings of the workmen at the time of his death but a widower or parent other than a widowed mother a minor illegitimate son and unmarried illegitimate daughter, a daughter legitimate or illegitimate if married a minor and a minor or if widowed a minor, a minor brother and unmarried or widowed sister, a widowed daughter only and minor child of a deceased son, a minor child of a deceased daughter where no parent of the child is alive; or where no parent of the workman is alive a parental grand-father."

The Fatal Accident Act does not define the word dependent but it indicates that an action under that Act could lie for the benefit of wife, husband, parent and child, if any, of the person.

On the analogy of the statutory provisions referred to above it is fairly clear that compensation, if payable for the death of a person, could be recoverable by the category of persons who have preferred claims before us.

We now turn to the question of the Government's liability to pay compensation for the acts of its employees. In this connection we have to bear in mind the fact that

the liability of a master, and that is the highest at which the liability of Government could be placed, for the acts of its servants is confined to acts which could appropriately be actionable in torts. It is not clear from the evidence produced at the inquiry before us that the deaths of the persons mentioned above were due to acts which fell in the category of clear actionable torts; the employees of the Government acted, prima facie, within the scope of their official authority and if there was any excess or abuse of authority, a legal remedy would perhaps be open to the legal representatives of the deceased against those who exceeded or abused their authority but even so compensation could be given as an exgratia payment on compassionate grounds and no legal bar to such payment could be pleaded. As we have already pointed out earlier, compensation to the extent of Rs. 5,000/- each has already been awarded to the claimants by Government. The question that now falls for determination is as to whether any further compensation should be paid.

At one time damages were not recoverable according to law by the personal representatives of a deceased person but this position has undergone a change due to the passing of the Legal Representative's Suits Act, 1977 (1920 A. D.), which provides for the survival, in certain cases, of actions which under the earlier law would have died with the deaths of the persons that suffered the injury, which brought about their death.

Lord Russel of Kilowen pointed out in a decision that the object of the statute, namely, the Law Reforms (Misc. Provisions) Act of 1934 which was in similar terms to ours puts a person who has by negligence caused damage to someone, who subsequently dies, in the same position as regards the law as he would have been if the injured person had himself sued to recover damages while alive.

On the question of the quantum of damage, courts have considered the argument, which is very often advanced, namely that damages should be calculated on the expectation of life. In one case in 1941 the House of Lords held that:

“the thing to be valued was not the prospect and length of days but the happy life.”

It has been laid down in some cases that there was no right of action for damages on behalf of any of the relatives unless they could show some pecuniary loss in consequence of the death. English cases have persistently pointed out that nothing can be claimed merely by way of solatia for the mental suffering and bereavement nor does an action for even nominal damages lie in the absence of proof of actual loss. Damages could, however, be awarded if the claimants could show reason-

able expectation of pecuniary benefit from the continuance of the deceased's life.

The lives which were lost were of youngmen who could, in the normal course, have been expected to live a normal span of life and their relations could in the normal course have also expected that their continued existence could have been beneficial to them even monetarily. What however is more difficult of easy assumption is to be able to make an assessment of the extent of the monetary gain which could have been had on account of their continued existences they could even have been a liability to the family except in the case of Gurcharan Singh who was an earning member of the family. On the evidence before us we found that he had a fairly good income

Taking all aspects into consideration we have come to the conclusion that compensation to the extent of rupees seven thousand five hundred in the case of the first three would adequately meet the demands of the natural justice, while in the case of Gurcharan Singh's death a total compensation of rupees ten thousand should be paid.

CHAPTER III

Other Claims

CLAIM NO: 1. SHIV RAM SHARMA S/O KIDAR NATH,
801-A GANDHINAGAR, JAMMU.

Shiv Ram Sharma aged 28 years sustained injury according to his contention on the 17th October, 1966 near the Jewel Cinema as a result of beating given to him by the police.

2. Shiv Ram Sharma has preferred a claim for compensation to the extent of Rs. 4,334/-. His claim for the above mentioned sum is based on the actual out-of-pocket expenses incurred on his treatment and another sum of Rs. 3,500/- in regard to the loss sustained by him. He has also claimed a sum of Rs. 248/- and another sum of Rs. 400/- which would in our view legitimately fall under the claim covering over all financial loss which was occasioned by his incapacity to attend to his normal avocations of life. Shiv Ram alleged in his application that he did some business of selling house building materials.

3. There is no doubt that the injury which he sustained was a fairly serious one inasmuch as, it involved a fracture of the 1st lumbar vertebra which confined him to bed for at least five months. Fortunately, there has not been any permanent disability for the Radiologist's report dated 30th Jan. 1967 states that there has been an improvement since the last X-ray examination namely the one which was done on the 3rd November, 1966.

4. Taking into account all the circumstances which have appeared on the materials filed on behalf of Shiv Ram we are of the opinion that his out-of-pocket expenses which amounted according to him to Rs. 434/- was claimable by him. Further we are of the opinion that looking at the nature of the injury and the nature of the business he did, he must have suffered a loss of about Rs. 1,000/- during the course of the five months during which he appears to have been more or less confined to bed. We accordingly assess that the amount of compensation which should be payable to Shiv Ram Sharma s/o Kidar Nath Sharma r/o 801-A, Gandhinagar, Jammu should in all be a sum of Rs. 1,500/-. In the event of his having already received any compensation from the Government through the agency of the District authorities that sum would be deducted from the total of Rs. 1,500/- which we assess him to be entitled to.

CLAIM NO: 2. GIANI SAROOP SINGH S/O SUNDER SINGH
HOUSE NO 919 MOHALLA JULKHA, JAMMU.

This is a claim by Giani Saroop Singh. He has claimed Rs. 1,500/- as compensation for the injury sustained by him allegedly on the 17th Oct. 1966. It is alleged that a tear gas shell exploded on his head and he sustained a lacerated wound on the scalp which necessitated stitching. The wound on the head of Giani Saroop Singh was stitched at the out-door patients' department of the Jammu Hospital and he was also given an anti-titanus injection. From the papers filed by him it does not appear that he was in any way incapacitated from attending to his normal avocations of life due to the injury, save possibly, for a period of two weeks. We say this because we find a certificate by an Assistant Surgeon recommending him rest for a period of two weeks only.

Giani Saroop Singh we understand has already been awarded a sum of Rs. 750/- as compensation by the district authorities. In our opinion this sum of Rs. 750/-, if anything, errs on the side of excess for in our judgement the nature of the injuries and the loss to which he could possibly have been subjected to did not merit such a large compensation. In our opinion, therefore, he deserves no further compensation.

CLAIM NO: 3 ASHOK KUMAR S/O BELI RAM GUPTA
P. U. C. STUDENT M.A.M COLLEGE JAMMU.

Ashok Kumar sustained, according to him, an injury on his head on the 17th October, 1966. He has produced a medical certificate from one Dr. R. N. Gandotra of Government Dispensary, Gandhi Nagar, Jammu, dated 3rd November, 1966. This certificate shows that he attended the Gandhi Nagar Dispensary on the 18th Oct. 1966 and was discovered to have a contused wound ~~1x1~~ scalp deep placed longitudinally in the right parietal region of the scalp. The injury was simple and it did not appear from the certificate appended by him to his claim application that the injury in any manner disabled him from attending to his normal avocations of life for more than ten days at the outside. It is interesting to notice that Ashok Kumar claimed compensation to the extent of Rs. 750/- in the application which he made to the Medical Officer of the Government Dispensary for being forwarded to the Government for grant of compensation. A sum of Rs. 750/- has already been awarded to him as compensation by Government. In our opinion this amount erred on the side of excess. We accordingly have seen no adequate ground for recommending any further compensation for him.

CLAIM NO: 4 S. NIRMAL SINGH S/O RATTAN SINGH
LECTURER, GEOLOGY G. G. M. SCIENCE
COLLEGE, JAMMU.

This is an application for compensation by S. Nirmal Singh a Lecturer at the G. G. M. Science College, Jammu. He claims a sum of Rs. 35,000/- as compensation. It is interesting to note that even though such a large sum has been claimed by a teacher of a College, yet he has furnished us no details on which we could adequately or even remotely calculate the amount of compensation which we could award him. According to his application he sustained the following injuries: -

- (1) Abrasion on the front of left side of the Chest 5" x 1".
- (2) Haematoma on the left thigh.

The medical certificate given to him by Dr. Abdul Hamid, House Surgeon SMGS Hospital, Jammu, shows that he had an abrasion on the front of the left side of the chest 5" x 1" and Haematoma 2½" x 1½" on the left thigh. The skiagram of the chest revealed nothing abnormal.

He was an indoor patient for about two days for he was discharged as cured on the 19th October, 1966. He has already been awarded Rs: 750/- as compensation by Government which in our opinion, if anything, erred on the side of excess.

3. We wish here to point out that the compensation which is to be paid by Government is given more or less on compassionate grounds. In paying compensation in these cases Government was only discharging a kind of compassionate burden where they really had no clear liability: their liability has not been adjudicated upon in an action in torts. The question of quantum of damage awardable by Government in these cases has to be assessed on grounds different from those on which the liability to damage is assessed against a wrong doer in an action for torts. We hold that compensation already received by the applicant was sufficient.

**CLAIM No: 5 BHUPINDER KUMAR STUDENT OF 2ND YEAR
T D C MAM COLLEGE**

This applicant has claimed no specific sum as compensation. He says in his application that he may be paid compensation "as has been paid to other injured persons." He has filed a medical bill showing that he has spent Rs: 4.50 but this bill is dated 9th March 1967 so that appropriately, this bill could not relate to the injury sustained by him on the 17th October. This bill of the Krishen Medical Hall appears to us to be a suspicious documents in as much as, for one thing, there has been a change in the year of the date. A certificate of Dr. B. N. Kapoor dated 17-11-1966 indicates that there was some sort of a wound, the nature of which was not clearly disclosed for all that was said was that the wound on the skull had been dressed and "Tetnus Taxoid"

injection given. On the materials on the record we are of the opinion that this application could in no case be entitled to more than Rs 250/- as compensation and we accordingly recommend that sum for payment.

CLAIM No 8 VISHWINDER DEV PANDIT S/o NAND KUMAR
VAID II YEAR TDC GGM SCIENCE COLLEGE
JAMMU

The applicant has claimed a sum of Rs. 20,000/- as compensation. It is interesting to notice the words in which he has prayed for the grant of compensation; this is what he says:—

"I therefore hope that justice be done to me and the claim granted to me at your earliest so that my parents are financially pushed up."

This applicant has already been granted a sum of Rs.750/ as compensation by the State. The injury report dated 17th Octr. '66 indicates that the applicant had a lacerated wound $\frac{1}{2}$ "x1" bone deep on the anterior part of middle 1/3rd of right tibia. Further, it indicates that he had tenderness with deformity of left fore-arm at the junction of middle and lower 3rd. His skiagram indicated a fracture of the left ulna. He remained as an indoor patient for about 16 days. According to him he went to Amritsar and there under went an operation which was performed by Dr. Karam Singh. He says in his application that the cost of the operation exceeded Rs. 2,000/-. He, however, has filed neither a certificate from Dr. Karam Singh nor any receipts of payments made by him at Amritsar either in respect of operation charges or any other charges. There is nothing on record to indicate that the injury which he sustained has meant any disability of a permanent nature whether partial or complete to his left arm. In our opinion the compensation which has already been paid to him was more than adequate. We accordingly see no grounds for recommending any further compensation being awarded to him

CLAIM NO: 10 JAGOO RAM S/O BHLLUA RAM STUDENT
PUC MAM COLLEGE JAMMU.

This applicant claimed compensation, by his application dated 16-1-1967, a sum of Rs. 50,000/-. It is interesting to note that he has progressively increased his claim for in his earlier application dated 18th November, 1966, he only claimed Rs.25000/-. The applicant has already received Rs. 750/- as compensation from the Government.

2. He was medically examined on the 17th Oct. and was found to have a bullet injury 2"x1/3", on the postero-medical aspect of right forearm. The exit of the above

wound was on the outer surface of the right forearm "1x1/2". His skiagram shows a fracture on the right radius with multiple foreign bodies. The applicant was an indoor patient for about 20 days. The applicant has, however, placed no material before us on which we could adequately assess either the loss sustained by him or any other specific damage to him for which he could get compensation.

3. It is, however, interesting to note that he based his claim on the ground that as a result of the injury he could not get a good job nor could he prosecute his studies so he must have an adequate sum of money "to start some business". There is nothing in the medical report which could be construed to show that the injury which he sustained has as such incapacitated him or has even partially disabled him from carrying on his studies or from getting a good job. The applicant has undoubtedly suffered because of his injury and we think that taking into account all the circumstances of the case, he should be entitled to compensation of Rs.1,000/- in all. He has already received a sum of Rs.750/-and consequently he will be entitled to claim another sum of Rs 250/-

CLAIM No. 11

JANAK SINGH S/O HARJIT SINGH
STUDENT TDC MAM COLLEGE, JAMMU

This applicant claims Rs 50,000/-as compensation for the injuries alleged to have been sustained by him on the 17th October, 1966. His injury report dated 17th October 1966 shows that he had a 'big haematocoele on the right side of scrotum'. He was detained in the Hospital for about a month. He has already received compensation to the extent of Rs.750/- He has produced no medical bills or any other document on which he could sustain his exaggerated claim for compensation. He states in his application that he had spend Rs. 2,000/- on treatment. As we have said above there is no materials on our file to substantiate this claim. The injury which he sustained was not a disabling or a permanent one consequently in our opinion the compensation which has already been awarded to him was more than adequate.

