



REPORT  
of  
THE COMMISSION OF INQUIRY  
(Shahdara Disturbances of  
August 19—22, 1972)

By  
The Honourable Mr. Justice Vyas Dev Misra

New Delhi, 30th April, 1973

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## LIST OF ABBREVIATIONS USED IN THE REPORT

A. D. M.	Additional District Magistrate.
A. I. G.	Assistant Inspector General.
A. S. I.	Assistant Sub Inspector.
A. S. M.	Assistant Station Master.
C. I. D.	Criminal Investigation Department.
C. R. P.	Central Reserve Police.
Cr. P. C.	Criminal Procedure Code.
D. A. P.	Delhi Armed Police.
D. I. G.	Deputy Inspector General.
D. M.	District Magistrate.
D. S. P.	Deputy Superintendent of Police.
D. T. C.	Delhi Transport Corporation.
F. I. R.	First Information Report.
G. W.	Government Witness.
H. C.	Head Constable.
I. P. C.	Indian Penal Code.
L. A.	Land Acquisition.
P. R. O.	Public Relations Officer.
P. S.	Police Station.
P. W.	Public Witness.
S. D. M.	Sub Divisional Magistrate.
S. D. P. O.	Sub Divisional Police Officer.
S. H. O.	Station House Officer.
S. I.	Sub Inspector.
S. P.	Superintendent of Police.

## CHAPTER I

### INTRODUCTORY

On August 18, 1972, Bakhshish Singh, Assistant Sub-Inspector of Police-Station Shahdara, lodged a report at the police-station at 8-45 A.M. that Onkar Singh, leader of a gang of dacoits, had been shot at by him in an encounter which took place in Shahdara near Balbir Nagar Extension at about 8 A.M. He also alleged that during that encounter HC Sujan Singh No. 1560 of Police-Station Shahdara had sustained a bullet injury on his skin as a result of revolver shot fired by the said Onkar Singh. A revolver loaded with five rounds including two empties was also produced by ASI Bakhshish Singh as having been recovered from Onkar Singh. A case under Sections 307/186/353, Indian Penal Code, and under Section 25 of the Arms Act, was registered *vide* First Information Report No. 1040. Onkar Singh was declared dead when he was medically examined at Irwin Hospital. It transpired that the deceased was District Staff Officer of the Home Guard and not the dacoit. A case under Section 304, Indian Penal Code, was registered against ASI Bakhshish Singh and others the same afternoon on the statement of the deceased's father *vide* First Information Report No. 1041. He was, however, not arrested.

The residents of Shahdara on coming to know of this incident collected at the police-station at about 9 P.M. that night, *inter alia*, demanding the arrest of ASI Bakhshish Singh. Thereafter disturbances took place from August 19, 1972 to August 21, 1972. On August 24, 1972 the following notification appointing a Commission of Inquiry was issued :—

“MINISTRY OF HOME AFFAIRS

### NOTIFICATION

*New Delhi, the 24th August, 1972*

**S.O. 563(E).**—Whereas the Central Government is of opinion that it is necessary to appoint a Commission of

Inquiry for the purpose of making an inquiry into the definite matters of public importance hereinafter specified;

Now, therefore, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry, consisting of Shri Vyas Dev Misra, a Judge, High Court of Delhi, to inquire into the following matters, namely:

- (a) the course of disturbances which took place at Shahdara and elsewhere in Delhi from the 19th August, 1972 to 22nd August, 1972, following the alleged murder of Shri Onkar Singh, on the 18th August, 1972;
- (b) adequacy of administrative measures taken to prevent and deal with the said disturbances;
- (c) justification for the use of force by the police and the extent thereof;
- (d) allegations of excesses, if any, by the police; and
- (e) any other matter having relevance to the above.

The Commission shall make every endeavour to complete its inquiry and make its report to the Central Government by the 31st December, 1972;

And whereas the Central Government is of opinion that having regard to the nature of inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission, the Central Government hereby directs under sub-section (1) of the said section 5 that all the provisions aforesaid shall apply to the said Commission."

Copy of this Notification was received by me on September 1, 1972. Under the provisions of rule 5(2)(b) of the Commissions of Inquiry (Central) Rules, 1972, I directed that a notification be published in the following daily newspapers inviting all persons acquainted with the subject matter of the inquiry or having direct or relevant knowledge of, or information with regard to, the subject matters of the inquiry, or who is or may be affected by the said

inquiry, to furnish statements relating to the matters referred to in the Notification on or before September 19, 1972 :

#### ENGLISH

1. The Times of India.
2. Patriot.
3. National Herald.
4. Indian Express.
5. The Motherland
6. The Statesman.
7. The Hindustan Times.
8. Evening News.

