



REPORT OF

THE

ONE-MAN COMMISSION

OF

INQUIRY INTO THE

SADAR BAZAR DISTURBANCES

(1974)

(VOLUME I & II)

24606
IND
N74R

Volume I



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Ministry of Home Affairs
New Delhi
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CHAPTER I

CONSTITUTION OF THE COMMISSION—ITS TERMS OF REFERENCE AND COURSE OF INQUIRY

1.1 On the 5th of May, 1974, serious communal disturbances broke out in certain localities within the jurisdiction of the Sadar Bazar Police Station, Delhi and a few adjacent areas. As a result of these disturbances 10 persons lost their lives on that day and one died later. The riots caused a great deal of public anxiety and were the subject-matter of much Press comment as well as discussion in Parliament. On the 25th of June 1974, the Government of India in the Ministry of Home Affairs issued the following Notification appointing a Commission of Inquiry into these disturbances :—

“No. II-14011/9/74-NID(B)

GOVERNMENT OF INDIA

Ministry of Home Affairs

New Delhi-110001, the 25th June, 1974.

NOTIFICATION

S.O. 387(E).—WHEREAS, the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance, to wit, the communal disturbances that occurred in the area falling within the jurisdiction of the Sadar Bazar Police Station, Delhi, on the 5th day of May, 1974;

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints Shri R. Prasad, formerly Secretary to the Government of India, as One-Man Commission of Inquiry.

(i) The terms of reference of the Commission shall be as follows :—

- (a) to inquire into the causes and course of the disturbances which took place in the area falling within the jurisdiction of the Sadar Bazar Police Station, Delhi, and the areas adjoining it, on 5th May 1974;
- (b) to inquire into the adequacy of the administrative measures taken to prevent and to deal with the said disturbances;
- (c) to recommend measures which may be adopted to prevent the recurrence of such disturbances in the special conditions of the Sadar Bazar locality; and
- (d) to consider such other matters as may be found relevant in the course of the inquiry.

(ii) The Commission will be expected to complete its inquiry and submit its final report to the Central Government within four months from the date of this Notification.

2. AND, WHEREAS, the Central Government is of opinion having regard to the nature of the inquiry to be made by the Commission and other circumstances of the case, that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952), should be made applicable to the Commission, the Central Government hereby directs, in exercise of the powers conferred by sub-section (1), of the said section 5, that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of that Section shall apply to the Commission.

Sd/-

(B. R. PATEL)

Joint Secretary to the Government of India".

1.2 Shri S. K. Magon, an officer of the Indian Administrative Service working as Under Secretary in the Ministry of Home Affairs was appointed Secretary to the Commission as from the 1st of July, 1974. Following his appointment and the arranging of a room in the Ministry for the Commission to function till suitable accommodation was found for it, I took over as One-Man Commission of Inquiry on the forenoon of 3rd July, 1974. On the 6th of July 1974, I made a preliminary round of the affected area accompanied by the Deputy Commissioner, Shri V. K. Kapoor, the Additional District Magistrate (North) Shri S. L. Arora and the Secretary to the Commission. After a few days, accommodation was found for the Commission in a portion of the premises at 20, Tilak Marg, New Delhi, belonging to the Delhi Administration. These premises were occupied by the Delhi College of Art but with their helpful co-operation a part of the building was arranged for the occupation of the Commission. The office staff for the Commission posted by the Ministry of Home Affairs had, with a few exceptions, joined by the 12th of July, 1974 by which date the Commission had also occupied its allotted office premises. The Commission was accordingly in a position to start its regular work from the 12th of July on which date a Notification was also issued as provided in Rule 5(2) (b) of the Commissions of Inquiry (Central) Rules, 1972, inviting all persons acquainted with the subject-matter of the inquiry to furnish to the Commission the statements relating to the matters mentioned in the Commission's terms of reference. The last date for submission of the statements was fixed as 29th July, 1974. This Notification was published in the issues dated the 14th or 15th July 1974 in the following daily newspapers of Delhi :—

- Dawat (Urdu).
- The Daily Savera (Urdu).
- Pratap (Urdu).
- Milap (Urdu).
- Aljamiat (Urdu).
- Mulk-O-Millet (Urdu).
- The Motherland (English).
- The Hindustan Times (English).
- Patriot (English).
- Nav Bharat Times (Hindi).

National Herald (English).

Vir Arjun (Hindi).

Daily Tej (Urdu).

Indian Express (English).

Janyug (Hindi).

Amrit Patrika (Punjabi).

1.3 The Chief Secretary, Delhi Administration was also addressed by the Commission enquiring about the list of officials who had knowledge of the occurrences and who may be expected to give evidence before the Commission in regard to these and requesting that these officials may submit statements accompanied by affidavits in support of the facts set out in the statements. The Administration was requested to send the names of these officials and their statements by the 27th of July, 1974.

1.4 The Government of India in the Ministry of Home Affairs were addressed enquiring whether they had any evidence to be produced before the Commission since under Rule 5(5)(a) of the above mentioned rules, any evidence produced by the Central Government has to be recorded first by the Commission. The Central Government replied that they had no evidence to lead before the Commission.

1.5 On requests made both from the side of the public and the Delhi Administration the time for submission of statements was extended up to the 12th of August, 1974 and a second Notification of the Commission dated 27th July, 1974, so extending the time was published in the same daily newspapers as had carried the Commission's earlier Notification of 12th July as well as in the Times of India (which had not published the earlier Notification).

1.6 There were some requests from the side of the public for further extension of time beyond the 12th of August, but this was not conceded as ample time had been given for submission of the statements. Finally, by the 12th of August, 76 statements had been received from the side of the public and it was noticed that with a few exceptions, these were canalised through (two non-official committees of the affected localities, viz., (i) Sadar Bazar Danga Pirit Sahayata Samiti (सदर बाजार दंगा पीड़ित सहायता समिति); and (ii) the Kishan Ganj Relief

Committee. Both these committees claimed to have membership and support which cut across communal lines, but having regard to their approach and the type of statements forwarded through them, it appeared that while the former committee, the Sadar Bazar Danga Pirit Sahayata Samiti, represented broadly a large cross section of the Hindus of the affected areas, the second committee, viz., the Kishan Ganj Relief Committee, similarly represented broadly the Muslim section of the public. The list of official witnesses with their written statements supported by affidavits comprised 14 officers, namely, Shri V. K. Kapoor, Deputy Commissioner and District Magistrate; Shri P. R. Rajgopal, Inspector General of Police; Shri V. P. Marwah, Deputy Inspector General of Police (Range); Shri Gautam Kaul, now Assistant Inspector General of Police who was Superintendent of Police (North) on the 5th of May; Shri S. L. Arora, Additional District Magistrate (North); Shri C. D. Sharma, Sub-Divisional Magistrate (Kotwali) in additional charge of Sadar Bazar Sub-Division on the 5th of May; Shri S. K. Saxena, Additional Superintendent of Police (North); Shri Avinash Chandra, Deputy Superintendent of Police and Sub-Divisional Police Officer incharge of Sadar Bazar; Shri A. K. Singh, Commandant 4th Battalion, Delhi Armed Police; Sardar Pyara Singh, Station House Officer, Sadar Bazar on leave till the evening of 5th of May; Shri Sant Ram Sethi, acting Station House Officer, Sadar Bazar on 5th May 1974; Shri Hardev Singh, Assistant Sub-Inspector; Shri Ravinder Kumar Dhar, Inspector, Delhi Police and Station House Officer, Roshanara; and Shri Jagat Inder Prakash, Deputy Superintendent of Police.

1.7 Under Rule 5 of the Commissions of Inquiry (Central) Rules, 1972, a Commission may sit in public or in private as it thinks fit, but it shall sit in private on a request being made by the Central Government in that behalf. From the nature of the disturbances as between two communities and having regard to the likely adverse repercussions that a public inquiry may have, specially in respect of criminal cases under investigation, I had decided that the Commission in this case would sit in private. Subsequently, a formal request was also received from the Central Government that the Commission should conduct its inquiry in private. However, the exact scope of inquiry in private remained to be determined; a private hearing only means that the Press or public in general or those not connected with

the proceedings do not have access to the hearings but it does not necessarily mean that each witness must be heard in isolation with nobody else present except the Commission and its official staff. From the communications received from the two public organisations mentioned above and the nature of the statements in writing which came from 76 members of the public, mainly through these two local committees, it appeared to me that there were three parties or interests discernible in this case, viz., (i) The Delhi Administration; (ii) the Sadar Bazar Danga Pirit Sahayata Samiti (representing mainly Hindus); and (iii) the Kishan Ganj Relief Committee (representing mainly Muslims). I had, therefore, decided that though the inquiry would be in private, these three would be treated as parties to the proceedings and may be represented by not more than two observers each who would follow the course of the inquiry. While right of formal cross-examination or representation by legal practitioners as such was not to be allowed, it would have been open to any of the observers representing the three parties to suggest to the Commission additional matters or points which could be put to the individual witnesses in order to test their veracity and assist in bringing out the truth in a more effective manner than would be the case if each individual witness was examined by the Commission in isolation with nobody else present. Some apprehensions were however expressed informally on behalf of the Delhi Administration in regard to such a procedure on the ground that with observers present, the proceedings would not remain secret and there may also be adverse repercussions on the general communal atmosphere. Some representations were also made by Shri Shyama Charan Gupta, a Metropolitan Councillor and the President of the Sadar Bazar Danga Pirit Sahayata Samiti to the Secretary of the Commission in this regard, while I was away from Delhi. I, therefore, decided that on the date fixed for the commencement of the oral inquiry, viz., 30th August, 1974, hearing would first be given to the representatives of the Delhi Administration and the two committees above mentioned, in regard to the procedure to be followed in the inquiry. At this hearing, while the representatives of the Kishan Ganj Relief Committee said that they had no objection to the procedure outlined by the Commission, the President of the Sadar Bazar Danga Pirit Sahavata Samiti expressed some serious reservations though he left the matter for decision by the Commission. The Delhi Administration were in favour of each witness being heard by the Commission

in isolation without observers of the parties being present. Since there was no consensus, particularly on the part of the two non-official bodies, in regard to the proposed procedure of hearings in the presence of observers and taking into account the misgivings of the Administration, I then decided that the proposed procedure of having observers present at the inquiry would *not* be adopted and that each witness would be heard by the Commission without the presence and assistance of any observers, even though this may make it more difficult to appraise critically the value of the evidence tendered by various individuals, and even though this procedure may necessitate the recall of some witnesses for clarifying matters that had arisen or been brought out in the evidence of others.

1.8 The two non-official committees, however, requested that though the idea of having observers present from the parties was given up, the Commission may make a formal inspection of the affected areas where the two parties could point out the places which figured in the riots that day and regarding which evidence would be led. As already mentioned, I had made a preliminary round of the affected areas on the 6th of July and a more formal and detailed inspection was made on the afternoon and evening of the 1st September, 1974. Besides officials, representatives of the two local committees and some other members of the public were present and pointed out various buildings and localities in the main areas affected by the rioting on the 5th of May at Kishan Ganj Chowk and Mohalla and near about, at Shivaji Road, Azad Market Road, Faiyaz Ganj, Bahadur Garh Road, Sadar Thana Road, Phoota Road, Qasabpura and Idgah Road etc. During this round the various places, localities and buildings pointed out by the officials and members of the two non-official committees and other members of the public were seen by me and the round of inspection lasting over 2 hours concluded at the Sadar Bazar Police Station. This inspection was valuable in giving me a more precise idea of the areas and localities affected and the buildings, shops or houses which either suffered in the disturbances or figured in some versions as places from which missiles etc. were allegedly thrown or firing undertaken by members of the public. The Sub-Divisional Police Officer, Sadar Bazar, was also good enough to prepare and send for reference a fairly detailed map of the area within the jurisdiction of the Sadar Bazar Police

Station and adjoining localities with a key indicating the various places of reported occurrences and these are a part of the Commission's records.

1.9 The taking of oral evidence commenced on 30th August, 1974. The 14 officials listed by the Delhi Administration were orally examined and 70 out of the 76 members of the public who had submitted written statements in response to the Commission's Notification. Besides these, the General Secretary of the Kishan Ganj Relief Committee who had submitted a statement had given a list of 40 additional witnesses to be examined. This list was subsequently reduced by him to 16 names. The President of the Sadar Bazar Danga Pirit Sahayata Samiti had also suggested calling of 40 additional witnesses. The Assistant Inspector General of Police, Shri Gautam Kaul, gave a list of 30 more names of persons who, it was stated, had some direct knowledge of the incidents on that day. The two Committees were requested to give some more details regarding what the additional witnesses suggested by them were likely to depose about, and on receipt of their replies, the Commission called 14 witnesses out of the 16 suggested by the Kishan Ganj Relief Committee and 13 witnesses out of the additional names mentioned by the Sadar Bazar Danga Pirit Sahayata Samiti. The 30 witnesses suggested by the Assistant Inspector General of Police were also called by the Commission. The actual number who appeared before the Commission were, however, somewhat less, viz., 11 out of 14 in the list of the Kishan Ganj Relief Committee, 9 out of 13 in the list of the Sadar Bazar Danga Pirit Sahayata Samiti and 24 out of the 30 names suggested by the Assistant Inspector General of Police. Besides these, I decided that apart from the 14 officials listed by the Delhi Administration, it would be necessary to hear some officers of the Crime Branch, the Central Reserve Police Force, the Delhi Fire Service, the Delhi Home Guards and also a few additional officers of the Delhi Police. Among these officials called by the Commission on its own were three officers of the Crime Branch, Shri M. L. Sahani, Deputy Superintendent of Police, Shri G. N. Ludhani, Inspector; and Shri Shiv Darshan Lal Bakshi, Inspector, who had investigated the three connected criminal cases registered in the Sadar Bazar Police Station. Of the Central Reserve Police Force officials, Lt. Col. Laiq Ram, Commandant 16th Battalion, three Sub-Inspectors—two of the 16th Battalion and

one of the 7th Battalion as well as a Head Constable of the 7th Battalion were called for oral evidence in view of the crucial role that the Central Reserve Police Force units had played in tackling the disturbances on that day and since most of the firings had come from the units of the 16th Battalion and the 7th Battalion. In the Delhi Fire Service, Shri R. S. Sundaram, Chief Fire Officer, Shri S. S. L. Sharma, and Shri H. S. Gahlaut, Deputy Chief Fire Officers gave evidence before the Commission in regard to the fire fighting operations on that day in the face of widespread arson. One Inspector of the Delhi Police, the Station House Officer, Subzimandi Police Station and two Sub-Inspectors of the Sadar Bazar Police Station were also sent for and examined.

1.10 With reference to Rule 5(7) of the Commissions of Inquiry (Central) Rules, 1972, two commissions were issued in favour of the Secretary of the Commission, the first being to examine the following documents :—

- (i) The firing orders given by the Magistrates and Police Officers to the C.R.P. officials on the 5th of May, 1974; and reports, if any, given by the C.R.P. Platoon Commanders to their respective Battalions.
- (ii) The F.I.R. reports and the record of entries in respect of the 5th May incidents in the Sadar Bazar Police Station registers, including the General Diary Register.
- (iii) The post-mortem reports on the 11 deceased persons who were said to have died as a result of bullet or gun shot injuries sustained on 5th May, 1974.
- (iv) The case diaries and case-diary-statements of persons interrogated by the Crime Branch of Delhi Police in the course of the investigation of Crime Numbers 422/74, 423/74 and 424/74 of Sadar Bazar Police Station.

Under a second commission issued in favour of the Secretary to the Inquiry Commission, he was authorised to take the oral evidence of Shri Nanakajrekar, Deputy Superintendent of Police, Delhi Armed Police and some additional oral evidence

from Shri Shyam Dev Sharma, S.H.O. Subzimandi Police Station. The details of these commissions and the reports submitted by the Secretary on 5th of October, 1974 and 23rd November, 1974 are given in Appendices I and II of the Report.

The Deputy Commissioner, Shri V. K. Kapoor, and Additional District Magistrate (North), Shri S. L. Arora were re-examined on 22nd October, 1974 with reference to several points that had come out in the evidence led before the Commission and the matters brought out in the report of the Secretary to the Commission dated 5th October, 1974 on the first Commission issued to him

1.11 I also thought it would be helpful if the President of the Social Workers Council, Delhi, Shri Brij Mohan and Shri Radhakrishna of the Gandhi Peace Foundation whose organisations had reportedly arranged a peace march in the affected area on 19th May, 1974, could give the Commission the benefit of their impressions. Shri Brij Mohan responded and gave evidence before the Commission dealing with many connected topics based on his long experience of public life in Delhi. Shri K. F. Rustamji, Special Secretary to the Government of India, Ministry of Home Affairs, who was the Director General of the Border Security Force on 5th of May, 1974 and had gone round the affected areas in that capacity in the evening of that day, was also invited to give evidence before the Commission, which he did following it up with a written statement later.

1.12 The report of Shri N. N. Tandon following the riots in June, 1973 in the Bara Hindu Rao area had made some suggestions for development of social and cultural facilities in these localities. Shri Jagmohan, Vice-Chairman, Delhi development Authority and Shri B. R. Tamta, Commissioner, Municipal Corporation of Delhi were accordingly invited to give evidence before the Commission which they did and also sent it some notes on the urban development plans bearing on possible improvements in the highly congested Sadar Bazar area and provision of better facilities and amenities therein. Their evidence is also on record.

1.13 Since the inquiry of the Commission could not be concluded within the time originally fixed by the Government of India, viz., 4 months from the 25th of June, 1974, the Commission applied to Government in its letter No. 1/9/74-SBDIC

dated 28th September, 1974 for extension of time for submission of its report up to the 15th of December, 1974 and this extension was granted by Government in their Notification No. II-14011/9/74-NID(B) dated 23rd October, 1974. The letter of the Commission and the Government Notification are reproduced in Annexure IV of the Report*.

1.14 In all, 148 witnesses were orally examined by the Commission commencing on the 30th of August, 1974 and ending on the 22nd of November, 1974. A complete list of these witnesses and the documents exhibited or examined by the Commission is given in the Annexures I to III to this Report. Besides the witnesses, the Commission also invited the Director General of the Central Reserve Police Force, Shri N. S. Saksena for discussion regarding the procedures followed in the C.R.P.F. for obtaining "firing orders" in writing from Magistrates or Police Officers and an analysis of this aspect would be found later on in the Report.

1.15 It may be mentioned that about 20 persons to whom summons had been issued by the Commission did not actually appear before it. In some cases this was due to the summons not being properly served because of some discrepancy in the name or address. In some other cases, however, the summons were served but the persons did not appear before the Commission. A Commission of Inquiry has the powers of a Civil Court to enforce attendance of witnesses in obedience to its summons. The Commission, however, thought it not worthwhile to go into this matter further and compel their attendance or take penal action for their absence, because most of these absentees were in the supplementary lists given by the two non-official Committees and the Police. The Commission had already examined a very large number of witnesses in regard to the occurrences of 5th May, 1974 and even if the presence of these few additional witnesses could have been enforced, it was doubtful whether they would have had anything more, or of value, to add to the voluminous evidence and material already before the Commission.

*A further short extension up to 31st December, 1974 had to be applied for on 9th December and this was granted by Govt. in their Notification No. II-14011/9/74-NID (B) dt. 16-12-74.

1.16 One noteworthy feature of the Inquiry deserves some mention. No political party *as such* led any evidence before the Commission through its members or representatives, but among the 76 persons who responded to the Commission's Notification and sent written statements and in the supplementary list of 9 heard by the Commission from among those suggested by the Sadar Bazar Danga Pirit Sahayata Samiti, there were several who were connected with the Jan Sangh. The President of the Sadar Bazar Danga Pirit Sahayata Samiti, Shri Shyama Charan Gupta, who is a Member of the Metropolitan Council representing the Sadar Bazar area and who was witness No. 69 before the Commission is a member of the Jan Sangh and another noteworthy witness belonging to that party was Shri Ram Lal Asri, Municipal Councillor, representing the Sadar Bazar area who was witness No. 70 before the Commission. Several of these witnesses, and in particular the two mentioned above, though they did not give their evidence as spokesmen of their party, have in the course of their testimony, given what they considered to be the background of the relations between the two communities in the riot affected and adjoining areas and the political ramifications bearing on these relations. No similar view point of any other political party was expressly placed before the Commission though the Secretary of the Kishan Ganj Relief Committee, Shri S. M. Yahya Chhabra, witness No. 65, stated in his written statement in regard to the Muslim residents of the Kishan Ganj Mohalla, "They are national minded and most of them during the election stand by the Congress Party. Attitude of these residents is not liked by the R.S.S. and the Jan Sangh workers and therefore they have an eye on this area and wait for an opportunity to teach lesson to Muslims." Shri Yahya Chhabra himself said that he did not belong to any political party. Most of those Muslim witnesses before the Commission who were connected with the Kishan Ganj Relief Committee have strongly attacked the Jan Sangh/R.S.S. members or workers in their evidence. A hostile anti-Jan Sangh and R.S.S. view was also expressed forcefully by witness No. 140 Shri Nabil Ahmed Ansari, General Secretary of the Pratap Nagar Block Youth Congress who was also highly critical of the role of the authorities on the day of the riots. The above constitute the political overtones in the evidence led before the Commission which was mainly factual so far as the majority of the witnesses from the public were concerned.

CHAPTER II

CAUSES AND COURSE OF THE DISTURBANCES IN THE SADAR BAZAR AREA AND THE AREAS ADJOINING ON 5TH MAY, 1974 : ADMINISTRATIVE MEASURES TAKEN IN CONNECTION WITH THESE DISTURBANCES

2.1 The first two terms of reference of this Commission of Inquiry are :—

- (a) to inquire into the causes and course of the disturbances which took place in the area falling within the jurisdiction of the Sadar Bazar Police Station, Delhi, and the areas adjoining it, on 5th May, 1974 ;
- (b) to inquire into the adequacy of the administrative measures taken to prevent and to deal with the said disturbances.

2.2 I propose to deal with the points contained in these two terms of reference together because it is not easy to separate the causes and course of the disturbances from the administrative measures taken, either previously of a preventive character, or to deal with these disturbances when they broke out. Dealing with these matters separately would entail a good deal of repetition and covering the same ground more than once. This chapter will, accordingly, deal with these matters together, but for the sake of convenience and bringing out with some clarity the different versions of the occurrences, the chapter will be divided into three parts. Part (A) will give the material placed before the Commission by the authorities in charge of law and order in Delhi that day, mainly the Deputy Commissioner and District Magistrate and the Inspector General of Police together with the evidence of the other 12 officers listed by the Delhi Administration. Part (B) will bring out the additional matter which came to light before the Commission through its examination of some more official witnesses apart from those listed by the Delhi Administration namely, officers of the Crime Branch, the Central Reserve Police Force, the Delhi Fire Brigade, Home Guards and a few other police officers, whose evidence was

thought by the Commission to be relevant. This part will also give an idea of the evidence of witnesses from the public in regard to the occurrences. There are 114 such witnesses and it would not be possible to give a resume of the evidence of each one of them as it would only add to the bulk of the report and this is also not necessary since the evidence tendered by all the witnesses before the Commission is on record. However, an effort would be made to give a brief summary of the evidence of a few select witnesses from the public, whose points of view or statements of fact may be regarded as somewhat significant as throwing some fresh light or as viewing the course of events from angles different from that found in the official narration. This is not to say that these non-official witnesses have a common view point; on the other hand, their versions of events and their impressions are very often diametrically opposed but the synopsis of the evidence tendered by these few selected witnesses would represent broadly a cross section of the type of evidence tendered before the Commission by witnesses from the public.

2.3 Part (C) of the chapter will give my own impressions and findings based on the totality of the evidence before me, in regard to the two terms of reference and will endeavour to indicate in outline what would appear to me to approximate to the real picture of events on that fateful day though considerably obscured and confused by the tangled skein of contradictory and divergent impressions formed by persons who had to deal with the occurrences or had witnessed them.

A map of the areas which were the epicentre of the riot of 5th May, 1974, is given at the end of this volume, with necessary markings and the key.

PART A

Official Account of the Disturbances

2.4 The written statement of the Deputy Commissioner and District Magistrate, supported by an affidavit, which was placed before the Commission, gives a clear picture of the causes and course of the disturbances and the measures taken in that connection as they appeared to the authorities in charge of law and order in Delhi. The oral evidence of the District Magistrate, the Inspector General of Police and the other 12 officers listed by the Delhi Administration has given more details and answered several points of enquiry raised by the Commission but in substance, it can be said that the written statement of the District

Magistrate still remains the authoritative official version of the occurrences on that day. In order to bring out this official version fully and in the District Magistrate's own words, his written statement (with the exception of the portion at the end relating to sanction of compensation and the annexures to the statement) is reproduced below :—

Statement of Shri V. K. Kapoor, District Magistrate, Delhi.

2.5 The problem of communal tensions in Delhi has been confined to the areas of mixed population, most of which are located in the areas of police stations Sadar Bazar, Lahori Gate, Kotwali, Kamla Market, Hauz Qazi, Jama Masjid, Seelampur, Nizamuddin and Mehrauli. A note indicating the nature and extent of the communal problem in Delhi during the past years is at Annexure I. Till May, 1973 there had been no major conflagrations anywhere; there had been minor incidents or tensions arising from matters like religious processions, places of worship, property disputes and quarrels purely between individuals, but due to timely intervention by the authorities all such incidents could be prevented from escalating into riots between the communities. However, on the 12th June, 1973, a quarrel between some boys in the Pucci Gali area of Sadar Bazar escalated into a riot, involving heavy stone throwing and arson. To control the situation the police had to resort to firing, resulting in the death of one person. There was another incident of serious nature on the 9th March, 1974 in the Farashkhana area of police station Hauz Qazi, which started from a small quarrel over eve-teasing, which was quickly followed by the stabbing of three persons to death. The magistrates and the police officers rushed to the spot immediately and brought the situation under control. Facts of these two incidents are briefly narrated in paras 3 and 4 of Annexure I.

2.6 The two incidents just described, were the only major incidents that had taken place till the 5th May, 1974, when the riot under inquiry took place. But, numerous incidents have occurred all along, which could have escalated into riots between the communities. To prevent such incidents of tension from escalating into riots what is necessary is a highly sensitized district administration and police force which would do its best to collect timely intelligence of tensions, take prompt action to smother or defuse the tensions and intervene effectively, should any violence break out. Annexure II describes briefly the measures taken, in the light of the recommendations of the

National Integration Council and the advice received from the Ministry of Home Affairs from time to time, for the prevention of communal tensions or violence and to deal with them effectively, in case they occur.

2.7 The riot of the 12th June, 1973 was inquired into by Shri N. N. Tandon, Joint Secretary in the Ministry of Industrial Development. His main finding was that some of the participants of the incident, which had escalated into riot, had been involved in quarrels and incidents of eve-teasing of the previous occasions also. Based on this finding Shri Tandon made recommendations regarding effective action against bad characters throughout the city, so as to prevent them from indulging in incidents which may have the potentiality of escalating into riots. This recommendation of Shri Tandon has been followed by the Administration vigorously and preventive action against criminal elements and bad characters has been taken in Delhi on an unprecedented scale, in spite of several procedural difficulties under the law. Annexure III describes the action taken in this regard.

2.8 According to our records, during the period between the 12th June, 1973 and the 5th May, 1974 there took place 185 disputes and incidents in various parts of Delhi, involving members of the different communities, which if not tackled promptly and effectively, could have developed into riots.

2.9 The riot of the 5th May, 1974 had no background of tension between the communities and, therefore, the authorities had no forewarning. Information of the riot was received in the Police Control Room only after it had begun. The investigation of the cases registered in connection with the riot has revealed that the following sequence of events led to the riot. On the 4th May, 1974, one Vishwanath s/o Kashi Ram, resident of 9601, Gali Milwali, Azad Market, alongwith his family, went to see a film at the Palace Talkies in the 9 p.m. to 12 p.m. show. Two boys of Kishanganj, namely, Nasim Ahmed *alias* Baboo s/o Mohd. Ayub, resident of House No. 1126, Gali Anarwali and Iqbal s/o Abdul Sattar, resident of House No. 1045, Gali Anarwali had also gone to see the film. After the film Vishwanath and his family members were standing outside the hall, when Nasim and Iqbal crossed through them two or three times. Vishwanath took exception to this and accosted Nasim Ahmed for his misbehaviour and manhandled him. Ibrahim s/o Mohd. Ismail, resident of House No. 954, Gali Lambi, Mohalla Kishanganj, who also happened to be there alongwith his family, intervened and the matter appeared to have been settled amicably.

Next morning, however, Nasim Ahmed narrated the treatment received by him from Vishwanath to his friends including Mumtaz Ahmed Zanzirwala, Shafiqul Rehman, Anis Ghariwala and Yunis of Gali Anarwali. They all went to the residence of Khalil Ahmed s/o Mohd. Rafi, resident of House No. 948, Gali Lambi, a friend of Vishwanath and asked him to meet Vishwanath in connection with the incident. Khalil Ahmed went to the house of Vishwanath at about 12.30 p.m. Vishwanath told him that at the intervention of Ibrahim the matter had already been closed. Khalil Ahmed thereafter took Vishwanath on his scooter to Gali Bahuji and dropped him there. Khalil met Mumtaz Zanzirwala and others and narrated to them the talk that he had had with Vishwanath. This does not appear to have satisfied Mumtaz and others. At about 1 p.m. when Vishwanath was returning from Gali Bahuji, he was met by these boys and was engaged in a quarrel. They assaulted him and threw him on the ground. As the scuffle was in progress, Vishwanath was joined by some others including Bishan Petiwala. Bottles and stones started being thrown and the quarrel, which originally started as a fight between two groups assumed the shape of confrontation between Muslims on one side and Hindus on the other. Muslims started joining the fight from the Kishanganj side and Hindus from the other side.

2.10. At 1355 hours the Central Police Control Room received information on telephone from one Shri Satish Dhawan that a clash was taking place between Hindus and Muslims at chowk Azad Market. This information was conveyed to police station Sadar Bazar at 1328 hours and was recorded *vide* DD entry No. 7-A. Inspector Sant Ram, acting SHO (in the absence of Inspector Piara Singh on leave) informed the SDPC Shri Avinash Chander, who resides in the police station premises, and himself alongwith Sub-Inspector Ishwar Singh one head-constable and 13 constables, rushed to the spot in a police vehicle. On reaching the Azad Market chowk he came to learn that the trouble was at Kishanganj chowk. At Kishanganj chowk the police party found a large group indulging in brick-batting and throwing of soda-water bottles and other missiles. Missiles were also being thrown from the top of Imliwali masjid and the adjoining buildings in chowk Kishanganj. Inspector Sant Ram flashed a message for police reinforcement and, with the assistance of the small police force with him, proceeded to deal with the violent crowd. He led a cane charge, which resulted in the dispersal of some of the miscreants on the Azad Market road. But, the police party became the direct target of the miscreants, who regrouped themselves after escaping into the Tokriwala Mohalla and moved back towards the Azad Market road.

2.11 The S.D.P.O. Shri Avinash Chander and A.D.M. (North) Shri S. L. Arora (who received information of the riot while he was at my residence) reached chowk Kishanganj at about 1345 hours. By that time arson had started and smoke was seen coming out of a shop below the Imliwali Masjid. A message had already been sent to the Control Room to have the Fire Brigade sent. Heavy brick-battling was going on and some miscreants had also started throwing fireballs. Two platoons of C.R.P. arrived from the Reserve Lines, Kingsway Camp. Traffic on the Azad Market road was diverted. The A.D.M. and the S.D.P.O. advanced, alongwith the force, into chowk Kishanganj, under heavy brick-battling. Some persons were found attempting to set fire to more shops. The A.D.M. ordered the police to undertake firing in the general direction of the arsonists. Five rounds were fired at about 1400 hours. This had a salutary effect and the arsonists ran from the spot. However, the general situation continued to deteriorate; brick-battling did not cease and incidents of arson spread over a larger area.

2.12 Additional S.P. Shri Sheel Kumar accompanied by Inspector Sham Dev and some constables arrived at about 1405 hours from the Azad Market Chowk side. It was found that a firewood stall situated on the rear right side of Imliwali Masjid had been set on fire and it was said that a number of families had been entrapped in a block of houses behind the mosque. The acting S.D.M., Shri C. D. Sharma, who had by now arrived, and the Additional S.P. took a contingent of force and rescued the families, including women and children.

2.13 The police party was finding it impossible to make an effective entry into chowk Kishanganj and quell the trouble, because they were going under a heavy shower of brick-bats and glass missiles being thrown from the houses located on either side of chowk Kishanganj and particularly from behind Imliwali Masjid. Finding the situation to be out of control the A.D.M. had 20 more rounds fired by the police.

2.14 At this stage S.P. (North) Shri Gautam Kaul also reached the area. Since he learnt on the wireless that the situation in the Kishanganj chowk area was being tackled by the A.D.M. and the Addl. S.P. and that a crowd had also gathered on Bahadurgarh Road, he proceeded to the 'T' junction of Bahadurgarh Road and Gali Bahuji. An excited crowd had collected there, but no further trouble had taken place. The S.P. learnt that the fire tenders were parked at Pul Mithai and were not

proceeding to chowk Kishanganj for fear of mob violence. He went to Pul Mithai and took the fire tenders to chowk Kishanganj. By this time some shops on Shivaji Road had been set on fire. The S.P. himself remained at chowk Kishanganj and sent the Addl. S.P. to deal with the trouble on Shivaji Road. Two more platoons of reinforcement arrived. It was found that the riotous crowd had regrouped itself on Library Road and in Gali Milwali in Mohalla Tokriwalan. The S.P. led a cane charge and also had teargas used. The miscreants dispersed and went deep into the by-lanes in the direction of Mohalla Nawabganj. The S.D.M. and the Addl. S.P. similarly led a cane charge and cleared the area of chowk Shivaji Road. Consequent to this action the fire brigade was placed in a position to start its operation. The water line was soon laid. The fires around Imliwali Masjid and in the shops on Shivaji Road had by now assumed serious proportions. There was thick smoke in the area and brick-batting from roof tops was still continuing and became more intense whenever the firemen, with the assistance of the police, attempted to make a thrust inside the chowk to fight the fires. It was found that there was no water pressure in the fire hydrant. Message was sent through the Fire Brigade Control Room to the Chandrawal water works to divert the water pressure to the Sadar Bazar hydrants.

2.15 I was at my residence and had been following the developments through constant communication with the Police Control Room and telephone calls received from members of the public. I was also keeping in touch with the D.I.G. (Range), Shri V. P. Marwah, on telephone. As soon as I received the information that the police had undertaken firing I rushed to the residence of the D.I.G. He had already instructed the Duty Officer, D.A.P. to rush as much force to the Sadar Bazar area as could be available in the Lines. The Ss.P. of all the districts had been alerted and instructed to mobilise all their officers and men to patrol their areas to prevent any repercussions of this riot. Similarly, I had instructed the A.D.Ms. to proceed alongwith their S.D.Ms. to their areas and remain there. The officers of the districts were instructed to bring into force the Communal Riot Scheme with the assistance of the manpower available with them. They were particularly advised to remain on the look-out for rumours and do everything possible to scotch them. The D.I.G. and I proceeded to chowk Kishanganj and arrived there at about 1425 hours. We found that the fires in the Kishanganj area had assumed serious proportions, brick-batting was going on intermittently and the riotous crowds were spread over a sizeable area. After having consultations with the officers on the

spot we felt that the only way to deal with the situation was to make a determined effort to quell the rioters and to enable the Fire Brigade to fight the fires without interference or danger. We led a police party, alongwith a firing squad, into the Kishanganj chowk and ordered firing. It was found however, that firing had started at us also from the direction of Imliwali Mosque and the adjoining yellow building. Some members of the public were hit and fell on the ground. However, we tried to utilize the little cover provided by the electric transformer in one corner of chowk Kishanganj and continued our firing to silence the snipers from the other side. The Fire Brigade staff had to withdraw from the chowk. The D.I.G. was himself hit by pellets on the back of his head and neck. He had to be removed to the hospital. Three constables, the S.D.P.O. and several members of the public were also hit. We continued the firing from our side and could silence the snipers from the other side only by about 1450 hours. One more company of reinforcement arrived and a part of it was inducted to be used for the Kishanganj chowk area. One fire tender came on Azad Market Road : but the firemen were hesitant to lay the lines, fearing injuries to themselves.

2.16 The Additional S.P. and the S.D.M., who had earlier moved to Shivaji Road, used teargas to disperse rioters who were attempting arson on Takiawali Mosque. Since there was no effect of teargas, 12 rounds were fired by the police in the general direction of the crowd. The mosque was saved. Fire balls were thrown on the police party from the top of houses in the Fiaz Ganj area. The Additional S.P. had some teargas grenades and shells lobbed on the roof-tops, which checked the spate of brick-battling. But intermittent brick-battling continued. A number of miscreants had collected on Library Road across the Azad Market and were moving in this direction to attack. They were caned and pushed into Nawab Ganj. However, some miscreants managed to set ablaze some shops located under Takiawali Mosque and adjacent to it.

2.17 The situation continued to be serious in Kishanganj chowk and was spreading to the Fiaz Ganj area as well. This caused serious concern and I felt that I should alert the Army to stand by for being called in for assistance in case it became impossible for the police force to control the spreading trouble. I tried to locate a telephone in the area but found none in order. I, therefore, rushed to my residence leaving the A.D.M. and the S.P. in charge of the situation. *From my residence I informed the Lt. Governor, the Area Commander and the Joint Secretary*

concerned in the Ministry of Defence in regard to the situation and requested the latter two to keep the Army units ready to rush to our assistance in case it became absolutely essential.

2.18 Soon after I had left chowk Kishanganj, the I.G.P. Shri P. R. Rajgopal arrived. He organised the available police force to gain control over the situation. He got the firemen to be ready with their lines and begin the operations. The I.G.P. guided a fire party to deal with the snipers from the ground. He also had police fire parties posted at the roof-tops and when they opened fire at the snipers located on the buildings in chowk Kishanganj, they ran away. The firemen quickly laid the water lines and put them in operation to extinguish the fires at Imliwali Mosque. More fire tenders arrived subsequently and one of them was directed to Takiawali Mosque to deal with the fires in the shops behind.

2.19 I returned from my residence at about 1540 hours and joined the I.G.P. at chowk Kishanganj. Information was received that the mosque on Library Road had been attacked. The I.G.P. himself, alongwith S.D.P.O. (Sadar) rushed to the area and controlled the situation. A crowd on Azad Market Road moving towards chowk Kishanganj was teargassed by Shri A. K. Singh, Commandant, 4th Battalion, D.A.P. and Shri Nankajrekar, Dy. S.P.

2.20 In consultation with the officers on the spot I decided to impose curfew in the area of police station Sadar Bazar from the moment arrangements could be organised to enforce it. I instructed S.P. (North) to detail officers and men necessary for this purpose. Injured persons were rushed to the hospitals. At about 1605 hours information was received that some women and children had been entrapped in a portion of Takiawali Masjid, used as a school. A police party was sent immediately and they were rescued. At about 1610 hours it was found that a thread making factory in Hiaz Ganj was on fire. A crowd had collected in the by-lane; miscreants caught hold of thread spindles, soaked them in oil and throw back the burning spindles in the direction of the factory. The I.G.P., the Addl. S.P. and the S.D.M. had the area surrounded and were able to arrest some of the miscreants. The doors of the factory premises were broken open and the entrapped workers were rescued. The fire tenders were brought to the spot, but there was considerable difficulty in extinguishing the fire because of the factory being located in a thickly populated and elevated area.

2.21 At about 1615 hours information was received that some persons had started firing from the roof-tops of Mohalla Kishanganj on the Bahadurgarh Road side and that arson was going on. The I.G.P. alongwith Commandant 4th Battalion D.A.P., A.D.M. (North) and two platoons of force rushed to that area. I remained behind at chowk Kishanganj to supervise the arrangements there. A.S.I. Hardev Singh of Police Station Sadar Bazar was already present there with a fire party and had returned the fire which had started from the roof-tops. Fresh volleys of firing started coming from top and it was found that they were from ventilator and window openings. The I.G.P. ordered the police party to fire at the snipers. Shri A. K. Singh and Shri Nankajrekar reached the top of a house and opened fire at the snipers and this stopped their firing. Several persons had been hit at this place by the snipers.

2.22 At about 1715 hours the situation in the Kishanganj chowk, Azad Market and Bahadurgarh Road area had come generally under control,—though the fires were on and the fire brigade was making efforts to extinguish them. Groups of miscreants were present here and there and there was, no doubt, tremendous excitement among the local residents and troubles could start at any place. Senior police officers were given contingents of police force and were assigned areas to deal with the troubles. They had instructions to take firm and effective action.

2.23 Some miscreants from Teliwara, Ruimandi and Deputyganj collected at the 'T' junction of Bahadurgarh Road and Phoota Road and indulged in stone throwing. Some shops were looted and the furniture of a shop was pulled out and set on fire. This group of miscreants was cane charged by the Commandant 4th Battalion D.A.P. and teargas was also used. Another group was teargassed at Baratooti. To disperse the crowd which was hampering the progress of a fire tender towards Gali Barna three rounds were fired by a police party.

2.24 By about 1800 hours the situation had been brought generally under control and police arrangements for the enforcement of curfew started being brought into position. Announcement regarding curfew was commenced by loudspeaker fitted jeeps. Mobile police parties, headed by officers, were patrolling the entire area and striking reserves had been kept at the suitable points.

2.25 The S.H.O. Inspector Piara Singh had returned from leave and took his duty in the Qasabpura area. Some miscreants indulged in heavy brick-battling and throwing of bottles from roof-tops in the Qasabpura area. The S.H.O. made cane charge on Nala Road, but found himself caught in the cross fire of brick-bats from both the sides. The S.H.O. fired five rounds from his revolver in the direction of the roof-tops from where missiles were being thrown. In the meantime, S.P. (North) and A.D.M. (North) arrived at the scene. One company of force was brought by the Addl. S.P. and the S.D.M. and spread in the entire area and the situation was brought under control. In the process firing had to be resorted to.

2.26 A message was received at about 1900 hours that trouble had occurred at Idgah near Motia Khan. Shri A. K. Singh proceeded to the spot with one platoon of force and undertook cane charge to disperse the riotous mob. Some shops and vehicles in the Motia Khan had been set on fire and the fire brigade was called to deal with them. Shri A. K. Singh brought the situation under control and dispersed the crowd.

2.27 By about 2000 hours the situation had quietened everywhere in the area of Police Station, Sadar Bazar and no incidents were reported thereafter. However, after the curfew was enforced in the area of police station Sadar Bazar a large number of persons gathered on the Sadar Thana Road, within the jurisdiction of police station Paharganj. They were chased away by S.D.P.O. (Original Road) and S.D.M. (Paharganj). At about 2200 hours information was received that some miscreants were indulging in arson in the Multani Dhanda area. The police party rushed to the various places of trouble and arrested 17 arsonists. However, in the meanwhile 5 shops had been affected. Vigorous police patrolling was commenced and all streets were cleared of persons.

2.28 The area of police station Sadar Bazar was divided into 5 sectors and each sector was placed under the charge of a magistrate and a Dy. S.P. These officers were provided the assistance of B.S.F. reinforcements for the strict enforcement of curfew and the maintenance of peace. There were no incidents of violence during the night or on the subsequent days, except two minor ones—one on Arakashan Road in the area of police station, Paharganj in the night of the 6th May and the other on Sadar Thana Road on the 7th May (these incidents appeared to be unconnected with the communal riot). However,

numerous rumours came to notice in the area of police station Sadar Bazar and in the other areas of mixed population. It was absolutely essential to maintain utmost vigilance. The curfew imposed in the evening of the 5th was, therefore, kept in force till the morning of the 7th May and was relaxed only for a short while. The period of relaxation was gradually increased on the subsequent days, and the curfew was finally withdrawn on the 18th June. Arrangements were made for the supply of daily necessities, such as bread, milk and atta, to the local residents during the curfew time. Curfew passes were issued to the persons whose movement was unavoidable. Emphasis was laid on the strict enforcement of curfew and 253 persons were arrested and proceeded against for its violation.

2.29 In the incidents of the 5th May, 11 persons were killed (list at Annexure IV), including 8 Hindus, 1 Sikh and 2 Muslims. Ten of the deaths took place on the same day and one after some weeks. Six of the killed had bullet injuries and 5 gun shot injuries. It appears that 2 of the deceased (at No. 8 and 9 in Annexure IV) had been hit by police firing. Six persons were killed in the Bahadurgarh Road area, 4 in the Kishanganj chowk area and 1 near Takiawali Masjid. Precautions were taken to ensure that the dead bodies were not taken back into the riot affected area. The bodies were delivered at the cremation/burial ground and arrangements for their disposal were made in consultation with the next of kin.

2.30 One hundred and thirty-three persons injured in the incidents reported at the various hospitals, including 23 policemen and 2 firemen. Fifty-four persons were discharged after first-aid and no record has been kept in the hospitals of the nature of their injuries. Of the remaining 79 persons 63 had fire-arm injuries and 16 blunt or sharp-edged weapon injuries. Of the injured persons 92 were Hindus, 16 Muslims, 23 policemen and 2 firemen.

2.31 In the incident the police fired 166 rounds and 95 tear-smoke shells and grenades. From the side of the public one gun and one rifle were used and about 150 rounds were fired.

2.32 The following 4 cases were registered in respect of the incidents of the 5th May:—

- (1) Case FIR No. 422/74, P. S. Sadar Bazar, under sections 147/148/149/436/307/302/332/353/186 IPC, in respect of the incidents in the Kishanganj—Bahadurgarh Road area;

- (2) Case FIR No. 423/74 of P. S. Sadar Bazar, under sections 147/148/149/436/307/332/353 IPC in respect of the incidents of the Sadar Thana Road and Qasabpura;
- (3) Case FIR No. 424/74 of P. S. Sadar Bazar, under sections 147/149/427/436 IPC in respect of the incidents on Idgah Road; and
- (4) Case FIR No. 372/74 of P. S. Paharganj, under sections 147/148/149/436/453 IPC in respect of the incidents in the area of P. S. Paharganj.