CLAIM No. 12

ROMESH KUMAR (CHANDER)
S/O AMAR NATH
EMPLOYEE OF M'S MANSI RAM. AMAR
NATH RUGHNATH BAZAR JAMMU

This applicant has claimed compensation to the extent of Rs. 5,000/- He sustained a bullet injury. the entry and exit wounds are on posterolateral and enterolateral aspect 1/3'' in diameter each. The skiagram indicates a compound fracture of the left fibula. He was medically examined and admitted into hospital on the 18th October. There is an apparent error in his application in regard to the date of his injury and the

place where he received this injury. It appears that due to inadvertance the date of the injury has been mentioned as 17th while it must have been on the 18th since the injury was received at Ghas Mandi as alleged in the application.

2 He was in Hospital as an indoor patient for about 23 days. The applicant claims that he has lost the capacity of properly using his legs because of the injury. The medical report, however, does not support that claim of his. The applicant has not filed any other medical certificate than the one received from the Hospital to show that the disability which he claims he actually has. In any event, the applicant has had to suffer a lot and taking things into consideration, we are of the opinion that he should be compensated in all to the extent of Rs. 1,000/-. He has already received a sum of Rs. 750/- and, therefore, he will be entitled to claim a further sum of Rs. 250/-

CLAIM NO: 13 SWARN SINGH S/O KEHAR SINGH
PUC STUDENT MAM COLLEGE JAMMU.

The applicant applies for award of compensation to the extent of Rs. 2 lacs. On the 17th Swarn Singh was medically examined at the S. M. G. S. Hospital and the following injuries were found on his person. —

“Bullet wound with compound committted fracture left radius in forearm on front 4" x 3" x 2", 3" below the left elbow joint. Muscles, tendons, nerves and vessels are blown off.

Skiagram shows : Compound committted fracture left radius with gas shadows”.

2. The applicant was confined to hospital for over two months. According to him his left arm was amputated and, as such, his left arm has been rendered permanently disabled. The nature of the injuries sustained were such as indicated that amputation was possibly the only way to save gangerine setting in.

3. The applicant has undoubtedly suffered greatly. But even so, the claim for compensation that he has made is, in our opinion, excessive. The applicant has not furnished any materials on which we could adequately judge the loss which he has sustained. But even so, it appears that this was a case in which the sum of Rs 1,500/- which was allowed to him as compensation could not be said to have been adequate, for the applicant will in any event need an artificial limb to restore some of his original dextrous efficiency. We wish to point out here that the compensation which is to be paid by the Government to the applicant and indeed to all

others who deserve compensation is to be assessed not on the principles on which compensation is assessable where it is claimed against a wrong doer in an action for torts: In these cases before us compensation is being paid by the Government more or less on compassionate grounds and in a vicarious capacity, for the acts of its employees, who 'prima facie' at any rate, acted in the discharge of their duties within the law.

4. Taking everything into account, we consider that the applicant was entitled to a compensation of at least 2,500/-. He has already received a sum of Rs. 1,500/-, so that he will now be entitled to receive another Rs. 1,000/-.

CLAIM No: 14 KULDIP RAJ KOHLI S/O CAPT. KOHLI III
YEAR STUDENT TDC GGM SCIENCE
COLLEGE JAMMU

The applicant claimed Rs. 15,000/- as compensation. He has already been paid Rs. 750/-. His injury report dated 17-10-1966 indicates that he received (i) a bullet injury wound 1/3" in diameter on the dorsum of right hand in line with the ring finger, 2" proximal to M. P. joint (Entry). (ii) Wound of Exit 1/2" in diameter on the palm of right hand in line with little finger 2.5" proximal to MP joint: Screening: showed nothing abnormal.

2. He apparently was not detained in Hospital for more than 24 hours when he was discharged with the remark that he is being discharged as having been cured.

3. The applicant has placed before us no materials on which we could say that the compensation which he has already been awarded was not sufficient. We accordingly do not recommend any further award of compensation.

CLAIM No: 15 GURBUX SINGH S/O. DURSHAN SINGH
WAZIR DORING, BILLAWAR.

This applicant has claimed compensation to the tune of Rs. 10,000/- which would in the context of the injury as disclosed by the injury report of the House Surgeon of the S. M. G. S. Hospital appear to be fantastic for all the injury that he had was:-

"Tenderness. Right wrists, No apparent injury detected -
Skiagram N. A. D."

2. The applicant has placed no material before us on which we could say that the sum of Rs. 750/- which has already been awarded by Government to him was not excessive. We accordingly found no justification at all to make any further recommendations in his case even though he alleges to have lost,

a wrist watch of the value of Rs. 160/-; there is no proof of this even.

• CLAIM No: 16 SURAM SINGH S/O. SANT RAM PANJIRTHI,
JAMMU

This applicant claims Rs. 10,000/- as compensation. According to his claim he had a gun shot injury. He further asserts:—

“that due to the injury my limb has been rendered incapable to do anything”.

2. He has put in no medical certificate to indicate the nature of his injury, although he claims that he received a gun shot wound in the head. He was treated as an out-door patient and the hospital note in his case, of the injury, is that he had an injury to the scalp. If the injury noted to the scalp had been a gun shot injury, then we presume that it would have been mentioned as such but it has not been so described. He has already received Rs: 750/- as compensation which, in our opinion, was more than adequate. We accordingly have no reasons for recommending any further compensation for him.

CLAIM No: 17 TILAK RAJ NARGOTRA S/O. JAI KISHEN
NARGOTRA, RAMBAN.

This applicant has claimed compensation to the extent of Rs. 10,000/-. He received a bullet wound which has been shown in the injury report thus:

1. Bullet wound entry on the lateral aspect of right fore-arm 1/3" in diameter in upper 3rd.

Wound of exit on the medical aspect of right fore-arm in upper 3rd 1½" x 1" with wrist drop;
Screening : N. A. D".

2. The applicant has placed no materials before us to adequately determine compensation to be awarded to him. Nevertheless, we feel that the applicant has suffered a lot and his right wrist has apparently been permanently affected. So we consider in his case a compensation of Rs: 750/- which has already been awarded to him as not quite adequate, we consequently recommend that he be paid Rs: 250/- more thereby raising his total compensation to Rs: 1,000/-.

CLAIM No: 18 R. K. CHHIBER LECTURER IN PHYSICS
GGM SCIENCE COLLEGE JAMMU.

This is an application for compensation by a Lecturer at the G. G. M. Science College. The applicant claims "minimum monetary compensation of Rs. 30,000/-" (We have actually

quoted his words). The applicant further wants "an authentic apology from the Police Department through the Inquiry Commission."

2. We like to point out at the outset that the applicant has completely misconstrued the functions of the Commission when he claimed that the Commission should get him an authentic apology from the Police Department. He perhaps thought that as a Lecturer of an Institution of the status and reputation of the G. G. M. Science College he could make any fantastic claim. But, he should have known better than to make such a claim before the Commission for compensation for the injury that he sustained. The injury he sustained was more or less an insignificant injury in as much as it was merely a contusion mark on the back of the middle right leg 3"x2."

3. Apparently, the applicant has misconstrued the legal position in regard to the liability of Government in these to pay compensation to people who receive injuries. The Government pays compensation in these cases more or less on compassionate grounds for what its employees did in the discharge of their legal duties. The question of the quantum of damages in such cases has to be assessed not on the grounds on which the damages are assessed against a wrong doer in a claim in torts. The applicant has already received a sum of Rs. 750/- as compensation which, in our opinion, was more than adequate. We accordingly, see no ground to recommend any further compensation to be awarded to the applicant.

CLAIM No: 19 KUMARI SUDESH SARAF D/O H. R. SARAF
STUDENT M. A. FINAL SANSKRIT, JAMMU.

This applicant has laid no specific claim to any compensation: All that she asks for is adequate relief. She received two bullet wounds one 1/3" in diameter of entry on the front of right shoulder and the other 1/4" in diameter also of entry on the right arm in front. The skiagram showed multiple foreign bodies present in the body.

2. The girl has, undoubtedly, suffered a lot and had to be in the hospital for at least 11 days. Being a girl this must have meant a tremendous amount of strain and worry to the family. She has been awarded compensation to the tune of Rs. 750/-. We think that this amount in her case was not adequate. We accordingly direct that in her case the compensation should be raised to Rs. 1,000/-, so that she will be entitled to receive a sum of Rs. 250/. more.

CLAIM NO: 20 PARAMJIT SINGH S/O. SAGRA SINGH
III YEAR TDC MAM COLLEGE.

This applicant has claimed a sum of Rs.50,000/- as compensation by his application dated 18-11-1966 filed on 22-1-1966. In another application of the same date apparently filed earlier he prayed for adequate relief only. The difference apparently in the outlook of the two applications has been due to the fact that the second application was put in through Mr. Madan Baru, a legal Practitioner. The applicant received the following injuries :—

"Bullet wound 1" x 1/3" on the anteromedial aspect of left thigh in the lower 3rd. Exit 6" x 4" on the postero-lateral aspect of left thigh in lower one 3rd" Skiagram showed. Committed fracture of left femur".

2. The injury which this applicant sustained was of a serious and a disabling nature. He was confined to the local hospital for over 3 months in a special room for which he had apparently to pay, whereafter he was referred to the Medical College at Amritsar. We have unfortunately no material to show whether he actually went to Amritsar and, if so, how long he stayed there or what amount of expenditure, that involved him in. Nevertheless, we are clear that this was a case which deserved more compensation than what was awarded to him namely, Rs. 750/- only. We think that the ends of justice would be met by awarding the applicant compensation to the tune of Rs. 1,500/-. He has already been paid Rs. 750/- as compensation and, therefore, is entitled to receive Rs.750/- more.

CLAIM No. 21 DHARMOO S/O KIRPA RAM VILLAGE KALAKAM
TEHSIL JAMMU.

The applicant claims Rs. 5,000/- as compensation. He has already been paid a sum of Rs. 750/- as compensation. He received a bullet wound on the exterior aspect of right leg lower part middle third 1/2" in diameter and an exit wound in calf-1/2" in diameter. Skiagram showed compound oblique crack fracture right tibia.

2. Although the injury was a fairly painful one, even so, it does not appear to have caused any permanent disability to his leg. He, however, was in the hospital for over a month. He is a labourer and earned his livelihood by doing manual work. He has, therefore, sustained loss of wages without any doubt, which he has assessed at Rs. 350/- only. Taking everything into account, we consider that he was entitled to compensation of Rs. 1,000/-. We accordingly hold that he is entitled to claim another Rs. 250/- by way of compensation having already received Rs. 750/-.

CLAIM No: 22 AMRIK SINGH S/O. SUNDER SINGH
MOHALLA AFGANA, JAMMU.

The applicant has claimed a sum of Rs 5000/- as compensation. He alleged that he received a gun shot wound in his right thigh. The injury report, however, indicates that he received a lacerated wound 1"x1/2"x1/2" on the lateral aspect of the right thigh. Screening showed nothing abnormal. This lacerated wound may have been due to a gun shot grazing his thigh. The applicant as far as our record goes does not appear to have approached the District Authorities for any compensation and no compensation appears to have been awarded to him. The applicant has furnished no materials on which to assess the compensation although he laid a claim of having spent Rs. 1,800/- on his treatment. This has not been substantiated by any medical bills or Doctor's certificate etc.

2. The applicant received a lacerated wound and he, undoubtedly suffered thereby. We consider that in his case a sum of Rs. 500/- was more than sufficient to compensate him. We accordingly direct that the said sum may be paid to him as compensation. If, however any sum has been paid to him as compensation then the same would be accounted for while paying this amount.

CLAIM No: 23 KAMAL KISHORE SHARMA S/o J. L. SHARMA
TDC STUDENT GGM SCIENCE COLLEGE
JAMMU.

The applicant claimed compensation to the tune of Rs. 25,000/-. He claimed to have spent over Rs. 2,000/- on his treatment. But unfortunately he has not produced before us any bills etc. on which the amount claimed to have been spent could be verified. The applicant received the following injuries:—

- "1. Bullet wound 1/3" in diameter on the front of left shoulder.
2. Bullet wound 1/3" in diameter on the right side of chest on the front.

Skiagram showed:—Foreign body in the right chest.
Foreign body in the left shoulder region."

2. In his case two bullets appear to be still lodged in the body. One being in the left lung The Doctor did not feel safe in operating upon the lung and taking out the bullet lodged there. The Doctors feel that the bullet lodged in the lung was harmless, but even so it is foreign matter in the body and at that in a delicate part of the body. He has been awarded compensation to the extent of Rs. 750/-. We

are of the opinion that in his case the amount of compensation should be increased to atleast Rs. 1,500/- i.e. to say he should be entitled to claim a further sum of Rs. 750/-.

