



GOVERNMENT OF MAHARASHTRA

REPORT
OF
THE COMMISSION OF INQUIRY
(MANMAD PANDAL FIRE—MAY, 1981)

THE HON'BLE
Mr. JUSTICE R. A. JAHAGIRDAR

31st DECEMBER 1982

Rs. 4.00

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CONTENTS

CHAPTER					PAGE
I	Introduction	1
II	Preliminaries	8
III	Statements and Witnesses	13
IV	Procedure and Sittings of the Commission			..	18
V	The Place of the Incident		..	..	32
VI	The Causes of and the Circumstances resulting into the Outbreak of Fire.				51
VII	Responsibility for the Fire	..		..	70
VIII	Adequacy of Precautionary Measures			..	73
IX	Adequacy of Police Bandobast and Other Incidental Matters.				80
X	Adequacy of Fire-fighting and Rescue Operations and Medical Aid.				116
XI	Summary	..	..	..	128
	Annexure ' A '	..	..	..	139
	Annexure ' B '	..	..	..	140
	Annexure ' C '	..	..	..	141
	Annexure ' D '	..	..	..	146
	Annexure ' E '	..	..	..	149
	Annexure ' F '	..	..	-	151
	Annexure ' G '	..	..	..	152
	Annexure ' H '	..	..	..	153

I. INTRODUCTION

Manmad town in which the incident leading to this inquiry took place is situated in Nandgaon taluka of Nashik district. It is an important town situated at a busy Railway junction on the Bombay-Nagpur section of the Central Railway. "Manmad is a rapidly-expanding Municipal town in Nandgaon taluka, lying 72.42 km. (forty-five miles) north-east of Nashik. In 1971 the Municipality had an area of 20.42 square kilometres (7.5 square miles) under its control with 29,571 persons residing within its limits. The town once belonged to the Vinchurkar family. Manmad is one of the most important junctions on the Bombay-Nagur section of the Central Railway, from where two lines branch off towards Hyderabad and Poona, respectively. It is also an important State transport centre, buses plying from here to Dhule, Pune, Chandvad and many other important towns and cities. Due to these excellent means of transport and communications the town is rapidly developing and is bound to be one of the most developed towns in Nashik district in course of time. Apart from post and telegraph facilities there is the additional advantage of telephone exchange. Both the stations as well as the State Transport bus stand are provided with modern amenities for the passengers, such as refreshment rooms, waiting halls and book stalls. Both these agencies combined together provide a large section of the population with means of livelihood. The Railways have been provided residential quarters for the staff. The educational institutions include, besides the primary schools, two high schools and a training college. There are a civil hospital with attached maternity ward and a veterinary dispensary. There is a police station and a sub-market yard of Nandgaon market committee. Cotton from Malegaon and a part of Khandesh takes rail here for Bombay and other places. Manmad has two bone-grinding mills and a few ginning and pressing factories. A rest-house for the travelling Government employees is maintained by the Buildings and Communications Department." (See Nashik District Gazetteers, Government of Maharashtra, page 910).

2. The figure of population, mentioned in the Nashik District Gazetteer is on the basis of the census figures of 1971. According to the census figures of 1981*, the population of Manmad is 51,439.

*Source : Census of India, 1981 Series 12—Maharashtra Paper I of 1982.

Between 1971 and 1981, therefore, there is an increase in the population of Manmad by nearly 22,000, that is by 76 per cent. The revenue headquarters of the Nandgaon taluka are at Nandgaon itself which has, according to the census figures of 1981, a population of 17,768. The Nashik District Gazetteer mentions that in the year 1971 Nandgaon had a population of 15,885. Between 1971 and 1981, therefore, the population of Nandgaon, which is the headquarters of the Tahsil, has practically not registered any increase at all. These figures give an idea of the comparatively more important position of Manmad. The extract from the Nashik District Gazetteer reproduced above mentions that there are civil hospital with attached maternity ward and a Veterinary dispensary. Normally by a civil hospital one understands a hospital run by the Government. As the evidence in this inquiry has shown, there is no Government hospital at all at Manmad and what is loosely called a hospital is actually a Municipal dispensary without having any beds for general patients. There is only a maternity ward attached to the Municipal dispensary. Later in this report it would be mentioned how hopelessly inadequate are the medical facilities available to the people at Manmad.

3. The evidence which has come on record in the present inquiry suggests that there are about 225 Jain households at Manmad. A witness, who could be regarded as properly qualified to speak about the population of Manmad, has mentioned the said figures and has also estimated that on the basis of the number of households the Jain population at Manmad would be around 1,500. There are two Jain organisations at Manmad. One is called Jain Shravak Sangh; the other one is the local branch of the Vitrag Seva Sangh, which is organised on the basis of the State as a whole. A programme of religious discourses was organised on behalf of both these organisations at Manmad and this programme was to begin on 1st of May 1981. A venerable figure among the Jain community, Acharya Anand Rishiji Maharaj, was to arrive for the programme and he did arrive on the morning of the 1st of May 1981. One nun called Priti Sudhaji had also joined this programme of religious discourses and she had also arrived on the 1st of May 1981, though separately from a different direction. There is on record evidence to show that Acharya Anand Rishiji Maharaj had paid a visit to Manmad four years earlier and at that time also he had come to give religious discourses.

4. This programme seems to have been arranged on a large scale and publicity of the programme had also been made on a large scale. The organisers had expected large number of persons from outside Manmad to arrive at Manmad for attending the programme. Witness No. 4 Nemichand Punamchand Ankaikar, who was at the relevant time the Secretary of the Jain Shrivak Sangh of Manmad and also a member of the Vitrag Seva Sangh, had provided the information mentioned above. He has also mentioned that though large number of people from outside Manmad were expected to arrive at Manmad, there was no expectation that any VIP would be attending the function. According to Witness No. 6 Parasmal Bherulal Baradia, an active member of the Vitrag Seva Sangh, the programme was arranged on an all-India basis and invitation cards and hand-bills announcing the programme had been printed and distributed.

5. In his deposition before the Commission (Exhibit 10), Nemichand Punamchand Ankaikar has mentioned that the programme was to be for 10 days. But he has also mentioned that "the 10 days' programme arranged by the two organisations was to end on Aakshaya Tritiya Day. On the Aakshaya Thritiya Day those people who had undertaken fasting in the preceding year in one way or the other were to end it by taking sugarcane juice. Thereafter the Swami was to bless them." The other evidence to which reference will be made little later in this reports, suggests that on 6th of May 1981 in the afternoon, Acharya Anand Rishiji Maharaj was to arrive at the pandal, which was erected for the purpose of the religious discourses, for giving his blessings (Mangalik). A reference to the calendar shows that Aakshaya Tritiya Day, which is the third day of the first fortnight of Vaishakha, fell on 6th May 1981. Nemichand Punamchand, therefore, seems to be in error when he says that the 10 days' programme which began on 1st of May 1981 was to end on Aakshaya Tritiya Day which fell on 6th of May 1981. Other evidence which is found acceptable shows clearly that the programme was in fact for 10 days and it was not to end on 6th May 1981.

6. An application for the installation of loudspeaker in the pandal had been made by Nemichand Punamchand himself and in response to that application the officer of Manmad Police Station granted a permit, which is at Exhibit 12. The permission for using the loudspeaker was given from 2nd day of May to 15th of May 1981. The loudspeaker was, according to the aforesaid permit, allowed to be

used between 6-15 a.m. and 4-00 p.m. except on 5th of May 1981 when it was, surprisingly enough, allowed to be used only for 3½ hours, namely, from 7-00 a.m. to 10-30 a.m. The application for the loudspeaker itself, which had been submitted to the Inspector in-charge of the Manmad Police Station, has not been forthcoming and it is difficult to find out as to the number of days for which the permission for the use of the loudspeaker was requested. However, Nemichand Punamchand himself has mentioned that application for permission to use the loudspeaker for 10 days had been made to the Manmad Police Station. It is not clear as to why despite this permit was given for using loudspeaker up to 15th May. In his statement submitted to the Commission (Exhibit 11), Nemichand Punamchand has mentioned that written information had been given to the Manmad Police Station of the 10 days' programme.

7. Chandrakant Loomchand Gogad, examined as witness No. 5, is a young man of 27 years, but at the time of the incident he was the President of the Vitrag Seva Sangh at Manmad. He has mentioned that the Jain Shrivak Sangh, Manmad and the Vitrag Seva Sangh, Manmad had organised on All-India level a programme of discourses of Acharya Anand Rishiji Maharaj and other Munis. This was to take place on the ground of the Indian High School at Manmad. Guruprasad Shitalprasad Misar was at the relevant time the Head Master of this school. He is examined as Witness No. 3. He has mentioned that the school premises had been placed at the disposal of the Jain community for the period from 30th April 1981 to 11th May 1981. The first and last days of this period were apparently for making preparation such as the erection of the pandal and for the removal of the pandal etc. respectively. From the above this much can be definitely said that the programme of religious discourses, which will hereinafter be referred to as "the religious programme", was to start undoubtedly on 1st of May 1981 and was to end on 10th May 1981.

8. The evidence clearly discloses that Acharya Anand Rishiji Maharaj arrived at Manmad on foot, as it is his wont, on 1st of May 1981 and he was taken in a sort of procession. Witness No. 4 Nemichand Punamchand has mentioned that Anand Rishiji Maharaj arrived at Manmad from Chandwad on foot and he was received by the members of the Jain community at the State Transport Bus Stand from where he was brought to the Indian High School compound by his followers who were raising slogans. He, however, hastened to add

that there was no organised procession though about 200 people were accompanying the Maharaj to the Indian High School building. Witness No. 5 Chandrakant Gogad has mentioned that Anand Rishiji Maharaj and Priti Sudhaji arrived for the function on the same day though at different times and from different towns.

9. The Indian High School compound was fixed as the venue of the religious programme. The reasons as to why the Indian High School and its compound were selected for the purpose of accommodating the Jain Muni and others and for the religious programme have been convincingly explained by the organisers of the function. For example, witness No. 4 Nemichand Punamchand has deposed that in the meeting of the Jain Shrivak Sangh and Vitrag Seva Sangh held 15 days before the function was to start, the question of the venue was discussed. Three venues were considered. They were Chhatre High School compound, Nehru Bhavan and Indian High School compound. The Indian High School compound, according to him, was selected because it was convenient from several points of view. It was centrally situated and was near the railway station. Accommodation was available in the building itself and on the compound there was already a fixed fencing. He has also mentioned that in a building called Lalwani Building, which is just few feet away from the Indian High School compound, arrangements for accommodating the Sadhus and nuns arriving for the function could also be easily made. Added advantage was the availability of twenty-four hours' water supply in the Indian High School. Nemichand Punamchand seems to be correct because the entire High School had been placed at the disposal of the organisers of this function. This has been so stated by witness No. 3 Guruprasad Shitalprasad Misar who was at the relevant time the Head Master of the Indian High School. He has mentioned in his statement submitted to the Commission (Exhibit 9) that on a request made by one Sampat Surana and Nemichand Punamchand Ankaikar, the Secretary of the High School gave permission for giving possession of the entire school for the purpose of lodging and cooking and also for the purpose of religious discourses of the Jain community. Even the telephone of the High School had been placed at the disposal of the organisers of the function. That is Misar's statement.

10. It must also be noticed that, as already mentioned above, though the religious programme was to be held at a place which was not even the headquarters of a Tahsil, large number of people from

outside Manmad were expected to arrive for the said function. It is so mentioned in the evidence of witness No. 4 Nemichand Punamchand and also of other witnesses. If this is so, a place which is near the railway station would be more convenient than any other place at Manmad. As mentioned in the Nashik District Gazetteer, Manmad is one of the most important railway junctions of the Bombay-Nagpur section of the Central Railway from where two lines branch off towards Hyderabad and Pune. It would not be unreasonable, therefore, to expect that large number of passengers will be coming by railway and nothing could be more advantageous and convenient to them than the Indian High School building and its compound, which is almost next to the railway station. From what has been mentioned by this witness and others it can be said that every day from 2,000 to 3,000 persons were attending the religious programme, though it is impossible to make, on the basis of the evidence before the Commission, any estimate of the number of people who attended the function at any particular time on any particular day.

11. As it has already been mentioned above, 6th of May 1981 was Aakshaya Tritiya Day. Aakshaya Tritiya Day as is well known, is regarded as a very auspicious day. It is one of the three and half *Muhurtas*. It is also regarded that the *Krit* era or *Treta* era commenced on this day. Parashuram is also said to have been born on Aakshaya Tritiya Day. Since this day comes in the summer season, there is a custom of making gifts of water pots to the Brahmins on this day. This day is also regarded as an auspicious day by the farmers who make, at least as a token, sowing on this day. (See Marathi Vishwakosha published by Maharashtra Rajya Sahita Sanskriti Mandal, Volume I, page 682). It was on the afternoon of this day that Anand Rishiji Maharaj was to arrive to for giving *Mangalik* in the pandal erected on the western side of the Indian High School. All the evidence suggests that this function was for women only. The Rishi Maharaj was to enter the pandal at about 4-00 p.m. and before the coveted moment arrived, tragedy struck. The pandal which had been erected for the function caught fire and was reduced to ashes within a short time. Nearly 200 people suffered burn injuries and nine of them died.

12. The Government of Maharashtra, Home Department (Special), by its Notification No. FIR. 2881/Manmad/Spl. II, dated 11th August 1981 appointed this Commission. In the preamble to the said Notification it has been mentioned that at 3-45 p.m. on 6th May 1981 about

2,000 persons, mostly women and children, had gathered in the pandal on the Indian High School compound when the tragedy occurred. It will be mentioned later in the report that the estimate of 2,000 persons is inaccurate. The evidence suggests that about 300 persons, mostly women, had gathered in the afternoon on 6th of May 1981 when the tragedy occurred. The preamble to the Notification also mentions that about 200 persons sustained burn injuries as a result of the fire and nine of them succumbed to those injuries. The terms of reference to the Commission, however, do not require the Commission to find out the actual number of persons injured or killed. A copy of the said

Annex. 'A' Notification is annexed as *Annexure 'A'* to this report. The aforesaid Notification required the Commission to submit its report to the State Government within a period of three months from the date of the publication of the Notification in the *Official Gazette*, which was 11th of August 1981. Subsequently, however, by another Notification, dated 23rd March 1982, the time for submitting the report was extended to 31st December 1982. A copy of the said Notification is annexed as

Annex. 'B' *Annexure 'B'* to this report. Government Resolution, Home Department (Special), No. FIR. 2881/Manmad/Staff-Spl. II, dated 28th December 1981 sanctioned the necessary number of posts including the post of the Secretary. On 6th of January 1982 Mr. V. D. Kumbhejkar was appointed as the Secretary of the Commission. After getting relieved from his duties as the Assistant Registrar of the High Court, Mr. Kumbhejkar took over the charge as the Secretary of the Commission. The other staff joined the Commission on 1st of February 1982.

II. PRELIMINARIES

The Commission was appointed by the Government of Maharashtra in exercise of the powers vested in it by section 3 of the Commission of Inquiry Act, 1952. Section 8 of the said Act empowers the Commission to regulate its own procedure including the fixing of places and times of its sittings and deciding whether to sit in public or in private. This power is subject to any rules that may be made in this behalf by the appropriate Government in exercise of the powers under section 12. The Government of Maharashtra, which is the appropriate Government within the meaning of section 2(a) of the Act as far as this Commission is concerned, has not framed any rules. The Commission proceeded to frame regulations which it did on 5th of February 1982 in exercise of the powers conferred on it by section 8 and other enabling provisions in that regard. The regulations so framed on 5th of February 1982 are annexed as *Annexure 'C'* to this report. The said regulations were published in the *Maharashtra Government Gazette*, Part IV-C, dated 6th February 1982. Subsequently, on 2nd of July 1982, certain amendments were made to the said regulations and they are annexed as *Annexure 'D'* to this report. The amendment of the regulations was published in the *Maharashtra Government Gazette*, Part IV-C, dated 6th of July 1982.

2. It was necessary to invite statements from the members of the public having knowledge about the facts into which the Commission was required to inquire to submit their statements to the Commission. The Act itself does not require that the Commission should ask for statements from the members of the public. It was open to this Commission, as it is open to any other Commission, subject to the rules and regulations made in that behalf, to find out which particular person is in the know of the matters into which the Commission was to inquire and to summon the said person to provide information. However, in order to regulate the procedure and to canalise the information that would flow into the inquiry, the Commission thought it necessary that statements from the members of the public should in the first place be invited. After examining the statements received, the Commission would decide upon the persons who have to be examined. This procedure was felt to be necessary in order to eliminate the examination of persons who were not able to contribute

anything to the inquiry. Accordingly, Regulation No. 7 provided that the Commission shall invite in such manner as it thinks fit all persons who may be acquainted with the subject-matter of the inquiry or who have to communicate any relevant information relating thereto to furnish to the Commission statements regarding all the facts and circumstances connected with the subject-matter of the inquiry. The detailed manner in which the statements had to be prepared and sent to the Commission has been fully provided for in the regulations at *Annexure 'C'*. Regulation No. 7, however, left it completely to the Commission to decide the manner in which the invitation to the members of the public to submit their statements was to be given. After considering all the aspects of the case, it was decided that a public notice in the form of a notification inviting statements as mentioned in Regulation No. 7 should be published. This notification is dated 11th of February 1982 and was published in the following Marathi newspapers on the dates mentioned against their names :—

1. *Gaonkari*, Nashik ... 18th February, 1982.
2. *Batmidar*, Jalgaon ... 21st February, 1982.
3. *Marathwada*, Aurangabad ... 22nd February, 1982.
4. *Maharashtra Times*, Bombay ... 6th March, 1982.

The notification issued on 11th February 1982 required the members of the public to submit their statements by 15th of April 1982. This gave more than six weeks' time for the members of the public to submit their statements. The notification is annexed as *Annexure 'E'* to this report.

3. It may also be added that the aforesaid notification was got printed in booklet form and was made available to anyone who required the same. It was freely distributed when the Commission visited Nashik and Manmad from 22nd to 25th of February 1982 for the purpose of getting acquainted with the place of the incident and for making arrangements for the sittings of the Commission. Seventy-five copies of the notification in Marathi and 25 copies in English were collected by Mr. Chandrakant Gogad, President of the Jain Vitrag Seva Sangh. The visit of the Commission to the place of the incident and information about the conference which the Commission held with the District officials were broadcast in the local news section of the All-India Radio on 26th of February 1982. It is thus

seen that sufficient publicity about the appointment of the Commission and the nature of the inquiry which the Commission was to conduct had been given. Besides this, a press-note was issued reminding the members of the public that the last date for submitting the statements to the Commission was 15th April 1982. The contents of the press-note were published in all newspapers having circulation in the area and were also broadcast in the local news section of the All-India Radio on 26th March 1982.

4. I visited the scene of the incident, namely, the compound of the Indian High School at Manmad, on 24th of February 1982. Representatives of the two Jain Sanghas came to see me and I explained to them the nature of the inquiry to be conducted by the Commission. Copies of the public notice printed in booklet form were also distributed in that meeting. I also held meeting with the District officials of Nashik in the Conference Hall of the Golf Club Rest House at Nashik for the purpose of finding out which would be the convenient place for holding the sittings of the Commission. During my stay at Manmad I also visited the other places in order to find out whether the sittings of the Commission could be held at Manmad itself. It was found that accommodation for the minimum staff that would be accompanying the Commission could not be available at Manmad. There was no public hall which could be made available to the Commission for holding its sittings at Manmad. The Commission could have held its inquiry at Bombay itself but looking to the fact that most of the witnesses would be from Manmad I felt that holding of the inquiry at Bombay would not be proper. There was an assurance of the minimum accommodation being available at the Golf Club Rest House at Nashik. There was in the said Rest House a Meeting Hall which could be easily converted into a Court Room for the purpose of the Commission. Considering these and other circumstances it was decided that the Commission would hold its sittings at Nashik, though in Regulation No. 5 it is mentioned that the Commission will hold its sittings either at Nashik or at Manmad. In fact, as it will be mentioned a little later in this report, the Commission did hold inquiry at Manmad one day.

5. From the nature of the terms of reference to the Commission, it was apparent that the police officials and other Government officials would have to meet certain allegations that were likely to be made by the members of the public. Presumably bearing this in mind, the

Government of Maharashtra, by its Resolution No. FIR. 2881/Manmad/PC/Spl.II, appointed Mr. N. P. Pawar, Sub-Government Pleader of Manmad, as Counsel for the police and other Government officials. On a recommendation made by the Commission, the Government of Maharashtra appointed Mr. N. B. Dandane, Advocate of Nashik, as Counsel for the Commission. This was done by Government Resolution, Home Department (Spl.), No. FIR-2881/Manmad/CC/Spl-II, dated 25th of March 1982. As will be seen from a later chapter of this report, the Jain Samaj was treated as a party to the proceedings. Accordingly, Mr. J. K. Chordia was allowed to appear as Counsel for the Jain Samaj of Manmad. Though Mr. Pawar had been appointed by the Government as the Counsel for the police and other Government servants, during the course of the inquiry it transpired that Mr. Pawar was not in a position to represent the interests of Head Constable Devram Sayaji Bandre (Witness No. 13) and Police Constable Nathu Kashiram Netawate (Witness No. 14) who were undoubtedly members of the Police Force at Manmad at the time the incident took place. These two persons had not in fact submitted their statements to the Commission on their own. However, looking to the statement which had been submitted by Inspector Choudhary, who was in-charge of the Manmad Police Station at the relevant time, it was noticed that there were certain allegations against them. I, therefore, directed that their statements should be recorded under section 5-A of the Act, which was done. They were thereafter called as witnesses before the Commission. When Head Constable Bandre (Witness No. 13) was examined, Mr. Pawar sought permission to cross-examine him because, according to his instructions, that witness was not telling the truth. He also mentioned that he would be cross-examining Police Constable Netawate (Witness No. 14) also. The following note was made on Mr. Pawar's submission :—

Note.—Resolution No. FIR-2881/Manmad/PC-Spl.2, dated 25th January 1982 of the Government of Maharashtra (Home Department-Special) has appointed Shri N. P. Pawar, Sub-Government Pleader, Manmad, as Counsel for Police and other Government officers to appear before this Commission. Mr. Pawar, however, wants to cross-examine this witness who has just been examined because according to his instructions, this witness is not telling the truth and possibly the next witness also will not tell the truth.

In that case, it will have to be held that this witness and the next witness are not represented by Mr. Pawar. The witnesses are being told to make representations to the Government, if they so

desire, to appoint a Counsel for them. The witness is told that Mr. Pawar is going to cross-examine him and he is, therefore, disqualified from representing him. He is also further told, that he can appoint a Counsel on his own or he may apply to the Government to appoint a Counsel at Government's expense. The witness has understood what has been explained to him."

Similar note was also made when Mr. Pawar expressed his desire to cross-examine Police Constable Netawate (Witness No. 14). They were subsequently represented by Mr. M. Y. Kale, Advocate of Nashik. He was allowed to cross-examine Inspector Choudhary and Head Constable Parbatsing Gumansing Pardeshi because the statements and testimonies of these two latter persons contained material on the basis of which the Commission was likely to give a finding affecting the reputation of Head Constable Bandre and Police Constable Netwate. Thus before the Commission, apart from the Counsel appointed by the Government for the Police and Government officials and the Counsel for the Commission, there were two other Counsel, namely, Mr. J. K. Chordia representing the Jain Samaj and Mr. M. Y. Kale, representing the two police personnel.

III. STATEMENTS AND WITNESSES

Despite the wide publicity given to the notification of the Commission inviting the members of the public to submit statements and despite the long time given for the said purpose, the response from the members of the public was highly unsatisfactory. Up to 15th April 1982, which was the last date for submitting statements, only 26 statements were received by the Commission. One statement from Mr. Subhash P. Munje, who was the Sub-Divisional Officer of Malegaon, within which sub-division the town of Malegaon fell, submitted his statement after the last date for submitting the statements had expired. However, in view of the fact that Mr. Munje had gone to the place of the incident on the day of the incident itself and in view of the fact that he was a senior Government Official whose testimony was likely to be of assistance to the Commission, his statement, though belatedly submitted, was taken on record. Moreover, he had given satisfactory explanation for not submitting the statement before 15th April 1982. His statement formed part of the evidence after he was examined before the Commission as provided for in Regulation No. 16 framed by the Commission. Thus there were 27 statements filed before the Commission. Of these, one Santokchand Premchand Surana was ultimately not examined and his presence before the Commission was dispensed with on the ground of illhealth. Another person, Ramnarayan Ganpatlal Pardeshi, was also not examined because summons could not be served on him personally. The list of the names of the persons who have submitted their

Annex. 'F' statements is at *Annexure 'F'* to this report.

2. After going through the statements which had been submitted to the Commission and after certain other material was brought to the notice of the Commission, it was decided that the statements of certain persons who had not responded to the notification issued by the Commission ought to be recorded. Under section 5-A of the Commission of Inquiry Act, the Commission has been invested with the power to utilise the services of any officer or investigating agency of the State Government with the concurrence of the State Government for the purpose of conducting any investigation pertaining to the inquiry. I have noticed that the provisions of section 5-A are highly useful and can be pressed into service for the purpose of

accelerating the speed with which a Commission can conduct its inquiry. From the statements which are already submitted to the Commission, it might appear that some other person might be in possession of certain knowledge relevant to the inquiry before the Commission. The statement of such a person can be recorded by an officer as mentioned in section 5-A of the Act and the officer would then submit a report to the Commission in accordance with the procedure in the said section. If the statement recorded by the officer disclosed the necessity of examining the person concerned and of making his statement a part of the evidence before the Commission, then that person would be summoned to appear before the Commission. Such a procedure has been provided for in Regulation No. 20 framed by the Commission. The utilisation of the services of an officer under section 5-A of the Act for the purpose of conducting a sort of preliminary inquiry and for recording the statement of a particular person helps the Commission in two ways. In the first place, it acts as a sort of filter to eliminate unnecessary witnesses though originally such examination might have been thought to be necessary. The Commission itself need not spend its time examining every such person. Secondly, since the statement of the person concerned recorded by the officer can be read out to the witness after which it becomes part of the evidence, considerable time of the Commission's sitting is saved. The material which would have not otherwise been available to the Commission because the person concerned has not filed a statement is brought on the record of the Commission through this procedure. The Commission is not a Court where two particular parties are adversaries. It is the function of the Commission to find out the truth by adopting such procedure as it thinks fit. Fortunately, the Legislature has made a provision in section 5-A of the Act which enables the Commission to collect its own material through the utilisation of the services of an officer or an investigating agency of the appropriate Government. Not many Commissions of Inquiry have made use of the enabling provisions contained in section 5-A of the Act.

3. By its letter No. FIR/Liaison-Special-2, dated 4th May 1982 the Government of Maharashtra, Home Department, placed the services of Sub-Inspector S. B. Gangale, of L.C.B., Nashik, at the disposal of the Commission for being utilised under section 5-A of the Act. Statements of 13 persons were recorded under section 5-A of the Act. Three of these persons were ladies belonging to the Jain

community who were present in the pandal at the time the fire took place. One was Nandkishore Ramrao Hule who had a hut near the wall adjacent to which the pandal that caught fire had been erected. Nandkishore will appear in this report in greater details later. After perusing the statement submitted by the Inspector in-charge of the Police Station at Manmad, I felt it necessary that two members of the police force who were attached to the Manmad Police Station at the time of the incident of fire ought to be examined. They are Head Constable Deoram Sayaji Bandre and Police Constable Nathur Kashiram Netawate. Their statements were recorded. It was also felt necessary that the person who actually carried out the wiring work in the pandal for the purpose of lighting and the installation of the loudspeaker should be examined. He was found to be one Mohanrao Ranganathan Naidu and his statement was also recorded. Statement of one Dilip Damodar Solsha who had assisted Mohanrao Naidu was also recorded. Two railway employees connected with the shunting operations in the railway yard of Manmad Station also gave their statements under section 5-A and later they were examined. One Badriprasad Laxmichand Sharma had submitted statement in response to the public notice. However his statement was also recorded under section 5-A while the officer was inquiring into the wiring work carried out in the pandal and connected matters. The list of persons whose statements were recorded under section 5-A and who were later examined before the Commission, is annexed to this report as Annex. 'G' Annexure. 'G'. The name of Badriprasad Laxmichand Sharma appears in both Annexures 'F' and 'G'.

4. Of the 27 persons who had voluntarily submitted their statements to the Commission, only four persons were from the Jain community and of the 4 one could not be examined on the ground of illhealth. The three persons who have been examined are the office-bearers of the one or the other of the two organisations which had arranged the religious programme. As already mentioned above, three ladies who were present in the pandal at the time of the incident have given their statements under section 5-A of the Act and they are from the Jain community. None of the three Jain ladies examined by the Commission has spoken anything about the theft or robbery or the attempted theft or robbery alleged to have taken place at the time of the incident. Not a single statement by a person having personal knowledge of theft or robbery or attempted theft or robbery has been filed before the Commission. On the particulars of the

pandal, especially the material used for its construction, there was enough evidence in the testimonies of the witnesses examined. There was no dispute about the same. Hence I did not deem it necessary to issue summons to the contractor of Ahmednagar who was said to have erected the pandal.

5. One Ashok Rambhau Vyavahare voluntarily submitted a statement to the Commission. He was required to come before the Commission for giving evidence on 20th of August 1982 which he failed to do. Consequently on 30th August 1982 the Commission issued a notice to him pointing out his failure to comply with the summons issued to him to appear before the Commission and calling upon him to show cause why he should not be prosecuted for the offence punishable under section 176 of the Indian Penal Code. He was asked to appear before the Commission in response to this notice on 21st September 1982 on which date he appeared and satisfied the Commission that he was prevented by sufficient cause from appearing before the Commission on 20th August 1982. The notice was accordingly discharged and on the same day his evidence was recorded.

6. In the statement submitted by Inspector Choudhary, who was in-charge of the Manmad Police Station at the relevant time, some sentences constituting an allegation against P.S.I. Pardeshi, who was also attached to the Manmad Police Station at the same time, had appeared. Instead of waiting for Inspector Choudhary to be examined and thereafter giving notice to P.S.I. Pardeshi and recalling if necessary Inspector Choudhary for being cross-examined by P.S.I. Pardeshi, I thought it fit to inform P.S.I. Pardeshi of the allegation appearing in the statement of Inspector Choudhary. This was done by a letter, dated 30th August 1982 which informed P.S.I. Pardeshi the precise allegations made against him by Inspector Choudhary. By the said letter P.S.I. Pardeshi was asked to remain present on the day on which Inspector Choudhary was to be examined. P.S.I. Pardeshi was also permitted to make any submission, to engage a legal practitioner, and to cross-examine Inspector Choudhary, if necessary. In response to the said letter P.S.I. Pardeshi remained present on 22nd September 1982 and personally cross-examined Inspector Choudhary. Later, on 24th September 1982, he also submitted a statement on oath to the Commission and it was taken on record as Exhibit 100.

7. No attempt has been made by me to classify the witnesses on the basis of their evidence relating to a particular term of reference because several of the witnesses have submitted on more than one term of reference. However, brief reference may be made to those witnesses who have given evidence touching upon only on one or two terms of references. Witness No. 1 is Prabhakar Madhavrao Burhade, the Circle Officer, Revenue Department of Manmad, and he is examined to explain the topography of the place of the incident. Mohanrao Ranganathan Naidu and his assistant Dilip Damodar are on the electric connection and wiring. They are witnesses Nos. 24 and 23 respectively. Witness No. 21 Kurban Hussein speaks about the unauthorised nature of the electric connection. Witness No. 12 Nandakishore Ramrao, Witness No. 8 Shaikh Nissar Abdul Karim, Witness No. 9 Ibrahim Rahiman Shaikh, Witness No. 38 Willie Xavier and Witness No. 39 Ismail Mohmedkhan help in the determination of the cause of fire. Head Constable Bandre and Police Constable Netawate, Witness Nos. 13 and 14 respectively, are important on the question of police bandobast. So also Inspector Choudhary, Witness No. 36. Most of the other police witnesses are relevant mainly on the question of fire-fighting and rescue operations. P.S.I. Gangle has been examined to prove, where necessary, the investigation carried out by him under section 5-A of the Commissions of Inquiry Act.

8. It is relevant to mention that the Commission did not think it necessary to examine the Medical Officers who might have treated various injured persons because the terms of reference of the Commission do not require the Commission to go into the question as to whether any particular number of persons were injured. That there was an incident of fire and in that incident nearly 200 persons were injured and 9 persons died, has been taken for granted, as indeed it was necessary to do so.

IV. PROCEDURE AND SITTINGS

Before the Commission started its inquiry by recording evidence and taking other steps, it was necessary to explain to the members of the public and in particular to those who were going to actively participate in the inquiry the nature of the inquiry and the procedure that was going to be followed by the Commission. In this regard, the functions of the Commission as envisaged under the Commissions of Inquiry Act had also to be explained. The limitations of the powers of the Commission as well as the width of certain powers vested in the Commission under the Act had also to be properly explained. This was felt necessary so that as the inquiry proceeded no queries about the various steps taken should be raised and also that the members of the public and particularly those participating in the inquiry should know in advance the manner in which the Commission was going to proceed with its inquiry and thus prepare themselves for the same. I, therefore, felt that before the Commission started its inquiry it would be advantageous to fix one or two days for specifically explaining the procedure that would be followed and for receiving suggestions, if any, from the members of the public. It was with this idea in mind that a notification, dated 11th of June 1982 was issued informing the public at large that the Commission would hold its preliminary meeting in the Golf Club Rest House at Nashik on 28th of June 1982 and if necessary on the next day for the purpose of fixing the dates of examination of witnesses and other related matters. By the said notification the members of the public who desired to assist the Commission in its inquiry were requested to remain present at the venue of the preliminary meeting. This notification was published in the following Marathi newspapers on the dates mentioned against their names :—

1. *Marathwada*, Aurangabad ... 20th June 1982.
2. *Deshdhoot*, Nashik ... 20th June 1982.
3. *Janashraddha*, Manmad ... 20th June 1982.
4. *Gaonkari*, Nashik ... 21st June 1982.

A copy of the said notification is annexed to this report as Annex, 'H' Annexure 'H'.