#### HINDI

1. Hindustan.
2. Navbharat Times.
3. Vir Arjun.

#### URDU

1. Tej.
2. Milap.
3. Pratap.
4. Aljamiat.
5. Dawat.
6. Savera.
7. Mulk-O-Millat.
8. Nai Zindagi.
9. Vir Bharat.

The public was also informed by this Notification that the first public sitting of the Commission would take place on September 25, 1972 at 10-30 A.M. at Vigyan Bhawan, New Delhi.

Being of the opinion that the Chief Secretary of the Delhi Administration and the Inspector-General of Police, Delhi, are the persons who should be given an opportunity of being heard in this inquiry, I directed that under rule 5(2) (a), read with sub-rules (3) and (4) notices be issued

to them to furnish to the Commission statements relating to the subject matters of the inquiry along with necessary affidavits sworn by the persons furnishing the statements, and accompanied by a list of documents, if any, on which they propose to rely. They were also asked to forward, wherever practicable, the original or copies of such of the documents as may be in their possession or control and where they want to rely or refer to other documents they should state the names and addresses of the persons from whom those documents may be obtained. They were also directed to furnish the statements on or before September 19, 1972.

Shri T. N. Chaturvedi, Chief Secretary, Delhi Administration, by his demi-official letter No. 459/72/PACS, dated September 14, 1972, requested for extension of time by a fortnight. The extension asked for was granted.

A list of 95 persons, who were alleged to have been injured and had undergone medical examination, was received from the Deputy Secretary (Home) of Delhi Administration. Necessary notices under rule 5(2) were issued to them by post asking them to furnish to the Commission statements relating to the incidents accompanied by affidavits by September 30, 1972.

The first sitting of the Commission was held on September 25, 1972. Shri B. B. Lal, Advocate, with Shri Harbans Singh Marwaha, Advocate, appeared for the Delhi Administration and Central Government. Shri A. C. Shubh, Advocate, appeared for Jan Adhikar Sangarsh Samiti (Public Rights Struggle Samiti), Shahdara Unit. Shri R. L. Panjwani appeared for Shahdara Riots Citizens Committee. Sarvshri Shubh and Panjwani requested for extension of time given to the public for filing the statements. The time was, therefore, extended up to October 7, 1972, and a notification in respect thereof was ordered to be issued in the newspapers. In view of this extension Shri Lal requested for extension of time for filing the statements and affidavits by the Delhi Administration. This request was accepted and time was extended up to October 7, 1972. It was also agreed that the statements filed by the advocates will be exchanged. October 19, 1972, was fixed for recording the statements of witnesses to be produced by the Government. On that day Shri P. N. Lekhi, Advocate, with Thakur Onkar Singh, Advocate, put in appearance for the Bharatiya



Jan Sangh (Delhi Pradesh). Bawa Shiv Charan Singh, Advocate, with Sarvshri V. P. Nanda, R. L. Panjwani and Janak Raj, Advocates, appeared for Shahdara Citizens Riots Committee.

The Commission received in all 136 statements from the public. On behalf of Delhi Administration Shri R. Srinivasan, District Magistrate, Delhi, filed a detailed affidavit. Annexure T contains the names of these persons.

The Government filed a list of 506 witnesses. After producing 52 witnesses, it was stated by Shri B. B. Lal that rest of the witnesses were to corroborate the statements already made and so closed the evidence. Later, he was permitted to produce Major Gen. S. K. Korla, Director, Civil Defence, and Commandant General of Home Guard. Annexure III-A contains the names of the persons produced by the Government.

Out of the public persons, who had filed their statements before the Commission, 50 were examined. Annexure III-B contains their names.

19 persons, who had not filed their statements, were also examined. Their names appear in Annexure III-C.

During the course of recording the statements of witnesses it was agreed that the formal proof of formal documents like First Information Reports, Medico Legal records etc. shall be dispensed with.

A list of newspapers produced before the Commission will be found in Annexure II. Some of other important documents produced before the Commission are mentioned in Annexure IV.

The Commission with counsel, on January 31, 1973, visited various places in Shahdara which were connected with the disturbances.