CLAIM NO: 24 KULDIP SINGH S/O. LT. COL PURAN
SINGH REHARI JAMMU.

The applicant claims Rs. 10,000/- as compensation. He has already received a sum of Rs. 750/-. He received only lathi injury on the left leg and left arm, according to him. The injuries are not at all serious. Therefore, in our opinion, compensation which has already been awarded to him was more than sufficient. We accordingly see no reason to recommend any further compensation to him.

CLAIM NO: 25 KARANJIT SINGH S/O. LT. COL. CHARANJIT
SINGH EXCHANGE ROAD JAMMU

This applicant claims compensation to the extent of Rs. 25,000/-. He has been awarded Rs. 750/- by the Government. The applicant received the following injuries:—

“ Bullet wound Entry right thigh $\frac{1}{4}$ " in diameter, 4" above the lateral epicondyle femur. Bullet wound entry right arm middle of outer aspect $\frac{1}{4}$ " in diameter. A lacerated wound right eye brow $1\frac{1}{4} \times 1\frac{1}{8}$ "

Skiagram : LOWER HALF RIGHT FEMUR

Small oval radio opaque foreign body $\frac{1}{5}$ " diameter $\frac{3}{4}$ " in front of anterior surface of femur close to the lateral border 4" above the knee joint.

LOWER HALF RIGHT HUMEURS

Two small radio opaque foreign bodies. Larger $\frac{1}{4}$ " in diameter, smaller $\frac{1}{2}$ " distal to it $\frac{1}{8}$ " in diameter close to posterior surface. Humerus $2\frac{1}{4}$ " above olecranon."

2. He was hospitalised so far twice, once in the Civil and thereafter in the Military Hospital. He, however, came back, to the Civil Hospital for further hospitalisation. The nature of the injuries were fairly serious particularly when foreign bodies were still in his limbs. He has suffered a good deal and, in our opinion, therefore he is entitled to compensation to the extent of Rs. 1500/-, that is to say he is entitled to receive Rs. 750/- more.

CLAIM NO. 26 VIJAY RAMPAL S/O FAQIR CHAND 2ND YR
TDC GGM SCIENCE COLLEGE JAMMU

He claims Rs 25,000/- as compensation for alleged injury to him on account of Police action on the 17th October 1966.

According to him he received lathi injuries which resulted in causing a lacerated wound on the frontal region of the scalp 3"x½"x½". He also had tenderness on both the ankles. His skiagram however showed nothing abnormal. Vijay Rampal was in Jammu Hospital for 13 days. On 30th Oct. 1966, he was sent by air to Srinagar Hospital because he complained of pain in the abdominal region and which the Doctors at Jammu were unable quite to account for on his examination by them. The return air ticket was paid for by Government. Not only that but further, the Superintendent of SMGS Hospital let Dr. P. S. Sikand accompany him on that Plane to Srinagar. The Superintendent Jammu Hospital also requested for an ambulance to be present at the airport to receive the patient. Investigations were made into his case at Srinagar hospital and he was for a while treated for Peptic ulcer which brought him some relief. An X-ray examination did not, however, show the presence of peptic ulcer. A report by the Superintendent of SMGS Hospital Jammu dated 11th March 1967 to the Commission indicated that Vijay Kampal's trouble namely pain in the abdomen was an old complaint and was not due to the beating that he received on the 17th October. He has claimed having spent a sum of Rs. 2,000/- on his medical treatment but he has not filed any bills or receipts which could lend support to this claim of his. He has had free treatment at Jammu, not only that, he had had free diet at Jammu as also at Srinagar, where too the treatment was free. He had not even to pay for his air travel to and fro from Jammu to Srinagar. We are not satisfied by his assertions, unsupported as they are by any kind of evidence, that he had to incur great financial expenditure on his treatment.

2. The injury which he has sustained is not of a permanent nature and it has in no manner affected his capacities. Therefore, his claim for a big compensation is completely ruled out. Taking everything into account, we are of the opinion that a sum of Rs. 750/- which has already been granted to him was sufficient for him as compensation.

CLAIM NO. 27 MAHAVIR KUMAR GUPTA S/O BADRI NATH GUPTA, 721 GANDHI NAGAR JAMMU.

Mahavir Kumar Gupta has claimed compensation between Rs. 10,000/- to Rs. 15,000/- he claims no specific amount. His injury report shows a bullet wound 2"x1/3" on the left buttock. The skiagram shows a fracture on the left pubic bone. He remained in the Hospital for fifteen days. He has not produced any medical bills in support of the amount that he alleged he spent on medicines etc. He has already received an amount of Rs. 750/-. Taking into consideration the bullet injury and the fracture received by the applicant on the left pubic bone, we recommend a compensation of Rs. 1,000/- in his case. He has already received a sum of Rs. 750/-. He will, therefore, be entitled to a further compensation of Rs. 250/- and we recommend accordingly.

CLAIM NO: 28 CHAMAN LAL DULLU S/O PREM NATH
DULLU, MOHALLA LABORATORY COLONY,
JAMMU.

The applicant has claimed compensation of Rs. 10,000/-. He alleged that while returning home on the 17th October 1966 he was caught by the Police in Krishen Nagar lane and beaten severely by lathis. His injury report showed lacerated wound on forehead $2\frac{1}{2}'' \times 1\frac{1}{4}'' \times 1\frac{1}{4}''$. Haematoma on the occipital region $\frac{1}{2}''$ diameter Haematoma on the left thigh $2\frac{1}{2}'' \times 1\frac{1}{2}''$. Haematoma on back $2\frac{1}{2}'' \times 1\frac{1}{2}''$. He remained as an indoor patient for 14 days and was subsequently discharged as cured. He has already received an amount of Rs. 750/-. He has not produced any bills or vouchers to show the amount of expenditure incurred by him on medicines etc. Taking into consideration the nature of the injuries sustained by him and other factors, we consider that the compensation already awarded to him was sufficient and we, therefore, are unable to recommend any further compensation.

CLAIM NO: 29. BHARAT BHUSHAN S/O PHOOL CHAND
JAIN, JAIN BAZAR, JAMMU,

Bharat Bhushan is alleged to have been hit by a bullet on the left thigh on 17th October, 1966. He was admitted into Hospital the same day and remained as an indoor patient for 14 days and was discharged as cured on 30.10.1966. His injury report showed a bullet wound $1/3''$ in diameter. Entry on the anterior aspect of the left thigh in the middle third and exit on the Posterior aspect of the left thigh in the middle third $\frac{1}{2}''$ diameter. He has in his application claimed an amount of Rs. 10,000/- as relief for the injury received by him, while in reply to the query made by this Commission dated 5th January 1967 he has made a very fantastic claim amounting to a total of Rs. 62,000/-. It will be interesting to reproduce the details thereof:—

- | | |
|---|--------------|
| (1) Alleged expenditure on treatment including Doctor's fee | Rs. 10,000/- |
| (2) Expenditure on relatives to look-after him. | Rs. 2,000/- |
| (3) Loss of studies. | Rs. 10,000/- |
| (4) Mental worries self and parents | Rs. 20,000/- |
| (5) Loss to father's business | Rs. 20,000/- |

The applicant seems to have completely misconstrued the very basis on which compensation can be granted in cases like this. He has not produced any bills or receipts regarding the alleged expenditure and has not even cared to state the

nature of the business of his father or given any indication as to how the alleged loss was sustained. He has already received an amount of Rs. 750/- as compensation and taking into consideration the bullet injury received by him, we are of opinion that an amount of Rs. 1000/- including that of Rs. 750/- already paid would be adequate in his case. We, therefore, recommend a further compensation of Rs: 250/- only to him.

CLAIM No: 30 RAJINDER KUMAR KAUL S.O BADRI NATH KAUL C.O. SAT PAL DHARAMPAL MANI RAM MARKGT KANAK MANDI JAMMU.

Rajinder Kumar Kaul has applied for compensation of Rs: 5,000/-. He was not admitted to the Hospital and has furnished only copy of the medical certificate alleged to have been issued by the Chairman, Pharmacology Discipline, Regional Research Laboratory Jammu, dated 15-11-1966. The said certificate only shows that the applicant was attended to by the said Doctor on 17th October for dressing and treatment of his wound on the left elbow and left hip. He has produced three prescriptions and four bills amounting to Rs: 285/25 and has also claimed a sum of Rs: 140/- alleged to have been spent by him on Doctor's fee dressing etc. for which he has not been able to produce any bills.

2. Taking into consideration the nature of his injury and the fact that he did not suffer any disability due to the same and was not also confined to the hospital, the amount of Rs. 750/- already paid to him would in our opinion be sufficient. We, therefore, are unable to make any further recommendation.

CLAIM No: 31 RAJINDER NATH KAUL S/O. BAL KRISHEN KAUL, CANAL ROAD, JAMMU.

He has claimed an amount of Rs: 10,000/- as compensation. The alleged injury received by him was a grazing bullet injury on the occipital region of his head. The said injury has been certified by the Chairman, Regional Research Laboratory. The Medical Attendant of the said Laboratory has certified about the treatment given and also his having attended on the applicant from October 17 to Octr. 23. He has been awarded a sum of Rs: 750/- which has already been disbursed to him. Taking into consideration the nature of the injury and other factors, the amount already paid appears to be sufficient in his case and we, therefore, feel unable to make any further recommendation.

CLAIM No: 32 RAM SAROOP CHADHA S.O. DR. ARJAN DEV CHADHA, 334/335 REHARI BAKHSI-NAGAR JAMMU.

Ram Sarup Chadha has claimed compensation to the tune

of Rs: 10,000/- for the injuries sustained by him due to police action on 17th October 1966. His injury report showed a lacerated wound 2"x $\frac{1}{2}$ "x1.3" on the right parietal region of the head. Skiagram of skull showed nothing unusual. He remained as an indoor patient for five days and was discharged as cured on 21st October 1966. It is rather surprising to see that a retired medical officer namely, Dr. M. R. Kohli has in his certificate dated 29-10-1966 said that the applicant who was examined by him on 23rd and 29th October was found under mental shock due to the said injury, but the injury report of SMGS Hospital dated 17th October and the Hospital record does not at all indicate or suggest any such thing.

2. The applicant alleged to have spent more than Rs:2,000/- on treatment and other incidental charges for which he has not been able to produce any bills or receipts. It will be rather interesting and also amusing too to note that the applicant has also filed a certificate of one Dhanpat Rai Advocate dated 10-1-1967 regarding his injury, its effect and also the alleged expenses incurred on treatment. How and why did this Advocate think it fit to put his foot into a sphere totally foreign to his occupation can best be known either to him or to Chadha who felt persuaded to file such a certificate. He has already received a sum of Rs:750/- which in our opinion was sufficient compensation and we find no reasons made out for any further compensation in his case.

CLAIM NO. 33 MOHAMMAD ASHRAF MOGHUL
S/O GH. RASOOL MOGHUL, BHADARWAH.

Mohammad Ashraf Moghul has claimed Rs. 10,000/- as compensation for the injuries received by him due to police action on October 17, 1966. His injury report showed a contusion 2"x1 $\frac{1}{2}$ " on the right temporal region and tenderness in the left wrist. Screening showed nothing abnormal. The applicant remained as an indoor patient in the Hospital for seven days and was discharged on 23rd October as cured. In his application dated 19-11-1966 Moghul has alleged an expenditure of more than Rs. 2,000/- incurred by his parents on his treatment and other incidental charges. While in reply to the notice of the Commission dated 5-1-1967 he alleged to have spent nearly Rs: 500/- on his treatment. In the second application one does not find any mention even of the alleged expenditure incurred by his parents. He has not been able to substantiate this either by any bills or receipts etc. This shows the wrong motion entertained by the applicant regarding the grounds on which Government should grant compensation in such cases. He has already been paid Rs: 750/- by the Government and taking into consideration the nature of the injury received by him, an amount of Rs: 750/- already paid is quite sufficient. We, therefore, do not feel persuaded to make any further recommendation.

CLAIM No: 34 DARSHAN LAL S/O GIAN CHAND KRISHEN
NAGAR JAMMU

Darshan Lal has claimed Rs. 20,000/- as compensation for the injuries received due to the Police actoin on 17th October, 1966. The injury report showed a bullet wound on the left deltoid region 1/3" in diameter with fracture of shaft of the left humerus and exit on the back 1/2" diameter. His skiagram showed a crack fracture of the shaft of the left humerus with small foreign bodies in the soft tissues. The applicant remained as an indoor patient for 16 days and was discharged on 1-11-1966. He has filed three bills for a total amount of Rs. 67.61 allegedly spent by him for medicines. Keeping in view the nature and the extent of the injuries sustained by him and also the presence of foreign matter in his body we are of opinion that a compensation of Rs: 1,000/- would be adequate in his case. He has already received Rs: 750/-. He will, therefore, be entitled to a further sum of Rs: 250/-. We recommend accordingly.

CLAIM NO: 35 YASH PAUL S/O SADHU RAM R/O RESIDENCY
ROAD JAMMU.