2. On 28th of June 1982, the Commission held preliminary meeting at the venue mentioned in the aforesaid notification. On that day I delivered what can be called an opening address which is as follows :—

“As the preamble to the notification issued by the Government of Maharashtra appointing the Commission shows, on 6th May 1981 at about 15-45 hours when an estimated crowd of 2,000 persons consisting mostly of women and children had gathered to hear a religious discourse in the pandal on the ground of the Indian High School at Manmad in Nashik district, the pandal suddenly caught fire. The preamble also mentions that about 200 persons sustained burn injuries and 9 of them succumbed to those injuries. It has also been mentioned that 10 persons have complained of having been robbed of their valuables valued at Rs. 36,000 at the site of the fire. Considering these and other factors and, presumably, after noticing the public demand for an enquiry, the Government of Maharashtra appointed this Commission.

“The appointment is made by a notification bearing No. FIR-2881/Manmad/Spl.II, dated 11th August 1981 which is published on the same day in the *Maharashtra Government Gazette* (Extraordinary) at page 261. The terms of the reference are set out in great details in the same notification and it is unnecessary to repeat the same. However, broadly speaking the same may be summarised. The Commission is required to inquire into the causes of and the circumstances resulting into the outbreak of the fire and whether that outbreak of the fire was as a result of any acts of omission or commission by any individual or individuals. The adequacy or otherwise of the precautionary safety measures and the subsequent rescue measures taken by the various concerned parties are also the subject-matter of the terms of reference. All other matters which are germane to the main terms of the reference are also to be inquired into. It may be noted that the Commission has been appointed not merely to inquire into and report on the causes of the outbreak of the fire but also the circumstances resulting into the outbreak of the fire. There is some distinction between the mere cause of the fire and the circumstances resulting into the outbreak of the fire. This distinction will be clear when one proceeds with the inquiry. It may, however, be mentioned that the cause means something which produces an effect whereas the circumstances may

be something in which an effect takes place though the circumstances themselves are not proximately connected in the casual sense to the effect.

“ The appointment of this Commission has been made by the Government of Maharashtra in exercise of the powers vested in it under section 3 of the Commissions of Inquiry Act, 1952. It should also be noted that the aforesaid notification appointing this Commission has also mentioned that the Government of Maharashtra directs that having regard to the nature of the inquiry to be made by the Commission and other circumstances of the case, the provisions of sub-sections (2), (4) and (5) of section 5 of the Act shall apply to the Commission. It is important to bear in mind the provisions of sub-sections (2), (4) and (5) of section 5 of the Act. Sub-section (2), provides that the Commission shall have the power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful or relevant to the subject-matter of the inquiry. Any person who is called upon by the Commission to furnish such information is legally bound to furnish the information within the meaning of sections 176 and 177 of the Indian Penal Code.

“ Under section 176 of the Indian Penal Code, whoever being legally bound to give information on any subject to any public servant omits to give such information is liable to be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both. Section 177 of the Indian Penal Code, provides that whoever furnishes false information is liable to be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. It may also be noted that section 4 of the Act provides that the Commission has the powers of a Civil Court while trying a suit under the Code of Civil Procedure in respect of summoning and enforcing the attendance of any person from any part of India and examining him on oath, besides having other powers. It is thus clear that the Commission has power to compel the attendance of any person and to examine him on oath.

“ Sub-section (4) of section 5 of the Act mentions that the Commission shall be deemed to be a Civil Court and when any offence as is described in sections 175, 178, 179, 180 and 228 of the Indian Penal Code is committed in the presence of the Commission,

the Commission is empowered to forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded is required to proceed to hear the complaint as if the case has been referred to him under section 482 of the Code of Criminal Procedure. I do not think it is necessary to explain these various provisions of the Code referred to in sub-section (4) of section 5 because I am confident that with the co-operation of the parties concerned no such situation covered by any of those sections will arise. The parties may, however, get acquainted, if they so desire, with the relevant provisions.

“However, the provisions of sub-section (5) of section 5 of the Act need to be briefly noted and that mentions that any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code. Section 193 provides for punishment for giving false evidence while section 228 provides for punishment for a person who intentionally offers any insult or causes any interruption to any public servant while such public servant is sitting in any stage of a judicial proceeding. In other words, the witnesses who will be examined by the Commission are bound to give true evidence; they should not give false evidence; and they should not also cause any insult or other interruption in the proceedings of the Commission. I am also sure that no such occasion will arise during the proceeding of this Commission.

“The Commissions of Inquiry Act has several provisions, the details of which need not be dealt with in this preliminary sitting. I have already commented upon some of the provisions. The nature of the inquiry to be conducted by the Commission of Inquiry appointed under the Act should, however, be explained by me in some details. As you must have noticed from the terms of reference of the Commission, there is no particular person or persons against whom any charge of any type has been made. The terms of the reference only mention the incident that took place and require the Commission to inquire into the various matters referred to therein. In other words, the Commission is not burdened with the duty of finding out whether a particular complaint is true or not or whether a particular party, or a person is guilty or not. By the very nature of the inquiry which is envisaged under the Act and particularly by the nature of the terms of reference of this Commission it is clear that the inquiry that will be conducted by this Commission will not be in the nature of a trial or of a suit. There is no plaintiff

or defendant before this Commission; there is no complainant or accused. As a result the question of burden of proof which inevitably arises in proceedings in a Court of Law will be somewhat irrelevant in the proceedings before the Commission of Inquiry. The function of a Commission is not merely to investigate; it is not merely to inquire; it is definitely not to sit in judgment over the truth or falsity of any given allegation because at the moment when the Commission starts its inquiry there are no allegations as such. The function of a Commission of this type is more in the nature of an exercise in finding out the truth lying behind the terms of reference of the Commission. The Commission of Inquiry, therefore, differs from a judicial tribunal in various respects. In the first place, a judicial tribunal or a Court of Law adjudicates on rival cases presented before it by parties before it and on the evidence led by the parties before it. A Commission of Inquiry on the other hand is not dealing with, at least on the threshold, with any rival cases presented because there are no rival parties. A Commission of Inquiry need not rest content to give its verdict only on the evidence led before it by the parties, but may itself collect evidence in such manner as is authorised by the provisions of the Act. It has been mentioned repeatedly, and correctly, that in carrying out the inquiry a Commission of Inquiry has to be a detective, an inquisitor, an Advocate and a Judge, all capacities rolled into one.

“The Commission of Inquiry, unlike a Court of Law, does not give findings which are binding upon any one. However, since the Commission is appointed as mentioned in section 3 of the Act, to inquire into matters of public importance, and presumably in response to public demand, the findings are treated with appropriate respect by the Government appointing the Commission and it is presumed that actions warranted by the said findings and recommended by the Commission will be taken by the appropriate Government. One need not, therefore, approach the work of a Commission of Inquiry with any degree of cynicism. It may also be noted that the report of the Commission together with a memorandum of the action taken thereupon is required to be laid before the Legislative Assembly of the State within a period of six months of the submission of the report by the Commission of Inquiry to the State Government. This ensures that the findings of the Commission will not be consigned to the oblivion of the Secretariat Record Room.

“In order to enable the Commission to discharge its functions, powers have been given to compel the attendance of any person before it for the purpose of giving evidence before it. One important section, namely, section 5-A of the Act, seems to have been overlooked by various other Commissions of Inquiry. However, I have decided to utilise the powers given to the Commission under section 5-A of the Act. Section 5-A empowers the Commission to utilise the services of any officer or investigation agency of the State Government for the purpose of conducting any investigation pertaining to the inquiry. This, however, can only be done with the concurrence of the State Government. The officer whose services are to be utilised has been empowered, subject to the direction and control of the Commission, to summon and enforce the attendance of any person before him, to examine him, and to require the discovery and production of any document. The officer after making the inquiry under the direction of the Commission submits a report on any matter referred to him. The Commission will thereafter address itself over the correctness of the facts stated and the conclusion, if any, arrived at by the investigating officer. The Commission may, after doing so, summon the persons who have been examined by the investigating officer as witnesses before the Commission itself. In our case, the Government of Maharashtra has concurred with the utilisation of the services of P.S.I. Gangale attached to the Local Crime Branch of Nashik as the investigating officer under section 5-A of the Act.

“During the course of the inquiry it may so happen that allegations of negligence or allegation of other type may be made by certain witnesses against other persons. If the Commission is likely to give a finding which may affect the reputation of any person prejudicially, then rules of natural justice require that that person must be given an opportunity of meeting the allegations made against him. With that object in view the Parliament itself has inserted a provision, namely, section 8-B in the Act. Section 8-B provides, that if at any stage of the inquiry the Commission is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence. It may, however, be added that, if a particular witness is appearing before the Commission

and if only questions to impeach the credit-worthiness of that witness are asked, there is no question of allowing him to produce evidence in his defence.

“The person to whom the opportunity of being heard and the opportunity to produce evidence in his defence are given is entitled to cross-examine the witness other than a witness produced by him, to address the Commission and to be represented before the Commission by a legal practitioner, with the permission of the Commission, any other person. This latter provision is to be found in section 8-C of the Act. The question of a witness or any other person being represented by a legal practitioner and of cross-examining the witnesses examined by the Commission thus arises only when the Commission forms an opinion that the reputation of that person is likely to be affected by the inquiry. It is thus clear that right from the beginning a party is not entitled to be represented by a legal practitioner. This is the correct technical and legal position as per the Act. Since, however, the Commission is left free to regulate the procedure before it, I may depart from this strictly technical and legal procedure and I will be explaining about the same shortly. I have also taken steps to accelerate the inquiry so that the work of the Commission would be completed as expeditiously as possible before the public interest in the findings of the Commission relating to the unfortunate incident that occurred at Manmad fades out.

“I have already mentioned above that the Government notification appointing this Commission was issued on 11th August 1981 and was communicated to me some days thereafter. On behalf of the Commission the Registrar of the High Court wrote to the Government mentioning the staff required for the Commission, among other things. No action was taken by Government for some months. The initial notification required the Commission to complete its inquiry within three months from the date of the notification. Since this could not obviously be done, the Government issued another notification on 23rd of October 1981 extending the period for the submission of the report to 31st March 1982. Subsequently by another notification of 23rd March 1982 the time for submitting the report has been extended to 31st December 1982. On 28th December 1981 the Government passed a resolution creating the post of the Secretary of the Commission and other staff. On 6th of January 1982 Mr. V. D. Kumbhejkar was appointed

as the Secretary of the Commission and he took charge on 16th of January 1982. The other staff of the Commission was appointed with effect from 1st of February 1982. It may thus be regarded that the Commission came into effective existence only on 1st February 1982. Within 5 days thereafter the Commission framed regulations and sent them for publication in the *Government Gazette*, which was done on 6th February 1982.

“On 11th of February 1982 a notification was issued by the Commission inviting the members of the public to submit statements covering the subject-matter of the term of reference of the Commission by 15th April 1982. This notification was published in the *Maharashtra Times* of Bombay and two newspapers of Nashik and one newspaper of Aurangabad. Adequate publicity, in my opinion, was given to this notification. Copies of the notification in book form were also freely distributed.

“The Commission along with its Secretary visited the scene of the incident on 24th February 1982 and paid visits to some other buildings at Manmad. I also met informally local Jain leaders of Manmad in the Circuit House. On 25th February 1982 I had discussions with the District officials at Nashik for the purpose of getting information to facilitate the work of the Commission. It may be noted that during the time I was in Nashik and Manmad, the news about my visit was broadcast on the All-India Radio in the regional news bulletins. Local newspapers also covered my visit to Nashik and Manmad. Shri Chandrakant Gogad of the Vitrag Seva Sangh, Manmad, collected 75 copies of the notification in Marathi and 25 copies in English from the office of the Commission on 15th March 1982.

“Steps were also taken by the Commission to remind the members of the public to submit their statements before 15th of April 1982. On 23rd of March 1982 a press-note to this effect, both in English and in Marathi, was issued. This press-note appeared in the newspapers on 24th and 25th March 1982 and the contents of the press-note were also broadcast on All-India Radio in the regional news bulletins. Thus widest possible publicity to the work of the Commission was given. Before the date stipulated, namely, 15th of April 1982, statements from 26 persons have been received by the Commission. Since adequate publicity had been given and since also nearly two months had been given for submitting the statements, I am of the opinion that it is not necessary to extend

the time further for submitting the statements. In any case, there is no demand for the same. I have, therefore, decided to proceed with the effective hearing as early as possible.

"I have already mentioned above the appointment of an investigating officer under section 5-A of the Act who will help the Commission to collect additional evidence whenever necessary. This will also shorten the Commission's work. Another step which I have taken to accelerate the work of the hearing of the Commission must also be mentioned. Most of the Commissions of Inquiry appointed either by the State Government or by the Central Government so far have insisted that the persons acquainted with the facts covered by the terms of reference of the Commission should submit their statements in the form of an affidavit which naturally requires a Court Fee Stamp to be affixed to the statements. Representations have been made by several parties in many of these Commissions for exempting the statements to be made to the Commission from the provisions of the Stamp Act. These representations have been sympathetically considered by the appropriate Government and exemptions have been given many times. However, the time taken for such representations to be considered at the Governmental level, especially in the Finance Department, and the ultimate action taken by the Government is not, experience shows, short. I, therefore, decided not to insist upon the statements to be in the form of affidavit. As a result I must have saved at least four months in the process.

"As I have already mentioned above, myself with the Secretary of the Commission had visited Manmad on 24th February 1982 and had inspected the various places. After considering all the factors including the availability of an audience hall, accommodation for the minimum staff which accompany the Commission and the necessity of holding the inquiry in a peaceful and tension-free atmosphere, I am of the opinion that the hearing of the Commission shall be held at Nashik City.

"At this stage brief reference may be made to the regulations framed by the Commission. You will notice that the provisions contained in the regulations are very simple, are such as would be understood by persons who are not necessarily trained in law, and are also such as would facilitate the quick pace of the Commission's inquiry. The regulations reserve for the Commission all powers to

meet any situation that may arise from time to time. The flexibility of the procedure is not affected by the provisions of the regulations. Only in those cases where a party requires a witness to be produced the regulations require that the person who is to be called as a witness should file an affidavit in the first place. This insistence upon an affidavit in such a case is to ensure that the person to be called as a witness has really something to say by way of contribution to the proceedings of the Commission. The statement filed by a person shall be read over to him and he will be examined on oath as to the correctness of the statement made therein. After this is done, the contents of such statement will be treated as examination-in-chief and will form part of the evidence. From this you can see the correctness of the step taken by me in dispensing with the requirement of affidavit because even if an affidavit had been insisted upon the procedure prescribed by Regulation 16 will still have to be followed. I request all the persons concerned to get themselves acquainted with the regulations, copies of which are available for inspection both in the office of the Commission at Bombay and at the place where the Commission is holding its hearings.

“The fact that on the threshold of the inquiry of the Commission there are no parties has already been mentioned by me earlier. In my opinion, in the present inquiry it is not necessary to abide by these technicalities. A tragedy of a great magnitude did take place at Manmad. Several people were injured and nine of them died. From the terms of the reference one can notice that there are grievances against some persons about their acts of omission and commission. Broadly speaking, the Jain Samaj of Manmad as a group has certain grievances. Broadly speaking again, the police at Manmad are the persons against whom there are certain grievances. Besides these two groups I do not see any other group which is interested in making any allegation or in meeting any allegation. In my opinion, therefore, the Jain Samaj of Manmad can be treated as a party on the threshold of the inquiry itself and similarly the police at Manmad can be treated as a party. The Government of Maharashtra has already appointed Mr. N. P. Pawar, the Government Pleader of Manmad, as the Counsel for the police and other Government servants. If this is so, I do not see any reason as to why the Jain Samaj, which may probably be represented by the Vitrag Seva Sangh, should not be represented

by a Counsel of their choice. If this is accepted then, in my opinion, the copies of the statements of the persons who are to be examined as witnesses may be given from time to time, to all the Counsel appearing before the Commission. This will also help in the quicker pace of the hearings of the Commission.

“On a recommendation made by the Commission, Mr. N. B. Dandane, Advocate of Nashik, who is not concerned with the Government and who has got experience of various Courts, has been appointed as the Counsel for the Commission. At this stage I may mention that the Counsel for the Commission does not represent any party. The role of the Counsel for the Commission is to act as *amicus curiae*, friend of the Court. His duty is to dispassionately assist the Commission in its work of finding out the truth by separating the grain from the chaff. If in the examination or cross-examination of a particular witness it appears to the Counsel for the Commission that a particular material point has not been touched upon or has not been brought out prominently, he is free to examine the witness in order to bring out that particular point. In a given case it may so happen, inadvertently or otherwise, that a particular witness may not be cross-examined. The Counsel for the Commission may form an opinion that there are certain points in the evidence of that particular witness which need to be clarified so that other evidence on record may be properly appreciated. In such a case he may cross-examine that witness. It is the duty of the Counsel for the Commission also to ensure that relevant documents come on record or to suggest to the Commission that in his opinion certain persons whose names might have been mentioned in the deposition of the witnesses examined also should be examined. The Commission in such a case will give appropriate thought to the submissions and the suggestions made by the Counsel for the Commission and take appropriate action on the same. The role of the Counsel for the Commission assumes greater importance at the time of the arguments when he will be required to present an unbiased and dispassionate analysis of the evidence that has come before the Commission and he is even free to suggest that certain findings emerge from a proper examination of the evidence. The Counsel for the Commission is, therefore, an independent Counsel. He has been appointed on the recommendation of the Commission. He does not, therefore, represent the Government though technically he is appointed by the Government.

“ Now I proceed to explain to you the order in which the persons who have submitted their statements are going to be examined :—

“ In the first place those witnesses who will explain the nature of the place where the incident took place, the topography of the place, the measurement of the area in which the incident took place etc., will be examined.

“ Thereafter those persons who have allegations to make against certain other persons will be examined.

“ The third class of persons to be examined as witnesses will be the persons who in their statements have stated something about the cause of fire.

“ Thereafter I propose to call those persons who corroborate in their statements the allegations levelled or the grievances made by the persons examined as the second group of witnesses.

“ Since the Inquiry Commission is not concerned with merely the truth or otherwise of the allegations or grievances made by certain group of people, it will be necessary to examine certain other witnesses who will throw general light on the subjects covered by the terms of the reference. This will be the fifth class of witnesses.

“ From the statements submitted to the Commission it is noticed that certain persons seem to exonerate the police of any blame. They will form the sixth group of witnesses to be examined.

“ The last group will naturally be the members of the police and Government officials, if any, against whom allegations are *prima facie* established.”

3. On that day Mr. N. P. Pawar, Counsel for the police and Government officials, Mr. N. B. Dandane, Counsel for the Commission, and Mr. J. K. Chordia with Mr. R. D. Sanklecha for the Jain Shrivak Sangh and Jain Vitrag Seva Sangh appeared before the Commission. All of them agreed that the venue of the sitting, namely, at Nashik, was convenient from all points of view. It was explained to them that copies of the statements which had been received and copies of the statements which would be recorded under section 5-A of the Act would be delivered to them from time to time, in any case before the witnesses were to be examined in the next session. This, according to me, would help the Counsel to prepare themselves with the material for cross-examination, if any, and would dispense with a situation

where the Counsel would be compelled to ask for adjournment. I had taken this and other steps mentioned in the opening address reproduced above with the object of seeing that no adjournments would become necessary and also that the space of the inquiry would be maintained. Fortunately there was abundant co-operation from the Counsel appearing before the Commission and all the sittings of the Commission passed off smoothly according to the time-table which I had set up. Since the organisers of the religious programme and the police and Government officials were allowed to be represented by the Counsel right from the beginning and since all the statements of the persons to be examined as witnesses were supplied to the Counsel in advance, the procedure prescribed in sections 8-B and 8-C of the Act was automatically complied with.

4. The fact that the Commission had to hold its sittings at Nashik imposed certain restrictions on the speed with which the Commission could proceed with its inquiry. In the first place the accommodation which was made available to the Commission and members of the staff of the Commission could not be made available for more than a week at a time because this accommodation was provided in the Golf Club Rest House at Nashik on which there are frequent claims made by the Government officials and others. As a result the Commission could not hold its inquiry continuously so as to examine all the witnesses in one sitting. The hearing had to be necessarily split up into three sessions.

5. Another restriction which imposed itself upon the Commission was that the Commission could not summon more than three witnesses on any particular day. Most of the witnesses were from outside Nashik and from Manmad. The railway time-table showed that witnesses from Manmad could arrive at Nashik and remain present at the venue of the inquiry not earlier than 11-30 a.m. As a result the recording of the evidence of the witnesses could commence only at 11-30 a.m. With an appropriate recess, the recording of the evidence had to be stopped by 4-30 p.m. to enable the witnesses to return to Manmad. During these hours not more than two or three witnesses could be examined. If more witnesses were summoned, then some might have had to go back without being examined and it would cause unnecessary expense and hardship to the witnesses. Therefore, I decided to summon only two or three witnesses per day depending upon the time they were likely to take in the light of the statements which they had submitted to the Commission.

6. After the entire evidence was recorded in the third sitting of the Commission held in the month of September 1982, the Commission's office prepared a complete paper-book consisting of all the oral depositions and copies of the documentary evidence and arranged to submit one copy of the paper-book to each of the Counsel appearing before the Commission. I decided on this step so that the Counsel could prepare themselves properly for their arguments the dates for which were fixed on 4th and 5th of November 1982. The paper-books were delivered to them at least two weeks before the arguments were heard.

7. It has already been mentioned above that the Commission held sittings in three sessions for the purpose of recording the evidence. The first session was during the period from 19th July 1982 to 28th July 1982 when unfortunately because of the intervention of three holidays (including a Sunday) the Commission sat for only seven days and twelve witnesses were examined. During the period from 17th August 1982 to 24th August 1982, the second session of the hearing was held and on seven days fourteen witnesses were examined. The third and last session was of five days from 20th September 1982 to 24th September 1982 when thirteen witnesses were examined. Though all sittings for the purpose of recording the evidence were held at Nashik, on one day however the venue of the recording of the evidence was fixed at Manmad and that was on 24th of August 1982. This was done to record the evidence of two lady witnesses who were from Manmad. Opportunity was taken of this visit to Manmad on 24th August 1982 to examine one Mohanrao Ranganathan Naidu, witness No. 24, who belonged to Manmad and who had done the electric wiring work in the pandal. It may be recalled that the statement of Mohanrao Ranganathan Naidu had been recorded under section 5-A of the Act, but there was not enough time to summon him before the Commission. However, he himself appeared before the Commission though not served with the summons and offered to give evidence. Parts of the evidence of Head Constable Bandre and Kurban Hussein Kalekhan Pathan (witness No. 21) were also recorded at Manmad.

8. The arguments of the Counsel were heard on 4th and 5th November 1982. Mr. Pawar, the learned Counsel for the police and Government officials, had earlier submitted his written arguments to the Commission and he had also supplied copies of the same to the other Counsel. The other Counsel, however, advanced only oral arguments.

V. THE PLACE OF THE INCIDENT

The place where the incident took place, as has already been mentioned earlier, was the open space on the western side of the Indian High School building which is very near the Manmad Railway Station. Some witnesses have referred to the Indian High School as the Central Railway School. It seems that the present name of the school is the Central Railway School. However, it is also known as the Indian High School and it has been mentioned by that name in the notification appointing this Commission. It will, therefore, be referred to in this report as the Indian High School.

2. The High School is situated near the Railway Station as well as the railway lines. Three railway tracks run parallel to the High School building and near to it on its southern side. Witness No. 3 Guruprasad Shitalprasad Misar was at the relevant time, and is even now, working as the Head Master of that school. He has broadly given the description of the school building and the adjoining open spaces. The main entrance of the school faces the road on the northern side on which side is also situated a place called Shivaji Chowk. The sketch, to which reference will be made shortly and which has been prepared by witness No. 1 Prabhakar Madhavrao Burhade, Circle Officer, was shown to the Head Master Misar and he has admitted the sketch to be correct. Head Master Misar has further mentioned that there is an open space on the western side of the school and it is used for mass physical training. This is the open space where the tragedy of fire occurred. This open space also called ground is used for flag salutation ceremonies on such days as the Independence Day and the Republic Day. For the said purpose there is a flag post. According to Head Master Misar, the total number of students in the school is 1,435 and the teaching and non-teaching staff together number about 60. All these students and the staff members normally attend the flag salutation ceremonies mentioned above. According to him, the ground on the western side accommodated all these persons when they attended the functions. According to his estimate, not more than 1,500 people can be accommodated on the said ground. He had made a statement earlier in his deposition that in the Mandap there used to be an assembly of 2,000 to 3,000 people at a time. He is referring to the Mandap erected for the

religious programme. He, however, proceeded to clarify that "I made that statement by merely accepting the suggestion of Mr. Chordia and it was not based on my own knowledge". This is true because, as it will be shown later, Head Master Misar in all probability had never visited the Mandap and he could not, therefore, properly depose about the strength of the assembly in the Mandap.

3. It has also transpired in the testimony of Head Master Misar that there is an open space also on the eastern side of the main building of the school. On the ground on the western side, the pandal for holding the religious discourses had been erected. In the open space on the eastern side of the school building, another pandal had been erected. It was for the purpose of cooking and taking meals for those people who were attending the function. The eastern side pandal has, therefore, been aptly called by some witnesses as the Bhojan Mandap. On the day on which the incident of fire took place, but about 3 to 4 hours after the said incident, there was a short circuit of the electric wire in a corner of the pavilion on the eastern side. Head Master Misar immediately informed the Electricity Board the staff of which came and cut off the electricity supply. Thereafter that Mandap was pulled down.

4. Head Master Misar has mentioned that Sampat Premraj Surana and Nemichand Punamchand Ankaikar had given an application asking for permission to use the High School buildings and the adjacent open spaces for holding the religious programme. Misar mentions that the school building and the open spaces are given for social, religious and cultural programmes without any stipulated fee but leaving it to the good sense of the organisers of such functions to give such donations as they wish. The premises are given after obtaining the permission of the Secretary of the School. According to him, on the application made by Sampat Surana and Nemichand Ankaikar, possession of the entire school was given to the Jain Samaj for the purpose of lodging, cooking and religious discourses. It was, however, stipulated that the use would be for the period from 30th of April 1981 till 6 p.m. on 11th May 1981. From this also it is clear that the programme was intended to last from 1st of May 1981 to 10th of May 1981. It was thus a 10 days' programme. The premises had been booked also for 11th May 1981 presumably for the purpose of dismantling the structures that would be erected and for taking other steps for vacating the premises.

5. Before proceeding to consider the other features of the open space on which the pandal was erected, it must be repeated that the sketch prepared by witness No. 1, Circle Officer Burhade has been shown to this witness and he has agreed with the same as correct. A copy of the sketch is to be found at the end of this chapter. Certain specific questions relating to the western wall of the school building have been put to him. The western wall of the school building would form one boundary, namely, the eastern boundary, of the open space. Head Master Misar has mentioned that in the said wall there are five windows and those windows are of the two classrooms situated on the extreme western side of the school building. He has also mentioned that there is a door on the western wall of the school building which opens into the maidan on which the pandal was erected. According to him, the width of the door is approximately $2\frac{1}{2}$ feet and height is 6 feet. As it will be presently seen, this open maidan has on two sides fencing made up of iron strips approximately 4 feet in height. All these strips have pointed or sharp ends facing upwards. Those ends are triangular in shape. In this fencing, after a regular number of these iron strips, a piece of steel which is used for the railway line is also fixed in the earth. All these are in turn horizontally secured with further iron or steel pieces. From all the evidence that is available it is clear that the fencing is such that it could not be easily removed. It is firmly embedded in the earth.

6. In this fencing, originally there was a gap without having any door on the western side beyond which there are hutments. At the time of the religious programme, however, the organisers of the function closed that gap and created a gap on the northern side of the maidan. The northern side is on the side of the road which is between the maidan and Lalwani building. Head Master Misar has mentioned and this is clearly established by the other evidence on record, that apart from the opening or the gap which was created on the northern side of the fencing and the door on the western wall of the school building, there were no other points of entry or exits or exit in the western maidan of the Indian High School.

7. Circle Officer Burhade has drawn the sketch of the place where the incident of fire took place. He has done it pursuant to a letter, dated 25th of March 1982 of the Circle Police Inspector Choudhary, who is none other than Inspector Choudhary who was in-charge of the Manmad Police Station at the time when the incident took place.

The sketch is at Exhibit 4, and it correctly shows the locations of the various places mentioned in that sketch which, however, is not drawn according to scale. According to this sketch, which can be easily accepted as correct, the maidan on which the pandal was erected measures 37.25 metres east-west while it measures 23.20 metres north-south. According to Circle Officer Burhade, the gap which was made by removing certain steel strips on the northern side of the fencing measured 2.20 metres. This, however, is on hearsay because when Circle Officer Burhade visited the site this gap or gate had been closed and the gap has been restored to its original place on the western side. This restored gap was measured by Circle Officer Burhade and it was found to be 2.10 metres in width. Since the opening on the northern side had been made by removing certain iron or steel strips which were in turn utilised for bridging the original gap, it can be reasonably assumed that the gap which had been created for the purpose of entry to the pandal for religious discourses was almost of the same width as that of the original gap. One can proceed therefore on the basis that the only opening for exit or entry available to the members of the public from the road for the pandal was between 2.10 metres and 2.20 metres wide. On the northern side of the pandal the road measures 6 metres. Beyond the road Lalwani building, which keeps recurring in the testimonies of the witnesses, is situated.

8. Proceeding clockwise (please see the copy of the sketch at the end of this chapter), we notice that on the eastern side is the Indian High School building. The sketch rightly shows five windows which have been spoken of by Head Master Misar. Towards the south-east corner of the maidan there is a lavatory. The flag-post also has been shown and it has been mentioned by Circle Officer Burhade that the flag-post is situated on a raised concrete construction which is of three levels. Proceeding further to the southern side immediately to the south of the school building, the building of the railway court is noted. Proceeding in the western direction on the southern side, the Central Railway's water tank is shown. Proceeding again further towards the western direction one notices the Central Railway's workshop. Circle Officer Burhade mentions that after this Central Railway's workshop there was a hut which, however, he had not seen while preparing this sketch. He mentions this on the basis of information given to him. However, he has mentioned that some remnants of a hut such as bricks etc., were seen by him at that place.

Since the other witnesses including the person who had erected the house has mentioned the same place as the one where the hut had been constructed, it will be perfectly legitimate to proceed on the basis that the hut was situated on the western side immediately next to the Central Railway's workshop.

9. Then on the western side of the maidan is the fencing in which the original gap had been restored when Circle Officer Burhade went to the spot. From the south-west corner, Central Railway's water tank, which was then under construction, is at a distance of 10.60 metres. This water tank should not be confused with the then existing one, next to the Railway Court. Circle Officer Burhade has also shown some huts at a distance of about 10.60 metres from the western fencing. Though he has shown only six huts there are, according to him, several huts which can be described as "Zopad-patty". According to Circle Officer Burhade, between the southern boundary of the site on which the Central Railway's workshop and the Central Railway's water tank are situated and the railway track, there is a distance of 21.17 metres. There is no enclosures around the railway lines as a result of which people can easily walk in and out of the railway lines. He was unable to mention the height of the fencing because he had not taken its measurement. On the northern side of the maidan also there is a fencing. The open space of the maidan on which the pandal was erected, therefore, had fencing on two sides, namely, on the northern and western sides. On the eastern side the wall of the school building was its boundary and on the southern side another wall was its boundary.

10. On the question of the height of the fencing, a personal inspection by me showed that it was up to my chest's height which would be about 4 or 4½ feet. Witness No. 4 Nemichand Punamchand Ankaikar was asked whether people can enter into the compound by jumping over the fencing. His answer was in the affirmative. He also mentioned that similarly people inside the Mandap could pass over the fencing by jumping over the same. This seems to be correct, though another organiser of the function, namely, Witness No. 6 Parasmal Bherulal Baradia, has denied the same. One Mrs. Vimalabai Zumberlal Bedmutha, examined as Witness No. 26, was present when the fire broke out in the pandal and she has mentioned that she climbed the fencing and threw out her children and she herself

jumped over the fencing, though in the process the pointed iron bars of the fencing caused her injuries and tears in the dress she was wearing.

11. For the purpose of its work, the Manmad Police Station has divided the Manmad City into six sections. The Indian High School falls in Section No. 3. Acceptable evidence which is on record discloses that Section No. 3 is the largest in area. One Head Constable and one Police Constable are put in-charge of each section and at the time of the incident and for some days before it Head Constable Devram Sayaji Bandre (Witness No. 13) and Police Constable Nathu Kashiram Netawate (Witness No. 14) were in-charge of Section No. 3.

12. One must now proceed to consider the details of the pandal which was erected. The area of the open space on which the pandal was erected has already been mentioned by Circle Officer Burhade (Witness No. 1). There is evidence in the form of testimonies of almost every witness that the pandal which was erected covered the entire open space. It has been so mentioned by Witness No. 4 Nemichand Punamchand Ankaikar. The roof of the pandal extended up to the two walls on the eastern and the southern sides, though it was higher than the said walls. Similarly, the ceiling of the pandal extended up to the fencing on the western and northern sides of the open space. Evidence shows that on the inside of the fencing, galvanised iron sheets (Patras) had been fixed firmly to the fencing. Thereafter the said galvanised iron sheets had been covered with cloth. In fact cloth was fixed on all the sides. Witness No. 4 Nemichand Punamchand Ankaikar mentions that wooden poles were set up on all sides of the pandal and a ceiling of bamboos was built thereon. It was covered by cloth ceiling which was decorated. He has mentioned that on two sides of the pandal there was already previous fencing which were four feet height from the ground. He has mentioned that on both sides of the pandal its height was 12 feet and at its centre its height was 14 feet. Though it may not be possible to accept the exact figures given by witness Nemichand Punamchand Ankaikar, it can easily be accepted that the centre or the middle portion of the pandal was higher than the sides of the pandal. It was in the form of an expanded tent though the sides did not slope to reach the ground. Witness No. 24 Mohanrao Ranganathan Naidu, though examined essentially on the question of the electric wiring done in the pandal has, in my opinion, vividly and correctly described the

shape of the pandal. "On the northern and the southern sides of the pandal there was a slope. The middle portion of the pandal was slightly on a higher level than the northern and the southern portions. There were six rows of wooden poles which were supporting the pandal. One was next to the wall on the southern side and one was next to the fencing on the northern side. The remaining four rows were in between and were running in the direction from east to west."