While preparing my report I came across Hindi 'Hindustan' of August 19, 1972. I noticed that unlike the English newspapers, this newspaper had given a bold caption on its front page and had described the incident of August 18, 1972, in more than four half columns. The facts mentioned therein threw a different light on some important aspects.

Unfortunately none of the counsels appearing before me took the trouble of going through this newspaper and drawing my attention to it. I decided to summon the correspondent who had covered this incident. I came to know that Shalinder Kumar was that correspondent. He was examined. After his examination I found it necessary to re-examine Major General S. K. Korla (GW 53). It was then revealed that A. K. Singh, Commandant of the Home Guard, had submitted two reports to Major General Korla about the incident which were immediately forwarded to the Administration. Complete files relating to these reports were summoned from the offices of the Chief Secretary and the District Magistrate. A. K. Singh was also summoned. Sheel Kumar Saxena, S.P., was also recalled and examined. The learned counsels were directed to again address the Commission on the basis of the additional facts which were revealed by the new evidence.

The time for submitting the report to the Central Government was extended to April 30, 1973, in view of the large number of witnesses.

## CHAPTER II

### SHAHDARA

The river Yamuna separates Shahdara from the other areas of Delhi. It is the Eastern district of Delhi. "In 1915, Shahdara town and some villages across river Yamuna, which were till then part of Ghaziabad Tahsil of Meerut district, were added to Delhi." (Census 1971—Series 27—Delhi). The population of Shahdara before partition of the country was about 7,000 when the population of Delhi was about 3½ lakhs. At that time most of the area was low lying and marshy being surrounded on one side by the Yamuna and by the Hindon river and the Hindon canal on the other and used to get flooded every year.

After the partition of the country there was a great influx of refugees in Delhi. By 1952 some refugees settled in Shahdara because the price of land was comparatively much lower and the poor, who could not afford to settle in other parts of Delhi, came to stay there. New colonies came into existence. In 1954 Geeta Colony was set up by the Government. Later, squatters in Delhi were rehabilitated in a part of Shahdara under a Jhuggi Jhonpari Rehabilitation Scheme. At some places slum dwellers were rehabilitated. Many unauthorised colonies also sprang up. Some of them were later approved by the local authorities.

The urban area of Shahdara is mostly populated by lower middle class and other weaker sections of society. It is comparatively a neglected part of Delhi. Civic amenities are lacking. About 15 per cent of population only can obtain tap water. Even this water is pumped out of the tube-wells and is said to be not healthy. Sewage is conspicuous by its complete absence. Adequate medical facilities are lacking. The population, which is about 4½ lakhs (according to 1971 Census) is served with a small hospital having only 50 beds. There are a few dispensaries but no maternity clinics. Educational facilities are also inadequate. A few minor industries have grown up and labourers have come to inhabit the area. A lot of scooter drivers, rickshaw-pullers, tonga-drivers and people, who work in Delhi on daily wages, live there.

## Balbir Nagar

Balbir Nagar area of Shahdara, which is less than a mile away from Shahdara police-station, consists of Balbir Nagar proper and Balbir Nagar Extension. Balbir Nagar colony has now been approved but Balbir Nagar Extension still remains unapproved. This Extension area is inhabited by the lower middle class. Only a few houses are pukka and a majority of the houses have been built in mud mortar. All the constructions are unauthorised. On some plots shanties have been put up and rented out to rickshaw-pullers and labourers. This area can justly be called a slum area. There is no bazar in Balbir Nagar area. Some persons have opened some shops but these are part of residential houses. Its population would be about 5,000 and the total area may be about  $3\frac{1}{2}$  to 4 square miles. It lies on Loni Road which connects Shahdara with Uttar Pradesh. The Inter-State border is about  $\frac{2}{3}$  miles away. Balbir Nagar Marg is the only main road. It separates Rathi Steel Rolling Mills from Balbir Nagar. Half of it is unmetalled. Vivekanand Marg is the only main road in Balbir Nagar Extension and is paved with bricks only.

## Police & Crime

For administrative purposes Shahdara falls in the North District of the police. The rapid growth of the residents has outpaced the strength of the police-force which has increased haltingly. At the moment there are four police-stations and four police-posts for the whole of Shahdara.

The incidence of crime is comparatively greater in Shahdara than other parts of Delhi. One of the main reasons is its long border since it is surrounded by the State of Uttar Pradesh on three sides and on the fourth by the river Yamuna. There is a great deal of smuggling of illicit liquor. Other commodities like grains etc. are also smuggled whenever there is a restriction on their movement. Many dacoities and murders have remained untraced in this area.