The applicant has claimed a sum of Rs. 20,000/- as compensation for the injury sustained by him on 17-10-1966 due to police action. His injury report showed a bullet wound 1/3" in diameter below the right knee and an exit on the popliteal fossa, with haemarthrosia left knee. Skiagram revealed comminuted fracture upper part of right fibula with small foreign bodies. The applicant remained as an indoor patient for 19 days and was discharged on 4-11-1966 as cured

2. In his application dated 18-11-1966 the applicant claimed that his parents spent about Rs: 3000/- on his treatment. In reply the Commission's enquiry which was filed on 16-1-1967 he has alleged that he purchased medicines worth Rs: 2,000/- on cash payment. He has not filed any bills medical or otherwise. All this claim of his has therefore remained unsubstantiated. He has already been paid a sum of Rs: 750/-

3. In view of the injury sustained by him to his right leg and also because of the presence of foreign bodies, detected as per skiagram, we recommend a sum of Rs 1,000/- to be paid as compensation to him. He has already received an amount of Rs. 750/-. He would, therefore be entitled to get a further sum of Rs: 250/- only. We recommend accordingly.

CLAIM NO: 35 NARINDER KUMAR S/O BHAGWAN DASS C/O
MADAN LAL GUPTA WATER WORKS INSPEC-
TOR TALAB TILOO JAMMU

The applicant has claimed Rs 20,000/- as compensation f or

the bullet injury sustained by him on 17-10-1966 due to police action. His injury report showed:—

Bullet wound $1\frac{1}{3}$ " in dimension on left upper arm.

Lacerated wound left elbow front.

Skiagram showed comminuted fracture left humerus.

He has produced a medical bill of one Dr. Dharam Chand of Talab Tiloo, Jammu, showing 60 injections of Crystamycine having been injected in to him (one each morning and evening) from 19-11-1966 to 19-12-1966. He has also filed an X-ray report of one Dr. Paul of Amritsar which shows fracture of lower shaft of Humerus.

2. He remained as an inpatient in GMHS Hospital for 19 days and was relieved on 4-11-1966. He has not been able to produce any bills for medicine, skiagram or the Doctor's fee. In view of the nature of the injuries sustained by the applicant, we feel persuaded to recommend an amount of Rs: 1,000/- to be paid as compensation to him. He has already received a sum of Rs. 750/- from the Government. He would be entitled to get a sum of Rs: 250/- more as compensation. We recommend accordingly.

CLAIM No. 37 ROMESH KUMAR S/O LACHHMAN DASS
STUDENT 3TH CLASS RANBIR HIGHER
SECONDARY SCHOOL

He has claimed an amount of Rs: 10,000/- as compensation for the injury sustained by him on 17-10-1-66 due to the police firing. His injury report showed a lacerated wound lateral aspect of the left leg in upper 1/3rd. Nothing abnormal was detected on screening. He alleged to have incurred expenditure of a sum of Rs: 2,100/- on his treatment but he has been unable to file any medical bill or other receipts in support of the same. In spite of being personally served he did not even choose to file any reply to the notice issued by the Commission dated 5-1-1967. He has already received a sum of Rs. 750/- as compensation and taking into consideration the nature and the extent of the injury sustained by him which was not at all of a serious nature we are of opinion that a sum of Rs 750/- already paid to him as compensation was quite sufficient and we are unable to make any recommendation for any more compensation.

CLAIM No. 38 GURDIP SINGH S/O JAGIT SINGH R/O PACCA
DANGA JAMMU.

He has claimed a sum of Rs. 40,000/- as relief for the bullet injuries sustained by him on 17-10-1966, as a result of police action. He remained an indoor patient for 14 days. His injury report dated 17-10-1966 showed a bullet wound on the

front of the left shoulder grazing 1"x1/3"xskin deep, A bullet wound on the front of right shoulder 1/2" in diameter. Skiagram showed foreign body opposite and greater tuberosity right humerus with surgical emphy-sema left upper chest small haemothorax left side and chest. He alleged he incurred an expenditure of Rs. 1700/- on his treatment but has not produced any medical bills or receipts in support of the same. Taking into consideration the nature of injuries sustained by him a sum of Rs: 1,000/- is recommended as compensation in his case. He has already received Rs: 750/-. He is therefore entitled to get a sum of Rs: 250/- more by way of compensation.

CLAIM No: 39 S. GAIN SINGH S/o. PRATAP SINGH PRE-MEDICAL STUDENT GGM SCIENCE COLLEGE JAMMU.

1. Gian Singh has claimed Rs. 15,000/- as compensation for the injury sustained by him due to police action on 17-10-1966. His injury report showed bullet injury, glancing on the outer side of left thigh in upper 3rd 1/2"x1/3" x skin deep. He remained as indoor patient for 16 days and was discharged on 1-11-1966 as cured. He alleged he spent Rs: 1,500/- on treatment but could not produce any bill or receipt to substantiate the same.

2. Keeping in view the nature and extent of the injury sustained by him we are of opinion that a sum of Rs. 750/- already awarded to him as compensation would be sufficient in his case. We therefore, feel unable to make recommendation for any further compensation.

CLAIM NO: 40. DALJIT SINGH S/o MOOL SINGH GANDHI NAGAR JAMMU.

He has claimed Rs: 15,000/- as compensation for the injury sustained by him on 17-10-1966 due to the police action. His injury report showed a bullet wound 1"x1/3" front of right elbow with supracondylar fracture right humerus. Skiagram also showed the said fracture. He remained an indoor patient for 16 days. He claimed to have spent about 2,000/- on his treatment for which he has not been able to produce any bills or receipts. He also claimed loss of his wrist watch and clothes but this too has remained unsubstantiated. In view of the injury sustained by him in the right humerus we are of the opinion that a compensation of Rs. 1,000/- would be adequate in his case. He has already received a sum of Rs. 750/-. He will, therefore, be entitled to a further sum of Rs: 250/- only. We recommend accordingly.

CLAIM NO: 41. JAGJIT SINGH S/o RAGHUNATH SINGH MASTGARH JAMMU.

He has claimed compensation to the tune of Rs: 40,000/- for the injury sustained by him due to police action on

17-10-1966. He remained inpatient for 16 days. He alleged he spent over Rs; 2,000/- on his treatment but did not produce any material in support of the said assertion. His injury report showed a bullet wound 1/3" in diameter on the front of the neck above the left supra clevicular fossa, with surgical emphysema. Skiagram of the neck showed "a radio opaque foreign body in the anterior part of neck just to right of the mid line with extensive emphysema."

2. The applicant claims that his speech has been affected due to the neck injury. The nature of the injury sustained by him to his neck and the presence of foreign bodies therein does indicate that his claim in regard to his speech being affected cannot be completely ruled out.

3. In view of the above, a sum of Rs. 1250/- is recommended to be awarded as compensation to the applicant. He has already received Rs. 750/- and a further sum of Rs. 500/- has, therefore, to be paid to him.

CLAIM NO: 42 JOGINDER PAUL S/o DWARKA NATH
MOHALLA JOGI GATE, JAMMU.

The applicant has claimed a sum of Rs. 5,000/- as compensation for the injuries sustained by him on 17-10-1966 due to the police action He remained in the Hospital for 4 days and was discharged on 20-10-1966 as cured. His injury report showed a lacerated wound on the front part of the forehead 1½" x 1/3" skin deep. He claimed he spent Rs. 500/- on his treatment and also for the purchase of 60 tablets of medicine from the Bazar but he has not even mentioned name of the medicine he alleged as purchased. He has not filed any bill or receipt in support of the alleged expenditure on treatment or purchase of medicine.

2. In view of the nature of the injuries received by the applicant, we are of the view that a sum of Rs. 750/- already paid was quite adequate and, therefore do not feel inclined to make any further recommendation.

CLAIM NO: 43 KRIHHAN BAKSHI S/o. INDER PRAKASH
BAKSHI, QR. NO. 96, RESHAM-GHAR,
BAKSHI-NAGAR, JAMMU.

He has claimed compensation to the extent of Rs. 10,000/- for bullet injuries sustained by him on 17-10-1966 due to police action. He got himself admitted in the Hospital as late as 26-10-1966 from that date on he remained as an inpatient for 11 days. His injury report showed a bullet wound, entry 1/3" in diameter on the anterior aspect of middle of left arm. Exit 1" x ½" on lateral aspect of the left arm in upper 1/3rd.

2. In view of the nature of the injury sustained by him we are of opinion that a sum of Rs. 750/- already paid to the applicant by the Government would be sufficient compensation. He would therefore be entitled to no further compensation.

CLAIM NO 44 NARINDER KUMAR MEHTA, S/O. MEHTA
KRISHEN LAL, KACHI CHHAWNI JAMMU.

In his application dated 27-12-1966 presented before the Commission on 4-1-1967 through Shri Madan-Baru Counsel, the applicant claimed a sum of Rs. 30,000/- as compensation for the bullet injuries sustained by him and the consequences thereof due to police action on October 17, 1966. He was admitted in the Jammu Hospital on 17-10-1966 but was referred to Amritsar Medical College on 18-10-66 on the request of his relatives. The father of the applicant has filed two statements dated 18-11-1966 and 20-12-1966 for Rs. 2,211.65 and 1,942.70 respectively for the alleged expenditure incurred by him in connection with the treatment of his son. His injury report dated 17-10-1966 by the House Surgeon SMGS Hospital Jammu showed a bullet wound left fore-arm on front arm whole length, half circumference, muscles, tendons nerves exposed. The skiagram showed fracture left radius with multiple foreign bodies scattered throughout and extending into the proximal part of the arm.

2. This report has further been supported by another copy of a certificate of the Registrar, Orthopaedic Ward, V. J. Hospital, Amritsar. This copy of the certificate bears no date and shows that the said patient was admitted there on 18-10-1966 with "Multiple injuries having gas gangrene of the left upper limb with fracture, upper end radius" and says "he was treated with massive doses of penicilline, anti-gas-gangrene-serum and given blood transfusion. He is still in the hospital under treatment."

3. In view of the fact that the gangrene had set in his wound and that he is still undergoing treatment for gangrene which has apparently not yielded yet completely to treatment which has been given, we fear there may still be need for amputation in his case. The applicant undoubtedly has suffered a lot and is still suffering. We, therefore, consider that compensation should in his case be increased by Rs. 1,000/- more that is to say, he would be entitled in our judgement to receive a total sum of Rs. 2500/- by way of compensation. He had already received Rs. 1500/- and will now be entitled to get an additional sum of Rs. 1,000/-.

CLAIM NO. 45 ROMESH KUMAR S/O JIWAN LAL GUPTA
MAST GARH, JAMMU.

In response to the notice of the Commission dated 5-1-1967, the applicant has put in a claim for compensation on 16-1-1967 to the tune of Rs. 43,500/- for the injuries alleged to have been

sustained by him due to police action on 17-10-1966. The application which was received in the office of the Commission was not signed by the applicant—the name and particulars typed on it were these :—

"ROMESH .KUMAR S/O JIWAN LAL . GUPTA,
MOHALLA MASTGARH JAMMU".

The statement of particulars accompanying the claim says this in regard to name of the person "Romesh Chander S/o Sh. Jiwan Prakash Gupta"—the residence was given as "112, Mastgarh, Jammu". His injury report showed a bullet injury 1/3" in diameter on the back of the left shoulder region Exit 1/2" in diameter on the front of the left shoulder region. He was admitted to the Government Hospital on 17-10-1966, but left for Amritsar on 19-10-1966 at his own risk and against medical advice. We have nothing on record to show as to how long he remained in Amritsar and we do not know what treatment was given to him or medicines were prescribed to him. We are still unaware of the condition of his health. He states to have left the State Hospital because of the critical condition of his wound due to the development of gas gangrene around the wound. The applicant states that he has suffered in many ways and has given details thereof. The Government sanctioned compensation of Rs 1500/- which the applicant has not yet withdrawn. We think that under the circumstances of his case, he should be entitled to a little more compensation than awarded by the Government and we, therefore, recommend that in his case he should be compensated to the extent of Rs. 2,000/- in all, i. e., including the sum of Rs: 1500/- that stands sanctioned in his case.

CLAIM NO: 46 SHANTI DAVI W/O LABHU RAM MAHAJAN
MOHALLA DARUGIRAN, JAMMU.

This is an application for compensation by Smt. Shanti Devi. By the application dated 18th November, 1966, she alleges that she was hit by a stone while she was passing by the crowd on 18-10-1966 at Ghas—Mandi chowk, the stone is alleged to have hit her in the left hand and to have injured it seriously. In this application she said that she had come to know that aid was being given to injured persons and, therefore, she prayed for being given such aid as was being given to others. Subsequently on the 20th January 1967, she preferred an application to the Commission for compensation, and in this application she laid a claim to Rs 900/- as compensation. It is interesting to note that her progressive desire for more and more compensation did not stop with the aforementioned application, but that she on the 22nd January 1967, preferred another application wherein she claimed compensation to the tune of Rs. 20,000/- plus Rs. 100/-. The main ground on which this large amount of compensation was claimed was stated thus 'to enable me to pass

my remaining days of life smoothly as at present I am a young woman and have to pass a long life." It is a fantastic claim which has been put forward by the applicant.