The investigation of the first three cases was entrusted to the Crime Branch and the fourth case has been investigated by the local police. The investigation of the cases is in its final stages and 142, 9, 7 and 34 persons respectively have been arrested.*

2.33 In the evening of the 5th May I held a meeting with the respectables of the Sadar Bazar area and at night the Lt. Governor had a meeting with prominent leaders of Delhi. At both the meetings there was condemnation of the communal violence and the leaders offered their whole-hearted cooperation for the restoration of normalcy and maintenance of public peace. At the meeting held by the Lt. Governor an appeal was issued to the citizens of Delhi to help in the maintenance of communal peace and harmony and not to be misled by rumours. The appeal appeared in the newspapers next morning.

2.34 On the days following the riot the fullest precautions were taken to prevent the recurrence of trouble. Police pickets, as prescribed in the Communal Riot Scheme, were maintained in the city area and vigorous patrolling was undertaken. Magistrates and police officers remained in the areas and themselves supervised the arrangements. The following were some of the other measures taken:—

- (a) Fire-arm licensees residing in the areas of police stations Sadar Bazar, Lahori Gate, Kotwali, Kamla Market, Hauz Qazi, Jama Masjid and Darya Ganj were directed to deposit their fire-arms with their respective police stations.
- (b) An order under section 144 Cr. P.C. was issued directing that all pan, cigarette and aerated water shops be closed by 11 p.m., to prevent the assembly

*All the above referred cases except case FIR No. 422/74, have been charged in the court. The investigation in respect of case FIR No. 422/74 is still pending.

of street urchins and their indulging in quarrels, which could escalate into riotous situations.

- (c) An order under section 144 Cr. P.C. was issued prohibiting the collection of brick-bats, bottles etc. on roof-tops in the areas of mixed population. In pursuance of the order searches of a large number of roof-tops were undertaken and in cases in which brick-bats etc. were found on roof-tops prosecutions were launched.
- (d) Action against bad-characters and communal elements was stepped up.

The statement of the District Magistrate ends.

PART B

Evidence of Addl. Official witnesses taken by the Commission

2.35 I now come to the other evidence produced before the Commission relating to the actual occurrences. Firstly, I would take up the evidence of officials who were called by the Commission besides the 14 persons listed by the Delhi Administration. Shri K. F. Rustamji (W. No. 145) Special Secretary, Government of India, Ministry of Home Affairs who had visited the riot affected areas on the late afternoon and evening of the 5th May, 1974, in his capacity as Director-General of the Border Security Force has deposed before the Commission, and has also later given a more detailed written statement. He has stated that he left the Ministry in a jeep at about 1700 hrs. and met the I.G. Police, Shri Rajgopal, at about 1720 hrs. at Bahadurgarh Road. From what he heard from the I.G.P. it was apparent to him that a very serious situation had been dealt with in a courageous manner by the Inspector-General and his men. At that time the situation on the Bahadurgarh Road seemed to be under control, although several houses were burning. The I.G.P. and he went back to the end of the road and asked the fire brigade to follow to put out the fire at one of the houses on the road which was furiously burning. The fire brigade came later and put out the fire. About this time he met Maj. Gen. D'Souza on the same road. The I.G.P. and he went along to Kishanganj Chowk to meet the Deputy Commissioner and his officers. Here too the situation seemed to be under control, but it was felt that there was some danger of trouble erupting in other parts of the city, and the Inspector General had ordered full mobilisation of the force. Witness informed the Home Secretary on the telephone

about the situation at about 1800 hrs. and told him that it was generally under control, but that there was danger of trouble spreading to other areas and that there was need for the B.S.F. Companies to reach the spot as early as possible. There was a discussion between the I.G.P., the Deputy Commissioner and himself whether the Army should be called out. The Deputy Commissioner said that there were reports that trouble had spread to Sadar Thana Road and adjoining localities. It was decided that there should be another round of the affected areas before a decision was taken about calling out the Army. Since the I.G. and D.C. had to stay in the area, witness went out to study the situation on the Sadar Thana Road; his party found one house burning on that road and in another house there was great danger of several persons being burnt alive, as they were not willing to come down. The fire brigade van which had followed the police party went into action and put out the fire. At this place, some persons were also seen bringing out articles from houses and setting fire to them on the road. Witness ordered one of the constables to fire one round in the air. Loud speaker warnings were also given and the mob melted away. His party moved on the road with horn sounding and the loud speaker giving warnings to people to disperse. He decided that one more round should be fired, and he asked a B.S.F. officer to fire one round again in the air. Two additional rounds were also fired in the air by the same officer and the road was cleared. On the way back to Kishanganj, a menacing crowd was seen at another place and yet another round was fired in the air by the same B.S.F. officer under his orders. There was another discussion at Kishanganj Chowk with the I.G.P. and the Deputy Commissioner, and they then decided that the Army need not be called out. Witness returned to the North Block at about 8 p.m. Earlier, arrangements had been made for 10 companies of the B.S.F. to move into the riot affected area.

2.36 Three officers of the Crime Branch Shri M. L. Sahni, Deputy Superintendent of Police (W. No. 55), Shri C. N. Ludhani, Inspector of Police (W. 56) and Shri S. D. L. Bakshi, Inspector of Police (W. 57), were examined in regard to the investigation of crime numbers 422, 423 and 424 of 1974 of the Sadar Bazar Police Station, which had been entrusted to the Crime Branch. From their deposition it appeared that the immediate cause of the disturbances was the quarrel between Shri Vishwa Nath and a few Muslims as already mentioned in the statement of the Deputy Commissioner, which developed into a more violent group fight about 1 p.m. on the 5th of May

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at Kishanganj Chowk and led to the general rioting in the Kishanganj Chowk locality. It was stated that apart from this incident involving Shri Vishwa Nath and a few Muslim youths, investigation had not revealed any other cause concerning either the Hindus or the Muslims in respect of the riots on the 5th of May. The Muslim youths who were agitated about the incident on the previous night at the Palace cinema were only talking about the incident among themselves the next morning, and there was nothing to show that they went round spreading the news among the Muslims of the locality in general or had asked the Muslims to be prepared to take revenge.

2.37 Crime No. 422 of 1974 was registered under sections 147/148/149/436/307/302/186/332/353 I.P.C. and relates to the incidents in Kishanganj Chowk, Shivaji Road, Masjid Takia-wali and Fiyaz Ganj and Bahadurgarh Road and Phoota Road. In this crime number, 142 persons had been arrested, 76 Muslims and 66 Hindus. The investigation of this crime number also did not reveal that there was any instigation of either community by parties or groups from outside in order to create an atmosphere of communal tension. There was also nothing to substantiate the allegation that tension had been deliberately created in the Sadar Bazar Police Station area because of some ensuing election in a neighbouring constituency. From one of the Muslim accused, Mumtaz, some literature of the Muslim League was recovered, but this literature is of an ordinary political type and there is nothing in it instigating communal hatred or any riot. None of the accused who were under trial in connection with the rioting in Bara Hindu Rao in June 1973 are accused in the present incidents, though the investigation of these crime numbers is still not over. Investigation discloses that while the trouble started with the fighting between Vishwa Nath and a few Muslim youths and members of the two communities rushing to their assistance respectively; in the beginning the trouble was only on the ground near a fruit shop, but later, when from the Imli Wali mosque in the Kishanganj Chowk and the nearby houses stone throwing became intense, the riot assumed more serious proportions from that stage. It is also seen from the investigation that the first case of arson was in the shop of a Muslim barber below the Imli Wali mosque. Thereafter, there was a fire in a wooden stall (लकड़ी की दान) by the side of the mosque. The first firing in Kishanganj Chowk was from the side of the police and the firing from the side of the public from the mosque and the nearby buildings came after 2.30 p.m., some time later than the police firing. As regards the Bahadurgarh Road incidents.

it would appear from investigation that stone throwing and firing started from the Muslim owned houses of Chowk Kishanganj abutting on Bahadurgarh Road, and before that there had been no hostile action against those houses from the side of the Hindus. When stone throwing and firing started at Bahadurgarh Road, from these houses, then the crowd that was standing on the road started stone throwing in reply and tried to set fire to those houses. The investigation does not support the version that the crowds on the Bahadurgarh Road had first tried to damage the Muslim houses before the Muslims opened fire on that side.

2.38 Crime No. 423 of 1974 relates to incidents of Sadar Thana Road, Qasabpura, Gali Barna and Basti Harphool Singh. In this crime number, 13 persons have been arrested, 10 Muslims and 3 Hindus.

2.39 Crime No. 424 relates to some incidents of Idgah Road in which there are 7 accused persons, 6 Hindus and one Sikh. No complaints were made in the course of these investigations against the conduct of any police officer.

2.40 Five officers of the Central Reserve Police Force were examined by the Commission. They are—Lt. Col. Laiq Ram, Commandant 16th Bn. C.R.P.F. (W. No. 63); Shri Piar Chand; Sub-Inspector, C.R.P.F. 16th Bn. (W. No. 59); Shri T. S. Negi, Sub-Inspector, C.R.P.F. 16th Bn. (W. No. 58); Shri R. P. Walekar, Sub-Inspector, C.R.P.F., 7th Bn. (W. No. 137); and Shri Om Prakash, Head Constable, C.R.P.F., 7th Bn. (W. No. 138). The two Sub-Inspectors of the 16th Bn. (W. Nos. 58 and 59) were the first to reach the riot affected locality in Kishanganj Chowk a little before 2 p.m. Witness No. 58 was in charge of one platoon and No. 59 in charge of two platoons of 'E' Company of the 16th Bn. According to the official narration, the first firing at Kishanganj Chowk was at 1.55 p.m. under the orders of the Additional District Magistrate (North), and firing was carried out by the platoon under the command of witness No. 58. This witness also says that at about 2.15 p.m. the public started firing from the top of the houses near the mosque and his force fired a second time in reply to this firing on the directions of the S. P. North, Shri Gautam Kaul. His force fired 7 rounds on the orders of the A.D.M. but visibility was so poor because of the smoke that it was difficult to make out the targets. But the firing ordered was in the general direction of the mosque and the yellow building adjacent. On

the course of fire fighting operations that day by the units of the Fire Brigade, the difficulties that they experienced because of hostile crowds, risks due to brick-batting and firing, lack of sufficient water pressure in hydrants in the early stages of fire fighting etc. I shall be referring in the next chapter to the evidence of the Chief Fire Officer in the context of suggestions made by him for improving the efficiency of the Fire Service in Delhi.

Evidence of Occurrence Witnesses from the Public

2.48 now take up the evidence given by non-official witnesses of the occurrence. As mentioned already there are 114 of them and I propose only to give an outline of the testimony of a selected few who would represent a cross section of the type of evidence given before the Commission by members of the public. The evidence of these selected few would thus be a sample of what was spoken before the Commission by the public witnesses in general. Shri Girdhari Lal (W. No. 20) is an ice vendor and his shop is in the lowest storey of a two storeyed building in Kishanganj chowk. He says that he was seated in his shop at about 1.30 p.m. on the 5th of May. He noticed about 4 or 5 boys coming towards Azad Market and beating Shri Vishwanath. He asked the assailants what was the matter and they told him to move away. Vishwanath was thrown down. He beseeched the assailants to leave Vishwanath but they paid no heed. When Vishwanath fell down, stone throwing started and soda water bottles were also flung from both sides. A crowd of Hindus collected on the main Azad Market Road while from the mosque and the building adjacent to it fire balls were thrown on the fire wood stall (लकड़ी की दाल) because of which that stall caught fire as well as some bamboo structures nearby. The fire started spreading and gun fire also commenced from the windows of the mosque and its adjacent building. Police reached only at about 2.30 p.m. but they were unable to control the situation. When the fire spread he left for his home on Shivaji Road because the fire had spread near his house at Shivaji Road and he was trying to put it out. He had heard about the D.I.G. being injured by pellets though he did not see him. If the fire wood stall (लकड़ी की दाल) had not caught fire, fire would not have spread so widely in the chowk area. He did not see any Hindus trying to commit arson on Muslim shops or buildings. If the Muslim assailants of Vishwanath had listened to him, the trouble would not have spread but once it spread, Muslims collected from the direction of the mosque

and the Hindus from the side of Tokriwala and the Azad Market Road. The riot started suddenly and respectable people were taken by surprise and they did not know how this had happened. If the police had come earlier on the scene and controlled the situation, trouble would not have spread. However, though people did complain about the police coming late, they did ultimately get control of the situation.

2.49 Shri Shyama Charan Gupta (W. No. 69) is a Member of the Delhi Metropolitan Council representing the Teliwara, Deputy Ganj constituency and is also the President of the Sadar Bazar Danga Pirit Sahyata Samiti (सदर बाजार दंगा पीड़ित सहायता समिति) and in response to the Notification of the Commission he had given a detailed written statement which is Exh. 44. On the 5th of May he had gone to Roop Nagar in connection with a wedding and he returned alongwith Shri Kanwar Lal Gupta to the latter's house in Kamla Nagar. From there when he rang up his home and enquired whether there were any messages for him or any visitor he was told that a number of calls were coming about the trouble in Teliwara and Kishanganj and the people wanted him to reach the spot quickly. Then he went alongwith Shri Kanwar Lal Gupta towards Sadar Bazar and reached Deputy Ganj *via* Pul Mithai since the direct route was closed. Deputy Ganj is adjacent to Bahadurgarh Road and it was seen from there that a large crowd had collected. People informed him that trouble had been going on for a long time. There was firing and arson but no proper police arrangements. This was conveyed to him at about 3.30 p.m. and then from a neighbouring house he rang up various V.I.Ps and authorities to have police sent urgently to Teliwara. Because of these telephone calls he thought that the police forces were sent mainly to chowk Kishanganj or Azad Market or Bara Hindu Rao where there had earlier been a riot. The result was there was no police protection on Bahadurgarh Road. Though there were about 6 or 7 C.R.P.F. men they took no action probably because they had no instructions. Again, he rang up the Deputy Commissioner and was told by a S.D.M., Shri Kamra, that police had been sent but witness pointed out that police had not come towards Bahadurgarh Road. Later, only at about 5 O'clock sufficient police force and police officers came to Bahadurgarh Road and took action, stopping the gun fire coming from sections of the public from the Mohalla Kishanganj side. Before the police came to Bahadurgarh Road at about 5 p.m. he and Shri Kanwar Lal Gupta were able to reach Kishanganj Chowk *via* Pul Mithai and Azad Market at about 4 p.m. and then they had seen that there was firing from the mosque and

fire balls were being thrown. The Kishanganj situation was not under control till 4 p.m. Later, they returned to Bahadurgarh Road and heard about the persons who had died there because of firing from the side of the Muslims. They noticed a large number of gun shot marks in Bhagwanganj and in Gali Bahuji opposite Mohalla Kishanganj. Even when they were in Deputy Ganj they had noticed from there two persons standing on Mohalla Kishanganj houses and firing on Bahadurgarh Road. That day most members of the public who met them had complained to them that the Muslims had been very aggressive (मुसलमानों की तरफ से बहुत ज्यादा तो हुई) and that a small matter was blown up to such proportions. They came to know that while 2 Muslims had died because of police firing, 8 Hindus had been the victims of the firing from the Muslims' side. This had caused a lot of public anger. They also met many Muslim members of the public who complained that the police had shown some slackness in controlling the situation; may be that they did not have orders to fire effectively, but they did not apparently try to control the developments as soon as they came on the spot. The Hindus also had the same complaint. Nobody mentioned to him that Muslims had opened fire only in reply to firing by Hindus or when Hindu mobs tried to attack or commit arson. The police officers to whom he spoke had said that they had never anticipated such a big riot which was fought out in a very organised and determined manner. The witness got the impression that the police took time to realise the seriousness of the situation and they apparently did so only when the D.I.G. received gun shot injuries.

2.50 As regards the background to communal relations in the area he has mentioned in his written statement that ever since 1971 when a Muslim League session was held in Bara Hindu Rao, communal feelings have been strengthened among Muslims. He also feels that the Congress, Muslim League and Communist Parties work more or less jointly in this area against the Jan Sangh. In his own constituency there are about 6,000 Muslim voters and in 1972 and earlier in 1971 in the Parliament elections and the Municipal Corporation elections they had voted largely against the Congress because of which Congress candidates for the Metropolitan Council and the Municipal Corporation had been defeated. Following this, some Congressites and Communists have the idea that somehow the Muslims should be incited against the Jan Sangh so that they do not support Jan Sangh candidates and their activities in this area have relation to this background. There are constantly minor disputes between Hindus and Muslims or teasing of Hindu girls by Muslims and the object of the Congress—Muslim

League—Communist workers is to suggest to the Muslims that those who support the Hindus in these disputes are Jan Sanghis and are anti-Muslim. The result is that Hindu-Muslim differences have widened, and the Congress tries to get some benefit out of this, anticipating as a result support from Muslim voters in elections. Because of this attitude, whenever there was any trouble of a communal nature, the top officials and the politicians in power used to take the line that forceful action should not be taken against the Muslims because it would lead to more trouble. The result is that while bad characters and gundas feel encouraged respectable persons have lost influence. On such an occasion the authorities do not try to find out who is the real culprit, but try to see that members of both the communities are dealt with more or less in equal proportions. Witness said that when they complained to police officers about such inaction on their part even after the recommendations of the Tandon Report of 1973, they used to say that the police authorities have to bear in mind all aspects of the situation as well as the policies of Government. He also feels that there might have been a foreign hand in this trouble on 5th May, 1974, as Sheikh Mujib-ur-Rahman, the Prime Minister of Bangla Desh, was shortly to visit India. Foreign elements may have inspired this trouble to queer the pitch for this visit and there were many press reports to this effect at that time as well as mention made in Parliament by many members. The Congress leaders try to shield the miscreants and even give them protection. If there had been proper police arrangements in Bahadurgarh Road, so many lives would not have been lost nor so much damage done. Even after the riots the police instead of apprehending the real culprits were trying to take action against many others in order to give the impression of a balance between the two communities and many persons who were merely passers-by or who were standing on the roof-tops of houses and had been injured by pellets and had gone to hospital for treatment were all arrested on the suspicion that they were rioters. Many guilty persons have not been arrested for several months and were even now free. Much illicit material used in the riot also remained without being seized. In fact, illicit material and accused persons seem to have been taken out or gone out on the night of the 5th of May itself. He has given 8 points in his written statement about the measures to be taken to prevent such riots and also mentioned that the Sadar Bazar Danga Pirit Sahyata Samiti (सदर बाजार दंगा पीड़ित सहायता समिति) of which he was the President, has mainly helped Muslim sufferers. In fact, 95% of the total assistance through the Samiti was given to Muslims because most of the applications for assistance came from that community.

2.51 Shri Ram Lal Asri (W. No. 70) is a Member of the Delhi Municipal Corporation from the Teliwara area. He has also given a written statement in response to the Commission's Notification which is Ex. 45. As regards the background of the riots, his approach is similar to that of W. No. 69 Shri Shyama Charan Gupta. At about 1.30 p.m. on the 5th of May, 1974, when he was informed about the riot in the Kishanganj Chowk he met the S.D.P.O. Shri Avinash Chander and later, when he went towards Bahadurgarh Road he noticed flames from the side of Kishanganj Chowk and the road leading to that Chowk was closed. At about 2.15 p.m. the S.D.P.O., Shri Avinash Chander, came in his jeep and witness requested him to make proper police arrangements. At about 2.30 or 2.45 p.m. the S.P. (North), Shri Kaul came to Bahadurgarh Road and witness again made a complaint that police arrangements were inadequate on Bahadurgarh Road. He also pressed for Fire Brigade tenders to be called out to fight the raging fires on the Kishanganj side. When at about 3.15 p.m. the fire tenders came they were unable to proceed towards Kishanganj Chowk because of obstruction and throwing of bottles and missiles. At the same time, firing started from some houses on to Bahadurgarh Road as a result of which many persons were injured and some died. Going on to Deputy Ganj he met Shri Shyama Charan Gupta and Shri Kanwar Lal Gupta. They put through a number of telephone calls and were told that the Fire Brigade had been sent. He was in Deputy Ganj when firing from the houses in Mohalla Kishanganj on Bahadurgarh Road started. He did not see any person trying to damage or set fire to those houses. In fact, on that side there was no fire at all. There were a few police men on Bahadurgarh Road with rifles but they were not taking any action pleading lack of instructions. At about 5 O'clock sufficient police force came in two trucks and, thereafter, crowds were dispersed and the firing on that Road stopped. At 5.30 p.m. when they reached Chowk Kishanganj they found there were police in sufficient strength and the fires were being extinguished by the Fire Brigade. The Commissioner, Delhi Municipal Corporation Shri Tamta, was also there and they all helped in assisting the Fire Brigade in its operations.

2.52 The witness himself is a resident of Sheesh Mahal not far from Mohalla Kishanganj. But in Sheesh Mahal there was no trouble and though it is a mixed locality of Hindus and Muslims they had all joined together in ensuring that there was no trouble there and had kept out outsiders. He had met a number of Muslims that day but none of them complained that Hindus had

fired on them or tried to commit arson. From the time he became a Member of the Corporation, Diwali and Id are celebrated together inside Kishanganj and there was communal unity but this did not suit the interests of Congressmen, whose view was that such communal unity will be detrimental to their party's interests. These people keep on inciting communal feelings in Muslims so that they may get their votes. Even in Mohalla Kishanganj there are no Hindus, but he had got many benefits and amenities provided there from the Corporation. There is, however, one section among the Kishanganj Muslims which is connected with the Muslim League and which is encouraged by the Congress. When there was a Jan Sangh administration in Delhi from 1967 to 1972 there was no communal trouble. Even now the Congress supporter keep on reminding people of the past differences and troubles so that the feeling of separation is kept alive. Any type of lawless activity should be put down sternly and large encroachments that have been made from the Takiawali Masjid on Shivaji Road and in other places should be removed as these are a source of tension. After the riot many Muslim League leaders came to Kishanganj and gave a lot of financial assistance to Muslims at private meetings. Their communal feelings continue to be incited. Propaganda is even done in mosques and some of the active communal workers, who had played a part in the riots, are regarded as heroes.

2.53 Shri S. M. Yahya Chhabra (W. No. 65) is a business man residing in Kishanganj Mohalla of Sadar Bazar and is the Secretary of the Kishanganj Relief Committee. He has given a written statement (Ex. 40) in response to the Commission's Notification with many annexures and an album showing the destruction caused to the Muslim properties in the rioting on that day. He has deposed that on 5th of May at about 1.15 p.m. when he returned home from South Extension he heard that there was a communal clash between Hindus and Muslims. On coming out from the Mohalla he saw that stone throwing was going on between two parties in Kishanganj Chowk, the non-Muslims from the Azad Market side and the Muslims from the Chowk Kishanganj side. He returned home and telephoned Sadar Bazar Police Station, the Home Minister and other friends and prominent persons and requested them to see that police were quickly sent to the trouble spot. About 2 p.m., approximately, when he came out again towards the Chowk he found that there was arson in the mosque building and heard some sound of firing though he could not say who was firing. He returned home and tried to telephone again but found that the connection was damaged. He,

however, sent telephone messages from a neighbouring house to the effect that police should be sent in sufficient strength to control the situation as the trouble was going on unchecked. He had not noticed any police in the Chowk at that time. By this time arson had begun in the Bahadurgarh Road side also, on the rear portions of some houses of the Kishanganj Mohalla which abut on that road. Large crowds were also seen on the Bahadurgarh Road. One house on Bahadurgarh Road was extensively burnt by about 3 p.m. Till about 4.30 p.m. he remained in his house and then he and some others took some police officers, whose names and ranks he does not know though he recognizes them, to see the situation on Bahadurgarh Road. At that time there was heavy stone throwing from the crowd collected on Gali Bahuji but this stopped when a police officer took out his revolver though he did not fire. Later, about 5 p.m. he returned to Kishanganj escorted by a constable and saw the Fire Brigade in action in Chowk Kishanganj. He was not personally familiar with the details of the happenings in Chowk Kishanganj side because his house is almost at the other end of the Mohalla with a gate on Sheesh Mahal, away from the Chowk. Though he could hear the sound of firing from the Bahadurgarh Road side at about 3 p.m., firing from the Kishanganj Chowk side could not be heard in his house. It was very difficult to keep track of the proper time or to make enquiries from the people because all persons were engaged in their own affairs or trying to save their families and children or trying to extinguish the fire with water in buckets. The Muslim families who live in the houses abutting Bahadurgarh Road took refuge in other houses in the Mohalla since there was a risk of fire spreading further following the arson in their own houses. After the riots he was taken as a witness for some searches by the police in some houses of the Mohalla but nothing was recovered. His house was also searched but nothing was found. The mosque in Teliwara, called Masjid Ahale-Hadis, and of which he is the Mutwalli, had been extensively damaged and he had given a report to the police in that connection. The Kishanganj Relief Committee, of which he is the Secretary, was formed a few days after the riot and its Treasurer is Mohd. Farukh (this person is one of the accused in the police cases). The Committee helped in giving relief to persons whose properties had suffered and in repairing damaged buildings and the contributions for it came from the people of his Biradari i.e. Punjabi Muslims living in Kishanganj Mohalla, Balli Maran, Phatak Habash Khan etc. Muslims of Kishanganj Mohalla are all Punjabi Muslims. He has no personal knowledge how the trouble started. No prior planning seems to be evident on the part of any community but

at the same time he felt that the small quarrel could not have spread so widely and intensively without some people jumping in and trying to aggravate matters. He feels that there are certain political parties who are interested not in settling such disputes but in aggravating them for their own reasons. Wherever Muslims live in localities within the Sadar Bazar Police Station area like Kishanganj, Sheesh Mahal, Bara Hindu Rao, they live there in small pockets and they are not in such a position as to provoke the majority community or start trouble themselves because they would be the sufferers in the end. So, broadly, the Muslim attitude is a defensive one. One thing noteworthy about the riot is that the riotous mob selected only Muslim owned properties like mosques, houses and shops for arson or destruction but scrupulously avoided doing any damage to Hindu owned houses or temples or properties. In the course of these riots, five mosques were damaged but the two temples, one on Shivaji Road and one in Sheesh Mahal, did not suffer at all. He feels that the police have direct knowledge of anti-social elements in the police station area but do not take firm or strong action against them and the result is that such persons are free to cause trouble whenever there is an excuse for it. If the police had come directly into the Kishanganj Chowk, because that was the trouble spot, at the earliest intimation and taken adequate action as the situation demanded, then the riot would not have spread so much. He has no knowledge about the police firing in Kishanganj Chowk though he had heard about it from others but even if they did fire, it was very belated. He is aware of senior officers like the Deputy Commissioner, A.D.M. and Superintendent of Police coming to the trouble spot and holding discussions at Azad Market about 4 p.m. but he has no personal knowledge whether they had come there earlier and taken any action because he had not earlier seen any police or any other officer at the Chowk and later he remained in his house in the Mohalla till about 4 p.m. However, he is definite that the C.R.P.F. did not reach the spot before 4 p.m. nor did they fire before that time. The firing that was going on from 2 p.m. was between the two hostile sections of the public i.e. Hindus and Muslims and the police firing was much later. The C.R.P.F. men had stated that they would fire only when their officers came and ordered them to open fire and not otherwise, and to the best of his knowledge, it is only when the officers of that Force came and gave orders, that the C.R.P.F. men started firing. However, he admitted that this is what he had heard because he did not himself go near the C.R.P.F. units. The Muslim youth who was killed by gun shot injury at the Imliwali mosque, while trying to extinguish the fire, died because of frontal

firing from a house on the opposite side and that firing was not from the police because they were firing only from the ground. Injured persons were treated locally by the residents as best as they could and there were no official arrangements for first aid or treatment. It is not true that some police men were sent on house tops on Kishanganj Chowk and they also fired from there. Such firing by the police from house tops of Hindu owned houses took place only on Bahadurgarh Road and not in Chowk Kishanganj. The long delayed reaction of the police to these happenings, most of which took place in their presence, can give rise legitimately to the inference that they were indifferent and thus encouraged the rioters. It is wrong to say that there was no firing from the side of the Hindu public. They also had guns. Firing was going on from both sides and the Muslims were defending themselves. Muslims started firing only when arson commenced in their buildings and properties. He thinks that the two Muslims who had died of gun shots died not because of police firing but as a result of firing from the Hindu side. There was formerly a Peace Committee in the Sadar Bazar Police Station area, whose Chairman was Shri Amar Nath Chawla, M.P., but the Deputy Commissioner later made a change and gave the Chairmanship to Shri Ram Lal Asri and thereafter it was unable to do anything worthwhile. This change was before the rioting in June last year in the Bara Hindu Rao locality. His written statement Ex. 40, which is much more detailed than his oral evidence, is a long memorandum emphasising that the Muslims of Kishanganj are in a very small pocket confined in 170 houses surrounded on all sides by Hindu majority localities. The area abounds with anti-social elements most of them belonging to the Hindu community, with whom the police are on friendly terms. This would appear to explain the very inadequate steps taken by the police that day when the riot flared up. Police intelligence was weak and if it had been proper and up-to-date, the authorities could have anticipated the trouble since it is well-known that the area is full of communal minded Hindus and is a central place of activity of communal bodies like the Jan Sangh and the R.S.S. The Muslims were unnerved by the sudden attack against them and had perforce to defend themselves as best as they could to preserve their lives and properties. On the other hand, when the police took serious action on the Bahadurgarh Road, they directed their firing only against the houses of the Muslim area from where allegedly firing had taken place. After the rioting started Hindu mobs were allowed to fan out in all directions and attack Muslim houses and properties in far flung parts of the police station area. Even if the immediate cause of the rioting was the small incident

affecting a few persons, this whole background of the anti-Muslim atmosphere in the Sadar Bazar area built up by communal elements and the police connivance with them must be borne in mind. Even late in the evening, rioters in groups committed arson and burnt Muslim-owned properties on the Idgah Road and close to the southern gate of the Police Station without any action being taken. In the written statement it is emphasised that the rioting must have been preplanned though this aspect is somewhat watered down in his oral evidence. The police attitude throughout was partial and prejudiced as they did not give protection to the minority community nor prevented damage to their properties. Very few of the rioters were arrested from the mob itself. The political background is also mentioned alleging that communal elements belonging to the Jan Sangh and the R.S.S. did not like the fact that the Muslims of this area are national minded and stand by the Congress Party.

2.54 Shri Harbans Lal (W. No. 19) is a vegetable seller in Chowk Kishanganj and lives in Beriwal Bagh. His shop is opposite the Imliwali mosque in the Chowk. He says that he noticed the trouble at about 1.15 p.m. that day when bottles, stones and bricks were thrown. At about 1.30 p.m. firing started. A few pellets struck his shop and he moved back taking cover behind some two storeyed houses. The police came at about 2 p.m. and at that time also there was firing. He saw the D.I.G., Shri Marwah, being injured and taken away from the spot. The police had not fired before the D.I.G. was injured and there was a lot of dissatisfaction among the public at this police inaction in the face of the firing coming from the opposite side. In fact, people were shouting "Shame on Delhi Police (दिल्ली पुलिस हय हय)". He remained on the spot till about 4 p.m. in a nearby gali and then went off to his house in Beriwal Bagh. Though the rioting flared up very suddenly he thinks that the Muslims were always prepared and keep material for fighting handy. From the speed with which bottles, stones, bricks etc. started being thrown and also firing started from that side, he thinks that Muslims must have collected all this in advance for use in a riot.

2.55 Shri Bhupinder Kumar Batra, Advocate (W. No. 75) is a resident of Sabzi Mandi whose father owns a shop dealing in old cloth at Kishanganj Chowk. He had sent a written statement with a site plan supported by an affidavit, in response to the Notification of the Commission. This statement is Ex. 50. In his oral deposition, he stated that he had got a telephone message about trouble in Kishanganj Chowk and that fire was likely to

engulf all buildings, including his father's shop. He also heard that the Muslims were preventing the fire being put off by opening fire and throwing missiles. On hearing this he reached the Chowk at about 1.50 p.m. and saw that from the top of the mosque there was gun fire and throwing of stones and acid bottles at the Hindu and Sikh public standing in the Chowk. Fire tenders were present but they could not reach the place because they had themselves to take shelter. Several buildings were on fire, including some portion of the masjid because the adjoining firewood stall (लकड़ी की दाल) belonging to a Hindu near the mosque had caught fire. The Fire Brigade people were reluctant to advance in the absence of Police protection. The first officer he saw was Shri Gautam Kaul, Superintendent of Police (North), coming at about 2.10 p.m. People started pressing him to open fire. He got some tear gas shells fired but these were ineffective. A few minutes later the Deputy Commissioner, the Additional District Magistrate and Sub-Divisional Magistrate arrived. People in the crowd gheraoed the Deputy Commissioner and some even tried to snatch the revolver from his body guard, since they were agitated about the inaction of the authorities. About 15 minutes later, the Deputy Inspector General (Range), Shri Marwah, came in plain clothes. Witness told the officers that the situation was out of control and police firing was necessary; in the meanwhile, one man in the crowd was hit by a bullet coming from the mosque. The Deputy Commissioner was requesting the C.R.P.F. men to proceed into the Chowk but they were reluctant to do so. The D.I.G. directed the C.R.P.F. men to open fire but they wanted orders in writing and these were later on given by the Deputy Commissioner. The public were shouting 'Delhi Police Murdabad'. 'Hum ko bachao, Goli chhalao.' When the written orders were given to the C.R.P.F. men they wanted to know how many rounds were to be fired. Then the Additional District Magistrate (North) apparently gave in writing that 6 rounds should be fired. But even then the C.R.P.F. men wanted that orders for firing should be given by their own officers. Witness told the C.R.P.F. men to obey the orders of the Deputy Commissioner because otherwise they may be dismissed. But a constable of the C.R.P.F. told him

‘देख लेंगे हमें कौन डिसमिस करता है हमें अपनी जान प्यारी है’

Finally he asked some senior officer of the C.R.P.F. to intervene and lead the party forward. The party then moved forward but bullets came from the side of the mosque and witness pushed the Deputy Commissioner and the Additional District Magistrate who were on his left on to a side, as a result of which they escaped the bullets but he received bullets in his chest, left eye-brow and on his left wrist. Witness then advised the D.I.G.

not to go forward but he still went forward and got hit. Only when the C.R.P.F. squad learnt of the injury to the D.I.G. they fired 6 rounds. Witness continued to remain on the spot in spite of his bullet injuries and advice to get himself treated. Witness took the Deputy Commissioner to the nearby house of an Advocate, Shri Daryai Lal Malhotra, about 3 p.m., or a little earlier, to make a telephone call to Army Headquarters. According to the witness the Deputy Commissioner put through that telephone call and remained on the spot and did not go home at that time. At about 3.10 p.m. the Inspector General of Police came in plain clothes though wearing a helmet. He too was going towards the mosque and witness advised him not to go ahead since there was danger. But he waved the warning aside. Witness advised the Inspector General of Police that it was safer to go from the Sheesh Mahal side of the mosque rather than from the front. Information came later that the mosque on the Library Road was being set on fire and the Inspector General of Police with some force as well as the witness went in that direction. That crowd was dispersed. Meanwhile firing from the side of the mosque in Chowk Kishanganj had ceased. Later, the Inspector General of Police went towards Bahadurgarh Road but witness did not go there. Soon after 3.30 p.m. it was stated that curfew was being imposed. This first announcement was by word of mouth. At about 5.00 p.m. Major General D'Souza with some senior Army Officers came to the spot and had a discussion with the Deputy Commissioner. Maj. Gen. D'Souza did not think that a flag march as suggested by the Deputy Commissioner was necessary. Witness took the Major General to the house of Shri D. L. Malhotra to make a telephone call. The Director General of the Border Security Force had also in the meanwhile arrived there. The Muslims started bringing their injured persons on cots and some of them were telling the Inspector General of Police, देखिये साहब हमारे लाशों के ढेर लग गये हैं और अभी अभी बहुत सारे लोग का रहे हैं" So far as witness is aware only 6 rounds were fired in Chowk Kishanganj in his presence and he did not notice any other police firing. He did not notice any special steps being taken by the police either by themselves or on the special directions of the Inspector General to direct firing from the Chowk towards the mosque. Witness remained on the spot till about 7.00 p.m. and then went home and took private treatment from Doctor Pritam Singh for his injuries. About 13 pellets were extracted from his body. On the 10th May, 1974, he was examined by the Police Doctor at the Police Hospital and his statement was also recorded by the Crime Branch. Apart from the stone throwing and throwing

of missiles at the mosque in the Kishanganj Chowk and the adjoining building by a Hindu crowd and the attempted attack on the mosque at the Library Road, he had not seen any Hindus taking missiles, damaging property, injuring people or trying to set fire. Nor was there any firing from the side of the Hindus. During the period from 2 p.m. to 7 p.m. he was throughout in the Kishanganj Chowk except for short periods amounting to about 40 to 45 minutes in all when he went to Shri Daryai Lal's house twice, first with the Deputy Commissioner and later with Major General D'Souza and towards Library Road along with the Inspector General of Police. In the evening many top leaders had arrived and he heard them shouting at the Deputy Commissioner and other officials about failure to take adequate measures in time. Witness told them that innocent people had suffered because of very bad politics. The witness is himself not connected with any political party. In his opinion there are about two or three persons who are creating these troubles and allowing them to take communal shape. But he did not wish to mention their names because they cannot be apprehended by the police on account of their connections with some political party or other. If these 2 or 3 persons could be dealt with effectively by measures such as externment, then the situation might be properly controlled but in the witness' opinion "our laws cannot effectively deal with the root cause of such trouble." From what he saw of the incidents on the 5th of May, 1974, the action taken by the authorities was neither firm nor adequate but in his opinion this was because most officers of the Administration did not want to attract the wrath of the political bosses. From witness' general experience as a lawyer and from his professional knowledge of the cases connected with a similar riot in Bara Hindu Rao in June last year, he could say that some of the political leaders brought pressure to bear on the investigating officers and officers of the Delhi Administration were humiliated. He feels that most of the criminals are not dealt with by the police and the authorities because political leaders or legislators or Councillors give shelter to those criminals. In this most highly congested area of Sadar Bazar is a stronghold of rowdy elements and if strong action is taken against the entire rowdy element consisting of about 300 history-sheeters, pick-pockets and gamblers, such trouble and riots could be under control.

2.56 Smt. Khurshid Begum (W. No. 124) lives in House No. 1067, Mohalla Kishanganj. The windows of this house open on to Bahadurgarh Road. She says that on the 5th of May at about 1.15 or 1.30 p.m. children came and said that there is a

disturbance at the gate of the Mohalla and there is fire in the mosque. Then she noticed that many ruffians had come out from Gali Bahuji on to Bahadurgarh Road and were running towards her house. They had iron bars, acid bottles and also fire balls of cloth dipped in kerosene oil which they were throwing in the direction of the witness' and neighbouring houses. The crowds stopped buses, trucks and scooters and collected petrol out of them and also from the drums of petrol or oil shops inside Bhagwanganj opposite Mohalla Kishanganj. Material for road repair was also lifted and thrown towards witness' house and neighbouring houses. She noticed that the brother of Shri Ram Lal Asri (Municipal Councillor and W. No. 70) was leading a large mob. This mob set fire to a number of Muslim houses and shops in this line. Shutters were lifted and broken and arson committed. Nothing was done against Hindu shops. Later on police came but they gave no help to the inmates of Muslim houses but climbed up to the roof tops of the opposite side houses of Bhagwanganj and started firing towards the Muslim houses of Kishanganj Mohalla. But the Hindu mobs continued active below on the ground. She is not aware of any action being taken from the Muslim houses against such mob activity. Firing was heard only after the police came and started firing from the roof tops of houses opposite. So far as the witness was aware, their people were trying desperately to put out the fire. The police were, however, firing from behind water pipes on the ground and behind cover of cots and walls from the house tops. So it was possible that the police may also have had some apprehensions on their part. Shri Shyama Charan Gupta, Member, Metropolitan Council (W. No. 69) was seen by her and there was a gunda with him who had two revolvers beneath his kurta, and it was on the advice of Shri Shyama Charan Gupta that the police went on house tops and fired on the Muslims. Witness thought it most peculiar that the police instead of helping those who were targets of attack helped the attackers, and did not even permit Muslims in the houses who were busy in trying to put out fires, to do so. She has no knowledge whether any fire arms were used from the houses in line with her house on the Bahadurgarh Road because from the window from which she was looking out she could see only what was happening right in front and not on the sides. She had seen two or three Sub-Inspectors of Police having refreshments at a shop on the other side of the road in Bhagwanganj and had noticed Shri Shyama Charan Gupta serving them with Roohafza with his own hands, while sweets like Gulabjamun and Burfi were being served to them on plates. Later, these three Sub-Inspectors told the gundas with folded hands that "now two

hours have passed and Military has come, so please stop this." She clearly heard the Sub-Inspectors or Thanedars telling this to the gundas. This was at about 4 O'clock. The gundas were busy on the road and repeatedly setting fire to houses and shops. Tyres were burnt to spread the fire and they climbed on ladders in order to set fire to wooden windows. One of the three Police Thanedars was the one who had fired a lot that afternoon, and she could recognise him, if she saw him. It is only when these Thanedars pleaded with the 'gundas' to stop that the disturbance started tapering off. The police came on the Bahadurgarh Road about 1½ hours after the trouble started. Shri Ram Lal Asri and Shri Shyama Charan Gupta were moving about and giving encouragement to the rioters. In order to prevent the fires being put out, the rioters had opened up the water pipes so that the inmates of houses could not get water. The Fire Brigade came at about 5 O'clock but they were not allowed to operate. The police firing continued till about 6 O'clock, and whenever from the Muslim side people came out to extinguish the fires, the police used to fire at them and compel them to go inside. That night after the curfew nobody came to enquire about their situation. Children were crying with hunger and taps had been shut. There was a queue for rations, but there were no rations. Witness' house which is on the third floor was not damaged. Below the house there are Hindu shops. The witness did not see from her window any people in Bhagwanganj or Gali Bahuji falling after being shot nor did she see injured people being sent in scooters to hospital. Later on, she heard that some people had died. On the day of the occurrence, she was alone in the house as the other residents had gone out for a marriage.

2.57 Shri Nanak Chand Gupta (W. No. 116) working in Tata Oil Mills, Delhi, is a resident of Mohalla AHIRAN, PAHARI DHIRAJ, SADAR BAZAR, DELHI. He has deposed that on Sunday, the 5th May, he had returned home at about 12.30 p.m. His cousin (फूफा का लड़का) Satya Narain, who was killed that day by a gun shot injury was also living with him. While resting after meals at about 2.30 p.m. or 3 p.m. he heard his mother crying and he was told that people were shouting in the lane that Satya Narain had been killed. He went out and saw Satya Narain fallen outside the mosque on Bahadurgarh Road and facing Gali Bahuji. Two other persons had also fallen and were lying there. Gun fire was coming from the houses opposite the junction of Gali Bahuji with Bahadurgarh Road and people were fleeing. With great difficulty he put his cousin in a scooter which went away to hospital. He followed in another scooter to Irwin

Hospital reaching there at about 4 or 4.30 p.m. First, he was not allowed to enter the Hospital by the police, but later they allowed him to go in and after a lot of weeping and entreaty he was allowed to see his cousin whose bare body was lying nude. As the body was still warm, he was entreating the Doctor to give some treatment but was pushed out. Then with his relations he went to the house of Satya Narain's mother in Kamla Nagar and went again to the Hospital with his uncle. They had apprehensions that the body may not be given to them because the police had wrongly entered the name as Satya Prakash and made the entry against his name as लावारिस or unclaimed. On the next day, his uncle was taken in a vehicle to Nigambodh Ghat where he performed the last rites of Satya Narain. Witness and his relations were not allowed to go there and only the mother and other relations of the deceased, who were living outside the curfew area, could be present for the cremation. The deceased Satya Narain was working as a daily worker in the Delhi Water Supply System and he was on duty on the 5th of May. He had left home at about 1.30 p.m. to go to Barwala Chowk, the place of his duty and it was ascertained that he had first gone to the house of a Doctor to meet a fellow student of his. Witness had applied for a copy of the post-mortem report on Satya Narain from the Crime Branch, but he did not get this but secured only the death certificate from the Corporation Office. Witness' impression is that when he left Bahadurgarh Road on a scooter for the hospital there was no police on the road. In fact, people were not seen on the road because of the firing from the top. People had got into houses and shops to escape the bullets and had Satya Narain got into a building, he might have escaped. Only Rs. 2,000 was received from Government on account of the deceased. Witness is of the opinion that the system where the members of a single community all live together and separately in one locality is not conducive to good mutual relations and people should live together in mixed localities.

2.58. Pt. Deen Dayal Sharma (W. No. 46) lives in Bhagwanganj off Bahadurgarh Road. In response to the Commission's Notification he has given a written statement, which is at Ex. 31. He was formerly a School Master or a Shastri in what is now Pakistan and has been living from 1949 in Bhagwanganj. He is an astrologer doing his business at the gate of Bhagwanganj. At about 1.30 p.m. on 5th May, he saw smoke from the Kishanganj side and there was talk of a Hindu-Muslim riot. He was at the gate or phatak of Bhagwanganj and he tried to stop people

going outside and to close the gate. While trying to close the gate he saw that from a house on the other side of the road with a balcony, which is that of Farukh, a bullet came in his direction but he escaped and the bullet struck the wall. He then closed the gate but from the small window in it he was able to see that people were running and gun fire was going on. This went on for about 2 or 2½ hours. Witness saw one Gobind Ram of Bhagwanganj coming in, bleeding profusely and he was sent off to hospital in a scooter. Similarly, he saw a boy Satya Pal and one Om Prakash who were bleeding from bullet injuries on the back. These persons were also sent to hospital in scooters. About 4 p.m. "military" or armed jawans came and till then firing was going on from the houses opposite. About 8 or 10 jawans were sent up in two groups on the house tops and they fired from there and it is only then that the firing from the Muslim houses stopped. The witness thinks that these armed jawans were of the military and not of the police. He saw stones, bricks, soda water bottles being thrown from the Muslim houses and firing coming from two of those houses; one from Farukh's house and the other from the house opposite to Gali Bahuji. The Hindus had nothing with which they could have done anything in reply. The witness admits that a number of persons were trying to set fire to the houses of Muslims. These persons had covered their faces so he could not say whether they were Hindus or Muslims. However, this attempt to set fire was only after the Muslims started firing. Some people came running from Kishanganj Mohalla and moved on setting fire to houses. They were not people of Bhagwanganj because witness had already controlled them and closed the gate. It is possible that when these people came running from Kishanganj side with cloth soaked in oil then firing might have started because of fear that they might set those houses on fire. The witness is, however, definite that the firing started first and the arson came later. After curfew had started people came out from the opposite houses and set fire to Hindu shops. This fire started spreading and the witness' own house and that of Gobind Ram were filled with smoke. When such a big riot took place on 5th May, people were all surprised but witness guess is that the other side must have made preparations for this trouble.