## Image of the Delhi Police

The reputation which the Delhi police enjoys among the public and the press will be evident from the following extracts taken from daily newspapers :

### Case of the affluent policeman

*New Delhi, May 15*—Lahori Gate: Rs. 30,000; Kotwali: Rs. 25,000 to Rs. 30,000; Sadar Bazar: Rs. 20,000 to Rs. 25,000; Subzi Mandi: Rs. 15,000 to Rs. 20,000; Karolbagh: Rs. 10,000 to Rs. 15,000....so the list tapers off until it becomes insignificant for Tughlak Road and other parts of New Delhi where the burra sahebs live.

These are the 'auction prices' for the various police-stations in the Capital—the money which many an inspector of police is ready to pay in cash for transfer to the desired station.

The stations are not the only ones to be auctioned. Beats are sold by certain Station House Officers. Transfers from one police-station to another more lucrative one are priced at Rs. 2,000 to Rs. 3,000 for a sub-inspector and Rs. 1,000 for a head constable. At least in two crowded shopping centres beats in Old Delhi which have a high percentage of illegal hawkers, the constables on duty collectively paid Rs. 4,000 for the privilege of patrolling the area and hand over a guaranteed Rs. 1,000 a month to the officer in charge.

That corruption exists in the Delhi police is not denied either by corrupt or honest officers.

### Murder for a price

While illicit liquor and illegal hawkers bring in a fixed income per month, everything in some police-stations has a fixed price. Haggling, except in exceptional cases, is not permitted. Tenant-landlord disputes, for example, are charged at the rate of two months' rent, and even murder can be condoned for Rs. 5,000 to Rs. 10,000 if it is an unsensational one—for a sensational murder no price is too high.

Two senior officers from a special investigation branch admitted that in two such murder cases over the last few years they had reason to believe that money had changed hands. Rs. 5 lakhs in one case in which a great deal of property was involved. 'Money had gone up to higher levels,' the officer said.

The Delhi Police have a tendency to dismiss corruption as a vice of 'the subordinate officers'. Behind this corruption is the shield of political and official patronage. An overwhelming majority of senior officers of the Delhi Police do not accept money or other forms of inducements. Some do.

The police officially deny that bribes could get either promotions or transfers and point to the system which they say is based on 'merit'. In spite of this, it is a known fact that when one inspector of police was transferred because of complaints against him, he had to be reinstated because of 'pressure' from above, which in this case was political. The inspector concerned was a part of the ring mastered by the political leader.

In spite of the so-called regular system of transfers, it is surprising how a small coterie of inspectors manage to head the ring of paying stations. Transfers, when they take place, are merely an exchange. And all the corrupt ones seem to get their promotions and transfer as a birth-right.

(The Hindustan Times,  
dated May 16, 1971.)

### **Parkinson's law in Kotwali**

As in the past, policemen today are more dreaded than criminals. The outlaw defies the police. The public fears him. He is looked upon, in most cases quite justifiably, as an object of injustice and instrument of operation. The 'thanedar' is considered a devil and the constable a man to be 'pleased' not befriended.

Corruption at every level of the police-force has become organised. What scores of complaints and visits to police-stations cannot redress, a few rupees can miraculously achieve. For everything one has to grease the palms of the police. Strangely, both the law abiding citizen and the outlaw pay the police: the former to redress his grievance and the latter to keep himself on the right side of the police."

(The Hindustan Times,  
dated August 10, 1972.)

There is a general feeling in Shahdara that police is the most corrupt force. People have formed the impression that the police is a protector of lawless element and not of the law abiding citizens. Non-recording of the complaints of the public is said to be common. Many a time innocent persons are involved in false cases while guilty are protected. There is an underlying feeling of resentment against the police by residents of Shahdara because of failure of the police to put down bad elements. The public has no regard for them as they feel that by and large lower ranks of Delhi police consist of uncouth rustics recruited mostly from the surrounding areas of Delhi, and that they lack in intelligence and do not understand their duties of public service.