2. The injury which Smt. Shanti Devi had was examined by Dr. Ravinder Choudhary, Assistant Surgeon of the SMGS Hospital and he certified the injury to be a small one $\frac{1}{2}$ " x $\frac{1}{4}$ " in diameter in the left hand. She was examined on the 27th October, 1966, and in the opinion of the Doctor the injury which was then in a healing state was about ten days old. The nature of this injury was naturally certified to be simple. One is led to suspect in a case of this character whether or not the injury which she sustained by her as a result of any police action particularly when she herself states that the injury was caused by a stone and no one has yet said that the police resorted to stone throwing in Rajinder Bazar area where she received the injury.

3. She has, she must thank her stars, received a sum of Rs. 750/- already as compensation from the Government she certainly could claim nothing more. We accordingly turn down her claim for any further compensation.

CLAIM No: 47 SOHAN LAL MOHALLA JATKATIAN, JAMMU.

Sohan Lal has claimed compensation to the tune of Rs. 6,000/- for the alleged tear gas injury sustained by him on his left leg on 18th October 1966 at Rajinder Bazar Jammu. He alledged he was not admitted in the Hospital on 18th October but when approached through the Military Doctor who gave him a chit for his admittance in the Civil Hospital, he was bandaged and X-rayed also. He has however, produced a certificate by one Dr. Barkat Ram of Nursing Home, Jammu, showing thereby that the said applicant was examined and attended to by Dr. Barkat Ram twice. His screening showed that the applicant had multiple foreign bodies in his left thigh and leg which were removed by the said Doctor. The said Doctor has further certificated to have received Rs. 100/- as operation charges plus Rs 3/- for screeeing. The applicant further claimed Rs. 450/- as having been spent by him on medicines but has not produced any bills for the same. An amount of Rs. 103/- only stands certified by the said Doctor. In view of the nature of the injuries sustained by him and also how he has suffered thereby, we recommend compensation of Rs. 750/- in his case. From the record available to us the applicant does not appear to have been awarded any amount so far and such he will be entitled to get the said amount of Rs. 750/- as compensation.

CLAIM No: 48. BASHIR AHMED S/O ALLA BUX E. P, HOUSE No. 92, MOHALLA JOGI-GATE, JAMMU.

Bashir Ahmad alleges himself to be a KATIB EMPLOYED

in the office of the Urdu Daily 'Sandesh Jammu'. He has claimed compensation on the ground of his getting hit by a bullet fired by the police in Rajinder Bazar on the 18th, Oct. '66. As per casualty list furnished by the Hospital authorities he is shown at No: 7 as having received only a minor injury and rendered first aid.

2. In the application filed on 17-11-1966 he has claimed compensation of Rs: 750/- Later in his reply in response to the notice of the Commission dated 5-1-1967 he has made a claim of Rs: 1050/- on the basis of alleged loss of wages for 45 days as detailed therein and has also alleged an expenditure of Rs. 20/- on treatment for which he has filed no bills. He has not also filed any material to show his loss of wages. He has already received Rs. 750/- as compensation which, in view of the minor injury suffered by him, is in our opinion, more than sufficient and we feel unable to make any further recommendation in his case.

CLAIM NO: 49 MOHAMMAD YUSUF S/o. SHAKUR DIN C/o. STANDARD HOTEL, JAMMU.

Mohammad Yusuf has asked for compensation on the ground of his being hit by a gun shot at Ghas Mandi Chowk on 18-10-1966, on the left foot. He remained as inpatient in the Hospital for three months and twentyone days His injury report showed "A gaping bullet wound let heel. Calcaneum partially blown off, other tarsal bones and soft tissue exposed, ragged margins, Skiagram showed comminuted fracture of the left calcaneum."

2. In his first application dated 18-11-1966, he asked for adequate relief. In another of the same date filed through a council on 21-11-1966, he has asked for compensation to the tune of Rs: 10,000/-. In the affidavit dated 3-3-1967 sent by post he has claimed Rs. 1,000/- only over and above that received from the Government. In the affidavit one does not find any mention even of the claim for Rs. 10,000/- put in earlier through a counsel.

3. Keeping in view the nature of the injury sustained by him and also what he had to suffer thereby, we are of opinion that a compensation of Rs. 1,000/- in all would be justified in his case. He has already got Rs. 750/- and will now be entitled to receive Rs. 250/- more. We recommend accordingly.

CLAIM NO. 50. SHANKARA NAND S/o SADHU NAND PEERKHO, JAMMU.

The applicant Shankara Nand has claimed compensation for a bullet injury sustained by him due to police action on

17-10-1966. The injury report dated 17th Oct. '66 showed "bullet wound 1/3" in diameter on the medial aspect of the left leg in the middle 3rd. Wound of exit 3/4" in diameter on the postero lateral aspect of left leg in the middle 3rd. Screening detected nothing abnormal. He remained in Hospital as an indoor patient for 14 days. The Hospital record and other circumstances indicate that he was injured on 17-10-1966 in the College premises and not on 18-10-1966 at City Chowk, which appears to have been wrongly written as such, in the application dated 18-11-1966. In his application dated 18-11-1966 he claimed adequate relief. Later on reply filed on 28-1-1967 he has asked for Rs. 1,000/- as compensation. His injury according to the injury report does not appear to be a serious one. even though he had a gun shot wound. He has already received compensation to the tune of Rs. 750/- and in our opinion that compensation was sufficient. We accordingly recommend no further compensation to be paid to him.

CLAIM No: 51 TILAK RAJ GUPTA S/o LAL CHAND
HOUSE NO: 74. SABZIMANDI JAMMU.

The applicant alleges to have been hit by a tear gas shell in his left knee joint on 18-10-1966 by police action. He is shown at No: 8 in the casualty list dated 18-10-1966 indicating a minor injury. He has not claimed any specific amount in the application dated 19-11-1966 put in on 21-11-1966. He neither appeared before the Commission nor put in any reply to the notice issued by the Commission dated 5-1-1967 in spite of service of the same on his father on 9-1-1967. He has already received sum of Rs: 750/- which in our opinion is more than sufficient, it really erred on the side of excessiveness. He does not deserve any further compensation.

CLAIM No: 52 DARSHAN LAL S/o. KHOOB CHAND
KRISHEN NAGAR CANAL ROAD JAMMU

Darshan Lal has claimed compensation for an injury sustained by him on being hit by a tear gas shell splinter on 18-10-66 due to Police action near City Chowk and Ghas Mandi. His name appears in the list of injured dated 18-10-1966 at No: 9 indicating a minor injury. He was rendered first aid at the Hospital. He has not claimed any amount in his application. When served with notice dated 5-1-1967, he neither appeared before the Commission nor put in any further claim or put any materials in support of his claim for compensation. He has already received Rs. 750/- as compensation which in our opinion is more than sufficient, in view of the minor injury sustained by him. We, therefore, cannot recommend any further compensation in his case.

A P P E N D I C E S :

PART IV

APPENDIX 'A'

GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT (INTERNAL SECURITY SECTION)

NOTIFICATION

Dated Srinagar the October 19, 1966.

SRO.-425.—Whereas the Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into the incidents of disturbance of Law and Order leading up to, and to inquire into the firing, which, reportedly, resulted in the death of certain persons and injuries to others at Jammu on 17th and 18th October, 1966, as also into matters necessary or incidental thereto;

Now, therefore, in exercise of the powers conferred by section 3 of the Jammu and Kashmir Commission of Inquiry Act, 1962, the Government hereby appoint Shri Justice Basudeva Mukerji, Retired Judge of the Allahabad High Court, as Commission for making the said inquiry.

The Government hereby further direct that the said Commission shall complete its inquiry and make its report to the Government within one month from the date of issue of this notification.

By order of the Government of Jammu and Kashmir.

(G. R. Renzu)

Secretary to Government,
Home Department.

GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT (INTERNAL SECURITY SECTION)

Government Order No. IS-1200-A of 1966

Dated 21 - 10 - 1966

In connection with the Commission of Inquiry appointed in S.R.O. No.425 dated 19th October, 1966, the Government of Jammu and Kashmir hereby appoint the following to assist the Commission :—

- (1) Thakur Durga Singh, Member, Anti-Corruption Commission ;

(2) Shri R. K. Kaul Dulloo, Member-Secretary, Anti-Corruption Commission.

Government are pleased further to appoint Mr. R. K. Kaul Dulloo as Secretary of the said Commission.

By order of the Govt. of Jammu and Kashmir,

(G. R. Renzu),

Secretary to Government,
Home Department.

Government Order No: IS-1223-A of 1966

Dated: 4-11-1966

..... Appointment of Shri N. K. Hak as Secretary to Commission in Supersession of the second para of Government Order No. IS-1200-A of 1966 dated 21-10-1966.

APPENDIX 'A/1'

GOVERNMENT OF JAMMU AND KASHMIR

HOME DEPARTMENT (INTERNAL SECURITY SECTION)

NOTIFICATION

Dated Srinagar the October 22, 1966.

SRO-433.—Whereas vide SRO No. 425 dated 19th October, 1966 the Government have set up a Commission to inquire into, and report on, and in respect of, the matter specified in the said SRO No.425 dated 19th October, 1966 ; and

Whereas the Government considers it necessary that the said Commission should also inquire into and report to Government, regarding the relief, if any, that should be afforded to those who have suffered in the firing that took place in Jammu on October 17th and 18th 1966 ;

The Government, therefore, in exercise of the powers conferred by Section 3 of the Commission of Inquiry Act, 1962, and in amplification of the aforesaid SRO No. 425 dated 19th October, 1966, hereby direct ;

That the said Commission shall also inquire into and report in respect of, the measures which, in the opinion of the Commission.

are necessary to be taken to afford relief to those persons who have suffered in the aforesaid firing, and to the dependents of such persons ; And, whereas, further ;

The incidents of firing, referred to above, have resulted in feelings being considerably strained ; The Government, therefore, in exercise of the powers conferred on them by Section 3 of the Commission of Inquiry Act, 1962 and in further amplification of the aforesaid SRO-425 dated 19th October, 1966 hereby direct that the said Commission, as soon as possible after it enters on its duties, and thereafter whenever it considers necessary, will submit recommendations to Government in regard to whether it would be advisable to take administrative action, and if so what administrative action, with reference to any of the official personnel, in Jammu, so as to ensure a fair and calm inquiry, and to assist in creating a constructive atmosphere to achieve this.

By order of the Govt. of Jammu and Kashmir,

(G. R. Renzu)

Secretary to Government,
Home Department.

APPENDIX 'A/2'

GOVERNMENT OF JAMMU AND KASHMIR

CIVIL SECRETARIAT-LAW DEPARTMENT

NOTIFICATION

Srinagar, the October 31, 1966.

SRO-439.—Whereas the Government is of the opinion that, having regard to the nature of the inquiry to be made by the Commission of Inquiry appointed under notification SRO-425 dated 19-10-1966 and other circumstances of the case, all the provisions of sub-section (2), sub-section (4), sub-section (5) and sub-section (6) of section 5 of the Jammu and Kashmir Commission of Inquiry Act, 1962 (Act No. XXXII of 1962), should be made applicable to the said Commission, the Government hereby direct that all the said provisions shall apply to the said Commission.

By order of the Govt. of Jammu and Kashmir,

(Mufti Baha-ud-Din).

Secretary to Government,
Law Department.

APPENDIX 'B'

COMMISSION OF INQUIRY, JAMMU FIRING, JAMMU.

NOTICE

Whereas the State Government has appointed a Commission of Inquiry under the State Commission of Inquiry Act to enquire into the incidents which led to the Police firing on the 17th and 18th of October, 1966, which resulted in the death of certain persons and injuries to others, as also, to enquire into the matters necessary or incidental thereto, the said Commission of Inquiry in furtherance of their task are desirous of having the assistance of all such persons as have knowledge of facts and circumstances connected with any or all the incidents which took place on the 17th and 18th of Oct. 1966 and in furtherance of that desire the Commission requests such persons to put in written statements giving in detail the facts within their knowledge and to submit the same to the Secretary to the Commission not later than 4 P.M., Thursday, 10th of November, 1966.

The aforementioned statements, so far as practicable, should be typed. The statements should also be signed or thumbmarked and should contain the full address of the person submitting the statement.

A receipt would be issued by the office of the Commission to the person that files such a statement and those who file such statements are requested to obtain a receipt for the same from the Office of the Commission located at Ajaib Ghar, Jammu.

By order of the Commission.

Jammu,
October 26, 1966

Secretary

APPENDIX 'B/1'

COMMISSION OF INQUIRY (JAMMU FIRING) JAMMU.

NOTICE

Whereas the State Government has further directed that the Commission of Inquiry set up by SRO-425 dated 19th October, 1966 shall also inquire into, and report in respect of, the measures which in the opinion of the Commission, are necessary to be taken to afford relief to those persons who have suffered in the firing and to the dependents of such persons, the Commission, in continuation of the earlier public notice, requests all such persons as have suffered in the aforesaid

firing to put in not later than 4 P.M. Thursday the 10th of November, 1966 their written statements detailing the nature and extent of such suffering and the measures that should be taken for affording relief to them.