13. It has also come in evidence that between the wall on the southern side and the ceiling of the Mandap there was no material fixed. Similarly above that part of the fence where galvanised sheets had been fixed there was nothing except the ceiling of the pandal. Witness No. 4 Nemichand Ankaikar has further mentioned that the Mandap was attached to the iron fencing of the maidan and there was a gap between the galvanised sheets and the ceiling of the pandal. That gap was of 3 to 4 feet. In other words, the ceiling of the pandal was not resting on the walls on the eastern and southern sides of the maidan or on the fencing on the western and northern sides. It may also be mentioned that the galvanised sheets had been fixed inside the fencing entirely on the western side and on the northern side only up to that point where a gap had been created for entry and exit. Between this gap and the wall of the High School, galvanised sheets had not been fixed to the fence.

14. That the ceiling of the pandal consisted of decorative materials has been mentioned by several witnesses. It has been so mentioned by Witness No. 4 Nemichand Ankaikar himself. It has been so mentioned by Witness No. 24 Mohanrao Ranganathan Naidu. Witness No. 5 Chandrakant Gogad has also mentioned that the four sides of the pandal were 12 feet height and the centre was 14 feet height and the same were covered with cloth and were decorated. Witness No. 7 Santosh Zipru Patil has mentioned that the ceiling of the pandal was made up of silk cloth and began to burn after it caught fire from the flames of the hut. Thus it is seen that the ceiling of the pandal was made up of material which was inflammable.

15. The necessity of fixing the galvanised iron sheets from inside the fencing which was, as mentioned earlier, very strongly and firmly fixed to the earth has not been satisfactorily explained by the organisers of the function. For example, Witness No. 4 Nemichand Punamchand Ankaikar says that the iron sheets had been fixed as

a safety measure. On the other hand, Witness No. 5 Chandrakant Gogad mentions that "the iron sheets had been fixed on the western side because on that side there were dirty sights such as the movement of pigs, municipal lavatories and public dustbine." It has not been mentioned by the said witness that it was for the purpose of safety that the iron sheets had been fixed. Similarly Witness No. 6 Parasmal Bherulal Baradia mentions that "the iron sheets had been fixed not so much by way of protection from the goondas but to secure privacy for the discourses. It was also to secure some freedom from the noise. We did not expect much disturbance of noise from the northern side because the people moving on the northern side would be on the move. But noise was expected from the western side because there was a settlement of hutments and children would be playing and moving about in that area." The explanation given that the iron sheets were fixed for securing freedom from the noise is highly unsatisfactory because as it has already been mentioned above there was a gap between the fencing and walls on the one hand and the ceiling of the pandal on the other and this gap was no barrier to the noise coming from the western side.

16. The seating arrangement in the pandal has been fairly accurately described by Witness No. 4 Nemichand Punamchand Ankaikar. It is in the following terms :—

"Inside the pandal sand had been spread on the ground and tarpaulin was spread over the same. Besides, a heap of sand was kept in reserve on the side of the gate."

This has been corroborated by Witness No. 5 Chandrakant Loomchand Gogad who has mentioned that sand was spread on the ground in the pandal and tarpaulin was placed thereon. Besides that a heap of sand was kept in reserve by the side of the gate. For the purpose of sitting, the area in the pandal was divided into two parts—one part was utilised by men while the other part was reserved for women. Between these two parts there was an aisle. Testimony of Witness No. 4 Nemichand Punamchand Ankaikar shows that a platform had been erected on the eastern side of the Mandap for seating the main priest, namely, Anand Rishiji Maharaj. That platform occupied an area of 12'×12'. According to Nemichand, the sitting arrangement for the ladies was on the southern side of the Mandap and on the northern side the men used to sit. The aisle between these two sides was of about 2 to 3 feet in width. It has been mentioned by him that there was no other furniture except the table and chairs meant

for the main priest. Similarly Witness No. 6 Parasmal Bherulal Baradia has mentioned that no tables or chairs, apart from the stage for the Guru Maharaj, were in the pandal. He has, however, at one place stated that he had used certain table for lifting people and passing them over the fencing after the fire broke out. He explains what he meant by table as follows :—

“By a table in this sentence I mean a ‘Patta’. ‘Patta’ is used for sitting and usually much longer than a table. There were two Pattas and they were unoccupied at that time. If I am asked about the size of a Patta, I will say that it will be 2 feet in width and 6 feet in length.”

By ‘Patta’ probably he meant a bench without having any backrest. The height of the Patta has been given as 2½ feet.

17. One must now proceed to consider the electric fittings and the wiring work that had been done in the pandal. Witness No. 4 Nemichand Ankaikar, who seemed a somewhat leading figure in the Jain community being the Secretary of the Jain Shrivak Sangh and also a member of the Jain Vitrag Seva Sangh at the State level, was totally ignorant of the manner in which the electric connection to the pandal had been taken. Unfortunately, however, he proceeded to make positive assertions on the facts touching upon the electric connection and the wiring done in the pandal. I have no hesitation in totally disbelieving him on every aspect of this question. On this aspect of the question he has not mentioned anything in his statement submitted to the Commission except that there were eight electric tubelights installed in the pandal. In his examination by the Counsel for the police and Government officials, he accepted the suggestion that the electric connection for the illumination and for the loud-speaker in the pandal had been taken from the house of one Mr. Sharma residing in Lalwani building. He admitted that the organisers had not obtained licence from the Electricity Board for getting the connection from Lalwani building. As will be pointed out shortly, the organisers had shown scant regard for the rules which must be followed for obtaining electric connection from a building other than the one in which the function had been arranged. Not only that they had entrusted the work to an unlicensed electric contractor. Nemichand has mentioned as follows :—

“The electric connection and the wiring was got done by us through one Jadhav who was the contractor for the loudspeaker.

The material for this electric connection had been brought by Jadhav himself."

Proceeding further he says "we got the electric installation checked by one Rajan who according to me also does the work of electric installation". Witness Nemichand Punamchand thought on his feet and gave answers which he knew to be false.

18. During the course of the inquiry it transpired that the work of the electric installation and the wiring had been done by one Mohanrao Ranganathan Naidu, to whom references have been made earlier. His statement was recorded under section 5-A of the Act and thereafter he was examined as Witness No. 24. In the witness-box, witness Naidu appeared to me to be a straightforward and honest witness who did not hesitate to admit facts which were against him. He has, in my opinion, adequately and accurately described the work of the wiring done by him. In his statement under section 5-A, he has given the details. He has been residing in Manmad for about 10 years and he takes contracts for electric lights, wire fittings, loudspeaker etc., for marriages and other functions in the town of Manmad. He has been doing this work right from the time when he was 10 years old. Though he has not appeared for any examinations, he says that he is proficient in his work and he has large experience in the line. He asserts that no mistake has occurred in his work till today. According to him, on 20th April 1981, Mr. Parasmal Baradia called him while he was passing by the side of his shop and asked him to undertake the work of wiring, fixing of tubelights and installation of loudspeakers in the compound of the Indian High School where the religious functions of the Jains was decided to be held. The contract for the work was fixed at Rs. 1,100. He mentions that the function was to commence from 1st of May 1981 and he completed the work a day earlier. According to him, the entire wiring was done by him and by his companion Dilip belonging to Maratha caste whose full name, however, he did not know. That Dilip is Dilip Damodar Solshe whose statement was also recorded under section 5-A and who was examined as Witness No. 23 before the Commission. The evidence discloses that Dilip did nothing but to help Mohanrao Naidu by handing over to him the necessary material.

19. According to Mohanrao Naidu, he had taken the light connection from the High School upon the instruction of Mr. Parasmal Baradia. The High School had its independent main switch. By the

side of the said main switch he placed independent board for the main switch of the electric lights for the pandal. On this board he had fixed three buttons. The work of putting on and putting off the lights was done by him through one of the said buttons. According to him, he used to go at 6 O'Clock in the evening to the High School and switch on the lights and return. Again at 6 O'Clock in the morning he used to personally go to the school to switch off the lights. According to him, there was no necessity of putting on the lights during the day time. In answer to questions by the Counsel for the Commission, Naidu has mentioned that he had prepared two switch boards, one of which was fixed near the main switch board of the school itself and the other one was fixed on the wall of the school building near the door opening into the maidan. The electric lines which supplied electricity to the pandal on the western side of the school were all passing through the switch board affixed to the western wall of the school building. He has asserted that the fuse of the main switch which he had affixed on the wall of the school building used to be taken away by him every morning. This, according to him, ensured that the electricity for lighting purposes was not available during day time. However, this did not affect the working of the loudspeaker during day time because separate plug and fuse had been provided for the same. He has mentioned that even the electricity required for the loudspeaker was provided by the wiring taken from the school building. However, as a measure of precaution and on the instructions of Parasmal Baradia and other organisers he has taken what could be called an emergency connection from the house of one person from Lalwani building. He does not know the name of the occupant of that house. He has denied the suggestion that connection had been taken from Lalwani building for both the lighting and loudspeaker.

20. At this stage it will be worthwhile to note the manner in which the lights and electric wire had been fixed inside the pandal. Witness No. 24 Mohanrao Naidu has mentioned that the tubelights were perpendicularly fixed to the poles supporting the ceiling of the pandal. There were in all eight tubelights which were thus fixed. He has mentioned that they were so fixed on alternate poles supporting the pandal. "The wire which was fixed for this purpose had been tied to the poles at a level lower than the roof of the pandal. The lights had been fixed to the poles which were in the centre of the pandal and not to the poles on the northern side or on the southern

side of the pandal. The wire did not extend up to the western end of the pandal." From this it is clear that the wire which had been installed by this witness was not anywhere near the ceiling of the pandal nor was it anywhere near the western or southern side of the pandal.

21. I have mentioned earlier that this witness was straightforward and admitted things which were against him. For example, he has mentioned that he had not asked Parasmal Baradia as to whether permission for the work which was to be executed had been taken from the Maharashtra State Electricity Board. He, however, explained that he did not do so because, according to him, for the lighting that was involved in the pandal nobody takes permission. I believe that witness Mohanrao Naidu has executed the wiring work because he has also produced a bill evidencing the purchase of certain materials by him on 29th of April 1981. Corroborating him on the point, namely, that it was he who had executed the work, there are the statement and testimony of Dilip Damodar Solshe, Witness No. 23. He has mentioned that on the last day of April 1981 he had assisted Naidu in the work of wiring and fixing the plugs for the purpose of electric tubes in the pandal erected on the ground of the Indian High School for the religious discourse of the Jains.

22. The seating capacity of the pandal must now be considered. Witness No. 1 Circle Officer, Burhade has drawn the sketch of the place of the incident and has given the measurements of the same. However, he has not mentioned what would have been the seating capacity of the pandal that was erected on the maidan of which he has given the measurements. One Madhukar Bhaskar More (Witness No. 2) is an Engineer being Section in-charge in the Public Works Department of Manmad for about a year and half before 6th of April 1982 on which day he prepared a statement that came to be submitted to the Commission as Exhibit 5. Pursuant to a letter received by him from Inspector Choudhary, he took the measurements of the site on which the pandal has been erected and prepared a certificate which however has been signed by the Deputy Engineer, Public Works Department, Manmad. He has mentioned in his statement that that certificate is to the effect that in according with the rules and according to the seating arrangements of the pandal, only 1,462 persons could sit therein. The Deputy Engineer who has signed the certificate was not examined and, therefore, that certificate has not

been taken on record. However, the statement at Exhibit 5, which this witness has submitted to the Commission, has been taken on record. Even if the said statement is considered on its merits, it is clear that the opinion expressed by this witness is absolutely of no value. Along with the certificate he has also annexed a sketch which has been produced before the Commission at Exhibit 6. Though he says in replies to the questions asked by the Commission that the estimate of the seating arrangement of 1,462 people was based upon his own information and knowledge and not on the information and knowledge of the Deputy Engineer, his information and knowledge are based on hopelessly infirm foundations. As far as the total area of the site is concerned, there may not be much difference of opinion on the same. But when the witness makes himself bold to make estimate of the number of persons that could be seated in the pandal, he is taking a very hazardous step. In the pandal there was a stage to which reference has already been made earlier for the main priest to give discourses. Witness Madhukar More has made allowance for the space occupied by the stage while calculating the availability of the area for the persons to sit. He mentions that he collected information about the size of the stage and about the seating arrangements and then estimated the capacity of the Mandap. He has not disclosed from whom that information was collected. The estimate made by him on information which is not verifiable is, therefore, not reliable. When pointedly asked as to what he meant by the "arrangements", of the mandap, a phrase which he has used in his statement submitted to the Commission, he said that he was unable to explain. He has made certain calculations and the sheet containing those calculations has been produced at Exhibit 7. When pointedly asked as to what he meant "in accordance with the rules", a phrase used by him in his statement at Exhibit 5, he said that they refer to the norms prescribed by the Public Works Department for seating arrangements in an open-air cinema theatre. While the witness was still in the witness-box, I made the following note on his demeanour :—

"The witness is giving incoherent, inconsistent replies."

Thereafter the following answer is to be found in reply to another question asked by the Commission :—

"On being asked again I am not able to say whether the Public Works Department comes into the picture while prescribing norms for seating arrangements in an open-air cinema."

23. In reply to the questions by the Counsel for the Commission, he mentions that while arriving at the figure of 1,462 he had provided 20 seats for 9 square metres. This ratio has been mentioned by him in Exhibit 7. He further proceeded to say that the words 'seats' used by him indicated the space occupied by persons while sitting on the ground. According to him, the norms mentioned by him were taken from a handbook of bye-laws of the Public Works Department, which he had not brought on the day on which he was examined, namely, on 19th of July 1982. However, he said that he would be able to secure the said handbook and produced the same on 26th July 1982. When he reappeared before the Commission on 26th, he was constrained to admit that there was no such book or publication of the Public Works Department to which he had made reference in his deposition on 19th July 1982. However, he wished to rely upon the Maharashtra Cinema (Regulation) Rules, 1966 for the calculation of the number of persons to be accommodated in the pandal as mentioned in Exhibit 7. In particular he relied upon rule 13 of the said Rules. The calculation made by him at Exhibit 7 was based on the ratio mentioned in that rule, namely, 20 persons per 9 square metres. The ignorance which this witness displayed while he was in the witness-box on the first occasion was confirmed by his further deposition on 26th July 1982. This witness has carried out an assignment entrusted to him by somebody, may be the Deputy Engineer of Public Works Department of Manmad, without applying his mind at all. This assignment had been entrusted to the witness at the instance of Inspector Choudhary. One also cannot overlook the fact that Inspector Choudhary was present when this witness prepared the sketch. This fact has been admitted by him in reply to a question by the Counsel for the Commission. His evidence is a part of an attempt to show that the organisers of this religious programme had accommodated in the pandal an unusually large number of persons, say up to 3,000 or 4,000, when the pandal could have reasonably accommodated only about 1,400 people.

24. In paragraph 5 of the statement which Inspector Choudhary had submitted to the Commission, which paragraph was bracketed in red because it contained an opinion which Inspector Choudhary was ill-advised to express in a statement submitted to the Commission, Inspector Choudhary on making his own calculations mentioned that "approximately 1,500 to 2,000 men and women can sit in and get up from that space in an orderly manner". He has emboldened himself

to further mention that "in spite of that, the workers of the said elected Committee of the Jain community had seated about 3,000 men and women jampacked in the said small space of, the pandal." Thereafter he rushed into an area where he should have taken the precaution of not treading, namely, the expression of an opinion which only this Commission could have given after considering all the materials. He has stated as follows :—

"It is our honest opinion that the people of the Jain Committee alone were responsible for all this."

In that paragraph he has also given an opinion that the cause of the fire was also due to short circuit of the electric wire.

25. Witness No. 3 Head Master Misar has, as already mentioned above, stated that the school had a strength of 1,435 students and the teaching and non-teaching staff of the school comprised of 60 persons. If the entire school comprising of the students and the teaching and non-teaching staff assembled in the open maidan, the maidan would receive about 1,500 people. This in fact is the estimate given by Mr. Misar in reply to a question by the Commission. "In my estimate, not more than 1,500 people can be accommodated in the maidan."

26. Since the area of the maidan on which the pandal was erected was not in dispute and since that entire area was also comprised in the pandal, it was easy for the Commission itself to reasonably estimate the number of persons that could be seated in the pandal. There were no chairs for the persons attending the discourses. The seating arrangement was what can be called the "Bharatiya Baithak". The area of the maidan has been given by Witness No. 1 Circle Officer, Burhade. He has mentioned that the total area of the maidan was 37.25×23.20 metres which comes to 864.20 square metres. In order to find out how much area a person sitting would occupy, an experiment was conducted in the Court Room itself. This experiment was conducted when the deposition of Witness No. 4 Nemichand Punamchand Ankaikar was being recorded. This experiment was found to be necessary because Nemichand Punamchand Ankaikar in his deposition made some hazardous estimate about the number of people that could be accommodated and stated that 6,000 people could be accommodated in that pandal. This was an attempt, on the

other hand, on the part of the organisers of the function to show that the pandal was sufficiently spacious to accommodate large number of people and the organisers of the function had provided for enough room. The experiment conducted showed that a person in a squatting position would occupy about 0.33 square metres. Without making allowance for the space taken up by the platform, by the flag-post and the aisle separating the areas occupied by the men and women, about 2,600 people could be accommodated. This is on the basis that persons are sitting closely, touching each other. If one makes allowance for the area occupied by the things mentioned above and also for the area occupied by the drums, which had been kept in the pandal, then it can be safely assumed that the pandal could accommodate about 2,000 persons. At this stage I must mention that the finding on the seating capacity of the pandal is of only academic interest because at the time when the incident took place only about 300 persons were present. Since, however, the parties went on issue on this point, I have deemed it fit to give a finding on the same.

27. Witness No. 4 Nemichand Punamchand Ankaikar has mentioned in his statement to the Commission at Exhibit 11 that apart from the heap of sand which was kept in reserve by the side of the gate, 8 to 10 drums filled with water also had been kept near the gate. He has mentioned that separate arrangement of water for drinking and other use was made in the Indian High School. In other words, it seems to be his suggestions that the water in the 8 drums kept in the pandal was not for drinking purposes. But later he stated that the purpose of keeping these drums was to meet the requirement of drinking of those who attended the programme. Though in his statement Nemichand Ankaikar has mentioned that these 8 drums filled with water were kept near the gate, later however in his deposition he has stated that the drums filled with water to which he has made a reference in his statement were kept in the mandap on the north-east corner. Witness No. 5 Chandrakant Loomchand Gogad has specifically mentioned that that water was meant for drinking as the programme was held in summer. Witness Chandrakant Gogad also states that the drums were kept near the gate. This much is certain on the basis of the material placed by the organisers of the function itself that these drums of water were not meant for any other purpose except for the purpose of drinking. It was definitely not kept for the purpose of extinguishing any possible fire. The drums filled with water were not, therefore, kept by way of any precautionary measure.

28. Sufficient survey has been made of the evidence relating to the place of the incident. However, it would be advantageous to summarise and give a broad picture of the same. The pandal in question had been erected on the compound of the Indian High School which was on the western side of the main building of the school. The entrance of the main building was abutting a road on the northern side and that road runs parallel to the Indian High School building and the adjacent maidan. At the place where the maidan is situated, the road separated the maidan from a building called Lalwani building. The maidan had iron fencing consisting of iron strips which were embedded in the earth with their sharp ends pointing upwards. The material used for this fencing and the manner of fixing the fencing in the earth showed that it was a very strong fencing. At the time when the incident took place there was a small gap made in the northern side of the fencing and that gap measured between 2.10 and 2.20 metres. The original gap on the western side was closed with the same material which was taken out from the northern side to make an opening there. The western side of the fencing and the northern side of the fencing up to the new opening made had been in addition covered by galvanised iron sheets from inside. On the east and south sides of the pandal there was no necessity of fencing because on the east side there was the wall of the High School and on the southern side there was a wall beyond which there were the Central Railway's water tank and the Central Railway's workshop. After these two structures in the extreme corner of that wall, but outside it, there was a hut erected by one Nandkishore Hule, who will figure again in this report. The pandal consisted of cloth which was running around the entire area inside the fencing and the walls. The ceiling of the pandal consisted of cloth laced with some decorative material like silk cloth which was highly inflammable. Between what could be called the walls of the pandal and the ceiling there was open space. In other words, the upper side of the pandal was not totally closed. For coming into the pandal, the members of public had to use the 2.10/2.20 metre wide opening made in the northern side of the fencing. For the main priest and other persons, including probably the organisers of the function, the door of the High School was used. The height of the fencing was of about four feet and a person trying desperately to escape from the maidan could jump over it though in the process he might suffer injury. There were 8 drums filled with water kept near the entrance of the pandal. Electric wiring had been done in such a manner that

the wire was nowhere near the ceiling and to the extreme sides of the pandal. It was definitely not anywhere near the south-west corner. Beyond the southern wall of the pandal there were three railway lines beyond which there was a platform of the Manmad Railway Station. These railway lines or tracks were used for shunting purposes because next to the Indian High School building there was admittedly a Railway Goods Shed. The sketch on the following page gives an accurate picture of the maidan and its surroundings.

EX.4.

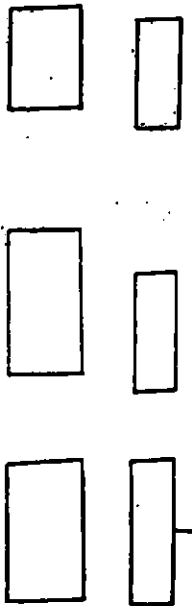
LALWANI BUILDING

ROAD LEADING TO SURVEY NO. 152

ROAD

2.20 M
↓
GATE AT THE TIME OF THE PROGRAMME

HUTS



2.10 M

→ EXISTING GATE

23.20 M

37.25 M.

PLACE OF FLAG



INDIAN HIGH SCHOOL

LAVATORY



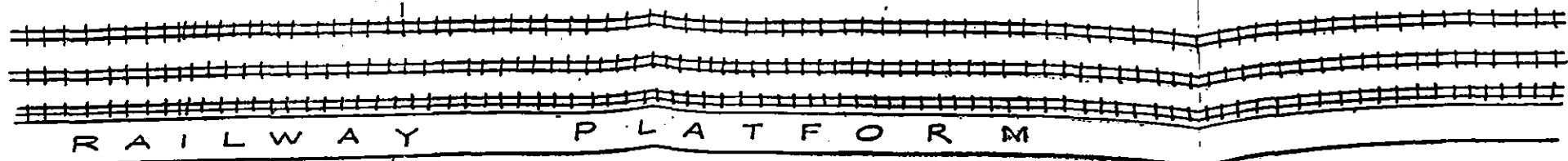
10.60 M.
○
WATER TANK

21.70 M
HUT

C & W WORKSHOP

C & W TANK

RAILWAY COURT



RAILWAY PLATFORM

VI. THE CAUSES OF AND THE CIRCUMSTANCES RESULTING INTO THE OUTBREAK OF FIRE

The first term of reference on which the Commission is required to report is as follows :—

“ the causes of, and the circumstances resulting into, the outbreak of fire at the pandal erected on the ground of the Indian High School at Manmad on the 6th May 1981 ;”

2. An understanding of the manner in which and the time when the pandal caught fire will help in finding out the causes of or the circumstances resulting into outbreak of fire at the pandal. Fortunately, adequate material has been placed before the Commission on this aspect of the inquiry. The witnesses who shed light on this aspect of the inquiry are of three categories. In the first category are those workers who were engaged in the construction of the water tank on the south-western side of the pandal. They were the first to notice the fire that was caused. Among them also should be included for the sake of convenience a man who was on the platform of the Manmad Railway Station because he had along with other persons engaged in the construction of the water tank noticed the fire at the earliest. In the second category are the persons who were in the pandal when fire took place. The third category would include persons other than those included in the above two categories who have placed material before the Commission to determine at least the time when the fire broke out.

3. In an earlier part of this Report sufficient description of the place of the incident has been given and it is unnecessary to reproduce the same. It has also been noted that one hut was on the other side of the wall which itself formed the southern boundary of the pandal. The hut was on the south-west corner but outside the wall. That hut had been erected by one Nandkishore Ramrao Hule who was working on the project of the construction of the water tank near the Manmad Railway Station. This water tank was to be placed on some pillars erected for that purpose. The water tank was to be constructed for the purpose of the Railway Station. Nandkishore Ramrao Hule has been examined as Witness No. 12. His statement has also been recorded under section 5-A of the Act. The hut itself was made of matting material. The upper portion of the hut was

also of matting material. This has been so mentioned by Witness No. 12 Nandkishore. All the four sides of the hut were covered with gunny cloth. The door of the hut was of plywood. The hut was at a distance of 1 to 1½ feet from the southern wall of the maidan. According to witness No. 12 Nandkishore Ramrao, the site of the water tank which was under construction was at a distance of 25 to 30 feet from the front side of the hut. More accurately, looking to the sketch, it seems to be over 11 metres from the hut. A scaffold had been erected for the construction of the water tank.

4. Apart from Nandkishore, at least three other persons were engaged in the construction of the water tank. They were Santosh Zipru Patil, Ibrahim Rahiman Shaikh and a person called Chhotu. The first two of the aforementioned persons have been examined as Witnesses Nos. 7 and 9 respectively. Nandkishore says in his statement recorded under section 5-A of the Act that as usual he had cooked his food between 7-00 and 7-30 a.m. on 6th May 1981 and after doing so he had removed burnt coal pieces from the *shagdi* and had placed them outside in front of his hut. He had sprinkled water upon the same. Later in his deposition before the Commission he has mentioned that the place where he placed the coal pieces had already some water and he still sprinkled additional water upon the same. At about 1 O'Clock when recess started he came to his hut and took the remaining food which he had already prepared in the morning and went back to work at 2-00 p.m. When he thus took his meal between 1-00 and 2-00 p.m. he had not heated the food again which he had prepared in the morning. This seems highly probable because this witness purchases coal which he uses for preparing his food. For a person of his financial means it is very natural that he should economise on the material. In any case, it is clear that he went to work at 2-00 p.m. When he was at a height of 20 feet on the water tank he noticed, according to him between 3-00 and 3-30 p.m., that his hut and the adjoining cloth pandal had caught fire. He came down and with the help of his co-workers tried to extinguish the fire by means of a plastic pipe which was available nearby. In his statement under section 5-A he has mentioned that when the hut caught fire *shagdi* was inside the hut and that it was not possible for him to say whether the *shagdi* was in burning condition or otherwise. Later, however, he has clarified that he has mentioned that he was not in a position to say whether *shagdi* was burning or not mistakenly in reply to a question asked by the officer recording his statement. In

my opinion, this also seems to be correct. I am also inclined to accept, as it will be seen little later, that the *shagdi* itself was not inside the hut when the hut caught fire. The panchanama of the hut which was made on the same evening and which has been taken on record at Exhibit 51 by consent, shows that no *shagdi* was noticed among the articles found at the site where the hut was constructed. This aspect of the matter will be considered in greater details little later.

5. From the material placed by Witness No. 12 Nandkishore before the Commission, it is only possible to say that the hut and the roof of the pandal were simultaneously burning. Nandkishore could not say anything beyond this because he was not the first to notice how the fire started. Similarly, Santosh Zipru Patil, examined as Witness No. 7, is not fully competent to depose as to the origin of the fire. However, his evidence to some extent shows that it was the hut which caught fire first and not the pandal. Santosh Zipru was working along with Nandkishore and he was also on the scaffold along with Nandkishore. He has mentioned that Ibrahim and Chhotu were working on the ground. In fact Chhotu was handing wooden planks to Nandkishore and Santosh Zipru. Santosh Zipru thereafter says that between 3-30 and 3-45 p.m. smoke was seen first in Nandkishore's hut and little later Ibrahim shouted that the hut was on fire. Santosh Zipru and Nandkishore got down and they all made frantic efforts to put down the fire but unfortunately there was strong westerly wind blowing and it fanned the flames of the hut which thereafter leaped to the roof of the ceiling of the pandal causing further damage. Santosh Zipru has specifically mentioned that rising flames of the fire of the hut caught the silken tapestry of the pandal and suddenly the entire pandal was in flames. That Santosh Zipru should be present on the scene when the incident of fire took place is very natural because there cannot be dispute that he was a co-worker of Nandkishore. He is a young man of 19 years earning his livelihood by working as a labour. There is no reason as to why he should be disbelieved when he says that between 3-30 and 3-45 p.m. on 6th May 1981 he saw smoke coming first from Nandkishore's hut and that shortly Ibrahim suddenly shouted that the hut was on fire.

6. This statement of Santosh Zipru is corroborated by Ibrahim Rahiman Shaikh, Witness No. 9. Ibrahim was working on the ground along with Chhotu while Santosh Zipru and Nandkishore were

working on a level higher on the main structure of the water tank. His statement has been recorded under section 5-A on 11th July 1982. It was read over to him and he has admitted the contents to be correct. In his statement he has mentioned :—

“ that at about 3-00 or 3-30 p.m. the hut of Nandkishore caught fire. It was seen flaming and immediately the Jain pandal caught fire in the corner of the compound in the direction in which the hut was situated. The hut first caught fire.”

According to him, the hut caught fire initially on the front side. He corroborates Nandkishore on the aspect of the material which was used for the construction of the hut, namely, that it was matting or *chattai* material. To a pointed question by Nandkishore who was allowed to cross-examine this witness, Ibrahim has mentioned :—

“ I say that the hut caught fire first because it was at that time that my attention was drawn in that direction. I cannot say as to how the hut of Nandkishore caught fire.”

7. One Shaikh Nisar Abdul Karim, who is normally working with the railway construction works' contractor was unemployed on 6th May 1981. He is a young man of 22 years and his statement has been recorded under section 5-A. The contents of the said statement have been admitted by him to be correct. In that statement he has mentioned that at about 3-00 or 3-30 p.m. he was standing near the latrine situated on the platform of the Manmad Railway Station. He saw that the Jain pandal had caught fire. He saw that the fire had broken out from the western side. In his statement under section 5-A he has not specifically mentioned that the hut caught fire first but in reply to the question of the Commission he has said that the hut shown in Exhibit 4 next to the Central Railway workshop could be easily seen from the place where he was standing and it was the hut that caught fire first and thereafter the pandal caught fire. It is not possible to place too much reliance upon his reply to the question asked by the Commission when he says that the hut first caught fire and thereafter the pandal caught fire. It is doubtful whether he noticed the hut catching fire because in the latter part of the deposition he has mentioned that when he saw, the pandal and the hut had both caught fire. I would not place much reliance upon the testimony of this witness for the purpose of holding that the hut caught fire first. However, it is clear from his deposition that when he saw the western part of the pandal had caught fire.

8. On an examination of the material placed by these four witnesses namely, Nandkishore, Santosh Zipru Patil, Shaikh Nisar Abdul Karim and Ibrahim, it is clear to me that the fire broke out in the western side and it was the hut which caught fire first and the leaping flames of the fire of the hut locked the ceiling of the pandal which thereafter was rapidly consumed by the spreading fire.

9. That the fire originated in the western side of the pandal is deposed to by several other witnesses who are in the second category of the witnesses mentioned by me above. The most important among them is Jayantibhai Jethalal Desai, examined as Witness No. 15. He has submitted a statement to the Commission in response to the public notice issued and that statement is at Exhibit 36. At about 3-45 p.m. in the afternoon, says Jayantibhai in his statement, he saw that the cloth in the middle, below the south-western corner of the pandal, had caught fire. This witness has to be believed because he was personally present when the incident took place. That he was present in the pandal is demonstrated by the large scale burn injuries suffered by him in the rescue attempts which he had admittedly made. Even when he appeared in the witness-box more than a year after the incident, one could notice the tell-tale signs of the injuries which he had received. The witness also appeared to me straightforward and did not pretend to know more things than what he actually knew. He did not show any anxiety to depose to the facts which were not within his knowledge though questions on the same were temptingly asked to him.

10. One Surajbai A. Chordia, a resident of Maruti Lane of Manmad, was present in the pandal between 3-30 and 4-00 p.m. when she suddenly heard a cry. She looked back and saw that on the south-west corner of the pandal there was fire. She mentioned that fire rapidly spread on all sides. She has done so in her statement recorded under section 5-A of the Act. The burning pieces of cloth began to fall down from above and she herself suffered burns on her head, both hands, shoulders and the stomach. There were burn injuries on her ears also. She was suffering from the consequences of these injuries even when she gave evidence before the Commission. There is no reason to disbelieve this witness when she says that the fire was first seen in the south-west corner of the pandal which corner she has described as a corner where there is water tank of the railway.

11. Mrs. Pramilabai Javherlal Chordia, also a resident of Manmad, was present in the pandal in the afternoon of 6th May 1981. Her statement was also recorded under section 5-A of the Act. When examined before the Commission as Witness No. 11, she admitted the contents of the said statement to be correct. In that statement she has mentioned :—

“ On the date 6th May 1981, I was in the pandal in the compound of the Indian High School at Manmad, to hear the religious discourse. At that time I turned and looked backwards and saw that there were flames on the rear of the pandal. The tassel (of the curtain) of the pandal was seen to have caught fire. It appeared that the pandal had caught fire from the rear i.e. from the side of the water-tank.”

From this it is clear that the ceiling of the pandal caught fire first and it was thereafter that it spread to other parts of the pandal. Though in reply to certain questions by the Commission she said that as far as she could remember the pandal caught fire in the lower part and the flames spread upwards, it seems highly doubtful whether this is so because in the earlier part of her statement she has clearly mentioned that tassel (of the curtain) of the pandal caught fire when her attention was initially drawn. The other material on record does not support her also in this aspect of the matter.

12. The evidence which commends itself to me establishes that the cause of the fire of the pandal was the fire from the hut of Nandkishore. It is the flames of that hut which were leaping upwards and eastwards as a result of a strong breeze which was blowing at that time that caused the fire of the pandal. The proximate cause of the fire of the pandal is, in my opinion, the fire of the hut. Having found thus, technically it may not be necessary to pursue as to what the cause of the fire of Nandkishore's hut was. Interpreting liberally the first term of reference which requires the Commission to inquire into not only the causes of the outbreak of the fire at the pandal but also “ the circumstances resulting into the outbreak of fire ”, I proceed to examine how the fire to the hut of Nandkishore himself was caused.