### **Police-station Shahdara**

Shahdara Police-Station is situated on the G. T. Road. Its front boundary wall, which is about 2½ feet high, is about 50 feet away from this road. It has two wooden gates. On both sides are double-storeyed residential quarters for police-force whereas the police-station building, which is single-storeyed, is situated between them. The distance between the front boundary wall and the police-station building is about 50 feet. The police-station building is separated from the residential quarters by side roads about 20 feet wide. On the back of the building are stables for horses. The police-station building is a square construction, having rooms on all sides with a courtyard in the centre. In the front are the rooms of the Station House Officer, Sub-Divisional Police-Officer and the Reporting Room. Between these rooms is a huge iron gate which leads to the courtyard. One can enter the police-station by the two wooden gates. The boundary wall can also be easily crossed over.

The Station House Officer of this police-station is of the rank of a Police Inspector. He has under his control various Sub-Inspectors, Assistant Sub-Inspectors and other lower ranks of the police including the mounted police. The Sub-Divisional Police Officer is of the rank of Deputy Superintendent of police.

The Superintendent of Police of North District has an anti-smuggling squad to check smuggling on the Delhi-U.P.

border. A special staff under the charge of a police-Inspector for the whole of North District is also located at this police-station. The Station House Officer also has a small staff, out of the available police-force posted at the police-station, for anti-smuggling operations.

Assistant Sub-Inspector Bakhshish Singh was associated with anti-smuggling activities for a long time, and in August, 1972 he was in charge of this staff. In January, 1972 he succeeded in apprehending some members of the gang of dacoits led by notorious dacoit Onkar Singh *vide* FIR No. 84 of 1972.

A few months before August, 1972 ASI Bakhshish Singh had been ordered to be transferred from this police station when general orders of transfers of various police personnel from various units were passed. However, he was not transferred. To beign with, the then Superintendent of Police (North) requested that his transfer be cancelled. Later, presumably because replacement was not available.

One of the side rooms of this police station has been put at the disposal of Civil Defence. P. N. Gupta, Sub-Divisional Magistrate (SDM), Shahdara, was in charge of the Civil Defence of Shahdara. During the Indo-Pakistan conflict in December, 1971 Home Guards were working in conjunction with the police and meetings used to be held in that room between the SDM and Home Guard Officers. Onkar Singh was a District Staff Officer of the Home Guard and was living in Balbir Nagar, near this police station, for the last four years with his wife and parents. He used to come to the police station very often and used to meet the SDM. He was also well-known in his area because of the services rendered by the Home Guard. Many Officers of the police also knew him.

### **Home-guard**

Home Guard force is organised in a hierarchy with groups divided into sub-groups. One of the resulting advantages is their very quick mobilisation at short notice. They have a system of very quick communication by the leader at each level to the group. Though most of them come from the poor section of the society, progressively over the years they have attracted at each level people from all stratas of society including a large number of educated persons. About 40 per cent. of the Home Guard of Delhi have their residences in Shahdara.



## CHAPTER III

### ALLEGED ENCOUNTER

ASI Bakhshish Singh along with Sujan Singh, Head Constable No. 1560, and Dharam Pal, Constable No. 1168, all in mufti, left the police-station for patrolling on the morning of August 18, 1972, at 7-15 A.M. vide Daily Diary 'B', Serial No. 6. During patrolling the ASI is alleged to have got secret information from a special informer at about 7-30 A.M. that Onkar Singh, a notorious and dangerous dacoit, had been visiting a house in Balbir Nagar and that he would go towards the fields *via* Balbir Nagar Extension. The ASI organised a raiding party and at about 8-15 A.M. accosted Onkar Singh after the informer pointed him out. While the ASI was asking questions from Onkar Singh, the latter is alleged to have taken out a revolver from a pocket of his trousers and fired hitting H. C. Sujan Singh on the shin. The ASI fired in self defence and Onkar Singh was hit. A 38 bore revolver was taken from the right hand of Onkar Singh which had three live cartridges and two spent cartridges. The injured were removed to the police-station in a car. The ASI lodged a report on the basis of which FIR No. 1040 dated August 18, 1972, was registered at 8-45 A.M. for offences under Sections 307/186/353, Indian Penal Code, and under Section 25 of the Arms Act against Onkar Singh.