The aforementioned statements so far as practicable should be typed. The statements should also be signed or thumbmarked and should contain the full address of the person submitting the statement.

A receipt would be issued by the office of the Commission to the person that files such a statements and those who file such statements are requested to obtain a receipt for the same from the office of the Commission located at Ajaib Ghar Jammu.

By order of the Commission.

Dated : Jammu
the 28th October 1966.

Secretary.

APPENDIX 'B/2'

OFFICE OF THE COMMISSION OF INQUIRY (JAMMU FIRING) JAMMU.

NOTICE

Whereas it has appeared to the Commission that sufficient publicity of the fact that the Commission desired people to put in written statements before the Commission within specified time had not been given the Commission in its discretion has been pleased to extend the time for filing written statements ;

Now therefore it is notified for the information of all concerned that written statements :—

- (a) about the facts and circumstances connected with any or all incidents which took place on the 17th and the 18th October 1966 and matters necessary or incidental thereto and
- (b) about claims in regard to compensation by persons who have suffered and by the dependents of those who lost their lives in the firings of the 17th and 18th October 1966 together with the detailed grounds on which such claims are based be filed at the office of the Commission at Ajibgarh Jammu not later than the 18th November, 1966 4 P.M.

Written statements filed after the time aforementioned may not be taken into consideration.

By order of the Commission.

Jammu, 8th November, 1966.

Secretary,

Commission of Inquiry,
Jammu Firing.

Note :—These notices were also published in Urdu simultaneously.

APPENDIX 'C'

- (a) **List of persons who have filed their written statements in response to Notification of the Commission dated 26th October, 1966 and 8th November, 1966.**
- (b) **List of persons who expressed their desire to appear as witness before the Commission.**

S.No.	Name	Full address
A) 1.	Shri B. N. Kaul Nazir	Scientist (Tech) R. R. Laboratory Canal Road, Jammu.
2.	Shri Jia Lal Sharma	S/o Pt. Kundan Lal Sharma of Karan Nagar, Jammu.
3.	Shri Minder Lal	S/o Sh. Basti Ram R/o Mohalla Krishan Nagar, Jammu.
4.	Shri Ghulam Mohd. Beg	S/o Ramzan Beg Prop. Beg Hotel, Jammu.
5.	Shri Mohd Yusuf	S/o Ahmad Jan Hotel Walla, Parade Ground Govt. Distt. Bus.
6.	Shri Dharm Chand	S/o Rura Ram Caste Ramdasi R/o Vill. Naugran, Teh. Jammu at present Mohalla Krishna Nagar, Jammu.
7.	Shri Kasturi Lal Handa	F/o Sh. Gulshan Kumar Handa, Kucha Neno Shah, Jain Bazar, Jammu.
8.	Shri Bashir Ahmed	Head Katib Daily Sandesh, Jammu.

S.No.	Name	Designation
9.	Shri B. K. Datta	Kashmir Multipurpose Farms, Canal Road, Vill. Pulaora, P.O. Talab Tiloo, Jammu.
10.	Shri Sawan Mal	S/o Magu Mal, Caste Brahmin, R/o Jammottian, Teh. Akh- noor Distt. Jammu.
11.	Shri Sain Dass	S/o Bhag Mal R/o Mohalla Krishen Nagar, Jammu.
12.	Shri Chhaju Ram	S/o Bani Ram, Krishan Nagar, Jammu.
13.	Shri Rattan Lal	S/o Chhaju Ram, Mohalla Chand Nagar, Jammu.
14.	Shri Arun Kumar Malhotra	S/o Sh. M. S. Malhotra, Amar Kutia, Purani Mandi, Jammu.
B)	1. Lachhi Ram	R/o Batapora, Sopore Town, P.O. Sopore, Kashmir.
	2. Krishan Gopal Jain	S/o L. Baisakhi Ram Jain, Mohalla Afgana, Jammu.
	3. Brijendra Nath Madan	S/o M. N. Madan, Rehari Jammu.

APPENDIX 'D'

List of Members of the Teaching Staff of G.G.M. Science College Jammu who submitted their written statements on facts regarding Police Action on 17th October, 1966 in the G. G. M. Science College Premises.

S.No.	Name	Designation
1.	Shri D. K. Gupta	Lecturer Math.
2.	Shri B. D. Gupta	Lecturer English.
3.	Shri R. K. Chibber	Lecturer Physics.
3.	Shri K. L. Bhardwaj	Lecturer Botany.
5.	Shri B. N. Dhar	---do---

S.No.	Name	Designation
6.	Shri P. N. Malhotra	Lecturer Geology.
7.	Shri Chaman Lal	Lecturer Physics.
8.	Shri Nirmal Singh	Lecturer Geology.
9.	Shri K. L. Gandotra	Lecturer Botany.
10.	Shri Shibben Nath Kak	Lecturer Botany.
11.	Shri Yudh Bir Singh	Lecturer Physics.
12.	Shri Shamsher Singh	Lecturer Chemistry.
13.	Shri V. P. Sawhney	Lecturer Chemistry.
14.	Shri Kanwal Singh	—do—
15.	Shri Chander Mohan	Lecturer Physics.
16.	Shri Siraj-ud-Din	Physical Director.

APPENDIX 'E'

List of Administrative and Teaching Staff of the University of Jammu and Kashmir, Jammu Division, who Filed their written statements.

S.No.	Name	Designation
1.	Dr. J. N. Bhan	Pro-Vice Chancellor
2.	Sh. K. K. Gupta	Joint Registrar
3.	Sh. B. K. Mangotra	Physical Director
4.	Sh. A. K. Bhattachary	Head of P. G. Deptt. Chemistry.
5.	Dr. C. N. Kachru	Reader, Chem. Deptt.
6.	Sh. M. L. Dhar	Lect. P.G. Chem.
7.	Sh. M. L. Kaul	—do—
8.	Sh. C. L. Durani	Lect. Asstt. Chem.

9.	Dr. Gian Chand	Head of Deptt. Urdu.
10.	Sh. Indejit Singh	Head of Deptt Economics and Commerce (PG)
11.	Sh. N. S. Gupta	Lect. in Commerce PG Deptt.
12.	Sh. O. P. Kotwal	Lect. PG Deptt. Economics and Commerce
13.	Sh. A. N. Sadhu	Lect. —do—
14.	Sh. N. A. Termizi	Lect. Business Adm.
15.	Sh. A. R. Matto	Lect. PG Deptt Commerce
16.	Dr. G. S. Chhabra	Head of PG Deptt; History
17.	Sh. Z. L. Jala	Lect —do—
18.	Sh. M. L. Kapoor	Lect —do—
19.	Dr. Koshalya Wali	Lect. PG Deptt Sanskrit
20.	Sh. S. N. Sharma	—do—
21.	Dr. Ram Pratap	—do—
22.	Dr. V. N. Gupta	Hindi Deptt.
	Sh. Kuldip Singh	—do—
23.	Miss Janak Gupta	Hindi Deptt.
24.	Prajapati Prasad	
25.	Sh. M. R. Puri	Head of PG Deptt Math.
26.	Sh. Sataya Bhushan	Head of PG Deptt Political Science.
27.	Sh. P. N. Abrol	Lect. Commerce Deptt.
28.	Sh. Amajit Mahajan	Lect. PG. Deptt. Economics.

APPENDIX 'F'

List of claims by the survivors of the persons killed due to the Firing on 17th and 18th October, 1966, at Jammu.

S. No.	Name of the person killed and date	Claimant	Amount of compensation already paid.	Additional amount recommended	Total
1	2	3	4	5	6
	17—10—1966				
1.	Brij Mohan, student Ist Yr. T.D.C., GGM Sc. College, Jammu.	Padam Nabh Father of deceased	Rs. 5,000	2,500	7,500
2.	Subhas Gandotra, student Ist Yr. TDC., G. G. M. Sc. College, Jammu.	Madho Lal father of deceased R/o Vill. Pouni Teh. Reasi.	Rs. 5,000	2,500	7,500
3.	Gulshan Handa, student Ist Yr., TDC., G.G.M. Sc., College, Jammu. 18—10—1966	Kasturi Lal Handa father of deceased	Rs. 5,000	2,500	7,500
4.	Gurcharan Singh, Non-student S/o Gian Singh R/o of Rehari, Jammu.	Gian Singh R/o Rehari, Jammu father of deceased.	Rs. 5,000	5,000	10,000

APPENDIX 'G'

LIST OF CLAIMANTS WHO HAVE RECEIVED BULLET INJURIES

S.N.	Name of person affected.	Amount of compensation already paid.	Additional amount recommended.	Total
1	2	3	4	5
17-10-1966				
1.	Jaggu Ram S/o Bholu Ram, Student PUC, MAM College, Jammu.	750/-	250/-	1,000/-
2.	Romesh Kumar (Chander) S/o Amar Nath, Raghunath Bazar, Jammu, Non-student.	750/-	250/-	1,000/-
3.	Swaran Singh S/o Khehar Singh, P.U.C. Student, M.A.M. College, Jammu.	1500/-	1000/-	2,500/-
4.	Kuldip Raj Kohli 3rd Yr., G.G.M. Sc. College, Jammu.	750/-	..	,750/-
5.	Gurbux Singh Wazir Student P.U.C. G.G.M. Sc. College, Jammu.	750/-	..	750/-
6.	Suram Singh, Student P.U.C. Roll No. 456 G.G.M. Sc. College, Jammu.	750/-	..	750/-
7.	Tilak Raj S/o Jia Kishen Nar-gotra R/o Ramban, Student 3rd. Yr. G.G.M. Sc. College, Jammu.	750/-	250/-	1,000/-
8.	Sudesh Kumari Saraf, student M.A. final Sanskrit University.	750/-	250/-	1,000/-
9.	Paramjit Singh S/o Sagra Singh, 3rdYr. T.D.C., MAM. College, Jammu.	750/-	750/-	1,500/-
10.	Dharmoo S/o Kirpa Ram, Non-student R/o V. Kalakam.	750/-	250/-	1,000/-
11.	Amrik Singh S/o Sunder Singh, student Ist Yr. G.G.M. Sc. College, Jammu. House No. 65 Mohalla Afgana Jammu.	Not app- roached for relief	500/-	500/-

1	2	3	4	5
12.	Kamal Kishore Sharma 2nd Yr. T.D.C., G.G.M. Sc. College, Jammu.	750/-	750/-	1,500/-
13.	Karanjit Singh S/o Lt. Col. Charanjit Singh Exchange Road, Jammu—student 1st Yr. T.D.C., M.A.M. College, Jammu.	750/-	750/-	1,500/-
14.	Mahavir Kumar Gupta S/o Badri Nath, 712 Gandhi-Nagar student 2nd Yr. T.D.C., M.A.M. College, Jammu.	750/-	250/-	1,000/-
15.	Bharat Bhushan Jain S/o Phool Chand Jain Bazar, Jammu-Student.	750/-	250/-	1,000/-
16.	Rajinder Nath Kaul S/o Bal Krishan Kaul Canal Road, Jammu student 1st Yr, T.D.C., G.G.M. Sc. College, Jammu.	750/-	..	750/-
17.	Darshan Lal S/o Gian Chand R/o Canal Road—K. Nagar Jammu, student P.U.C. G.G.M. College, Jammu.	750/-	250/-	1,000/-
18.	Yesh Paul S/o Sadhu Ram Gupta Residency Jammu.	750/-	250/-	1,000/-
19.	Narinder Kumar S/o Bhagwan Dass C/o Madan Lal Talab Tilo Jammu Student 2nd Yr. T.D.C.	750/-	250/-	1,000/-
20.	Romesh Kumar S/o Lachman Dass R/o Jammu student 8th class Ranbir Govt. School Jammu.	750/-	..	750/-
21.	Gurdip Singh S/o Jagjit Singh R/o Pacca Danga Jammu student P.U.C., G.G.M. Sc. College, Jammu.	750/-	250/-	1,000/-
22.	Gian Singh S/o Partap Singh, pre-medical student Science College Jammu.	750/-	..	750/-
23.	Daljit Singh S/o Mool Singh R/o Gandhinagar Jammu Student M.A. Previous Math.	750/-	250/-	1,000/-

1	2	3	4	5
24.	Jagjit Singh S/o Raghunath Singh R/o Mastgarh, Jammu Ist. Year T.D.C., Student M.A.M. College, Jammu.	750/-	500/-	1,250/-
25.	Krishan Bakshi S/o Inder Parkash Qr. No. 96 Resham-Garh Bakshi- nagar Colony Jammu, Student P.U.C.	750/-	..	750/-
26.	Narinder Kumar S/o Mehta Krishan Lal R/o Kachi Chawni Jammu Ist Yr. T.D.C. G.G.M. Sc. College, Jammu.	1,500/-	1,000/-	2,500/-
27.	Romesh Kumar S/o Jeewan Lal Gupta R/o Masatgarh, Jammu student Ist Yr. T.D.C., G.G.M. Sc. College, Jammu.	Rs. 1,500/-	1,000/- sanc- tioned but not dis- bursed till 14-3-67.	2,500/-
28.	Bashir Ahmed S/o Allah Bux Katib Daily Sandesh R/o House No. EP 92 Jogi Gate, Jammu, Non- student.	750/-	..	750/-
29.	Moh'd Yusuf S/o Shukar Din Standard Hotel, Jammu, Non- student.	750/-	250/-	1,000/-
30.	Shankra Nand S/o Sadhu Nand R/o Madras at present; Pirkho, Jammu, Non-student.	750/-	..	750/-

APPENDIX 'H'

LIST OF CLAIMANTS INJURED BY LATHI CHARGE
OR OTHERWISE DUE TO THE FIRING OF 17TH AND 18TH
OCTOBER, 1966 AT JAMMU.