13. The first possibility that suggests to anyone is that the sparks or embers of the pieces of coals which Nandkishore had used for cooking his food might have caused the fire to his hut. While discussing the evidence of Nandkishore earlier I have mentioned

enough facts which would indicate that this could not be the cause of the fire to Nandkishore's hut. While Nandkishore was in the witness-box I have observed him carefully and he has impressed me as a man of great simplicity, totally free from any cunning, and honest and truthful in his deposition before the Commission. From the material placed before the Commission it is seen that he is a poor worker earning wages of Rs. 10 per day when he gave evidence. He hails from a place in Solapur district and had travelled to Manmad for the purpose of earning his livelihood by selling his labour. The experience to which he was subjected after this incident seems to have made him somewhat nervous which nervousness was visible to me when he appeared before me. The statement and the testimony given by him under section 5-A are both found to be convincing and I have no hesitation, on the basis of the replies given by him, in holding that the sparks or embers from the coal which Nandkishore had used could not have caused the fire to his hut. This finding of mine is reinforced by the fact that the actual fire was caused to the hut at about 3-45 p.m. as I will show little later in this chapter.

14. Returning to the evidence of Nandkishore one notices that he had on 6th May 1981 cooked his food between 7-00 or 7-30 a.m. Thereafter he had removed burnt coal pieces and threw them outside the hut and sprinkled water upon the same. He has also mentioned that there was no *kachra* or any litter of any kind at the place where he used to throw burnt coal. The place where he used to keep burnt coal was also far away from the wall which formed the part of the pandal. There is also no reason to disbelieve him when in answer to a question of the Commission he mentioned that the used and burnt pieces of coal used to be placed by him at a place where already there was some water and thereafter he used to sprinkle water from above. He mentioned that he used to be sure that burnt coal was completely extinguished. One may not accept this assertion but there is no reason to reject his statement that between 1-00 and 2-00 p.m. he took the food which had remained after what he had eaten in the morning and for doing so he did not re-warm the food by lighting the coal again. The food consisted of only *bhakri* and *dal*-preparation. In reply to the questions by the Counsel for the Commission Nandkishore has mentioned as follows :—

‘In the afternoon at 1 O’Clock when I took my meal I had not warmed the food which I had already prepared in the morning. After I had extinguished the coal before going to work at 8-00 a.m. I did not have any occasion to handle the coal or to light the same.’

I am sufficiently impressed by the testimony of this witness to accept his case that *shegdi* was not re-lit in the afternoon when he took his lunch. It is, therefore, clear to me that any ember or spark removed from the coal which Nandkishore had used for cooking his food could not have caused the fire to his hut. Assuming, however, that this part of his evidence, namely, that he did not re-warm the food in the afternoon is not accepted, even then it is impossible to hold that any spark from pieces of coal used by him for warming the food in the afternoon could have been the cause of fire to his hut. This finding is inevitable especially in view of the finding which I am returning little later that the time of the fire of the hut was around 3-45 p.m. If Nandkishore had re-warmed the food between 1-00 and 2-00 p.m. it is inconceivable that the coal which he had thrown outside could have burnt for nearly two hours and could have after two hours emitted a spark igniting the hut of Nandkishore. The possibility of the coal used by Nandkishore causing fire to his hut is thus totally ruled out.

15. In my opinion, there is no scope for suspecting that sabotage could have been the cause of fire of the pandal. Since I have already given a finding that the cause of fire was flames emanating from Nandkishore's hut, the question of sabotage will have to be considered in the light of this finding. It is not suggested, and indeed it cannot be suggested, that anybody was interested to burn the hut of Nandkishore by way of sabotage. None of the organisers appearing as witnesses before the Commission has even remotely suggested that they suspected any sabotage to the pandal. Witness No. 4 Nemichand Punamchand Ankaikar does not even whisper about any sabotage. Neither in his statement to the Commission nor in the deposition before the Commission has he mentioned that the organisers anticipated any trouble from goondas. The function which had been organised in the pandal was such an innocuously simple religious function that it could not have invited any reaction from outsiders as to provoke them to destroy the pandal in one way or the other. From all accounts the programme from 1st to 6th of May 1981 passed off very smoothly. It has been so stated by Witness No. 5 Chandrakant Loomchand Gogad. Though Chandrakant Gogad has at one stage mentioned that the reason for seeking police protection was that the habitation behind shown to be the real reason. On the question of police protection enough will be said little later when I will be discussing the question

of adequacy or otherwise of the police bandobast. Witness No. 6 Parasmal Bherulal Bardia has mentioned that the Manmad city looked like a pilgrimage centre till 6th May 1981 because of the arrival of several persons, men and women, from distant cities like Madras, Bombay, Indore, Bangalore, Hyderabad, Balaghat and Pune. There was an atmosphere of enthusiasm and vibrancy in the whole town. He has specifically mentioned that the programmes were attended by members of other communities along with Jain fraternity of the town. No suggestion has been made nor even a hint given that members of any community were inimical towards Jain community or any inimical persons were within any distance of the Indian High School maidan. Thus I have no difficulty in ruling out the possibility of sabotage as being the cause of fire either of the hut of Nandkishore or of the pandal itself.

16 Could the short-circuit of the wiring which had been done inside the pandal have caused fire to the hut? The answer to this question must also be in the negative in view of the finding which I have already given that it was the hut of Nandkishore which caught fire first and that the pandal caught fire later and there was no question of fire by short-circuit because Nandkishore's hut did not have any electrical fittings. The evidence relating to lighting arrangement and the wiring that was done in the pandal should, however, be briefly discussed to see whether it could have caused fire to the pandal in the first place. On the question of contract of wiring, Witness No. 4 Nemichand Punamchand is blissfully ignorant. In answers to question asked by the Counsel for the police and the Government officials he has given answers which are so palpably false that they can be straightway rejected. He has mentioned, for example, that the electric connection and the wiring was got done by the organisers through one Jadhav who was the contractor for loudspeaker. According to Witness No. 4 Nemichand Punamchand, material for this electric connection had been brought by Jadhav himself though Jadhav was essentially dealing in loudspeaker and was not an electrician. The contract was still given to him because according to Nemichand a combined contract of electric installation and the loudspeaker had been entrusted to the person dealing in loudspeaker. I would not consider any part of his evidence on this question at all. Witness No. 5 Chandrakant Loomchand Gogad does not speak anything about the manner in which the wiring work had been executed in the pandal. In his statement to the Commission, which is at Exhibit 15, he has mentioned

that only 8 tubelights had been installed in the pandal. There was according to him, no further need of electricity as lights were not to be used at night in the programmes of Jains. Even supper used to be over by 6-00 p.m. Witness No. 6 Parasmal Bherulal Baradia also surprisingly does not state anything about the wiring work that was executed in the pandal or the person who actually executed the same. This reflects rather poorly on this witness because we have convincing evidence of Witness No. 24 Mohanrao Ranganathan Naidu that it was Parasmal who entrusted the contract of the electric wiring in the pandal to him. I have said it reflects poorly on Parasmal because if I find, as I am finding, that Mohanrao Naidu is telling the truth, Parasmal has suppressed an important piece of evidence from the Commission. He has done so because what has been done, by him was illegal as will be pointed out shortly.

17. Let me now turn to the material placed before the Commission by Witness No. 24 Mohanrao Ranganathan Naidu. He is a young man of 32 years and his statement was recorded under section 5-A on 5th August 1982. He appeared before the Commission on his own on 24th August 1982 at Manmad and offered to depose even when the summons was not served on him. His deposition was recorded at Manmad itself. As usual, the Counsel for the Jain Sangh was given an opportunity to cross-examine this witness. However, no question has been put to him on his assertion that it was Parasmal. Adat Shop-keeper, who called him for entrusting to him the contract of wiring, fixing of tubelights and installation of the loudspeakers in the compound of the Indian High School. He has in the minutest detailed described the manner in which the electric wiring was done by him. I have already, in earlier chapter, given some description of the same. It is, however, worth repeating. He has mentioned that as one enters the High School through the door from the maidan, there is a room on either side of the door. There were no electric points in either of these rooms. He has mentioned that near the main gate of the High School building and outside the office there was a main board from which he had taken connection and not from any particular room. He has further mentioned that the wiring had been taken through the tiled roof of the school building. The roof of the pandal was higher than the ceiling of the school building. While describing the wiring done for the illumination purpose, he has deposed that tubelights were fixed to the poles supporting the ceiling in a perpendicular fashion. Eight tubelights were so fixed on alternate

poles supporting the pandal. Proceeding further he says that the wire which was so fixed for this purpose was tied to the poles at a level lower than the roof of the pandal. The lights were fixed to the poles which were in the centre of the pandal and not to the poles on the northern side or on the southern side of the pandal. More specifically his assertion which remained unchallenged and which cannot be rejected is that the wire did not extend up to the western end of the pandal. It has been found by me that the fire originated in the south-west corner of the pandal and near that corner there was no wire at all.

18. One cannot also ignore the assertion of Mohanrao Ranganathan Naidu that during day time electric lights were not switched on. It was his practice that in the morning he used to take out the fuse of the main switch because there was no necessity of light during day time. One plug, however, had been kept for loudspeaker. It had no connection whatsoever with the wires in the pandal. It may be mentioned at this stage that additional wire connection had been taken from the room of one of the occupants in Lalwani building situated across the road which runs by the side of the pandal. That an electric connection for the purpose of loudspeaker had been taken from the tenement in the Lalwani building has been admitted by more than one witness. For example, Witness No. 3 Head Master, Guruprasad Shitalprasad Misar has mentioned that the organisers of the function had taken temporary connection in the western pavilion from the electric meter in the room of one Badriprasad Sharma in the Lalwani building. It is unfortunate that Guruprasad Misar thought it fit to suppress the fact that electric connection had been taken from the main switch of the school building itself. It is somewhat surprising that all the premises of the school building had been placed at the disposal of the organisers of this function without the school authorities, including the Head Master, retaining any supervision or control over the use of the same. Witness No. 4 Nemichand Punamchand has also accepted the suggestion that the electric connection had been taken from Lalwani building both for illumination and loudspeaker though on the point of connection for illumination he does not seem to be correct. He admitted that the organisers had not obtained any licence from the Electricity Board for getting the connection from Lalwani building. Witness No. 5 Chandrakant Loomchand Gogad has mentioned that electric connection

had been taken from the Lalwani building. Witness No. 22 Badri-prasad Laxmichand Sharma is the person from whose house in Lalwani building the electric connection was taken. The witness has admitted the fact and has further mentioned that the wire from his room crossed the road in a hanging fashion to reach the pandal.

19. The organisers appointed a person without satisfying themselves that he was a licensed contractor as required under rule 45 of the Indian Electricity Rules. Mohanrao Ranganathan Naidu has specifically admitted that he is not a licensed contractor and in fact has given a disarmingly simple reason by mentioning that he thought that the type of work which he was executing did not require him to ask the organisers whether they had obtained permission from the Electricity Board. It is thus clear that the organisers of the function have not acted with the required amount of caution and propriety while engaging Mohanrao Ranganathan Naidu for the work. However, merely because the wiring had been done by an unlicensed electrician it does not mean that it must necessarily result in some accident or mishap. It is clear on the facts of this case that if there was anyone who was taking precaution he was Mohanrao Ranganathan Naidu. If he is to be believed, he was removing the fuse of the illumination section in the morning and refixing it in the evening. That the organisers had not taken the necessary permission and no test report had been submitted to the Electricity Board are both conclusively established from the evidence of Witness No. 21 Kurban Hussein Kalekhan Pathan. He was Junior Engineer in the Maharashtra State Electricity Board at Manmad. He has mentioned that if anybody wants to take a temporary connection from a *pucca* connection or wants to extend the line elsewhere, he must take the permission of the Maharashtra Electricity Board. He refers to rule 45 of the Indian Electricity Rules though at one stage he wrongly relied upon rule 82. He has stated, which statement is not challenged in any manner whatsoever, that no one on behalf of the organisers of the function had applied for or obtained permission for temporary connection.

20. The search for the cause of and the circumstances resulting in the outbreak of fire must find out the time at which the fire really broke out and thereafter find out whether there was any event at that particular time which could be closely connected to the outbreak of fire. Most of the witnesses, who can be relied upon, have deposed in such a manner that one can say that the fire broke out between

3-45 p.m. and 4-00 p.m. on 6th of May 1981. When I say the witnesses who can be relied upon, I am excluding several witnesses who are, in my opinion, unreliable because their statements seem to have been procured by an interested person. More on these witnesses would be said later in this report. Though they may be stating the truth as they understood it when they speak about the time of the fire, I would rather keep their statements out of consideration for the present purpose. It may also be added that they also speak about the time of fire almost in the same terms as the witnesses on whom I am going to rely. But I am not discussing their statements in this connection. There is enough acceptable evidence on the basis of which it is possible to fix the time of the outbreak of fire.

21. An important witness in this regard is Sukdev Devram Sonanis who has been examined as Witness No. 28. He is an Armed Police Constable attached to the Manmad Police Station. In his statement (Exhibit 72) submitted to the Commission in response to the public notice, he has mentioned that he heard, between 3-45 p.m. and 4-00 p.m., the Municipal siren and he also saw people coming from the Indian High School shouting that a fire had broken out in the pandal. He immediately came out of his house in mufti and rushed towards the pandal on the Indian High School compound. He played quite an important role in the rescue operation. He sustained burn injuries in the process. The time could not have been 4 O'Clock because he has mentioned that he had to leave Manmad Police Station at 4 O'Clock for duty in a nearby village called Malegaon Karyat. That village is about 10 or 11 miles away from Manmad. He was assigned the duty of attending to a Jatra which was to start after sunset. Since he had yet to go to the Police Station for setting out for Malegaon Karyat, one can assume that it was not 4 O'Clock.

22. Then we have the evidence of P.S.I. Sahadu Sukdev Patil, examined as Witness No. 33. He was also attached to the Manmad City Police Station on the day in question. He has submitted a statement (Exhibit 85) to the Commission in response to the public notice. In this statement he has mentioned that on 6th of May 1981 between 3-45 p.m. and 4-00 p.m. sirens began to sound warning of an outbreak of fire. He immediately rushed out after putting on his uniform and reached the High School compound. There are certain averments in his statement such as the presence of the personnel of the Police Station when he reached the site. These averments are of doubtful

credibility and I will comment upon the same little later. But there is no reason as to why his statement that he heard siren between 3-45 p.m. and 4-00 p.m. should not be accepted.

23. Shaikh Babamiya Fakir Mohamed, examined as Witness No. 31, was Police Head Constable attached to Manmad Police Station at the relevant time. On 6th of May 1981 he was on duty as the Station House Officer from 2-00 p.m. to 8-00 p.m. He says in his statement (Exhibit 78) submitted to the Commission that at about 4-00 p.m. he received a phone call to the effect that a fire had broken out in the Indian Oil Depot at Manmad and that he should send policemen and the Fire Brigade van. He has accordingly made an entry in the Station Diary. Against that entry, time of 4-00 p.m. is shown. The entry mentions that at that time, namely, 4-00 p.m., one person by name Khedkar had phoned that a tent of the Indian Oil Depot had caught fire. The entry also mentions as follows :—

“Some persons sustained burn injuries in it. They are removed to the Hospital.”

If a news about the outbreak of the fire had been received by Witness No. 31 Shaikh Babamiya Fakir Mohamed at 4-0 p.m., the fire itself must have broken out some time earlier. The nearest telephone was in the Indian High School itself. Though Head Master Misar has mentioned that when he learnt about the incident of fire he asked some persons sitting near the telephone to inform the Municipality about the outbreak of the fire, none has come forward to say that he had so informed. Ashok Rambhau Vyavahare (Witness No. 32) has mentioned that he rang up the Police Station between 3-45 p.m. and 4-00 p.m., but I am inclined to disbelieve him for reasons which I will be mentioning little later. The person named Khedkar has not been traced. Shaikh Babamiya is firm that the person who called to give the information disclosed his name as Khedkar and it was impossible that he has mistaken the name of the person because according to him the same person again rang up to inform that the fire had broken out not at the Indian Oil Depot, Manmad, but in the pandal on the ground of the Indian High School. In respect of this latter information also an entry has been made in the Station Diary. Considerable criticism was levelled by Mr. Chordia appearing for the Sanghas against these entries saying that they seem to have been got up entries and they do not reflect the correct time of the outbreak of

the fire. I have no reason to suspect that these entries have been made for later than the time when the information contained in these entries was given. Shaikh Babamiya himself mentions that entry relating to the original information was made after Police Inspector Choudhary arrived at the Police Station. In fact the entry itself mentions that the information was conveyed to the Police Inspector who with the members of the staff left the Police Station and went to the hospital and thereafter proceeded to the place of the fire. What has been conclusively established by this witness is that some time before 4-00 p.m. the fire had broken out in the pandal

24. Umakant Govind Kshatriya (driver attached to the Municipal Fire Brigade at Manmad) has submitted his statement (Exhibit 41) in response to the public notice issued by the Commission and has been examined as Witness No. 17. On 6th of May 1981 he was on duty. At 4 O'Clock he heard a siren indicating that a fire had broken out. He sent Fireman Sonawane to the telephone at the water tank to inquire where the fire had broken out and simultaneously he took the fire engine vehicle out of the garage. Sonawane got the information that fire had broken out in the pandal of the Indian High School compound. Another person belonging to the Municipal Fire Brigade of Manmad is Jakiruddin Rafiuddin Shaikh, examined as Witness No. 18. He has corroborated the statement of Umakant Kshatriya (Witness No. 17) that at 4-00 p.m. on 6th of May 1981 he heard the siren indicating that there was a fire.

25. Then we have the evidence of Ramnath Jagannath Mourya (Witness No. 20), who is a Security Guard in the Railway Protection Force at Manmad Railway Station. In his statement (Exhibit 47) submitted to the Commission in response to the public notice he has mentioned that on 6th of May 1981 he was on duty from 4-00 p.m. to midnight. For joining his duty he went to his office which is on platform No. 3 at 3-45 p.m. Thereafter he was proceeding to his duty along with one guard called Hawasing at 4-00 p.m. when he saw a fire in the pandal on the Indian High School compound. On information given by him an entry has been made in the Station Diary of the Railway Protection Force by the Assistant Deputy Inspector Yusuf Khan. That entry has been made at 4-25 p.m. and mention that one guard had informed him that a fire had broken out in the pandal of the Jain people. That entry also makes a mention that the

Fire Brigade arrived at 4-10 p.m. Evidence is not, however, forthcoming as to who exactly gave this information that the Fire Brigade had arrived at 4-10 p.m. because Witness No. 20 Ramnath Mourya himself says that he had not given that information.

26. Shaikh Nisar Abdul Karim (Witness No. 8) to whom reference has already been made earlier, mentions that he was standing near the latrine situated on the platform of the Manmad Railway Station at about 3-00 p.m. or 3-30 p.m. on 6th of May 1981. At that time he saw that the Jain pandal had caught fire. Much reliance cannot be placed upon the sense of time of this witness because on the day in question he was unemployed and naturally could not have been very particular about the timings. Witness No. 5 Chandrakant Gogad has mentioned in his statement (Exhibit 15) that prior to 4-00 p.m. on 6th of May 1981 he went to the Jain Muni on the latter calling this witness. According to him, the time was 3-30 p.m. to 3-35 p.m. When he was with the Muniji, he heard a commotion and heard the cries "fire, fire." Ismail Mohmedkhan Pathan, a retired Shunting Master of the Manmad Railway Station, has been examined as Witness No. 39 after his statement was recorded under section 5-A of the Act. In his statement he has mentioned that the engine which he was using for shunting crossed to the Goods Loop at 3-45 p.m. Thereafter he handed over the charge to one Babu Dada. At that point of time he heard "fire, fire." He, however, did not go to the place of fire. An examination of the material placed by this witness before the Commission shows that the fire had broken out between 3-45 p.m. and 4-00 p.m. on 6th of May 1981. The moment of the outbreak of fire is nearer 3-45 p.m. than to 4-00 p.m. This is so because the information about the outbreak of fire had reached the Police Station by 4-00 p.m. after the person giving the information had seen the fire to the pandal and then has gone to the telephone to ring up the Police Station.

27. I must now return to the area in which the pandal is situated. Enough description of the place of incident has been given in an earlier chapter but for the purpose of this chapter also it is necessary to recapitulate at least part of that description. Witness No. 6 Parasmal Bherulal Baradia has admitted that there is a Railway Goods Shed at the point where the High School building ends. Then there is the evidence of Witness No. 20 Ramnath Mourya, to whom I have already made a reference above. He is a member of the Railway

Protection Force at Manmad. In his replies to the questions by the Counsel for the Sanghas he has mentioned as follows :—

“ The railway lines between the Indian High School compound and platform No. 1 are known as shunting area. There are three railway tracks in that area. The distance between platform No. 1 and the Indian High School compound is approximately 200 feet. Between platform Nos. 2 and 3 there are two railway tracks.”

Proceeding southwards from the Indian High School compound towards the Railway Station one first comes across three railway tracks. Thereafter there is platform No. 1. After platform No. 1 there are two more railway tracks which are between and for platform Nos. 2 and 3. The three tracks or at least two of the three tracks immediately to the south of the Indian High School compound were definitely being used as shunting area.

28. That the shunting operations in the Manmad Railway yard are carried on with the help of steam engines which use coal is abundantly proved by two persons whose statements have been recorded under section 5-A of the Act. Some reference has already been made to the testimony of Witness No. 39 Ismail Mohmedkhan Pathan while determining the time of the outbreak of fire. Now I must consider his statement in somewhat great details. In his statement he has mentioned that he was on duty as Shunting Master between 8-00 a.m. and 4-00 p.m. on 6th of May 1981. Mr. Willie Xavier, Yard Supervisor, was also on duty. The Yard Supervisor communicated to him at 3-15 p.m. on phone “ to cross the engine in the Goods Shed. Accordingly our steam engine was at G.I.P. 2. We informed the cabin whereupon the cabin informed us that after passing of both the Up and Down trains your steam engine will be crossed in the Goods Shed Yard. Accordingly our engine crossed to the Goods Loop i.e. our engine No. 52 was crossed. The time may be 15-45 hours.” He has mentioned, in reply to a question by the Commission, that the engine used for shunting by him was a steam engine, and coal is used as fuel in the same. Though he proceeded to assert that sparks do not fly from the engine if it is running at a speed of less than 8 kilometres, one cannot unhesitatingly accept this assertion. Moreover, he has mentioned that if there is heavy load the possibility of sparks flying does exist. Somehow or the other this witness as well as Willie Xavier, to whom I will be making reference shortly, has insisted that sparks were not flying. They were probably apprehensive

that they may be held responsible for the fire that ultimately resulted. That is why Ismail Mohmedkhan Pathan was in a hurry to add that the area in which the shunting operations were carried on by him on 6th of May 1981 was nowhere near the Indian High School compound. In this respect he is patently in error because the Goods Shed, is near the place where the Indian High School building ends and that is very much near the Indian High School compound. His statement itself mentions that Willie Xavier communicated to him at 3-15 p.m. to cross the engine in the Goods Shed. It is, therefore, impossible to accept Ismail Mohmedkhan Pathan's statement that the area in which the shunting operations were carried on was nowhere near the Indian High School compound. In any case, the engine must have started from somewhere near the Goods Shed and the possibility of sparks flying if the engine is pulling heavy load could not be ruled out.

29. Willie Xavier is examined as Witness No. 38. His statement has been recorded under section 5-A of the Act. In that statement (Exhibit 102), he has mentioned that he told Ismail Mohmedkhan Pathan to get the steam engine crossed at the Goods Shed at 3-15 p.m. Accordingly, he says, Ismail Mohmedkhan might have taken the steam engine at the Goods Shed line at 3-20 p.m. or 3-25 p.m. He has made entries in the Yard Register about the instructions that were given at 3-15 p.m. Willie Xavier does not know exactly at what time Ismail took the engine on Goods Shed line. He says: "Ismail, the driver, might have taken the steam engine on the Goods Shed line at 15-20 or 15-25 hours." He does not know the exact time because "after giving instructions to the above effect", he "went to look after the work connected with parcels". It was Ismail Mohmedkhan Pathan (Witness No. 39) who actually crossed the goods line and it is he who is qualified to tell as to at what time the goods line was crossed. That time has been given as 3-45 p.m.

30. At this stage we must recollect what Ismail has mentioned. He has stated that the cabin (i.e. Willie Xavier) informed him that after the passing of both the Up and Down trains, the steam engine (for shunting) would be crossed in the Goods Shed Yard. Information about the two Up and Down trains has been collected by P.S.I. Gangle who conducted the investigation under section 5-A and submitted the report at Exhibit 107. P.S.I. Gangle has personally seen the relevant register of the Manmad Railway Station which showed that (i) 354 Up Bhusawal Passenger (going to Bombay) arrived at Manmad Railway

Station at 15-07 hours and its departure time was 15-30 hours and (ii) Holiday Special Bombay-Varanasi Express (Down train) arrived at Manmad Railway Station at 15-18 hours and left at 15-23 hours. The passenger train which departed later departed at 3-30 p.m. Ismail Mohmedkhan could not have crossed the goods line at 3-20 or 3-25 p.m. as Willie Xavier thinks.

31. It is, in my opinion, established that shunting operations were going on in the afternoon on 6th May 1981 and that Ismail Mohmedkhan did operate, in response to the instructions given by Willie Xavier, the steam engine initially in the yard and then crossed the Goods Loop line at about 3-45 p.m. The steam engine uses coal as fuel. Sparks flying from the operations of a steam engine engaged in shunting operations cannot be ruled out. In all probability, therefore, a spark or an ignited coal flying from the engine used for shunting operations landed on the roof or the front portion of the hut of Nandkishore resulting in fire. This conclusion is reinforced by the fact that immediately after Ismail Mohmedkhan Pathan crossed the Goods Loop line at 3-45 p.m. he heard the shouts indicating that the hut had caught fire. The cause of the fire of the pandal was the fire which had engulfed the hut of Nandkishore. Nandkishore's hut itself caught fire due to a spark or an ignited coal flying from a steam engine used in the shunting operations in the area between the Indian High School compound and Platform No. 3 of the Manmad Railway Station.

VII. RESPONSIBILITY FOR THE FIRE

The second term of the reference made to the Commission is as follows :—

“Whether any acts, omissions, negligence of any individual or individuals resulted into the outbreak of fire.”

2. In the previous chapter, while determining the causes of and the circumstances resulting into the outbreak of fire, it has been held that the fire to the pandal was caused as a consequence of the hut of Nandkishore catching fire. That hut was near the wall which formed one boundary of the pandal which was erected. It has been also held that the hut of Nandkishore caught fire on account of a spark or a burning piece of coal escaping from the chimney of the steam engine which was at the relevant time being used in the Goods Yard of the Manmad Railway Station, in shunting operations.

3. In view of the clear evidence, which has commended itself to me and which forms the basis of the finding given on the first term of reference, it is clear that Nandkishore, to whom the burnt hut belonged, could not be held responsible for the fire that was caused or for the loss of life and property that ensued. He had not committed any act or omission which was directly or indirectly the cause of the fire of his hut. He is not guilty of any act of negligence which could be said to be the cause of the fire that engulfed his hut. No culpable act or omission has been committed by Nandkishore in order to attract any liability for the fire and the consequent loss of life and property and the injuries suffered by the members of the Jain community who had assembled in the pandal.

4. Even if it is assumed that Nandkishore might not have fully extinguished the burning coal upon which he cooked his food and as a result of this carelessness some burning coal or spark or ember might have escaped causing fire to his hut, it cannot be said that he is responsible for the fire which was caught by the pandal. In law it is that it is the proximate and not the ultimate cause—or mere condition that is to be taken into consideration. It must be the *Causa Causans* and not *Causa Sine Qua Non*. No act or omission or negligence of Nandkishore was the proximate cause of the fire of the pandal.

5. In the previous chapter it has already been held that sabotage or any act of vandalism by any known or unknown person could not be the cause of the fire either of the hut of Nandkishore or of the pandal erected on the Indian High School compound. No one speaks of any known or unknown goonda or anti-social element having had any design on the religious programme that was taking place in the pandal in question. It has not been mentioned, let alone proved, that any group in the town of Manmad was inimical to the community which had arranged the function on the compound of the Indian High School. Nor has anyone spoken of any threat to the holding or the smooth functioning of the religious programme.

6. On the basis of the material, which is by no means insufficient, it has already been held that short-circuit of the electric wiring installed in the pandal could not have been the cause of the fire. Though the organisers of the function were guilty of contravening rule 45 of the Indian Electricity Rules and were also guilty of entrusting the work of the electric wiring to a person whose qualifications to do the work were not checked by them, it cannot be said that this act could be the cause of the fire. The organisers of the function, therefore, also are not responsible for the fire that was caused to the pandal.

7. The fact that the fire to the hut of Nandkishore which caused fire to the pandal erected on the Indian High School compound was caused by a spark or a burning piece of coal escaping from the steam engine used in the shunting operations is established on the basis of the material placed before the Commission. That the shunting operations were taking place and could take place in the Railway Yard adjacent to the Indian High School compound is an accepted fact. If during the course of the regular work the engine drivers at the Manmad Railway Station operated the steam engine for shunting operations and if a spark or a piece of burning coal escaped from the steam engine and caused fire to the hut of Nandkishore, it cannot be said that the Railway staff in any manner whatsoever are responsible for the said fire. It has not been suggested, as indeed it could not be suggested, that Witness No. 39 Ismail Mohmedkhan Pathan could be held responsible, by any chain of causes, for the fire that was caused to the hut of Nandkishore. It was not his responsibility to ensure, as indeed he could not do so, that sparks or pieces of burning coal did not escape from the chimney of the steam engine which he was

operating at the relevant time. The proximity of the hut to the Railway Yard in one sense was responsible for the ultimate tragedy that occurred. If Nandkishore constructed the hut nearabout the Railway Yard he cannot be blamed because as it has been seen that he is a poor labourer earning about Rs. 10 per day who has come to Manmad in search of his livelihood. That he should construct a hut next to the wall which separated the maidan or the compound of the Indian High School was also natural because a few feet away from the said hut there was the construction site of the water tank. It is inconceivable that Nandkishore or any other person could possibly visualise that the spark of a passing engine could land upon that hut causing the conflagration that ultimately engulfed the pandal.

8. In my opinion, therefore, no one can be held responsible for the fire that was caused. It was purely accidental.

VIII. ADEQUACY OF PRECAUTIONARY MEASURES

The third term of reference is in the following terms :—

“The adequacy or otherwise of precautionary safety measures taken by the organisers of the religious discourses in the pandal which was erected for the gathering of a large number of persons.”

2. In the introductory chapter I have already mentioned that the choice of the Indian High School compound for the religious discourse to be held by the Jain community of Manmad was not ill-advised. On the other hand, looking to the various facilities available and the proximity of the Railway Station, the choice of the Indian High School compound was almost inevitable. The choice of the Indian High School compound has been very severely criticised by Mr. Pawar appearing for the police and Government officials both in the questions which he put to the witnesses and in the arguments before me. However, I am reluctant to agree that the choice of the Indian High School compound was a rash act on the part of the organisers of the religious function. It is true, and it has been brought out in the cross-examination of some of the witnesses, that on the western side of the maidan there is a *Zopadpatti* and there was the possibility of the programme being disturbed. Witness No. 6 Parasmal Bherulal Baradia has mentioned that the existence of the Bastis of habitual offenders around the place of the incident was known to the citizens of Manmad including him and also to the police before the incident took place. Despite this, he says, Indian High School was selected as a venue for the programme because it was convenient from several points of view. Similar other questions also have been asked to the witnesses belonging to the Jain community who were closely associated with the organisation of the programme in order to elicit admissions from them that it was risky to have religious congregation in Indian High School in view of its proximity to the *Zopadpatti*. No such admission has come forth. In any case, after looking to the material brought on record I am satisfied that the existence of *Zopadpatti* by itself did not constitute any element of risk or danger to the programme that was to take place on the Indian High School compound.

3. I have given sufficiently detailed description of the place of the incident and the pandal that was erected there. I have also mentioned that about 2,000 people could be accommodated in the pandal that was erected. Though Witness No. 4 Nemichand Punamchand Ankai-kar has made himself bold to say that 6,000 people could be accommodated, that estimate can be straightway rejected. I have given reasons as to why the estimate of 2,000 would be correct. Even then this was not a very small number compared to the population of Manmad town and the population of Jain community in particular. However, the presence of a large number in the pandal at the time of the incident of fire was not the cause of the large number of persons being injured and of 9 persons dying. In the preamble of the Notification appointing this Commission it has been mentioned that 2,000 persons were present in the pandal at the time of the outbreak of fire. This is found to be incorrect. I have already held (*see* Chapter IV) that at the time of the incident about 300 to 400 persons were present in the pandal. More than half of them were injured due to burns. Witness No. 6 Parasmal Bherulal Baradia was present when the incident took place. He has mentioned that just before the incident of fire there were 200 or 300 people inside the pandal. Witness No. 10 Surajbai A. Chordia states that at the time of the incident 200 to 250 persons were present. She is not able to give the number of children who were present. Witness No. 15 Jayantibhai Jethalal Desai says that if he was asked to make an estimate he would say that there was an assembly of 400 to 450 persons which predominantly consisted of women and children. This of course is the result of his best estimate. In any case, it cannot be said that if the pandal could accommodate 2,000 persons the assembly of 300 to 400 persons in that pandal was such an event as to require any *special* precaution at that time.

4. However, I am asked to judge the adequacy or otherwise of the precautionary safety measures taken by the organisers. The opinion on this aspect of the question has to be given on the basis of the anticipated attendance in the pandal and on the basis of the anticipated trouble, if any. The organisers of the function themselves have mentioned that they were expecting large crowds. The estimate made by Witness No. 4 Nemichand Punamchand Ankaikar may be rejected but at the same time it cannot be denied that the programme itself was extremely well-attended. There is no reason to reject the claim of the other two witnesses, namely, Witnesses Nos. 5 and 6

Chandrakant Loomchand Gogad and Parasmal Bherulal Baradia, that people from different parts of the country had come to attend the function. One must, therefore, proceed on the basis that the morning discourses were attended in full, namely, that the pandal would be fully occupied though not overflowing with the devotees. Actually Witness No. 15 Jayantibhai Jethalal Desai has at one place mentioned that he could not tell whether every time he attended the discourse the pandal was full with people. His own impression is that there was good response to the programme that was arranged. Witness No. 5 Chandrakant Loomchand Gogad in his statement (Exhibit 15) has mentioned that every day 3,000 to 4,000 people from the town as well as from the outstation used to attend. It is not clear from what has been mentioned by him as to whether 3,000 to 4,000 people used to remain present at one particular time in the pandal. Chandrakant Gogad has estimated that at the time when the incident took place about 300 to 400 men, women and children were present. Majority of them, were women. It is not inconceivable that the pandal used to be full especially in the morning when the main part of the religious programme used to be held. If this is so, one must judge the adequacy of the precautionary measures on the basis that an assembly of 2,000 people used to attend the function at a time, at least in the main part of the programme.