Durga Shankar Amist, Deputy Superintendent of Police, was working as Sub-Divisional Police Officer of Shahdara Division in August, 1972. At about 8-30 A.M. he was going back to his house after supervising investigation of another case relating to FIR No. 1039 of that police-station when he was informed by Police Control Room on the wireless fitted to his jeep that notorious dacoit Onkar Singh had been shot at while his armed companions

were hiding in Balbir Nagar. He rushed back to the police-station where he found ASI Bakhshish Singh in the Reporting Room. After repeating the story of the encounter in brief, the ASI took him to the courtyard of the police-station where he found the injured alleged dacoit on the back seat of a car parked there. Shri Amist directed that the injured should be removed to the hospital straight-away. He found the injured Head Constable sitting in the courtyard of the police-station who corroborated the ASI. The Station House Officer of the police-station, who had also gone in the morning for investigation of the other case relating to FIR No. 1039, in the meantime returned to the police-station. Shri Amist directed him to muster the available force at the police-station and to issue them muskets for apprehending the remaining dacoits alleged to be present in Balbir Nagar. He also summoned SHO Gandhi Nagar Police-Station, and telephoned Sheel Kumar Saxena, Superintendent of Police (North), and apprised him of the incident.

#### **Superintendent of Police at the police-station**

Sheel Kumar Saxena, who was Additional Superintendent of Police (North), had started officiating as Superintendent of Police (North), from August 16, 1972. Police-Station Shahdara had thus come under his control only two days earlier. He reached the police-station at about 9-30 A.M. and immediately decided to proceed to Balbir Nagar to apprehend the alleged remaining dacoits. He was accompanied by the SDPO, SHOs of Shahdara and Gandhi Nagar and a police-force. The party was led by ASI Bakhshish Singh. At about 9-45 A.M. ASI Bakhshish Singh pointed out a double-storeyed house stating that it was from that house that Onkar Singh deceased had emerged and that the remaining dacoits were believed to be in that house. Outside the upper floor of this house was a name board with the name of Onkar Singh and his designation in Hindi. After due precautions the house was

searched but no dacoits were found. The S.P. came to know that the injured Onkar Singh was District Staff Officer of the Home Guard. Thereafter, ASI Bakshish Singh guided the police party to the place of encounter and after inspecting the same the party returned to the police-station at about 11 A.M.

From the police-station Sheel Kumar Saxena, SP, rang up S. V. Tankhiwale, Deputy Inspector-General of Police (Range), and apprised him of the facts. The SP told him that the deceased was an officer of the Home Guard and not the dacoit, and that since the deceased had died of the shot fired by the police, a magisterial inquiry would be necessary. The DIG directed the SP to request Additional District Magistrate (North) for magisterial inquiry and also directed him to hand over the investigation of the case to CID (Crime).

Shri Tankhiwale, DIG, rang up SP (Crime) and told him that the investigation of the case should be taken over by his Branch and that he should come to police-station Shahdara where he himself was going.

### **Magisterial inquiry suggested**

At about 11-15 A.M. SP (North) contacted O. S. Chauhan, ADM (North), and after informing him briefly about the facts requested him to send a Magistrate to the police-station. The ADM asked him whether he should also come to the police-station and he was informed that his presence was not necessary. The SP also suggested holding a Magisterial inquiry into the death of Onkar Singh. The ADM told him that he would bring it to the notice of the District Magistrate. The ADM directed P. N. Gupta, Sub-Divisional Magistrate (Shahdara), to proceed to the police-station along with R. Narayana, Sub-Divisional Magistrate (Sadar Bazar). The two SDMs reached the police-station at 12-15 P.M. In the meantime,

Shri Amist, SDPO, tried to contact A. K. Singh, Commandant of the Home Guard, on the telephone, as directed, and was informed that A. K. Singh was not in the office. After some time A. K. Singh rang up the SP when he was requested to come to the police-station.

#### **Commandant Home Guard arrives**

A. K. Singh, who belongs to the Indian Police Service and was the Commandant of the Home Guard, came to know about the incident at about 11-10 A.M. He informed Major General Korla, Director, Civil Defence and Commandant General of Home Guard. He also told Major General Korla that he knew Onkar Singh personally and that he was a very capable and efficient officer. The allegation that he was a dacoit and fired at the police, could not be true. Major General Korla directed him to go to the spot and make enquiries.

A. K. Singh immediately left his office, situated at Gandhi Darshan near Raj Ghat, with two officers. He was informed by some Home Guard officials that family of the deceased was making counter allegations of Onkar Singh having been murdered by ASI Bakhshish Singh and others. On reaching the police-station, Shri Singh asked S. K. Saxena, SP, whether any counter case had been registered. Shri Saxena said that no one had come to lodge a counter report. Shri Singh told him that he was willing to be a complainant since Onkar Singh was an officer working under him. Shri Saxena, however, informed him that father of the deceased had already been sent for. Shri Singh then decided that it would be better if the deceased's father lodged a counter report.