2.59 Shri Abdul Qadar Azam Abbasi (W. No. 129) lives in a house in Mohalla Kishanganj, the rear of which touches Bahadurgarh Road. He does research for two Institutes of the Hamdard Dawakhana viz., the Institute of History of Medicine and Medical Research and Indian Institute of Islamic Studies.

In connection with his research work he has often to go out of Delhi and returned home on 30th April, 1974. Witness has given a written statement in response to the Commission's Notification and this is at Ex. 65. On the 5th of May his youngest son went to buy some curd on Bahadurgarh Road at about 1 O'clock but was warned not to go from that side because there was trouble. He then went to Kishanganj but returned quickly and said that at the gate of Mohalla Kishanganj there was a large crowd and bottles etc. were being thrown. Witness and others thought that sometimes such quarrels start and this would also end as usual. The witness' daughter was then getting ready to go for her First Year examination. Her paper was at 3 p.m. in Indraprastha College and witness was getting ready to take her there. He thought that he would take her by scooter from the Bahadurgarh Road but noticed panic on that road and that people were running. From the Kishanganj Mohalla also disturbance was increasing. Since there was no improvement in the situation and shops started closing on Bahadurgarh Road he gave up the idea of taking his daughter and bolted the outer door of his house opening on that road and placed some obstructions behind the door. At about 2.15 p.m. the children told him that people had entered the sitting room adjoining the road and set fire. He saw that a very big stone which was probably used to break the door was lying there and also some tins of mobil oil, petrol and kerosene. The room was set on fire and water could not be got because the pipe-lines had been cut. Whatever was in the room, sofa set, books etc. the mob burnt and smoke started rising. Such attacks were made about three times. The second one was at about 3.30 p.m. They looted boxes from the machan above the room which had contained warm clothing, quilts etc. A third attack was made between 5 and 6 in the evening and this time the crowd was trying to break open the inner door of the house but they could not succeed in breaking that door. Because of fear the witness took his children into a neighbouring house and then came back and tried to put out the fire in his house. There was only hand pump in a neighbouring house but there was no proper way of throwing water on the raging fire. To add to their difficulties, tear gas shells fell on the roof of the house which filled their eyes with tears and children started crying. When the second attack took place on the house, at about the same time, gun shots came and struck the top portions of the houses in their line. These shots used to come intermittently. Witness and neighbours were all non-plussed as to what was happening and what was likely to happen. They were hoping for police to come and take

action but apart from the riotous mob and crowd police were nowhere to be seen. It is only when tear gas shells fell on their house that they thought that the police must have fired them. When there was sound of gun fire it was not clear to them whether the police were firing or some other people. They were wondering why tear gas shells were being fired towards their Mohalla when the whole trouble and the mob action was on the road and there was no attempt to control the rioting there. Gun shot marks were seen in houses in their line which are directly opposite that mosque in Bahadurgarh Road which is now mainly occupied by non-Muslims leaving only a small portion for use as mosque. First on hearing the sound of gun shots, people thought that the police must have opened fire but since police were not visible they had the feeling that some members of the public from the opposite side were firing. There were large crowds on the roof tops of the houses on the other side of Bahadurgarh Road i.e. of Gali Bahuji and Bhagwanganj and from there stones and bottles were being freely thrown on the Muslim houses. It is only after 6 or 7 p.m. when curfew was announced that the situation eased and patrolling started. The Fire Brigade, however, did not come to Bahadurgarh Road that day at all but only on the next day. Later on when police officers came to examine the damage in his house and questioned him and enquired about the estimated damage he replied that in his view the main damage was to human values and morality; other losses or damages can be compensated but not the loss of such human values. Later on he heard that when the crowd from the Bahadurgarh Road was attacking the shops and houses in the witness' line, then a boy, whose name was said to be Sabir had gone on to the roof tops of some Muslim houses and had fired on the mob through a ventilator or window. There was no question of their doing anything in reply to the rioting mob because this was not possible and the witness' house and adjacent houses did not have any open space from which missiles or stones could have been thrown in reply. Later on he heard that some people had lost their lives near about Gali Bahuji and Bhagwanganj while one Muslim had died of gun shot injury in Kishanganj.

2.60 Shri Veer Narain (W. No. 103) is a resident of Pahari Dhiraj in Sadar Bazar and a Research Associate in the Institute of Economic Growth. He is also a Post Warden in the Delhi Civil Defence. On the morning of 5th of May he had gone to the office of the Institute and returned from there at about 1.30 p.m. While coming towards Azad Market side he found a large number of persons running towards the crossing near

Pul Bangash. He saw large crowds collected on the crossing of Azad Market and Kishanganj Chowk and on the side of Library Road. This was at about 2 p.m. He understood that there had been a Hindu-Muslim riot. He stayed behind the crowd at the Library Road crossing. From there he saw that stones, soda water bottles and cane (काँच) pieces and other missiles were being thrown on both sides. There were people near the mosque on Chowk Kishanganj throwing stones etc. towards the Azad Market while the crowd on this side was retaliating. Fire balls were also being thrown. Smoke started coming from the mosque in Kishanganj Chowk and from a shop below it. The police were there but they were not able to control the crowds. The Fire Brigade came after 15 or 20 minutes but because of stone throwing they could not advance. Later, some more police force came but crowds were increasing. The A.D.M. and S.P. had come to the spot. Fire and smoke was increasing. The public were trying to snatch the rifles of police men complaining that the police were taking no action. At about 2.45 p.m. gun fire started from the mosque and the house adjoining it. A little later he saw a person who he heard was the D.I.G. being taken away in a car. About 10 or 15 minutes later the I.G. of Police came on the spot in plain clothes and after discussion with the officers present he put some police pickets on roof tops on the Azad Market side and made them fire from there while he led a party towards the mosque from the side lane. A few minutes later the gun fire that was coming from the direction of the mosque ceased. People who were collected near the mosque fled and the Chowk was cleared. The police then started pushing the crowd who had collected on Azad Market and Library Road. At about 3.15 p.m. the witness left the spot, and went to his home in Pahari Dhiraj. About one hour later he saw that a number of wounded were being taken out of Gali Bahuji which takes off from Bahadurgarh Road. The people who were taking these wounded, either supporting them or in scooters, were members of the public and not the police. He saw about 50 injured persons being taken including small children. He heard that a Sikh was among them who had been killed at the crossing of Gali Bahuji and the Bahadurgarh Road. There was no trouble on Pahari Dhiraj side. But from the top of his house he could see some trouble on the road from Bara Tooti to Sadar Thana and towards Motia Khan and saw fires and gun fire from the direction of Motia Khan or Idgah Road.

2.61 Shri Sirajuddin (W. No. 30) is a resident of Idgah Road, Sadar Bazar, and he deals in live-stock. In response to the Commission's Notification he had given a written statement

with affidavit which is Ex. 15. On the 5th of May, 1974 between 6.00 and 6.30 p.m. Hindus started collecting nearabout the Sadar Bazar Police Station and the Corporation Office. Muslims were attacked and a number of them were injured. Witness was seated outside his godown and he saw Inspector Piara Singh, Station House Officer, Sadar Bazar (W. No. 13) on the opposite side with about 20 police men. About 30 rioters were setting fire to the shop of one Ghani and the godown of Alauddin (W. No. 143). Alauddin's motor car had been set fire to and the crowd were throwing charpoys on to the fire to spread it. Since the Police Inspector was standing in front, witness asked him to intervene. The Inspector did not reply but lifted his hand and gave a sign so much as to say, that whatever is happening, let it happen. When the rioters came towards the witness, he again called out to the Inspector and went on the top of his house. The rioters took the scooter from his godown, set fire to it and later to his car. The Inspector and the police party kept on standing outside till the fire had spread properly. If the police party had done anything to stop the rioters, this would not have happened but they stood as spectators for a long time of about an hour and a half. The sheep and goat's that were in the godowns of Qayamuddin and Allauddin were looted by the rioters and some animals in the witness' own godown were carried away and other goods and property of his were also damaged. This occurrence took place from 6.30 to 7.30 p.m. It was only when the Fire Brigade came that the police moved out from there. The Fire Brigade took about over an hour to put out the fire and this was done by about 8.30 p.m. or a little later. Late at night leaders like Shri Radha Raman and Doctor Roshan Lal came to the spot and made enquiries and witness told them that what was the point of their coming when everything was over and all the damage was done. Witness did not make any complaint to any Police Officer because he feared that he would be locked up if he did so. He knew that on that day people who had gone injured were being caught by the Police and locked up. The damage to his own property was about Rs. 27,000 in value. One Inspector Bakshi had come and questioned him and witness had definitely told him that Inspector Piara Singh was standing on the spot and witnessing the deeds of the rioters without any interference. Inspector Bakshi, however, was not willing to record the portion of witness' statement complaining about Inspector Piara Singh's behaviour. Witness claims that he knows Inspector Piara Singh quite well because the Police Station is quite close to his house and godown and he was often meeting him. Witness did not send any application for compensation

nor did he receive any. He understood that the compensation amounts generally being sanctioned by Government bore no relation to the value of the actual damage and to get such a ridiculously low compensation would only be an insult. In witness' own words, "इस लिये 600 रुपये लेकर क्यों अपना, काला मुंह कराया जाये"।

2.62 A summary of the evidence of 12 selected occurrence witnesses from the public has been given in the preceding paragraphs as a cross section of the total evidence given before the Commission by 114 witnesses from the public who have spoken about some aspect or other of the disturbances that day. On a general survey of this evidence, it is possible to make the following observations. The majority of the witnesses introduced by the Sadar Bazar Danga Pirit Sahayata Samiti both in relation to the occurrences in Kishanganj Chowk and nearby, and in Bahadurgarh Road, depict the Muslims as having been the aggressive party in this disturbance and the Hindus mainly as passive sufferers. Generally, with a few exceptions, they speak of the firing from Muslim houses and buildings both in Kishanganj Chowk and on Bahadurgarh Road as starting much earlier than mentioned in the official narration of events. This action on the part of the Muslims is also described as an aggressive act resorted to without any provocation. Several witnesses from the Teliwara side have deposed about a very large number of injured persons including many who were injured by pellets as having been treated locally by a certain Doctor Om Prakash in Gali Mahavir. The picture that most of these witnesses give is of delayed action on the part of the police or ineffective action at the earlier stages and a few of them speak of public resentment in regard to police ineffectiveness. Some even suggest that the police did not begin to take any effective action till after the D.I.G. was injured by gun shots. The Muslim witnesses introduced by the Kishanganj Relief Committee, however, give a picture of the Muslims as being on the defensive in their small residential pocket of Kishanganj Mohalla and subjected to severe attack from all sides not only by throwing of various missiles etc. and attempts to break into buildings but also through determined arson. There is some vague mention of gun fire from the side of the Hindu public from the direction of Teliwara into Kishanganj Chowk and from Bhagwanganj on to the Muslim houses abutting Bahadurgarh Road. Knowledge of any police presence or activity is denied till a very late stage and a complaint is made that the police when they did come, instead of helping the Muslim victims of the attack, directed fire against

the Muslim houses or buildings including the Imliwali mosque, and thus aggravated their sufferings. On the other hand, some of the witnesses, both Hindu and Muslim, whose names were suggested by the Police did give some corroboration to the official narration of events here and there though not always fully. For instance, S/Shri Ahmed Hussain and Akil Khan (W. Nos. 97 and 100 respectively) partners in a fruit business say that they were present in the Kishanganj Chowk at about 1.15 p.m. when the disturbance started and remained in the vicinity for a couple of hours. The police opened fire at 2 p.m. when there was arson near the mosque. They also say that about 2.45 p.m. there was some firing from the public from the side of Kishanganj and this was finally silenced by the police by sending pickets on to roof tops and firing from there towards Kishanganj Chowk. Shri Prem Chand Jain (W. No. 93) who is a Civil Defence Post Warden and an Assistant State Organising Commissioner of the All India Boy Scouts Association has deposed that the firing from the Muslim houses on Bahadurgarh Road started only about 3.45 p.m. and was silenced by the police in about half an hour by counter firing from the roof tops of houses on the opposite side of the road. He says that this firing from the Muslims was unprovoked and that there was no serious trouble on Bahadurgarh Road prior to 3.45 p.m.

2.63 Very different is the evidence of Shri Nabil Ahmed Ansari (W. No. 140), General-Secretary of the Pratap Nagar Block Youth Congress. He had sent a long memorandum and his evidence is a complete condemnation of alleged police indifference and inaction that afternoon which he claims to have seen as an eye witness standing near Azad Market and Shivaji Road. According to him, the trouble started soon after mid-day and the police and Magistrates remained virtual spectators till about 4 p.m. Witness insists that even the D.I.G. was not injured before 3 p.m. but only at about 4 p.m. and it was only then that the police fired. He did not see or hear any firing, whether from the police or the public before that time. When he had earlier requested the A.D.M., Shri Arora, to intervene and stop the rioting, the latter is reported to have replied **माप सामोना रहे। हम जाने या हमारी पुलिस जाने।** According to him the quarrel involving Shri Vishwanath and a few Muslims had taken place about 2 or 3 days before the 5th of May, and tension was brewing in the locality thereafter. There had been a quarrel between Hindus and Muslims even on the night of 4th of May in Kishanganj Chowk. He blames the Jan Sangh and the R.S.S. workers for vitiating the communal atmosphere in the area by

their propaganda against the Muslims and inciting the Hindu public on the day of the riot. He mentions some reports of a hearsay character about the encouragement given to these sections by the District Magistrate, Shri Kapoor. This witness had been arrested and a case registered against him under section 153 I.P.C. which was later withdrawn. Witness says that this case was a false one and it was withdrawn after top Congress leaders had brought the matter to the notice of the Home Minister. The evidence of this witness more or less stands by itself and does not fit into any group or category.

PART C

Commission's findings in regard to the causes and course of the disturbances and adequacy of administrative measures taken

2.64 It now remains for me as the Commission of Inquiry to give my conclusions or findings in regard to the first two terms of reference, *i.e.*, the causes and course of the disturbances on the 5th of May, 1974 and the adequacy of the administrative measures taken to prevent and to deal with the said disturbances. In parts A and B above a picture has been given of the evidence, official and non-official, placed before the Commission. Since there were many points arising out of the evidence of the additional official witnesses called by the Commission over and above the 14 officials listed by the Delhi Administration as well as the evidence of the witnesses from the public, the Deputy Commissioner and District Magistrate was re-examined on the 22nd October, 1974 to explain some of these points. At this re-examination, he was assisted by the Deputy Inspector General of Police (Range), Shri Ved Prakash Marwah (W. No. 9), the former Superintendent of Police (North), Shri Gautam Kaul (W. No. 8) and Shri S. L. Arora, Additional District Magistrate (North) (W. No. 4). Following this re-examination clarifications on a few more points were also obtained in writing from him. The Deputy Commissioner was in particular requested to explain the variation in the timings and sequence of events in relation to various firings as found in the evidence of the C.R.P.F. officers and the C.R.P.F. records as compared to the timings and sequence given in the official narration. It was mentioned that from the firing orders produced by the C.R.P.F. officers and from the entries in the Riot Diaries of the 16th Bn. of the C.R.P.F., firing from the side of the public is seen as occurring even about 2 p.m. while in the official narration it is said to have taken place only after 2.30 p.m. An indication of this discrepancy

has already been given above in the summary of the evidence of the C.R.P.F. officials in Part B and in Appendix I of the Report which is the report of the Secretary of the Commission on inspection and scrutiny of the 'relevant documents'. The attention of the District Magistrate was also invited to the situation report dated 6th May 1974, the day following the disturbances, which he had sent jointly with Shri G. P. Pillania, DIG (AP) to the Home Ministry, Lt. Governor of Delhi and others. In that report, it has been stated : "between 1.45 p.m. and 2 p.m. the District A.D.M. and District S.P. also reached the spot. Police reinforcement also arrived in the meanwhile. Gun fire was also started from some building inside the chowk and one person was killed. This further infuriated the mob and they started putting more buildings on fire. Finding the situation to be going out of control, the A.D.M. ordered firing". From this report too, it would appear that the firing from the side of the public in the chowk had begun before the first firing by the police was ordered by the A.D.M. and this also tallies with the C.R.P.F. records and the evidence of many public witnesses.

2.65 The District Magistrate has explained in his re-examination that the joint report of 6th of May 1974, was prepared late in the night of the 6/7th May under all the stress and strain of managing the post-riot situation. This report was not a detailed narrative of the events but as stated in its opening paragraph, was only "intended to provide the basic facts so that questions that may be raised in Parliament tomorrow may be dealt with". He explains that at that time it had not been possible to make detailed enquiries from the officers concerned before preparing that report and what was really intended to be conveyed was the fact of gun firing from the side of the public though the manner in which the fact of gun firing by the public was mentioned in the joint report gave the impression that it had preceded firing by the police. When later detailed enquiries were made and all the information pieced together it was clearly established that gun firing was resorted to by members of the public for the first time after about 2.30 p.m. The wireless messages received in the North District Control Room also did not make any mention of firing from the public prior to 2.50 p.m. when the D.I.G. got injured. He also explains that the C.R.P.F. riot record is not based on any wireless messages sent contemporaneously but was prepared by the C.R.P.F. officers later on the basis of their recollection of the sequence

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of events and was prepared in conformity with the timings indicated in the various firing orders. The timings in those firing orders are not correct. Investigation has disclosed that it was only after arson had started at about 1.45 p.m. that certain militant elements among the Muslims started going from house to house to collect fire arms and ammunition which must have taken considerable time and they could not have resorted to firing before 2.30 p.m. The sequence of the arrival of the different officers on the spot as given in his official statement is also correctly recorded in the record of wireless messages received in the North District Control Room. The Deputy Commissioner and the D.I.G. had arrived on the spot together at about 2.25 p.m. and the timing of the firing as recorded in the firing order signed by the District Magistrate and given to Sub Inspector Piar Chand of the C.R.P.F. could not be 1405 hours as recorded therein. The District Magistrate says that in that firing order he had not recorded the timing and this was later inserted by some officer as 1405 hours which is obviously incorrect. Subsequently he has clarified in writing that the firing order signed by him which contained the entry of the time as 2.05 p.m. was signed by him at about 2.30 p.m. soon after his arrival on the spot. Though he did not fill in the time, he had filled in the number of rounds of firing that could be undertaken, as desired by the C.R.P.F. officer. The A.D.M. (North), Shri Arora also clarified that the first order of firing was given by him at 1.55 p.m. or so and he had recorded the time as 1.55 p.m. in the slip in his own hand but it appears to have been changed later by some one to 2.10 p.m. The recording of these wrong timings of these firing orders has brought about distortion in the sequence of events as entered in the C.R.P.F. records. The District Magistrate also corrects some statements of fact as given in the deposition of Shri B. K. Batra (W. No. 75) who had stated that the D.I.G. came to the spot later than the Deputy Commissioner, that the Deputy Commissioner did not go home to telephone for alerting the Army but had done so from a nearby telephone to which he was taken by Shri Batra and that the Deputy Commissioner had been gheraoed by the public and an attempt was made to snatch the revolver from his gunman. The D.M. points out that these are not factually correct and that Shri Batra did take him to the residence of an advocate to put through a telephone call but that was at about 4.30 p.m. and not 3.00 p.m. (The time as given by the D.M. is also corroborated by the Advocate in Question, Shri Daryai Lal (W. No. 115). The District Magistrate

had returned to his residence at 3.00 p.m. to put through the relevant telephone calls from there as already mentioned in his official statement. As regards the allegations made by some Muslim witnesses that there had been firing from the side of the Hindu public also from the direction of Teliwara into the Kishanganj chowk and from Bhagwanganj on to the Muslim houses on the opposite side of Bahadurgarh Road, it is stated that no such information or complaint was made to the police and only one complaint was made about a Hindu called Hans Raj having fired in the Sheesh Mahal area. This allegation was verified and it was not substantiated as Hans Raj did not possess a weapon and his house is at a considerable distance from the spot at which he is alleged to have fired. No injured persons came to notice as having received pellet injuries in the Sheesh Mahal area. In regard to the two Muslims who had been killed on the 5th of May, the dead body of Mohd. Daud was found near Takiawali Masjid and the bullet in it which was sent for ballistic opinion is reported to be a .303 bullet which must have been from a police rifle. The dead body of Yusuf was also picked up from within the range of the angle of police firing and it appeared that he had died in the Imliwali Mosque as a result of police firing. Hence it would not be correct to say that the two Muslims who died that day were killed as a result of firing from the side of the Hindu public. Investigation has not disclosed the use of any fire arm possessed by any Hindus on the 5th of May.

2.66 As regards the entries in the C.R.P.F. records showing firings by their units between 3 p.m. and 6 p.m. that day in reply to firing from the public from the side of Muslim houses abutting on Bahadurgarh Road it is explained that the trouble in Bahadurgarh Road area seems to have started after 4 p.m. *i.e.*, after the snipers were beaten back in chowk Kishanganj and went over the roof tops to the Bahadurgarh Road side. They undertook firing from the roof tops and there was also arson underneath. Whether the arson preceded the firing or whether it was the other way round is not quite clear. The situation in the Bahadurgarh Road area was brought generally under control by about 5.15 p.m. although the fires were still on. Here too it is explained that the first firing order given to the C.R.P.F. in this area was by Sub Inspector Chander Singh of the Delhi Police (W. No. 136) and that he had not

filled in the time of firing which must have been done subsequently by some C.R.P.F. officials and so the time of 1500 hours for the first police firing, shown therein, is obviously incorrect. It is also argued that the entries in the North District Log Book of the police wireless messages received show that there had been no trouble on the Bahadurgarh Road area prior to about 4 p.m. As regards the firing order given to Sub Inspector Walekar of the C.R.P.F. (W. No. 137) by the Superintendent of Police (North), Shri Gautam Kaul, the entries therein are incorrect. The place of firing is entered in that order as "Bahadurgarh Road, Kishanganj and Deputy Ganj," which is a very wide area and no officer could have given such an order, specially when there was no trouble at all in Deputy Ganj. The time of firing as recorded in that firing order 1730 hours was also not filled in by Shri Gautam Kaul. So the entries regarding the places of firing and time of firing in that firing order signed by Shri Gautam Kaul must have been made later by some C.R.P.F. officials.

2.67 In reply to a possible argument that the police firing which had occurred thrice in Chowk Kishanganj between 1.55 and 2.25 p.m. was not efficient, or at any rate effective, inasmuch as it did not succeed in the main objective of quelling the riot during the full half hour before the arrival of the District Magistrate and the Deputy Inspector General of Police, it is urged that during that half hour, firing had been undertaken thrice in chowk Kishanganj with a total of 27 rounds and twice on Shivaji Road with a total of 12 rounds. The firing on Shivaji Road was quite effective as no firing on that Road or anywhere else near the Takiawali Mosque was required thereafter and a Muslim Mohd. Daud who was found killed near the Takiawali Mosque must have been hit by the police firing before 2.25 p.m. As regards the firing in chowk Kishanganj it is urged that the first 5 rounds were fired on miscreants who were clandestinely committing acts of arson under a cloud of thick smoke and so it is not surprising that none of them was hit. However, the firing was successful in the sense that the arsonists ran away from that place. The further firing at chowk Kishanganj was in the direction of the Imliwali mosque and the adjoining buildings because missiles, fire-balls etc. were being thrown from those buildings. The miscreants had the advantage of wall cover while the fire party had the disadvantage of being at a lower position on the ground, which was full of confusion created by the

rioters. The miscreants on the roof tops were also screened off by smoke. Thus the firing undertaken in such circumstances, though it did not produce any casualties, cannot be termed as inefficient, or undertaken merely as a token one for moral effect. It was due to the desperate action of the miscreants and the fury suddenly assumed by the riot that day that it remained unchecked at that stage in spite of the ultimate measure of firing having been adopted by the police quite early in the riot control operation.

Causes of the Disturbances

2.68 The above clarifications or explanations as officially given in regard to the apparent discrepancies have been set forth before I go on to the stage of recording my findings. The first question is what were the causes of the disturbances that day. As would be seen from the elaborate summary of the evidence before the Commission given in Parts A and B of this Chapter, the only immediate cause evident can be said to be the dispute between Vishwanath and the two Muslims, Nasim Ahmed and Iqbal, at the Palace Cinema within the jurisdiction of Subzi Mandi Police Station the previous night consequent on Vishwanath taking objection to what he regarded as conduct designed to annoy lady members of his family and the continuance of the disputation regarding that incident even the next day escalating into a fight and then a riot. This has already been narrated in the official statement of the District Magistrate reproduced above in Part A. The evidence before the Commission has not indicated any other immediate cause or provocation for the rioting. This argument between Vishwanath and a few Muslims developed into a group fight at about 1 p.m. in chowk Kishanganj and this further escalated into general rioting. Many non-official witnesses have hinted or suspected that there must have been some pre-planning or conspiracy behind the disturbances as otherwise they could not have assumed such serious proportions in such a short time but these suspicions always relate to the *other party*. Many Hindu witnesses suspect that the Muslims must have made preparations for the rioting and must have collected a lot of handy material such as brick-bats, bottles, old cloth or rags for making fire balls etc. and even fire arms, judging from the speedy and liberal use they made of these. Muslim witnesses, on the other hand, speak of organised and determined attacks on their houses and

properties with the rioters carefully singling them out for damage or destruction in a manner that Hindu properties in the vicinity or in between did not suffer. From this they infer that there must have been elements among the Hindus who were out to organise a riot and did so. There is evidence on record however that bottles are in plentiful supply in pan shops or refreshment stalls while there is much material for road repairs or for constructions, authorized or unauthorized, which can be picked up by crowds in a very short time. Old cloth or rags are available in quantities in the bazar while there is no lack of oil to soak them and make fireballs. The number of licensed fire arms in the Sadar Bazar area is said by the Deputy Inspector General of Police to be about 500 covered by licences issued in Delhi and there are more under licences issued outside Delhi. Thus the weapons for a large scale riot are locally available and can be got together without much advance planning. There have also been hints about the possibility of a foreign hand in promoting these riots at that particular point of time perhaps in order to damage the image of India on the eve of the visit of the Prime Minister of Bangla Desh, Sheikh Mujibur-Rahman. This visit took place between the 12th and 16th of May. However, it has to be stated that there is no tangible or concrete evidence in support of these suspicions or inferences. The immediate cause of the rioting must, therefore, be held to be the private dispute between a few individuals of the two communities which started on the mid-night of 4th/5th May, the argument being carried on among small groups on the fore-noon and noon of the 5th of May developing into an affray and a group fight at about 1 p.m. followed by general free-for-all rioting immediately thereafter.

2.69 While this is the immediate cause or provocation for the rioting which then escalated and spread widely it must be stated that a small quarrel or a dispute would not have assumed such serious proportions involving large numbers of the two communities in so many areas of the Sadar Bazar Police Station, and also a few places outside, unless the psychological atmosphere was there which caused even such a minor development to act as a spark and explode into a large scale conflagration. This must be attributed to a wide spread propensity among members of the two communities not to regard disputes involving individual members of different communities as merely private quarrels but as group quarrels calling for group action.

If this tendency or propensity was not there and had the disputants to the argument been members of the same community the incident could easily have been got settled or controlled or checked. But in this case when a private fight started between individuals of different communities, there seems to have been no effort on the part of the members of the public of either community in the Kishanganj chowk or nearabouts, to separate the combatants and bring about peace or to enquire what the whole trouble was about and get it settled by mediation with public pressure or in a lawful manner. On the other hand, groups, and later crowds, rushed in support of the disputants of their respective communities and like a small flame which gives rise to a mighty forest fire, the disturbance assumed the shape which is now known. An apt analogy would be that of a forest fire in summer because at that time there is so much combustible material lying about that flames rapidly engulf trees, vegetation and large blocks of forest and may devastate some times hundreds, or even thousands, of acres before the fire is checked or burns itself out. Similarly, in many of these areas of Sadar Bazar Police Station there was enough combustible human material ready to catch fire at very little provocation. Not only in Delhi on the 5th of May 1974 but in a number of communal riots which have taken place in the country the story has been similar and this has to be attributed to the unduly inflamed or over-sensitive group consciousness that seizes large sections of the general public when the issue is presented as a Hindu-Muslim one. Many eminent people in the country have deplored this fact, many Inquiry Committees and Commissions have touched upon this aspect and suggested counter-measures; the National Integration Council and similar bodies have been trying for long to create the necessary psychological changes in the minds of our people but it has to be admitted that success has been only partial and in widely separated parts of the country people are still prone to act according to the dictates of aggressive or belligerent group consciousness. I shall say a little more about this aspect in the next chapter dealing with the suggested measures which may be adopted to prevent the recurrence of such disturbances, though it would be naive to think that a few administrative measures or exhortations or propaganda on the right lines could by themselves eradicate this malady which has deep rooted causes. The required change in public outlook can apparently

be brought about only as a long term process with sustained action on many fronts, social, educational, political and administrative.

Course of the Disturbances

2.70 I now turn to the course of the disturbances that day. I do not propose to repeat the whole story since the various developments in the different areas have been set forth in detail in the Deputy Commissioner's statement reproduced in Part A of this Chapter and also alluded to in the summary of the evidence of the several witnesses given in Part B. However, certain points remain for determination in regard to the events in some localities, notably Kishanganj chowk and the nearby areas of Shivaji Road, Azad Market and that part of Bahadurgarh Road which touches one side of Kishanganj Mohalla, with Bhagwanganj and Gali Bahuji on the opposite side of that Road.

2.71 According to the official narration, a police party, which was unarmed, from the Sadar Thana under the acting S.H.O. Shri Sant Ram Sethi (W. No. 1) reached Kishanganj chowk at about 1.40 p.m. *i.e.* in 12 minutes after getting the first intimation of the riot from the Central Control Room at 1.28 p.m. They first went in two vehicles to Azad Market chowk as the message conveyed had mentioned the trouble as being in that place and when they learnt that the riot was in chowk Kishanganj, they proceeded towards that spot on foot. Most of the public witnesses speak of the police coming much later, though a few agree with the official narration that a small police party had reached the chowk between 1 and 2 p.m. but could not control the situation. It is possible that this party reached chowk Kishanganj not exactly at 1.40 p.m. as claimed but may be a few minutes later, judging from the time that may reasonably be expected to be taken in getting the party ready at the police station on receipt of the first intimation at 1.28 p.m., motoring to Azad Market chowk and then proceeding on foot to the nearby Kishanganj chowk. There is record of a wireless message at 13.39 hours at the North District Control Room asking for force to be sent to chowk Kishanganj and stating that there is stone throwing at Teliwara. But it is possible that this message had been sent even before the police party actually reached the trouble spot at chowk Kishanganj.

In any case, this party found itself quite unable to control the riot and called for reinforcements. In the official narrative it is said that these reinforcements had reached there by about 1.50 p.m. and the first firing had been carried out by the C.R.P.F. unit under Sub-Inspector Negi (W. No. 58) under the orders of the A.D.M. at about 1.55 p.m. when arson was noticed. As has been brought out earlier, the entries in the C.R.P.F. records, as contained in the respective firing orders signed by the A.D.M., the S.D.M. Shri C. D. Sharma (W. No. 6), the S.P. (North), Shri Gautam Kaul (W. No. 8) and the District Magistrate and the riot diary of the 16 Bn. do not tally in the sequence and timings with what is contained in the official narrative. However, the riot diaries were admittedly written some time later based on the memory of the respective Platoon Commanders; the District Magistrate has deposed that the time 2.05 p.m. entered in the firing order signed by him was incorrect and that he had not inserted the time at all while the A.D.M. Shri Arora, has stated that the time in the first firing order entered by him as 1.55 p.m. has been subsequently altered by some one to 2.10 p.m. In view of these explanations, I accept the position that the sequence of the firings during the half hour prior to the arrival of the District Magistrate and D.I.G. (Range) on the spot is approximately as given in the official narrative. I also see no reason to doubt the assertion of the District Magistrate and the D.I.G. that they arrived together between 2.25 and 2.30 p.m. Apart from the material from the C.R.P.F. side already referred to, many witnesses from the public have given divergent versions about the timings of arrival of the unarmed Thana police, the armed police units and of the senior officers but these are mentioned as only being rough estimates from memory or (अंदाज़ से) and in any case, these divergent versions are not consistent *inter se* to merit being considered as a proper alternative orderly narration of the events. Most of the witnesses speak to what they actually saw or heard at a particular spot at a particular point of time and though a few like Shri Batra (W. No. 75) say that they remained at chowk Kishanganj from about 2 p.m. to 7 p.m., I find it difficult to accept the variant timings given by them about different stages of the occurrences or of the arrival of particular officers. Their impressions would record only the approximate time when they directly saw or contacted a particular officer in an area which was the scene of much disturbance, noise and movement of crowds. Nor can I accept the

rather isolated testimony of Shri Nabil Ahmed Ansari (W. No. 140) that there was total police inaction till about 4 p.m. when they started firing only after the D.I.G. had been injured at about that time. It is clear, however, that the three firings with 27 rounds resorted to in chowk Kishanganj in the $\frac{1}{2}$ hour between 1.55 p.m. and the arrival of the District Magistrate and the D.I.G. could not quell the riot which, though momentarily checked at times, was speedily resumed with greater vigour.

2.72 Another question is regarding the time at which firing was resorted to from the side of the public from the Imliwali mosque and adjoining buildings. According to the joint situation report of the District Magistrate and the D.I.G. (Shri Pillania) sent on 6th May, the C.R.P.F. riot diary of operations by the platoons under Sub-Inspector Piar Chand (W. No. 59) and the testimony of many (Hindu) witnesses from the public, this firing had started by 2 p.m. or even earlier. Here too, I accept the clarifications or explanations given by the District Magistrate who has admitted that the joint report of the 6th of May 1974, gave an incorrect impression about the timing of the firing from the side of the public. The present version is also supported by the evidence of other senior officers as well as by the investigation made by the Crime Branch and the testimony of a few public witnesses that this firing started only after 2.30 p.m. It was also urged that if this firing had really started before or by 2 p.m. there is no conceivable reason why the Administration should hide that fact since it would have given even greater justification for the first police firing at 1.55 p.m.

2.73 I do not find any concrete evidence or material to support the allegation made by some Muslim witnesses that there was exchange of gun fire between Hindus and Muslims, some Hindus also firing from Teliwara and Muslims replying from Kishanganj. Firing here started only from the side of sections of the Muslims after about 2.30 p.m. when there had been widespread arson in the chowk. This is not to suggest that the Muslim rioters were entirely on the defensive till then; in fact the Crime Branch Investigating Officer Shri C. N. Ludhani (W. No. 56) states that the rioting in the chowk assumed a serious phase when there was heavy brick-battling and throwing of missiles etc. from the Imliwali mosque and adjacent building. Hindu witnesses as already mentioned claim that Hindus generally were the victims of Muslim aggressiveness though one of them, in a moment of candour, did concede that *नाली दो हाथ से पीटी जाती है।*

2.74 I accept the District Magistrate's statement that he had gone to his residence about 3 p.m. to put through telephone calls to the Defence Ministry and others. Shri Batra (W. No. 75) asserts that the D.M. put through this call from the house of an Advocate, Shri Daryai Lal (W. No. 115) at about 3 p.m. and did not go home but the District Magistrate is corroborated by Shri Daryai Lal himself who deposes that the District Magistrate did put through a telephone call from his residence but it was at about 4.30 p.m.

2.75 The course of events at Kishanganj, Shivaji Road, Azad Market, Faiaz Ganj and Library Road after the arrival of the District Magistrate and the D.I.G. has already been given in the official narration. This may be taken as substantially correct. The situation in these localities may be said to have been reasonably under control by approximately 4 to 4.30 p.m. It is, however, quite likely that full tranquillity was wanting for a few more hours because even at 1740 hours there is a record of a wireless message to the effect that Fire Brigade tenders were standing near Novelty Cinema and wanted police protection before they could advance further to the place of occurrence. There was evidently considerable overlapping of the different stages of the occurrences and the realities on the ground in a confused situation may not have been so neatly divided for parcelled out into separate phases as would appear from the official narration.

2.76 On Bahadurgarh Road, the official narration is that there was no serious trouble there till about 4 p.m. when firing started from the houses of Muslims of Kishanganj Mohalla abutting on that Road but that this firing was brought under control by about 5 p.m. and there was no serious trouble thereafter. However, public witnesses, both Hindu and Muslim, speak of heavy brick-battings, attacks on, or from houses, attempted arson etc. from a much earlier hour, even 2 or 2.30 p.m. and a large number of Hindu witnesses had the impression that the firing from those houses began as early as 2.30 p.m., roughly. The S.P. (North) Shri Gautam Kaul had noticed a large crowd gathering on Bahadurgarh Road even as early as 2 p.m. and the A.S.I. Shri Hardev Singh (W. No. 11) found heavy brick-battings when he reached the Road at about 3.15 p.m. The Crime Branch on investigation found that when the firing from the Muslim houses on this road began, there had, up till then, been no serious provocation like attempted arson against that row of houses from the other side. But it is difficult to overlook

the graphic and detailed evidence of many witnesses, especially Shri Abdul Quadir Azam Abbasi (W. No. 129), who have spoken of sustained and continuous mob attack on their houses. The official conjecture that it was only after the snipers, who were firing in chowk Kishanganj, had been checked and put to flight at about 3.30 p.m. that they crossed over the roof tops to the other end of the Kishanganj Mohalla and started firing on to Bahadurgarh Road, remains only a conjecture. Since the Crime Branch investigation has disclosed that there were five Muslims of Kishanganj who were suspected to have used fire arms that day, it is not impossible that one or two of them had operated even earlier on the Bahadurgarh Road side when attacks started, or there were apprehensions of attack, on Muslim houses on that road. Several (Hindu) witnesses claim to have seen two persons firing from those houses from time to time. The riot diary and testimony of Head Constable Om Prakash of the C.R.P.F. (W. No. 138) speaks of his unit undertaking counter firing as early as 3 p.m. Even allowing for the fact that the witness speaks from memory and that he had got the riot diary written by some other person a day or two later, it does not necessarily follow that the public firing and the counter firing from the police started as late as 4 p.m. The post mortem records of two of the persons who were killed that day on or near Bahadurgarh Road record, (though this is necessarily very approximate) a time of death between 2.30 and 3.30 p.m. that day (*i.e.* 17-18 hours prior to the time of post mortem at 8.30 a.m. on 6-5-1974) in the case of Satya Narain and between 2.45 p.m. and 3.45 p.m. in the case of Prakash Narain (18-19 hours prior to the time of post mortem at 9.45 a.m. on 6-5-1974). All these bits of evidence pieced together would suggest that firing from the side of the public commenced well before 4 p.m. though it is not possible to be more precise. Similarly, it may well have continued intermittently even well after 5 p.m. The evidence of Head Constable Om Prakash of the C.R.P.F. is that it went on even up to 6 p.m. and this is supported by S.I. Walekar (W. No. 137) of the same Force, whose unit was directed to Azad Market to report to the S.P. (North) by the Duty Officer, Parliament Street, at about 4.45 p.m. S.I. Walekar and his unit were then directed to Bahadurgarh Road with a firing order signed by the S.P. (North), Shri Gautam Kaul, and they reached there at about 5.30 p.m. when they found firing coming from some houses on that road. They first fired from the ground and then from a roof top on the opposite side of the road and the firing from the public was silenced near about 6 p.m. Even if these

timings as given by him are regarded as very approximate rather than accurate, it is clear that he and his unit could have been in action on the Bahadurgarh Road only after 5 p.m. The impression of the I.G.P., Commandant Shri A. K. Singh (W. No. 10) and the Deputy Superintendent of Police, Shri Nanakajrekar (W. No. 148) that the public firing on that Road was completely silenced after the latter two had gone up to the roof top of a house and fired from there, does not take into account the activities of the other two police parties that fired both from the ground and from roof tops that day, one led by S.I. Chander Singh of the Delhi Police and C.R.P.F. Head Constable Om Prakash and the other led by C.R.P.F. Sub Inspector Walekar (even if there is some discrepancy about the presence of Inspector Shyam Dev Sharma of the Delhi Police with this unit). In fact, unlike the Kishanganj chowk side, the official evidence of the happenings on the portion of Bahadurgarh Road touching on Kishanganj Mohalla is disjointed and does not give a clear and consistent picture of the happenings and operations there in proper sequence. The Deputy Commissioner's statement actually made no mention of the activities and operations of the two parties mentioned above and he has also admitted that it is not possible to say definitely whether arson on that road preceded the firing from the Muslim houses or whether it was the other way about. The firing from the side of the public is said to have come from three Muslim houses Nos. 1057, 1076-77 and 1080-81 which also suffered from fire, and witnesses speak of this firing as coming intermittently and not continuously. This firing caused the death of no less than 5 persons that day and a 6th also died later as a result of injuries sustained in that firing. The post mortem record of Ranjit Singh gives the approximate time of death as 7 p.m. on 5-5-1974 (12 hours prior to the post mortem at 7 a.m. on 6-5-1974). This would also suggest that the duration of the firing was longer than $\frac{1}{2}$ to 1 hour as depicted in the official version. Balancing all the material before me with its various uncertainties and contradictions, I have to conclude that the firing on Bahadurgarh Road must, in all probability, have commenced well before, 4 p.m. and lasted intermittently till well after 5 p.m. This firing must have followed rioting with brick-bats etc. and arson or attempted arson, or imminent fear of such arson. There is however no concrete evidence in support of the allegation made by some Muslim witnesses that there was also firing from the side of the Hindu public from the direction of Bhagwanganj. Greater exactitude in regard to the course of events is not possible but it is pertinent to note that there is record of a wireless message

as late as 1838 hours which, *inter alia*, reports that "बहादुरगढ़ रोड की situation खराब है" though it does not specifically indicate which portion of this mile long road is meant. Trouble appears to have continued intermittently till a late hour, though in a minor key.

2.77 Occurrences reported in other localities do not present any problems except one on Idgah Road. Here Shri Sirajuddin (W. No. 30) supported by two other witnesses No. 143 and 144 charges the S.H.O. Sadar Bazar Police Station, Sardar Piara Singh with negligence of duty and connivance with a riotous mob—*vide* summary of the witness' evidence in Part B above. Sardar Piara Singh, who rejoined duty that afternoon cutting short his leave, has, however, stated that he was not on duty that evening at Idgah Road at all but between Qasabpura and Basti Harphool Singh and this is supported by the official evidence. Here in this case the fact of the disturbance from which the W. No. 30 and others suffered and which is covered in a Police investigation, is not so much in dispute as the question whether the S.H.O. was present on the spot and behaved in the manner alleged. If this Commission were to go into the question of this officer's conduct, the provisions of Sections 8B and 8C of the Commissions of Inquiry Act, 1952 would be attracted and the officer whose conduct is to be so inquired into has a right to cross-examine witnesses and be represented by a legal practitioner before the Commission. Since this was relatively a side issue in my present enquiry, I decided that the Commission need not go into these allegations. However, as these allegations have been made on sworn testimony by more than one witness, in my opinion they would constitute, *prima facie*, material for a regular departmental inquiry and I suggest that such an inquiry may be held.

Findings of the Commission in regard to the adequacy of measures taken

2.78 Under the second term of reference I have to inquire into the adequacy of the administrative measures taken to prevent and to deal with the disturbances on the 5th of May, 1974. As I have already indicated, the immediate cause of the rioting was the quarrel between Vishwanath and a few Muslims which ultimately led to a general riot soon after 1 p.m. on the 5th of May, 1974 at Kishanganj chowk. There is no concrete evidence of any pre-planning or conspiracy on the part

of any section to provoke this riot and bring about a large scale disturbance. Hence the question of what administrative measures were taken to *prevent* the said disturbance would relate rather to the entire gamut of the steps taken in general to maintain communal peace in the Sadar Bazar area than to what was done to prevent that particular outbreak, because the authorities were admittedly taken by surprise when the riot erupted on the afternoon of 5th of May at chowk Kishanganj. There was no advance intimation or warning that some trouble was brewing. The patrol and beat parties of the Sadar Bazar Police Station had not reported any untoward development or quarrel between members of the two communities which could develop into a disturbance. In fact, a Police picket which was located at the mixed locality of Kishanganj (3 other pickets being located similarly at Nala Road, Qasabpura and Bara Hindu Rao) was shifted to Nawabganj in April on account of some reported tension there following the alleged kidnapping of a Muslim girl by a Christian youth. Kishanganj itself was said to have had a comparatively good record of communal peace, though there had been minor quarrels. The question of preventive measures therefore becomes related to the wider issue whether the standing measures or schemes of the law and order authorities to prevent eruptions of communal trouble in Delhi in general, and the Sadar Bazar area in particular, were adequate or whether something more could have been done. With his written statement submitted to the Commission, the District Magistrate has given detailed annexures—the first being “the review of the communal situation in Delhi;” the second touching on “measures taken by the District Administration to deal with the communal problem in Delhi;” the third relating to “action against bad characters and criminal elements in Delhi;” the fourth giving a “list of persons killed in the riot;” and the fifth showing particulars of “damage to property and relief”. He had also submitted to the Commission further supplementary information and details as desired in regard to the matters contained in these annexures. Since this material can be more conveniently discussed in conjunction with the measures that may be recommended by the Commission for adoption to prevent the recurrence of such disturbances, I shall deal with this data and the question of the adequacy of the existing programmes of action in that context in the next Chapter. So far as this particular riot, which broke out on the afternoon of 5th May 1974, in the Kishanganj chowk is concerned, there is nothing to show that the authorities could have done something to nip this **trouble in the bud** because neither the general police intelligence

nor the local information in the police station gave any inkling of such a happening. On the morning and forenoon of 5th of May, which was a Sunday, everything appeared to be normal in the locality and the public were going about their usual business in the streets and lanes, or were inside their homes. The police picket which was located at Kishanganj had been sent to Nawabganj in the previous month as it was felt that there was greater need for it in that place. (This shift had unfortunate later results which were unforeseen at the time the move was ordered.) I would, therefore, deal here with the question of adequacy of the administrative measures taken to check the riot that day when it broke out and to prevent its spread to additional areas. Here, it must be stated at the outset that any enquiring officer or authority going into the facts of such a situation long after the event and with ample time at his disposal has a great advantage that was not available to the officials dealing with the situation on the spot on the crucial date from hour to hour, namely, he now knows all, or most, of the relevant facts and can view developments in perspective and with hindsight. This is inevitable in any *ex post facto* enquiry but this knowledge should temper the making of any remarks or observations that may appear to be of a critical nature.