S.N..	Name of injured person.	Amount of compensation already paid.	Additional amount recommended.	Total
1	2	3	4	5
1.	Shiv Ram through his father Kidar Nath Sharma, 801 Gandhinagar, Jammu.	Not approached for relief.	1,500/-	1,500/-
2.	Giani Sroop Singh Non-student House No. 919 Jalakha Mohalla, Jammu	750/-	..	750/-
3.	Ashok Kumar student P.U.C. Roll No. 9 M.A.M. College, Jammu.	750/-	..	750/-
4.	Nirmal Singh Lect. G.G.M. Sc. College, Jammu.	750/-	..	750/-
5.	Bhopinder Kumar Student 2nd Yr. T.D.C., M.A.M. College, Jammu.	Not approached for relief	250/-	250/-
6.	Vishwinder Dev Pandit 2nd Yr. T.D.C., G.G.M. Sc. College, Jammu.	750/-	..	750/-
7.	Janak Singh S/o Harjit Singh, Student T.D.C., M.A.M. College, Jammu.	750/-	..	750/-
8.	R. K. Chibber Lecturer G. G. M. Sc. College, Jammu.	750/-	..	750/-
9.	Kuldip Singh S/o Lt. Col. Puran Singh Rehari Jammu, student M.A. Previous University Jammu.	750/-	..	750/-
10.	Vijay Ram Paul S/o Pt. Faqir Chand Rampaul student 2nd Yr. T.D.C., G.G.M. Sc. College, Jammu.	750/-	..	750/-

1	2	3	4	5
11.	Chaman Lal Dulloo S/o Prem Nath Laboratory Colony Student 1st Yr. T.D.C. M.A.M. College, Jammu.	750/-	..	750/-
12.	Rajinder Kumar Kaul S/o Badri Nath Kaul student 1st Yr. T.D.C., G.G.M. Sc. College, Jammu.	750/-	..	750/-
13.	Ram Saroop Chadha S/o Dr. Arjan Dev Chadha House No. 334/335 Rehari, Bakhshinagar, Jammu.	750/-	..	750/-
14.	Moh'd Asharaf S/o Ghulam Rasool Mogal R/o Bhaderwah, student final year Agriculture College.	750/-	..	750/-
15.	Joginder Pal S/o Dwarika Nath R/o Jogi Gate, Jammu, student P.U.C. M.A.M. College, Jammu.	750/-	..	750/-
16.	Shanti Devi wife of Labho Ram Mahajan R/o Mohalla Daroogiran, Jammu Non-student.	750/-	..	750/-
17.	Sohan Lai R/o Mohalla Jatkatian, Non-student.	Not approached for relief.	750/-	750/-
18.	Tilak Raj Gupta S/o Lal Chand House No. 74 of Ram Chand Patwari Vegetable Market Jammu. Non-student.	750/-	..	750/-
19.	Darshan Lal S/o Khoob Chand Mohalla Krishan-Nagar, Jammu, Non-student.	750/-	..	750/-

Note :—Besides, there is an affidavit received from one George Masik on 30-3-1967. He had not put in any claim in response to notification issued by the Commission and duly published. The Commission was of the view that the case did not deserve any consideration at their hands. From his affidavit it appears that he too has received an amount of Rs. 750/- as compensation from the Government.

APPENDIX 'J'

DEATH TOLL DUE TO THE FIRING

'A' On 17-10-1966 at G.G.M. Science College Premises, Jammu, and

'B' On 18-10-1966 at Ghass Mandi Chowk, Jammu.

With Particulars.

S.No.	Date	Name	Remarks
'A' 1.	17-10-'66	Sh. Gulshan Handa, student Ist year T.D.C, G.G.M. Sc. College, Jammu S/o Shri Kasturi Lal Khatri R/o Mohalla Afganana, Jammu.	Died on spot in the G. G. M. Sc. College Jammu.
2.	—do—	Sh. Brij Mohan Sharma student Ist year T.D.C. G.G.M. Science College, Jammu S/o Shri Padam Nabh Brahmin R/o Mastgarh, Jammu.	—do—
3.	—do—	Sh. Subhash Gandotra, student Ist year T.D.C., G.G.M. Science College, Jammu S/o Shri Madholal R/o Village Pouni Tehsil Reasi.	Shot at Krishan Nagar Lane opposite G. G. M. Sc. College and died in hospital the same day <i>i.e.</i> 17-10-66.
'B' 4.	18-10-'66	Sh. Gurcharan Singh Non-student S/o Gian Singh R/o Rehari, Jammu.	Died on spot at Ghass Mandi Chowk, Jammu.

Total: 'A' and 'B' — 4

APPENDIX 'K'

List of Persons injured by Police Action on 17th October, 1966 at G.G.M. Science College Jammu and on 18th October, 1966 at Ghas Mandi Chowk, Jammu.

(A) Admitted to S.M.G.S. Hospital, Jammu	50
(B) Rendered first aid in the S.M.G.S. Hospital, Jammu (Casualty)	.. 27
(C) Others 10

S.No.	Name of injured person.	Address	Nature of injury.
1	2	3	4

A. Admitted in S.M.G.S. Hospital.

1.	Bipan Kumar s/o Brij Lal	Rehari Mohalla, Jammu.	Bullet wound.
2.	Ram Saroop Chadda s/o Dr. A. D. Chadda.	Rehari Colony Jammu.	Lacerated wound.
3.	Bharat Bhushan s/o Phool Chand Jain.	Jain Bazar, Jammu.	Bullet wound.
4.	Joginder Pal s/o Dwarka Nath.	Jogi Gate, Jammu.	Lacerated wound.
5.	Jagjit Singh s/o Raghunath Singh.	Mast Garh, Jammu.	Bullet injury.
6.	Yash Pal s/o Sadhu Ram Gupta.	50C/C Shanta Niwas Gandhi-Nagar, Jammu.	Bullet wound.
7.	Daljit Singh s/o Mool Singh.	Gandhi Nagar, Jammu.	Bullet wound
8.	Darshan Lal s/o Gian Chand	Jammu.	Bullet wound.
9.	Kuldip Singh s/o Lt. Col. Puran Singh.	Rehari Jammu.	Incised wound.
10.	Gurdip Singh s/o Jagjit Singh.	Jammu.	Bullet wound
11.	Amrik Singh s/o Sunder Singh.	Talab Tiloo, Jammu.	Lacerated wound.
12.	Prof. Nirmal Singh s/o Rattan Singh.	Jammu.	Lacerated wound.

1	2	3	4
13.	Narinder Kumar s/o Bhagwan Dass.	Jammu.	Bullet wound
14.	Chaman Lal s/o Prem Nath.	Laboratory Colony, Jammu.	Lacerated wound.
15.	Mahvir Kumar s/o Badri Nath.	Gandhi Nagar, Jammu.	Lacerated wound.
16.	Gurbux Singh s/o Darshan Singh.	Vill. Khatas Durang Teh. Basohli.	Tenderness right wrist No apparent injury.
17.	Shankra Nand s/o Sadha Nand.	Madrasi at present Peerkhoh, Jammu.	Bullet traversing wound.
18.	Romesh Kumar s/o Lachman Dass.	Canal Road, Jammu.	Lacerated wound.
19.	Arun Malhotra s/o M.S. Malhotra.	Jammu	Bullet wound.
20.	Swarn Singh s/o Kehar Singh.	EP—1026, Mast Garh, Jammu.	Bullet wound
21.	Narinder Kumar Mehta s/o Krishan Lal.	Municipality Jammu.	Bullet wound
22.	Janak Singh s/o Harjit Singh.	Residency Road, Jammu.	A big haematocele of right side of scrotum.
23.	Tilak Raj s/o Jai Krishan.	Ramban.	Bullet wound
24.	Vishinder Dev Pandit s/o Nand Kumar.	Room No. 22 GGM Sc. College Hostel.	Lacerated wound.
25.	Parmjit Singh s/o Sagra Singh.	Residency Road, Jammu.	Bullet wound
26.	Gian Singh s/o Pratap Singh.	Canal Road, Jammu.	Bullet wound
27.	Kamal Sharma s/o Jia Lal Sharma.	Jammu.	Bullet wound
28.	Jagoo Ram s/o Bhulloo Ram.	Vill. Decloru, Jammu PUC student MAM College, Jammu.	Bullet wound

1	2	3	4
29.	Kuldip Raj s/o Capt. Kohli.	Residency Road, Jammu.	Bullet wound.
30.	Romesh Chander s/o Jeewan Prakash.	House No. 112, Mast Garh, Jammu.	Bullet wound.
31.	Maharaj Krishen s/o Som Nath.	Rehari Mohalla, Jammu.	Lacerated wound.
32.	Surinder Kumar s/o Kundan Lal.	Krishan Nagar, Jammu.	Compound fracture.
33.	Vijay Rampal s/o F.C. Rampal.	Qr. No. 227 Gandhinagar, Jammu.	Lacerated wound.
34.	Sudesh Kumari Saraf D/o Hans Raj Saraf.	Canal Road, Jammu.	Bullet injury.
35.	Subhash Chander s/o Madho Lal.	Pouni, Teh. Reasi.	Bullet wound died same day.
36.	Moh'd Ashraf s/o Ghulam Rasool.	R.S. Pura.	Contusion.
37.	Karanjit Singh s/o Col. Jamwal.	Exchange Road, Jammu.	Bullet wound.
38.	Dharmoo s/o Kirpa Ram.	Vill. Kalakam, Teh. Jammu.	Bullet wound.
39.	Om Prakash s/o Gian Chand.	City Chowk, Jammu.	Lacerated wound.
40.	Ravinder Kumar s/o Gian Chand.	Jammu.	Lacerated wound.
41.	George s/o Francis.	Christan Colony, Jammu.	Bullet wound.
42.	Romesh Chander s/o Amar Nath.	Jammu Jain Bazar.	Bullet wound.
43.	Yusuf s/o Shukar Din.	Standard Hotel Jammu.	Bullet wound.
44.	Baldev Raj s/o Paras Ram.	Kachi Chhawani, Jammu.	Small lacera- ted wound.
45.	Babu Ram s/o Chandu Ram.	Koola Than Talab,	Bullet wound.

S.No.	Name of injured person.	Address	Nature of injury.
1	2	3	4
46.	Babu Ram s/o Munshi Ram.	Jammu Cantt.	Bruise nose crepitus deformity of nose with fracture nasal bones.
47.	Lal Chand s/o Beli Ram.	Jammu Cantt.	Lacerated wound.
48.	Gian Chand s/o Behari Lal.	Karan Nagar, Jammu.	Tenderness popliteal region.
49.	Vijay Kumar s/o Ajit Kumar.	Ghas Mandi, Jammu.	Bullet injury.
50.	Krishan Bakhshi s/o Inder Prakash.	Bakhshi Nagar, Jammu.	Bullet wound.
Total			50

B. Rendered First Aid in S.M.G.S. Hospital Jammu (Casualty)

1.	Rajinder Kumar s/o Chaman Lal.	Pacca Danga, Jammu.	Minor injury.
2.	Giani Saroop Singh s/o Sunder Singh	..	Minor injury.
3.	S. K. Sarin s/o S. C. Lal.	..	Minor injury.
4.	Suram Singh s/o Sant Ram.	..	Injury scalp.
5.	Jeet Singh.	..	Injury hand.
6.	Harish Chander.	..	Minor injury.
7.	Gaje Ram.	..	do.
8.	Jagdish s/o Sunder.	..	do.
9.	Kaku Ram.	..	do.
10.	Gian Chand s/o Laka Ram.	..	do.
11.	Babu Ram.	..	do.
12.	Krishan Lal.	..	do.
13.	Ishwar Sharma.	..	do.
14.	Dev Raj.	..	do.

1	2	3	4
15.	Gurcharan Singh s/o Ajeet Singh.	..	Minor injury
16.	Papu s/o Sudagarmal.	..	do.
17.	Bhallu Singh s/o Vijay Singh.	..	do.
18.	Bikram Singh s/o Partap Singh.	..	do.
19.	S. Gupta s/o Sian Dass.	..	do.
20.	Munshi Ram s/o Chhaju Ram.	..	do.
21.	Bashir Ahmed.	..	do.
22.	Tilak Raj s/o Lal Chand.	..	do.
23.	Darshan Lal s/o Khoob Chand.	..	do.
24.	Sita Ram.	..	do.
25.	Janak Raj.	..	do.
26.	Joginder Nath.	..	do.
27.	Lachman Singh.	..	do.
		Total	<u>27</u>

C. Others

1.	Aga Nasar Ahmed.	Addl. Mobile Magistrate Jammu.	Simple injury.
2.	Shri Ghan Shyam.	Principal GGM Sc. College, Jammu.	do.
3.	Prof. R. K. Chibber.	GGM Sc. Col- lege.	do.
4.	Shri Rajinder Kumar Kaul s/o Badri Nath.	c/o Sat Pal Dharam Pal of Mani Ram Mar- ket Jammu.	do.
5.	Shr. Rajinder Nath Kaul s/o Bal Krishan.	Canal Road Jammu.	do.
6.	Shrimati Shanti Devi w/o Labhu Ram Mahajan.	Mohalla Daru- giran, Jammu.	do.
7.	Shiv Ram s/o Kidar Nath Sharma.	Gandhinagar.	Fracture 1st vertebra.