5. I have given sufficient description of the pandal that was erected on the Indian High School maidan. While so doing it has been mentioned by me that the only point of entry or exit was in the gap created in the fencing on the northern side of the maidan. It had no gate in the sense that the gap could be closed or opened depending upon the desire of the organisers. Originally such a gap existed on the western side of the maidan but that gap was closed and similar gap was opened in the northern fencing of the maidan. It was almost in the north-west corner of the maidan which meant that it was in the extreme end of the maidan. There was another point of entry and that was through the Indian High School itself. There is enough material on record to show that this entry was used by Anand Rishiji Maharaj and other persons who were lodged in the Indian High School compound. The members of the public who came to attend the function could enter the pandal only from the northern entry mentioned above. That entry, if it can be so-called, was about 2.10 to 2.20 metres wide. In other words, just one or two persons could enter and go out from that gap at a time. If the organisers of the

function themselves expected a large crowd to be present at the time of the programme, it was necessary for them to provide at least two points of entry and exit to the pandal. It may be that in programmes of religious discourses the assemblies are normally well-disciplined and there is no expectation that any stampede would take place. However, in a public hall of huge dimension or area, which accommodates 2,000 persons, only one entry point of 2-10 to 2-20 metres width would be regarded as highly inadequate.

6. As it is, at the time of the incident not more than 400 persons were present. Despite this, when the fire broke out they were practically trapped inside the compound and there was a stampede near the only gate available for the people for going out. Witness No. 5 Chandrakant Loomchand Gogad himself has admitted :—

“A crowd had gathered near the gate. Squeezing, jostling, hustling and pushing were going on at that place. The crowd, which had gathered near the gate, was so huge that it was difficult for the people inside (the pandal) to get out.”

It was not merely the gate on the northern side that was so overcrowded. Witness No. 26 Vimalabai Zumberlal Bedmutha, who had also been trapped and who was injured in the fire, has mentioned that when she attempted to get out of the pandal along with her children the crowd outside the pandal was rushing in. She, therefore, went towards the school but that door was closed. Therefore, she climbed the compound of the fencing and threw her children outside. She herself personally got out by jumping. In the process her clothes were entangled in the pointed iron strips of the fencing and were torn.

7. Witness No. 3 Guruprasad Shitalprasad Misar, Head Master of the Indian High School, has mentioned that he did not make any attempt to go into the pandal through the door of the school because there was already stampede at that place. Witness No. 8 Shaikh Nisar Abdul Karim has described that the people inside the pandal were making efforts to come out of the pandal by trying to remove the iron sheets. That frantic attempts to remove the iron sheets were made and in fact some iron sheets were removed for facilitating the evacuation of the trapped persons has been mentioned by other witnesses also. For example, Witness No. 20 Ramnath Jagannath Mourya, a member of the Railway Protection Force at Manmad, has mentioned that after noticing the fire he went to the place. He found

that there were iron bars in the fencing of the compound and tin sheets on the inner side. "We removed the same, made a way for going inside and entered therein. Other outsiders also came with us." The fencing was made impregnable from outside. But it was also designed in such a manner that in case of any emergency people could not get out, especially when there was only one point of entry and exit. For a pandal meant to accommodate at least 2,000 persons, in my opinion, the organisers had not made adequate provision for people to get in the pandal and get out of the pandal in case of emergency. The reinforcement of the fencing with additional tin sheets was an ill-advised step. It served no useful purpose. The failure to provide at least a second point of entry or exit was an act of lack of foresight, on the part of the organisers. In view of the other clear evidence which has come on record it is impossible to agree with Witness No. 6 Parasmal Bherulal Baradia when he says that he cannot accept the suggestion that some of the women had to return from the gate because the gate was not wide enough to allow exit of those who were trying to get out. According to him, persons were not able to get out through the northern gate because there was a large crowd at that gate. Thereafter he had admitted that some of the women trying to get out of the gate had to return inside the pandal. What is shocking is the closure of the door of the school building denying a badly-needed exit from the inferno.

8. In view of the fact that the entire pandal consisted of cloth and some decorative material which was apparently of inflammable material it would be expected that some fire-fighting equipment would be installed in the pandal. There is no evidence whatsoever of any kind which would suggest remotely that the organisers of the function kept any fire-fighting equipment. It has come in evidence that 8 or 10 drums filled with water had been kept in the pandal. In all probability they were kept near the gate. Three witnesses who were concerned with the organisation of the function have mentioned that they were kept for drinking purposes. Water had been kept near the gate for the obvious reason that people could be served with water at a place from where there would not be disturbances to the religious discourse that would be going on. Muni was to be seated on the platform erected in the eastern part of the pandal. The gate was on the north-western part of the pandal. None of the three witnesses, who were examined and who were concerned with the organisation of the function, has mentioned that water had been stored for the purpose of extinguishing

possible fire. The water stored in the drums could not have been utilised for the purpose of extinguishing fire without some buckets being kept though one of the witnesses has mentioned that the drums were being filled with water by bringing water in buckets. No precautionary measure, therefore, had been taken by the organisers of the function for preventing the fire or extinguishing the fire, if one broke out.

9. Witness No. 5 Chandrakant Loomchand Gogad has given a detailed description of the manner in which the work of the supervision of the programme had been distributed. In his statement (Exhibit 15) he has mentioned that about 100 young men and women were appointed as volunteers and various committees of boys and girls were formed from amongst them. Such committees included a committee for arrangement in the pandal. There is no reason to disbelieve that some broad arrangement by way of formation of the committees consisting of young persons had been made. Witness No. 5 Chandrakant Gogad has proceeded further and says that there were 25 to 30 volunteers—both boys and girls—to look after the mandap. In particular he says that there were more boys than girls amongst the volunteers. If there was a committee or a group of 25-30 volunteers looking after the mandap, it is difficult to see as to why such a pandemonium resulted when the pandal caught fire. It is somewhat surprising that not one volunteer who was so appointed to look after the arrangement in the pandal has submitted any statement to the Commission. Nor has it been disclosed that any volunteer tried to bring about some order in the stampede that occurred after the pandal caught fire. At least four persons who were in the pandal and not necessarily connected with the organisation of the function have been examined. One of them is Witness No. 15 Jayantibhai Jethalal Desai. He does not speak of any volunteer trying to bring order in the chaos that was created at the time of the fire. If 10 to 15 volunteers were present in the afternoon function of 6th May 1981, the magnitude of the tragedy would have definitely been less. Witness No. 10 Surajbai Amolakchand Chordia was also injured in the fire. She does not mention that there was any volunteer who was looking after the arrangement in the pandal. Nor does Pramilabai Javherlal Chordia, Witness No. 11, mention anything about the supervision of the arrangement in the pandal. Witness No. 26 Vimalabai Zumberlal Bedmutha gave a graphic description of the chaos that followed the fire in the pandal. She has mentioned about her frantic effort to get

out of the pandal. Far from any supervision being available at that time there was positive hindrance to her going out of the pandal through the only point of exit which was available. It is she who found the door of the school building closed.

10. If, therefore, Witness No. 5 Chandrakant Loomchand Gogad speaks of a committee which looked after the arrangement in the pandal, it must have been in the nature of a paper committee than a group which was actually working on the spot where it was supposed to work. Chandrakant mentioned that among the volunteers looking after the mandap no one was assigned the work of attending to the gate. According to him, the volunteers used to adjust amongst themselves as to who should look after the gate work. This, in my opinion, is a highly unsatisfactory arrangement that had been made by the organisers of the function.

11. On the whole, therefore, it can be said that as the organisers of the function had not taken proper precautionary or safety measures, the question of deciding the adequacy of the said measure does not arise at all. On the other hand, the act of the organisers providing only one entry-exit point was highly unfortunate and was responsible for the large number of persons being injured.

IX. ADEQUACY OF POLICE BANDOBAST AND OTHER INCIDENTAL MATTERS

The fourth term of reference is as follows :—

“Adequacy or otherwise of the police bandobast at the pandal during the discourse and that of the action taken by the police in dealing with the incident of fire and consequent pandemonium and the commission of offences at the site of fire.”

2. This term of reference has to be divided into two parts as indeed it consists of two parts. The first part refers to the adequacy or otherwise of the police bandobast at the pandal during the discourse. The second part deals with the adequacy of the action taken by the police in dealing with the incident of fire and the consequent pandemonium and the commission of offences at the site of the fire. The first part will naturally be examined in the first place..

3. The adequacy or otherwise of the police bandobast at the pandal has to be determined by considering more than one question. In the first place, was the bandobast necessary at all ? And if necessary what was the extent to which the bandobast was necessary ? In the second place, was the police bandobast requested for by the organisers of the function ? If the answer to either question is in the affirmative, then was the bandobast provided ? Was it adequate ?

4. It may be mentioned that the question involved in this term of reference was the most contested question before the Commission. The witnesses appearing before the Commission as well as the learned Advocates concentrated their attention mostly on this issue, namely, the adequacy or otherwise of the police bandobast. The statements filed by several persons apparently dealt with some other questions but they were found to have been filed essentially for the purpose of saying something on the question of police bandobast. The police bandobast may be necessary because the organisers of the function thought that some trouble or disturbance may arise. Or the police officer concerned may think it to be necessary considering the large number of persons assembling at one place for a period of time.

5. Let us now see whether the police bandobast was necessary in the sense that during the course of the religious discourses held in the pandal erected on the Indian High School compound the organisers of the function expected that any trouble or other situation would arise requiring the police bandobast to deal with the same. To begin with, one must inevitably turn to the statement and testimony of Witness No. 4, namely, Nemichand Punamchand Ankaikar. He has mentioned that police bandobast was asked for and further proceeds to say in answer to a question by the Counsel for the police and the Government officials as follows :—

“ It is not true to say that we did not require police protection for the function of the type we had held. I say that we felt the necessity of police protection because large number of people from outside Manmad were expected to come and there was also the necessity of regulating the traffic.”

It may be noted at this stage that when Anand Rishi Maharaj arrived at Manmad on the morning of 1st May 1981, he was received by his followers near the S. T. Stand and he was thereafter taken in a sort of procession to the Indian High School compound. Witness No. 4, Nemichand may or may not be right when he says that there was no organised procession, but there is evidence to show unmistakably that Anand Rishi Maharaj was taken to Indian High School building and he was accompanied by members of the Jain community who were raising slogans, presumably in honour of the Muni. It may not have been a procession in the sense that it was announced that a procession would start and that the members of the Jain community joined the same. A large number of people were undoubtedly present, as indeed it was inevitable, to receive the venerable figure of Shri Anand Rishi Maharaj and if these people went in a group following Anand Rishi Maharaj to the Indian High School compound that morning, it can legitimately be called a procession.

6. Witness No. 35 Parbatsing Gumansing Pardeshi was the Head Constable attached to the Manmad Police Station. As a part of his duty he was to maintain the duty register of the Manmad Police Station. He has submitted a statement to the Commission in response to the public notification issued and it is at Exhibit 91. In this statement he has mentioned that four Police Constables and Sub-Inspector Patil were posted for bandobast on the road as Jain Rishi was to arrive in a procession at Manmad on 1st May 1981. An entry

to this effect has been made in the Duty Register of 1st May, 1981. Exhibit 92, which has been proved by this witness, shows that two Head Constables and three Police Constables were detailed for duty for the procession of Jain Rishi Maharaj on 1st May 1981. There is no reason to disbelieve that police bandobast was provided for the procession in which Anand Rishi Maharaj was taken from S. T. Stand to the Indian High School compound. It is in evidence that this bandobast was provided because a request for bandobast for the procession had been made by Mr. Dhattrak, M.L.A. P.S.I. Sahadu Sukdev Patil, Witness No. 33, has mentioned that four Police Constables and himself had been directed by Police Inspector Choudhary to attend the bandobast duty on 1st May 1981 on the occasion of the arrival of the spiritual guide of the Jain community, namely, Anand Rishi Maharaj. Accordingly, bandobast arrangements were made from 8-05 a.m. to 9-30 a.m. when the procession was taken out. He further proceeded to mention that when the procession reached the Indian High School, he was standing outside along with the Police Constables. P.S.I. Patil then proceeds to mention that two passers-by belonging to the Jain community told him that their Acharya did not like police arrangements and, therefore, no police arrangements need be made. Though he did not know their names, he identified them as belonging to Jain community because he had seen them earlier in the procession.

7. Witness No. 13 Head Constable Devram Sayaji Bandre has also corroborated that on 1st May 1981 at about 8-00 a.m. there was a procession of Shri Anand Rishi Maharaj and bandobast duty had been assigned to him along with other Police Constables. He has also mentioned that P.S.I. Patil was with him on that day. When Witness No. 4 Nemichand Ankaikar mentions that no police bandobast was asked for nor was it given for the procession because there was no procession at all, he has to be disbelieved. However, the question to be considered for the present inquiry is whether bandobast was asked for and provided for at the place where religious discourse was to take place, namely, the pandal in the Indian High School compound, and in particular during the discourse.

8. I have mentioned above that Witness No. 4 Nemichand Punamchand Ankaikar has stated that he regarded that police bandobast was necessary. He has not mentioned that police bandobast was felt to be necessary because the organisers of the function expected any

disturbance at the function or any other trouble from anti-social elements. Nor has it been mentioned by him that any other persons were inimically disposed towards the religious congregation which was to assemble at the pandal and in order to prevent any possible mischief from such group that police bandobast was necessary. Witness No. 5 Chandrakant Loomchand Gogad speaks as follows :—

“ The reason for seeking police protection was that the habitation behind the pandal is believed to be a colony of goondas. Some anti-social elements live there and therefore police protection was sought for the purpose of safety. I have given an application in writing to that effect.”

It may straightway be said that this witness has to be totally disbelieved when he says that he has given an application for police bandobast because in the later part of his deposition the following is to be found :—

“ I have not personally informed the police before the programme about the protection and the loudspeaker. (Witness volunteers : Shri Nemichand was attending to this work). I have not personally given any written application to the Police Station.”

In reply to the questions asked by the Counsel for the police and Government officials, Witness No. 5 Chandrakant mentions as follows :—

“ It is not true that we were not afraid of the goondas i.e. anti-social elements in any manner. The trouble that we anticipated was the possible conduct of the people who came drunk on the road and who crowded at the time of the meals. We never expected that any robbery would be committed by the goondas. I insist, despite the suggestion to the contrary, that we asked for the police protection because of the existence of the hutments of anti-social elements on the western side of the maidan, because they were the people who could come drunk on the road and otherwise disturb the assembly.”

It is easy to see that all this is an afterthoughts of Chandrakant. The statement that hutments on the western side are tenanted by anti-social elements cannot be accepted. The only thing, if any, which worried the organisers was the possibility of the people in the

hutments coming drunk on the road in the proximity of the pandal. There is nothing to indicate on the other evidence on record that any such drunken people were seen near the pandal on any of the six days on which it was in existence. Not only that, even at the time of the tragedy no goonda was seen by Witness No. 5 Chandrakant himself. To be specific he admits—

“I have not seen a single goonda when the tragedy occurred.”

Though he spoke loosely about the presence of the drunken people near the pandal, he admitted in answer to a question by the Counsel for the Commission that he had not personally seen women being robbed, a fact of which he had made a mention in the statement to the Commission. He was not able to tell the name of the person who gave information about the robbery. He gave vague explanation that this was being talked about among all the people at that time.

9. Witness No. 6 Parasmal Bherulal Baradia has in his statement to the Commission (Exhibit 17) mentioned that an application was made to the Manmad City Police Station asking for permission for loudspeaker and the permission was obtained. According to him, along with it information about the scale, outline and the arrangements for the function to be held was given to the officer concerned by him and other workers and police bandobast was asked for. He asserts that the police officer concerned assured him and other workers that proper bandobast would be maintained. He is not able to give the information about the identity of the police officers who gave him such assurance. Now why was the police bandobast necessary? He has earlier admitted that iron sheets to the fencing had been fixed not so much by way of protection from the goondas but to secure privacy to the discourses. This also indicates that no trouble from goondas was expected. Witness No. 6 Parasmal has further stated that the police bandobast had been asked for by the organisers so that there should not be disturbances near the pandal for any reason. From what has been mentioned by these three witnesses it appears that the organisers themselves did not expect any serious trouble requiring the presence of the police at the pandal.

10. It is highly doubtful whether the organisers asked for police bandobast before the start of the programme on 1st May 1982. Witness No. 36, Inspector Hiranman Sadu Choudhary, has firmly asserted that no request for bandobast was made by the organisers

but he himself ordered that police bandobast should be provided. In his statement (Exhibit 98) submitted to the Commission, Inspector Choudhary has mentioned that he had read in the newspapers that a gathering of Shwetamber Jains was going to be held in the building and on the ground of the Indian High School in Manmad city in the presence of their religious preceptor Anand Rishiji from 1st May 1981 to 6th May 1981. After reading the news in the paper he gave oral instructions to Head Constable Parbatsing Gumansing to station policemen for bandobast. Pursuant to that direction, Head Constable Parbatsing Gumansing has made an entry in the Duty Register from time to time. Witness No. 4 Nemichand Punamchand Ankaikar has asserted that when he went to Inspector Choudhary for permission to use the loudspeaker he gave an oral application to Choudhary for the police bandobast. The application for loudspeaker seems to have been dated 30th April 1981. But it was actually presented to Inspector Choudhary on 2nd May 1981. There is convincing evidence to show that permission for the loudspeaker was given on the same day on which application for it was presented. If Witness No. 4 Nemichand Punamchand Ankaikar says that he orally asked for police bandobast on the day on which he went to see Inspector Choudhary for obtaining permission for the loudspeaker, then it must necessarily follow that request for police bandobast was made only on 2nd May 1981.

11. Inspector Choudhary has flatly denied that any application for police bandobast was made to him. In fact he has denied that any application for permission for the loudspeaker was given to him. He has in his statement at Exhibit 98 made a somewhat unwarranted statement, which is later found to be false, that an application for loudspeaker was accepted by P.S.I. Pardeshi, later examined by the Commission as Witness No. 37, and Pardeshi suppressed the application from him and gave the permit for the loudspeaker. How Inspector Choudhary came to know that Pardeshi had given permit for the loudspeaker for the period from 2nd May 1981 to 6th May 1981 without giving Inspector Choudhary any idea about the same has not been explained. No doubt Choudhary has disclosed part of the truth when he says that the application for loudspeaker permit was made by Nemichand Ankaikar who was a leading member of the Committee of the Jain religious gathering. Unfortunately, this application is not forthcoming. It may have been suppressed for one reason or the other. From the permit given for the use of the loudspeaker, which it at Exhibit 12, one can easily see that the original application itself

must have been dated 30th April 1981 because the permit addressed to Nemichand Ankaikar begins with the following words:—

“With reference to your application, dated 30th April 1981.....”

The permit has also been given for the period from 2nd May 1981 to 15th May 1981. The fact that permission for loudspeaker was given with effect from 2nd May 1981 indicates that the application for it was made on 2nd May 1981 itself. If the application had been made on 30th April 1981, the date which was apparently borne on the application, the permission would have been given with effect from 1st May 1981, that is the date from which the programme was to start. The evidence discussed in the following paragraphs also clearly shows that Witness No. 4 Nemichand Ankaikar went to the Police Station on 2nd May 1981 with the application for permission to use the loudspeaker.

12. In view of the allegation against P.S.I. Pardeshi, which was found in the statement at Exhibit 98 submitted by Inspector Choudhary to the Commission, P.S.I. Pardeshi was given notice of the same and was asked to remain present when Inspector Choudhary was to be examined. Before I refer to the answers given by Inspector Choudhary in reply to questions asked by P.S.I. Pardeshi, it would be profitable to refer to Exhibit 100 which was submitted by P.S.I. Pardeshi to the Commission by appearing before it. He has mentioned that when he went to the Police Station on 2nd May 1981 at 12-15 in the noon, Police Inspector Choudhary was standing outside. At that time Nemichand had come with an application for permit for the use of the loudspeaker. He says that Nemichand was in the office. P.S.I. Pardeshi told Nemichand that the Inspector was standing outside and that he should go and see him. Accordingly Nemichand met Inspector Choudhary who after perusing the application made an endorsement thereon that loudspeaker permit be given to Nemichand. Inspector Choudhary further instructed P.S.I. Pardeshi to deliver the said application to the office orderly Police Constable Sonawane, which was accordingly done. Immediately thereafter Police Constable Sonawane came with the permit and asked P.S.I. Pardeshi to sign the permit as Inspector Choudhary had gone home. Nemichand also told the same thing to him and, therefore, P.S.I. Pardeshi signed the permit considering the inconvenience that might be caused to the organisers of the function if he did not sign. At

1:00 p.m. on the same day P.S.I. Pardeshi went to Nandgaon. These are simple facts in which no allegation of any dereliction of duty against anyone can be found.

13. When P.S.I. Pardeshi was permitted to cross-examine Inspector Choudhary, I could easily see the utter discomfiture in which Inspector Choudhary found himself. The answers given by Inspector Choudhary to the very simple questions asked by P.S.I. Pardeshi show that Inspector Choudhary is not willing to tell the truth. The following are the answers which he has given :—

“I do not remember whether Nemichand Ankaikar had met me with the application for loudspeaker, and whether thereafter I endorsed on it that permission for loudspeaker may be granted. I also do not remember thereafter I asked P.S.I. Pardeshi to hand over the application to Dattatraya Raghunath Sonawane. I admit that the permission at Exhibit 12 is in the handwriting of the abovementioned Sonawane. I do not remember whether thereafter I left the Police Station for my house and, therefore, P.S.I. R. H. Pardeshi had to sign the permission.”

If Inspector Choudhary was bold enough to mention in his statement at Exhibit 98 that P.S.I. Pardeshi received the application from Nemichand Ankaikar and kept Inspector Choudhary in the dark, I do not see how he does not remember simple facts about which questions were asked by P.S.I. Pardeshi. It is unfortunate that a senior officer who is in-charge of a Police Station should try to pass on the responsibility to a subordinate officer for no rhyme or reason. In the instant case the grant of permission for loudspeaker is such a routine affair that no officer has reason to disown the receipt of application for the grant of permit. If Inspector Choudhary has chosen to disown it, it could be for some ulterior purpose. Probably he also thought he could get away with the allegation against P.S.I. Pardeshi without realising that the Commission was bound to test its veracity.

14. When the application for the loudspeaker, which was brought by Nemichand, was handed over to P.S.I. Pardeshi by Inspector Choudhary after the latter had a talk with Nemichand Ankaikar, P.S.I. Pardeshi did not notice any writing on that application. If this is so, it is difficult to believe the assertion of Witness No. 4 Nemichand Ankaikar when he says that he made oral request to Inspector Choudhary for police bandobast and that Inspector Choudhary had written the same on the application. From this evidence I have

discussed, I am inclined to draw an inference that Nemichand Ankaikar met Inspector Choudhary for the purpose of obtaining permission for loudspeaker on 2nd May 1981 and not on 30th April 1981 which date was apparently mentioned on the application. In his statement to the Commission, which is at Exhibit 11, Nemichand does not mention that he met Inspector Choudhary on any particular day. What has been mentioned by him is that licence for loudspeaker had been obtained from the police for the purpose of programme and police protection had been asked for and application for the same had been given at the Manmad Police Station. The evidence suggests that even loudspeaker was installed and utilised by the organisers of the function without initially obtaining a permission for the same because it is only on 2nd May 1981 that Nemichand Ankaikar and others went to the Police Station. The programme had started on 1st May 1981. Nemichand has in terms admitted that he did not ask for it in writing but made only oral request for the same. P.S.I. Pardeshi who has seen the application when it was received after Inspector Choudhary had made the endorsement on the same had not noticed anything apart from the request for permission for the use of the loudspeaker. From this it is highly doubtful whether Witness No. 4 Nemichand asked for police bandobast when he presented the application for the permission for the loudspeaker to Inspector Choudhary on 2nd May 1981.

15. Witness No. 6 Parasmal Bherulal Baradia has in his statement submitted to the Commission which is at Exhibit 17 mentioned that programme began from 1st May 1981 and in order to comply with the legal requirement an application was made to the Manmad Police Station asking for permission for the use of the loudspeaker and that permission was obtained. Along with it, says the witness, the information about the scale, outline and arrangement therefor was given to the officers concerned by him other workers and police bandobast was asked for. He has not cared to mention who were the police officers concerned when the application for police bandobast was given. It is impossible to believe this witness on this question because documentary evidence as well as oral evidence shows that the application for loudspeaker was given on 2nd May 1981 though the programme had already started on the morning of 1st May 1981. I am, therefore, inclined to hold that the organisers of the function did not anticipate any trouble at the place where the incident took place and therefore they had not asked for any police bandobast. If

the organisers of the function really needed the police bandobast and had asked for it either before the programme started or immediately after it started, on finding that no bandobast was provided they would have made some urgent pleas for it. Did they do it ?

16. The organisers of the function, namely, Witnesses Nos. 4, 5 and 6, have asserted that the request for police bandobast was repeated by them after 1st May 1981 and despite these repeated requests no police bandobast was provided for by the Manmad Police Station. For example, Witness No. 4 Nemichand Punamchand Ankaikar has mentioned that when he noticed that there was no police bandobast near the pandal for some days he spoke to Inspector Choudhary on the telephone and again requested him to send policemen for bandobast duty. However, he has not stated this in his statement submitted to the Commission, which is at Exhibit 11. This is an important omission and cannot be overlooked. Apart from this it has not been put to Inspector Choudhary by the Counsel for the Jain Sanghas that such an oral request was made on telephone to Inspector Choudhary. Witness No. 4 Nemichand has admitted that he rang up Inspector Choudhary on 5th May 1981 essentially in connection with the inaugural function at Mahavir Bhavan. If this statement of Nemichand is to be accepted, one cannot help drawing an inference that he did not feel the absence of the police bandobast near the pandal up to 5th May. If he had so felt, then he would have naturally spoken to Inspector Choudhary about the same. On the other hand, on his own admission the telephonic conversation which he allegedly had with Inspector Choudhary was in connection with the police bandobast at another place and not in connection with the pandal in the Indian High School compound.

17. Witness No. 5 Chandrakant Loomchand Gogad is again bolder on this point. In his statement at Exhibit 15 he has asserted that since police bandobast was not provided till 6th May 1981 he had repeated the requests for the police bandobast after 1st May 1981. In his deposition before the Commission, in answer to a question asked by the Counsel for the police and the Government officials, he asserts that there was trouble from anti-social elements, especially at the time of meals during the period from 1st May to 5th May 1981. He did not make any inquiries to find out whether any Police Constable was present on bandobast duty during this period. But still he insists that he personally went to the Police Station and lodged oral complaint

about the absence of the police bandobast. He again made himself bold to say that he made complaint to Inspector Choudhary. According to him, this complaint may have been made by him on 3rd or 4th May. In all probability he says that it was on 4th May because on 5th May they were expecting larger gathering on account of the programme of Smt. Priti Sudhaji. I have no hesitation in disbelieving this witness when he says that the request for police bandobast was repeated. He speaks of some disturbance on some days. Witness No. 4 Nemichand does not corroborate him. On the other hand, another organiser of the function, namely, Witness No. 6 Parasmal Bherulal Baradia, has specifically mentioned as follows :—

“As far as I am concerned, I have not seen any such goonda in and around the mandap from 1st May to 6th May 1981. Between 1st May till 6th of May, till the incident occurred, the necessity of going to the police was not felt.”

Only a few moments thereafter this witness turned around and said that police bandobast had been asked for. Every day he felt the absence of the police and he had often rang up the Police Station and complained about the non-availability of the police bandobast. According to him, sometimes he spoke to the Jamadar and sometimes to the Police Inspector. No written complaint however had been made in that regard. The witnesses have shifted their stand from time to time. There is no consistency among the three witnesses who speak on behalf of the Jain Sanghas. In the evidence of each witness also there is no internal consistency. There is no evidence to show that there was any disturbance from 1st May to 6th May 1981. If this is so, it is difficult to believe the witnesses when they say that the request was repeated for the police bandobast after it was originally made to Inspector Choudhary.

18. Witness No. 4 Nemichand was asked pointed questions in the following terms :—

“Q.—Did you go to the Police Station for inquiring as to why police bandobast had not been provided despite the request being made in that behalf ?”

The answer was in the following words :—

“On 4th or 5th of May I informed the lack of police bandobast to Shri Dhattrak, M.L.A. who in my presence rang up the Police Station and asked for police bandobast. I cannot however say with whom he spoke on the telephone.”

It is impossible to accept this statement of the witness firstly because it is too vague. Secondly because the Police Station of a small town like Manmad would not have ignored the inquiry from the local member of the Legislative Assembly relating to the police bandobast. On the other hand, as I have already mentioned in paragraphs 6 and 7 above, the police bandobast for the procession of the Jain Muni on 1st May 1981 was in fact provided at the instance of M.L.A. Dhattrak. If again on 4th or 5th May, M.L.A. Dhattrak rang up the Police Station, as mentioned by Witness No. 4 Nemichand, it is inconceivable that no action would be taken by the police complaint communicated through the M.L.A. The conclusion is that in all probability the organisers had not originally asked for the police bandobast for the function. Nor did they ask for police bandobast later when they noticed its absence.

19. Despite the fact that no request for police bandobast was made by the organisers of the function, there is evidence to show that Inspector Choudhary did in fact order that there should be police bandobast or police patrolling near the pandal on the Indian High School maidan. I have reviewed the evidence in sufficient details earlier to show that even if Witness No. 4 Nemichand Punamchand is to be believed he could not have made a request for police bandobast earlier than the noon time of 2nd May 1981. If there is evidence to show that even prior to this, namely, either on 30th April 1981 or on 1st May 1981, directions had been given to some police personnel to keep bandobast near the Indian High School maidan then, in my opinion, those directions must have been given for some other reason than in compliance with the request, if any, made by Witness No. 4 Nemichand. Inspector Choudhary has given such directions and he has not done so because the organisers of the function had requested for the police bandobast. The duty register, which is at Article No. 1, shows that on 1st May 1981 certain police personnel of the Manmad Police Station had been entrusted with the bandobast duty for the procession. I have already discussed this evidence in great details. Similarly, the Article, namely, the duty register, also shows that on 2nd May 1981, on 3rd May 1981, on 4th May 1981 and on 6th May 1981 Head Constable Bandre and Police Constable Netawate had been given the duty of bandobast near the Indian High School compound. On 5th May 1981 such a duty had not been given because there was Shiva Jayanti celebration and most of the police personnel had been pressed into service in

connection with the bandobast of Shiva Jayanti celebrations. The entry in the duty register of 5th May 1981 shows that Head Constable Bandre and Poice Constable Netawate had been given the bandobast duty for Shiva Sena procession along with 12 other persons.

20. Witness No. 31 Shaikh Babamiya Fakir Mohamed, who was Station House Officer of the Manmad Police Station at the relevant time and whose duty it was to maintain the Station Diary, has stated in his statement at Exhibit 78 that on 30th April 1981 he had received a phone call from M.L.A. Dhatrak that procession of Jain people was to be taken out on the next day and therefore police should provide police bandobast. Pursuant to this telephone call bandobast had been provided and I have already discussed in sufficient details about the same. Witness No. 35 Parbatsing Guman-sing Pardeshi, Head Constable, was entrusted with the duty of making entries in the duty register. According to him, Inspector Choudhary ordered him to assign daily bandobast duty on the ground of Indian High School from 1st May 1981 till 6th May 1981 during the discourses of the Jain Maharaj on the said ground. Accordingly he has assigned bandobast duty at that place to Head Constable Bandre and Police Constable Netawate from 1st May 1981. There is evidence to show that duties for a particular day are assigned on the evening of the previous day. Every evening there is, what is called, roll-call parade and at that time duties assigned to the policemen for the next day are announced. If they are not announced, it is the duty of the policemen to have a look at the duty register and to find out what duties are assigned to them on the following day. There is no dispute about this procedure. From this it is clear that if Inspector Choudhary has given directions to Head Constable Parbatsing Guman-sing Pardeshi to assign the duty of daily bandobast to Head Constable Bandre and Police Constable Netawate, it must have been done on the evening of 30th April 1981. In other words, Inspector Choudhary was posted with the knowledge that there was going to be discourses of Jain Muni on the ground of the Indian High School from 1st May 1981. He also thought that in view of the gathering that would be there on account of the discourses, police bandobast ought to be provided. According to Inspector Choudhary, he came to know about the religious discourses from a Marathi newspaper and on his own provided police bandobast. Inspector Choudhary himself has not been able to give the name of the newspaper in which he read about the religious discourse that was going to take place on the Indian

High School ground. May be, this is a case where, as I have mentioned earlier in the beginning of this chapter, a concerned police officer himself thought it to be necessary, considering the large number of persons assembling at one place for a period of time, to provide police bandobast. One cannot, however, rule out the possibility that M.L.A. Dhattrak's phone call on 30th April 1981 could have been responsible for the concern shown by the Manmad Police Station in regard to the bandobast on the Indian High School ground. Be that as it may, one must proceed on the basis, on which Inspector Choudhary himself is agreed, that he thought it necessary to provide police bandobast near the Indian High School compound when the religious programme was to go on. This was undoubtedly a good decision befitting a senior Police Officer.