#### **DIG (Range) arrives**

Soon S. V. Tankhiwale, DIG (Range), arrived at the police-station. SP (Crime) had already arrived. Shri Saxena apprised him with the version of ASI Bakhshish

Singh and informed him that there were no repercussions of the incident. Shri Singh told the DIG that family of the deceased had a different story to tell. According to the family, the story of the encounter was baseless and the fact was that Onkar Singh was decoyed from his house and thereafter dragged and shot by the police officials who were accompanied by a notorious bad character and others. The revolver, alleged to have been recovered from Onkar Singh, was in fact planted on him. During this conversation, a question arose as to how Head Constable had received a shot in the leg. Shri Singh explained to him that one of the police officers must have shot the Head Constable in the leg in order to support the police version of the encounter. The DIG told him that counter case would be registered, every point would be looked into thoroughly, and that the investigation of both cases would be handed over to CID (Crime).

The DIG along with other officials, including A. K. Singh, left the police-station for inspection of the spot. They were shown the house of the deceased. Shri Singh directed his men to go to the house and bring the father and the wife of the deceased. He then went ahead with others to the place of alleged encounter. The team accompanying SP (Crime) started inspecting the spot which had already been cordoned off and marked by the local police. At the same time the DIG and others started talking to some persons present there. DSP Avtar Singh of CID (Crime) asked persons to come forward and state what they had seen. No one came forward.

A. K. Singh also tried to find out the facts. He says in his report that he noticed about 500 persons had collected and there were lots of policemen in uniform. He soon realised that everyone in the locality knew about the incident but people were afraid of the police and *goondas*, and were not willing to state anything lest their lives be also endangered by them. Shri Singh, who was not in

uniform, took aside three or four persons and told them that he was not a police-officer but was Commandant of the Home Guard. He asked them to tell the facts in confidence and assured them that no one would know. He was told the details of Onkar Singh being dragged and shot by the ASI who was accompanied by some *goondas* and also other persons. Shri Singh had earlier been told by Shri Saxena that the latter had asked for magisterial inquiry preferably by a magistrate who was not in charge of Shahdara. He thus presumed that S. D. M. Narayana, who was surrounded by many persons of the locality, was holding inquiry into the death of Onkar Singh and recording evidence. He took those three or four persons to S. D. M. Narayana and cajoled them to tell their story to the S.D.M. Shri Singh after leaving these persons among those who were surrounding the SDM, went ahead to inspect the spot. Having collected sufficient information for his purpose, he came back to the police-station where he found the deceased's father. Shri Singh then came back to his office at about 2-30 P.M., apprised Major General Korla of the facts and submitted his report Exhibit P.W. 69/1.

The DIG and others returned back to the police-station at about 1-30 P.M. while DSP Avtar Singh stayed back for investigation. SDMs P. N. Gupta and R. Narayana remained in Balbir Nagar. SDM P. N. Gupta was known in this locality since he had been in Shahdara for one year during which Indo-Pakistan conflict as well as elections took place.

Priya Kumar Jaiswal (PW 5), Secretary of the G. T. Road/Loni Road Shahdara Mandal of the Bharatiya Jan Sangh and a post-warden of Civil Defence, was informed in his office at Subzi Mandi at about 11 A.M. about the death of Onkar Singh. He rang up D. K. Jain, the then President of Shahdara Jan Sangh, and informed him about it. Both of them reached the police-station at about noon. D. K. Jain met Shri Shalinder, a correspondent of the

Hindi "Hindustan", at the police-station and then accompanied him to the place of incident. Shri Jain found the residents of the locality extremely terrified. There was a strong anti-police feeling. Thereafter, he came back to the police-station at about 2 P.M. Shri Jaiswal and Gopal Krishan Aggarwal (PW 9) also came to the police-station. They had previously been informed that the police was not recording the complaint of the deceased's father alleging that the ASI and others had murdered his son. They asked the police officers as to why the ASI and others had not been arrested. They were informed that there was no evidence making out a case against the ASI.