1	2	3	4
8.	Ashok Kumar s/o Beli Ram.	PUC Student MAM College.	Contused wound scalp.
9.	Bhupinder Kumar.	Student 2nd yr. T.D.C. MAM College.	Wound by blunt weapon on scalp.
10.	Sohan Lal.	Mohalla Jatkatian, Jammu.	Splinters left leg.
Total ..			10
Grand Total .A', B.', & .C' ..			37

APPENDIX 'L'

List of Police personnel injured on 17th and 18th October, 1966

S. No.	Name	Designation	Nature of injury
1	2	3	4
17-10-1966 :			
1.	Shri Manmohan Wazir IPS.	D.I.G. Police	Simple
2.	Chuni Lal	Const. No.267/DAR	do.
3.	Nand Lal.	Const. No.353/PAR	do.
4.	Durgadass	ASI City Police, Jammu.	do.
5.	Bir Singh	S.I. 3733 PAP 15 Bn.	do.
6.	Govind Ram	Head-Const. 124 PAP 15 Bn.	do.
7.	Mohinder Singh	Head-Const. 100 PAP 15 Bn.	do.
8.	Mohinder Singh	Const.678 PAP 15 Bn.	do
9.	Rama Nand	Const. 330	do. do.
10.	Mahinder Singh	Const.383	do. do.
11.	Chandu Lal	Const.461	do. do.
12.	Harjit Singh	Const.739	do. do.

1	2	3	4
13.	Daryaou Singh	Const.164 PAP 15 Bn	Simple
14.	Som Nath	Const.339 do.	do.
15.	Gian Chand	Const.241 PP 15 Bn.	do.
16.	Janak Raj 146	PP 15 Bn.	do.
17.	Karnail Singh	Const.758 15 Bn.	do.
18.	Shanti Saroop Anand	City Inspector	do.
19.	Shri M. N. Sabherwal	ASP Headquarters	do.
20.	Arjan Singh	S.I. PAP 15 Bn.	do.
21.	Om Prakash	Const.199 Police Lines	Simple
**22.	Abdul Rahim	ASI P/S Pacca Danga	Lacerated wound scalp abrasions. Simple.
23.	Tara Singh No. 317	PAP 15 Bn.	Simple
24.	Lal Chand	Const.771 15 Bn. PP	do.
25.	Hazari Lal	Const.641 do.	do.
26.	Bhim Singh	SI PAP 15 Bn.	do.
**27.	Rattan Chand S/O Chandu Ram.	Const PAP	Lacerated wound.
**28.	S. Nagganna	Const. ASPs	Lacerated wounds bruises.
18-10-1966			
1.	Sh. M. N. Sabharwal	ASP Headquarters	Simple
2.	Sh. Ishwari Datt	Inspector PAP 18 Bn.	do.
3.	Sh. Mangal Singh	Head-Const. 79 JKP Police Lines.	do.
4.	Ram Chand	ASI City Jammu	do.
5.	Nek Ram	Inspector Special Branch.	do.
6.	Th. Kuldip Singh S/o Sain Singh R/o Jullakha Mohalla.		2 small lacerated wounds, 3 abrasions and 1 contusion all simple.

1	2	3	4
7.	Yar Mohd.	Const. 274 of 4th Bn. JKAP.	Simple
8.	Barkat Singh	Const. 482 PAP 15 Bn.	do.
9.	Ghulam Azad	Const. 511 of 4th JKAP.	do.
10.	Kikar Singh	ASI 4th Bn. JKAP	Simple
11.	Nazir Ahmed	Head-Const. JKAP	do.
12.	Ahmed Khan	Const. 604 JKAP	do.
13.	Gurbux Singh	Const. 465 do.	do.
14.	Ahmed Yusuf No. 578	do.	do.
15.	Abdul Khalik	Const. 404 do.	do.
16.	Gulam Hassan	Const. 583 do.	do.
17.	Gulam Ahmed Sheikh 403	do.	do.
18.	Gulam Mustafa No. 580	do.	do.
19.	Dost Mohd.	Const. 607 do.	do.
20.	Gulam Mohd. Sheikh	Const. 509 do.	do.
21.	Malla Ahmed	Const. 555 do.	do.
22.	Abdul Rashid	Const. 284 do.	do.
23.	Sh. Madan Mohan Khajuria	S.P. Jammu	do.
24.	Abdul Ganı Batt	Const. 234 4th JKAP	do.
25.	Sheesh Ram	Const. 766 PAP 18 Bn.	do.
26.	Kartar Chand	Head-Const. 244 do.	do.
27.	Kundan Singh	Const. 163 do.	do.
28.	Daya Chand	Const. 196	do.
29.	Gurdev Singh	Const. 731 do.	do.
30.	Hari Ram	Const. 56 do.	do.
**31.	Khadim Hussain	Const. 480 KAP	do.
**32.	Fazal Ahmed	Const. 579 KAP	do.
		Total ..	60
		**Admitted in hospital ..	5

**RANK-WISE STATEMENT OF INJURED POLICE
PERSONNEL**

<i>Rank</i>	<i>Number</i>	<i>Date</i>
D.I.G. of Police	1	17-10-'66
A.S.P.	1	do.
Inspector	1	do.
Sub-Inspectors	2	do.
Asstt. Sub-Inspectors	2	do.
Head-Constables	2	do.
Constables	19	do.
Supdt. of Police	1	18-10-1966
A. S. P.	1	do.
Inspectors	2	do.
Sub-Inspectors	2	do.
Head-Constables	2	do.
Constables	24	do.
Total	60	

APPENDIX 'M'

LIST OF 56 WITNESSES EXAMINED BY THE COMMISSION

A—Government Witnesses—28

B—Students' Witnesses—19

C—University Witnesses—5

D—Commission's Witnesses—4

S. No.	Witness No.	Name	Designation or address	Date of examination.
1	2	3	4	5
A—Government Witnesses :				
1	1	S. Sohan Singh	.. Formerly D.C. Jammu at present D.C. Central, Srinagar.	12 to 17-12-1966
2	2	Sh. Shanti Saroop Anand	.. City Inspector	20 to 23-12-1966
3	3	Sh. M. N. Sabharwal IPS	.. ASP Jammu	26 to 20-12-1966
4	4	Mr. P. N. Aima	.. Dy. Supdt. Police, Jammu.	3-1-1967
5	5	Sh. Amar Nath Munshi	.. Divisional Fire Officer	4-1-1967
6	6	Ch. Banar Singh	.. Cammandant 16th Bn. Security Force	16, 17 and 19-1-1967
7	7	Sh. Jatinder Nath Soni	.. Manager Govt. Arts Emporium.	20-1-1967
8	8	Sh. Sohan Dogra	.. Photographer Information Deptt. Jammu.	20-1-1967
9	9	Sh. Manmohan Wazir IPS	.. D. I. G. Police	23 to 25 Jan, 27 to 29 Jan. 31st Jan '67 and 1-2-1967
10	10	Mr. Sharif Hussain	.. Dy. Supdt. Police, Jammu.	1 and 2-2-1967
11	11	S. Naggana	.. Const. Andhra Pradesh S.P. Police 6th Bn.	3-2-1967

1	2	3	4	5
12	12	S. Sher Singh	.. Sub-Inspector Police 4th Bn. Border Security Force.	3, 4, 6 and 7-2-1967
13	13	Shri Manghey Ram	.. PAP (Muhrrer)	8-2-1967
14	14	S. Arjan Singh	.. S. I. Border Security Force PAP.	8, 9 and 10-2-1967
15	15	Sh. Sawarn Singh	.. Head-Const. 15 Bn. PAP.	13-2-1967
16	16	Sh. Vidhya Anand	.. S. I. Police (Rtd.)	13 and 18-2-1967
17	17	Sh. Rattan Chand	.. 16th Border Force, Jammu.	13-2-1967
18	18	Sh. J. N. Raina	.. District Medical Officer.	15-2-1967
19	19	Sh. Ashwani Kumar Son.	.. Partner Prop: Sonj Industries Jammu.	16-2-1967
20	20	Sh. B. N. Madan	.. Prop. Paradise Hotel.	16-2-1967
21	21	Sh. Chajju Ram.	.. R/O Kr.shan Nagar, Jammu.	16-2-1967
22	22	Sh. Sawan Mal.	.. Cold drink Pedler, Jammu.	17-2-1967
23	23	Dr. Will am Riberaro	.. Supdt. SMGS Hospital, Jammu	17-2-1967
24	24	Sh. Yog Raj Sawhany	.. Tawaza Officer Jammu.	17-2-1967
25	25	Sh. D. P. Gained	.. Dy. Director Food and Supplies, Jammu.	17-2-1967
26	26	Sh. Madan Mohan Khajuria	.. Supdt. of Police	22-2-1967 to 25-2-1967
		Supplementary Statement	..	18-3-1967
27	27	Sh. Hazari Lal	.. Const. 132 BSF 27 Bn. Jalala- bad.	27-2-1967

1	2	3	4	5
28	28	Sh. Nek Ram Sharma	.. Inspector Distt. Special Police Branch Jammu.	27-2-1967.

B—Student Witnesses :

1	29	Sh. Ghan Shyam	.. Principal GGM Sc. College.	3-3-1967
2	31	Sh. R. K. Chhibber.	.. Lect. Physics GGM Sc. College	3-3-1967
3	32	Sh. Nirmal Singh	.. Lect. Geology GGM Sc. College..	3-3-1967
4	33	Mr. Ved Bhasin	.. Journalist Editor Kashmir Times.	6-3-1967 7-3-1967
5	34	Sh. Jagjit Singh	.. Student Ist Yr. TDC Arts College.	7-3-1967
6	35	Sh. Kamal Sharma	.. Student 2nd Yr. TDC GGM College.	7-3-1967
7	36	Sh. Vijay Rampal	.. Student 2nd Yr. TDC GGM College.	7-3-1967 8-3-1967
8	37	Sh. Karanjit Singh	.. Student Ist Yr. TDC MAM Arts College.	8-3-1967
9	38	Sh. Ram Saroop Chadda	.. Student Agriculture College.	8-3-1967 10-3-1967
10	39	Sh. Mohd. Ashraf	.. Student Agriculture College.	10-3-1967
11	40	Sh. Vishvender Dev Pandit S/O Nand Kumar.	.. Student GGM Sc. College.	11-3-1967
12	41	Sh. Janak Singh	.. Student GGM Sc. College.	11-3-1967
13	42	Lt. Col. Mohinder Singh	.. NCC GGM Sc. College.	13-3-1967
14	43	Sh. Manghey Ram	.. Shoe-maker opposite University.	13-3-1967

1	2	3	4	5
15	50	S. Rangeel Singh Advocate ..	Member Legal Assistance Committee for Students	14-3-67.
16	51	Sh. Jia Lal Sharma ..	Senior Chauffer Tawaza (Rtd)	15-3-67
17	54	Sh. Mohan Singh ..	Motor Mechanic	16-3-67
18	55	Sh. Rattan Lal Magotra S/o Shonka Ram R/o Palluda Jammu..	Student MAM College.	16-3-1967
19	56	Sh. Harbhajan Singh S/o Nanak Singh R/o Sarwal, Jammu ..	Student MAM College, Ist. Yr. TDC.	18-3-1967

C—University Staff :

1	44	Sh. J. N. Bhan ..	Pro-Vice Chancellor	14-3-67
2	45	Sh. K. K. Gupta ..	Joint Registrar University	14-3-67
3	46	Sh. Chand Narayan Kachroo ..	Reader P.G. Deptt. Chemistry	14-3-67
4	47	Sh. C. L. Durrani ..	PG Lecturer Chemistry Deptt.	14-3-67
5	48	Sh. Bal Krishen Magotra ..	Director Physical Education University	14-3-67

D—Commission's Witnesses :

1	29	Aga Nasar Ahmed ..	Addl. Mobile Magistrate, Jammu.	1-3-67 & 2-3-67.
2	49	Lt. Vinodh Kumar ..	106 Inf. Bn (TA) the Punjab Regt. at present R/o Jammu, near Jewel Chowk.	14-3-67

1	2	3	4	5
3	52	Sh. Ghulam Ahmed Tak ..	Formerly ADM Jammu, at present Distt. & Sessions Judge, Anantnag.	15-3-1967
4	53	Sh. K. G. Bhandari ..	Principal Agri- culture College, R. S. Pura.	15-3-1967

Total: 'A', 'B', 'C' and 'D' .. 56.



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