21. Both Head Constable Bandre and Police Constable Netawate have very strongly insisted that entries relating to bandobast duties assigned to them made in the duty register are false entries and they were not in fact given any bandobast duty near the Indian High School compound. I refuse to accept this case. I have very carefully examined the entries made in the duty register for all the days and I am satisfied that except one entry made on 1st May 1981 all other entries relating to Head Constable Bandre and Police Constable Netawate have been made in the normal course of business. There does not seem to be any interpolation among these entries. Entry relating to the duties assigned to Head Constable Bandre and Police Constable Netawate is followed by another entry on the page relating to 2nd of May 1981. This could not, therefore, be interpolation. Same is the case relating to the entry made on 3rd May 1981. The entry made on 4th May 1981 is practically in the middle of the page. Considerable arguments were, however, advanced on the different ink in which undoubtedly the entry relating to Head Constable Bandre and Police Constable Netawate has been made on this page, but one must notice that at the place on that page where this entry has been made no other entry had appeared earlier. After the entry relating to these two Police Constables there are several other entries. For these reasons I am reluctant to accept the suggestion made by Mr. Kale that this entry made on the page relating to 4th May 1981 is interpolation. When two entries for the 2nd and 3rd May 1981 are found to be genuine, there is no reason to suspect the authenticity of the entry for 4th May 1981. On 5th May 1981 no duty was assigned to them near the Indian High School for the reasons which I have

already mentioned above. It is only on 6th May 1981 that entry in respect of Head Constable Bandre and Police Constable Netawate showing that they are on bandobast duty at the Indian High School appears last on the page. Moreover, as will be seen presently, Head Constable Bandre and Police Constable Netawate have in fact gone near the Indian High School compound from time to time. It is, therefore, impossible to agree with them when they say that no bandobast duty near the Indian High School compound was assigned to them and entries made in the duty register are false.

22. It is true that on the page relating to 1st May 1981 there is a very highly suspicious entry, namely, Post Script No. 2, which mentions as follows :—

“As there are going to be discourses by Jain Rishi Maharaj at the Indian High School, Head Constable Bandre and Police Constable Netawate are to attend to as long as he (Jain Rishi) is there.”

Head Constable Parbatsing Gumansing Pardeshi admitted that this entry was not in his handwriting. However, he refused to disclose the name of the person who made this entry by pretending that it was made by his assistant whose name he did not know. If the name of the person who made this entry had been disclosed and if it were possible to examine that person, I am sure, it would have been possible to bring out that this entry is made not contemporaneously but subsequently. This conclusion is rendered probable because the figure '1' in respect of the first part of the post script appears before the word "teep". The first entry in the post script has been made by Witness No. 35 Parbatsing Gumansing Pardeshi. That entry having been proved has been given Exhibit 93. According to Head Constable Parbatsing Gumansing, after he made the entry at Exhibit 93 he was called by Inspector Choudhary and the subsequent entry was made by his assistant whose name, as mentioned above, he refused to disclose. The possibility of this entry being inserted later in the duty register is further heightened by the fact of its utter superfluity. Instructions relating to the duties mentioned in this interpolated entry were being given and in fact have been given every day. One fails to understand then why it was necessary to mention that Head Constable Bandre and Police Constable Netawate should attend to the bandobast duty on the Indian High School as long as Jain Rishi was there. The person who made entry at post script No. 2 put the figure '2' but

then noticed that the entry above it did not bear any number after the word "teep". There was no space to put number '1' after the word "teep". Therefore, number '1' had to be put before the word "teep". If Head Constable Parbatsing Gumansing knew that he had to make two entries after the word "teep", then he would have written 'I' after the word before leaving it to his unknown assistant to write the second entry. A departmental inquiry into this aspect of the case would be justified.

23. Despite this, however, I am satisfied that Inspector Choudhary did feel the necessity of providing police bandobast for the religious programme on the Indian High School ground and he did not give directions in that regard.

24. The next question that is to be considered is in what manner or to what extent bandobast was provided. While deciding this question one must in the first place understand what the meaning of the word "bandobast" is. According to the Chamber's 20th Century Dictionary, "bandobast" means an arrangement or a settlement. The word is said to have its origin in Hindustani or Persian and has later found its way into the English language. Analysed in its original components, the word consists of two parts, namely, band-o-bast. Translated literally, it means tying and binding. However, it is generally understood to mean an arrangement or a settlement. This is also the meaning to be found in Molesworth's Marathi Dictionary. We may, therefore, safely say that bandobast means an arrangement or a settlement. Though several other meanings such as agreement, bargain, adjustment are also assigned to this word, in the context with which we are dealing it must be said to mean an arrangement or a settlement. When one talks of police bandobast, one must necessarily mean, therefore, security arrangement.

25. It is the consistent stand of Inspector Choudhary that he had provided police bandobast for the pandal erected on the Indian High School compound after he had read in a Marathi newspaper about the congregation that was to take place in the said pandal. According to him, as mentioned in his statement at Exhibit 98, the arrangement was that at least two policemen were present every day at the school. He has, however, mentioned that Head Constable Bandre and Police Constable Netawate were assigned the duty of bandobast at the Indian High School compound because they were in charge of

Section No. 3 in which the Indian High School was situated. He has further made himself bold to say in the said statement that he used to go to that pandal daily in the afternoon or in the evening to check whether or not the said two persons stationed for bandobast were present there on duty. He has proceeded further to say that at that time he saw both the policemen present there. This is found to be a patently false in the light of the other material which has come on record. In fact Inspector Choudhary himself, in reply to the questions by the Counsel for Head Constable Bandre and Police Constable Netawate, later said that he must have gone to the site of the mandap on 2nd or 3rd of May 1981 and that was in the evening time. During the course of six days, he says, he might have paid visit to that place two or three days. Thus from his every day's visit he has now come down to two or three times. When he found once or twice that Head Constable Bandre and Police Constable Netawate were near the mandap on his visit there, he did not put his initials or signature in their personal note books. He, however, explains that it is not customary to make such endorsements or to check the personal note books regularly.

26. Considerable evidence has been produced at the instance of Inspector Choudhary to suggest that Head Constable Bandre and Police Constable Netawate were regularly present near the mandap and that at least sometimes Inspector Choudhary visited the said place with a view to check their presence. As it would be shown presently, this attempt has miserably failed and all the acceptable evidence that has come on record clearly shows that Head Constable Bandre and Police Constable Netawate were not regularly present near the mandap at all. On the other hand, they had gone to the mandap as and when they were free from their other routine work in Section No. 3. According to Inspector Choudhary, when he assigned the bandobast duty in the Indian High School compound from 1st of May to 6th of May 1981 to Head Constable Bandre and Police Constable Netawate, his expectation was that they would be on duty at that place for the duration of the programme. He asserts: "It was thus necessarily expected that they would be present at that spot, if the programme was for three hours in the morning, for those three hours, and again in the afternoon during the time when there was programme in the mandap. It was expected by me that other duties attached to Section No. 3 would be performed by them whenever they were free from the bandobast duty at the mandap." Thus it is

the contention of Inspector Choudhary that the other duties assigned to these two policemen being in-charge of Section No. 3 were secondary in nature while the bandobast duty at the mandap was primary. From other evidence on record, which will be discussed shortly, one can easily see that if they were expected to perform other duties incidental to their being in-charge of Section No. 3, they could not have performed the bandobast duty. Similarly if they had attended to the bandobast duty near the Indian High School, which duty would be practically from 9-00 a.m. to 4-00 or 5-00 p.m., they would not have been able to discharge other duties.

27. Witness No. 35 Head Constable Parbatsing Gumansing Pardeshi has, in reply to a question by the Counsel for Head Constable Bandre and Police Constable Netawate, described the duties of a Head Constable as follows :—

“Duties attached to a Head Constable placed in-charge of a section consist of serving warrants, inquiring into the applications received, investigation of offences in the area of that section, patrolling in the area, and all other duties incidental to the above.”

Besides this, he has also to look after any untoward incident such as *maramari*, arson and robbery. It has not been suggested by Inspector Choudhary that these are not the duties of a Head Constable and of a Police Constable in-charge of a section. It, therefore, seems to me that Inspector Choudhary was in error in expecting Head Constable Bandre and Police Constable Netawate to discharge all these routine functions attached to Section No. 3 after performing their bandobast duty at the pandal, as suggested by him.

28. There is abundant evidence to show that on some of the days between 1st and 6th of May 1981 because of the other duties which were also assigned to Head Constable Bandre and Police Constable Netawate, they just could not have gone for the bandobast duty at the pandal. When one considers this evidence, one is compelled to come to the conclusion that these two policemen could not have been, and could not be expected to be, physically present regularly as a part of the bandobast duty at the pandal. However, during the course of their moving about in Section No. 3 they seem to have gone and visited the site of the pandal. For example, there is an entry in the personal note book (Article No. 2) of Head

Constable Bandre for 2nd of May 1981. That entry shows that from 9-00 a.m. to 12-00 noon, himself and Police Constable Netawate did patrolling work in Section No. 3 and also did patrolling work near the Indian High School compound. It is mentioned in the said entry that some volunteers standing near the mandap told Head Constable Bandre and Police Constable Netawate that there was no necessity for bandobast because the programme that is going on in the pandal was religious. Despite this, again on the same day between 4-00 p.m. and 8-00 p.m. they did patrolling work nearabout the pandal.

29. An entry of 3rd May 1981 has been made in Article No. 2 in respect of the work done by them from 8-00 a.m. onwards. Head Constable Bandre received one complaint relating to an offence which required a panchanama to be made, which was done by him by going to the S. T. Stand. This work seems to have occupied the major part of the morning on 3rd of May 1981. On 4th of May 1981 between 8-00 a.m. and 12-00 noon, besides attending to their duties attached to Section No. 3 such as serving of warrants, they did go to the pandal where again they were told by the volunteers that they should not stand outside the pandal. On 5th of May 1981 they were busy with the bandobast duty in connection with the Shivaji Jayanti. There are no entries in the book on 6th of May 1981 because that was the day on which the incident took place and he could not make any entries being busy with the work arising out of the pandal fire. Similar entries are to be found in Article No. 3, which is the personal note book of Police Constable Netawate. There is an entry in his personal note book on 2nd of May 1981 that he had gone to the Indian High School compound and some Jain volunteers told them, that is Head Constable Bandre and himself, not to remain present there in uniform. There is also an entry of his having gone to the Indian High School on 4th of May 1981. Head Constable Bandre and Police Constable Netawate specifically contend that they had not been given what they call the "fixed point duty" at the Indian High School compound. In fact it is their contention that they have not been given any duty at all relating to the bandobast at the pandal. In view of the entries which have been made in the duty register, it appears to me that Head Constable Bandre and Police Constable Netawate are not telling the truth when they say that they were not asked to go to the Indian High School compound for bandobast duty. That itself does not mean that Head Constable Bandre and Police Constable Netawate were, either by any specific order or by the

nature of their duties, required to be present at the Indian High School compound throughout the duration of the programme that took place in the pandal.

30. At this stage it is necessary to see whether they could have performed the bandobast duty at a fixed place as suggested by Inspector Choudhary. If they were not relieved from other duties attached to Section No. 3 or if between 1st of May and 6th of May 1981 they were given certain duties which could not have enabled them to remain present on bandobast duty near the Indian High School compound, it is clear that they were not given the fixed point duty and they could not have remained present at the Indian High School compound regularly throughout the time when the programme was going on in the pandal. For this purpose it is necessary to return to the evidence of Witness No. 35 Parbatsing Gumansing Pardeshi. He is shown the page relating to 2nd of May 1981 in the Duty Register which it is his duty to maintain. He has agreed that the said page discloses that on 2nd of May 1981 Head Constable Bandre and Police Constable Netawate were to attend the Court for giving evidence. There is evidence to show that if a duty is assigned to a Head Constable or a Police Constable, an entry is made in the Station Diary to that effect at the time of his leaving for that duty and an entry is also made when he returns after completing that duty. Two station diaries have been produced through the Counsel for the police and Government officials. The two station diaries so produced were shown to Inspector Choudhary and he identified them as the station diaries of the Manmad Police Station. One of them, marked as Article No. 4 for identification, is for the period from 8th of April 1981 to 2nd of May 1981 and the other, marked as Article No. 5, is for the period from 2nd of May 1981 to 23rd of May 1981. Police Inspector Choudhary admits, in a reply to a question by the Counsel for Head Constable Bandre and Police Constable Netawate, that entries are made whenever a Police Constable goes out of the station on a particular duty and when he returns from that duty of his having gone and of his returned to the Police Station.

31. Inspector Choudhary's attention was invited to Entry No. 14 in Article No. 4 relating to 1st of May 1981 which showed that Head Constable Bandre and Police Constable Netawate along with others had gone on bandobast duty for the procession of the Jain Muni. Entry No. 18 of the same date showed that those who had gone for

the bandobast duty, as mentioned above, had returned to the Police Station. He admitted that there is a mention in Station Diary of fixed point duty assigned to policemen, but going through the entries of the Station Diary from 1st of May to 6th of May 1981 he could not find any fixed point duty assigned at the Jain mandap.

32. Entry No. 2 appearing on the page relating to 2nd of May 1981 in the Station Diary was shown to Inspector Choudhary who noticed that the said entry showed that Police Constable Netawate had gone on round duty from the midnight of 2nd May 1981 to 5-00 a.m. of 3rd May 1981. Entry No. 24 again of the same date was shown to Inspector Choudhary and that entry mentions that both Head Constable Bandre and Police Constable Netawate had gone on Court duty on that day. A corresponding entry has also been made in the duty register on the page relating to 2nd of May 1981. Despite the fact that on 2nd of May 1981 both Head Constable Bandre and Police Constable Netawate had gone on Court duty no alternative arrangement had been made either in the Gurudwara Police Chowky, which is the Chowky concerned with Section No. 3, or for the bandobast near the Jain mandap. This despite the fact, as admitted by Inspector Choudhary himself, that the duties of attending the Court are intimated to the Constables concerned after the intimation about the same is received earlier, such as the summons of the Court.

33. Inspector Choudhary was then asked to see entry No. 25 of 3rd of May 1981 in the Station Diary. It showed that S.H.O. Shaikh Babamiya had directed Head Constable Bandre to investigate into C. R. No. 93 of 1981. That C. R. related to an offence punishable under section 379 of the Indian Penal Code. It has already been seen that in the personal note book of Head Constable Bandre an entry relating to the investigation of this offence and the preparation of the panchanama in the course of the investigation of that offence is to be found. Inspector Choudhary admits that an investigation into an offence involves several steps such as the preparation of the panchanama of the scene of offence, recording statements and arresting the accused.

34. Thereafter entry No. 49 of 4th May 1981 in the Station Diary was shown to Inspector Choudhary. That entry disclosed that a direction had been given to Head Constable Bandre to look into non-cognizable offence No. 387 of 1981 and to take preventive

measures in the same. Similarly entry No. 20 of 5th May 1981 disclosed that S.H.O. Shaikh Babamiya had directed Head Constable Bandre to look into non-cognizable offence No. 392 of 1981 and to take appropriate measures. Entries in the personal note books of Head Constable Bandre and Police Constable Netawate show that they had discharged these other duties which had been given to them.

35. The cumulative effect of all this evidence is that Head Constable Bandre and Police Constable Netawate had not been given fixed point duty near the Indian High School compound for bandobast. It is true that the duty register discloses that Head Constable Bandre and Police Constable Netawate were required to do bandobast duty near the mandap. But that by itself does not mean that they were expected to remain present near the mandap throughout the time when the programme in the mandap was going on. In fact Head Constable Bandre has mentioned that on 6th of May 1981 in the morning he was assisting Inspector Choudhary for nearly three hours. This statement of Head Constable Bandre has not been challenged nor has it been contradicted by Inspector Choudhary when he was in the witness-box. It is inconceivable that Inspector Choudhary could have thought that Head Constable Bandre and Police Constable Netawate were to be on duty at the mandap throughout the time when the programme was to go on and thereafter they were to attend to other duties. An experienced officer like Inspector Choudhary, I am sure, could not have expected his subordinates to do this impossible job. The suggestion which is now being made by him is an afterthought. I am, therefore, convinced that no fixed point bandobast duty had been assigned to Head Constable Bandre and Police Constable Netawate by way of bandobast near the pandal where the religious programme was going on from 1st of May 1981 to 6th of May 1981. The evidence consisting of the entries made by Head Constable Bandre and Police Constable Netawate show that they themselves were not present on bandobast duty near the pandal continuously. They visited that place occasionally and they could not have remained present there for more than few minutes. In view of this it must also be said that Inspector Choudhary's statement and other evidence that Inspector Choudhary went to the pandal sometimes and found the two Constables present there are false.

36. There is no reason to disbelieve Head Constable Bandre and Police Constable Netawate when they say that some volunteers

standing near the mandap told them that policemen in uniform were not welcome near the mandap. Statements to this effect are to be found in the personal note books of these two policemen and there is absolutely no reason to suspect that they have fabricated these entries for the purpose of explaining their absence from the place near the mandap. Those entries have been made contemporaneously and when those entries were made no one imagined that an occasion would arise to inquire into their absence from the place near the mandap. The two personal note books were attached from them either on 8th of May 1981 or 9th of May 1981. They have not made any entries in their note books from 6th of May 1981. They have given explanation which cannot be said to be implausible, namely, that being busy with the large-scale investigations that were taken up after the incident of fire they could not make entries on 6th and 7th May 1981. It is not suggested, and it could not be suggested, that entries of 5th of May 1981 were made subsequently. The other entries which show that they were asked by the volunteers not to remain present near the mandap precede the entries of 5th May 1981. They, therefore, could not be interpolated.

37. That the Jain volunteers were not happy about the presence of the policemen near the mandap has been disclosed not only by the entries made by Head Constable Bandre and Police Constable Netawate in their personal note books but also by Witness No. 33 P.S.I. Patil. He had attended the bandobast accompanying the procession of 1st May 1981. When the procession terminated near the Indian High School he along with the other police personnel was standing outside. At that time two passersby belonging to the Jain community told him that their Acharya does not like police arrangements and there was no need for police arrangements. There is no reason to doubt the veracity of this. It is true that neither P.S.I. Patil nor Head Constable Bandre nor Police Constable Netawate has disclosed the identity of the volunteers who did not approve of the police or at any rate the police in uniform being present near the pandal. But in view of the contemporaneous record which is available, it is perfectly legitimate to believe these three police personnel when they speak of a statement made by the volunteers. Inspector Choudhary also has mentioned in his statement submitted to the Commission at Exhibit 98 that when the bandobast for the procession was carried out the leaders of the Jain community emphatically told P.S.I. Patil that their gathering being one of religious function they

did not need police arrangements. Considering all these facts and circumstances, it is crystal clear that neither Head Constable Bandre nor Police Constable Netawate could have been present regularly for any long period of time near the pandal.

38. If this is so, the assertion of Inspector Choudhary that he had gone to the pandal every day and found these two policemen present there is hopelessly false. False also is his statement that he had gone there twice or thrice and found that they were present. When Head Constable Bandre and Police Constable Netawate are contending that they were not present and all the evidence suggests that they are telling the truth in this regard, it is impossible to accept the assertion of Inspector Choudhary or for that matter of any other witness that these two Police Constables were present by way of discharge of the bandobast duties near the pandal.

39. Now I must briefly refer to some of the evidence which has been produced before the Commission with the hopeless object of showing that there was bandobast at the material time and that Inspector Choudhary had satisfied himself that such bandobast was there. What follows is a parade of witnesses who are found to be telling untruths on this aspect of the question. Witness No. 3 Guruprasad Shitalprasad Misar has already figured in the discussion on other questions. As far as the police bandobast is concerned, he has in his statement to the Commission at Exhibit 9 said that he used to go to the school daily as Headmaster, though the school itself was closed in the month of May. Thereafter he proceeds to mention as follows :—

“At that time I had seen two policemen in uniform on bandobast duty standing outside the pavilion every day in connection with the said programmes of the Jain community and Police Inspector Shri Choudhary used to come to check them every day.”

In reply to the question by the Counsel for the Sanghas, he has mentioned that he had gone to the mandap only once when the discourse was going on and that he was thereby only for five minutes. Asked as to why he has mentioned in his statement about the presence of the Police Constables and the visit of Inspector Choudhary, he says that he did so because it would be useful to the Commission. He denied the suggestion that he had given that information at the instance of Inspector Choudhary. I have, however,

no manner of doubt that Witness No. 3 Guruprasad Shitalprasad Misar, the head of an educational institution, is not telling the truth when he says that he had seen two policemen and Inspector Choudhary every day. Inspector Choudhary himself does not say that he visited the pandal every day.

40. Then we have Digambar Chintaman Somwanshi, Witness No. 16, who is residing in Room No. 34, Lalwani building. He is residing in a room the door of which opens in a lane and not on the road adjacent to the Indian High School compound. The door of his room faces the west. The lane in which the door of his house opens is said to be 10 feet wide and on both the sides of the lane there are houses. He says that if he stands at the door of his house he could not see the mandap. He, however, says that if he steps into the lane he can see the mandap. In paragraph 3 of the statement submitted by him to the Commission at Exhibit 38 he mentions that from 1st of May 1981 to 6th of May 1981 religious discourses of Shri Ariand Rishiji Maharaj used to take place in the pavilion every morning and evening. Thereafter he proceeds to say :—

“At the time I saw two policemen standing and moving about near the pavilion intermittently. Similarly, I have seen the Police Inspector Shri Choudhari coming there in the evening, one in a while and ‘checking’ the said policemen.”

His statement purports to have been signed by him in the presence of Advocate V. M. Kasar whose purported endorsement says that he, Mr. Kasar, knew the deponent and he has signed it before him. What is important is that the name of this witness is Digambar but in the statement he has mentioned his name as Pitambar. This incongruity in his statement at Exhibit 38 was not noticed by him and was not corrected by him. Worse still in his statement that he does not know where Mr. Kasar, Advocate, resides. He further says that if Mr. Kasar, Advocate, has mentioned that the witness has signed the said statement before him it is false. He specifically mentions that he does not know Kasar nor does Kasar know him.

41. Examining his deposition further, one can clearly notice that his statement has been procured at the instance of Inspector Choudhary. He admits : “I know one Mr. Teli who is an officer in the L.I.C. Teli Saheb is the brother-in-law of P. I. Choudhary.” Though he denies that he has submitted the statements to the

Commission at the instance of Mr. Teli, he has admitted that he had asked Mr. Teli to get the statement typed. However, he was forced to admit that he had not given a handwritten draft to Mr. Teli for getting the same typewritten. According to him, he had given only oral information to him. A witness who submits a statement bearing an endorsement that it is signed in the presence of an Advocate and thereafter denies that it was so signed, a person who gets a statement typed by someone else only on oral information given to him and who does not even read whether his name has been correctly typed in the statement—such a person can hardly be called a reliable witness. Certain other averments indicating that there was no robbery at the time of the incident are to be found in his statement.

41. This 'Teli connection' is also to be found with another witness, being Witness No. 14 Mrs. Malati Madhukar Joshi. She is a housewife residing in Lalwani building. She has mentioned in her statement (Exhibit 63) submitted to the Commission that the religious discourses and other religious ceremonies used to go on from morning till evening and "at that time I have seen policemen moving around the pandal intermittently and sometimes a Police Inspector was also seen". Asked to explain as to how she could make out a Police Inspector, she said that she recognised him from the dress which he was wearing. In the witness-box itself she was not able to describe specifically the cap worn by a Police Inspector. She is working as an agent of the Life Insurance Corporation. Mr. Teli is the Field Officer of the Life Insurance Corporation. I have no hesitation in holding that this witness also has come before the Commission at the instance of Inspector Choudhary through the influence of Mr. Teli.

42. Witness No. 19 Ashok Yadavrao Rasal describes himself as the executive head of a branch of the Shiv Sena at Manmad. He has gone much ahead of what Inspector Choudhary himself mentions regarding the help rendered by the police to the injured persons. He stepped into the witness-box with a lot of aplomb. His statement is written in the first person plural. He always talked of "we". According to him, his statement was signed by him at his house and thereafter he took it to Mr. Kasar, Advocate. In other words, it was not signed in the presence of Mr. Kasar, Advocate. Thereafter he mentions as follows:—

"If Mr. Kasar, Advocate, has made an endorsement that I have signed the statement in his presence, it is incorrect."

He has further said that he had not gone to Mr. Kasar, Advocate, to obtain his signature on the statement. If this is so, he has not explained as to why Mr. Kasar's signature appears on his statement. It is thus clear that the statement of this witness must have been taken with some other statement to Mr. Kasar, Advocate, whose signature appears on the said statements.

43. At this stage itself I find it convenient to discuss that part of the evidence which shows that Inspector Choudhary has taken a leading part in getting the statements prepared by the various persons and submitting them to the Commission. Normally one would not have found fault if a responsible officer thought it fit to gather the witnesses who were in the know of things and to see that arrangements were made for submitting their statements to the Commission. But when statements such as those of Witnesses 16, 24 and 19 are seen to be so patently false and are seen to have been signed by one particular Advocate who, the witnesses say, has not signed their statements, then the conduct of Inspector Choudhary deserves some comment.

44. One Dattatray Raghunath Sonawane (Witness No. 29) was at all material times working in the Manmad City Police Station. He attended to the work of Crime Duty under the Police Station. He was so working under Inspector Choudhary when the latter was in-charge of the Manmad Police Station. There is evidence to show that this Police Constable Sonawane was sitting in the room of Inspector Choudhary himself at the Police Station. Though Police Constable Sonawane has nothing to say about the daily attendance of Head Constable Bandre and Police Constable Netawate near the Indian High School compound, he has, touching upon the post-fire activity of the police, given statements suggesting that the police took leading part in the rescue operations. That part of his evidence will be discussed while I examine Exhibit 38 submitted to the Commission by Witness No. 16 Digambar Chintaman Somawanshi is dated 6th April 1982. I have already shown how Somawanshi is thoroughly unreliable and how he must have given his statement due to the influence of Mr. Teli of the Life Insurance Corporation. The statement at Exhibit 45 submitted by Witness No. 19 Rasal is dated 7th April 1982. The statement of Witness No. 32 Ashok Rambhau Vyavahare is dated 8th of April

1982. I have already mentioned how this last witness originally failed to appear before the Commission and subsequently when notice to show cause as to why he should not be prosecuted for an offence punishable under section 176 of the Indian Penal Code was issued to him he appeared and gave evidence before the Commission. I have disbelieved him while deciding the question of the time when the fire broke out. Some sentences in his deposition in the cross-examination by the Counsel for the Sangh may be reproduced :—

“I do not know any one by name Teli. I belong to Teli community but I do not know to which community Mr. Teli belongs.”

The following is to be found in reply to the question by the Commission :—

“If someone comes and tells me that his surname is Teli, I would understand that he belongs to Teli community.”

The following note was then made by me :—

“(The witness is unable to explain why he deposed that he did not know to which community Mr. Teli belonged).”

45. Returning to Witness No. 29 Dattatraya Raghunath Sonawane, he first mentioned that he does not know whether Inspector Choudhary had come to the Manmad Police Station on 6th of May 1981. He has mentioned that his own statement was written by himself and subsequently he got it typewritten. In his cross-examination he has further mentioned that when the statement of Shaikh Babamiya (Witness No. 31) was prepared for being submitted to the Commission, Inspector Choudhary was present. He admits that the statement of Shaikh Babamiya was originally scribed by him and in his presence Shaikh Babamiya signed the statement. The following statements are to be found in his testimony :—

“The statements which were prepared on that day in the office of Manmad Police Station were scribed by me on the persons making the statements giving the information to me. The statement of Parbatsing Gumansing Pardeshi submitted to this Commission at Exhibit 91 is also in my handwriting.

Q.—When these statements were prepared whether Inspector Choudhary was present at the Police Station ?

A.—(This witness is first giving evasive answers, by saying that he was not present and he may be present, but when the question was put to him in a pointer manner) :—

Yes, Inspector Choudhary was present.”

Police Constable Raghunath Bhiwa Kumbharde (Witness No. 30) has mentioned that he signed the statement in the presence of Inspector Pawar and Inspector Choudhary was present. Earlier, however, when he was asked as to whether his statement is written by Inspector Choudhary, he did not answer the question. Asked further whether Inspector Choudhary had asked him to make the statement, he did not answer that question also. However, he admitted that Police Constable Sonawane was present and also Head Constable Shaikh Babamiya was present. He has further admitted that when he signed the statement it had already been typed. He does not remember whether he affixed his signature to the statement written in the hand of the Inspector of Police Reading his evidence as a whole one cannot resist the conclusion that the statement submitted by him to the Commission was a precooked statement and he has merely signed the same though he has deposed on oath that the contents of the statement are correct.

46. Similarly I find that the statements of the persons belonging to the Fire Brigade of Manmad had been prepared by their superior officer and were merely signed by the members of the fire-fighting force. However, not much turns upon the averments made in their statements. Therefore, I refrain myself from making any detailed commentary upon their statements.

47. I must now turn to the question whether the bandobast provided by Inspector Choudhary at the pandal was adequate. From the judgment which Inspector Choudhary himself formed about the bandobast, it is clear that he himself regarded that bandobast must be there for the time during which the religious programme in the pandal was to go on. Inspector Choudhary knew that no other police personnel had been put in-charge of Section No. 3 apart from Head Constable Bandre and Police Constable Netawate. He also knew that in the course of duties attaching to Section No. 3 both Head Constable Bandre and Police Constable Netawate were to attend to several other duties. An officer of the experience of Inspector Choudhary could not have, therefore, imagined that Head Constable Bandre and

Police Constable Netawate could physically attend to the bandobast duty at the pandal as well as discharge the other duties attached to Section No. 3. It is in evidence that Section No. 3 is the largest section in Manmad. Duties attached to Section No. 3, therefore, would be much more extensive than the duties arising in other sections. Inspector Choudhary does not agree that Section No. 3 is larger than the other sections in Manmad. On this aspect of the matter I prefer the statement of Witness No. 35 Head Constable Pardeshi who says that Section No. 3 is the largest section under Manmad Police Station. If an assembly of 2,000 to 3,000 persons require police bandobast, it must necessarily mean that that bandobast must be there continuously, when that assembly is at the particular place. Inspector Choudhary himself thought so. That is why he repeatedly insists that Head Constable Bandre and Police Constable Netawate had been assigned the bandobast duty at the pandal whenever the programme was going on. Since, however, it is found that to the knowledge of Inspector Choudhary, Head Constable Bandre and Police Constable Netawate could not have discharged that function, Inspector Choudhary must be disbelieved when he says that he expected these two policemen to remain present there at all times when the religious programme in the pandal was going on. Head Constable Bandre and Police Constable Netawate could not be blamed if they could not remain present at the pandal as deposed to by Inspector Choudhary. It was impossible for them to remain present at the pandal throughout the time when the programme was going on in the pandal in view of the fact that they were expected to discharge other duties attached to Section No. 3. In fact they were assigned some additional duties on some of the days between 1st and 6th of May 1981. The bandobast provided by Inspector Choudhary was, therefore, inadequate.

48. I must, however, proceed to add that the absence of police bandobast or the absence of adequate bandobast was not responsible for the tragedy that overtook the persons who were present in the pandal. Any amount of police bandobast could not have prevented the tragedy of fire which I have found to be a case of pure accident. If it is suggested that police bandobast could have prevented theft or robbery that followed in the wake of the pandemonium created by the fire, one may agree with it, provided that theft or robbery in fact took place. No evidence of theft or robbery has come before the Commission. Witness No. 5 Chandrakant Loomchand Gogad has in his statement at Exhibit 15 mentioned that in the pandemonium that

was created after the outbreak of fire, some anti-social elements snatched the ornaments which the women were wearing and indulged in robbery. However, he admitted, in reply to the questions by the Counsel for the Commission, that he had not himself personally seen women being robbed. According to the statement at Exhibit 17 submitted by Witness No. 6 Parasmal Bherulal Baradia, no police arrangements were made as per the request and it was because of this that the hooligans took advantage. However, he has not been able to name a single person from whose body any ornaments were stolen or robbed. If the name of any person who had been robbed had been disclosed, the Commission would have been able to further inquire into the matter. What is more important is that Witness No. 5 Chandrakant Gogad has admitted that he had not seen a single goonda at the time when the tragedy occurred. Further he has admitted that he or others did not make any complaint to the Additional Superintendent of Police about the negligence of the police. Though he thereafter proceeded to say that he had made, along with others, oral complaint to the Additional Superintendent of Police, he was naturally forced to admit that he had not made mention of such a complaint in his statement submitted to the Commission.

49. Witness No. 4 Nemichand Punamchand Ankaikar could not say anything about the robbery because at the time when the fire broke out he was not at Manmad. In the cross-examination by the Counsel for the police and Government officials, however, he has mentioned that he had told the Sub-Divisional Officer that one Surajbai Motilal Lodha wanted to give a statement and the same should be recorded. Accordingly on the same night, that is on the night of 6th of May 1981, the statement of the said Surajbai was recorded in his presence and he had given in writing that the statement of the said Surajbai had been recorded in the presence and that what she stated was true. He has thereafter made an admission as follows :—

“ Surajbai had not made any complaint against the police in her statement because she was not in a position to give a detailed statement.”

In other words, the statement of Surajbai did not contain any allegation of negligence against the police or of any robbery from her person. Nemichand Punamchand Ankaikar was present when the Additional Superintendent of Police had arrived in the night. He also

mentioned that he orally complained to the said police officer about the negligence of the police. The fact of his having so complained to the Additional Superintendent of Police, however, is not to be found in his statement submitted to the Commission.

50. Three ladies who were present in the pandal when the incident of fire took place have been examined. Reference has already been made to them and to their depositions, but a brief recapitulation of the same is fully justified in the context of the issue which I am now examining. Witness No. 10 Surajbai Amolakchand has neither in her statement at Exhibit 26 submitted to the Commission nor in her deposition made any mention about theft or robbery of golden ornaments or of any other thing from the women when there was a stampede. Similarly, Witness No. 11 Pramilabai Javherilal has not, either in her statement at Exhibit 20 or in her deposition before the Commission, made any mention of any theft or robbery having taken place. Witness No. 26 Vimalabai Zumberlal Bedmutha, who was injured in the stampede that followed the outbreak of the fire, has also not stated, either in her statement at Exhibit 67 submitted to the Commission or in her deposition, that there was any theft or robbery or any attempted theft or attempted robbery during the commotion that followed after the outbreak of the fire. I have while discussing the evidence relating to the place of the incident as well as the question as to whether there was any necessity for police bandobast mentioned that the organisers of the function themselves did not expect or anticipated any trouble from anti-social elements. Probably for this reason they themselves had not taken any precautionary or safety measures. On the basis of the material which has been placed before the Commission, therefore, it is impossible to hold that there was any theft or robbery or attempted theft or attempted robbery in the situation following the outbreak of the fire. It cannot, therefore, be said that the absence of police bandobast was responsible for theft or attempted theft or any robbery or attempted robbery.