2.79 It has been brought out that the acting S.H.O. of the Sadar Bazar Police Station with an unarmed police party of about 17 reached the riot affected spot at about 1.40 p.m. or may be a few minutes later. This party had only dandas (ठंडे) and could not control the riot which evidently had, by then, been gathering force for nearly half an hour if not longer. To the question as to why the party that went to the spot had no armed personnel, the reply is given that there was then no inkling that the trouble was so serious that it could not be controlled by an ordinary police force and armed personnel are sent only when trouble is reported to have assumed, or is likely to assume, more serious proportions. Even so, I feel that in the Sadar Bazar area, which has recently had a history of communal trouble with a fairly large scale riot having taken place in the Bara Hindu Rao locality as recently as in June 1973, and as no less than 95 minor incidents between individuals of the two communities are reported to have taken place between 12th June, 1973 (the date of the Bara Hindu Rao riot) and 5th of May 1974 (the date of the present riot under inquiry) and as no details of the trouble had been conveyed to the Police Station, it would have been more prudent if at least a few armed personnel from the police station had been in this first party that

went to the spot. In communal disturbances it is better to err on the side of extra caution and even meticulous care rather than take a risk. It is just possible, though nobody can be certain about it, that if the first police party had a few armed personnel and these had fired a round or two, even if it had been in the air, by about 1.45 p.m., the rioters might have been overawed at that earlier stage of the disturbance and the situation may have quietened down. In a rapidly developing riot in a congested and narrow locality, 10 to 15 minutes can make a very appreciable difference and we see that the first police firing under the orders of the Additional District Magistrate between 1.55 and 2 p.m. and two more firings in the same locality of Kishanganj chowk could not bring the situation under control as the riot had by then rapidly escalated and arson had been resorted to by furious groups of miscreants.

2.80 The deployment and rushing of armed police *i.e.* 3 platoons of the 16 Bn. of C.R.P.F. to the riot affected spot appears to have been prompt and they were on the spot by about 1.55 p.m. Fire brigade units had also moved out promptly. By the time, or by about 2 p.m., the Additional D.M. the Sub-Divisional Magistrate (Kotwali) in additional charge of the Sadar Bazar Sub-Division, the Sub-Divisional Police Officer and the Additional Superintendent of Police were present on the spot while the Superintendent of Police (North District) reached there soon after 2.15 p.m. The S.P. (North), Shri Gautam Kaul, has stated that while he was on his way to the trouble spot he had heard on his wireless that there had been firing in Kishanganj chowk under the orders of the Additional District Magistrate and that a crowd was gathering on Bahadurgarh Road. As he had also learnt that the situation at Kishanganj was being tackled by the senior officers present like the A.D.M. and the Additional S.P., he thought it better to go first to Bahadurgarh Road in order to make arrangements to control the crowd on that side and also to bring the fire tenders held up near Pul Mithai up to the chowk where there had been arson. This move of his was, no doubt, well intentioned, but I feel, though with the advantage of hindsight, that it would have been better if he had given priority to the actual serious situation which had developed in Kishanganj chowk where firing had already taken place in a communal riot and taken command of the police force there, sending another police officer say, the S.D.P.O. or the Additional S.P., to attend to the other admittedly important tasks of controlling the crowd on the side of Bahadurgarh Road or assisting the movement of fire tenders towards Kishanganj chowk. If this had been done,

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the S.P. himself would have been in command of the developments in Kishanganj chowk from about 2 p.m. instead of about 2.20 p.m. as it turned out. I think that his choice of priorities at this point of time was mistaken.

2.81 Before the arrival of the District Magistrate and the Deputy Inspector General of Police at about 2.30 p.m. there had been firing three times from the side of the police in Kishanganj chowk with 27 rounds in all fired, and twice on the Shivaji Road side where 12 rounds were fired. The firing on Shivaji Road was effective in the sense that the situation there did not call for any further repetition of firing. In fact, good work was done on this road in the rescue of women and children trapped in the upper portions of a building, the lower part of which had been set on fire, and later, in the rescue of students from a part of the Takiawali mosque being used as a madrasa. Effectiveness cannot, however, be claimed in regard to the three firings in Kishanganj chowk when 27 rounds were fired in all. In this connection the explanation of the Administration as given in writing by the District Magistrate is reproduced below:—

“The circumstances in which the firing was undertaken may kindly be kept in view. The first 5 rounds were fired on miscreants who were clandestinely committing acts of arson and were doing so under a cloud of thick smoke. It is not surprising, therefore, that none of them was hit. However, the firing was successful in the sense that the arsonists ran away from that place. The further firing at chowk Kishanganj was in the direction of Imliwali Masjid and the adjoining buildings, because missiles, fire-balls etc. were being thrown from those buildings. The miscreants had the advantage of wall cover and the firing party had the disadvantage of being at a lower ground, which was full of confusion created by the rioters. The miscreants on roof-tops were also screened off by smoke. The firing undertaken in such circumstances, though it did not produce many casualties, cannot be termed as ‘inefficient.’”

2.82 While the above explanation, no doubt, has force, still it does not appear to be fully satisfactory. At this stage, according to the official narration, firing from the side of the public had not started since that began only after 2.30 p.m. Short of the use of fire arms, however, the rioters had resorted to every other

means of offence and defence and there had also been arson from even prior to 1.55 p.m. In such a situation, before firing was resorted to, at least for the second or third time, there should have been a proper tactical appraisal of how best to deal with this particular situation and to quell the riot in the shortest possible time. Firing is the ultimate sanction with the police and at least when the first firing did not prove fully effective, a further quick appraisal was called for as to how to tackle this situation in which many miscreants had the advantage of wall cover and were throwing missiles from an elevation. I feel that the absence of a senior police officer during this crucial 15 or 20 minutes following 1.55 p.m. was unfortunate in the sense that there was apparently nobody then to size up the situation *as a whole* and direct the putting through of co-ordinated measures adequate to control the riot which was then at full intensity. These three firings in chowk Kishanganj in the half hour prior to 2.30 P.M. as well as other lesser measures like firing of tear gas shells etc. admittedly did not achieve the main object of quelling the riot. In that sense they were not successful or had only a very temporary effect on the course of the rioting. If the riot in chowk Kishanganj had been quelled during *this crucial half hour* then in all probability, there would have been no firing later from the side of the Muslim public nor would the riot have spread to additional areas and fire fighting operations could have been undertaken without obstruction or disturbance from the rioting mobs. If the difficulty in controlling the trouble was that some sections of the miscreants had the advantage of wall cover and being on top of buildings, then the same manoeuvre, which ultimately controlled the gun fire coming from those same elevated positions after 3 p.m., could have been resorted to earlier, namely, instead of firing being repeated more than once from the ground, a party or parties could have been sent up to the top of neighbouring houses either to lob tear gas shells on to the top of the offending buildings or even to open fire from a more effective vantage point while there was simultaneous firing of tear gas shells to disperse the crowd on the ground.

2.83 It would also appear that the police vehicles which took the first police party from the Sadar Bazar Thana and later brought the C.R.P.F. Platoons to the affected spot did not have any public address systems from which warnings could have been broadcast to the crowds, before tear gas or firing was resorted to. The Inspector General of Police (W. No. 14) has deposed: "Normally, police vehicles when they are sent with officers to places of trouble have public address systems fitted to them. I

have no definite information whether the vehicles which carried the first batch of police officers to the place of occurrence soon after 1.30 p.m. had public address systems fitted or not. Ordinarily this is expected to be done. If the police vehicles did go without loudspeakers, then I must say, that they went without an equipment which they are expected to have on such occasions." The Additional District Magistrate, Shri S. L. Arora, (W. No. 4), has stated that a little later when the firing started from the side of the mosque, warnings were shouted to the public by word of mouth, as loudspeakers were not then available. The lack of public address systems in these vehicles was a lacuna and must have come in the way of effective broadcasting of warnings to the public amidst the din and noise of the riot.

2.84 Determined measures were no doubt taken when the District Magistrate and the Deputy Inspector General of Police had reached the spot at about 2.30 p.m. but soon after their arrival firing started from the direction of the mosque and the adjacent buildings and two persons were hit. Notwithstanding that, the police party led by the D.I.G. advanced to continue operations, but unfortunately, at this juncture, the D.I.G. was himself injured by the gun fire besides the S.D.P.O. and some other police personnel. Though there is no rule that officers should move about in such a situation with helmets or proper cover like shields etc. it would have been more prudent if at least after the first shots had come from the mosque and had injured two persons, the officers concerned, including the D.I.G., had put on helmets and made any further advance under proper cover. Helmets and shields would have been a helpful precaution even if there had been no gun fire but only the raining of brickbats etc. There is, of course, no certainty that this would have given complete immunity from injury but it would at least have minimised the risk. As it happened, the injury sustained by the D.I.G. at about 2.50 p.m. which necessitated his removal to hospital, was a severe blow to the police operations at that particular point of time when there was every chance of the police getting full control of the situation as has been stated in the evidence of the D.I.G. Shri Marwah (W. No. 9) "during these 25 minutes (between the time of his arrival and the time of his injury) the police force was very active in controlling arson and in escorting the fire brigade to put out the fire and in trying to disperse the crowds of people who had collected at various places. The sniping from the roof tops had started at 2.40 p.m. and during the ten minutes before I was injured we did make a determined bid to stop the arsonists on the ground

and to flush out the snipers from the buildings from where shots were suspected to have come. The idea was to force an entry into such buildings and apprehend the culprits." This vigorous course of action sustained a severe set back and could be resumed only after about a full 15 minutes later when the Inspector General of Police himself arrived on the scene and took charge of the operations.

2.85 After the arrival of the Inspector General of Police and direction of the police operations under his command which included the deployment of police firing parties on tops of neighbouring houses to attack the snipers, the firing from the public in Kishanganj chowk was silenced and the Fire Brigade units could start fighting the fires there without obstruction. This operation which must have been carried out at considerable personal risk, judging from what had happened earlier to the D.I.G., the S.D.P.O. and others, was successful and marked the turning point in the events of the day. Effective measures were also undertaken to disperse a mob which started attacking the mosque in Nawabganj off Library Road. A serious case of arson in a cotton thread factory in Faiaz Ganj on an elevated position off Shivaji Road was checked, trapped workers rescued and arsonists arrested. The Fire Brigade had to fight the fire here for a long time under handicaps because of the situation of the factory.

2.86 On Bahadurgarh Road the position was not satisfactory. One side of Kishanganj Mohalla abuts on a portion of this road and just across the road in this section are the predominantly Hindu localities of Bhagwanganj and Gali Bahuji. The S.P. (North) had heard of a crowd collecting on this road and had, therefore, first come here at about 2 p.m. before going on to Kishanganj chowk via Pul Mithai. Two police parties were sent here from the Sadar Bazar Thana, one under A.S.I. Hardev Singh (W. No. 11) and another under Sub-Inspector Chander Singh (W. No. 136), who was accompanied by a C.R.P.F. section under Head Constable Om Prakash (W. No. 138). A.S.I. Hardev Singh claims that he and his men were the first police party to reach Bahadurgarh Road at about 3.15 p.m. though the other party also is said to have been on that road by about 2.30 p.m. Evidently, they must have been on different sections of the road which is a long one since they seem in the beginning to have been unaware of each other's presence. A.S.I. Hardev Singh says that at 3.15 p.m. he found heavy brickbattling going on from the house tops and exchange of fire balls and at about

4 p.m. firing started from some Muslim houses of Mohalla Kishanganj, which he tried to counter by reply fire but without success. He reported this to the Inspector-General of Police when the latter came there after 4.15 p.m. and the subsequent developments have already been mentioned. Some contradictions or discrepancies in the evidence of the Delhi Police and C.R.P.F. officials in respect of the sequence of events on this road have earlier been brought out and the conclusions which I have been able to draw in regard to the likely course of events here have been indicated. This area appears to have been regarded as a comparatively quiet spot till reports of firing from the side of the public reached the I.G.P. and the Deputy Commissioner at about 4.15 p.m. I have earlier given reasons for concluding that this firing must have started here well before 4 p.m. and continued till well after 5 p.m. The authorities appear to have overlooked the fact that one side of the Muslim Mohalla of Kishanganj touched a portion of this road and opposite were Hindu localities and hence any serious riot action directed *against* Kishanganj or directed outwards *from* Kishanganj would have repercussions here as well. Even at 2 p.m. the S.P. (North) had noticed an 'excited' crowd at the junction of Bahadurgarh Road and Gali Bahuii *i.e.* just opposite a corner of Mohalla Kishanganj. The S.D.P.O., no doubt gave instructions to the acting S.H.O. to arrange for a force at Bahadurgarh Road and the latter sent directions to the Sadar Bazar Police Station to that effect but nothing very effective appears to have been done and it is seen that the total strength of the two police parties sent under A.S.I. Hardev Singh and Sub-Inspector Chander Singh was only 19. This strength does not appear to have been augmented till well after 4 p.m. *i.e.* when the I.G.P. and commandant Shri A. K. Singh (W. No. 10) came to Bahadurgarh Road after 4.15 p.m. and left Deputy S.P., Shri Nanakajrekar of the Delhi Armed Police (W. No. 148) there with some force. Between 2 p.m. and 4.15 p.m., the force here was quite inadequate.

2.87 Many public (Hindu) witnesses have deposed that the public were pressing a small police party standing on this road, and said to have been armed, to intervene against the throwing of fire balls, missiles etc. and, later, gun fire coming from Muslim houses, but they pleaded lack of instructions. Not only the non-official witnesses but the C.R.P.F. Head Constable Om Prakash (W. No. 138) has said the same thing in the riot diary and in his oral deposition before the Commission. He says that people were even threatening their party under Sub-Inspector

Chander Singh of the Sadar Bazar Thana and himself, complaining of inaction on their part. Though S.I. Chander Singh (W. No. 136) has denied this altogether, I cannot believe that the C.R.P.F. Head Constable could have concocted the story out of his own imagination and his version supports the testimony of many public witnesses. It seems clear that this area was inadequately policed for over two hours since all attention was concentrated towards chowk Kishanganj, Shivaji Road etc. and where all the senior officers like the I.G.P., the Deputy Commissioner, the S.P. (North), the A.D.M., the Additional S.P., the S.D.M. and the S.D.P.O. were present. This fact evidently made it not possible to make a proper strategic appraisal in perspective of the riot affected area as a whole. If this had been done, it would have shown that it was essential to arrange for the ringing off of Kishanganj Mohalla on all vulnerable sides since that Mohalla was either the *object* of attack or was the *source* of defensive/offensive action projecting outwards with its residents behaving like the occupants of a beleaguered fortress and the active elements among them trying to function like a defending garrison since they thought that the Mohalla was being attacked and set on fire from three sides. In fact, very broadly speaking, the intensive phase of the rioting on different sides of Mohalla Kishanganj may be described as a battle between Mohalla Kishanganj people on the one hand and those of Teliwara and Tokriwalan across chowk Kishanganj in one direction and of Bhagwanganj and Gali Bahuji in the other direction. This oversight which left the side of Mohalla Kishanganj on Bahadurgarh Road out of a proper police ring or cordon led to tragic results since, apart from the material damage, no less than six of the eleven lives lost because of the rioting that day were on this side.

2.88 I have nothing much to observe regarding other areas where sporadic riots or disturbances took place. These were generally quickly brought under control. In regard to one incident on the Idgah Road about which allegations have been made by some public Muslim witnesses in regard to the behaviour of the S.H.O., Sardar Piara Singh, which this official has denied, I have already recommended this matter for a departmental enquiry.

2.89 The authorities and police, though first taken by surprise, and soon reeling under the severe blow of the D.I.G. being put out of action, rallied quickly and had the riot situation reasonably under control in Kishanganj chowk by about

3.30 p.m., in some adjacent localities like Shivaji and Library Roads by about 4.15—4.30 p.m. and on Bahadurgarh Road some time between 5 and 6 p.m. There were sporadic incidents in a few other localities, but it has to be stated that many areas within the jurisdiction of the Sadar Bazar Police Station such as Sheesh Mahal, Deputy Ganj, Pahari Dhiraj, and even Bara Hindu Rao, remained unaffected and in some localities like Sheesh Mahal there is evidence of the residents, Hindus and Muslims, joining together to keep out intruders and maintain peace. It is officially reported that 351 officers and men including those of the Delhi Armed Police and C.R.P.F. were deployed in the riot affected area of Kishanganj between 1.30 p.m. and 3.30 p.m. and, similarly, 81 officers and men were deployed on the Bahadurgarh Road between 2 p.m. and 4 p.m. (these figure given for Bahadurgarh Road appears excessive because from the evidence, a gazetted officer, namely, Deputy Superintendent of Police, with sizeable armed force, was put here only after the I.G.P.'s visit soon after 4.15 p.m. and prior to 4 p.m. the deployment was much less as has already been pointed out). The Delhi Communal Riot Scheme was put into force and it must be said that the enforcement and precautionary measures were effective in containing and localising the riot and in stamping out any tendency to trouble in other sensitive parts of Delhi. Because of the scale and intensity of the rioting that day and the high number of fatal casualties, mainly from one community, there was a very real risk of the riot spreading to other parts of the city and giving rise to mob fury as the news (with exaggerated rumours) of the day's disturbances became known. This did not happen, partly due to the good sense of the general body of citizens which was backed by elaborate vigilance and precautionary arrangements on the part of the authorities. This achievement of the authorities and the Delhi Police, even prior to the moving in in strength of companies of the Border Security Force to patrol the sensitive areas, was highly creditable.

Riot Damage and Relief Assistance

2.90 There is no authoritative estimate of the total damage in financial terms as a result of the rioting in different localities that day. In his first written statement submitted to the Commission, the Deputy Commissioner had stated that till 15th July, 1974, 197 applications were received and, on verification, the total damage to property and loss incurred by those 197 applicants was estimated as Rs. 12,00,450.00. An *ex gratia* amount of Rs. 2,000.00 each was sanctioned to the families of those who

lost their lives in the course of the riot or as a result of it. Many public witnesses, specially Muslim witnesses, have given very high figures of the loss sustained in respect of their houses, shops, businesses or mosques and have submitted photographs showing the damage done on that day. On my visit to the riot affected localities on 1-9-1974, many places were pointed out by the two parties, and also officials, as having suffered in the course of the disturbances. It is not possible for the Commission to give even a rough estimate of the total damage caused because the estimates of the individual witnesses and the official figures vary so widely.

2.91 The adverse effects of the disturbances on the economy of the city and the region were, however, much wider than the mere actual physical or material damage in the riot affected area. Shri Sachidanand Hassija (W. No. 131) a spokesman of the Northern India Manufacturers Association and Federation of Indian Manufacturers, Delhi, has stated in his evidence before the Commission "because of these riots on the 5th of May, for nearly two long months business and industry was at a stand-still in the Sadar Bazar area. Customers who came from other States to do business in this market felt scared for quite sometime to come there and the result was heavy loss to trade and industry." He has stated again : "it was not only those people living in or doing business in the Sadar Bazar area who were adversely affected by these riots, but also many undertakings outside having business in or though the Sadar Bazar area because their production was slowed down as their normal trade channels through Sadar Bazar were choked for several weeks."

2.92 The Commission can here only record the latest figures of relief sanctioned and disbursed by the Administration under the four heads of Gratuitous Relief, House Subsidy, Housing Loan and Business Loan. Figures sent by the Deputy Commissioner indicating the sanctions received from the Ministry of Home Affairs up to the 15th of November, 1974, and the disbursements made till about the end of that month gave the following picture :—

	Amount sanctioned	Amount disbursed
	Rs.	Rs.
Gratuitous Relief	1,07,525.00	93,225.00
House Subsidy	22,600.00	19,590.00
Housing Loan	50,950.00	28,700.00
Business Loan	3,34,550.00	2,27,000.00

The total sanctions received by the Administration up to the middle of November, 1974 were in respect of 450 persons and a community-wise break-up has been given in regard to 438 of them :—

	No. of Hindus	No. of Muslims
Gratuitous Relief	59	159
House Subsidy	15	73
Housing Loan	7	20
Business Loan	24	81

The total disbursement in all the cases amounts to Rs. 3,68,515.00 divided among 89 Hindus and 266 Muslims. 86 applications for relief assistance are reported to have been rejected by the Sub Divisional Magistrate after enquiry.

2.93 In this connection some representations were made by certain witnesses that the amount of Rs. 2,000.00 each sanctioned to the families of the deceased persons was very inadequate especially in cases where there were a large number of minor children or dependents who were left helpless because of the loss of the earning member of the family. Particular mention was made of the case of Nathu of Pahari Dhiraj who was killed in Kishanganj chowk. It was stated that he had left a widow and a large number of minor children who were now destitute. There may be equally hard cases in regard to some of the other deceased persons. As a matter of fact, it is quite likely that most, if not all, of the persons who lost their lives were not participants in the riot, but still became the victims of bullets or gun shots. Some were reported to be mere passers by or standing on roof tops or engaged in peaceful activity like putting out a fire etc. when they were struck down. I suggest that the *ex gratia* amount granted on a flat rate basis to the families of the deceased persons be reviewed and in appropriate cases of hardship being experienced by the survivors in the family or the dependents of the deceased persons, the *ex gratia* amount may be substantially enhanced.

Cases where applications for relief assistance have been rejected by the S.D.M., may be reviewed by the next higher authority.

SUMMARY OF CONCLUSIONS OR FINDINGS OF THE COMMISSION IN THIS CHAPTER

Causes of the Disturbances

2.94 The immediate cause was the dispute between Vishwanath and two Muslims at the Palace Cinema on the night of 4th/5th May and the continuance of the argument with Vishwanath by a group of Muslims in Kishanganj chowk about 1 p.m. on 5th of May leading to an assault on Vishwanath, a group fight and then a riot.

(para 2.68)

There is no evidence of any pre-planning or conspiracy on the part of any section nor any tangible evidence to support the suspicion that a foreign hand might have inspired the riots at that particular point of time.

(para 2.68)

Though the immediate cause of the riot was only the individual dispute, the psychological atmosphere was such that a small incident could act as a spark and cause such a conflagration in the form of a major riot. This is accounted for by the unduly inflamed or over-sensitive group consciousness that seizes large sections of the public when the issue is presented as a communal one and the consequent propensity on their part to regard disputes involving individuals of different communities not as private quarrels but as group quarrels calling for group action.

(para 2.69)

Course of the Disturbances

2.95 On an analysis of the evidence and weighing up of several contradictory versions, the sequence and timing of events at Kishanganj chowk and adjacent localities as given in the official narration is held to be approximately correct though the different phases must have overlapped since the actual situation on the ground was confused and fluid.

(paras. 2.71 to 2.75)

While the first police firing took place about 1.55 p.m. after arson was noticed, the firing from the mosque and adjacent buildings commenced after 2.30 p.m. This was the first use of fire-arms on the part of any section of the public and till then rioting had gone on vigorously with other means. It cannot be

said that either of the two rioting parties was purely on the defensive. There is no concrete evidence of the use of fire-arms by any section of the Hindu or non-Muslim public that day.
(paras..... 2.71 to 2.73)

On Bahadurgarh Road, firing from the houses or buildings of Kishanganj Mohalla abutting on that road must have started well before 4 p.m. and continued till well after 5 p.m. though it is not possible to be more precise. This firing must have started after attacks and/or arson, or attempted arson, against those buildings or on serious apprehension of the same.
(para.....2.76)

On Idgah Road, 3 witnesses charge the S.H.O., Sadar Bazar, Sardar Piara Singh, with negligence of duty and connivance with the riotous mob. The allegation is totally denied by the S.H.O. It is suggested that a regular departmental enquiry into these allegations may be held as they are made on sworn testimony.
(para.....2.77)

Adequacy of Administrative Measures Taken

2.96 The question of preventive measures taken by the authorities in regard to such disturbances in general will be dealt with in the next chapter, since this material can be more conveniently discussed in conjunction with the measures which may be recommended for adoption to prevent the future recurrence of such disturbances. In regard to this particular riot which broke out on the afternoon of 5th May, 1974 in Kishanganj chowk there is nothing to show that the authorities could have done something to nip this trouble in the bud because neither the general police intelligence nor local information in the police station gave any inkling of such a happening.
(para.....2.78)

The first police party to reach the spot was an unarmed party of about 17 persons led by the acting S.H.O. Shri Sant Ram Sethi. Keeping in view the history of communal trouble in the Sadar Bazar area in general and the fairly large scale riot in the Bara Hindu Rao locality in June, 1973, in particular, it would have been more prudent if at least a few armed personnel had been taken in this first party that went to the spot. It is just possible that if the first police party had fired a round or two, even if in the air, at about 1.45 p.m. the rioters might have been scared and the situation may have quietened down at that stage, though nobody can be certain about it.
(para.....2.79)

The action of the S.P. (North), Shri Gautam Kaul, in first going on to Bahadurgarh Road and later reaching Kishanganj chowk after 2.15 p.m. though he had heard that there had been firing in Kishanganj chowk by 2 p.m. under the orders of the A.D.M., though well intentioned, was not the correct choice of priorities at that point of time and seems to have resulted in the police action in Kishanganj chowk immediately after 2 p.m. not being directed in a coordinated manner.

(para.....2.80)

Though the police firing and other action taken at Shivaji Road were effective and successful, the 3 police firings in Kishanganj chowk between 1.55 p.m. and 2.25 p.m. with 27 rounds in all fired, cannot however, be claimed as such. In Kishanganj chowk when police firing had to be resorted to for the second or third time, there should first have been a proper tactical appraisal of how best to deal with that particular situation, with many rioters throwing missiles etc. under wall cover from tops of buildings. If the riot in Kishanganj chowk had been quelled during this crucial half hour by 2.30 p.m. then in all probability, there would have been no firing later from the side of the mosque and adjacent buildings and the riot in the chowk area would have stopped and not spread to other localities.

(paras.....2.81 and 2.82)

The lack of public address systems in the police vehicles was a lacuna and must have come in the way of effective broadcasting of advance warnings to the public amidst the din and noise of the riot.

(para.....2.83)

It would have been prudent, if at least after the first shots had come from the side of the mosque, the officers concerned, including the D.I.G., had advanced further into Kishanganj chowk wearing helmets and under proper cover.

(para.....2.84)

The direction of the police operations after 3 p.m. under the command of the Inspector General of Police which included the deployment of police firing parties on house tops to attack the snipers, did stop the firing from the public in Kishanganj chowk. These operations which must have been carried out at considerable personal risk judging from what had happened earlier to the D.I.G., the S.D.P.O. and others; were successful and marked the turning point in the events of the day. Effective measures were

also taken in Nawabganj to protect the mosque there and in Faiaz Ganj to stop the arson.

(para.....2.85)

On Bahadurgarh Road the position was not satisfactory. It seems clear that this area with houses of Kishanganj Mohalla abutting on that Road was inadequately policed for over two hours after 2 p.m. since all attention was concentrated towards Kishanganj chowk, Shivaji Road, etc. and where all the senior officers like the I.G.P., D.C., S.P. (North), A.D.M., Additional S.P., S.D.M. and S.D.P.O. were present. This fact evidently made it not possible for the authorities to make a proper strategic appraisal in perspective of the riot affected area as a whole, which would have indicated the need to cordon off the Kishanganj Mohalla from the Bahadurgarh Road side as well. This oversight led to tragic results, since, apart from the material damage, there were not less than 6 fatalities on this side out of the total of 11 lives lost due to the rioting that day.

(para.....2.87)

Though the authorities and the police were first taken by surprise and reeling under the severe blow of the D.I.G. being put out of action, they rallied quickly and had the riot situation reasonably under control in Kishanganj chowk by about 3.30 p.m., in some adjacent localities like Shivaji Road, Library Road by about 4.15—4.30 p.m. and at Bahadurgarh Road sometime between 5 and 6 p.m. Because of the scale and intensity of the rioting that day and the high number of fatal casualties, mainly from one community, there was a very real risk of the riot spreading to the other parts of the city and giving rise to mob fury but this did not happen due to the vigilance and elaborate precautionary arrangements on the part of the authorities and the good sense of the general body of the citizens. This achievement of the authorities and the Delhi Police was highly creditable.

(para.....2.89)

I suggest that the *ex gratia* amount granted on a flat rate basis to the families of the deceased persons be reviewed and in appropriate cases of hardship being experienced by the survivors in the family or the dependents of the deceased persons, the *ex gratia* amount may be substantially enhanced. Cases where applications for relief assistance have been rejected by the S.D.M., may be reviewed by the next higher authority.

(para.....2.93)

CHAPTER III

MEASURES RECOMMENDED FOR PREVENTION OF SUCH DISTURBANCES AND OTHER RELEVANT MATTERS

3.1 The third and fourth terms of reference of this Commission are as follows :—

- (i) to recommend measures which may be adopted to prevent the recurrence of such disturbances in the special conditions of the Sadar Bazar locality; and
- (ii) to consider such other matters as may be found relevant in the course of the inquiry.

Suggestions made by Select Public Witnesses

3.2 In this connection it would be of interest to notice the suggestions made in this regard by witnesses from the public who have given evidence before the Commission. While it is not necessary to bring out every such suggestion made by the very large number of witnesses examined, some of these made by select witnesses have been given below and these may be taken as a representative cross-section of the various views expressed by different public witnesses before the Commission.

3.3 Shri S. M. Yahya Chhabra, Secretary of the Kishanganj Relief Committee (W. No. 65) had, in his memorandum, made the following suggestions (given in his own words) which may be regarded as broadly representing the ideas of the Muslim public of the locality :—

- (i) The recommendations of the Central Integration Council are implemented. It is the first and primary duty of the State and the Administration to implement all the recommendations and Resolutions of the Integration Council without any hesitation or delay.
- (ii) Activities of Communal Leaders of both communities must be watched and strict check on their activities must be kept.

- (iii) Administration should not hesitate to use MISA to prevent future clashes. The list of such persons should be permanently maintained in all the Police Stations of the city.
- (iv) Notorious anti-social elements must be exterminated from that area.
- (v) Looking to the special conditions of the Sadar Bazar area, it is absolutely necessary that a permanent protection must be given to minorities. Special police pickets of armed police must be kept all the 24 hours in such areas permanently.
- (vi) No communal party be allowed to hold meetings in this area and if some of the leaders make an objectionable speech, action under section 153-A I.P.C. must be taken.
- (vii) A Special Cell in Delhi City Police must be started with a high powered officer with sufficient number of policemen at his disposal and he must be given special power to summon additional police force immediately to deal with the situation of this nature.
- (viii) Strict instructions should be given to the police officer concerned that telephone call or other information regarding communal trouble must be attended to immediately without any delay and police should not go there to be a silent spectator. It must be equipped with full force to deal with the situation, having the orders to shoot at sight any person found involved in riotous activities.
- (ix) The police officers and staff members who are friendly with rioters and anti-social elements should be immediately suspended and transferred from the area in which riot starts and a secret diary of such officers may be maintained by high police officials.
- (x) The residents of the locality must be requested by the police to inform the police about the activities of any such type which can create communal flare up.
- (xi) The residents of the locality must be given to understand that situation like this will not be treated lightly and the offenders should be booked and seriously dealt with.

- (xii) The Police officers who are found partial must be immediately suspended and enquiry into their conduct be recommended by this Commission so that in future other officers and staff may take a lesson and may not repeat the same again.
- (xiii) There must be permanent peace committees in different localities of the area specially when there is mixed locality of Hindus and Muslims and leaders of both communities who are secular minded must be made members of the committee and they must be taken into confidence and their meeting must be called for every month.
- (xiv) On religious festivals and other ceremonies, the leaders of both the communities must be invited and must be requested to take part in the festivals. There should be adequate representation of the minority community in the Police Force especially in this area.

In his oral evidence before the Commission he has stated that in his view if the police officers really and sincerely try to make recruitment of Muslims into the police force, they should be able to get without much difficulty sufficient men, at least for the constabulary, and hitherto to his knowledge the Police officers had not made any effort to secure the cooperation of prominent Muslims of his Mohalla and of the Sadar Bazar area to help in getting a sufficient number of Muslim recruits.

3.4 Shri Shyama Charan Gupta, President of the Sadar Bazar Danga Pirit Sahayata Samiti and a Member of the Metropolitan Council (W. No. 69) has, in his memorandum, made the following proposals :—

There was a riot in June last year and in May this year, and he feels that there must have been a foreign hand wanting to spoil the image of India at those particular points of time. A very close watch should be kept on places where these foreign elements take cover and on their supporters and helpers, especially those who are their paid agents.

The police arrangements should be adequate to deal with situations like this in Bara Hindu Rao, Kishanganj and other places and they must have instructions to act at once.

No political interference of any type should be allowed.

Peaceful and innocent citizens must not be arrested blindly in a sort of blanket operation nor should they be harassed. It is the goonda and the criminal elements which should be over-awed and not the ordinary public going about their business.

There should be police posts in chowk Kishanganj and Bara Hindu Rao on a permanent basis.

Even when small or minor incidents happen the police must take action immediately and localise them so that they do not spread. There should be no room for spreading false propaganda and allegations and the policy of blaming opposition parties for every bad development or happening must be given up. Arrests should not be made just because of political pressures and nor should the real culprits go scot free.

In the peace committees, responsible and respectable members of all parties and respectable citizens should be included and the membership of such committees should not be determined from a political angle.

The C.B.I. should have directions to help the police promptly in serious matters. High officers of the Delhi Police must have adequate powers to deal with the situations as they arise and there should not be any pressure on them from any political leader.

3.5 Shri Sachidanand Hassija (W. No. 131) who appeared before the Commission as a spokesman of the Northern India Manufacturers Association and Federation of Indian Manufacturers, Delhi, deplored the fact that communal disturbances have become so frequent causing heavy loss to trade and industry. He is of the view that for dealing with such situations, steps have to be both preventive in order to see that such riots do not occur and also repressive so that if they do occur, they are put down firmly in the shortest possible time. Among the preventive steps he is of the view that the formation of peace committees with representatives from the different communities of the area which should maintain close liaison with the police and the district authorities would be helpful. Festivals should be celebrated by members of both the communities together; the police intelligence system should be toned up; patrolling should be intensified in sensitive areas which have a record of communal disturbances and a separate police post may be set up in Kishanganj. When disturbances do occur, then the investigation into the offences should start immediately and proceed with speedily, otherwise material

evidence would be destroyed. If any particular locality or area has a record of more than one communal disturbance then if such disturbance is repeated, the imposing of a collective fine on the people of that area should be considered. People found guilty should be dealt with severely under the law and there should be special laws to deal with communal disturbances and also provide for special courts and special procedures because under the normal law effective and speedy action may not always be possible.

3.6 Shri Brij Mohan (W. No. 141), is the President of the Delhi Social Workers Council, which had arranged a peace march in the riot affected area on the 19th May, 1974, in which members of the Gandhi Peace Foundation and other prominent citizens like the Vice Chancellor of Delhi University, the Chairman of the Metropolitan Council, the acting Mayor and others had participated. He is also an old Congress worker and had been the President of the Delhi Pradesh Congress from 1961 to 1963 and leader of the Congress Party in the Delhi Municipal Corporation from 1962 to 1967 and Chairman of the Corporation Standing Committee. The peace march arranged that day was a silent march only of non-officials and in his opinion it had a very good response from the people of the effected localities and considerably eased the atmosphere of tension that was prevalent. The march had various banners with slogans on them in English, Hindi and Urdu. One slogan in English was "Godse killed Gandhi only once and we are killing him again and again". A slogan written in Hindi and Urdu ran as follows :—

कोई इन हत्यारों से पूछे कि उन घरों में रोगनी ला सकते हैं जिन घरों के चिराग उन्होंने
ने बुझा दिये ।

As regards remedial measures for the future, the witness was of the view that Hindu-Muslim riots should not be regarded as merely a matter of law and order but should be dealt with from the social and political angles also. In those localities which are mixed, where people of both communities live, there should be joint peace committees which should function on a permanent basis and not merely come into existence when there is a riot or tension. These committees should be fully representative of the different communities and political parties. Places of worship like temples, mosques and gurudwaras should not be regarded as places which are outside the reach of the law; on the other hand, these places should also call for full supervision by the police and authorities, in order to see that illicit material which can be used for violent acts, is not collected there and that no attempts

are made there to indulge in illegal activity. In these places of worship under the cover of religion, political speeches are often made which excite communal feelings and when this happens, appropriate action should be promptly taken against the individuals concerned. He thinks that the time has come when the police administration of Delhi should be re-modelled on the same pattern as in other big cities of the country like Bombay, Calcutta and Madras and law and order should be made the single responsibility of a Police Commissioner instead of the present dual arrangement dividing such responsibilities between the police on the one hand and the magistracy under the District Magistrate on the other. Whenever communal troubles do break out, there should be no political interference or pressure on the authorities when they take appropriate action. Such pressure should not come from any party or from any level. The Administration should take proper action and launch investigation without any hindrance or obstruction. In order to give practical shape to this objective all political parties, and especially the ruling party, must decide to give written instructions to their members and workers that on such occasions they must refrain from any interference with the action of the authorities and make no recommendations to them. If, however, such proposals or recommendations do come from any political leaders or political workers the officers concerned with law and order should have standing instructions to make a written record of the proposals or recommendations received and the source from which they came. Mobile motor cycle police patrols should be arranged in mixed localities and these should have wireless sets and such patrols should continue during the day and up to midnight at hourly intervals so that if there is any tension or apprehension of trouble intimation can straightaway be flashed to the Police Control Room. He does not think that any scheme of a Civil Volunteer Force will be practical because workers of political parties have differing outlooks and there is a possibility of anti-social elements getting into such a force and taking wrong advantage of it. Too much reliance should not be placed on non-official elements or on voluntary organisations and if some of their workers do come and take active part in peace committees etc. it is good but there should not be undue hope or expectation that such assistance will always be forthcoming in adequate measure. What is really necessary is that effective action should be taken by the authorities at the time of tension or of rioting on their own responsibility and they have to maintain full vigilance and improve their capacity to intervene with the greatest speed. Once the public are convinced that the Administration is wide awake and ready to act swiftly and firmly then their confidence will grow while anti-social elements would

be over-awed. Efforts should be made to see that the mixed localities should be really mixed in the sense that people of different communities live there intermingled and it should not happen that a portion or a Mohalla of one locality should become the residential area of a single community. Although there are practical difficulties in achieving this object because of the tradition in Delhi for different communities, castes or classes to congregate together, care should be taken that at least in new localities such tendencies do not occur. While it is true that people object to slum clearance schemes of the Corporation or the Delhi Development Authority because the existing residents of slum areas or of congested areas do not want to shift from their traditional homes or places of business and they get encouragement from political sources also in such resistance, the witness who had been a Member both of the Corporation and the D.D.A., thinks that if firm and clear-cut action without hesitation is taken in that direction then sufficient success can be achieved. He gives the instances of the construction of new quarters in Sarai Phoos in Sabzi Mandi and Dujana House in Matia Mahal where people were re-settled from their old areas successfully in spite of some initial resistance which was overcome when the benefits of the relocation were explained to them and they became convinced that the authorities were determined to go-ahead with the relocation programme. On the other hand, there is the unfortunate instance where the scheme to shift the slaughter house in the Sadar Bazar area and the residents of the localities connected with it, to a new site where a modern slaughter house could be constructed has been obstructed for so many years because the objectors have found support due to political considerations. The result is that even today Delhi does not have a modern hygienic slaughter house and the city has to depend on the dirty, congested and unhygienic slaughter house with the bastis adjacent to it. He also thinks that the authorities of the D.D.A. and the Corporation do not enforce strictly the restrictions against starting trade or business or industry in residential areas or buildings with the result that unauthorised shops are proliferating and even all sorts of unauthorised markets are coming up. No effective action is taken by the D.D.A. or the Corporation to check this and this failure is probably due to political and administrative corruption. If these regulations are strictly enforced they will have a good restraining effect on the increasing population in the older localities of the city and congestion therein would be reduced while trade and industry can also be diffused more widely to more suitable new locations. If the Delhi Administration, the D.D.A. and the Municipal Corporation decide on effective and concerted action

to attain such objectives, marked improvement will be seen in many of these congested or slum localities in the course of a few years.

3.7 An idea has already been given in Part B of the previous Chapter of the evidence of Shri Nabil Ahmed Ansari (W. No. 140) Secretary of the Pratap Nagar Block Youth Congress in regard to the occurrences. He thinks that the Delhi Police at present are neither capable of protecting the community nor the people but are in fact only protecting goondas, thieves, dacoits and black-marketeers. In his written representation to the Commission and in his oral deposition he has made the following suggestions, firstly, that criminals like goondas, thieves and dacoits should be given a warning once or twice and if they still commit crimes, these should be engraved on their hands, foreheads and on different parts of their bodies. Secondly, the sooner the Jan Sangh and the R.S.S. are banned along with the Muslim League and the Jamat-i-Islami the better. Thirdly, that in every department of Government there should be some percentage of the minority communities. Fourthly, where there are mixed Hindu-Muslim localities there can be a programme of meetings every week. This witness also thinks that if honest and sincere efforts are made by the police and other authorities then a sufficient number of Muslims can be found with the requisite qualifications for filling different posts. He has heard that from Ballimaran, Jama Masjid, Lal Kuan, Kishanganj, Teliwara, Bara Hindu Rao and Beri Wala Bagh about 250 Muslim youths have applied for the posts of Sub-Inspector of Police. Since Muslims are not usually taken into Government service on the plea that they are not fit for the posts, a general feeling has spread in the community that applications of Muslims are not actually considered on their merits.

3.8 Shri Veer Narayan (W. No. 103) thinks that there should be very strict scrutiny and control over bad characters and anti-social elements because whenever some trouble breaks out between these persons and if the persons quarrelling happen to belong to different communities then this spreads and assumes a communal form. Apart from the Police and the authorities the public also have to realise their responsibilities and check such untoward developments. He also feels that it is unfortunate that after the riot that day when many prominent leaders and other notable persons came to the spot and questioned the people it appeared as if those who belonged to the Jan Sangh were interested only in the Hindu sufferers while Congress leaders seem to have confined their attention to the other community. Though this may

not have been the intention of those leaders, such an impression did spread among the public that these leaders, were concerned only with their supporters in the different communities and this has a bad moral effect.

3.9 Shri Dhan Raj (W. No. 105) is a resident of Pahari Dhiraj dealing in automobile spare parts at Kashmere Gate. In his evidence he has made some interesting observations about communal relations and the genesis of communal trouble which merits reproduction. He has said, "My feeling is that ordinarily there is no ground for tension and the two communities move about quite freely and meet each other but a few people are able to build up disturbances and then these spread widely. As individuals many Hindus and Muslims have good mutual relations. I think there are three categories in the two communities. One is the elite who are engaged in professions and business and are not at all interested in any quarrel. At the lowest level there are poor people who are only worried about their livelihood and who are also not interested in any trouble. But in the middle group there are some people who take interest in communal affairs. There are some young people who are unemployed or under-employed and who loiter about. There are also students who are not interested in their studies. These are two potential elements for trouble making. Apart from the goondas, the unemployed or under-employed young people and also the students not interested in their studies are elements that can join a riot and spread it. Such persons gather at tea shops, pan shops and cinemas. It is in the tea shops that a lot of loose talk occurs. I feel that if the police, the C.I.D. or the intelligence concentrate on getting information from the tea shops and pan shops about the talks that go on there, they can get enough advance information to tackle such situations or to prevent them. There should be committees among the elite to tackle or influence their own communities so as to check these potential trouble makers. The police must also take adequate and effective action and such effective action requires continuous vigilance and collaboration with the first category of the elite, and this is a continuous process which has to be taken up on a permanent basis and not only now and then when the trouble occurs. When there is a riot, action must be swift and effective and I feel that on the 5th of May the action taken by the police was not swift and effective enough and that is why the riot spread. When a communal riot spreads even respectable persons belonging to the elite, who do not like any disturbance at all tend to sympathise with a fellow member of their community when he gets hurt or injured, and

similarly, many people who are there as spectators willingly become actors due to the mob mentality and feeling of natural sympathy with their own community people. Some may be religious fanatics, but most of the people who are drawn in are drawn by force of circumstances. Sometimes spectators get injured or wounded and then it is thought that they were also amongst the rioters or fighters, while this is not actually the case. If there is proper collaboration and cooperation between the police and the community leaders, and they form themselves into committees and visit localities periodically and ensure good relations, then such troubles can be prevented. The public must have full faith that on such occasions police action will be swift, effective and impartial."

3.10 In Part B of the previous Chapter the views of Shri B. K. Batra (W. No. 75) have already been given. He thinks that these riots spread due to "very bad politics" and that officers are not allowed to act freely and impartially because of political interference. If firm and resolute action is taken against bad characters then these disturbances can be controlled.

3.11 Shri Daryai Lal, Advocate, (W. No. 115) of Teliwara thinks that so long as the authorities do not take proper action against illegal or illicit activities there will always be scope for such trouble. As an instance, he mentions that about 5 feet of the Municipal Road has been encroached upon in Kishanganj Chowk and the mosque portion has been expanded and on top of that something very much like a fortification has been constructed and if such things are allowed to continue there will be communal tension. Such an elaborate construction is not required for the purposes of the mosque because a mosque is not a residential building and the object of this construction must be only to facilitate aggressive action.