51. The second part of the fourth term of reference relates to the adequacy or otherwise of the action taken by the police in dealing with the incident of fire and the consequent pandemonium and the commission of offences at the site of fire. The material that will have to be discussed in connection with this part of the reference will partly be necessarily covered while dealing with the fifth term of reference. Nevertheless, considerable part of this material can stand by itself and

is being considered in this chapter itself. While dealing with the adequacy or otherwise of the police bandobast itself earlier in this chapter I have mentioned that no material has been placed before the Commission that any theft or robbery has taken place immediately after the fire broke out. Three ladies who were present in the pandal at the time of the outbreak of the fire and who would be the best witnesses on the question of theft or robbery do not speak a word about the same. It is not merely that no attempt to commit theft or robbery on their person was deposed to by them. They have also not deposed that theft or robbery or any attempt to commit theft or robbery of other person or persons took place to their knowledge or within their sight. Making allowance for the fact that in the pandemonium that followed the outbreak of the fire, normally one's senses may not be directed towards what is happening to others, one can still expect that if any theft or robbery had taken place or attempt to commit theft or robbery has taken place the victims would not have failed to shout or scream. This could not have missed to care of the three ladies who have given evidence before the Commission. They have not said anything about the same.

52. I have also held that there was no police bandobast at all most of the time when the programme was going on in the pandal. There was definitely no police bandobast anywhere near the pandal when the incident of fire took place. The police, therefore, could not have taken any action dealing with the incident of fire itself and the consequent pandemonium. The question of dealing with the commission of offences at the site of the fire does not arise at all because it has not been shown that any offences were committed.

53. However, it has come on record that the presence of the police even after the pandal had been reduced to cinders helped the fire-fighting operations by the fire brigade. There is adequate and acceptable evidence to this effect. Witness No. 17 Umakant Govind Kshatriya, who is a driver in the fire brigade of the Manmad Municipality, has mentioned that shortly after the arrival of the fire brigade on the scene the police also arrived. He has mentioned that the police helped the fire brigade in putting out the fire by dispersing the crowd. He has made some averments which seem to suggest that there were policemen already when he arrived on the scene. This part of his statement submitted by him to the Commission has got to be rejected.

54. Witness No. 18 Jakiruddin Rafiuddin Shaikh, who is also serving in the Manmad Municipality, has been working as a fireman in the fire brigade. After hearing the siren at about 4-00 p.m. on 6th May 1981 he told one Sonawane to inquire over the telephone at the water tank as to where the fire had broken out. In the meantime he took out the fire fighter van. Sonawane returned and reported that fire had broken out in the precincts of the Indian High School compound. They immediately drove to the site. The police van arrived very soon thereafter. Proceeding further Jakiruddin has stated that when he along with others went to the pandal none of the persons who had suffered burns was there. Though he then proceeded to mention that only few policemen were there, it could not be true. On the other hand other evidence suggests that there was a large crowd and the police arrived on the scene after the fire brigade. However, this witness cannot be disbelieved when he says that it became easy for them to put out the fire as the police had quickly dispersed the crowd of onlookers. It may be mentioned therefore that the police on their arrival at the site dispersed the crowd enabling the fire brigade to discharge the duties swiftly. Unfortunately, by the time the fire brigade and the police arrived on the site there was very little to do except sprinkle water on the burnt parts of the pandal lying on the ground.

55. On the question of the police bandobast it can be said, by way of recapitulation, that the organisers of the religious programme on the maidan of the Indian High School had not expected or anticipated that any situation would arise which would require the presence of the police near the pandal. None of the witnesses examined on behalf of the Jain Sanghas of Manmad has given any satisfactory reason as to why the police bandobast was necessary near the pandal. On the other hand, there is in their statements as well as their depositions before the Commission enough material to indicate that they did not in fact anticipate any trouble and therefore no police bandobast was necessary.

56. When, however, the organisers of the function have proceeded to mention before me that they had asked for police bandobast at the pandal, I have to disbelieve them. The earliest that they could have asked for police bandobast, according to the material placed before the Commission, would have been the noon of 2nd May 1981. It was at this time that Witness No. 4 Nemichand Punamchand had gone to

see Inspector in-charge of the Manmad Police Station but by this time the religious function at the pandal had already started. The evidence suggests that police bandobast had been already ordered to take place with effect from 1st May 1981.

57. After having noticed the absence of police bandobast, which in fact they had not asked for, the organisers of the function have not taken any steps to get the same. The programmes in the pandal erected on the Indian High School ground passed off peacefully right from 1st May 1981 to the afternoon of 6th May 1981. It is because of this as well as for other reasons that the organisers of the function in fact never felt the necessity of the police bandobast. I have unhesitatingly rejected their case that from time to time they contacted Manmad Police Station to get police bandobast near the pandal.

58. Inspector Hiranman Sadu Choudhary, who was in-charge of the Manmad Police Station at the relevant time, had on his own come to the conclusion that the possible large assembly in the pandal would require police bandobast. He might have also felt the need on account of the telephone of M.L.A. Dhattrak on 30th April 1982. He had accordingly ordered that police bandobast be provided at the pandal erected on the Indian High School ground. When he did this he undoubtedly did the correct thing. The evidence on record shows, and it was in fact Inspector Choudhary's own estimate, that nearly 2,000 to 3,000 persons would be present for the religious discourses at the pandal. This required police bandobast which was co-extensive with the period of the religious discourses at the pandal. This in fact is Inspector Choudhary's own assumption. Despite this, however, Inspector Choudhary made arrangements for police bandobast which were inadequate in the sense that the two police personnel who had been assigned bandobast duty could not have remained present near the pandal when the religious discourses were going on. On the other hand, the duties which were normally attached to Section No. 3 in which the two police personnel were working made it impossible for them to remain present near the pandal during the time the religious discourses were going on. In my judgment, Inspector Choudhary knew that the two police personnel to whom he had assigned this bandobast duty could not have remained present near the pandal as he says he expected them to be. In that sense the bandobast at the pandal was inadequate.

59. However, the absence of the police bandobast was not responsible for the tragedy that overtook the persons who were present in the pandal. No amount of police bandobast could have prevented the outbreak of the fire which was purely accidental.

60. The absence of police bandobast was not responsible for any theft or robbery or attempted theft or robbery because such theft or robbery or attempted theft or robbery has not been shown to have occurred. There is absolutely no evidence that any anti-social elements took advantage of the pandemonium that followed the outbreak of fire. The conduct of Inspector Choudhary in placing the material before the Commission which is found to be false deserves some censure. It is also unfortunate that for an incident for which neither he nor any of his subordinates was responsible Inspector Choudhary tried to pass on the responsibility to his subordinates. In the first place, he tried to pass on some blame to P.S.I. Pardeshi without any rhyme or reason. In the second place, absence of the police at the time when the incident of fire took place was tried to be attributed by him to the negligence of Head Constable Bandre and Police Constable Netawate. His repeated assertion that these two police personnel were present on all other days is found to be patently false. His assertion also that they were expected to be present throughout the time when there was assembly in the pandal is wholly untenable.

61. The police arrived on the scene after practically the entire pandal had been reduced to cinders and there was hardly any action to be taken to deal with the pandemonium which followed the outbreak of fire. The question of the adequacy or otherwise of the action taken by the police in dealing with the incident of fire and the commission of offences at the site of fire is, therefore, academic. However, the arrival of the police, though somewhat belated, at the site did help fire-fighting brigade to deal with whatever fire that was still there because the police dispersed the crowd of onlookers.

X. ADEQUACY OF FIREFIGHTING AND RESCUE OPERATIONS AND MEDICAL AID

The fifth term of reference is in the following words :—

“the adequacy or otherwise of the fire fighting and rescue operations, medical aid and other administrative measures in dealing with the incident of fire and its victims as the case may be.”

2. While discussing some of the evidence in the previous chapter it has already been noted that the arrival of the fire brigade and the police at the site was at a time when most of the pandal had been reduced to cinders, if not to total ashes, and there was hardly any operation left to be carried out either by the fire brigade or by the police. The other evidence on this aspect of the subject-matter is now being considered. While doing so, I am ignoring the testimonies of the witnesses like Witness No. 16 Digambar Chintaman Somawanshi about whom I have already made sufficient comment above, Witness No. 19 Ashok Yadavrao Rasal, Witness No. 25 Malati Madhukar Joshi and Witness No. 29 Dattatraya Raghunath Sonawane. These witnesses have been found by me to be highly unreliable. Two of them have submitted statements purported to have been signed by an Advocate but the witnesses themselves say that they have not been signed by any Advocate. One cannot help holding that Witnesses Nos. 16 and 19 have not even seen their statements before sending them to the Commission. Several statements have been prepared in the room of the Inspector of Police at Manmad and they have been scribed by Witness No. 29 Dattatraya Raghunath Sonawane who himself is not an anxious witness of truth. Inspector Choudhary had taken a leading role in the preparation of these various statements. I am, therefore, reluctant to place much reliance upon these statements.

3. It would be advantageous to begin with the evidence given by the members of the fire brigade. Witness No. 17 Umakant Govind Kshatriya, to whose evidence I have already made a brief reference in the earlier chapter, has mentioned in the statement (Exhibit 41) submitted to the Commission that he heard a siren call at about 4-00 p.m. on 6th May 1981 and after he got the information from fireman Sonawane that the pandal at Indian High School had caught

fire he drove the fire engine along with other firemen to the place of the fire. In paragraph 3 of his statement he has mentioned as follows :—

“When we reached there the entire pavilion had burnt down. So also the carpets, tarpaulin of the pavilion were burning on the ground. We put out the same. There was a burnt hut in the western corner of the ground. We extinguished the same also by throwing water.”

As far as fire fighting operations are concerned, Witness No. 17 Umakant Govind is a competent witness having arrived on the scene as early as he could do so. No other member of the fire brigade had arrived on the scene earlier than Witness No. 17. Witness No. 18 Jakiruddin Shaikh in his statement at Exhibit 43 has given a similar description. He has also stated that when the fire fighting van reached the site of the fire the upper part of the pandal, namely, the ceiling made of cloth, had burnt down completely. Poles of the pandal on the side of the road had also burnt down. He has also mentioned that a hut in a corner towards the railway line was also burnt. There is thus no difficulty in holding on the basis of the statement made by these two members of the fire fighting force that by the time the fire brigade reached the site the episode was practically over and there was very little for the fire brigade to do.

4. Apart from this, there are other indications available to show that the arrival of the fire brigade at the site of the fire may not have been slow but was not early enough to save any part of the pandal. Indeed, even the fastest arrival of the fire fighting force at the site of the incident could not have prevented the complete burning down of the pandal because the pandal consisted of highly inflammatory material such as cloth and bamboos. Even on the ground, inflammatory material like tarpaulin had been spread. As a result, when the burning pieces of the ceiling of the pandal started falling down they were received by the tarpaulin which then must have gone up in flames. The siren, according to every piece of evidence on record, sounded at about 4-00 p.m. Thereafter the fire brigade reached the site followed by the police. Witness No. 18 Jakiruddin Shaikh has mentioned that even if they went at top speed it would require 10-15 minutes for going from fire brigade station to the Indian High School compound. This is so because the route which the fire brigade took

passes through the Ambedkar Road on the western side and the Ambedkar Road up to the goods-shed of the Central Railway has high density of traffic. If the fire broke out at about 3-45 p.m. and the news of the fire itself has been conveyed to some persons who sounded siren at about 4-00 p.m., nearly fifteen minutes had elapsed by that time. Thereafter another 10-12 minutes have been taken by the fire brigade to arrive at the site. The picture the members of the fire brigade saw when they arrived at the site was one of total devastation and destruction and as I have mentioned above they had nothing to do but sprinkle water on the burning parts of the pandal which lay scattered on the ground.

5. When witnesses like Witness No. 33 P.S.I. Patil speak of the help given by the police in the extinguishment of the fire, they are necessarily talking of extinguishment of burning pieces of cloth and other material of the pandal which were lying on the ground. It is nobody's case that there was something of the pandal that could be saved by the fire brigade when it arrived at the site.

6. The second part of the fifth term of reference concerns with the adequacy or otherwise of the rescue operations, medical aid and other administrative measures. Here the witnesses have given highly interested testimonies. The task of separating grain from the chaff has been somewhat difficult but after minutely examining the statements submitted by the witnesses and their depositions before the Commission it has been possible to find out the truth. In this connection I would prefer to start examination of the material by referring to the statement of Witness No. 28 Sukdev Devram Sonanis, a Police Constable, who came on the scene immediately after hearing the siren but without going to the Police Station. After hearing the siren he came out of this house in plain clothes and went to the Indian High School where he saw a large crowd. The pandal had caught fire from western side and when he reached there half of the pandal was burning and as the wind was blowing from west to east the fire was spreading. The assembled people were pulling out men, women and children trapped in the burning pandal after removing the tin sheets which had been nailed and fixed on two sides. The injured persons were being removed to safe places. Sukdev himself rushed among the resources and by standing near the fencing on the east began to pull out women and children whom the people inside were handing over. He also noticed that the hair and the clothes

which the victims were wearing were also burning. He put out the same and handed over the victims to the other people giving instructions to remove them to a safe place. This witness himself suffered injuries on his hands and was later sent to the dispensary for treatment.

7. Proceeding further in his statement at Exhibit 72 the witness has mentioned that in a short while the fire brigade van arrived and they also began putting out the fire and rescuing the people trapped in the fire. This statement is highly doubtful because the fire fighting men themselves do not speak about the same. Sukdev Devram then proceeded to mention that the police van (mini-bus) came there closely following the fire brigade. According to him, several police personnel, including Police Inspector Choudhary and Constable Sonawane came by that van. He further proceeded to mention in paragraph 4 that they also began to send the victims of the fire to the dispensary by the police van. This part of his statement that members of the fire fighting party helped in the rescue operations and that the police were also helping in sending the victims of the fire to the dispensary is hopelessly incorrect. In answer to a question by the Counsel for the Sangh he mentioned that when the fire brigade engine arrived on the scene, all the injured persons were removed from the pandal and had also been removed to the hospital. He has mentioned that the police van arrived on the scene 10-15 minutes after the fire brigade engine had arrived. He was confronted with what he mentioned in paragraph 4 of his statement at Exhibit 72 wherein he has mentioned that the police began to send the victims of the fire to the dispensary by the police van and was asked to explain this. The answer which he gave in reply to the question asked by the Counsel for the Sangh is as follows :—

“I do not know why I made the aforesaid statement. Now I say that some injured persons were still there awaiting removal to the hospital.”

It is easy to see why he has made that statement favourable to the police in his statement at Exhibit 72. That statement was signed by him in the presence of Inspector Choudhary who was in the Manmad Police Station on 6th April 1982 on which day the statement was prepared. He has also accepted the suggestion made to him that on the day on which his statement was written there was with him Head Constable Gangurde and that the statements of both himself and

Gangurde were written at the same time by one Head Constable who has turned out to be none other than Witness No. 29. Dattatraya Raghunath Sonawane. Further answers given by him to the Counsel for the Sangh as well as to the Counsel for the Commission show that the statement at Exhibit 72 was kept ready for him to sign. However, the fact that he has rushed to the place of fire and has sustained injuries persuades me to accept at least that part of his evidence which does not seem to be tutored. If he has given a statement that when the fire brigade arrived at the pandal all the injured persons had been removed from the pandal and had also been removed to the hospital there is no reason why this statement cannot be accepted. In his statement at Exhibit 85 submitted to the Commission Witness No. 33 P.S.I. Patil has also mentioned that the policemen were sending the injured persons to the hospital with the help of other people. It is difficult to accept his statement for two reasons: In the first place he has not mentioned in what manner the police were sending the injured persons to the hospital. Secondly, the other evidence shows that most of the injured persons had already been removed from the place of the incident by the time the fire brigade and the police arrived.

8. We must again return to the testimonies of the two members of the fire brigade. Witness No. 17 Umakant Govind Kshatriya has already been noticed by me. Though in his statement at Exhibit 41 submitted to the Commission he has mentioned that the police and other people sent the injured persons to the dispensary he made that statement suspect by his own admission that when the members of the fire brigade reached the site of fire it is their duty to concentrate their attention on the fire and normally they do not look around to see other things. In the cross-examination he has accepted the suggestion that all the injured persons had been removed before the members of the fire brigade had arrived on the scene. Later he has admitted that he does not know personally whether the police had removed the injured persons to the hospital because he was not there at that time and offers an explanation that he made the statement on the basis of what he had heard being talked about at the site. In reply to certain questions by the Counsel for the Sanghas he has admitted that the statement submitted by him to the Commission was given to him at his office. Similarly statements of four persons had been typewritten and supplied to them. He does not know who has written the contents of the statement.

9. Witness No. 18 Jakiruddin Rafiuddin Shaikh has mentioned that it would require 10 to 15 minutes for going from the fire brigade station to the Indian High School compound. The time of the arrival of the fire brigade at the site of the incident would be between 4-10 p.m. to 4-15 p.m. That would be nearly 20 to 25 minutes after the outbreak of the fire. He has also mentioned that when he reached the site the injured persons had already been removed. The other piece of evidence before the Commission shows that the police arrived at the site after the fire brigade. If both the members of the fire brigade have said that before the arrival of the fire brigade at the site the injured persons had been removed from the site it is inconceivable that the police would have to do anything with the removal of the injured persons to the hospital. Certain sentences in the statement at Exhibit 43 submitted by this witness to the Commission favouring the police suggesting that the police helped in the removal of the injured persons to the hospital are patently false. Here again we have got a witness whose statement has been given to him for signature. Read the following answers in his examination :—

“The typing clerk in the municipal office had read out the statement to me before I signed it in the Administrator’s office.”

Proceeding further he says :—

“The contents of the statement at Exhibit 43 were not dictated by me. The statement was typed from a manuscript which was handwritten. I am not in a position to say who had prepared the handwritten manuscript.”

10. I am inclined to accept the averments made by Witness No. 5 Chandrakant Loomchand Gogad in his statement at Exhibit 15 submitted to the Commission that people were sending the injured persons to the dispensary by means of rickshaws, motor-cars or every available vehicle. It must be said to the credit of the citizens of Manmad that in dealing with the incident of fire and the task of rescuing the people from the burning pandal and sending them to the dispensaries for medical treatment they all arose as one man and removed the injured persons in the fastest possible manner to the dispensaries. The evidence shows that people from different parts of the city rushed to the site of the incident and every vehicle that was available was pressed into service for transporting the injured persons to the dispensaries. Removal of about 200 persons from the place where they were injured within a matter of 20 minutes must

be regarded as remarkable achievement. I am mentioning 20 minutes because after about 20 minutes from the outbreak of fire the fire brigade and the police arrived and before they did so almost every injured person had been removed from the site of fire. If the police have not rendered any assistance in the removal of the injured, it is not their fault because by the time they arrived on the scene most of the injured persons had been removed. The estimate of the witnesses of the time taken for removing the persons from the site of fire to the various dispensaries will naturally be approximate ; but once we fix the time when the fire broke out and once we notice the time of the arrival of the fire brigade at the site and the further fact that most of the persons had been removed before the arrival of the fire brigade, then it is easy to appreciate that the removal of the injured persons took place within a matter of 20 minutes. It must be noted that some persons were rescued from the pandal when it was still burning. In all probability the persons who were rescued with some burn injuries were sent immediately to the dispensaries without waiting for the next batch of the injured persons to come out from the pandal. Rickshaw-wallahs have been mentioned with certain amount of commendation as those who helped in the rescue operations and sending them to the medical dispensaries. In an hour of catastrophe like the one which the citizens of Manmad found in the afternoon of that infernal day no barriers of class, caste or religion existed. There was no question of the calculation of costs by anyone. Even people from neighbouring towns rushed to Manmad to help the injured. This does not necessarily suggest that the failure of the police to help in the rescue operations and to help in sending the injured persons to the medical dispensaries was the result of their inaction. On the other hand, it shows that there was hardly any occasion for them to take any action in this regard. The episode had practically ended leaving very little for the police to do anything in the matter.

11. It has been criticised on behalf of the Jain community that after the incident of fire the police behaved in a very complacent manner and did not show any concern for the injured persons. Three witnesses, namely, Witness No. 4 Nemichand Punamchand Ankaikar, Witness No. 5 Chandrakant Loomchand Gogad and Witness No. 6 Parasmal Bherulal Baradia speak very bitterly about the inaction of the police and the indifference showed by the police to the suffering of the victims of fire on that day. If once we notice the fact that there was hardly anything that the police could do after reaching

the site of the incident, one cannot share the indignation of these three persons at the inaction of the police. But the three witnesses say that the police did not make any inquiries as to the fate of several injured persons who had been removed to the dispensary and did not try to find out in what manner they could further help the injured persons. No responsible members of the police force visited the injured persons in the dispensary or other places where they had been taken for treatment. Though Witnesses Nos. 4, 5 and 6 have not mentioned in what manner the police could have helped after the injured persons had already been removed to the dispensaries, from the tenor of their deposition and the criticism made by their Counsel before me it seems to be their grievance that after the injured persons had been removed to the dispensaries no further step was taken by the police to help them in any manner whatsoever. If this is so, the criticism is fully justified. There is no evidence to show that after the injured persons were removed to the dispensaries for medical treatment with the help of humble persons like rickshaw pullers of Manmad the police or any responsible police officers made any further inquiries about the injured persons and offered to help them in any manner. For example, police van could have been made available for bringing medicines to the injured persons or for bringing doctors to the dispensary or for carrying the injured persons from the place where they had been initially taken to the place where medical aid could be given to them faster.

12. It is not that financial or other aid was expected from the police or from the Government. In fact these three witnesses repudiated any suggestion that they expected any financial aid from the Government. It is their grievance that no policeman was present in the dispensary where several injured persons had been taken. In the introductory chapter while dealing with the city of Manmad. I have discussed how hopelessly inadequate is the dispensary to deal with any serious cases. There are no cots apart from the cots in the maternity ward. There is no indoor-patient department at all. It is astonishing that in a big town like Manmad having a population of over 50,000 there should not be a single public hospital, either of the Municipality or of the Government, having indoor-patients and casualty wards. In much smaller places there are cottage hospitals of 30 beds which are usually under the charge of qualified medical officers and the administrative control of the Civil Surgeon of the district. One such cottage hospital in Manmad, along with the

spontaneous assistance given by medicine shops and others, would have been a great help in alleviating the sufferings of the injured persons on that tragic day. The grievance of the members of the Jain community seems to be genuine to a considerable extent. Witness No. 34 Subhash P. Munje, the Sub-Divisional Magistrate of Malegaon, rushed to Manmad after coming to know of the incident of fire. He was confronted with a big mob which started shouting at him about the negligence, indifference and callousness of the police force. In paragraph 5 of his statement to the Commission which is at Exhibit 88 he mentioned that when he came near the main gate of the Indian High School he was at once gheraoed by 200-300 angry Jain youths and they were bitterly complaining at the inaction on the part of the police. They were representing that the police had not given any protection when the function was in progress and no police visited the spot even after four hours after the fire had broken out. Munje tried to pacify them and told them that he would make the necessary police arrangement for their protection. More and more people were shouting against the police and when the situation was about to go out of hand, lady religious leaders pacified the mob by singing religious songs. Instantaneous reaction by members of the Jain community on the arrival of a responsible officer like S. P. Munje has definitely some significance and meaning and that is that there was anger in their minds against the police which was not unnatural.

13. Manmad is a town which is not even the headquarters of the taluka. Its population is more than 50,000. Yet no responsible official of the Government has visited this town. It would, therefore, be futile to discuss the adequacy or otherwise of any administrative measures in dealing with the incident of fire and its victims. Inspector Choudhary has not mentioned of any action that he took in dealing with the victims of the fire. He has made a bald statement that :—

“We policemen, on our part dispersed the crowd of onlookers that had gathered there and immediately sent for medical treatment those, who had been injured in the fire and had been brought in Lalwani building on the road, to the Manmad Municipal dispensary, by all available vehicles.”

It has not been possible for me to accept this statement because I have already mentioned above that most of the injured persons had been removed to the dispensaries before the police had arrived on the scene. In his detailed statement submitted to the Commission at

Exhibit 98, Inspector Choudhary has not disclosed any steps which he had taken to attend to the injured persons or in making arrangement for their transfer from Manmad to other places if necessary. He has not spoken of having visited the injured persons either in the municipal dispensary or in any other dispensary, where they were being treated. He has, however, immediately started investigation into the offences which he registered consequent to the incident of fire. There is no reason to disbelieve him when he mentions that he contacted Malegaon officers on telephone as well as on wireless informing the officers in those places about the tragedy that struck Manmad on that day. The situation which confronted Inspector Choudhary was undoubtedly of a huge dimension and if in this situation he failed to do the things the members of the Jain community expected him to do one cannot easily condemn him for the same. It may be that he did not show certain qualities of leadership and quick reflexes which a person in his position is normally expected to show but looking to the magnitude of the situation which he was facing I am not inclined to place heavy blame upon him. Though I have made comment on the leading role he played in bringing before the Commission material which is found to be tainted and to some extent totally false, that has nothing to do and cannot be used for pronouncing and judgment upon his conduct after the incident of fire. That has to be judged independently.

14. Witness No. 34 Subhash P. Munje, the Sub-Divisional Magistrate of Malegaon, seems to have acted with a considerable alacrity while rushing to Manmad and with presence of mind while dealing with the aggrieved people. At about 6-15 p.m. on 6th May 1981 he got a message that a fire had broken out and pandal was burnt at Manmad when a religious function of the Jain was in progress and that about 30 to 40 persons, mainly ladies, had been burnt. He was also told on phone that there was a phone from the Resident Deputy Collector of Nashik requiring him to go to Manmad for rescue operations. Though S. P. Munje was attending the function of the inauguration of a dispensary of one Dr. Sanjay Shah, he immediately made arrangement to proceed to Manmad. He requested the doctors from Nashik who were present at the function to come to Manmad for giving medical aid. He also contacted one Mr. Pramod Mehta, President of the Nashik District Chemist Association, and Mr. Tapade to spare required medicines for Manmad patients to which they readily agreed. He made arrangement for police van for taking the doctors'

team to Manmad with the help of Mr. Kulkarni, the Deputy Superintendent of Police at Malegaon. After making all these arrangements he himself left for Manmad at about 6-45 p.m. and reached Manmad at 7-30 p.m. Mr. Munje went directly to the dispensary, saw the patients and discussed about their condition. It was he who made inquiries whether they should be shifted to Nashik. According to the information which was given to him at that time, majority of the serious patients had already been shifted to various hospitals at Nashik, Aurangabad, Malegaon, Dhule, Shrirampur, Rahata, Ozar etc., by every available conveyance. It was Munje who made arrangements for sending some patients at least to Nashik. He has unmistakably stated, a statement which has not been challenged, that after he left the dispensary where he had immediately gone, he contacted the Jain leaders who were present there and asked them to give assistance of the local persons who know the places where the patients are kept, so that the team of Malegaon doctors could give medical help to them. He also placed at their disposal his own jeep. He contacted the State Transport Depot Manager and made arrangement for buses to take the patients to the places where they intended to go. He also made arrangements for the buses to take the people who had come to Manmad for religious discourses to the different places where they wanted to go. He has mentioned that the last patient was despatched to Ozar practically at midnight of 6-7th May 1981. Munje, therefore, seems to have been attending to the situation right from his arrival at Manmad at 7-30 p.m. on 6th May 1981 till the early hours of 7th May 1981.

15. The witness further disclosed that number of doctors and social workers to whom he had made a reference in his own statement arrived at Manmad half an hour after he reached Manmad. This seems to be highly probable because he has mentioned that he asked the Jain leaders to give the addresses of the places where the patients had been kept so that the team of Malegaon doctors who had arrived could go and render assistance to them. Munje has personally visited the patients at Manmad and Malegaon though of course he could not inquire about the patients at other places. From the cross-examination to which this witness was subjected by the Counsel for the Sangh it seems that the members of the Jain community felt that neither the Collector of Nashik nor the Resident Deputy Collector visited Manmad on the night of the incident. The Additional Superintendent of Police, Mr. Sanjeev Dayal, however, had arrived at

Manmad. Mr. Munje himself is a responsible officer and I do not see how and why further senior officers should visit the place when the magnitude of the incident may not have been clear to them. To a question by the Commission Mr. Munje mentioned that he has not received any request for any assistance from the injured persons or from their families. It is not the case of the members of the Jain community that they expected any financial assistance from the Government.

16. Considering the evidence touching upon the fifth term of reference and the tenor of the cross-examination to which the Government and the police officials were subjected, one is left with the impression that it was the expectation of the members of the Jain community and of the citizens of Manmad that the police and the Government officials should have taken much more interest in the victims of the fire than they actually did. It was their expectation that the police should have been more active after the remnants of the fire were extinguished by the fire brigade. It was their duty, it seems to be the case of the members of the Jain community, to find out the condition of the injured persons and to make arrangements for transporting them to other places for better medical treatment. If what Mr. Munje could do after he arrived at Manmad, Inspector Choudhary could have done earlier. This criticism is substantially justified on facts.

17. Summarising, it can be said that the fire fighting operations were started by the time when they were of little use. On account of the fastness with which the pandal was consumed by the fire, rescue operations by official agencies were belated because they arrived on the scene long after the citizens of Manmad had completed rescue operations and the police could not and did not render any significant assistance in the shifting of injured persons to the centres of medical aid. Certain commendable steps were taken by the Sub-Divisional Magistrate S. P. Munje after he arrived on the scene. Before that Inspector Choudhary had not taken any follow-up steps in the matter of attending to injured persons and offering them any assistance that he could have possibly given. Looking to the magnitude of the situation which he faced, Inspector Choudhary may not be blamed for his inability to take the follow-up steps, though it can be said that he failed to disclose qualities of leadership and initiative expected of a person in his position.

XI. SUMMARY

The incident leading to this inquiry took place in the town of Manmad which is an important town situated at a busy railway junction. It has a population of over 50,000. The town has about 225 Jain households and the Jain population is said to be around 1,500. Two Jain organisations of the town of Manmad had organised a religious programme beginning from 1st May 1981 and ending on 10th May 1981. For this programme had come Shri Anand Rishi Maharaj, a venerable Jain Muni, and also one Priti Sudhaji, a highly popular nun. On 6th May 1981 at about 3-45 p.m. the pandal which was erected on the ground of the Indian High School suddenly caught fire leading to about 200 persons being injured and 9 of them dying. The Government of Maharashtra by its notification (Annexure 'A'), dated 11th August 1981 appointed this Commission with the terms of reference mentioned in the said notification. On 4th of September 1981 the proposal for the necessary staff was forwarded to the Government. However no further action was taken by the Government till the end of 1981. On 28th of December 1981, the necessary sanction was accorded to the proposal for the post of the Secretary and other staff. The Secretary was appointed on 6th of January 1982. The necessary staff was appointed on 1st of February 1982 and the Commission started working. Though originally the Commission was expected to submit its report within three months from the date of the notification, subsequently the date was extended up to 31st December 1982 (see Annexure 'B').

2. The Commission framed its regulations on 5th February 1982 in exercise of the powers vested in it under section 8 of the Commissions of Inquiry Act (see Annexure 'C'). Certain amendments mentioned in Annexure 'D' were made to the said regulations. Adequate publicity was given to the fact of the appointment of the Commission. A public notice was issued inviting members of the public to submit statements on the subject-matter covered by the terms of reference by 15th April 1982 (see Annexure 'E'). Sufficient publicity was given to this public notice also. After considering all the relevant factors the Commission decided to hold its sittings at Nashik.

3. In response to the public notice, 26 statements were received by the Commission up to 15th April 1982. One statement received after the said date was also taken on record for reasons mentioned in Chapter III of this report. In all, therefore, there was 27 statements received in response to the public notice. Of these 27 persons who had submitted statements, one could not be examined on the ground of illhealth and another could not be examined because summons could not be served upon him personally. Besides this, statements of 13 persons were recorded under section 5-A of the Commissions of Inquiry Act with the assistance of P.S.I. S. B. Gangle whose services were placed at the disposal of the Commission by the State Government. Of these 13 persons, one had already submitted a statement in response to the public notice. All these 13 persons, in effect 12, whose statements were recorded under section 5-A, were examined as witnesses. Twenty-five of the 27 persons who had submitted statements voluntarily were examined as witnesses. Besides these, one P.S.I. Pardeshi examined himself as a witness for rebutting certain allegations made against him by Inspector Choudhary of Mainmad Polic Station. P.S.I. Gangle was also examined to prove the investi-Police Station. P.S.I. Gangle was also examined to prove the in all 39 witnesses were examined.

4. In the preliminary sitting held on 28th June 1982 the Commission explained the relevant provisions of the Commissions of Inquiry Act as well as the procedure that was to be followed in the inquiry. From the material which had come into the hands of the Commission, it was noticed that there were certain allegations against the police and Government officials. The persons at whose instance allegations were made were mostly from the Jain community. Therefore, waiving the technicality that on the threshold there are no parties before the Commission, it was decided to treat the Jain Sanghas and the police and Government officials as parties before the Commission. Accordingly, right from the beginning they were allowed to be represented by their Counsel. Copies of the statements of the witnesses, whether voluntarily submitted or recorded under section 5-A of the Act, were supplied to the Counsel appearing for the parties well in advance. Thus compliance with the provisions of sections 8-B and 8-C of the Commissions of Inquiry Act was automatically done. In view of the fact that inquiry had to be held at Nashik in the Rest

House inquiry could not be held continuously. In all there were three sittings spread over 19 days when all the 39 witnesses were examined. Arguments were heard on 4th and 5th November 1982.

5. The place of the incident was the open place on the western side of the Indian High School which is very near Manmad Railway Station. Pandal had been erected on that open place. The material used for the pandal was bamboo stisks and cloth on extensive scale. Adjacent to the pandal there was a hut erected by a worker engaged on the construction of a water tank for the Central Railway. An accurate picture of the place of the incident is provided by the sketch annexed at the end of Chapter V. Adjacent to the pandal there is a railway yard in which shunting operations with the assistance of steam engines using coal as fuel were goin on.