General Communal Situation in Delhi and Measures of the Administration

3.12 A broad idea has been given above of the suggestions made by select public witnesses in regard to measure to prevent such disturbances in future. I now turn to a discussion of the material sent by the District Magistrate in regard to the general communal situation in Delhi and the various preventive measures taken by the Administration. Detailed notes of the District Magistrate on these subjects will be found in Annexures IV, V

and VI of this Report. It will be noticed from the figures given in Annexure IV, 'Review of the communal situation in Delhi', that there have been 43 communal incidents in Delhi within the two decades 1954 to 1974 and of these no less than 33 happened in the decade 1965 to 1974. 12 out of these 43 incidents are said to have been caused by what is called 'eve-teasing' and 4 are attributed to 'illicit relations/marriage of persons of different communities', while 'Quarrels relating to religious processions/congregations or festivals' have accounted for only 6 of the disputes which is no more than the number arising from disputes relating to payment of rickshaw/tonga fares or dues to shopkeepers. Thus, paradoxically, it would appear that the causes of the great majority of the incidents between the followers of different religions were really secular in character! Of the 43 incidents, 16 relate to the Sadar Bazar Police Station area and of these, 13 have occurred in the decade 1965 to 1974 which denotes a marked deterioration in communal relations. Thus in the last decade from 1965 onwards, the area of the Sadar Bazar Police Station accounts for as many as 13 out of 33 communal incidents while the Hauz Qazi police station and Jama Masjid police station areas together had a score only of 12. It is stated in the note of the District Magistrate that the main feature of the communal situation in Delhi is the occurrence of petty incidents between individuals of different communities which, if not controlled right at the initial stage, tend to escalate into riots, with groups of persons from both communities joining in. It is stated that between 12th June, 1973 (the date of the riot in Bara Hindu Rao) and the 5th of May, 1974 (the date of the present riot under inquiry), no less than 185 incidents between members of different communities which had the potentiality to escalate into rioting occurred in almost all the areas of mixed population and it has been further brought out in evidence that of these 185 incidents as many as 95 related to the Sadar Bazar Police Station area, though only two of them pertained to the Kishanganj locality where the serious riot of the 5th of May erupted.

3.13 In Annexure VI, the District Magistrate has given information in regard to the 'action against bad characters and criminal elements in Delhi'. From the figures given by him it is seen that out of a grand total of 5,073 persons who were bound down under the preventive provisions of the Code of Criminal Procedure from June 1973 to June 1974, 473 related to the Sadar Bazar police station area. This police station also accounts for 29 of the 82 persons proceeded against under the Punjab Security of State Act, 1953. However, it accounts for only 8 persons externed

under the provisions of the Bombay Police Act from January, 1973 to June, 1974, out of a total of 211 in Delhi. The District Magistrate has pointed out that the effectiveness of section 107 of the Criminal Procedure Code has been greatly reduced as under the provisions of the new Code which has come into force from the 1st April, 1974, the court can demand only a personal bond from the respondent and not surety bonds. The scope of section 109 has also been considerably reduced and, therefore, the emphasis has now been shifted to the use of sections 108 and 110. In this connection I may endorse the observations of the N. N. Tandon Report on clashes in Bara Hindu Rao on the 12th and 13th June 1973, in regard to the use of the provisions of section 110 of the Code of Criminal Procedure and of the Bombay Police Act rather than section 107. Shri Tandon has also noticed "in the recent past" a shift in emphasis to a qualitative improvement from a merely quantitative increase in the number of such proceedings. Similarly, while action under the preventive sections of the Criminal Procedure Code is important it should not be a substitute for appropriate action under the substantive provisions of the law and wherever such substantive provisions of the criminal law can be invoked in regard to the facts of a particular case, a regular charge-sheet for the offence or offences should be filed. In this connection the following observations of the N. N. Tandon Report deserve to be borne carefully in mind. "On going through the list of cases involving persons of both communities' from January (1973) onwards, I find that there is a heavy preponderance of cases involving teasing of girls by boys of a different community. Often these cases end up in Section 107 proceedings against both parties. This appears to be unwise apart from being unfair. The best course of action would be to identify the persons who have committed offences and to proceed against them. It would be the travesty of justice and fairplay to proceed against the person who has been a victim of aggression. There is also no reason why action should not be taken under substantive provisions and should remain confined to the preventive sections. In the case of teasing, for instance, cases can be instituted under Section 110/117 of the Bombay Police Act. Since these will be Cognisable cases there is no reason why the police should not take the initiative".

3.14 No doubt, action under the preventive sections of the Criminal Procedure Code has been stepped up in Delhi from June 1973 resulting in 2,439 persons being bound down from June to December 1973 as compared to only 311 in the first 5 months of

that year and 246 such persons within the limits of the Sadar Bazar Police Station were bound down from January 1974 to June 1974 out of a Delhi total of 2,634. It would still appear however that there is room for further vigorous action in this direction in the Sadar Bazar area as that area probably accounts for substantially a higher proportion of the bad characters in Delhi than one-tenth. There is also much greater scope for the externment of persons under the Bombay Police Act since the Sadar Bazar Police Station accounts for only 8 out of 211 externed in Delhi during the 18 months January 1973 to June 1974. It may be true as mentioned by the D.I.G. and some other official witnesses that it is possible to evade such externment orders and continue to live clandestinely in other parts of Delhi but this again is a matter for effective enforcement and surveillance by the police because naturally one cannot expect persons who have been dealt with under these statutes fully to cooperate with the authorities. More liberal use should also be made of different provisions of the Bombay Police Act and the Punjab Security of State Act in force in Delhi which provide a useful armoury of powers to the administration which have not yet been fully brought into play.

3.15 The District Magistrate has informed the Commission that a review has been undertaken of all the history-sheets of the Sadar Bazar Police Station and the resultant position is as follows :—

	Bundle 'A'	Bundle 'B'
Number of history-sheets on the 15th July, 1973	78	74
Number of history-sheets deleted	3	4
Number of history-sheets reduced to personal files	3	2
Number of history-sheets transferred to other police stations	1	2
Balance	71	66
Number of new history-sheets opened.	52	4
TOTAL	123	70

Public Co-operation

3.16 it is *inter-alia* reported in the District Magistrate's note in Annexure V "Measures taken by the District Administration to deal with the Communal Problem in Delhi" that to

secure the co-operation of the people for the maintenance of order, committees have been constituted at various levels. There is a high level committee with the Lt. Governor as Chairman for the Union Territory and Sub-Divisional Committees consisting of members of the Metropolitan Council, Municipal Corporation and other respectable leaders representing their areas. It is, however, seen from the actual composition of the Sub-Divisional Committee of Sadar Bazar that apart from the Sub-Divisional Magistrate and the Sub-Divisional police Officer, there are 17 other members who are all either members of the Metropolitan Council or of the Municipal Corporation and of them only one, Shri Dost Mohd., Municipal Councillor, is a Muslim. While it is necessary to have the members of the elected bodies on these sub-divisional committees, this committee as at present constituted cannot be said to be adequately representative of the minority community. It would, therefore, appear that, as stated in the Tandon Report, the Ekta Samitis which functioned previously have been substituted by meetings only of members of the Metropolitan Council and the Municipal Corporation at the sub-divisional level. This fact had been pointed out in the Tandon Report and referring to *ad hoc* meetings of respectable persons being convened whenever the situation so demands he had observed : "In my view, these meetings cannot be said to include within their fold people from different walks of life. Nor are these the sort of meetings which the Home Minister visualised when he wrote to the Chief Ministers of States and to the Lt. Governor of Delhi. The Home Minister emphasised the valuable contribution that committees consisting of prominent public men could make in preserving harmonious relations between different communities and in restoring normalcy in situations created by communal disturbances". The Report goes on to quote the Home Minister further as saying : "they (committees) should be composed not only of representatives of different political parties but should have a wider cross-section of people from different walks of life, who command the confidence of the community in general". The Tandon Report had, accordingly, recommended that Ekta Samitis or Integration Committees should be immediately constituted at the sub-divisional level. From the present composition of the Sadar Bazar Sub-Divisional Committee it would appear that this recommendation still remains to be implemented properly.

3.17 The District Magistrate in his note in Annexure V has stated that there are also committees of respectable citizens functioning at the level of the police stations. There is, however, some doubt in this respect because in his supplementary note, the District Magistrate refers only to "a list of respectable citizens" being maintained in the Sadar Bazar Police Station and of meetings being held at "Mohalla level". The then S.P. (North), Shri Gautam Kaul (W. No. 8), has stated in his evidence that the Thana committees do not now have any official recognition and are called more or less on an *ad hoc* basis. This witness mentioned that he was in favour of constituting these committees at the Thana level also formally so that they have due recognition. I would suggest that while certainly there can be no objection to Mohalla-wise meetings being held, regular committees should be constituted both at the sub-divisional and at the Thana levels, bearing in mind the observations of the Tandon Report and the advice given by the Home Minister to States and Union Territories in regard to their composition. While members of the Metropolitan Council and Municipal Corporation of the concerned areas must naturally be members, membership should not be confined to them and the committees should also include representatives of different communities, political parties, social workers and other well-known or prominent persons of the area to command the confidence of the public in general.

Citizens Volunteers Force

3.18 It is learnt that a Citizens Volunteer Force has been started in Delhi under official auspices with a total membership of 1775 of which 58 are residents of the Sadar Bazar area.

The setting up of this force is explained by the D.I.G. (Range), Shri Marwah, as being an experimental measure which was initially started in 8 police stations and extended to cover all police stations in Delhi in January 1974. The Members of the Citizens Volunteer Force are to be nominated by the District Superintendents of Police and they do not have any special powers except those available to an ordinary citizen under the law. They are expected to assist the police not only in supplementing police patrolling, but also in providing useful intelligence about crime and criminals in their area. While it

is not intended to impart any specialised training to these members, however, police officers were asked to have regular rallies in order to keep themselves in close touch with the members of this Force. In this connection it would be interesting to recall the testimony given by a witness, Shri Prem Chand Jain (W. No. 93), who is an Assistant State Organising Commissioner, All India Boy Scouts Association, for Delhi and also a Post Warden in the Delhi Civil Defence. He says that he had joined the Citizens Volunteer Force about the end of last year but he does not recollect any occasion during the period of his membership when this force was called upon to perform any specific duty. He was told by the Superintendent of Police, when he joined, that the members will have to assemble periodically and some training will be given to them, but so far nothing has been done to his knowledge in that direction. It was also not mentioned specifically what training was to be imparted. He said that there were other members also of this Volunteer Force in his locality of Deputy Ganj, and so far as he knew, none of them had been called upon to perform any duty as a member of that force. Thus, while the authorities apparently regard the scheme of the C.V.F. as successful it would appear from the testimony of this witness that unless the members of the force are activated and given some more precise conception of their duties and responsibilities the scheme may not achieve the objective for which it has been started. The idea of the Volunteer Force is a good one but it must be activated and also cultivated so that members have a sense of participation, do not lose interest; otherwise the scheme will become moribund.

Home Guards

3.19 There is already an officially recognised volunteer force of citizens in the shape of the Home Guards Organisation and according to the Bombay Home Guards Act as extended to the Union Territory of Delhi under which the organisation functions in Delhi and the compendium of instructions issued by the Home Ministry, the Home Guards are to be used as an auxiliary force to the police and can be utilised on such tasks like guard duty, traffic duty, patrolling and the like in the execution of which the prestige and dignity of the organisation is enhanced and the Home Guards earn the goodwill and sympathy of the general public. In order to see to what extent full use of

the Home Guards in Delhi is actually being made, I invited the Commandant of the Delhi Home Guards, Shri H. C. Jatav (W. No. 139) to give evidence. He has stated that on the 6th of May, the date following the riot, 100 Home Guards were placed at the disposal of the police for deployment in the area of Sadar Bazar and similarly, 145 on the 7th of May. After the riot a skeleton staff of Home Guards has been continuing with the police for deployment on routine petrol duties. It is stated that very often the Home Guards had to perform patrol duty on their own though, occasionally, they were accompanied by police officers of the area. The total strength of the Home Guards in Delhi is said to be about 10,000 of which the effective strength is about 6,000 *i.e.* the number of persons who are willing to work and assist in all the duties assigned to them and come regularly for training. The strength of the Home Guards in the Sadar Bazar area is said to be 215. In regard to the utility of Home Guards personnel in giving general assistance and support to the law and order authorities, apart from the days when they are formally called out on training or on duty and then have the same powers, privileges and protection as officers of the police, the Commandant was of the view that since the majority of the Home Guards are comparatively low paid employees and some of them who are new recruits are even unemployed persons they may not be able to bring adequate influence to bear or command adequate respect in their areas. On the other hand, he thinks that the Battalion Commanders of the Home Guards of whom there are about 40 in the Union Territory and who are employed at higher levels and are comparatively well-to-do, may be of some substantial assistance to the police and the authorities in maintaining a proper atmosphere in their respective areas and in helping to bring about better relations among different sections of the public. These Battalion Commanders are stated to be usually men of substance and respectable persons employed in their own fields like engineers, doctors, businessmen etc. and they expect to be treated with consideration and courtesy by the different ranks of the police. The Commandant is not aware whether these Battalion Commanders are effectively utilised or their help taken by the police apart from the days when they are mobilised on duty. He feels that there is an impression among them that they do not at present get adequate consideration or proper courtesy from police officers and that the I.G.P. had

issued a circular in the police department in this respect. The Commandant considers that it may be worthwhile if the Battalion Commanders of the Home Guards and also some other select suitable personnel in the organisation even below the Battalion Commander level, are made special police officers for their respective localities under section 17 of the Police Act of 1861. Such a step would give them adequate status and standing in their respective areas and enable them to be of real assistance to the public as well as to the police. I feel that this is a good suggestion and in sensitive areas where unlawful assemblies or riots or disturbances, had taken place, or are reasonably apprehended, the rank of special police officers can be got conferred from time to time under Section 17 of the Police Act of 1861 on Battalion Commanders of the Home Guards and select personnel of the organisation even below that level and the same principle can be applied to select personnel of the Civil Defence Organisation. This should not be done compulsorily but with their consent so that they work with interest as volunteers in a spirit of full co-operation while performing their duties as Special Police Officers.

Independence in Investigations and Prosecutions—Director of Prosecutions

3.20 In the course of the evidence before me I have been struck by the near unanimity of many of the public witnesses, both Hindu and Muslim, in expressing doubt about the impartiality of the police and the authorities in conducting investigations and charging cases before the courts. There seems to be a wide-spread belief that the law and order authorities and particularly police officers, are subjected to pulls and pressures from outside, especially from political parties and influential persons, and that they do not have a fully free hand in dealing with matters on their own merits. It is immaterial that while Muslim witnesses generally feel that such interference is weighted against them, those of the majority community feel that it is the other way round, but the fact is that there is such a wide-spread impression and that is most unfortunate. This matter had been alluded to in the N. N. Tandon Report also and he expressed the view that what is most important is that there must be a feeling among police officials at various levels that they do not get into trouble on account of political interference. A respectable witness before me like the Advocate,

Shri B. K. Batra, has spoken of officers of the Delhi Administration being humiliated and brow beaten in the discharge of their duties. This is a serious matter which should engage the earnest attention of Government and the public because the processes of justice do not begin merely at the stage when cases are filed in court but really from the very initial stage itself of taking cognizance and investigation into an offence. It is often overlooked that S.H.O.'s and investigating or regulating police officers are performing statutory functions under law and it is a penal offence to attempt to intimidate, obstruct or influence a public servant in the due discharge of his duties. Shri Brij Mohan (W. No. 141) has suggested a sort of code of conduct for political parties and their workers to be observed in this connection but I am not hopeful of any concrete step being taken in that direction. I think that it is time that an independent machinery to supervise investigations and prosecutions is set up under a Director of Prosecutions who may be of the rank of a Chief Judicial Magistrate and be appointed in consultation with the High Court. While there may be a few instances where the executive at a high level may want to take a particular step in regard to the withdrawal of a case or the dropping of a pending investigation on grounds of public policy, the power to take any such decision contrary to the views of the Director of Prosecutions should be vested only in the highest authority of the Delhi Civil Administration, namely, the Administrator or Lt. Governor. Even in such cases the reasons for taking a decision contrary to the views of the Director of Prosecutions should be recorded by the Administrator in writing and the Director should bring out for public information an annual report which will incorporate particulars of those cases as well.

Police set up and Administration

3.21 I now deal with various matters relating to the police set up and administration in Delhi, which have a vital bearing on the better functioning of the police in the Sadar Bazar area as well. At my request, the Inspector General of Police has placed before the Commission a statement of the important recommendations made by the Delhi Police Commission (Khosla Commission) 1966—68 and the action taken on them on the stages of the matters which are said to be still under consideration. The basic recommendation of the Commission S/19 M. of HA/74—8

is that the Commissioner of Police system should be introduced in Delhi so that this City has the same police administration as the other Metropolitan cities of India, viz., Calcutta, Bombay and Madras. This recommendation is said to be officially still under consideration. Shri Brij Mohan (W. No. 141) has also expressed the need for a unified administration in Delhi in matters relating to law and order and has suggested introduction of the Commissioner of Police system. However, I feel that this is a wider issue and a matter of general policy which is somewhat beyond the purview of this Commission which has primarily to consider improvements having a more direct bearing on the Sadar Bazar area. I, therefore, express no views in regard to this matter but there are many other important recommendations of the Khosla Commission which require to be implemented more speedily in order to improve the efficiency, mobility and striking power of the Delhi Police. Much progress, of course, has been made to effect such improvements since the Commission's Report came in six years ago but the rapidly expanding population and growth of colonies and commerce and industry is increasingly putting greater strain on the police and more often than not, the implementation of the Khosla Commission's recommendations is overtaken by the march of events. For example, the Commission had recommended a triennial review to assess the increase in population and other changes that have taken place in the meantime so that the staff of the police stations could then be increased or readjusted accordingly. It is stated that the first triennial review was initiated in 1971 but it has yet to be accepted in any form by the Government. In the meantime, the second triennial review has fallen due in 1974. I suggest that a full up to date review may now be made without further delay in terms of the Khosla Commission's recommendations which were accepted in principle by Government and some very necessary adjustments be made accordingly even though there are financial constraints. In the meantime, some *ad hoc* sanctions should be given in cases which are very urgently required and obviously cannot wait.

3.22 One of the most important recommendations of the Khosla Commission was that a P.A.B.X. or P.B.X. system connecting all police stations and police posts and supervising officers should be provided. This has yet to be implemented

and it is stated that one of the major causes for delay in communication between police stations is not merely the vagaries of the telephone system in Delhi but also the fact that the telephones in police stations are heavily over-loaded with the result that the passing of messages between the supervising officers and various police stations takes too long. It is reported that the Calcutta Police have their own P.B.X. I feel it is time now that the Delhi Police should have the same facility.

3.23 The Delhi Police have now 18 mobile vans operating during the day and 12 in the night, which is said to be most inadequate in view of the changing complexions of the law and order situation and it is urged that the number should at least be doubled with an additional van each for a few intensive police stations including Sadar Bazar. All the patrol vans are said to have become old and need replacement. Shri K. F. Rustamji, Special Secretary, Ministry of Home Affairs (W. No. 145) has also pointed out that the number of mobilies on duty at any one time in Delhi should be about 25—30. This is also a matter requiring urgent attention. The Delhi Police Commission's recommendations in regard to mobilise patrols are implemented only in part because of inadequate strength. The beat system recommended for introduction as a means of better police-community relations and more effective way of detecting crime is not in vogue, again, because of inadequate strength. The force generally suffers also because of the shortage of accommodation, only 24% of it being provided with family accommodation.

3.24 The Police Commission observed that "every police administration should put the largest number of uniformed policemen on the streets at all times and particularly during the hours of crowding or when crimes are more likely to be committed. Patrols have proved to be the foundation of all police preventive work; it is on patrols that any superstructure of good police administration can be built". This ideal is far from realisation in Delhi and this can be illustrated graphically by the police station of Sadar Bazar where in 1968 the Police Commission had recommended a force of one Inspector, 17 S.Is/A.S.Is., 16 Head Constables and 118 Constables. The police station area is said to have a population of about 2 lakhs (said to go up to about 5 lakhs during the business hours in the day time) while the calculations of the Police Commission

are based on the figures of 1966. The Sadar Bazar area has two cinemas, six schools and in addition is the biggest wholesale market in Northern India for foodgrains, plastics, electrical goods, timber, hosiery and general merchandise etc. Under the present strength of the station the staff left for patrolling after the allotment of other essential duties are 7 Head Constables and 29 Constables and if these are to be divided in three shifts only 2 Head Constables and 9 Constables will be available at one time. Since the police station area is divided into 18 beats and at least two Constables should normally cover a single beat the required strength for patrolling alone would come to $18 \times 2 \times 3 = 108$ in respect of Constables. The area is highly congested and as the Tandon Report puts it "Sadar Bazar is a sensitive area where small things tend to get magnified and where an under-current of tension prevails even in the relatively ordinary and normal circumstances." The Superintendent of Police (North) had submitted in May this year a formal proposal for the constitution of Division I in the Police Station area comprising the localities of Naya Bazar, Azad Market, Nawab Road, Bahadurgarh Road, Bara Hindu Rao, Hathi Khana, Sheesh Mahal and Teliwara (which include Kishanganj) as a separate Police Post. It is stated that this area required 24 hour patrolling and the present police station located over $1\frac{1}{2}$ Km. away from the areas in Division I cannot effectively supervise and arrange for proper surveillance because of the heavy incidence of crime. It was stated in the proposals that according to statistics the area would qualify for a separate police station but this would be an expensive proposition and hence at least a police post should be sanctioned with two Divisions. The proposed Police Post has not yet been sanctioned and it is explained that there is difficulty in securing accommodation for it. In their oral evidence before the Commission, however, the D.I.G. (Range), Shri Marwah and the Inspector General of Police, Shri Rajgopal, explained that a police post arrangement will not be adequate and that a separate police station should be set up for these localities.

The I.G.P. also emphasised that the police station must have its own building even though this may be of a semi-permanent character like the hutments which were put up in war time. I agree with this view and recommend that a separate police station may be set up for the Division I localities of the existing Sadar Bazar Police Station and that the staff for it be

sanctioned according to the yard sticks of the Khosla Commission with adequate strength to allow for beats/patrols round the clock in 3 shifts. If a suitable building cannot be leased or requisitioned, semi-permanent construction of the hutment type may be done by the C.P.W.D. Even from the ordinary crime and law and order angle, the man power in the Sadar Bazar Police Station is inadequate. For example, the Police Commission had recommended that the work load of an investigating officer should not be more than 75 IPC or 100 cognizable cases of all types per annum while in the Sadar Bazar Police Station, Investigating Officers are handling anything between 165 and 210 cases per year. Therefore, apart from the context of the communal situation and the periodic rioting that takes place within the limits of this police station, there is ample justification on merits for the bifurcation from the ordinary crime and law and order point of view as well. As a matter of fact, the two aspects cannot be kept in water-tight compartments and to quote the Tandon Report again "I am of the view that communal tensions get built up when the general law and order situation deteriorates." The beat and patrol staff of the two bifurcated police stations in Sadar Bazar should be provided with walkie talkie sets or BEL talkies. This is necessary in regard to police stations in difficult or sensitive areas but experience has shown that it is doubly necessary in Sadar Bazar. They should also keep a wary eye on any undue accumulation, whether on the road side or in shops or buildings of material which is capable of being quickly used in hostilities in a riotous situation, such as bottles and bricks, and many other such objects which experience has shown come in handy to rioters.

Use of Powers under section 15 of the Police Act, 1861

3.25 Since communal rioting and tension are a major factor in considering increase in the strength of the police in Sadar Bazar, and with two major riots in the course of 12 months with 95 minor incidents of a communal nature between the two riots in June 1973 and May 1974, the area appears to qualify for a declaration by proclamation in exercise of the powers under Section 15 of the Police Act, 1861. Government may consider whether such a declaration should not be issued and half of the additional police force to be sanctioned regarded as

"additional police force" to be quartered in the area and the cost thereof borne by the inhabitants. If this is done, say for 3 years, it will have a salutary and sobering effect.

3.26 Arrangements have recently been made for the deployment of an Emergency Reserve/Striking Force in the Union Territory which is expected to deal with any serious law and order situation and be available round the clock for assistance to the local police. A total strength of 8 companies, two platoons and one section (approximately 500 men) are presently deployed at 8 localities including two companies at Sadar Bazar. This Striking Force has also been referred to in the note of the District Magistrate at Annexure IV to the Report and in his oral evidence wherein he has stated that this force can reach any trouble spot in the walled city and Sadar Bazar within 5 to 7 minutes of a call. The man power for these duties has, however, been called out from the existing sanctions and there is no separate sanction for this emergency reserve or striking force. This arrangement should be made permanent and the required strength for this force should be separately sanctioned immediately in advance of the general review of the Delhi Police establishment which I have recommended earlier.

3.27 The requirement that public address systems should be there in police vehicles which carry men to trouble spots should be strictly enforced. As already mentioned in the previous chapter this does not appear to have been done in regard to the vehicles which went to Kishanganj chowk on the 5th of May and this must have come in the way of effective broadcasting of warnings or messages to the public before force was used by the police.

3.28 I also suggest that on occasions where intensive rioting is taking place in any locality of Delhi as round about Kishanganj Mohalla on the 5th May and there is no direct or easy means of communication with the inhabitants of affected or threatened localities, use should be made of the All India Radio to broadcast police messages at very frequent intervals. Radio sets and particularly transistor sets are now extremely common and this is a means of communication which should now be regarded as a primary one. It has been pleaded by some Muslim witnesses of the Kishanganj area that they were

shut up in their houses in a state of panic and that for a long time they were quite unaware that the police had even come on the scene or were taking some action. If there is any element of truth in it, one way of establishing communication in such a situation would be through radio messages. I also endorse the suggestions made by Shri K. F. Rustamji (W. No. 145) Special Secretary, Government of India, who was Director General of the Border Security Force on the 5th of May, 1974, given in the following paragraphs of his note extracted below :—

“Under effective action, we should include proper training of all officers and men on the police side, and proper understanding between the magistracy and the police regarding the action to be taken. It is true that when constant efforts are made to teach men avoidance of force, a sudden change as required by communal disturbances is difficult to introduce. Besides, normal lectures or training are not enough. What is required is an exercise, on the pattern of a sand model study, in which officers and men are introduced to the subject in the proper way, made to discuss and to understand why a certain type of action is required. If such an exercise is held even once a year in sensitive areas under the direction of the Inspector General of Police, I am quite sure that there would be complete unity of action. And some of the last-minute difficulties that arise, particularly when different types of forces are used, could be avoided. On the equipment side, apart from the shortages of vehicles, there is a serious deficiency in the supply of tearsmoke. This is an imported item which ought to be produced indigenously. The deficiency results in the use of tearsmoke in such a measure that rioters cannot be dispersed. A recent innovation is the use of a riot-gun. Instead of bullets, this uses plastic pellets which can injure but not kill. This weapon is still in an experimental stage. It would, however, be a convenient weapon for riots in which there is no confrontation with the police. Another useful adjunct to the Delhi Police would be a vehicle with an electric

generator which can be moved to any spot like Kishanganj chowk or Bahadurgarh Road immediately to provide electricity, telephone, wireless tele-communications, loud hailers, high-powered public address systems and first-aid and other equipment required for a riot".

I understand that the riot-gun with the plastic pellets is effective at a short range of about 70 meters and a via-media weapon of this type might have come in handy for effective use in the situation in Kishanganj chowk on 5th May prior to 2.30 p.m. where the area was a narrowly built up one tear gas had not proved effective for riot dispersal and there was police firing which evidently was conducted with some inhibitions since it did not fully clear the ground of rioters nor check those who were throwing missiles from tops of buildings. I suggest that experiments with this riot-gun may be concluded early and it may be made one of the standard equipments for the police force.

3.29 When arrangements are made to deal with a serious in'ensive riot or disturbance like that in Kishanganj with the tendency to spread, the police and magistracy at the top leels must devise something like a general staff approach, namely, take stock from time to time of the situation as developing in the various areas and threatening to spread further, that is not only survey the anti-riot operation at the place where the trouble has broken out but also its likely tentacles. This is perhaps even more important than the direct or personal conduct of operations although one may have a natural feeling and urge to handle a difficult situation personally. Even if the disturbance at a particular place is handled or supervised at a top level of the police and magistracy, these officers must, from time to time, move away to a comparatively quieter spot and survey the totality of the situation as reflected in messages received on their wireless sets or relayed from the control room or in representations from the members of the public. Officers and men of the police force and also magistrates should be prudent enough on such occasions when lethal missiles are being thrown, and more especially when fire arms are being used, to have helmets and shields ready and take advantage of the maximum cover possible while directing operations. A senior officer being put out of action causes a severe set back to the anti-riot operation and it takes time to regain the ground lost.

Delhi Armed Police and Central Reserve Police Force

3.30 Shri Gautam Kaul, Assistant Inspector General of Police (W. No. 8), stated before the Commission: "at present it is very common to use the C.R.P. and other outside forces on law and order duties within the Delhi Territory. In my opinion such use should be restricted to merely emergent situations and, ordinarily, the Delhi Police should have adequate strength both in its regular and its armed sections to deal with the ordinary law and order situations including riots which are not of very large dimensions." The Deputy Inspector General of Police (Range), Shri Marwah (W. No. 9), has deposed: "the use of C.R.P. in local situations is more or less a normal feature and they have been virtually functioning as armed police of the (Delhi) Administration. They, however, preserve their separate identity, their officers and mode of training. My personal opinion is that it would be better if the armed police strength of the Delhi Police proper be strengthened so that they become more self-sufficient for law and order purposes and the C.R.P. battalions are used as an auxiliary element when additional strength is required to meet a given situation, which is also the general practice in the States. I also feel that each police district should have some armed police sections stationed within the district itself to be deployed by the S.P. The area of Delhi being 570 sq. miles, centralisation of the armed police units in a single Police Lines means that avoidable time is taken in requisitioning and actually deploying them in places where the need is felt and this may mean the loss of some precious minutes in an emergent situation. Had there been Armed Police Lines in each Police District and having regard to the special features of the Sadar Bazar Police Station area, if the Armed Police Lines had been situated in that locality, I think it may have been possible for the armed police to be deployed somewhat earlier than was the case on the 5th May." When the Inspector General of Police, Shri P. R. Rajgopal (W. No. 14), appeared before the Commission for his evidence, I asked him whether the armed police of the Delhi Administration could not be augmented so as to reduce the degree of reliance on the C.R.P. and other outside forces even if the C.R.P. is not regarded purely as a second line as is the case when it is deployed in assistance of police forces of States. The I.G.P. stated that he had some views on the subject and in order to bring out his own opinion clearly he would send a note to this Commission which he has since done. In view of its importance, a major portion of this note is copied at Annexure VII of this Report. His conclusion is that it would be highly desirable, administratively sound,

operationally-wise as well as financially economical not to remain continuously dependent on outside forces but to rationalise and adequately augment the strength of the Delhi Police. I feel that in this note a convincing case has been made out for the strengthening of the Delhi Armed Police and for reduction of the degree of dependence on outside forces and specially on the C.R.P.F. The C.R.P.F. is admittedly an armed force of the Union Government—constitutionally and legally—even though, from time to time, various police functions and duties have been conferred on its members. Lt. Col. Laiq Ram, Commandant, 16th Bn. of the C.R.P.F. (W. No. 63) has also stated before the Commission: “the C.R.P., I believe, is a para military force and the nature of some of its duties calls for a kind of training which is wider and more comprehensive than that of armed police battalions of the regular police of the Union Territories or States. The type of duties that the C.R.P. Units have to perform in Delhi is the same as fall to the lot of the Delhi Armed Police.” This position was also confirmed in the informal discussions I had with the Director General, C.R.P.F. At present there are four battalions of the C.R.P.F. which are available to the Delhi Administration, Nos. 16, 59, 28 and 7 and a coordination of these four C.R.P.F. Battalions for use by the Delhi Administration is done by the Commandant, First Battalion, Delhi Armed Police, who arranges for the deployment of the C.R.P.F. as and when needed. When C.R.P. units are deployed in the States, they go in aid of the State police but in Delhi the C.R.P.F. battalions made available for the Delhi Administration’s use are expected to supplement Delhi’s own police force to be used when needed in the normal regular manner like armed police.

3.31 There may be some reasons why the Delhi Administration has been made more dependent on the C.R.P.F. even for purposes of normal deployment of armed police than is the case in the States. But even so, I think, that this dependence has been carried a little too far and from the evidence that has come before me in connection with the disturbances of the 5th of May, the arrangements do not appear to be working as smoothly as would be required. Soon after the riots of the 5th of May numerous sensational reports did appear in the local newspapers about the alleged friction between the Delhi Police and the magistracy on the one hand and the C.R.P.F. men and officers on the other and there were reports, which some public witnesses have repeated before the Commission, that the C.R.P.F. men were reluctant to obey the orders of Delhi magistrates and police

officers to open fire and insisted on certain formalities being completed first, like giving of written orders etc. before they complied with those directions. In their evidence before the Commission the officers concerned, including the C.R.P.F. officials, have denied these reports categorically but it has been brought out that according to what is called the usual procedure, the C.R.P.F. platoon commanders, or section commanders, did, when ordered to fire, produce forms to be filled up by the magistrates or the police officers, thus obtaining written directions and these are called 'firing orders'. It was explained that this is an ordinary formality when directions are given to the C.R.P.F. to open fire and the observance of this formality has been misconstrued by the public and press as evidence of reluctance on the part of the C.R.P.F. units to comply with lawful directions.

3.32 It would be interesting to go into the question of these firing orders. It is seen that units of the 7th Bn., C.R.P.F. have produced quite a different form from that used by the units of the 16th Bn. These two sets of forms will be seen reproduced in the report of the Secretary to the Commission given in Appendix I. At the same time it has been ascertained from the Director General of the C.R.P.F. that the real authorised form at least from 1972 is as follows:—

CARD

(in duplicate)

ONE COPY TO BE RETAINED BY C.R.P.F. CONTINGENT
OFFICER AND DUPLICATE COPY FOR MAGISTRATE

I.....Magistrate of the
.....Class, acting under section 130 of the Code of Criminal
Procedure, required No.....Rank.....Name.....
..... of the Unit..... to disperse an unlawful
assembly at.....O'clock (approximate) on the.....
day of19.....at.....

Countersigned
CRPF Contingent Officer

Signed.....
Magistrate.

This form purports to give a direction under section 130 of the Code of Criminal Procedure and is to be signed only by a magistrate. The form is expected to be in duplicate and one copy is to be retained by the magistrate giving the direction. The direction, according to this form, is only to disperse an unlawful assembly at particular place at a particular time and does not specify the *modus operandi* for dispersing the unlawful assembly because under section 130(3) "the officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons." This form which quotes section 130 of the Cr. P.C. is stated to be the same as would be used when a similar direction is given to an army officer by a magistrate. Since the C.R.P.F. is also legally an armed force, it is expected to use the same form as the armed forces. In practice, however, from what is revealed of the developments of the 5th of May, the situation in Delhi is very different. Not only are the forms submitted for signature by the 7th and 16th battalions divergent *inter se* but both of them differ from the authorised form reproduced above. Moreover, these forms were not produced for signature in duplicate and nor was any copy kept by the signing civilian authority. They were also got signed by police officers such as Superintendent of Police (North) and a Sub-Inspector of the Sadar Bazar police station, who are not magistrates. Apart from that, the civilian authorities signing these forms have deposed that they had not filled in many of the entries which now appear in the form over their signature. The District Magistrate has himself deposed that he signed a form produced by C.R.P.F. Sub-Inspector Piar Chand at about 2.30 p.m. but he had not entered the time, which was wrongly entered later by somebody as 2.05 p.m. The A.D.M. Shri Arora, has testified that in the firing order produced by C.R.P.F. Sub-Inspector Negi, he (the A.D.M.) had himself entered the time as 1.55 p.m. but this is seen to have been altered by someone to 2.10 p.m. Sub-Inspector Chander Singh of the Sadar Bazar police station (W. No. 136) who signed the firing order given to C.R.P. Head Constable Om Prakash (W. No. 138) says that he made no entries in the form at all except signing it, and the other entries must have been made by some other person. The firing order signed by Shri Gautam Kaul, S.P. (North) (W. No. 8) to C.R.P.F. Sub-Inspector Walekar (W. No. 137) was not given, according to the S.P. with entries now found in it showing the place of firing as "Bahadurgarh Road (Kishanganj and Deputy Ganj) and the

time as 5.30 p.m.". Thus, it appears that obtaining of these firing orders has become just a routine or even a meaningless formality. They were not produced for signature in duplicate in the correct card form with one copy being retained by the signing magistrate. They have been produced for signature by police officers also which is not warranted by law and surely the value of these documents is substantially reduced when the signing authorities themselves deny that they were responsible for many of the entries contained therein. The points of divergence in regard to the timings and sequence of events between the C.R.P.F. documents and the evidence of the C.R.P.F. officials on the one hand, and the testimony of the magistrates and police officers on the other, have already been brought out in chapter two and need not be repeated here again. These are particularly marked in regard to S.I. Chander Singh of Delhi Police (W. No. 136) and the C.R.P.F. Head Constable Om Prakash (W. No. 138) while there is outright contradiction between the testimony of C.R.P.F. Sub-Inspector Walekar (W. No. 137) and that of Inspector Shyam Dev Sharma of the Delhi Police (W. No. 7). While Shri Walekar has deposed that Inspector Shyam Dev Sharma was with his unit and had given oral instructions for firing first from the ground level and later from top of a building on Bahadurgarh Road after 5.30 p.m., Inspector Shyam Dev Sharma denies completely any knowledge of these firing operations and has merely stated that he was on ordinary law and order duty on Bahadurgarh Road after 6 p.m.

3.33 It, therefore, seems clear that even though the impressions formed by many witnesses from the public and also press reports in regard to the attitude of the C.R.P.F. units were exaggerated and the units did comply with the directions given without unreasonable delay, the C.R.P.F. units do not appear to have been so fully integrated in the law and order organisation of Delhi as to enable the totality of the force available to work together as a well-oiled machine in unity of action. There seems to have been lack of full mutual understanding which is reflected in the disparate memories or records of the actual sequence of events and though this did not do much damage in the overall result on the 5th of May, it certainly does not denote a properly integrated organisation and this may possibly have more serious results on some future occasion. This experience by itself, apart from the other detailed reasons given by the Inspector General of Police, would be sufficient ground to suggest strengthening of the Delhi Armed Police and reduction of

the present degree of reliance on an outside force like the C.R.P.F. even though it may not be possible to dispense with this altogether. It has been explained that the C.R.P.F. units have instructions to work under the directions of the local civilian authorities when they are deployed for police duties and such civilian authority can also include a police officer and though technically a police officer cannot under law, *order* the C.R.P.F. official under section 130 of the Cr.P.C. his direction will really be in the nature of an *advice* based on his local assessment of the situation in regard to an unlawful assembly and this advice has to be regarded as a weighty one to be followed by the C.R.P.F. unit commander who has himself discretion under law to act against an unlawful assembly when a magistrate is not present. This may be so but the practice now appears to be that even the police officer signs what is an *order* to the C.R.P.F. official and such an order is not in accordance with law as under section 129 read with section 130 of the Cr.P.C., only a magistrate and not a police officer can give such a direction to an officer or member of an Armed Force. I would suggest that, if necessary, another form may be devised for signature by police officers when a magistrate is not present and this form will indicate that what is being conveyed is an *advice* to the C.R.P.F. official based on an assessment of the situation and the best judgement of the local civilian police officer while the actual *order* form under section 130 of the Code of Criminal Procedure may be used only for signature by a magistrate. It stands to reason that when magistrates sign such forms, or when police officers sign an appropriate variant of such form, they are expected as responsible officers to fill in the entries themselves and not say later that they were not responsible for the entries and had merely signed a form because this was demanded by the C.R.P.F. official concerned. If this form filling business is to continue at all in order to safeguard the position of the C.R.P.F. unit commanders in difficult situations, even though it is not legally essential, then it should be in a streamlined and rationalised way and some clearer instructions to the magistracy and police of States/Union Territories appear to be called for. C.R.P.F. officials also from the level of section commanders upwards should be given a clearer understanding of the legal position and of their own powers and responsibilities. Of course, occasions for the use of such forms can be minimised in Delhi if the C.R.P.F. is to be used more like an armed force providing the necessary backbone or strengthening as a second line to the ordinary local armed police.

3.34 I recommend, accordingly, that the Delhi Armed Police which now has five battalions (four battalions of the C.R.P.F. being available to augment its strength) may be made seven battalions strong as the first step with the two additional battalions to be raised as early as possible. It has to be remembered that even now though the nominal strength of the D.A.P. is five battalions with a total man power, including administrative personnel, of about 5,000, the actual availability of personnel, who could be deployed in the field in an emergency is stated to be only about 2,500 because a large number are said to be under training and the effective strength is also less than the sanctioned strength. Taken in conjunction with what the I.G. has reported about the effective strength of the four C.R.P.F. battalions available to Delhi, being only about 1,900, the total actual strength of the five D.A.P. and the four C.R.P.F. battalions together will not be much more than 4,500 in all, which is inadequate for Delhi. I also endorse the suggestion of the D.J.G. (Range) Shri Marwah, that each Police District should have some armed police sections within the District itself instead of all the armed police units being centralized in a single police lines. Because of lack of accommodation and other problems this may not be immediately realisable but action should be initiated to attain that objective as early as possible.

Police Intelligence

3.35 While the riot on the 5th of May was clearly unexpected as neither the general public nor the police either at the Thana level or in the C.I.D. had any prior inkling or premonition or warning of such a development, still, a cautionary note is necessary. It is seen that even the previous riot on the 12th of June, 1973, in the Bara Hindu Rao locality came as a surprise and there was a sudden flare up. The N. N. Tandon Report states that some minor incidents that had taken place in that locality on 10th of June, 1973 and in the afternoon of 12th June, 1973, did not find place in the police records either of the station or of the special branch. He has observed in regard to that riot: "what happened on the 12th June was not a sudden outburst in an ordinary situation of a normal society. It was sudden, no doubt. But it occurred in an atmosphere of tension. The fight was not over a communal issue. There was no beef or pork involved in it, no holy cows or pigs. There was neither a mosque in it nor a temple; neither a procession nor wrestling victory. It was just a fight between two groups. Each group had its own supporters and the moment the word went round

that it was inter-communal, there were some elements who were only too eager to inflame the passions of the two communities". This observation would apply in substance to the flare up of the 5th of May as well. Since the authorities have been twice taken by surprise within the course of 12 months in two different localities of the Sadar Bazar police station, it behoves them to make a critical re-examination as to whether some further improvements in the machinery and modes of gathering intelligence both at the Thana level and in the C.I.D. are not called for. No intelligence system is 100% perfect and there is always room for improvement. At the Thana level it should be possible to do this much more effectively when beats or patrols are arranged from the bifurcated police stations round the clock in three shifts as has been proposed earlier. Particular attention should be paid to pan and tea shops and cinemas as has been suggested by Shri Dhan Raj (W. No. 105). The C.I.D. (Special Branch) must also endeavour to perfect its own machinery so that even minor or trivial incidents involving members of different communities in mixed localities are not overlooked having regard to their potentiality for mischief.

Recruitment of Muslims in Delhi Police

3.36 From the figures given by the Inspector General of Police there are at present 237 Muslims employed in the Delhi Police in various ranks. There are no gazetted officers, 15 Inspectors/Sub-Inspectors/Assistant Sub-Inspectors and 216 Head Constables and Constables besides 6 class IV employees. The total sanctioned strength of the Delhi Police force at present being 20,322, the number of Muslims in it, therefore, constitutes only 1.36 per cent. The I.G. has explained that in the past, efforts have been made to get more Muslims into the force but that suitable candidates are hard to come by; however, it is intended to take special steps to improve the position. A percentage of only 1.36 compares unfavourably with the total percentage of Muslims in the population of the Delhi Territory which is 6.46, though in several localities of urban Delhi their percentage is much higher and in the Sadar Bazar Police Station area they are said to form nearly a third of the population although exact figures are wanting as the census statistics have not been gathered police stationwise. Some of the Muslim public witnesses who were questioned about this aspect, while conceding that the number of educationally qualified candidates in the community was low and even among the lower

classes, there was a tendency to continue in their respective traditional avocations rather than seek government employment, did make the point that if sincere and earnest efforts were made by the recruiting or appointing authorities and the active assistance of leaders of the community sought, a sufficiently large number of suitable candidates could be secured at least for the constabulary. While there are no reservations for any community in Central Government services, apart from Scheduled Castes and Scheduled Tribes, it seems that greater effort has to be made to bring in a larger number of persons of the minority community into the Delhi Police force. When recruitment to non-gazetted levels is proposed, the cooperation of leaders and respectable members of the community in areas, whether in the city or in neighbouring States, where Muslims are found in appreciable numbers should be sought and a study should also be made of army recruitment methods. During World War II, I believe, the Army had a system of paid recruiters and some such method, even if a little unorthodox, should be devised to make the Force somewhat more representative of this minority community. This would make for increased confidence on their part especially in localities where they are found in appreciable numbers.

Fire Arms and Arms Act Licences

3.37 One marked feature of the rioting on the 5th of May was the intensive and sustained use of fire arms by a section of the public not only against other sections of the public but also against the police. It is reported that 5 persons of Kishanganj were suspected of having used fire arms in this riot causing the deaths of 9 persons and one of them is still absconding with a DBBL gun and a rifle, while one .12 bore gun has been seized from another of the rioters. These were licensed weapons and it is possible that some additional weapons may also have been used, or rather misused.

3.38 The D.I.G. (Range), Shri Marwah, has stated in his deposition before the Commission: "There are about 500 arms licensees in the Sadar Bazar area who have been issued Delhi licences and there are a large number of other licences which have been issued outside the Union Territory but where weapons are kept by the licensees in the Sadar Bazar area. Because of practical difficulty the Delhi Police do not have up-to-date information regarding the second category of licences. The

difficulties are not in the rules so much but in their practical enforcement because of the magnitude of the problem. I am personally of the view that unless a person is a sportsman or a member of a rifle club or is one who clearly requires weapons by the very nature of his occupation e.g. carrying of cash and being in charge of vulnerable property etc., arms licences should not be issued. I do not think, for example, that in a small locality like the Sadar Bazar area with $1\frac{1}{2}$ sq. miles, there should have been over 500 licences issued locally. Similarly, all India licences should be issued on a very rational basis and in fact very rarely. Persons who by the very nature of their profession or occupation have to travel with large sums of money and valuables in more than one State, should be given All-India Licence. There is an obligation on the licensees who take up residence outside the State or territory in which they have been given the licences but keep their weapons outside, to report within the stipulated period but this is not being done in practice and the police have no means to find out whether such arms had come unreported to Delhi. Periodical check is done only on licences issued in Delhi or about which a report has been made that a particular weapon for which licence had been issued outside is being now kept in Delhi. There are not many prosecutions for failure to report the keeping of weapons on an All-India Licence in Delhi because the police have no means of finding out whether the weapon has actually been brought to Delhi and it is only occasionally or incidentally that this fact comes to light."

3.39 In this connection, the District Magistrate was asked about the administrative practices and procedures relating to the grant of Arms Act licences and periodical check of the licensed weapons. The District Magistrate stated in his evidence that arms licences are granted under the Arms Act, 1959, and there is a ruling of the Supreme Court that arms are held to be property and hence the possession of arms cannot be denied unless there is some ground having a bearing on law and order or security. Earlier, it was possible to take the view that a licence need not be granted unless need for it had been clearly established by the applicant but the criterion following the Supreme Court ruling now is just the opposite, namely, that the applicant is entitled to get the licence unless something can be established against him to show that the grant of such a licence would be detrimental to law and order or security. In a note submitted to the Commission, the District Magistrate has stated that the total number of arms

subject to reasonable restrictions, and may have also been influenced by the idea, strong in the U.S.A., that the right to possess fire arms by a citizen is a hallmark of individual liberty. But it is known that in America, the free possession and use of fire arms have led to disastrous results and in spite of several efforts in recent years, it has not so far been possible to introduce anything more than a modicum of restriction because of the long standing tradition of a citizen's right to possess arms and the growth of vested interests. It is desirable that India does not follow that pattern. Recent constitutional amendments in our country have emphasised that public interest and the good of society have priority over the individual right to property and that should apply with even greater force in regard to the private possession of arms. I, therefore, recommend a high level review of the entire policy and the legal and constitutional position in this respect so that it becomes possible for the licensing authorities to follow a much more restrictive and selective approach in the grant of Arms Act licences.

Fire fighting arrangements

3.40 Turning to the fire fighting arrangements in the City, Shri R. S. Sundaram, Chief Fire Officer, Delhi Fire Service, (W. No. 60) and his two Deputy Chief Fire Officers, Shri S. S. L. Sharma and Shri H. S. Gahlaut, have given valuable evidence in regard to the fire fighting operations of the Fire Brigade units in the face of widespread arson in many localities of the Sadar Bazar police station on the 5th of May. It is understood that first intimation of the fire that day was received in the Fire Brigade Control Room at 1337 hours, and thereafter units were despatched promptly from the Taliwara Fire Station and from the S.P. Mukherjee Marg Fire Station. It is not necessary to detail here the course of the fire fighting operations on that day and the difficulties that were encountered because of the mob action and obstruction. The fire in Kishanganj Chowk was categorised as 'serious' at 1408 hours and, earlier, at about 1340 hours the Hindu Rao reservoir had been informed about the fire and the necessity for adequate water supply in that area. It is stated that in a period of closure it takes about 20 minutes or so for water to reach in adequate quantity from the mains and build up pressure and the experience that day was that even up to about 2.30 p.m. water pressure had not been built up adequately in the hydrants in the vicinity of the fire and this had seriously hampered fire fighting operations between 2 and

licences issued in Delhi stood at 26,394 on 31-12-1973, the majority of these being in the South and New Delhi Police Districts. He has explained the procedures for verification of arms licences and the recent introduction of a filing cabinet system wherein cards are arranged alphabetically and police station-wise in order to facilitate comparison and reconciliation between the police station records and the card entries in the Arms Branch of the District Magistrate's Office. He conceded, however, that in regard to arms licences issued from outside Delhi there is considerable difficulty in verification because though a licensee changing his residence to Delhi is bound to inform the District Magistrate who issued the licence as well as the District Magistrate, Delhi, but in practice, this is not always done by the licensees promptly when they shift their residence to Delhi. Thus the Delhi authorities may not come to know about the change of location of the weapons for quite some time till either the licensee himself reports the change or information about it is secured from some other source. There is evidently much room for tightening up of the rules and procedures in respect of All-India Licences or licences issued outside Delhi where the weapons are being kept in Delhi by persons who are now staying here without intimation being given to the authorities and whenever such a case comes to light a severe view should be taken and prosecution launched irrespective of the standing of the defaulter.

In this connection I agree with the views expressed by the D.I.G. (Range), Shri Marwah, in his deposition as already extracted above. It also appears to me that while the present liberal issue of arms licences may be due to the Supreme Court ruling referred to by the District Magistrate (but not actually cited) holding arms to be "property", the time has come whether fresh consideration should not be given to the subject even if it involves a review of what is at present held to be the legal and constitutional position. Fire arms are highly lethal and free use of them has done much harm in riots such as the one on the 5th of May. It is also well known that after independence, the wild life of the country has been decimated and in many parts well nigh exterminated, by the free issue of arms licences, especially for the so-called "crop protection" and similar purposes. All-India Licences have been freely given to persons held to be respectable and, in practice, there is little check if the weapon is taken out from the district where the licence is issued. The present legal view may be that fire arms being property, their possession comes under the fundamental right to property,

2.30 p.m. Adequate pressure had built up only after 3 p.m. that afternoon. The Chief Fire Officer has suggested that it would be helpful for fire fighting purposes if the various reservoirs of the Delhi water works have direct telephone extensions from the Fire Brigade Central Control Room so that the Control Room can contact the required extension at any time. This would make it possible to have direct conversation and for continuous directions to be given by the Control Room about the precise steps to be taken in regard to the water supply required in a particular affected area. The Commissioner, Municipal Corporation of Delhi, has also expressed his opinion in favour of this proposal before the Commission and I recommend its implementation at an early date as it would make it much easier to control and fight a serious fire in any locality. The Fire service has also just drawn up a special scheme in outline for the Sadar Bazar area providing for a greater capacity for the underground water storage and a net work of pipe lines to cover the interior of the market. This would involve laying of special large size mains for fire fighting and construction of underground tanks and easy access into the market. The Scheme is estimated roughly to cost something between Rs. 10 to 15 lakhs. It is suggested that the Corporation may give early consideration to the scheme and take it up for implementation as early as possible with liberal financial assistance from Government since the Sadar Bazar area has been shown to be highly susceptible to fires, both accidental and man-made, and colossal damage has been caused. A part of the cost should legitimately be met by public contributions from the affluent wholesale traders and other well-to-do persons of the area.

Problems of Urban Redevelopment and Social Improvement in Sadar Bazar

3.41 In considering the question of measures to be adopted to prevent the recurrence of such disturbances in the special conditions of the Sadar Bazar locality, it would be unrealistic to overlook the environment of the area and its socio-economic conditions. Within an area of approximately $1\frac{1}{2}$ sq. miles we find a permanent resident population of nearly 2 lakhs which swells during business hours to about 5 lakhs. While most of its features are similar to those of the walled city, the problem of improvement or re-development is worse in Sadar Bazar because of its business character as the main wholesale market in Delhi for foodgrains, timber and allied items and many other consumer goods like cosmetics, glassware, plastics and electrical appliances etc. The

City's slaughter house in Motia Khan and the butchers' colony nearby in Qasabpura are aggravating factors. Commercial and industrial activity is found not only along the main roads but during the last 2 decades has spread deep into the streets and narrow lanes as well. Many small-scale undertakings are reported to have come up as household units. The condition of most of the existing buildings and structures is unsatisfactory and these cannot be improved and made habitable even with substantial repairs. Traffic congestion is most acute even on the main roads. Land use is mixed and density varies from 500 to 1000 persons per acre. Many residential localities are old type mohallas with extremely narrow lanes with gates (कादक) to be shut when needed. Slum conditions are widely prevalent and community services or public facilities are extremely meagre. The area in short is like a human ant hill, crime flourishes and criminals abound. Even if the locality was not communally mixed, it would have presented very difficult law and order problems. The communally mixed character of the population has made the law and order situation doubly difficult.

3.42 The N. N. Tandon report had noted that there was no club, no place of recreation, no places where members of the two communities could meet socially and they tended to live in water tight compartments. He had suggested giving of maximum encouragement for the organising of such common community or recreation centres. This recommendation was forwarded by the Delhi Administration to the Corporation for appropriate action and there the matter rests. I thought it therefore desirable to discuss these aspects of the situation in Sadar Bazar with the Commissioner, Delhi Municipal Corporation, Shri B. R. Tamta, and the Vice-Chairman of the Delhi Development Authority, Shri Jagmohan. These gentlemen accordingly gave evidence before the Commission and also sent it some notes on the subject. It was, however, not possible to have a discussion jointly with them because of their diverse engagements, though this would have been more useful as the spheres of operation of the Municipal Corporation and the Delhi Development Authority overlap in many respects.

3.43 According to the Commissioner, Municipal Corporation, Sadar Bazar has hardly any parks or open spaces and the Corporation has at present no sizeable properties in the area which could be utilised for community centres, schools or parks. He is of the view that steps should be taken for shifting of the wholesale markets to specific warehousing areas at the periphery of the city

according to Delhi's Master Plan. Many noxious and hazardous trades which are now being carried on should also be immediately shifted by the D.D.A. allotting these units suitable sites in conforming areas. Slum improvement and clearance which is also now the responsibility of the D.D.A. should be undertaken by that Authority in selected pockets. The Commissioner thus considers that most of the work relating to improvement of this area has to be undertaken by the D.D.A. He has stated that residential areas are being converted into commercial ones and even small lanes have become shopping centres. He has observed "It is very unfortunate that these illegal activities get encouragement on political grounds as there is a tendency to win over the people engaged in various trades in these areas and the Corporation has even gone to the extent of recommending licences in non-conforming areas." The Building by-laws are said to be not adequate to cope with the unauthorised construction of markets which are coming up in the city. He clarified that the Corporation has not withdrawn from the scheme of shifting of the slaughter house to the proposed new site in Rohtak Road according to the Master Plan and it is for the D.D.A. to implement the decision of the Lt. Governor that the slaughter house should be shifted into temporary structures to be constructed by December 1967 (which has still not been done).

3.44 The Vice-Chairman of the Delhi Development Authority, Shri Jagmohan, in his evidence and notes, has explained the scope of the D.D.A.'s activities (i) under the Delhi Development Act where it has primarily a planning role to discharge; (ii) under the scheme of large-scale acquisition, development and disposal of land in Delhi where it functions as a developmental agency with an original revolving fund of Rs. 5 crores which has now been revolved to the extent of about Rs. 100 crores; (iii) under the Slums (Clearance and Improvement) Act, the work relating to which has been transferred to the Delhi Development Authority from the Municipal Corporation recently in February 1974. From an analysis of these notes which contain much interesting material, it is evident that its approach to the special problems of congested areas in Delhi is, by and large, indirect—rather than direct, *i.e.* the emphasis is on creating new colonies, markets, shopping centres etc. on the periphery of Delhi, on denying fresh requests for warehousing facilities in the older areas, imposing of traffic restrictions in them and advising the Corporation not to grant fresh licences for non-conforming activity in premises vacated consequent on some units shifting to newly developed areas. It is said that all this will thus tend to reduce the congestion in the

older areas or at any rate, slow down the pace of its further growth. It is explained that it is not possible to have worthwhile development in areas like Sadar Bazar without resorting to large-scale acquisition of properties and demolition of existing structures which will entail extremely heavy expenditure and also encounter obstruction and legal difficulties because of the reluctance of the people concerned to shift their residences or businesses to other areas. For instance, while only a small extent of about 10 acres in Sadar Bazar has been declared as 'development area' under Sec. 12 of the D.D. Act, 43 stay orders of Civil Courts have been issued for 621 shops. Similarly, the scheme under the Master Plan to shift the slaughter house to a new site on Rohtak Road is described by the D.D.A. as "abandoned" owing to what is called "the opposition of various agencies/parties" although the formal legal provision for it still stands since the provisions of the Master Plan cannot be altered except by following the procedure laid down in the D.D. Act.

3.45 The above resume would show that while the re-development of Sadar Bazar is a very complicated matter, the legal and policy framework for an active programme in that direction exists. Financial difficulties and lack of resources are, of course, there but what is more marked is a lack of will or sustained purpose on the part of the authorities concerned to push it through. For instance, the Commissioner of the Corporation himself admits that the Corporation is recommending licences in non-conforming areas and rules and regulations are openly allowed to be flouted. Witnesses have spoken of a widespread tendency to make open encroachments and indulge in large-scale unauthorised constructions in Sadar Bazar. It is not at all surprising that such disregard of law leads to even more blatant activity like general crime and violence. Whenever some opposition develops, or is worked up, to a beneficial scheme, the tendency seems to be to drop it like a hot potato. A glaring example is the case of the shifting of the slaughter house, the need for which has long been felt and where opposition has deprived the city of Delhi of a modern, hygienic and humane facility which is regarded as an essential element in twentieth century civic life.

3.46 I have accordingly to recommend that a fresh and activist approach to these problems of urban re-development and social welfare should be brought to bear by the powers that be, namely, the D.D.A., the Municipal Corporation, the Delhi Administration and the Central Government and within the basic policy and its objective of reducing the congestion of population

and promoting its shift to new areas, every effort should be made under the provisions of different laws and also in administrative practice, to penalise strictly, illegal or non-conforming activity to the maximum degree and also to give every possible incentive which promotes the basic objective. In particular, no further time should be lost in taking up the scheme of transfer of the slaughter house in Motia Khan and in initiating the shifting of wholesale markets and noxious and hazardous trades out of the area of Sadar Bazar. A high level co-ordinating committee may be set up to oversee this programme with the Lt. Governor who is also the Chairman of the Delhi Development Authority, as its head. The notes received by this Commission from the Corporation and the Delhi Development Authority clearly show that co-ordination between these two bodies is at present inadequate.

SUMMARY OF RECOMMENDATIONS OF THE COMMISSION IN THIS CHAPTER

3.47 The observations of the N.N. Tandon Report on clashes in Bara Hindu Rao on the 12th and 13th June, 1973, in regard to the use of the provisions of Section 110 of the Code of Criminal Procedure and of the Bombay Police Act rather than Section 107 of the Code of Criminal Procedure are endorsed. While action under the preventive sections of the Criminal Procedure Code is important it should not be a substitute for appropriate action under the substantive provisions of the law and wherever such substantive provisions of the criminal law can be invoked in regard to the facts of a particular case, regular charge-sheet for the offence or offences should be filed. Though action under the preventive sections of the Criminal Procedure Code has been stepped up in Delhi from June 1973, it would still appear, however, that there is room for further vigorous action in this direction in the Sadar Bazar area as that area probably accounts for substantially a higher proportion of the bad characters of Delhi than one tenth. There is also much greater scope for externment of persons under the Bombay Police Act in that area.

More liberal use should also be made of different provisions of the Bombay Police Act and the Punjab Security of the State Act in force in Delhi.

(paras. 3.13 and 3.14)

While it is necessary to have the members of elected bodies on the Sub-Divisional Committees formed to secure public cooperation for the maintenance of law and order, from the present composition of the Sadar Bazar Sub-Divisional Committee it would

appear that it is not adequately representative of the minority community and that the recommendations of the Tandon Report regarding Ekta Samitis or Integration Committees have not yet been implemented properly. It is suggested that regular committees should be constituted both at the Sub-Divisional and at the Thana level bearing in mind the observations of the Tandon Report and the advice given by the Home Minister to States and Union Territories in regard to their composition.

(paras. 3.16 and 3.17)

The idea of a Citizens Volunteer Force is a good one but it must be activated and also cultivated so that the members of this Force have a sense of participation and do not lose interest ; otherwise the scheme will become moribund.

(para. 3.18)

The suggestion of the Commandant of the Delhi Home Guards that Battalion Commanders of the Home Guards and also some other select suitable personnel in the organisation even below the Battalion Commander level, be made special police officers for their respective localities under Section 17 of the Police Act, 1861, is supported and this can be extended also to suitable persons in the Delhi Civil Defence Organisation. This step can be taken in sensitive areas where unlawful assemblies or riots or disturbances had taken place or are reasonably apprehended.

(para. 3.19)

An independent machinery to supervise investigations and prosecutions is recommended to be set up under a Director of Prosecutions who may be of the rank of a Chief Judicial Magistrate and be appointed in consultation with the High Court. The power to take any decision contrary to the views of the Director of Prosecutions should vest only in the highest authority of the Delhi Civil Administration, viz., the Administrator or the Lt. Governor who should record his reasons for such a decision.

(para. 3.20)

A full up-to-date review of the Police strength may now be made, without further delay, in terms of the Khosla Commission's recommendations which were accepted in principle by the Government and some very necessary adjustments be made accordingly even though there are financial constraints. In the meantime, some *ad hoc* sanctions should be given in cases which are very urgently required and obviously cannot wait.

(para. 3.21)

The Delhi Police should have a P.A.B.X. or P.B.X. system connecting all police stations, police posts and supervising officers.
(para. 3.22)

Increase in the number of mobile vans in Delhi requires urgent attention in the light of what has been urged by the Department and the observations of Shri K. F. Rustamji.
(para. 3.23)

A separate police station is recommended to be set up for the Division-I localities of the existing Sadar Bazar police station with staff for it sanctioned according to the yard sticks of the Khosla Commission. There should be adequate strength to allow for beats/patrols round the clock in three shifts. If a suitable building cannot be leased or requisitioned, semi-permanent construction of the hutment type may be done by the C.P.W.D.

The beat and patrol staff of the two bifurcated police stations in Sadar Bazar should be provided with walkie-talkie sets or BEL talkies.

(para 3.24)

The Sadar Bazar area appears to qualify for a declaration by proclamation in exercise of the powers under Section 15 of the Police Act, 1861. Government may consider whether such a declaration should not be issued and half of the additional police force to be sanctioned regarded as "additional police force" to be quartered in the area and the cost thereof borne by the inhabitants. If this is done, say for three years, it will have a salutary and sobering effect.

(para. 3.25)

The arrangements in the deployment of an Emergency Reserve/Striking Force in the Union Territory should be made permanent and the required strength for this force should be separately sanctioned immediately in advance of the general review of the Delhi Police establishment, as recommended earlier.
(para. 3.26)

The requirement that public address systems should be there in police vehicles which carry men to trouble spots should be strictly enforced.

(para. 3.27)

It is suggested that on occasions where intensive rioting is taking place in any localities of Delhi as roundabout Kishanganj Mohalla on the 5th May and there is no direct or easy means of communication with the inhabitants of such affected or threatened localities, use should be made of the All India Radio to broadcast police messages at very frequent intervals.

(para. 3.28)

The Commission endorses the suggestions made by Shri K. F. Rustamji, (W. No. 145), Special Secretary to the Government of India, that (i) nuder effective action, should be included proper training of all officers and men on the police side and annual exercises and proper understanding between the magistracy and the police regarding the action to be taken in such riotous situations of a communal nature; and (ii) on the equipment side apart from the shortage of vehicles, there is a serious deficiency in the supply of tearsmoke and this is an important item which ought to be produced indigenously.

Shri Rustamji has also referred to a riot-gun which, instead of bullets, uses plastic pellets which can injure but not kill and which is still in an experimental stage. The Commission suggests that experiments with this riot-gun may be concluded early and it may be made one of the standard equipments for the police force.

(para. 3.28)

When arrangements are made to deal with a serious intensive riot or disturbances like that in Kishanganj with the tendency to spread, the police and the magistracy at the top level must devise something like a general staff approach, namely, take stock from time to time of the situation as developing in the various areas and threatening to spread further, that is, not only survey the anti-riot operation at the place where the trouble has broken out but also its likely tentacles.

(para. 3.29)

Officers and men of the police force and also magistrates should be prudent enough on such occasions when lethal missiles are being thrown, and more especially when fire arms are being used, to have helmets and shields ready and take advantage of the maximum cover possible while directing operations.

(para. 3.29)

A convincing case has been made out by the I.G.P. for the strengthening of the Delhi Armed Police and for reduction of the degree of dependence on outside forces and specially on the

C.R.P.F. This dependence on the C.R.P.F. in Delhi has been carried a little too far and from the evidence that has come before the Commission in connection with the disturbances of the 5th of May, the present arrangements do not appear to be working as smoothly as would be required.

(paras. 3.30 and 3.31)

It appears that obtaining of the "firing orders" by the C.R.P.F. officials from magistrates and police officers has, at present, become just a routine or even a meaningless formality. The correct procedure and forms in regard to these firing orders were not followed during the riots of 5th of May and such firing orders were obtained even from police officers which is not warranted by law. If this form-filling business is to continue at all, it should be in a streamlined and rationalised way with a device granted devised for police officers and some clearer instructions should Magistracy and Police of States/Union Territories a different form officials of the C.R.P.F., appear to be called for. as to the as the

It also seems clear that even though the impressions formed by many public witnesses and also press reports in regard to the attitude of the C.R.P.F. units on 5th May were exaggerated and the unit commanders did comply with the directions given without unreasonable delay, the C.R.P.F. units do not appear to have been fully integrated in the law and order organisation of Delhi so as to enable the totality of the force available to work together as a well oiled machine in unity of action. This experience by itself, apart from the other detailed reasons given by the Inspector General of Police, would be sufficient ground to suggest strengthening of the Delhi Armed Police and reduction of the present degree of reliance on an outside force like the C.R.P.F.

(paras. 3.32 and 3.33)

Taken in conjunction with what the I.G. has reported about the effective strength of 4 C.R.P.F. battalions available in Delhi, being only about 1,900, the total actual strength of the 5 Delhi Armed Police and the 4 C.R.P.F. battalions together when mobilised for field duty will not be much more than 4,500 in all, which is inadequate for Delhi. It is, therefore, recommended that the Delhi Armed Police which now has 5 battalions may be made 7 battalions strong as the first step with the two additional battalions to be raised as early as possible. The C.R.P.F. may be used more like an armed force providing the necessary backbone or strengthening as a second line to the ordinary local armed police.

(para. 3.34)

The suggestion of the D.I.G. (Range) Shri Marwah, that each Police District should have some armed police sections within the district itself instead of all the armed police units being centralised in a single police lines is supported.

(para. 3.34)

Since the authorities in Delhi have been twice taken by surprise within the course of 12 months in two different localities of Sadar Bazar police station, viz., Bara Hindu Rao in June, 1973, and Kishanganj in May, 1974, it behoves them to make a critical re-examination as to whether some further improvements in the machinery and modes of gathering intelligence, both at the Thana level and in the C.I.D., are not called for. At the Thana level it should be possible to do this much more effectively with the help of patrols from the bifurcated police stations organised to bear the clock in three shifts. The C.I.D. must also endeavour to perfect its own machinery so that even minor or trivial incidents in communally mixed localities are not overlooked, paying special attention to pan and tea shops and cinemas.

(para. 3.35)

While there are no reservations for any community in Central Government services, apart from Scheduled Castes and Scheduled Tribes, it seems that greater effort has to be made to bring in a larger number of persons of the minority community into the Delhi Police Force. Cooperation of local leaders of the community should be sought and army recruitment methods should be studied.

(para. 3.36)

There is evidently much room for tightening up of the rules and procedures in respect of All India Arms licences or licences issued outside Delhi where the weapons are being kept in Delhi by persons who are now staying in Delhi without intimation being given to the authorities. Whenever such a case comes to light, a severe view should be taken and prosecution launched irrespective of the standing of the defaulter.

(para 3.38)

A high level review of the entire policy and the legal and constitutional position in respect of issue of arms licences and possession of fire arms is recommended to be taken up so that it becomes possible for the Licensing Authorities to follow a much

more restrictive and selective approach in the grant of Arms Act licences.

(para. 3.39)

The Chief Fire Officer has suggested that it would be helpful for fire fighting purposes if the various reservoirs of the Delhi Water Works have direct telephone extensions from the Fire Service Central Control Room so that the Control Room can contact the required extension at any time and issue continuous directions for adequate water supply to any particular affected area. The implementation of this proposal, at an early date, is recommended as it would help to control and fight a serious fire more effectively in any locality.

The Delhi Fire Service has also just drawn up a special scheme in outline for the Sadar Bazar area providing for a greater capacity of underground water storage and a net work of pipelines to cover the interior of the market, which is estimated roughly to cost something between Rs. 10 to 15 lakhs. The Delhi Corporation may give early consideration to this scheme and take it up for implementation as early as possible with liberal financial assistance from the Government.

(para. 3.40)

It is recommended that a fresh and activist approach to these problems of urban re-development and social welfare should be brought to bear by the powers that be, namely, the D.D.A., the Municipal Corporation, the Delhi Administration and the Central Government and within the basic policy and its objective of reducing the congestion of population and promoting its shift to new areas, every effort should be made under the provisions of different laws and also in administrative practice, to penalise strictly illegal or non-conforming activity to the maximum degree and also to give every possible incentive which promotes the basic objective. In particular, no further time should be lost in taking up the scheme of transfer of the slaughter house in Motia Khan and in initiating the shifting of wholesale markets and noxious and hazardous trades out of the area of Sadar Bazar. A high level coordinating committee may be set up to oversee this programme with the Lt. Governor who is also the Chairman of the Delhi Development Authority, as its head.

(para. 3.46)

Concluding Observations

3.48 While concluding this report, I feel that a few general observations may not be out of place. I have in the report made several suggestions mainly of an administrative nature which, in my opinion, would tend to improve the law and order machinery in Delhi and the general conditions in the Sadar Bazar area. However, as I have mentioned earlier, these, though important, would not by themselves, eradicate the feelings of separateness that actuate the major communities and that malady calls for sustained action on many fronts. It would be evident that religious differences as such do not generally have any significant part to play in giving rise to communal disturbances but there is strong *group* consciousness that can be easily invoked on very slight or even flimsy pretexts to fan the flames of violence. It is noteworthy that the general suggestions made by public witnesses before the Commission, both Hindu and Muslim, in regard to measures to be taken to prevent such disturbances in future are mostly unexceptionable in principle and can be accepted without much argument (omitting a bizarre suggestion of branding of criminals or a controversial one of banning certain political parties or groups). Many general recommendations have been made over the years by several previous Committees and Commissions into communal disturbances, including the Raghubar Dayal Commission of 1967—70, which are still valid and there is much material to inspire action in the proceedings of the National Integration Council and similar bodies. The fact remains that so far we are still a long way from achieving success in the attainment of the basic objective of developing harmonious relations between the communities in many parts of the country and in Delhi, the last decade appears to have marked a deterioration in this respect with 33 communal incidents as against 10 in the earlier decade. The political angle has been referred to by several witnesses, some attributing the fanning of communal tension to the activities of parties wishing to discredit the Jan Sangh and reduce what is claimed to be its growing Muslim support, while a few others blame the Jan Sangh and its supporters and charge them with the desire of teaching the Muslims a lesson on account of what they say is the community's support to the Congress. Though the immediate provocation for the Sadar Bazar riot cannot be blamed on any activity of a political nature, there seems to be a general feeling that politics do contribute to vitiating the atmosphere and creating and continuing a feeling of tension among groups. In his book, the "Discovery of India" Jawaharlal Nehru wrote in 1945 "Latterly religion, in any real sense of the word,

has played little part in Indian political conflicts, though the word is often enough used and exploited. Religious differences, as such, do not come in the way, for there is a great deal of mutual tolerance for them. In political matters, religion has been displaced by what is called communalism, a narrow group mentality basing itself on a religious community but in reality concerned with political power and patronage for the interested group." These words still remain true even after the passing of nearly thirty years and though people of different political persuasions have diverse ideas about the right or wrong type of political activity in the Sadar Bazar area and blame what they consider to be the wrong type, yet the fact remains that there is a sort of implied consensus that political activity does take place basing itself on what is described as communalism in the foregoing quotation. So long as people belonging to different communities are regarded by political parties as *groups* and appealed to, or cultivated, on that basis as a matter of course and not as individual citizens of the secular Republic, the group mentality or group consciousness will not be eradicated and from time to time will display unpleasant manifestations. This is not a new point but will bear constant repetition.

Acknowledgements

3.49 Finally, I wish to place on record my warm appreciation of the devoted services of the Secretary to the Commission, Shri S. K. Magon, and the other members of its staff. The Secretary put in untiring efforts to establish the office of the Commission in the initial stages and arrange for its proper working within a short time and he was also of considerable help to me in the conduct of the inquiry. His reports on inspection of many relevant documents and examination of some material witnesses contained in Appendices I & II were most thorough and valuable.

Special mention must be made of Shri M. L. Anand, Private Secretary to the Commission, who in addition to his recognised duties, ungrudgingly shouldered additional burdens in the preparation of the record of oral statements of witnesses deposing in Hindi or Urdu and often assisted in the taking down, transcribing and comparison of drafts while the report was under preparation.

A post of Assistant Secretary to the Commission was sanctioned by the Government, but remained vacant as the Home Ministry could not make any posting and later on, the sanction S/19 M. of HA/74—10

itself was withdrawn. This considerably added to the workload and responsibilities of the Secretary, the Private Secretary and the staff.

Recognition is also due to Shri R. D. Madan, Assistant-in-Charge, who discharged his duties as the virtual ministerial head of the office with zeal and devotion, and to Shri D. N. Sharma, Personal Assistant to the Commission, who had to perform his stenographic duties at a most intensive pace and without respite, particularly during the last month, which he did cheerfully and diligently in spite of some personal difficulties experienced during this period. Shri K. C. Saluja, Stenographer to the Secretary, also put in extra hard work of good quality in typing the fair copies of the two volumes of the Report.

December 28, 1974.

New Delhi-110001.

R. PRASAD,

One-Man Commission of Inquiry.

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APPENDIX I

REPORT OF THE COMMISSION FOR LOCAL INVESTIGATION

Whereas I was appointed Commissioner for the purposes of examining and inspecting certain documents as detailed in Sadar Bazar Disturbances Inquiry Commission's order dated 19th September, 1974, I hereby submit my report before the Commission after examination and inspection of the necessary documents.

(1) Firing Orders to C.R.P.F. officers and their reports to their Battalions

Two battalions of the CRPF, namely, 16th Bn. and 7th Bn. were deployed in the Sadar Bazar and the adjacent riot affected areas on the 5th of May, 1974. I met the Commanding Officers and other concerned officers of these two Battalions and inspected the firing orders given by the Magistrates and police officers to the officers of these Battalions and also the reports given by them to their respective Battalions.

(A) 16th Battalion C.R.P.F.

The attested copies of firing orders given by the Magistrates and Police Officers to the CRPF officials of 16th Bn. are placed below at Annexure I. The firing orders in point of time given by the Magistrates and Police officers to different officers of this Bn. are listed below:—

Name and designation of the officers giving firing order	Time	Number of rounds to be fired	Order given to which officer of 16th Bn.
Shri C. D. Sharma, S.D.M.	2 p.m.	2 rounds	Shri Piar Chand, S.I.
Shri V. K. Kapoor, D.M.	2.05 p.m.	40 rounds	Shri Piar Chand, S.I.
Shri S. L. Arora, Additional Distt. Magistrate.	2.10 p.m.	7 rounds	Shri T. S. Negi, S.I.
Shri Gautam Kaul, S.P. (North), Asstt. I.G.P.	2.15 p.m.	10 rounds	—
-do-	2.45 p.m.	20 rounds	—
-do-	2.45 p.m.	50 rounds	—

It may be mentioned here that Platoons Nos. 13, 14, and 15 of 'E' Coy and Platoon No. 3 of 'A' Coy of the 16th Bn. were deployed in the Sadar Bazar riot area on the 5th of May, 1974. Platoons Nos. 13 and 15 were commanded by Shri Piar Chand, S.I.; Platoon No. 14 was commanded by Shri T. S. Negi, S.I.; and Platoon No. 3 of 'A' Coy was commanded by Shri Gurnam Singh, S.I. I also inspected the riot diaries of 'E' Coy and 'A' Coy of the 16th Bn.

The substance of relevant entries, time-wise in the riot diary of 'E' Coy (in respect of Platoons 13, 14 and 15) is mentioned below:—

Time	Description
1.55 p.m.	Platoon Nos. 13 and 15 reached Azad Market area.
2.00 p.m.	Shri C. D. Sharma, S.D.M., gave firing order, in writing, to Shri Piar Chand, S.I. for firing two rounds. Piar Chand and two C.R.P. men went about 30 yards behind the Mosque and fired two rounds. As a result the firing which was coming from house tops stopped.
2.05 p.m.	Shri V. K. Kapoor, D.M., gave firing orders in writing to fire 40 rounds to Shri Piar Chand, S.I. Shri Piar Chand, S.I. with three rifle parties started firing.
2.10 p.m.	Shri S. L. Arora, A.D.M. ordered, in writing, Shri T. S. Negi, S.I. to fire 7 rounds, towards the mosque and adjacent building.
2.15 p.m. to 2.30 p.m.	Shri Gautam Kaul, S.P. (North) gave firing orders, in writing, to Shri T. S. Negi, S.I. to fire 10 rounds. Shri Negi, S.I. with two fire parties fired from the roof of the shop opposite the mosque.
4. p.m. to 5 p.m.	Platoons of Shri Piar Chand accompanied I.G.P., Delhi to Bahadurgarh Road.

The substance of the relevant entries time-wise in the riot Diary of 'A' Coy (in respect of Platoon No. 3) is mentioned below:—

Time	Description
2.35 p.m.	Shri Gurnam Singh, S.I. reached Azad Market Chowk with Platoon No. 3.
2.45 p.m.	Shri Gautam Kaul, S.P., North, gave firing order, in writing, to Shri Gurnam Singh, S.I. to fire 20 rounds and 50 rounds. So Shri Gurnam Singh, S.I. directed fire of the different constables of the Platoons. Total rounds fired 24.
3.05 p.m.	Firing by platoon No. 3 stopped.

(B) 7th Battalion C.R.P.F.

The true copies of firing orders given by the police officers to the CRPF officials of 7th Bn. are placed below at Annexure I-A. The firing orders in point of time to different officers of this Bn. are listed below:—

Name and designation of the officer giving order	Time firing	Number of rounds to be fired	Order given to which officer of 7th Bn.
Shri Chander Singh, S.I. (Delhi Police)	3 p.m.	25 rounds	Head Constable, Om Prakash
Shri Gautam Kaul, S.P. (North)	5.30 p.m.	25 rounds	S.I. R. P. Walekar

I also inspected the "detailed report of incident" in respect of 'C' Coy and also the riot diaries given by Om Prakash, Section-Commander and R. P. Walekar, Commander of 7th Platoon of 'C' Coy. The substance of the relevant entries in the riot diary of Head Constable Om Prakash is as below :—

Time	Description
1.30 p.m.	General alarm was sounded in the Police Station. On enquiry I came to know that there has been a fight in Azad Market and houses etc. are being set on fire.
1.45 p.m.	I was ordered to get the Section ready with arm and ammunition and get the Section fall in.
2.00 p.m.	I alongwith my full Section, ready with arm and ammunition, reported to the duty officer of Sadar Bazar Police Station. Duty Officer immediately put us under Sub-Inspector Chander Singh of Delhi Police and we were sent to Azad Market.
2.30 p.m.	When we reached Bahadurgarh Road near Prakash Hotel, S.P. Saheb, who was already there stopped us and ordered us to stop the mob which was coming from eastern side. After ordering us as above he went away saying that he will send more force. From the building of Anand Chemicals in the same row up to 10-11 houses, Soda water bottles, stones, bricks etc. were being thrown on the road and on the opposite side houses.

Time	Description
Between 2.55 and 3.00 p.m.	From green house in the same row of Anand Chemical shop, .12 bore fire started coming on the road and opposite side houses. The collected mob on the road became very aggressive. Some people tried to force Chander Singh to order firing and in the process they abused him, pushed him with hand, tried to snatch his pistol and even threatened him with knife. S.I. Chander Singh went to make telephone call from some house and very shortly came back and told me to bring out fire-order form.
3 p.m.	S.I. Chander Singh ordered firing of 10 rounds in writing. I immediately with full Section proceeded a little further and started firing on the second floor of the green building spasmodically. With great difficulty, gun-fire which was coming from that building, stopped at about 4.15 p.m.
Approx. 4.15 p.m.	As firing stopped from that green building, suddenly .12 bore fire started coming from the window of the top floor of Anand Chemical building. This fire was directed towards road and towards opposite side houses. S.I. Chander Singh somehow taking cover got on the roof of Achar Factory building. After reaching the roof of the house he put the full Section in position and on the order of S.I. Chander Singh we started firing on the window from where the snipers were firing.
5.45 p.m.	Abruptly firing started from left and right side of our position on that window.
6.00 p.m.	As soon as the snipers' firing stopped, 303 firing which was being directed towards the snipers' window also stopped. I also got our firing stopped immediately. S.I. Chander Singh ordered me to get the Section down on the road and get it fall in. Below I met No. 7 Platoon and I reported the position to Sub-Inspector R. P. Walekar.
6.15 p.m.	S.P. reached there and we gave him our fire report.

The substance of relevant entries of the riot diary of Sub-Inspector R. P. Walekar, Platoon Commander, 7th Bn. is as below:—

Time	Description
Approx. 5.20 p.m.	On reaching Chowk Kishan Ganj we reported to S.P. North, Shri Gautam Kaul. S.P. asked me for the firing order form and gave me firing order in writing for firing 25 rounds and ordered me to take my Platoon and go running to Bahadurgarh Road. He also sent Inspector Shyam Dev of Delhi Police with us after giving him necessary instructions.

Time	Description
Approx. 5.30 p.m.	We reached main road of Bahadurgarh Road. We saw that from the window of second floor of Anand Chemical building .12 bore gun fire was coming spasmodically towards the Achar Factory house and on the road. Also from the roof of the house of Achar Factory, the sound of gun fire of 303 rifle was coming. Immediately Inspector Shyam Dev ordered that I should get my men to fire on the window from where the snipers were firing. I directed firing accordingly. My men fired 7 rounds taking cover of the water tap but when I saw that it was not bringing any result, I got the firing stopped. On the orders of the Inspector Shyam Dev, I accompanied him with full Platoon and via the main gate of Bhagwan Ganj we went in to Bhagwan Ganj.
Approx. 5.40 p.m.	Inspector Shyam Dev ordered me to send full rifle section on the roof of the main house of Bhagwan Ganj and I instructing H.C. Anand Singh not to fire more than 18 rounds, sent him with full rifle section to accompany Inspector Shyam Dev to the roof.
Approx. 5.45 p.m.	My Section, which had got on the roof top with Head Constable Anand Singh and Inspector Shyam Dev on the roof, started firing on the window of the sniper.
6.00 p.m.	Inspector Shyam Dev came down from the roof with my rifle section and H.C. Anand Singh. My Section had fired 15 rounds from the roof top.
6.15 p.m.	S.P. (North) came there and we gave him full report.

(2) F.I.R. Reports

The F.I.R. about the incidents at Chowk Kishan Ganj was lodged by Inspector Sant Ram Sethi, acting S.H.O. Sadar Bazar Police Station. A copy of the F.I.R. is placed below at Annexure II. Shri Sethi has mentioned that at 1.20 p.m. a report was received in Sadar Bazar Police Station from the Police Control Room that in Chowk Azad Market a Hindu-Muslim riot is taking place. As soon as he got the information he alongwith a S.I., an A.S.I., a Head Constable and 14 Constables left for Azad Market Chowk by a Police jeep and pick-up. On reaching the crossing of Azad Market and road of Chowk Kishan Ganj, he found that about 100/125 Hindu rioters were throwing stones, bottles and pieces of glass towards Chowk Kishan Ganj. At Chowk Kishan Ganj in front of the Masjid about 150/200 Muslims were throwing stones, bottles etc. towards Hindu rioters from the Masjid and adjacent houses. To get control over the situation additional force was necessary. He sent wireless message for the same. He found that offences under Sections 147/148/149/426 I.P.C. were being committed as such he registered a case under these Sections, and sent the report to the Sadar Bazar Police Station.

A copy of the F.I.R. in respect of incidents at Idgah Road, is placed below at Annexure II-A. This F.I.R. was lodged by Inspector Piara Singh, S.H.O., Sadar Bazar Police Station, who had returned to duty from leave on the same evening (5-5-74). He has mentioned it in the F.I.R. that he alongwith an A.S.I. and a few Constables and D.S.P. Shri B. K. Tiku (C.R.P.F.), Inspector Ram Lakhani Rai and a few C.R.P.F. constables was present on Thana Road. At about 6.15 p.m. they got the information that some rioters were putting buildings on fire at Basti Harphool Singh. He alongwith the force reached Basti Harphool Singh where he saw 15-16 rioters, who were residents of Qasabpura, setting fire to buildings. The fire had spread to the Shamiana. These rioters were setting fire to parked motor cars also. So finding no other alternative and to prevent these people from so doing, he fired two rounds from his service revolver. Rioters got scared and ran away into the lanes of Qasabpura. Then from the side of Nawab Ali Masjid the rioters started firing and throwing acid bottles on the police party. Again to scare the rioters he fired one round from his service revolver. From the corner of Nawab Road, Qasabpura and Basti Harphool Singh 15/16 Hindu rioters having assembled from Qasabpura Gali Suar Wali side were throwing stones towards Qasabpura. From the side of Qasabpura about 100/125 rioters were throwing stones towards 'T' Quarters. At that time Additional S.P. (North) and S.D.M. reached there. As per the incidents, the offences under Sections 353/332/307/436/147/148/149 I.P.C. were being committed, as such he registered a case under these Sections of I.P.C. and sent the papers to the Police Station for necessary action.

The third F.I.R. was lodged by Shri Ravinder Kumar Dhar, S.H.O., Roshanara Road at 8 p.m. on 5-5-74. a copy of which is placed below at Annexure II-B. He says that he was on duty on 5-5-74 at the junction of Idgah Road/Sadar Thana Road alongwith a S.I., an A.S.I., a Head Constable and one Constable for maintenance of law and order. At about 7 p.m. a blaze was seen on Idgah Road. He sent a wireless message for sending a fire tender to the spot and he himself proceeded to the spot alongwith the S.I. and a Constable. He found riotous mob of about 180/200 persons in front of the burning 'kharkas'. Two cars in these 'Kharkas' and a scooter on the road in front of these 'Kharkas' were also seen ablaze. Shri A. K. Singh, I.P.S. Commandant, 4th Bn. alongwith some force and fire brigade vans arrived on the spot. The crowd immediately dispersed and the fire was brought under control. Offences under Section 147/149/436 appeared to have been committed, so the report was sent to the Police Station for registering a case under the said Sections.

Entries and record of entries

Copies of Daily Diary-A dated 5/6-5-74 and Daily Diary-B dated 5/6-5-74 are placed below at Annexure II-C and II-D respectively. These Daily Diaries are maintained from 7 a.m. to 7 a.m. next day. It may be pointed out here that at 1.28 p.m. Shri Ram Swaroop, A.S.I. Control Room gave an information on telephone that one Shri Satish had rang up from Telephone No. 511252 that at Azad Market crossing, Hindu-Muslim fight was taking place. This information was recorded at Serial No. 7 in Daily Diary-A and a copy was sent to A.S.I. Inderjit for necessary action. Inspector Sant Ram Sethi, S.H.O. alongwith other police personnel by police jeep and police pick-up left for the place of occurrence. The senior officers were being informed,

At 1.50 p.m. from the place of occurrence near Azad Market, the officers sent information that additional force with fire-arms should be sent since the riot was of a serious nature. Force was sent accordingly with two A.S.Is., one

Head Constable. At 2.50 p.m. one report sent by Sant Ram Sethi that different offences being committed, was received and a case No. 422, was registered.

It may be mentioned here that the Daily Diary-B records the arrival and despatch ('Rawangi') of the force time-wise, from the Police Station. A copy of the Daily Diary-B of 5/6-5-74 is placed below at Annexure II-D for perusal.

(3) The Post-Mortem reports

The copies of post-mortem reports on all the 11 deceased persons who are said to have died as a result of bullet or gun-shot injuries, sustained in the course of the riots of 5th of May, are placed below at Annexure III.

The first post-mortem report is on the body of Mohd. Yusuf S/o Abdul Hakim, aged about 20 years. The deceased is said to have died on 5-5-74 at 2.30 p.m. by fire-arm injuries.

External injuries

(i) One round punctured wound over the lower end of sternum, size 3/10" diameter covered by blood. Depth is abdomen deep.

(ii) One punctured wound over the left side abdomen, upper part, 8" below the arm pit in mid-axillary line. Size of wound is 3" x 2½" x abdomen deep margins everted.

(iii) One elongated wound (lacerated) over the left fore-arm on the outer side front just near the elbow. Size 1" x ¼" x skin deep.

Injury No. (i) had fractured the sternum and then entered the left lobe of liver and then lesser inner valve of stomach and coming out of stomach on greater currative and finally coming out to injury No. (ii) which is the wound of exist. After coming out of the body the same bullet produced injury on the left arm, namely injury No. (iii). Cause of death is haemorrhage and shock due to injury.

Post-mortem on the body of Nathu Ram S/o Phool Singh, aged 45 years who is alleged to have died on 5-5-74 at 4.15 p.m. with gun-shot injuries, was performed on 6-5-74 at 6.30 a.m. by Dr. B. Singh.

External Injuries

(i) One punctured wound over the outer end of Rt. clavicle, size ½" x ¼" with abrasion on the malsjns. Wound is chest cavity deep. Margins inverted.

(ii) One irregular punctured wound on the back of Rt. side chest over the middle of the shoulder blade 1½" x 1" chest cavity deep.

From injury No. (i) it is seen that it is going in the chest after breaking the clavicle. The wound is going through the lobe of lung through and through and is then the track of wound is continuous with the external injury No. (ii).

I have mentioned above the gist of the post-mortem reports on the dead body of one Hindu and one Muslim so that the nature of injuries can be compared and an idea can be formed about the nature of the weapons used.

(4) **Case diaries and case diary statements**

I examined the case-diary-statements of different persons, taken under section 161 Cr. P.C. in respect of Crime Nos. 422/74, 423/74 and 424/74. Out of these the names of those persons who have submitted written statements before the Commission and have also given oral evidence before the Commission, are mentioned below. Any noteworthy points which they made in their statement before the I.O. are also mentioned below for perusal of the Commission.

(i) *Bhupender Kumar Batra, Advocate*

I have compared his statement under section 161 Cr. P.C. with the statement which he has given before the Commission. There appears to be no major difference between the two. A copy of his statement under section 161 Cr. P.C. before the I.O. is placed below at Annexure IV for perusal of the Commission.