6. On the first term of reference, namely, the causes of and the circumstances resulting into the outbreak of fire, the finding is that the pandal erected for the religious discourses of the Jains caught fire from the flames which were leaping from the hut erected on the south-western side of the pandal. That hut belonged to one Nandkishore, a worker working with the construction contractor. The hut itself caught fire due to a spark or an ember flying from a steam engine which was engaged in shunting operations in the yard of the Manmad Railway Station. The fire was not caused by sabotage or by short-circuit from electric wiring done in the pandal or by any spark or ember from the coal used by Nandkishore for cooking his meals. It may also be stated at this stage that the wiring work which had been done in the pandal was in contravention of rule 45 of the Indian Electricity Rules and the organisers of the function had, for getting the wiring work done, engaged a person who was not qualified or a licensed electrician as required by rule 45.

7. On the second term of reference dealing with the responsibility for fire, the finding is that the fire was the result of an accident and no one can be held responsible for the same. Nandkishore, whose hut initially caught fire, could not be held responsible either for the fire to his hut or for the fire caused to the pandal. Short-circuit of the electric wiring was also not responsible for the fire though wiring had been done in contravention of rule 45 of the Indian Electricity Rules. Short-circuit of the wiring is not responsible for the fire because evidence shows that pandal caught fire at the top on the

south-western side and wiring had not been done anywhere near that spot. Besides this, a finding has already been recorded earlier that it was the hut of Nandkishore which caught fire first and Nandkishore's hut did not have any electricity.

8. The third term of reference deals with the adequacy otherwise of the precautionary safety measures taken by the organisers of the function. The choice of the Indian High School compound cannot be regarded as any rash act on the part of the organisers of the function. However, the organisers of the function had not taken any precautionary or safety measures and the question of discussing the adequacy of the same does not arise. There was in the pandal only one point of entry or exit for the members of the public. This entry measured between 2-10 and 2-20 metres in width. Only one entry of such width must be regarded as highly inadequate when an assembly of 2,000 persons could be present in the pandal. If there were more than one points of entry or exit the number of the injured persons might have been less and the suffering of the injured persons might have been reduced. The other entry which was from the High School building was closed at some point of time after the fire broke out in the pandal causing denial of badly needed exit to the people from the inferno. The organisers of the function had not made any arrangements for fighting the fire if one broke out despite the fact that the pandal was constructed of material which was highly inflammable. The organisers of the function had also not made any effective arrangement for supervision of the programme. The evidence shows that at the time of the incident of fire practically there were no volunteers to bring order in the chaos that was created.

9. On the fourth term of reference relating to the adequacy of police bandobast and other incidental matters, the finding is that the organisers of the religious function in the pandal had themselves not expected or anticipated that any situation would arise and police bandobast would be necessary. They had not asked the Manmad Police Station to provide them with police bandobast near the pandal that was erected on the ground of the Indian High School for the religious discourses. After having noticed the absence of police bandobast which in fact they had not asked for, the organisers of the function did not later also take any steps to get the same. There is, however, evidence to show that on 30th April 1981 M.L.A. Mr. Dhattrak had rung up Manmad Police Station to provide police

bandobast for the procession of the Jains which was to take place to welcome Anand Rishiji Maharaj. This bandobast was provided. Inspector Choudhary who was in-charge of the Manmad Police Station had on his own given direction that there should be police bandobast at the pandal on the Indian High School compound. This he did rightly befitting a responsible police officer. This he might have done either on account of the information which he received partly at any rate through the telephone of M.L.A. Mr. Dhattrak or he might have done it on account of the judgment which he himself formed that a place having an assembly of 2,000 to 3,000 persons regularly for a certain period of time required police bandobast. However, Inspector Choudhary committed an error of judgment in assigning bandobast duty to two Constables of Section No. 3 in which the Indian High School compound was situated. These two Police Constables were not relieved from their regular duties attaching to Section No. 3. Besides they were given additional duties during the days from 1st May 1981 to 6th May 1981. This was to the knowledge of Inspector Choudhary who is, therefore, telling falsehood when he says that the two Police Constables were expected to remain present throughout the time when the religious discourses took place. In order to bolster up his theory that the two Constables were assigned the duty at the pandal and they were in fact discharging their bandobast duty throughout except on 6th May 1981. Inspector Choudhary has made a false statement before the Commission and has also been responsible for bring before the Commission false evidence. He has taken leading part in the preparation of several statements containing false averments. Inspector Choudhary has tried to pass on some part of the blame without any rhyme or reason to P.S.I. Pardeshi. Similarly, he has tried to get the blame fastened on his humble subordinates, namely, Head Constable Bandre and Police Constable Netawate then of the Manmad Police Station.

It may, however, be mentioned that the absence of bandobast or of adequate bandobast was not responsible for the tragedy that overtook the persons assembled in the pandal. Any kind of police bandobast could not have prevented the said tragedy. Similarly, the absence of bandobast or of adequate bandobast was not responsible for any theft or robbery or attempted theft or attempted robbery because these latter things have not been shown to have occurred at all.

The police arrived on the scene practically after the entire pandal had been reduced to ashes. The question of the adequacy or otherwise of the action taken by the police in dealing with the incident of fire and the commission of offences at the site of fire is academic. However, the arrival of the police at the site though belated did help fire-fighting brigade to deal with whatever fire that was still there because the police dispersed the crowd of onlookers.

10. The fifth term of reference consists of two parts. The first part deals with the adequacy or otherwise of the fire-fighting and rescue operations. The second part deals with the adequacy of the medical aid and other administrative measures in dealing with the incident of fire and its victims as the case may be. On the first part, the finding is that the fire brigade reached the scene of the incident after the pandal had been practically reduced to ashes. When the fire brigade arrived there was hardly anything that it could do except to spray or sprinkle water on the burning pieces of cloth or bamboos lying scattered on the ground. The police arrived on the scene sometimes after the fire brigade. Therefore, they also could not be of any use. However, there is evidence to show that after the arrival of the police whatever work had to be done by the fire brigade could be done because the police dispersed the crowd of onlookers.

The fire broke out at about 3-45 p.m. The siren sounded at about 4-00 p.m. Ten or fifteen minutes after this the fire brigade arrived on the scene. Thereafter the police arrived. By this time 20 to 25 minutes had passed since the outbreak of the fire. Before the arrival of the police and indeed before the arrival of the fire brigade itself on the scene, almost all the injured persons had been removed to the municipal dispensary and other places for treatment. The police have not rendered any assistance in the removal of the injured persons from the site of the incident. Similarly, they also could not, by the fact of their late arrival on the scene, take any part in the rescue operations which had by that time been completed.

It must be said to the credit of the citizens of Manmad that in this hour of calamity the entire city rose as one man and rendered every possible assistance in removing the injured persons from the site of incident to places where they could be attended to medically. On that infernal day no barriers of caste or religion existed. No question of calculation of costs was raised. Even people from neighbouring town rushed to Manmad to help the injured.

After the incident, no highly placed Government administrative officer visited Manmad. However, Sub-Divisional Magistrate of Malegaon, Mr. Subhash P. Munje, rushed to Manmad at the earliest and took a very active part in attending to the grievances of the Jain community. Within the short time that was available to him he took steps for arranging medical aid and for transporting the injured and other persons from Manmad to other places, if they so desired. An ugly situation was handled by Mr. Munje tactfully.

Looking to the magnitude of the situation which Inspector Choudhary faced, he may not be blamed for his inability to take follow-up steps. However, he could have done in some small measure what Sub-Divisional Magistrate Mr. Munje did after he arrived on the scene. In this sense it can be said that Inspector Choudhary failed to disclose qualities of leadership and initiative expected of a person in his position.

11. Before concluding this report I must make mention of the contribution made by several persons towards the smooth working of the Commission and the speedy conclusion of the inquiry. Mr. V. D. Kumbhejkar, Secretary of the Commission, brought with him his experience in one previous Commission of Inquiry and also in a Court of Inquiry under the Aircraft Act. In both these inquiries he had worked as Shirestedar. That experience, coupled with his devotion to duty and hardwork, has been a great help to me.

Mr. N. S. Divekar has been my Shirestedar in the High Court for several years. He has also been my Shirestedar in this inquiry. My dependence on his usual meticulousness and industry has been fully justified.

The evidence, as it was being recorded in the inquiry, was typed entirely by Mr. C. J. Nair who also has typed the entire report. The neatness of the typed pages of the report is only a small facet of Mr. Nair's overall efficiency.

Only few names have been mentioned. But the contribution of the other members of the staff has not been of small importance. The sincerity and team spirit in which they carried out the work made it possible for the Commission to complete the various stages involved in its work with clockwork regularity.

Mention must also be made of P.S.I. Gangle. I have already described how I made use of the enabling provisions contained in section 5-A of the Commissions of Inquiry Act. The responsibility which I placed on him in this connection has been discharged by him to my complete satisfaction.

All the Counsel appearing before the Commission have extended uniform courtesy and co-operation. Not a single adjournment was asked for nor was necessitated. This is saying a lot to the credit of the legal practitioners but they fully deserve it.

(Signed) R. A. JAHAGIRDAR.

Bombay, 31st December 1982.

ANNEXTURES

ANNEXTURE ' A '

HOME DEPARTMENT (SPECIAL)

Mantralaya, Bombay 400 032, dated 11th August 1981

COMMISSIONS OF INQUIRY ACT, 1952.

No. FIR. 2881/MANMAD-SPL-2.—Whereas, on the 6th May 1981, at about 15-45 hours when about 2,000 persons mostly women and children, had gathered to hear a religious discourse in the pandal on the ground of the Indian High School at Manmad in the Nasik District, the pandal suddenly caught fire;

And whereas, about 200 persons sustained burn injuries as a result of the aforesaid fire and 9 of them succumbed to those injuries;

And whereas, ten persons complained of having been robbed of their valuables valued at Rs. 36,050 at the site of the fire;

And whereas, the Government of Maharashtra is of the opinion that it is necessary to appoint a Commission of Inquiry to inquire into, and to report on, the aforementioned incidents, being definite matters of public importance;

Now, therefore, in exercise of the powers conferred by sections 3 and 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) (hereinafter referred to as "the said Act") and of all other powers enabling it in this behalf, the Government of Maharashtra hereby appoints a Commission of Inquiry consisting of Shri Justice R. A. Jahagirdar, Judge of the High Court of Judicature at Bombay to inquire into, and to report on,—

(i) the causes of, and the circumstances resulting into, the outbreak of fire at the pandal erected on the ground of the Indian High School at Manmad on the 6th May 1981;

(ii) Whether any acts, omissions, negligence of any individuals resulted into the outbreak of fire;

(iii) the adequacy or otherwise of the precautionary safety measures taken by the organisers of the religious discourses in the pandal which was erected for the gathering of a large number of persons;

(iv) the adequacy or otherwise of the police bundobast at the pandal during the discourses and that of the action taken by the police in dealing with the incident of fire and the consequent pandemonium and commission of offences at the site of the fire;

(v) the adequacy or otherwise of the fire-fighting and rescue operations, medical aid and other administrative measures in dealing with the incident of fire and its victims, as the case may be;

(vi) such other matters as may be germane to the above matters.

2. The Government of Maharashtra hereby directs that, having regard to the nature of the inquiry to be made by the Commission of Inquiry and other circumstances of the case, the provisions of sub-sections (2), (4) and (5) of section 5 of the said Act shall apply to the said Commission.

3. The Commission shall submit its report to the State Government within a period of three months from the date of publication of this notification in the *Official Gazette*.

By order and in the name of the Governor of Maharashtra,

(Sd.) P. G. SALVI,
Secretary to Government.

ANNEXTURE ' B '

HOME DEPARTMENT (SPECIAL)

Mantralaya, Bombay 400 032, dated the 23rd March 1982

COMMISSIONS OF INQUIRY ACT, 1952.

No. FIR. 2881/Manmad/EXT (II)-SPL-2.—In exercise of the powers conferred by sections 3 and 5 of the Commissions of Inquiry Act, 1952 (60 of 1952), and of all other powers enabling it in that behalf, the Government of Maharashtra, hereby further extends upto the 31st day of December 1982, the period within which the Commission of Inquiry, appointed by Government Notification, Home Department. (Special), No. FIR. 2881/Manmad-SPL-2, dated the 11th August 1981, shall submit its Report, and for that purpose, amends the said notification, as follows, namely:—

In the said notification, in paragraph (3) for the words, figures and letters " on or before 31st day of March 1982," the words, figures and letters " on or before the 31st of December 1982," shall be substituted.

By order and in the name of the Governor of Maharashtra,

(Sd.) C. R. MULHERKAR,
Deputy Secretary to Government.

ANNEXTURE ' C '

BY THE COMMISSION OF INQUIRY (MANMAD-PANDAL FIRE—MAY 1981), BOMBAY

REGULATIONS FRAMED BY THE COMMISSION OF INQUIRY (MANMAD-PANDAL FIRE—MAY 1981)

No. CI/MPF/21 of 1982.—In exercise of the powers conferred by section 8 of the Commissions of Inquiry Act, 1952 (Act LX of 1952) and in exercise of all the enabling provisions in that behalf, the Commission of Inquiry appointed by the Government of Maharashtra by its Notification No. FIR-2181/Manmad-Special-II, dated 11th August, 1981 and published in the *Maharashtra Government Gazette*, Extraordinary, dated 11th August 1981, hereby frames the following regulations in regard to the procedure to be followed by it:—

1. The Office of the Commission shall be located in Room No. 70-A, Third Floor, High Court Building, Bombay 400 032.

2. The Commission may be referred to as "the Manmad-Pandal Fire Inquiry Commission".

3. The office of the Commission will remain open from 10-30 a.m. to 5-30 p.m. on all days on which the offices of the Appellate Side of the High Court are open. However, during the summer holidays and October vacation the office will remain open from 11-00 a.m. to 4-00 p.m. and during the Christmas holidays from 11-00 a.m. to 2-00 p.m.

4. The proceedings before the Commission shall be conducted in English. However, the witnesses examined by the Commission may depose either in Marathi or in Hindi and the statements filed before the Commission may also be in Marathi or in Hindi. The translations of the said depositions and statements shall be made in English for the record of the Commission.

5. The Commission will hold its sittings on such dates and at such places either at Nashik or at Manmad as may be notified from time to time.

6. The hearing of the Commission will ordinarily be open to the public, but the Commission may direct at any time that the proceedings may be held in Camera.

7. The Commission shall invite in such manner as it thinks fit all persons who may be acquainted with the subject-matter of the inquiry or who have to communicate any relevant information relating thereto to furnish to the Commission statements regarding all the facts and circumstances connected with the subject-matter of the inquiry.

8. The statements shall either be sent by registered post to the office of the Commission or be presented personally in the office of the Commission.

9. The statements may be in English or in Marathi or in Hindi and shall conform to the requirements mentioned hereinafter.

10. Every statement shall be drawn up in the first person and the person making the statement, hereinafter referred to as "the deponent", shall give in the statement his full name, age, occupation and full address.

11. Every statement shall be divided into different paragraphs. Each paragraph dealing with or giving information about particular facts or circumstance. The statement shall also mention whether the information contained in a particular paragraph is based upon the deponent's personal knowledge or upon information received. In case the statement is based upon information, the deponent shall specifically mention the source of information, such as the person giving the information or the document from which the information is obtained.

12. If the statement is based upon information obtained from any person, the deponent shall state the full name and address of the person from whom the said information is obtained. If the statement is based upon information from a document, the deponent shall annex a copy of the said document and indicate whether he would be in a position to produce the original document before the Commission. If the document is in possession of any other person, the deponent shall give the full name and address of the said other person.

13. Each statement shall be filed in triplicate and signed by the person making the same in the presence of an Advocate or in the presence of any Gazetted Officer of the State Government. The full name and address of the said Advocate or the Gazetted Officer; as the case may be, should be mentioned at the foot of the statement. The said Advocate or the Gazetted Officer, as the case may be, shall put his signature in token of having witnessed the person signing the statement.

14. In the statement the deponent shall express his willingness and readiness when called upon by the Commission to come and depose on oath before the Commission to the facts and information mentioned in the statement.

15. If any party or any person desires the Commission to take any oral evidence, he should file in the office of the Commission a list of the witnesses, along with their full addresses, whom he desires the Commission to examine. Each such list must indicate against the name of each proposed witness the facts which are sought to be proved by the oral evidence of the said proposed witness.

16. The Commission may call upon any person who has filed a statement as aforesaid to give oral evidence before the Commission. The statement filed by such person shall be read over to him and he will be examined on oath as to the correctness of the statements made therein whereafter the contents of the said statement shall be treated as examination-in-chief and shall form part of the evidence. The Commission or the Counsel for the Commission with the permission of the Commission may ask questions answers to which may be treated as part of the evidence in examination-in-chief.

17. If any person is proposed to be called by a party as a witness, such person shall in the first place file an affidavit of all the facts and circumstances within his knowledge. When he appears before the Commission as a witness, the said affidavit shall be treated as examination-in-chief. The party calling such a witness; however, may with the permission of the Commission ask further questions by way of examination-in-chief.

18. Cross-examination of all witnesses whose evidence is recorded orally on oath will be conducted in conformity with the provisions of sections 8-B and 8-C of the Commissions of Inquiry Act.

19. Notwithstanding anything contained in Regulation 18 above, the Commission or the Counsel for the Commission with the permission of the Commission may ask any witness at any stage any questions answers to which, in the opinion of the Commission, are likely to assist the inquiry.

20. The Commission may summon any person whose evidence it thinks to be relevant for the purpose of the inquiry to make a statement or give evidence before the Commission. The Commission, however, is not bound to summon any person on the request of any person or party before it.

21. The Commission may examine any witness on Commission and the Commission shall give appropriate directions to the person recording evidence on Commission as to the manner of recording evidence and related matters.

22. Registered documents or public records in original or their certified copies or their copies certified by the officer who has the custody of the said records will be admitted without requiring formal proof of their execution. The Commission, however, may in its discretion direct the production of the original records. Documents from the records of the Government Departments, Government-controlled institutions, statutory bodies, Government Undertakings, Banks and Co-operative Societies may, subject to any valid claim of privilege, be admitted without formal proof unless the Commission in any particular case requires such document to be formally proved.

23. The Commission is not bound to follow the provisions of the Indian Evidence Act, but the principles underlying the same will, in so far as it may be possible, be followed by the Commission.

24. Every summons issued by the Commission shall be in duplicate and shall be signed by the Secretary of the Commission and shall also bear the seal of the Commission.

25. The summons issued by the Commission shall be served by registered post or in such other manner as the Commission may direct and shall specify the date on which and the time at which the person summoned is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce document or for both purposes.

26. A person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

27. The provisions as to the issue and service of the summons of the Commission shall apply to every other process issued by the Commission.

28. Subject to the provisions of the Act and notwithstanding anything contained in the aforesaid regulations, the Commission shall have the power to devise its own procedure as may be necessary from time to time.

29. The Commission may, either *suo motu*, or on application made to it by any person or party, delete or expunge any matter from any petition, affidavit or other document, or return any document presented to the Commission which, in the opinion of the Commission, is irrelevant, or needlessly offensive, or scurrilous or scandalous.

30. Travelling allowance for the journey from the place of residence to the place where evidence is required to be given and back to the place of residence, diet allowance and local conveyance allowance shall be paid to the witnesses according to the scale indicated below subject to the conditions indicated in notes thereunder :—

Class of Witness 1	Travelling Allowance 2	Diet Allowance 3	Local Conveyance Allowance 4
CLASS I			
Professional men of high position, Members of Parliament and of the State Legislatures, large land owners and owners of big business organisations, and Class I Government Officials who are required to attend in their private capacity.	First Class Rail or Bus fare.	Rs. 20 per day.	Actual taxi or horse carriage fare each way, from the place where he is put up to the place where he is required to give evidence, if he is put up within a radius of 8 kms from the place where he is required to give evidence and if put up beyond 8 kms. first class local rail fare for each way.
CLASS II			
Members of Local Bodies, Ordinary professional and business men, land owners other than small farmers, employees in business organisations, Corporations and local bodies and Class II Government Officials who are required to attend the Court in their private capacity.	Second Class Rail or Bus fare.	Rs. 12 per day.	Do.
CLASS III			
Artisans, Clerks, small land owners, village officers and employees in lower grades of Corporations, local bodies and business organisations and Class III Government Servants who are required to attend the Courts in their private capacity.	Do.	Rs. 8 per day.	Actual bus or Second Class local rail fare each way.
CLASS IV			
Labourers, petty shopkeepers, pedlars and persons other than those in the above classes and Class IV Government Servants who are required to attend the Court in their private capacity.	Do.	Rs. 4 per day.	Do.

Notes.—(i) Diet allowance shall be payable, irrespective of the distance travelled, for the actual time required for the journey each way, and also for the time taken in giving evidence and for the time of detention necessary for the purpose of giving evidence. A part of the day shall be counted as equal to a day.

(ii) Local conveyance allowance shall be admissible for each day that the witness is required to attend the Commission only at Bombay or Nashik or Manmad and shall be payable only if the party calling the witness does not provide conveyance to the witness.

(iii) The Secretary to the Commission shall decide to which class a witness belongs or which alternative modes of travelling should be allowed in a particular case. A witness dissatisfied by the decision of the Secretary may request that a reference be made to the Commission and upon such request the question shall be referred to the Commission. The Commission thereupon shall give such directions as it thinks just and proper in the case.

(iv) In the case of experts and professional persons and in cases in which the Commission thinks special rates should be awarded, the Commission may award higher rates of diet allowance than provided for in the scale given above.

(v) In cases not fully or clearly covered by the above given scale or where the Commission thinks special considerations should prevail, the Commission may award such amounts for travelling allowance, diet allowance and conveyance allowance as it deems proper.

31. The Commission may alter, modify, delete or add to, any of these Regulations or procedure at any time during the inquiry as and when it considers necessary.

32. All the records and papers relating to the Secretariat of the Commission, its establishment matters and all other matters handled by or in the Commission, including the evidence tendered before the Commission shall be preserved intact by the Commission and shall be remitted to the Government along with the Report of the Commission.

33. A copy of the Regulations shall be available in the Office of the Commission during its working hours and at the place where the Commission is holding its hearings during the hours of the hearings. Any member of the public may take inspection of the same without payment of any charges.

By order of the Commission,

(Sd.) V. D. KUMBHEJKAR,

Secretary,
Commission of Inquiry,

Manmad-Pandal Fire, May 1981, Bombay.

Bombay, dated 5th February 1982.

ANNEXTURE ' D '
BY THE COMMISSION OF INQUIRY
(Manmad Pandal Fire—May 1981) Bombay

AMENDMENT OF REGULATION

No. CI/MPF/232 of 1982.—In exercise of the powers conferred by section 8 of the Commissions of Inquiry Act, 1952 (Act LX of 1952) and in exercise of all the enabling provisions in that behalf, the Commission of Inquiry appointed by the Government of Maharashtra by its Notification No. FIR-2181/Manmad-Special II, dated 11th August 1981 and published in the Maharashtra Government Gazette, Extraordinary, dated 11th August 1981, hereby makes the following amendments to the regulations already framed by it (vide, Maharashtra Government Gazette, Extraordinary dated 6th February 1982—page 15).

1. After Regulation 25, insert the following :—

25A. If in the opinion of the Commission a reasonable opportunity of being heard in inquiry and to produce evidence should be given to a person under section 8B of the Commissions of Inquiry Act or otherwise and if that person cannot be served with the notice either by post or personally on account of his whereabouts not being known, the notice shall be published in a newspaper having circulated in the area in which he is known to have last resided.

25B. Procedure similar to the one under Regulation 25A may be followed in the case of any other person who cannot be served with summons by post or personally on account of his whereabouts not being known and whom the Commission wants to examine as a witness.

25C. Where the summons is sent by registered post, the service of the same may be deemed to be proper and effective if the registered packet in which the summons is sent is returned with the endorsement "not found" or "refused". The Commission may also declare that the service of the summons is deemed to have been properly effected if the acknowledgment of the registered letter or the registered letter is not received by the office of the Commission within three weeks from the date on which it was sent from the office of the Commission.

2. Substitute the following for the present Regulation 30 :—

30. Travelling allowance for the journey from the place of residence to the place where evidence is required to be given and back to the place of residence, diet allowance and local conveyance allowance shall be paid to the witnesses according to the scale indicated below subject to the conditions indicated in notes thereunder :—

Class of Witness	Travelling Allowance	Diet Allowance	Local Conveyance Allowance
1	2	3	4

Rs.

CLASS I

Professional men of high position, Members of Parliament and of the State Legislature, large land owners and owners of big business organisations and Class I Government Officials who are required to attend in their private capacity.

First Class Rail 20-00
or Bus fare.

Actual rickshaw, horse carriage or bus fare each way from the place where the witness resides, or where the witness is from a place other than the place where his evidence is to be recorded from the place of his disembarkation, to the place where his evidence is to be recorded.

147

CLASS II

Government Officials other than Class I who are required to attend in their individual capacity and all others not covered by Class I.

Second Class Rail 12-00
or Bus fare.

Do.

- Notes.*—(i) Diet allowance shall be payable irrespective of the distance travelled, actual time required for the journey each way, the time taken in giving evidence and the time of detention necessary for the purpose of giving evidence. A part of the day shall be counted as equal to a day.
- (ii) Local conveyance allowance shall be admissible for each day that the witness is required to attend the Commission.
- (iii) If the witness is required to travel from a place other than the place where he is required to give evidence, he will be entitled to travelling allowance on every day he is required to travel to give evidence.
- (iv) The Secretary of the Commission shall decide to which class a witness belongs or which alternative mode of travelling should be allowed or what amount the witness has spent for travelling or for local conveyance in a particular case. A witness dissatisfied by the decision of the Secretary may request that a reference be made to the Commission and upon such request the question shall be referred to the Commission. The Commission's decision on the question shall be final.
- (v) The Commission may in any case when it thinks fit just and proper to do so award allowances at rates higher than those prescribed above.

By order of the Commission,

(Signed) V. D. KUMBHEJKAR,

Secretary,
Commission of Inquiry.

(Manmad Pandal Fire-May 1981), Bombay.

Bombay, dated 2nd July 1982.

ANNEXTURE ' E '
COMMISSION OF INQUIRY
(*Manmad Pandal Fire—May 1981*)

Notification

The Government of Maharashtra, by its Notification No. F.I.R. 2881/Manmad-Special-2, dated 11th August 1981, published in the Government of Maharashtra Gazette (Extraordinary) dated 11th August 1981 has appointed a Commission of Inquiry consisting of Mr. Justice R.A. Jahagirdar to inquire into and report on—

(i) the causes of, and the circumstances resulting into, the outbreak of fire at the pandal erected on the ground of the Indian High School at Manmad on the 6th May 1981;

(ii) whether any acts, omissions, negligence of any individual or individuals resulted into the outbreak of fire;

(iii) the adequacy or otherwise of the precautionary safety measures taken by the organisers of the religious discourses in the pandal which was erected for the gathering of a large number of persons;

(iv) the adequacy or otherwise of the Police bandobast at the pandal during the discourse and that of the action taken by the police in dealing with the incident of fire and the consequent pandemonium and commission of offences at the site of the fire;

(v) the adequacy or otherwise of the fire-fighting and rescue operations, medical-aid and other administrative measures in dealing with the incident of fire and its victims as the case may be;

(vi) such other matters as may be germane to the above matters.

The Commission is of the opinion that it is necessary to obtain all relevant information and evidence pertaining to the subject-matter referred to the Commission for inquiry,

The Commission invites all persons who are acquainted with the subject-matter of the inquiry or any matter connected with the same to furnish to the Commission statements containing all the facts and circumstances within their knowledge and information.

The statements shall either be sent by registered post to the Office of the Commission or shall be presented personally in the Office of the Commission on or before 15th April 1982.

The statements may be in English or Marathi or Hindi and shall conform to the requirements mentioned hereinafter.

Every statement shall be drawn up in the first person and the person making the statement, hereinafter referred to as "the deponent", shall give in the statement his full name, age, occupation and full address.

Every statement shall be divided into different paragraphs each paragraph dealing with or giving information about particular fact or circumstance. The statement shall also mention whether the information contained in a particular paragraph is based upon the deponent's personal knowledge or upon information received. In case the statement is based upon information, the deponent shall specifically mention the source of information, such as the person giving the information or the document from which the information is obtained.

If the statement is based upon information obtained from any person, the deponent shall state the full name and address of the person from whom the said information is obtained. If the statement is based upon information from a document, the deponent shall annex a copy of the said document and indicate whether he would be in a position to produce the original document before the Commission. If the document is in possession of any other person, the deponent shall give the full name and address of the said other person.

Each statement shall be filed in triplicate and signed by the person making the same in the presence of an Advocate or in the presence of any Gazetted Officer of the State Government. The full name and address of the said Advocate or the Gazetted Officer, as the case may be, should be mentioned at the foot of the statement. The said Advocate or the Gazetted Officer, as the case may be, shall put his signature in token of having witnessed the person signing the statement.

In the statement the deponent shall express his willingness and readiness when called upon by the Commission to come and depose on oath before the Commission to the facts and information mentioned in the statement.

A copy of the Regulations framed by the Commission is available for inspection free of charge at the Office of the Commission situated at Room No. 30-A, 3rd floor, High Court Building, Bombay 400 032. The Office of the Commission is open during the time when and on the day on which the Offices of the Appellate Side of the High Court are open.

By order of the Commission,

(Sd.) V. D. KUMBHEJKAR,

Secretary,
Commission of Inquiry.

(Manmad Pandal Fire—May 1981)

Bombay, 11th February 1982.

ANNEXTURE ' F '
PERSONS WHO SUBMITTED STATEMENTS TO THE COMMISSION

Name	Occupation	Witness No.
1. Digambar Chintaman Somwanshi	Pensioner	16
2. Umakant Govind Kshatriya ..	Driver, Municipal Fire Brigade, Manmad.	17
3. Guruprasad Shitalprasad Misar	Head Master, Indian High School, Manmad.	3
4. Jakiruddin Rafiuddin Shaikh ..	Fireman, Municipal Fire Brigade, Manmad.	18
5. Dattatraya Raghunath Sonawane	Police Constable, Buckle No. 2383.	29
6. Ashok Yadavrao Rasal ..	Milk Vendor	19
7. Ramnath Jagannath Mourya ..	Security Guard, Railway Protec- tion Force.	20
8. Santosh Zipru Patil ..	Labourer	7
9. Raghunath Bhiva Kumbharde ..	Police Constable, Buckle No. 2198.	30
10. Kurban Hussein Kalekhan Pathan.	Junior Engineer, M.S.E.B., Manmad.	21
11. Shaikh Babamiya Fakir Mohammed.	Head Constable, Buckle No. 2234.	31
12. Sukdev Devram Sonanis ..	Police Constable, Buckle No. 333.	28
13. Ramnarayan Ganpatlal Pardeshi	Business .. ..	..
14. Prabhakar Madhavrao Burhade.	Circle Officer, Revenue Depart- ment, Manmad.	1
15. Ashok Rambhau Vyavhare ..	Service, Warehousing Corpo- ration, Dhule.	32
16. Nemichand Poonamchand Ankaikar.	Business	4
17. Jayantibhai Jethalal Desai ..	Business	15
18. Chandrakant Loomchand Gogad	Business	5
19. Santokchand Premraj Surana ..	Business .. ..	..
20. Paramsal Bherulal Bardia ..	Business .. ..	..
21. Madhukar Bhaskar More ..	Section Officer, P.W.D. Manmad.	6 2
22. Parbatsing Gumansing Pardeshi	Police Jamadar	35
23. Hiranman Sadu Chaudhari ..	Police Inspector	36
24. Sahadu Sukdeo Patil ..	Police Sub-Inspector	33
25. Malati Madhukar Joshi ..	Household work	25
26. Badriprasad Laxmichand Sharma	T.T.E. Central Railway	22
27. Subhash P. Munje	Sub-Divisional Malegaon, Magistrate, Malegaon, Sub-Division,	34

ANNEXTURE 'G'

PERSONS WHOSE STATEMENTS WERE RECORDED UNDER SECTION 5A
OF THE COMMISSIONS OF INQUIRY ACT, 1952

Name	Occupation	Witnesses No.
1. Surajbai Amolakchand Chordia	Household work	10
2. Pramilabai Javherilal Chordia ..	Household work	11
3. Shaikh Nisar Abdul Karim ..	Supervisor	8
4. Nandkishore Ramrao Hule ..	Carpenter	12
5. Ibrahim Rahiman Shaikh ..	Labourer	9
6. Nathu Kashiram Netawate ..	Police Constable, Buckle No. 2157.	14
7. Devram Sayaji Bandre ..	Head Constable, Buckle No. 1706.	13
8. Mohanrao Ranganathan Naidu	Electric light and Loudspeaker Contractor.	24
9. Dilip Damodar Solshe ..	Pandal Contractor .. .	23
10. Vimalabai Zumberlal Bedmutha..	Household duties ..	26
11. Badriprasad Laxmichand Sharma	T.T.E. Central Railway ..	22
12. Willie Zavier	Yard Supervisor, Manmad Railway Yard.	38
13. Ismail Mohmedkhan Pathan ..	Retired Shunting Master, Manmad Railway Station, Manmad.	39

ANNEXTURE 'H'
COMMISSION OF INQUIRY
(Manmad Pandal Fire—May 1981)

Notification

The Government of Maharashtra *vide* Notification, Home Department (Special), No. FIR. 2881/Manmad-Spl-2, dated the 11th August 1981 has appointed a Commission of Inquiry consisting of the Honourable Mr. Justice Jahagirdar to inquire into and to report on the causes of and the circumstances resulting into the outbreak of fire to the pandal erected on the ground of Indian High School, Manmad, on 6th of May 1981 and other related matters covered by the terms of reference mentioned in the Notification.

The Commission by its Notification, dated 11th February 1982 invited all persons who are acquainted with the subject of inquiry or any matter connected with the same to furnish to the Commission statements containing all facts and circumstances within their knowledge and information. Accordingly, several persons have submitted their statements.

The Commission will be holding its Preliminary Sittings at 11 a.m. on 28th June 1982 and if necessary on the next day also at the same time in the Conference Hall of the Golf Club Rest House (Circuit House) near Old Agra Road at Nasik City for the purpose of fixing the dates of examination of witnesses and settling related matters. Those who are desirous of assisting the Commission in the said work are called upon to appear before the Commission at the said time and place.

By order of the Commission,

(Sd.) V. D. KUMBHEJKAR,
Secretary,
Commission of Inquiry

(Manmad Pandal Fire—May 1981).

Dated 11th June 1982.

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