(ii) *Sirajuddin*

In his statement under section 161 Cr. P.C. he does not say anything about the presence of Sardar Piara Singh with a contingent of Police personnel opposite his house at Idgah Road. He says that group of rioters who later on set fire to his car and also to two cars of his relations were led by one Sardarji who was holding a naked sword in his hand. He did not remember the name of the Sardarji but he said that he could recognise him if he had a chance to see him.

(iii) *Girdhari Lal*

In his statement before the I.O. he has said that firing was first done by the police and then by mob but in his statement before the Commission, he testified otherwise.

(iv) *Ram Kishan Gupta*

In his statement under section 161 Cr. P.C. he says that at Bahadurgarh Road, to stop firing and stone throwing etc. from Muslim houses, the people on the road tried to set fire to those Muslim houses. Muslims also threw fire balls on the Hindu side as a result of which fire spread. "पथराव के जवाब में राहगुजरों ने मुस्लिम मकानों पर जिन्से कि पथराव हो रहा था, जवाबी पथराव किया"।

(v) *Darshan Lal*

Extract of his statement under section 161 Cr. P.C. : "I had gone to Gandhi Nagar on 5-5-74 in connection with the unauthorised occupation of my father's plot in that area. In the afternoon I was returning back to my shop at Bahadurgarh Road via Azad Market and Kishanganj Chowk. Then at that time there

was a pitched battle going on between the Hindus and Muslims at Chowk Kishanganj. I returned to my shop. At 3.00 p.m. or 3.30 p.m. stones etc. were being thrown from house Nos. 1080-1081 and 1076 and 1077. The passersby also threw stones on those houses in retaliation of their stone throwing. In the meantime, firing started from these two houses."

(vi) *Harbans Lal*

Extract of his statement under section 161 Cr. P.C. : "I also went on the roof top along with other people. I saw that the firing which was coming from the house of Abdul Masjid was being done by Zubid Dyer. The ammunition was being provided by Mukhtiar. Elias and Daud were also with them. Farookh was also firing from the top of his house. Zubid was firing with the gun while Farookh was firing with the rifle."

The above report is submitted to the Commission.

Sd/- S. K. MAGON,

Secretary,

SADAR BAZAR DISTURBANCES
INQUIRY COMMISSION, 1974.

Note:—Only Annexures I and I-A of this report are produced here with this copy.

was a pitched battle going on between the Hindus and Muslims at Chowk Kishanganj. I returned to my shop. At 3.00 p.m. or 3.30 p.m. stones etc. were being thrown from house Nos. 1080-1081 and 1076 and 1077. The passersby also threw stones on those houses in retaliation of their stone throwing. In the meantime, firing started from these two houses."

(vi) *Harbans Lal*

Extract of his statement under section 161 Cr. P.C. : "I also went on the roof top along with other people. I saw that the firing which was coming from the house of Abdul Masjid was being done by Zubid Dyer. The ammunition was being provided by Mukhtiar. Elias and Daud were also with them. Farookh was also firing from the top of his house. Zubid was firing with the gun while Farookh was firing with the rifle."

The above report is submitted to the Commission.

Sd/- S. K. MAGON,

Secretary,

SADAR BAZAR DISTURBANCES
INQUIRY COMMISSION, 1974.

NOTE:—Only Annexures I and I-A of this report are produced here with this copy.

ANNEXURE I (OF SECRETARY'S REPORT)

AUTHORITY SLIP DISPERSING OF RIOT

I, C. D. Sharma, S.D.M. (Name and designation of Civil authority) acting under Section 127, 128 and 129 of Code of Criminal Procedure required of CRPF to disperse an unlawful assembly at 2.00 P.M. hours on 5-5-1974 at Azad Market by using firing 7.62 ball ammunition.

2 rounds

Directed
Sri Pyar Chand, S.I.

Sd/- C. D. SHARMA.
S.D.M.,

Sadar Bazar
5-5-74

Signature of Civil Authority
with designation.

Certificate of firing on the prescribed proforma also obtained by Shri C.M. Bakshi.

Sd/- C. D. Sharma
5-5-74.

AUTHORITY SLIP DISPERSING OF MOB

I, V. K. Kapoor, D.M., Delhi (Name and designation of Civil authority) acting under Section 127, 128 and 129 of the Code of Criminal Procedure required.....of CRPF to disperse an unlawful assembly at 1405 hrs. on 5-5-74 at Azad Market by using firing 7.62 ball ammunition.

Fire 40 rounds

Order for
S.I. Pyar Chand
on 5-5-74.

Sd/- V. K. KAPOOR.
D. M., Delhi.

Signature of Civil Authority
with designation.

AUTHORITY SLIP DISPERSING OF MOB

I, S. L. Arora (Name and designation of Civil Authority) acting under Section 127, 128 and 129 of Code of Criminal Procedure required.....of C.R.P.F. to disperse an unlawful assembly at 2.10 P.M. hours on 5-5-74 at Azad Market by using firing 7.62 ball ammunition.

7 rounds

Directed
Sri T. S. Negi.
S.I.,
New Police Lines.

Sd/- S. L. ARORA
Signature of Civil authority
with designation.

AUTHORITY SLIP DISPERSING OF MOB

I, S. P. Gautam Kaul (Name and designation of Civil Authority) acting under Section 127, 128 and 129 of the Code of Criminal Procedure required . . . of C.R.P.F. to disperse an unlawful assembly at 1415 Hrs. on 5-5-74 at Azad Market by using firing 10 rounds 7.62 ball ammunition.

Sd/- GAUTAM KAUL

Signature of Civil Authority
with designation.

AUTHORITY SLIP DISPERSING OF MOB

I, S. P. Gautam Kaul (Name and designation of Civil Authority) acting under Section 127, 128 and 129 of the Code of Criminal Procedure required fire of C.R.P.F. to disperse an unlawful assembly at 1445 Hrs. on 5-5-74 at Azad Market by using firing 20 rounds 7.62 ball ammunition.

Sd/- GAUTAM KAUL

Signature of Civil Authority
with designation.

Name S. P. Gautam Kaul and designation of civil authority action under Section 127/128 of the Code of Criminal Procedure.....S.P.....
Name S.P. Gautam Kaul and designation I of the Criminal Reserve Police to disperse an unlawful assembly at 5-5-74....time 1445.....on the.....
at Azad Market by using upto 50 rounds.

Place

Sd/- GAUTAM KAUL

Signature of
Civil Authority with Designation.

Order of S.I.
Gurnam Singh.

ANNEXURE I-A (OF SECRETARY'S REPORT)

CENTRAL RESERVE POLICE FORCE AUTHORITY ORDER CARD
AND DISPERSING UNLAWFUL ASSEMBLY

Since all exhortations/persuasions and warning to unlawful assembly at Bahadurgarh Road have failed to make this unlawful assembly disperse and this assembly is becoming more and more defiant with serious danger to peace, therefore, I, Chander Singh, S.I., D.P. Magistrate of I Class _____ in exercise of powers vested in me *vide* section 128/129 of the Code of Criminal Procedure order you HC No. 59007206 Om Prakash (Name of the Officer with name of Bn.) to disperse this unlawful assembly by the use of 10 (ten) + 15 (fifteen) rounds=25 rounds. (Magistrate should write here tear-smoke, Lathi charges or firing whichever he orders.)

Given this day Sunday 5th May at 1500 hours.

Place : Bahadurgarh Road
Date : 5-5-74
Time :

Sd/- CHANDER SINGH, S.I.
P.S., S.B.

Sd/- OM PRAKASH
Counter signature of the CRPF
Officer-in-charge of the party.

[Auth.—Dte. Genl. CRPF, New Delhi memo No. M.V.-24/70-Dett.,
dated 7-4-70.]

CENTRAL RESERVE POLICE FORCE AUTHORITY CARD AND
DISPERSING UNLAWFUL ASSEMBLY

Since all exhortations/persuasions and warning to unlawful assembly at Bahadurgarh Road (Kishan Ganj and Deputy Ganj) have failed to make this unlawful assembly disperse and this assembly is becoming more and more defiant with serious danger to peace therefore I, Gautam Kaul, IPS, S.P., North, Magistrate of I Class-----in exercise of power vested in me *vide* section 128/129 of the Code of Criminal Procedure order you S.I., R.P. Walekar of 'C' Coy 7th Bn. CRPF (Name of the Officer with name of Bn.) to disperse this unlawful assembly by the use of upto 25 rounds full. (Magistrate should write here tear-smoke, Lathi charge or firing whichever he orders.)

Given this day Sunday 5th May 1974 at 1730 hours.

Place : Bahadurgarh Road
(Kishan Ganj and Deputy Ganj)

Date : 5-5-74.
Time : 1730

Sd/- GAUTAM KAUL,
IPS, S.P./North.

Sd/- R. P. WALEKAR
5-5-74

Counter signature of the CRPF Officer-in-charge of party.

APPENDIX II

REPORT OF THE COMMISSION FOR LOCAL INVESTIGATION

Whereas I was appointed Commissioner for the purpose of taking evidence, on *viva voce*, of (i) Shri Nanakajrekar, Deputy S.P., Delhi Armed Police and (ii) Shri Shyam Dev, S.H.O., Subzi Mandi Police Station, I am to submit that the evidence has been taken in private, on the points specified orally by the Commission. I hereby submit four copies of the evidence, recorded on my dictation.

Sd/- S. K. MAGON,
Secretary,

SADAR BAZAR DISTURBANCES
INQUIRY COMMISSION, 1974.

Sd/- R. PRASAD,

22-11-1974.

STATEMENT OF SHRI NANAKAJREKAR, DEPUTY SUPERINTENDENT OF POLICE, DELHI ARMED POLICE, DELHI

(Stated on oath)

I am Nanakajrekar, Deputy S.P., Delhi Armed Police, I am posted in Delhi as Deputy Superintendent of Police since 1971. I remember the incidents of 5th of May. I was in Kingsway Camp and at about 2.00 p.m. on the 5th of May I was informed that a riot has taken place in Sadar Bazar area. Since I am in the 1st Bn. of Delhi Armed Police, I reported to my Commandant Shri Prakash Singh. At 2.45 p.m. I was sent to Azad Market Chowk with reinforcements. Shri A. K. Singh, Commandant 4th Bn. also left Kingsway Camp with our party. He was actually leading the party. At about 3.00 p.m. we reached Azad Market Chowk. At Azad Market Chowk we left our vehicles, and from there we went on foot towards Chowk Kishan Ganj where the incidents were taking place. As a matter of fact stone throwing was taking place even on Azad Market Road. It must have taken us 15 minutes to reach Chowk Kishan Ganj from Azad Market Chowk. On way, between Azad Market Chowk and Kishan Ganj Chowk we also had to use tear gas to disperse unruly mob. At Azad Market Road stone throwing was taking place from both sides of the road, *viz.*, Masjid side and the opposite side where there are shops. On reaching Kishan Ganj Chowk we met I.G.P. Firing from house

tops and heavy stone throwing etc. was taking place there. The firing was coming from the side of the Mosque at Chowk Kishan Ganj. I escorted two fire brigade parties into Chowk Kishan Ganj as directed by the I.G.P. to extinguish the fire which had reportedly spread to many buildings in that area and there was a lot of smoke in that area. Around that time information came that one 'Soot' Factory had been set on fire and hearing this I.G.P., Shri A.K. Singh, Commandant 4th Bn., S.D.P.O., myself and a number of Police personnel went towards that site. While I alongwith some Police personnel concentrated on the lower part of the building, the I.G.P. and Shri A.K. Singh along with a few Constables attended to the fire on the first floor of the 'Soot' Factory. After attending to the fire in the 'Soot' Factory I returned back to Chowk Kishan Ganj with a few Police Constables. Probably Shri Avinash Chander, S.D.P.O., Sadar Bazar Police Station also returned to Kishan Ganj Chowk with us. In Kishan Ganj Chowk I was told by someone, whose name I do not remember, that firing was continuing at Bahadur garh Road. This was between 4.30 to 5.00 p.m. I do not remember the exact time but this must have been after 4.30 and before 5.00 p.m. On receiving this information I along with about 15 Constables of Delhi Police went to Bahadurgarh Road via that lane which joins Chowk Kishan Ganj and Bahadurgarh Road.

When I reached Bahadurgarh Road I saw that people from road side were throwing stones on some houses of Kishan Ganj which abut on Bahadurgarh Road. I tried to disperse this mob. Stone throwing was also going on from a lane on Bahadurgarh Road at the corner of which there is a Mosque, which is about 50 yards from the opening of Rajgurumarg. I found I.G.P. and Shri A.K. Singh also present on Bahadurgarh Road. I reported to the I.G.P. I.G.P. told me that the sniping which was coming from a house top should be stopped. I tried to push the door of that house but it was locked from inside and could not be opened. A person who was standing nearby offered to show us a way through some other house to get on the top of that house from where firing was coming from the second floor. I.G.P. instructed Shri A.K. Singh and myself to go on the top of the house with a few Constables. We, accordingly, accompanied that man and he took us on the top floor of the adjacent house from where he gave us a wooden ladder to go to the adjoining house from where the firing was coming. We reached on the top of that house with the help of the wooden ladder. On reaching there I shouted towards the down floor "stop sniping otherwise every body will be in trouble". Shouting this I throw a gas grenade down an opening in the roof and as a result of that, people started running away on the down floor. In the meantime someone in our Police party fired one round. This bullet was probably fired in the air to create panic among the snipers. This must have been at about 5.00 p.m. The persons who were sniping from the second floor of that house ran away.

I did not notice any sniping from that house thereafter. I also saw women folk running towards the inner side of the house. Thereafter our party came down. We reported to the I.G.P. I.G.P. deputed me there and told me that there was sniping coming from another house and I should see that this sniping was also stopped forthwith. Leaving me there with about 10 to 15 Armed Constables, I.G.P. and Shri A.K. Singh left towards Baratooti side. I.G.P. and Shri A.K. Singh must have left at about 5.15 p.m. Thereafter there was no sniping, not even stone throwing on that area of my charge, which starting from the lane joining Kishan Ganj Chowk went upto about 250 yards. There were some disturbances going on in Baratooti side but in my area there were no disturbances thereafter. Later on, curfew was imposed and everything remained peacefully.

When I reached Bahadurgarh Road from Chowk Kishan Ganj, I did not notice any firing coming from the opposite side of the road towards the houses from where sniping was going on. When I reached Bahadur Garh Road, I met one Sikh Sub-Inspector. I do not know his name. He was one of the people who told us that sniping was going on from one or two houses on Bahadurgarh Road. After I came to Bahadurgarh Road near about 4.45 p.m. there was no firing from the opposite side either from the road or from the house tops. By opposite side I mean the side facing the houses from where sniping was going on. Had there been any firing from the opposite side, it would have been dangerous for our party, because we were on one of the house top, from the second floor of which sniping was continuing. I did not notice any other Police party on Bahadurgarh Road which fired from the road or from the house top to stop the sniping. Had there been any firing from the opposite side of Kishan Ganj houses, I would never have gone on the house top of this house from where the sniping was going on, because it would have been very dangerous for our party.

I do not remember if fire was set to the house to the top of which we had gone to stop the sniping. I did notice that varandah of another house from where sniping was reported, was ablaze. And we had offered to extinguish that fire but the inmates told us that they would manage themselves. I did notice that some shops and houses were ablaze on both sides of the road. Superintendent of Police, Shri Gautam Kaul, did come to Bahadurgarh Road after 6.00 p.m. I do not remember if any C.R.P. Police party reported to S.P., Shri Gautam Kaul, at Bahadur Garh Road when he came there. My Commandant Shri Prakash Singh had also come on Bahadur Garh Road. I was on duty in that area till 2.00 a.m. on 5/6 May, 1974. About 6.30 p.m. on the 5th May I was relieved by another batch of Constables on Bahadur Garh Road and then I came back to Kishan Ganj Chowk where I was on duty till 2.00 a.m. enforcing curfew. I met I.G.P. and Shri A.K. Singh, Commandant 4th Bn., later on in Chowk Kishan Ganj.

The thing is like this that after such a long time it is very difficult to recollect incidents very clearly and also to remember the exact timings.

(Statement of Shri Nanakajrekar concluded)

Dictated by me as deposed by witness. Read over to him and admitted by him to be correct.

Sd/- S. K. MAGON,
Secretary.

• 22-11-1974

STATEMENT OF SHRI SHYAM DEV SHARMA, S.H.O., SUBZI MANDI
DELHI, ON SOLEMN AFFIRMATION

I was examined by the Commission before also. I remember my evidence before the Commission in which I had mentioned that I was present when some persons including women and children who were stranded in Takiawali mosque, being used as Madrasa, were rescued. That was roughly after 3 p.m.

At about 4 or 4.15 p.m. I had gone to Faiyaz Ganj where a 'soot' factory was set on fire. Addl. S.P., Shri Sheel Kumar was also there, and after some time, I.G.P. had also reached there. There I participated in the rescue operation and also in fire fighting operation. I arrested 4 miscreants near the 'soot' factory. After that I remained in Faiyaz Ganj and Shivaji Road for some time.

I do not know if Sub-Inspector, R.P. Walekar of the 7th Bn. of C.R.P. came to Kishan Ganj at about 5.15 p.m. It is incorrect to say that I accompanied S.I. Walekar of C.R.P. along with his platoon to Bahadur Garh Road for checking sniping there. It is also not a fact that S.P. Shri Gautam Kaul sent me with S.I. Walekar. I did go to Bahadur Garh Road but that was after curfew was imposed and would have been at about 6.30 p.m. I did not go to Bahadur Garh Road before that. During all this time I remained in Faiyaz Ganj and Shivaji Road with Addl. S.P. Addl. S.P. went away at about 5.45 or 6 p.m. leaving me at Shivaji Road, and afterwards when curfew was imposed, I came to Bahadurgarh Road. I was sent to Bahadur Garh Road after curfew was imposed. I do not remember which senior officer sent me to Bahadurgarh Road. Rather some message was given to me to go to Bahadurgarh Road to enforce curfew. It is not a fact that I accompanied S.I. Walekar and his platoon to Bahadurgarh Road and that any firing was undertaken in my presence at Bahadurgarh Road. It is also not a fact that I went on the roof top of a house at Bahadurgarh Road and directed firing towards the opposite side houses from where sniping was being done. After 6.30 p.m. when I came to Bahadurgarh Road to enforce curfew, many senior officers like I.G.P., S.P. North, Shri Rustamji, D.G.B.S.F. and other officers came to visit Bahadur Garh Road. I remained at Bahadurgarh Road up to 9 or 10 p.m. till relief arrived. There was no incident during this time at Bahadurgarh Road. When I reached Bahadurgarh Road, the Fire Brigade personnel were trying to extinguish fire from one house. I also spotted that the fire had been extinguished from one Godown at Bahadurgarh Road on the junction of Bahadurgarh Road and Phoota Road.

(Statement of Shri Shyam Dev concluded)

Dictated by me as deposed by the witness. Read over to him and admitted to be correct.

Sd/- S. K. MAGON

Secretary,

Commission of Inquiry,
Sadar Bazar Disturbances, 1974.

ANNEXURE I

NAMES OF WITNESSES EXAMINED BY THE COMMISSIONER

S. No.	Name	Date	Remarks
1	2	3	4
1.	Shri Sant Ram Sethi, Inspector, Delhi Police, North District, Police Lines, Delhi.	30-8-1974	Submitted written state- ment with affidavit.
2.	Shri Ishwar Singh, Sub-Inspector, Sadar Bazar Police Station, Delhi.	—do—	—
3.	Shri Avinash Chandra, Deputy Superintendent of Police, Delhi, Sub-Divisional Police Officer, Police Station, Sadar Bazar, Delhi.	—do—	Submitted written state- ment with affidavit.
4.	Shri S.L. Arora, Additional District Magistrate, North District, Tis Hazari Courts, Delhi.	—do—	—do—
5.	Shri Sheel Kumar Saxena, Additional Superintendent of Police, North District, Tis Hazari Courts, Delhi.	—do—	—do—
6.	Shri C.D. Sharma, Sub-Divisional Magistrate, Kotwali Tis Hazari Courts, Delhi.	—do—	—do—

1	2	3	4
7.	Shri Sham Dev Sharma, S.H.O., Subzi Mandi, Delhi.	30-8-1974	—
	—do—	Recalled on 22-11-74.	
8.	Shri Gautam Kaul, Assistant Inspector General of Police (I), Delhi Police, Kashmiri Gate, Delhi.	31-8-1974	Submitted written state- ment with affidavit.
9.	Shri Ved Prakash Marwah, Deputy Inspector General of Police (Range), Delhi. Central Police Office, Kashmiri Gate, Delhi.	—do—	—do—
10.	Shri A.K. Singh, Commandant 4th Bn. Delhi Armed Police, Delhi.	—do—	—do—
11.	Shri Hardev Singh, Assistant Sub-Inspector, Delhi Police, Police Station, Sadar Bazar, Delhi.	—do—	—do—
12.	Shri Ravinder Kumar Dhar, Inspector, Delhi Police Station House Officer, Police Station Roshanara, Delhi,	—do—	—do—
13.	Sardar Piara Singh, Inspector, Delhi Police, Crime Branch, Tis Hazari Courts, Delhi.	—do—	—do—

1	2	3	4
14.	Shri P.R. Rajgopal, Inspector-General of Police, Central Police Office, Kashmere Gate, Delhi.	2-9-1974	Submitted written statement with affidavit
15.	Shri V.K. Kapoor, District Magistrate, Delhi.	—do—	—do—
	—do—	Recalled on 22-10-74	
16.	Shri Ram Chander Arora, S/o Shri Munshi Ram, Resident of 2124, Gali Ravi Das, Bahadurgarh Road, Delhi.	3-9-1974	Submitted written statement.
17.	Shri Dhani Ram, S/o Shri Banwari Lal, Shop No. 64, Chowk Kishan Ganj, Teliwara, Delhi.	—do—	—do—
18.	Shri Ram Nath, S/o Shri Kanwar Sain, Shop No. 2663, Bazar Teliwara, Delhi.	—do—	—do—
19.	Shri Harbans Lal, S/o Shri Jiwan Lal, House No. 7126, Beriwala Bagh, Pulbangash, Delhi.	—do—	—do—
20.	Shri Girdhari Lal, S/o Shri Mela Ram, Shop No. 25, Chowk Kishanganj, Delhi.	—do—	—do—

1	2	3	4
21.	Shri Sri Kishan, S/o Shri Mam Raj, Shop No. 496, Kishanganj, Delhi.	4-9-1974	Submitted written statement.
22.	Shri Man Mohan, S/o Shri Hardwari Lal, 2661, Kishanganj, Delhi.	—do—	—do—
23.	Shri Ram Gopal, S/o Shri Amba Prasad, 489-90, Kishanganj, Delhi.	5-9-1974	—do—
24.	Shri Ramji Lal, S/o Shri Shanker Lal, 2055, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
25.	Shri Jagan Nath, S/o Shri Gopal Dass, 9227, Gali Tokriwalan, Delhi.	—do—	—do—
26.	Shri Sunder Dass, S/o Shri Mangal Dass, 1150/52, Chowk Kishanganj, Delhi.	—do—	—do—
27.	Shri Krishan Gopal, S/o Shri Din Dayal, 2052, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
28.	Shri Kewal Ram, S/o Shri Bakhat Ram, 9263, Gali Dori Wali, Tokriwalan, Delhi.	—do—	—do—

1	2	3	4
29.	Shri Madan Lal, S/o Shri Ladha Ram, 9739, Mohalla Nawab Ganj, Delhi.	5-9-1974	Submitted written statement.
30.	Shri Sirajuddin, S/o Shri Haji Alimuddin, 11130-31, Idgah Road, Sadar Bazar Delhi.	—do—	Submitted written state- ment with affidavit.
31.	Shri Ram Kishan Gupta, S/o Shri Ghasi Ram, 4287/4, Gali Bahuji, Delhi.	6-9-1974	Submitted written statement.
32.	Shri Nanak Chand, S/o Shri Mam Raj, 494, Main Bazar, Teliwara, Delhi.	—do—	—do—
33.	Shri Raj Kishan, S/o Shri Kesar Dass, H. No. 796, Sheesh Mahal, Shivaji Road, Delhi.	—do—	—do—
34.	Shri Pritam Singh Rathore, S/o Shri Gyasi Ram, 2026, Babaji Ka Ghar, Bahadurgarh Road, Delhi.	—do—	—do—
35.	Shri Ubaid-Ur-Rehman, S/o Shri Zikrur Rehman, 1019, Kishanganj, Teliwara, Sadar Bazar, Delhi.	—do—	Submitted written statement with affidavit.

1	2	3	4
36.	Shri Mangat Ram Bhatia, S/o Shri Anant Ram Bhatia, 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	6-9-1974	Submitted written state- ment.
37.	Shri Faqir Chand, S/o Shri Ram Kishan Lal, 2072, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
38.	Shri Om Parkash, S/o Shri Tek Chand, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	7-9-1974	—do—
39.	Shri Murli Dhar, S/o Shri Ram Chander, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—
40.	Shri Hari Ram, S/o Shri Panja Mal, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—
41.	Shri Shyam Lal, S/o Shri Sunder Dass, 3011, Bhagwan Ganj, Delhi.	—do—	—do—
42.	Shri Chuhar Mal, S/o Shri Haru Mal 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—

1	2	3	4
43.	Shri Mangli Prasad, S/o Shri Ganga Prasad, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	7-9-1974	Submitted written statement.
44.	Shri Satya Pal, S/o Shri Govind Ram, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—
45.	Shri Prabhu Dayal, S/o Shri Badlu Ram, 4450/13, Gali Chaudhry Nahar Singh, Mohalla Ahiran, Delhi.	9-9-1974	—do—
46.	Pt. Deen Dayal, S/o Shri Thakur Dass, 3011/31, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—
47.	Shri Prem Chand Gupta, S/o Shri Mauji Ram Gupta, 488, Mahavir Bazar, Teliwara, Delhi.	—do—	—do—
48.	Shri Harbans Lal, S/o Shri Natha Mal, 3019/20, Bahadurgarh Road, Delhi.	—do—	—do—
49.	Shri Wadna Pahalwan, S/o Shri Nawab Singh, 3008, Bahadurgarh Road, Delhi.	—do—	—do—

1	2	3	4
50.	Shri Chaman Lal Sindhi, S/o Shri Satu Mai, 1184, Bahadurgarh Road, Delhi.	9-9-1974	Submitted written statement.
51.	Shri Kashmiri Lal, S/o Shri Gyan Chand, 3027, Bahadurgarh Road, Delhi.	—do—	do—
52.	Shri Darshan Lal, S/o Shri Dewan Chand, 3007/2, Bahadurgarh Road, Delhi.	—do—	—do—
53.	Shri Vijay Kumar, S/o Shri Gobind Ram, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—
54.	Shri Riyasat Ali S/o Shri Sikander, 1088, Mohalla Kishanganj, Delhi.	—do—	Submitted written state- ment with affidavit.
55.	Shri M.L. Sahani, Deputy Supdt. of Police, Crime Branch, Delhi Police, Delhi.	10-9-1974	—
56.	Shri C.N. Ludhani, Inspector, Crime Branch, Delhi Police, Delhi.	—do—	—
57.	Shri Shiv Darshan Lal Bakshi, Inspector, Crime Branch, Delhi Police Lines, Kingsway Camp, Delhi.	—do—	—

1	2	3	4
58.	Shri Trilok Singh Negi, Sub-Inspector, 16th Bn., C.R.P.F., New Police Lines, Kingsway Camp, Delhi.	10-9-1974	Submitted written state- ment.
59.	Shri Piar Chand, Sub-Inspector, 16th Bn., C.R.P.F., New Police Lines, Kingsway Camp, Delhi.	—do—	—do—
60.	Shri R.S. Sunderam, Chief Fire Officer, Fire Brigade, Connaught Place, New Delhi.	11-9-1974	—
61.	Shri S.S.L. Sharma, Deputy Chief Fire Officer, Fire Brigade, Connaught Place, New Delhi.	—do—	—
62.	Shri H. S. Gahlaut, Deputy Chief Fire Officer, Fire Brigade, Connaught Place, New Delhi.	—do—	—
63.	Lt. Col. Laiq Ram, Commandant 16th Bn. Central Reserve Police, New Police Lines, Kingsway Camp, Delhi-110009.	—do—	—
64.	Shri Jagat Inder Prakash, Deputy Superintendent of Police, Delhi Police, Delhi.	—do—	Submitted written statement with affidavit.

1	2	3	4
65.	Shri S. M. Yahya Chhabra, Secretary Relief Committee, Kishan Ganj, Delhi.	12-9-1974	Submitted written state- ment with affidavit.
66.	Shri Sunder Lal Jain, S/o Shri Jagdish Prasad Jain, 4309, Gali Bahooji, Bahadurgarh Road, Delhi.	—do—	—do—
67.	Shri Sita Ram Shastry, S/o Pandit Munshi Lal Sharma, 4726, Deputy Ganj Sadar, Delhi.	13-9-1974	Submitted written statement.
68.	Shri Vaidya Mahavir, S/o Shri Mool Chand, Deputy Ganj, Owner Usha Pharmacy, Rui Mandi, Delhi-6.	—do—	—do—
69.	Shri Shyama Charan Gupta, Member, Metropolitan Council, Delhi, 4617, Deputy Ganj, Delhi.	—do—	—do—
70.	Shri Ram Lal Asri, Member, Municipal Corporation of Delhi, 825/7, Sheesh Mahal, Kishan Ganj, Delhi.	—do—	—do—
71.	Shri Narain Dass, S/o Late Pt. Pushkar Dutt Shastri, 3012, Bahadurgarh Road, Delhi.	—do—	—do—
72.	Shri Thakur Dass, S/o Shri Prabhu Dass, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	—do—	—do—

1	2	3	4
73.	Shri Sri Gopal, S/o Shri Pyare Lal, 2944, Bahadurgarh Road, Delhi.	13-9-1974	Submitted written statement.
74.	Shri Nand Kishore, S/o Shri Lachhi Ram, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
75.	Shri Bhupinder Kumar Batra, S/o Shri Sidhu Ram Batra, 2327, Main Bazar Sabzi Mandi, Delhi.	16-9-1974	Submitted written state- ment with affidavit.
76.	Shri Amar Chand Sud, (Jhuggi Wala) East Kidwai Nagar, New Delhi.	—do—	Submitted written statement.
77.	Shri Sunder Lal, S/o Shri Ram Khilawan, 2032, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
78.	Shri Prakash Chand, S/o Shri Chhote Lal, 2043, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
79.	Shri Malak Chand, S/o Shri Ram Rakha Mal, Chowk Kishan Ganj, Delhi.	—do—	—do—
80.	Shri Wazir Chand, S/o Shri Amir Chand, 2102 Gali Mahavir, Teliwara, Delhi.	—do—	—do—

1	2	3	4
81.	Shri Suraj Balee S/o Shri Nathu Ram, Chowk Kishan Ganj, Teliwara, Delhi.	17-9-1974	Submitted written statement.
82.	Shri Karam Chand S/o Shri Gopi Chand, Tea Shop No. 66, Chowk Kishan Ganj, Delhi.	—do—	—do—
83.	Shri Satya Prakash S/o Shri Mela Ram, Chowk Kishan Ganj, Telewara, Delhi.	—do—	—do—
84.	Shri Sri Ram S/o Shri Khub Chand, Shop No. 25, Chowk Kishan Ganj, Delhi.	—do—	—do—
85.	Shri Om Prakash S/o Shri Babu Ram, 2067, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
86.	Shri Sri Kishan S/o Shri Rangi Lal, 2069, Gali Mahavir, Teliwara, Delhi.	—do—	—do—
87.	Shri Gyan Chand S/o Shri Mangat Ram, Gali Panhari, H. No. 311, Teliwara, Delhi.	—do—	—do—
88.	Shri Om Parkash S/o Shri Gagan Das, (Vegetable seller), Chowk Kishan Ganj, Delhi.	18-9-1974	—do—

1	2	3	4
89.	Shri Virbhan, S/o Shri Bali Ram, Shop No. 3011/14, Bhagwan Ganj, Bahadurgarh Road, Delhi.	18-9-1974	Submitted written statement.
90.	Shri Sewa Ram S/o Shri Udha Ram, 790, Sheesh Mahal, Kishan Ganj, Delhi.	1-10-1974	—
91.	Shri Nanak Chand S/o Shri Laxmi Ram, Shop No. 29, Teliwara, Near Kishan Ganj, Delhi.	—do—	—
92.	Shri Udhey Bhan S/o Shri Nathriya Ram, 6883, Beriwalla Bagh, Shop No. 35, Teliwara, Azad Market, Delhi-6.	—do—	—
93.	Dr. Prem Chand Jain S/o Shri Nemi Chand Jain, 4610, Deputy Ganj, Delhi.	—do—	—
94.	Shri Sat Pal Bhatia S/o Shri Ram Saran, 10081, Pul Bangash, (Kashmir Oriental Transport Company), Teliwara, Delhi.	—do—	—
95.	Shri Gulshan Lal S/o Shri Sikandar Lal, 1442-43, Mohalla Fiyaz Ganj, Delhi.	—do—	—

1	2	3	4
96.	Shri Gyan Chand S/o Shri Kirpa Ram, Dairy Owner, Gate No. 2, Faiyaz Ganj, Delhi.	3-10-1974	—
97.	Shri Ahmed Hussain S/o Shri Mohd. Ismail, 8949, Naya Mohalla, Azad Market, Delhi.	—do—	—
98.	Shri Sallah Uddin S/o Shri Mohd. Savalin, 1096, Mohalla Kishan Ganj, Delhi.	—do—	—
99.	Shri Gyas Uddin S/o Shri Tofiq Hussain, 5206, Sadar Thana Road, Delhi.	—do—	—
100.	Shri Aqil Khan S/o Mohammed Ismail Khan, Gali Prasad Wali, H. No. 6363, Bara Hindu Rao, Delhi.	—do—	—
101.	Mohd. Ikhlaq S/o Shri Zamin Uddin, 6313, Baint Wali Gali, Bara Hindu Rao, Delhi.	4-10-1974	—
102.	Shri Shaukat Ali Khan S/o Shri Sujahat Ali, 6833, Kadam Sharif, Pahar Ganj, New Delhi.	—do—	—

1	2	3	4
103.	Shri Veer Narayan S/o Shri Ram Narayan 4467, Mohalla Jatan, Pahari Dhiraj, Delhi. (Research Associate Institute of Economic Growth).	4-10-1974	---
104.	Mohd. Ismail S/o Shri Haji Mohd. Mehmood, Gilatwala, 7962, Mohalla Sheikhan, Bara Hindu Rao, Delhi.	—do—	—
105.	Shri Dhan Raj S/o Shri Hakim Balwant Singh House No. 4175, Gali Ahiran, Pahari Dhiraj, Delhi.	—do—	—
106.	Shri Abdul Qayam S/o Shri Mohd. Ghias House No. 4825, Gali Darjiyan, Bara Hindu Rao, Delhi.	5-10-1974	—
107.	Shri Man Mohan Singh S/o Shri Jai Ram Singh, House No. 1609, Aziz Ganj, Bharat Commercial Roadways, Phoota Road, Delhi.	—do—	—
108.	Shri A.C. Sobarwal S/o Shri L.C. Sobarwal, Shop No. 10286, Library Road, Azad Market, Sadar Bazar, Delhi.	—do—	—

1	2	3	4
109.	Shri Ram Chander Mahajan S/o Shri Gopal Dass Mahajan House No. 19/95-C, Gali No. 2, Gandhi, Nagar, Delhi.	5-10-1974	—
110.	Shri Baldev Raj Sodhi S/o Shri Jai Chand Sodhi, Shop No. 2724, Teliwara, Kishanganj, Delhi.	—do—	—
111.	Mohd. Musa S/o Shri Chand Khan, H. No. 4869, Bara Hindu Rao, Delhi.	—do—	—
112.	Shri Om Parkash Sahni Secy. Yuvak Sangh, Basti Harphool Singh, Nawab Ganj, Delhi.	7-10-1974	—
113.	Shri Gopal Chander Bhatia Bhatia Chit Fund, Basti Harphool Singh, Delhi.	—do—	—
114.	Prof. Balwant Singh C/o National Tagore Academy, Sadar Bazar, Delhi.	8-10-1974	—
115.	Shri Daryai Lal, Advocate. Shivaji Road, 541, Teliwara, Delhi.	—do—	—
116.	Shri Nanak Chand Gupta Gali Nahar Singh, Mohalla Ahiran, Pahari Dhiraj, Delhi.	—do—	—

1	2	3	4
117.	Shri Pishori Lal Mahajan Tripal Seller, Azad Market, Delhi.	8-10-1974	—
118.	Shri Bhim Singh Saini Gali School Wali, Pahari Dhiraj, Delhi.	—do—	—
119.	Smt. Shahjahan Begum W/o Shri Anisul Rehman, 1076, Mohalla Kishanganj, Delhi.	9-10-1974	—
120.	Shri Om Parkash Gupta Gali Mata Wali, Teliwara, Delhi.	—do—	—
121.	Shri Shafiq Rehman S/o Shri Habibur Rehman 1076, Mohalla Kishanganj, Delhi.	—do—	—
122.	Shri Ashfaq Ahmed S/o Shri Masitullah 1055, Mohalla Kishanganj, Delhi.	—do—	—
123.	Shri Zamiruddin S/o Shri Moinuddin, 1061, Mohalla Kishanganj, Delhi.	—do—	—
124.	Smt. Khursheed Begum 1067, Mohalla Kishanganj, Delhi.	10-10-1974	—
125.	Smt. Rasheeda Begum W/o Izhar Ahmed, 1077, Mohalla Kishanganj, Delhi.	—do—	—

1	2	3	4
126.	Shri Zahir Beg S/o Shri Muntaz Beg 6371, Bara Hindu Rao, Delhi.	10-10-1974	--
127.	Shri Mohd. Zaki S/o Shri Mohd. Mustaqueem, 1053, Mohalla Kishanganj, Delhi.	--do--	--
128.	Shri Shyam Bihari Lal Jain S/o Shri Rameshwar Dass Jain, 16/687, Joshi Road, Karol Bagh, Delhi.	--do--	--
129.	Shri Abdul Quadir Azam Abbas S/o Shri Mohd. Bux, 1058, Mohalla Kishanganj, Delhi.	11-10-1974	Submitted written statement with affidavit.
130.	Shri Mohd. Shariff S/o Shri Abdul Rasheed, Gali Sheikh Wali Qasabpura, Sadar Bazar, Delhi.	--do--	--
131.	Shri Sachidanand Hassija President, Northern India Manufacturers Association, and Secretary, Federation of Indian Manufacturers, 17-B/14, W.E.A., New Delhi.	--do--	Submitted written statement.
132.	Maulvi Mohd. Ismail, Imam Masjid, Ahle Hadis, Teliwara, Delhi.	14-10-1974	--
133.	Shri K.G. Saini H. No. 3133, Bar Wala Chowk, Pahari Dhiraj, Delhi.	--do--	--

1	2	3	4
134.	Shri Sujan Chand Singhal Gali Panihari, Teliwara, Delhi.	15-10-1974	—
135.	Shri Islam-Ud-Din S/o Hazi Mohd. Din, 7243, Gali Garhia, Qasabpura, Delhi.	—do—	—
136.	Shri Chander Singh, Sub-Inspector Delhi Police, Delhi.	16-10-1974	—
137.	Shri R.P. Walekar Platoon Commander, 7th Bn. CRPF, Delhi.	—do—	—
138.	Shri Om Parkash Head Constable, 7th Bn. CRPF, Delhi.	—do—	—
139.	Shri H.C. Jatav, I.P.S. Commandant Delhi Home Guards, 65, Alipore Road, Delhi.	17-10-1974	Submitted written statement.
140.	Shri Nabil Ahmed Ansari General Secretary, Pratap Nagar, Block Youth Congress, 7049, Beriwalla Bagh, Pul Bangesh, Delhi.	—do—	—
141.	Shri Brij Mohan President, Social Workers Council, Delhi.	19-10-1974	—
142.	Shri Abrar Hussain S/o Shri Aijaz Hussain, 5206, Sadar Thana Road, Sadar Bazar, Delhi.	21-10-1974	Submitted written statement with affidavit.

1	2	3	4
143.	Shri Alauddin S/o Shri Haji Bakruddin 11136, Idgah Road, Sadar Bazar, Delhi.	21-10-1974	Submitted written statement with affidavit
144.	Shri Qayamuddin S/o Haji Islamuddin Qasab pura, Sadar Bazar, Delhi.	—do—	—do—
145.	Shri K.F. Rustamji, Special Secretary, Ministry of Home Affairs, Delhi.	23-10-1974	—
146.	Shri Jagmohan, Vice-Chairman, Delhi Development Authority, I.P. Estate, Delhi.	5-11-1974	—
147.	Shri B.R. Tamta, Municipal Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi.	8-11-1974	—
148.	Shri Nanakajrekar, Deputy Superintendent of Police, Delhi Armed Police, Delhi.	22-11-1974	—

ANNEXURE II

LIST OF DOCUMENTS MARKED AS EXHIBITS

Sl. No.	Document	Exhibit No.	Remarks
1	2	3	4
1.	Written statement with affidavit of Shri Sant Ram Sethi, Inspector, Delhi Police, North District, Police Lines, Maurice Nagar, Delhi.	A	Official
2.	Written statement with affidavit of Shri Avinash Chandra, Deputy Superintendent of Police, Delhi, Sub-Divisional Police Officer, Police Station Sadar Bazar, Delhi.	B	—do—
3.	Written statement with affidavit of Shri S.L. Arora, Additional District Magistrate, North District, Tis Hazari Courts, Delhi.	C	—do—
4.	Written statement with affidavit of Shri Sheel Kumar Saxena, Additional Superintendent of Police, North District, Tis Hazari Courts, Delhi.	D	—do—
5.	Written statement with affidavit of Shri C.D. Sharma, Sub-Divisional Magistrate, Kotwali Tis Hazari Courts, Delhi.	E	—do—
6.	Written statement with affidavit of Shri Gautam Kaul, Assistant Inspector General of Police (I), Delhi Police, Central Police Office, Kashmiri Gate, Delhi.	F	—do—

1	2	3	4
7.	Written statement with affidavit of Shri Ved Parkash Marwah, Deputy Inspector General of Police (Range), Delhi Central Police Office, Kashmiri Gate, Delhi.	G	Official
8.	Written statement with affidavit of Shri A.K. Singh, Commandant 4th Bn. Delhi Armed Police, New Police Lines, Kingsway Camp, Delhi.	H	—do—
9.	Written statement with affidavit of Shri Hardev Singh, Assistant Sub-Inspector, Delhi Police, Police Station Sadar Bazar, Delhi.	J	—do—
10.	Written statement with affidavit of Shri Ravindher Kumar Dhar, Inspector, Delhi Police Station House Officer, Police Station, Roshanara Road, Delhi.	K	—do—
11.	Written statement with affidavit of Shri Piara Singh, Inspector, Delhi Police, Crime Branch, Tis Hazari Courts, Delhi.	L	—do—
12.	Written statement with affidavit of Shri P.R. Rajgopal, Inspector, General of Police, Delhi.	M	—do—
13.	Written statement with affidavit of Shri V.K. Kapoor, District Magistrate, Delhi.	N	—do—
14.	Letter from Shri V.K. Kapoor, Deputy Commissioner, Delhi, regarding 43 communal incidents listed Police Station-wise.	N-1	—do—

1	2	3	4
13. Information furnished by Shri V.K. Kapoor, Deputy Commissioner, Delhi regarding the brief facts of the incidents under the different Police Stations in Delhi.	N-II	Official	
14. Written statement of Shri Ram Chander Arora, S/o Shri Munshi Ram, Resident of 2124, Gali Ravi Dass, Bahadur Garh Road, Delhi.	1	Public	
15. Written statement of Shri Dhani Ram S/o Shri Banwari Lal, Shop No. 64, Chowk Kishan Ganj, Teliwara, Delhi.	2	—do—	
16. Written statement of Shri Ram Nath, S/o Shri Kanwar Sain, Shop No. 2663, Bazar Teliwara, Delhi.	3	—do—	
17. Written statement of Shri Harbans Lal S/o Shri Jiwan Lal, H. No. 7126, Beriwalla Bagh, Pulbangash, Delhi.	4	—do—	
18. Written statement of Shri Girdhari Lal S/o Shri Mela Ram, Shop No. 25, Chowk Kishanganj, Delhi.	5	—do—	
19. Written statement of Shri Sri Kishan S/o Shri Mam Raj, Shop No. 496, Kishanganj, Delhi.	6	—do—	
20. Written statement of Shri Man Mohan S/o Shri Hardwari Lal, Shop No. 2661, Kishanganj, Delhi.	7	—do—	
21. Written statement of Shri Ram Gopal S/o Shri Amba Prasad, Shop No. 489-90, Kishanganj, Delhi.	8	—do—	

1	2	3	4
22.	Written statement of Shri Ramji Lal S/o Shri Shankar Lal 2055, Gali Mahavir, Teliwara, Delhi.	9	Public
23.	Written statement of Shri Jagan Nath S/o Shri Gopal Dass, Shop No. 9227, Gali Tokriwalan, Delhi.	10	—do—
24.	Written statement of Shri Sunder Dass S/o Shri Mangal Dass, Shop No. 1150/52, Chowk Kishanganj, Delhi.	11	—do—
25.	Written statement of Shri Krishan Gopal S/o Shri Din Dayal 2952, Gali Mahavir, Delhi.	12	—do—
26.	Written statement of Shri Kewal Ram S/o Shri Bakhat Ram 9263, Gali Dori Wali, Tokriwalan, Delhi.	13	—do—
27.	Written statement of Shri Madan Lal, S/o Shri Ladha Ram 9739, Mohalla Nawab Ganj, Delhi.	14	—do—
28.	Written statement with affidavit of Shri Sirajuddin S/o Shri Haji Alimuddin 11130-31, Idgah Road, Sadar Bazar, Delhi.	15	—do—
29.	Written statement of Shri Ram Kishan Gupta, S/o Shri Ghasi Ram 4287/4, Gali Bahuji, Delhi.	16	—do—

1	2	3	4
30.	Written statement of Shri Nanak Chand S/o Shri Mam Raj 494, Main Bazar, Teliwara, Delhi.	17	Public
31.	Written statement of Shri Raj Kishan S/o Shri Kesar Dass H. No. 796, Sheesh Mahal, Shivaji Road, Delhi.	18	—do—
32.	Written statement of Shri Pritam Singh Rathore, S/o Shri Gyasi Ram, 2026, Babaji Ka Gher, Bahadurgarh Road, Delhi.	19	—do—
33.	Written statement with affidavit of Shri Ubaid-Ur- Rehman, S/o Shri Zikrur Rehman, 1019, Kishanganj, Teliwara, Sadar Bazar, Delhi.	20	—do—
34.	Written statement of Shri Mangat Ram Bhatia S/o Shri Anant Ram Bhatia, 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	21	—do—
35.	Written Statement of Shri Faqir Chand S/o Shri Ram Kishan Lal 2072, Gali Mahavir, Teliwara, Delhi	22	—do—
36.	Written statement of Shri Om Parkash S/o Shri Tek Chand 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	23	—do—

1	2	3	4
37.	Written statement of Shri Murlī Dhar S/o Shri Ram Chander, 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	24	Public
38.	Written statement of Shri Hari Ram S/o Shri Panja Mal 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	25	—do—
39.	Written statement of Shri Shyam Lal S/o Shri Sunder Dass 3011, Bhagwan Ganj, Delhi.	26	—do—
40.	Written statement of Shri Chahdar Mal, S/o Shri Haru Mal 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	27	—do—
41.	Written statement of Shri Mangli Prasad S/o Shri Ganga Prasad, 3011, Bhagwan Ganj, Bahadur Garh Road, Delhi.	28	—do—
42.	Written statement of Shri Satya Pal S/o Shri Govind Ram, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	29	—do—
43.	Written statement of Shri Prabhu Dayal S/o Shri Badlu Ram 4450/13, Gali Chaudhry Nahar Singh, Mohalla Ahiran, Delhi.	30	—do—

1	2	3	4
44.	Written statement of Pt. Deen Dayal S/o Shri Thakur Dass, 3011/31, Bhagwan Ganj, Bahadurgarh Road, Delhi.	31	Public
45.	Written statement of Shri Prem Chand Gupta, S/o Shri Mauji Ram Gupta 488, Mahavir Bazar, Teliwara, Delhi.	32	—do—
46.	Written statement of Shri Harbans Lal S/o Shri Nathu Mal 3019/20, Bahadurgarh Road, Delhi.	33	—do—
47.	Written statement of Shri Wadna Pahalwan S/o Shri Nawab Singh, 3008, Bahadurgarh Road, Delhi.	34	—do—
48.	Written statement of Shri Chaman Lal Sindhi S/o Shri Satu Mal 1184, Bahadurgarh Road, Delhi	35	—do—
49.	Written statement of Shri Kashmiri Lal S/o Shri Gyan Chand 3027, Bahadurgarh Road, Delhi.	36	—do—
50.	Written statement of Shri Darshan Lal S/o Shri Dewan Chand, 3007/2, Bahadurgarh Road, Delhi.	37	—do—
51.	Written statement of Shri Vijay Kumar S/o Shri Govind Ram, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	38	—do—

1	2	3	4
52.	Written statement with affidavit of Shri Riyasat Ali S/o Shri Sikander 1088, Mohalla Kishanganj, Delhi	39	Public
53.	Written statement of Shri Tarlok Singh Negi Sub-Inspector, 16th Bn., C.R.P.F., New Police Lines, Kingsway Camp, Delhi.	O	Official
54.	Written statement of Shri Piar Chand Sub-Inspector, 16th Bn., C.R.P.F., New Police Lines, Kingsway Camp, Delhi.	P	—do—
55.	Written statement with affidavit of Shri Jagat Inder Prakash, Deputy Superintendent of Police, Delhi Police, Delhi.	Q	—do—
56.	Written statement with affidavit of Shri S. M. Yahya Chhabra, Secretary Relief Committee, Kishanganj, Delhi.	40	Public
57.	Written statement with affidavit of Shri Sunder Lal Jain S/o Shri Jagdish Prasad Jain, 4309, Gali Vohooji, Bahadurgarh Road, Delhi.	41	—do—
58.	Written statement of Shri Sita Ram Shastry, S/o Pandit Munshi Lal Sharma, 4726, Deputy Ganj, Sadar, Delhi.	42	—do—
59.	Written statement of Shri Vaidya Mahavir, S/o Shri Mool Chand, Deputy Ganj, Owner Usha Pharmacy, Rui Mandi, Delhi-6.	43	—do—

1	2	3	4
60.	Written statement of Shri Shyama Charan Gupta, Member, Metropolitan Council, Delhi, 4617, Deputy Ganj, Delhi.	44	Public
61.	Written statement of Shri Ram Lal Asri, Member, Municipal Corporation of Delhi, 825/7, Sheesh Mahal, Kishanganj, Delhi	45	—do—
62.	Written statement of Shri Narayan Dass S/o Late Pt. Pushkar Dutt, Shastri. 3012, Bahadurgarh Road, Delhi.	46	—do—
63.	Written statement of Shri Thakur Dass S/o Shri Prabhu Dass, 3011, Bhagwan Ganj, Bahadurgarh Road, Delhi.	47	—do—
64.	Written statement of Shri Sri Gopal, S/o Shri Pyare Lal, 2944, Bahadurgarh Road, Delhi.	48	—do—
65.	Written statement of Shri Nand Kishore S/o Shri Lachhi Ram Gali Mahavir, Teliwara, Delhi.	49	—do—
66.	Written statement with affidavit of Shri Bhupinder Kumar Batra S/o Shri Sidhu Ram Batra, 2327, Main Bazar, Sabzi Mandi, Delhi.	50	—do—
67.	Written statement of Shri Amar Chand Sud (Jhuggi Wala) East Kidwai Nagar, E-271, New Delhi.	51	—do—

1	2	3	4
68.	Written statement of Shri Sunder Lal S/o Shri Ram Khilawan 2032, Gali Mahavir, Teliwara, Delhi.	52	Public
69.	Written statement of Shri Prakash Chand S/o Shri Chhote Lal 2043, Gali Mahavir, Teliwara, Delhi.	53	—do—
70.	Written statement of Shri Malak Chand S/o Shri Ram Rakha Mal Chowk Kishanganj, Delhi.	54	—do—
71.	Written statement of Shri Wazir Chand S/o Shri Amir Chand 2102, Gali Mahavir, Teliwara, Delhi.	55	—do—
72.	Written statement of Shri Suraj Balee S/o Shri Nathu Ram, Chowk Kishan Ganj, Teliwara, Delhi.	56	—do—
73.	Written statement of Shri Karam Chand S/o Shri Gopi Chand Tea Shop No. 66 Chowk Kishan Ganj, Delhi.	57	—do—
74.	Written statement of Shri Satay Prakash S/o Shri Mela Ram, Chowk Kishan Ganj, Teliwara, Delhi.	58	—do—
75.	Written statement of Shri Sri Ram S/o Shri Khub Chand Shop No. 25, Chowk Kishan Ganj, Delhi.	59	—do—

1	2	3	4
76.	Written statement of Shri Om Parkash S/o Shri Babu Ram, 2067, Gali Mahavir, Teliwara, Delhi.	60	Public
77.	Written statement of Shri Sri Kishan S/o Shri Rangi Lal, 2069, Gali Mahavir, Teliwara, Delhi.	61	—do—
78.	Written statement of Shri Gyan Chand S/o Shri Mangat Ram Gali Panihari, H. No. 311 Teliwara, Delhi.	62	—do—
79.	Written statement of Shri Om Parkash S/o Shri Gagan Dass (Vegetable Seller) Chowk Kishanganj, Delhi.	63	—do—
80.	Written statement of Shri Virbhan S/o Shri Bali Ram Shop No. 3011/14 Bhagwan Ganj, Bahadur Garh Road, Delhi.	64	—do—
81.	Written statement with affidavit of Shri Abdul Quadir Azam Abbas S/o Shri Mohd Bux, 1058, Mohalla Kishanganj, Delhi.	65	—do—
82.	Written statements of Shri Sachidanand Hassija, President, Northern India Manufacturers Association and Secretary, Federation of India Manufacturers, 17-B/14, W.E.A. New Delhi.	66 & 67	—do—

1	2	3	4
83.	Written statement of Shri R. P. Walekar Platoon Commandar, 7th Bn. C.R.P.F. Delhi.	R	Official
84.	Written statement of Shri H. C. Jatav, I.P.S. Commandant Delhi Home Guards, 65, Alipore Road, Delhi.	S	—do—
85.	Written statement of Shri Nabil Ahmed Anasari General Secretary, Pratap Nagar Block Youth Congress, 7049, Beriwalla Bagh, Pul Bangash, Delhi.	68 & 68 A	Public
86.	Written statement with affidavit of Shri Abrar Hussain, 5206, Sadar Thana Road, Sadar Bazar, Delhi.	69	—do—
87.	Written statement with affidavit of Shri Alauddin S/o Shri Haji Bakruddin 11136, Idgah Road, Sadar Bazar, Delhi.	70	—do—
88.	Written statement with affidavit of Shri Qayamuddin S/o Shri Haji Islamuddin Qasabpura, Sadar Bazar, Delhi.	71	—do—

ANNEXURE III

LIST OF OTHER DOCUMENTS PRODUCED BEFORE AND
CONSIDERED BY THE COMMISSION

S. No.	Document	Produced by
1	2	3
1.	Written statement of Shri K. F. Rustamji, Special Secretary, Ministry of Home Affairs, (Director General, B.S.F. on 5th May, 1974), including suggestions for the handling of disturbances such as the one that occurred in the Sadar Bazar area of Delhi on 5th May, 1974.	Special Secretary, Ministry of Home Affairs.
2.	Note on the important recommendations of the Khosla Commission and the action taken on them.	Inspector General of Police, Delhi.
3.	Note on handicaps and difficulties inherent in the deployment of outside forces in Delhi.	—do—
4.	Note on scheme to deal with disturbances in the walled city and outside location of striking force/emergency reserves.	—do—
5.	Note on recruitment of Muslims in Delhi Police.	—do—
6.	Note on the Bombay Public Security Measures Act, 1947.	—do—
7.	A copy of "Communal Riot Scheme" for Delhi.	Deputy Commissioner, Delhi.
8.	A note on the system of issue and maintenance of Arms licences in Delhi.	—do—

1	2	3
9.	Supplementaries received from Deputy Commissioner, Delhi :	
	(i) A table showing communal incidents in Delhi (1954 to June, 1974).	Deputy Commissioner, Delhi.
	(ii) A list of occasions when different stages of communal riot schemes were brought into force (1-6-1973 to 31-5-1974).	—do—
	(iii) A note on Sub-divisional Public Relations Committee.	—do—
	(iv) A note on the use of mass media.	—do—
	(v) A statement showing number of persons bound down under preventive provisions of Criminal Procedure Code, Punjab Security of the State Act, 1953 (June 1973 to June, 1974) and Bombay Police Act (January, 1973 to June, 1974).	—do—
10.	A brief description of the plan for improving water supply/fire fighting facilities in Sadar Bazar area.	Chief Fire Officer, Delhi Fire Service.
11.	List of water sources in Chowk Kishanganj area.	—do—
12.	List showing the properties damaged or affected by fire in Kishanganj Chowk area on 5-5-1974.	—do—
13.	A note on Citizens Volunteer Force.	Deputy Inspector General of Police (Range), Delhi.
14.	Proposal for establishment of a Police Post in Bara Hindu Rao area in Sadar Bazar Police Station.	Assistant Inspector General of Police.
15.	A note on	
	(i) The Scheme of shifting of the slaughter house from Motia Khan to the new site at Rohtak Road.	Commissioner, Municipal Corporation of Delhi.

1	2	3
	(ii) Urban Development programme in Sadar Bazar area.	Commissioner, Municipal Corporation of Delhi.
16.	A note on	
	(a) The programme of work, the progress made and the obstacles encountered in the task of the Delhi Development Authority with particular reference to the Sadar Bazar area.	Delhi Development Authority.
	(b) Scheme for a modern slaughter house in Delhi.	—do—
	(c) The details of the Delhi Development Authority properties which were set on fire or damaged during the riots of 5th of May, 1974.	Vice-Chairman, Delhi Development Authority.
17	Reply given by Commandant, Delhi Home Guards, to the queries raised by the Commission.	Commandant, Home Guards, Delhi.
18.	Representation from Sadar Bazar Electrical Dealers Association.	Hony. Secretary, S.B.E.D. Association

ANNEXURE IV

REVIEW OF THE COMMUNAL SITUATION IN DELHI

Incidents between individuals of different communities should not be regarded as communal incidents unless there is an indication of the involvement of the communities as such or the incident has generated tension between the communities. Going by this broad definition the year-wise number of communal incidents in Delhi since 1954 has been as follows:—

Year	Incidents	Killed	Injured
1954.	4	NA	NA
1955.	2	NA	NA
1956.	1	NA	NA
1961.	1	—	—
1962.	1	—	6
1963.	1	—	3
1965.	4	—	21
1967.	2	—	—
1968.	1	—	—
1969.	5	—	31
1970.	8	—	2
1971.	1	1	—
1972.	2	—	—
1973.	6	1	55
1974.	4	14	146

(‘NA’—information not available in records)

2. Analysis of the events that led to these incidents shows the following cause-wise break up:—

Quarrels relating to religious processions/congregations/ festivals	6
Eve-teasing	12

Illicit relations/marriage of persons of different Communities	4
Disputes relating to payment of tonga/rickshaw fare or to shopkeepers	6
Disputes at water-taps	2
Disputes between groups of young boys belonging to different communities	3
Miscellaneous	10
Total	43

Only a very small proportion of the incidents followed the traditional causes, such as disturbance of religious processions/congregations, desecration of places of worship, cow-slaughter etc. The majority of the incidents started from quarrels and disputes purely between individuals. When these individuals were joined by supporters from their communities, the incidents took the shape of communal incidents. Incidents of eve-teasing started off a sizeable number of communal incidents, particularly in the last couple of years.

3. All the incidents till May, 1973 were of minor nature. However, on the 12th June, 1973 an incident of serious nature took place in the Pakki Gali area of Sadar Bazar. At about 9.30 p.m. there was an altercation between two groups of boys following the defection of one boy from one group to the other. This was followed by a fight. The groups were joined by supporters from the two communities, who indulged in large scale pelting of stones, bottles etc. and arson. The authorities had to resort to firing to bring the situation under control. As a result of the police firing one person died. In the incident 12 members of the public and 48 policemen received injuries. 8 shops and a khokha were burnt and a few others damaged.

4. The next serious incident took place on the 9th March, 1974 in Farash Khana in the area of police station Hauz Qazi. A few Hindu ladies were walking down the street when 3 Balmiki boys came on a cycle rickshaw and one of them tried to snatch the necklace of the ladies. The ladies started shouting and attracted the attention of some Muslim boys, who objected to the misbehaviour on the part of the Balmiki boys. A quarrel started between the two groups and they were soon joined by supporters from their communities. In the melee 4 persons were stabbed. Three of them (2 Balmikis and 1 Muslim) died. In the exchange of stone throwing some persons received minor injuries. The district officers and the police rushed to the spot, controlled the situation and prevented escalation or recurrence of trouble in the area.

5. The next serious incident was the one under inquiry.

6. The main features of the communal situation in Delhi continues to be the occurrence of petty incidents between individuals of different communities, which, if not controlled right at the initial stage, tend to escalate into riots, with groups of persons from both communities joining in. Record is available of 185 such incidents having occurred during the period between the 12th June, 1973 and the 5th May, 1974. These incidents occurred in almost all the areas of mixed population, but a large proportion of them have taken place in the area of police station Sadar Bazar.

7. The occurrence of 3 serious communal incidents has, no doubt, resulted in the hardening of the communal sentiment and there is all the greater need now for vigilance on the part of the authorities and for quick and effective intervention, whenever any incident having the potentiality to escalate into a communal riot, occurs.

8. Keeping in view composition of population, past experience, existence of irritants etc., the following appear to be the communal sensitive areas in Delhi:—

P.S. Sadar Bazar	Nawab Road, Qasab Pura, Bara Hindu Rao, Ahata Kedara, Mohalla Kisbanganj, Shish Mahal, Azad Market, Teliwara, Bahadur Garh Road, Beriwalabagh, Pul Bangash, Basti Julahan, Sarai Khalil.
P.S. Kotwali	Huts in Moor Sarai—Railway Colony.
P.S. Lahori Gate	Ballimaran, Farash Khana, Naya Bans, Baradari Sher Afgan.
P.S. Kashmiri Gate	Chota Bazar, Gali Naal Bundaan.
P.S. Civil Lines	Majnu-ka-Tila.
P.S. Shahdara	Babarpur, Seemapuri.
P.S. Seelampur	New Seelampur (1 & 2), Jafrabad, Chauhan Bangar, Brahampuri, North Ghonda Mosque, Usmanpur.
P.S. Gandhi Nagar	Kailash Nagar, Ajit Nagar, Old Seelampur, Khureji Khas.
P.S. Jama Masjid	Chhatta Lal Mian, Tirha Behram Khan, Kala Mahal, Kucha Chelan, Matia Mahal, Churiwalan, Kali Masjid, Ganj Mir Khan, Rakab Ganj, Turkman Gate, Sui Walan, Pahari Bhojla.
P.S. Hawz Qazi	Farash Khana, Rodgran, Bara Dari Sher Afghan, Gali Kasimjan, Bazar Lal Kuan, Sirkiwalan, Kucha Pandit, Shah Ganj, Gali Shahtara, Himat Garh, Churiwalan.
P.S. Kamla Market	Chhata Hajjan Bi, Gali Ghanta Kakwan, Mohalla Niaryan, Shah Ganj, Gali Shahtara, Ajmeri Gate, Jhuggi Barron Road.
P.S. Pahar Ganj	Nabi Karim area, Khawaja Baqi Billa, Qilla Kadim Sharif, Amar Puri, Lachman Puri.

P.S. Defence Colony	Masjid Moth area
P.S. Kalkaji	Badarpur
P.S. Hauz Khas	Shahpur Jat, Village Hauz Rani.
P.S. Mehrauli	Dargah Mehrauli, Chirag Delhi.
P.S. Srinivas Puri	Jamia Millia, Okhla Basti, Nuru Nagar, Village Jolana.
P.S. Lajpat Nagar	Village Garhi
P.S. Lodi Colony	Karbla
P.S. Nizamuddin	Basti Nizamuddin, Kali Masjid, Dargah Pateshah, Sarai Kale Khan.

ANNEXURE V

MEASURES TAKEN BY THE DISTRICT ADMINISTRATION TO DEAL WITH THE COMMUNAL PROBLEM IN DELHI

1. There is a well-organised unit, composed of specially trained officers, in the CID (Special Branch) to collect intelligence in regard to the activities of communal elements and organisations and matters likely to give rise to communal tensions. There are similar intelligence units at the disposal of the district police. The information collected by these intelligence agencies is communicated promptly to all officers concerned. Reports on the activities of communal organisations and matters likely to occasion communal tension is included in the "Daily Summary of Information" issued every day. Information requiring urgent attention of the officers concerned or of a more important nature is communicated in "Special Reports." The Special Branch also issues a fortnightly report on the activities of the communal organisations.

2. It has been made clear to all district and sub-divisional officers that they are personally responsible for prompt action to prevent or stop communal disturbances; failure to take prompt and effective action is considered as dereliction of duty on their part. They are required to themselves scrutinize the reports and assessments received from the intelligence agencies and to take preventive action promptly to forestall any communal problem.

3. Constant watch is kept on inflammatory writings and speeches. The Special Branch sends a monthly report on the writings appearing in the communal newspapers, which may be prejudicial to the maintenance of communal harmony. A cell is located in the office of the District Magistrate to scrutinize these reports as well as some of the papers, which are known to have a communal slant. In suitable cases complaints are made to the Press Council of India and prosecutions are launched. Arrangements exist in the Special Branch to cover and take notes of the speeches of communal leaders with a view to taking action in appropriate cases. So far 43 prosecutions have been launched; 4 of them relate to speeches, 1 to poster, 3 to booklets, 1 to a person spreading rumours and the rest to writings in newspapers. Nineteen of the cases have ended in conviction and 13 in acquittal, while 11 cases are pending trial. When prior intelligence is available regarding the proposed publication of a matter prejudicial to the maintenance of communal harmony, action is taken under section 6 of the Criminal and Election Laws (Amendment) Act, 1969 to prohibit the publication of the matter. Such action has been taken on two occasions in the recent past.

4. To deal with situations involving communal tension a Communal Riot Scheme has been devised, which sets out the measures to be taken in precautionary, preparatory and emergency stages. The Scheme specifies for the three stages the number and location of police pickets and patrols,

the equipment to be carried by them, measures for rounding up of bad characters and communal elements and to mobilize the support of respectables, control over fire-arms, measures for the enforcement of curfew etc. Depending upon the requirement of the situation various stages of the Scheme are brought into force by the Inspector General of Police in consultation with the District Magistrate.

5. Contingents of riot police are now kept at several points in the walled city, under the command of senior officers. These contingents are fully equipped and mobile and are not subjected to any other duties. On the occurrence of a riot in any part of the walled city these contingents can be rushed at very short notice.

6. To secure the co-operation of the people for the maintenance of order committees have been constituted at various levels. There is a committee with the Lieutenant Governor as Chairman and the MPs representing Delhi, the Mayor and leaders of the various political parties as members. The Committee meets frequently and discusses the problems of law and order in Delhi and specifically problems relating to communal relations. The SDMs hold meetings once every month of the sub-divisional committees consisting of members of the Metropolitan Council, Municipal Councillors and other respectable leaders representing their areas. These committees discuss the problems of law and order, help in sorting out disputes likely to give rise to communal tensions and co-operate with the authorities in making arrangements for the peaceful celebration of religious festivals. Similarly, there are committees of respectable citizens functioning at the level of the police stations. Apart from holding meetings of the committees constituted on permanent basis, the officers hold meetings of respectables at the mohalla level, whenever such need arises in view of the prevailing tension.

7. The Administration has been making active use of the mass-media to promote communal harmony. By involving the Directorate of Field Publicity, Ministry of Information and Broadcasting, film shows and other cultural programmes have been held and posters and pamphlets brought out for the promotion of national integration.

ANNEXURE VI

ACTION AGAINST BAD CHARACTERS AND CRIMINAL ELEMENTS IN DELHI

Preventive action against bad characters and criminal elements includes (a) surveillance of recorded history-sheeters and (b) action under the preventive provisions of the Code of Criminal Procedure and other relevant laws. Since the beginning of 1973 this has received serious attention of the district administration and vigorous steps have been taken to bring about, quantitative as well as qualitative, improvement in preventive action against unsocial elements, with a view to making it an effective instrument for the prevention of crime and public order problems.

2. It was found that the history-sheets maintained in the police stations were generally out-dated; many of the history-sheeters were no longer active criminals and many real criminals were not recorded as history-sheeters. This position has now been corrected. A thorough review has been undertaken of all the history-sheets. Those of inactive criminals have been deleted and new history-sheets of the active criminals have been added. Regular surveillance is now kept on all history-sheeters, in accordance with the laid down procedure and under the direct supervision of the SHOs.

3. The manner in which action under the preventive provisions of law used to be taken, lacked purpose. The persons sent up to courts were mostly parties to civil disputes and were really not potential offenders. Action in the courts proceeded at a sluggish pace and very few cases resulted in the binding down of the persons concerned. New procedural difficulties arose in preventive proceedings, consequent to the Supreme Court's judgement in AIR 1971 SC 2486, relating to the procedure under Chapter VIII of the Code of Criminal Procedure.

4. As a first step to remedy the situation a drive was organised to dispose of pending unnecessary proceedings. From January to May, 1973, 4,186 cases were disposed of and the number of pending cases in all the courts in Delhi were brought down to 1,092. From about the middle of June, 1973 preventive action against bad characters and potential offenders was vigorously stepped up. The main objective being to bind down as many of them as possible for keeping the peace or for good behaviour. A detailed analysis was made of all the cases sent up to the courts in the second half of June to identify the procedural and other flaws. The results of the analysis were discussed at a joint meeting of magistrates and police officers and the relevant points were explained. The progress of preventive action is discussed at the monthly meetings of Executive Magistrates and at the meetings which are held by the District Magistrate with the ADMs and the SsP. An idea of the extent

by which the action has been stepped up since June, 1973 can be had from the following figures:—

Period	Number of persons bound down
1961 to 1966 (Figures not available for 1966 to 1972)	2,349
January 1973 to May, 1973	311
June, 1973 to December, 1973	2,439
January, 1974 to June, 1974	2,634

5. The new Code of Criminal Procedure, which came into force on the 1st April, 1974 contains the following important changes in the preventive provisions:—

- (a) The powers to entertain cases under section 108, 109 and 110 were taken away from the Executive Magistrates and entrusted to the Metropolitan Magistrates. A resolution has, however, been passed by Parliament for the return of these powers in Delhi to the Executive Magistrates. By virtue of a notification made by the High Court the powers continue to vest in the Executive Magistrates.
- (b) The effectiveness of section 107 has been greatly reduced, as under the new provision the court can demand only a personal bond from the respondent and not surety bonds.
- (c) The scope of section 109 has been considerably reduced.

Keeping (b) and (c) in view emphasis has now been shifted to the use of section 108 and 110.

6. During this period vigorous use has also been made of the provisions of the Bombay Police Act, relating to externment of habitual criminals. From January, 1973 to June, 1974, 211 such persons were externed from the union territory.

7. The Punjab Security of State Act, 1953, as extended to the Union Territory of Delhi, contains provisions under which persons, whose activities are prejudicial to the maintenance of law and order, can be required (a) to keep the authorities informed of their movements and (b) to remain or not to remain in specified areas. These provisions have been invoked against 82 persons.

ANNEXURE VII

HANDICAPS AND DIFFICULTIES INHERENT IN THE DEPLOYMENT OF OUTSIDE FORCES IN DELHI

Due to ever-increasing law and order commitments of Delhi Police, our dependence on outside forces, has unwittingly become habitual and endemic. Continued dependence on outside force is neither administratively sound, nor functionally advisable and it creates certain avoidable difficulties. In this context, following factors are relevant for consideration :—

(i) Depleted strength of outside forces

The units that come from outside, though they are always quoted in terms of battalion strength, but, they never come in full strength. We have presently four battalions of C.R.P. The sanctioned strength of each of the se battalions and the sanctioned strength actually made available for deployment, is reproduced below :—

	Sanctio- ned strength	Strength made avail- able
7th C.R.P. Bn.	891	487
16th C.R.P. Bn.	886	471
59 C.R.P. Bn.	891	454
28 C.R.P. Bn.	891	504
TOTAL	3,559	1,916

(ii) Interminable nature of duties causes stress and strain

The duties in Delhi in the past few years have been continuous almost to the point of being interminable. This has been causing us a lot of worry and yet we are powerless to do anything about it. Even before we are out of one event the next one catches up with us and it has not been possible for us to lay off the men for rest even once in a while, let alone once a week. The guest forces naturally and understandably grumble about the continuity of duties. Such state of affairs perhaps, cannot be continued for long without impairing the disciplined behaviour of the men.

(iii) Inadequacy of accommodation and other facilities

Make-shift arrangements for accommodation and stay for outside forces have everytime to be repeated which puts avoidable strain on our resources. As such temporary arrangements can never be as satisfactory as permanent ones, the outside forces feel understandably aggrieved on this point which leads to unnecessary friction.

(iv) *Inadequacy of outside armed units in handling day-to-day law and order duties in Delhi*

Certain outside forces like, B.S.F., C.R.P.F., I.T.B.P. and Special Armed police Units, are primarily armed units trained in fire power, for dealing with border and other serious situations. Other forces like, India Reserve Battalions (S.A.F., R.A.C., P.A.P., etc.), are also more oriented to the use of arms and anti-dacoity operations than in handling highly sophisticated urban population such as we have in the metropolis. Hence, difficulty is felt when these armed units are deployed on day-to-day law and order duty in Delhi where "on most of the occasions, it will be used only as a lathi force. On some occasions, a little armed police backing may be required for the lathi police and it will be enough to use tear gas".

(Refer Para-9, Page-256, Delhi Police Commission Report).

(v) *Difficulty in enforcing discipline and operational control*

The outside forces have their own limitations and it is not prudent to depend on them on a long term basis. At occasions, it has been noticed that it might become difficult to enforce discipline and operational control on the men of the heterogeneous group of outside forces.

(vi) *Dependence of outside units on local guidance and leadership*

Even when outside units are deployed, they have to be put in charge of local police officers under whose instructions and guidance alone the outside units can be allowed to function. In the absence of the adequacy of Delhi Police officers, the outside units are of doubtful value. With all their sincerity and commitments to the job, the supervision and decisions connected with these forces, have ultimately to come from the Delhi Police cadre.

(vii) *Quick and frequent change-over of outside forces*

The outside forces in their very nature have to be constantly rotated and replaced. In the process by the time, the units settle down and are aware of the problems peculiar to Delhi, it is time for them to quit and be replaced by a totally fresh unit, coming probably after a spell in Nagaland or in any of the riot torn States. How do we ensure their proper reflexes ?

(viii) *Inadequacy of transportation for outside forces*

When an outside battalion is placed at the disposal of Delhi Administration for deployment on day-to-day law and order duty, it is expected that the battalion will come fully equipped with complete transportation, accoutrements, men and material. But, it has been found that the four battalions of C.R.P. which are at present stationed in Delhi, are most reluctant to use their vehicles even for the movement of their own troops which definitely can prove disastrous during emergencies in a city like Delhi.

(ix) Extra-financial liability

Financially also, a battalion of C.R.P.F. attached to Delhi Police, on an average, costs much more to the Central Government than a battalion of D.A.P., as avoidable expenditure on many counts, is inherent in the scheme of deputation of an outside battalion.

(x) Ignorance of the topography and lack of local knowledge

The outside forces not being well-acquainted with the temper and the behaviour pattern of citizens of Delhi as well as being ignorant of the topography and the local conditions are at a handicap to effectively deal with law and order situations in the Capital.

(xi) No outside force can be a substitute for the indigenous force

No force, howsoever efficient, can be a substitute for the indigenous in the long run. Outside forces may at best be of help and use only temporarily and in the short run. The essence of policing is the implementation of the concept of having on the field as also in the reserve, men who are attuned to the culture and demands of the population. This is a process which comes about over a period of time and can never be expected to be a built-up product in any outside force that may be called upon for duty in an emergency. Hence, the Delhi Police Commission observed as follows:—

“The sophisticated population of city evolve and adopt special forms of violence, and the armed police must develop special techniques to deal with these, and this only the city police can do. No specialised units, however, efficient and well-trained, can truly cope with the delicate and intricate problem of controlling disturbances in a city”.

(Refer Para-14, Page-256 of Delhi Police Commission Report).

Conclusion

It has been noticed that the outside forces cannot come out in full strength, have limitation regarding the nature and mode of deployment, suffer from lack of special training for urban law and order duty and unfamiliarity with the topography and lack of rapport with the local leadership resulting in wasteful expenditure of resources and man-power. Particularly during periods of crisis and emergent law and order situation, these handicaps become still more pointed and permanent. Hence, it can be safely concluded that it would be highly desirable, administratively sound, operationally-wise as well as financially economical not to remain continuously dependent on outside force but, to rationalise and adequately augment the strength of Delhi Police.

ANNEXURE VIII

No. 1/9/74-BDIC

GOVERNMENT OF INDIA
SADAR BAZAR DISTURBANCES INQUIRY COMMISSION, 1974
20, Tilak Marg
New Delhi 110001

Dated September 28, 1974.

To

The Secretary to the Government of India,
Ministry of Home Affairs,
NEW DELHI 110001

(Attention Smt. Padma Ramachandran, Director)

Sir,

I am directed to request you to kindly refer to Ministry of Home Affairs Notification No. II-14011/9/74-NID(B), dated 25-6-1974, by which a One-Man Commission of Inquiry has been appointed to inquire into the communal disturbances that occurred in the Sadar Bazar Police Station area, Delhi, on 5th of May, 1974. It is mentioned in sub-para (ii) of para 1 of the above mentioned Notification that the Commission will be expected to complete its inquiry and submit its final report to the Central Government within four months from the date of that Notification.

2. I am giving below, in outline, the past working programme of the Commission, date-wise for your information:—

S. No.	Particulars	Date
1	2	3
(i)	Date of Notification constituting the Commission	25-6-1974
(ii)	Date of joining of the Secretary to the Commission	1-7-1974
(iii)	Date of assumption of office of the Commission by Shri R. Prasad ICS (Rtd.)	3-7-1974
(iv)	Date of joining of the Commission's staff	12-7-1974

1	2	3
(v) Date of occupation in the portion of the building allotted to the Commission (20, Tilak Marg, New Delhi)		12-7-1974
(vi) Date of Commission's first Notification which was published in the newspapers 14th/15th July, 1974		12-7-1974
(vii) Last date for the submission of officials' statements		27-7-1974
(viii) Last date for submission of public statements, as per the public notification		29-7-1974
(ix) Last date as extended for submission of statements of both officials and non-officials, on account of requests from members of the public, Delhi Administration and Ministry of Home Affairs		12-8-1974
(x) Commission's hearings of official and non-official witnesses started		30-8-1974
(xi) First phase of the hearings concluded		18-9-1974

3. Shri R. Prasad, ICS (Rtd.), One-Man Commission of Inquiry, left for Hyderabad on 19-9-1974 after hearing the official and non-official witnesses till 18-9-1974. From 30-8-1974 till 18-9-1974, the Commission had examined 89 official and non-official witnesses in all most of whom had earlier submitted written statements before the Commission, though not all of those written statements were supported by affidavits. The Commission's sittings are held in private as requested by the Central Government in Ministry of Home Affairs letter No. 1-19011/7/74-NID dated 21-8-1974.

4. 12 witnesses who have submitted written statements remain to be examined. Besides them, a list of 40 witnesses has been submitted by the Sadar Bazar Danga Pirit Sahyata Samiti (mainly representing Hindus) requesting the Commission to examine these witnesses also as they have got first-hand information on different aspects of the riots and are desirous of being heard by the Commission. Like wise, lists of 16 witnesses and 30 witnesses have also been submitted by the Kishanganj Relief Committee (mainly representing Muslims) and the Delhi Administration, respectively, requesting the Commission to give these persons a hearing as they are respectable personalities of the affected areas and have got first-hand knowledge of different aspects of the riots of 5th May, 1974.

The Commission may also have to recall some of the official and non-official witnesses whom the Commission has already heard, to get clarifications about certain aspects which have come to light in the subsequent evidence adduced before the Commission after those witnesses had deposed.

5. The Commission has, therefore, yet to examine the witnesses referred to in para 4 above. Even if the Commission were not to hear all the additional 86 witnesses listed by the two public committees and the Delhi Administration, it would be necessary to hear a majority of them. The Commission left for

Hyderabad on 19-9-1974 and will be returning back to Delhi on 30-9-1974 and the hearings of the Commission will restart from the 1st October, 1974. After the hearings of the Commission are over, which may go well into the 3rd week of October, 1974, if not later, the Commission will devote its time to the study of the evidence and other documents, and the finalisation of its report. It will, therefore, be impossible for the Commission to submit its final report by the 24th of October, 1974. Taking into account the items of work which still remain to be done in the Commission's Inquiry and the fact that the Commission has to spend sometime at Hyderabad also (as mentioned in the following para) the Commission feels that it will be able to conclude its enquiry and submit its report to Government only by the first half of December, 1974, i.e. by 15th December, 1974. Thereafter at least two weeks' time will be required to wind up the office of the Commission.

6. As the Ministry of Home Affairs are already aware, Shri R. Prasad, ICS (Rtd.), One-Man Commission of Inquiry, is also on part-time duty as Pay Revision Commissioner of the Government of Andhra Pradesh at Hyderabad and is able to devote only part of his time to this Commission of Inquiry at Delhi. I am mentioning below the number of days which Shri Prasad, ICS (Rtd.) has spent on his duty as Pay Revision Commissioner to the State Government of Hyderabad during the months of July, August and September, 1974. As will be seen, Shri Prasad, has from August onwards, been devoting more than half of each month progressively to the Sadar Bazar Disturbances Inquiry Commission and proposes to continue likewise in October and November also :—

July, 1974 (from 14th to 30th)	16 Days.
August, 1974 (from 18th to 29th)	11 Days.
September, 1974 (from 19th to 30th)	10 Days.

7. In view of the above, I am directed to request that the Central Government may kindly grant extension of time for the Commission till the 31st of December, 1974, allowing for some time for winding up of its office following the submission of its report by the 15th December, 1974.

Yours faithfully,

Sd/- S. K. MAGON
Secretary

SADAR BAZAR DISTURBANCES
INQUIRY COMMISSION, 1974.

No.II-14011/9/74-NID(B)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi-110001, the 23rd October, 1974.

NOTIFICATION

S.O.....In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby extends up to the 15th December, 1974, the period within which the Commission of Inquiry appointed by the Government of India in the Ministry of Home Affairs by notification No. S.O. 387(E) dated the 25th June, 1974, shall make its report to the Central Government.

Sd/- B. R. PATBL
Joint Secretary to the Government of India.

To

The Manager,
Government of India Press,
NEW DELHI.

Copy forwarded to the Secretary, Sadar Bazar Disturbances Inquiry Commission, 20 Tilak Marg, New Delhi-110001.

Sd/- B. R. PATBL
Joint Secretary to the Government of India.

R. Prasad, I.C.S. (Retd).
One-Man Commission of Inquiry.

D.O. No. 1/9/74-SBDIC

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Sadar Bazar Disturbances
Inquiry Commission, 1974
20, Tilak Marg,
New Delhi 110001

Dated the 9th December 1974.

My dear Mukarji,

Kindly refer to Government Notification No. II-14011/9/74-NID(B), dated the 23rd October, 1974, extending up to 15-12-1974 the time for submission of the report of this Commission.

2. There were 148 witnesses in all heard by the Commission and some local investigation also had to be made by the Secretary of the Commission under Rule 5(7) of the Commissions of Inquiry (Central) Rules 1972, in respect of certain matters arising out of the evidence. This was completed on 22-11-1974. Some material called for from the Vice-Chairman, D.D.A., and Commissioner, Municipal Corporation of Delhi was received towards the end of November.

3. The drafting of the report of the Commission has now made substantial progress but because of the volume of the evidence and the number of Appendices and Annexures required to the report, it is felt that it would be very difficult to complete, fair copy and submit the report to Government in a final shape by 15-12-1974. There have also been some unforeseen temporary bottlenecks in the stenographic and typing work in the Commission's office. These have now been got over.

4. While the final draft or text of the report is expected to be ready by 15th December, 1974, it would require at least another week or ten days to get the final fair copies ready. I have also to go over to Hyderabad for at least a week or ten days in the third to fourth week of December in connection with my work as Pay Revision Commissioner of the State Government. It is accordingly requested that Government may kindly further extend the date for submission of the Commission's report up to 31st of December, 1974.

5. Government have already sanctioned *vide* letter No.I-19011/2/74-NID, dated 5-12-1974 continuation of a skeleton office staff under the Secretary of the Commission for the winding up of its office. This work will also now be simultaneously attended to and completed by the Secretary of the Commission by 31st December, 1974.

6. This short extension of the term of the Commission by 16 days will only entail the continuance till 31-12-1974 of the posts of Private Secretary, P.A. and Jamadar i.e. the personal staff of the One-Man Commission. No additional sanctions under other heads of expenditure are needed.

7. I regret the inconvenience caused to Government by the Commission's having to ask for a second extension, although a short one.

Yours sincerely,

Sd/- R. PRASAD

Shri N. K. Mukarji,
Secretary to the Govt. of India,
Ministry of Home Affairs,
NEW DELHI.

No. II-14011/9/74-NID(B)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi-110001, the 16th December, 1974

NOTIFICATION

S.O.....In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby extends up to the 31st December, 1974, the period within which the Commission of Inquiry appointed by the Government of India in the Ministry of Home Affairs by notification No. S.O. 387 (E) dated the 25th June 1974, shall make its report to the Central Government.

Sd/- B. R. PATEL

Joint Secretary to the Government of India

To

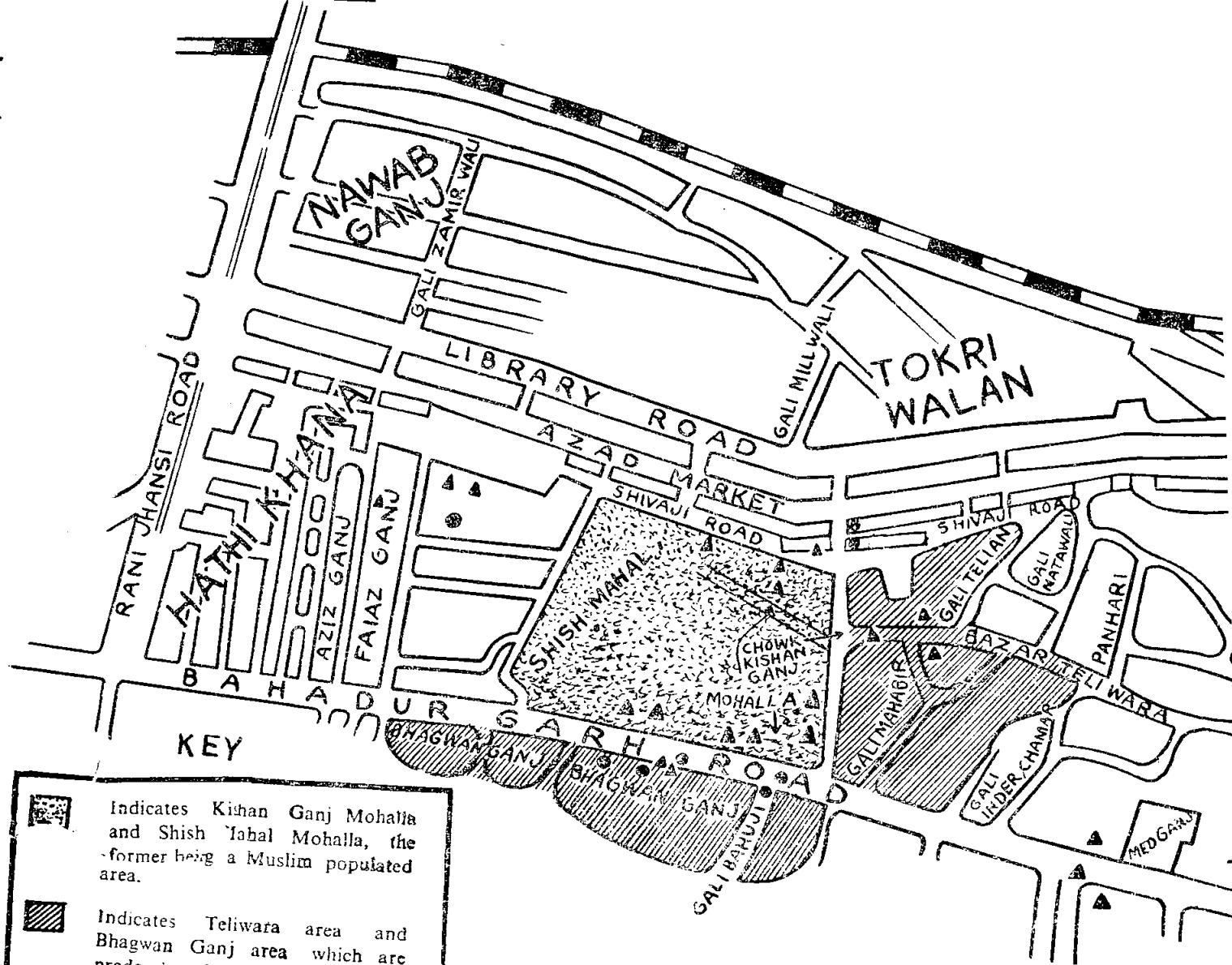
The General Manager,
Government of India Press,
NEW DELHI.

APR 17 1976
Date 17.9.76





Errata to the Report of the Commission of
 Inquiry on Communal Disturbances
 Ranchi-Hatia (August 22-29, 1967)

	<u>For</u>	<u>Read</u>
Page (i) Contents Part, II Chapter V	pages 26-51	36-51
Page 5. Para 1.10 line 3.	purpoting	purporting
Page 42 Para 5.36 line 12	(and 4 Constables were to patrol site).	to be deleted.
Page 42 Para 5.36 line-13	Sector-H	Sector-II.
Page 56 Para 6.13 line-1	measure	measures.
Page 57 Para 6.17 line -14	of a senior	or a senior
Page-60 Para-6.31 Line-7	that confidential	that <u>the</u> confidential
Page-62	PART	PART-III
Page-65 Para-1.10 Line-4	Strength.	Strength
Page-74 Para-2.32 Line-4	purposes	purpose.
Page-137 Para-12 Line-2	organser	organiser
Page-152 Line-11	-9-67	1-9-67
Page-154 Col No.16 (26.8.67)	Not visible	1

	<u>For</u>	<u>Read</u>
Page-154 Col.No.17 (31.8.67)	Not visible	1
Page-155 Col.No.5 (2.9.67)	-	1
Page-157 Col.No.17 (6.9.67)	Not visible	1
Page-157 Col.No.16 (Total)	152	155
Page-159 (28.8.67) Line-3	D.T.2885 field	D.T.2885 open field
Page-159 (28.8.67) Line-5	Jagannthpur	Jagarnathpur
Page-160 Line-14	25	2
Page-160 Line-15	5	25
Page-161 Line-1	15	25
Page-163 Under heading 'Force'	C.O's	J.C.Os
Page-164 Line-6	Shri K.K. Prasad, D.B.O.	Shri K.K. Prasad B.D.O.
Page-169 Under place of deputation Line-7(against Shri J.B. Hembram)	fotce	force
Page-175 Line-2 Under "Total"	9	8
Page-177 S.No.49 Under Time	17.30	18-30 hrs.
Page-181 item No.3 (Below "pickets") (Below "Patrols")	cowk Cowk	Chowk. Chowk



KEY

- 
 Indicates Kishan Ganj Mohalla and Shish Mahal Mohalla, the former being a Muslim populated area.
- 
 Indicates Teliwara area and Bhagwan Ganj area which are predominantly Hindu populated areas.
- 
 Indicates places which were set on fire.
- 
 Indicates places where people fell to firing