#### **Onkar Singh's father at police-station**

On their return to the police-station the DIG and the SP were informed that Tilak Ram, father of Onkar Singh, deceased, was in the police-station and wanted to lodge a report. The DIG directed the SP that his statement should be recorded and if any offence was made out from that statement a case should be registered and handed over for investigation to the Crime Branch. He assured Tilak Ram that absolute justice would be done. He further directed the SP that ASI Bakhshish Singh and the constable should be moved immediately to the North District Police Lines. He also told the SP that he would like to see the injured Head Constable in the hospital to see the nature of the injury sustained by him. The SP directed Shri Amist, SDPO, to record the statement of the father of Onkar Singh deceased and to register a case if any cognizable offence was made out and hand over the investigation to SP (Crime). Thereafter, the DIG, SP (North) and SP (Crime) went to the Irwin Hospital where they saw the dead body of Onkar Singh and also saw injured HC Sujan Singh. The DIG returned home from the hospital at about 2-30 P.M., while the SPs came back to the police-station at about 3 P.M.

### **-District Magistrate asks for written report**

O. S. Chauhan, ADM (North), after sending the magistrates to the police-station, tried to contact the District Magistrate but failed because the latter had gone out to attend some meeting. At about 2 P.M. the ADM succeeded in contacting R. Srinivasan, DM, in the latter's office and apprised him about the incident. The DM contacted the DIG on the telephone at about 2:30 P.M. The DIG requested the DM to entrust the inquiry to a magistrate. He was informed that SP (North) should be asked to give a written report. SP (North) was, therefore, directed to put up a written report to the DM. The DM realising that he could not obtain more information from the DIG on the telephone instructed the ADM to obtain a "fuller report". The ADM also contacted SP (North) on the telephone and asked for a written report.

### **Counter case against the ASI registered**

When SP (North) came back to the police-station from the hospital at about 3 P.M. he was informed that the statement of Onkar Singh's father had been recorded and a case had been registered under Section 304, Indian Penal Code, *vide* FIR No. 1041, and investigation handed over to CID (Crime). The SP directed ASI Bakhshish Singh and constable Dharam Pal to report at the Police Lines. Shri Amist, SDPO, prepared a note about the incident and the SP with his forwarding letter handed it over personally to ADM (North) in his office at 4:30 P.M. (Exhibit GW 33/2 is a true copy of the same). In the meantime, at 4 P.M. the two SDMs, sent to the police-station by the ADM, came back and met the ADM and informed him about the facts. The impression given to the ADM was that there was no problem of public law and order and the situation was normal.

### **Shalinder Kumar traces Nirmal Pardesi**

Another person, Shalinder Kumar, who was neither a member of the police nor a Home Guard, but only a Correspondent of a newspaper Hindi 'Hindustan', was



interested in knowing the facts. He arrived at the place of shooting soon after the occurrence. He found the streets of the locality deserted, but he noticed persons on the rooftops of houses. He knocked at the door of a house. Some persons peeped out of a window but did not open the door. They were terror-stricken and unable to speak. He told them who he was and persuaded them to tell him what had happened. They started by saying that no one's life was safe and anybody could be killed since *goondas* might be roaming about. However, after some re-assurances they told him the details of the incident. He was also shown the house of the deceased. At about 12-15 P.M. he went to the police-station to find out if the car in which the deceased was removed from the place of incident was there. There he met D. K. Jain and took him to Balbir Nagar and also apprised him of the facts. He himself again got busy in attempting to find out more facts. He was told by some residents that a girl was involved in the incident. He went to the house of Onkar Singh a number of times and was able to communicate with Onkar Singh's wife through another woman. His efforts bore fruit and he learnt that a girl named Nirmal Pardesi, who was living on the ground-floor of Onkar Singh's house and was a sub-inspector of police, was in some manner connected with the incident. He went to the Police Lines at about 2 P.M. where she had gone for duty. There he was told that she had come on duty but had left the Lines weeping after receiving some telephonic message. He went to various places in order to locate her. At about 4-30 P.M. he was able to trace her in the office of the Civil Defence. She was sitting there alone and crying. He approached her without telling her who he was, expressed sympathy for the deceased Onkar Singh, and thus was able to persuade her to tell him all that she knew. She disclosed that the plan to murder Onkar Singh was being hatched for the last eight or ten days by a notorious badmash Billa. She also told him that her father had threatened her about a week earlier that not only he was going to fix Onkar

Singh but he was going to deal with her also. When asked how she would go home, she said that now Onkar Singh had been done to death it did not matter if she were also killed. She also told him that she was deeply in love with Onkar Singh and this was strongly resented by her parents and other relations.

Shalinder Kumar suggested to Nirmal Pardesi that she should inform the authorities so that the culprits could be arrested. He was able to persuade her to come to the office of the Director of Civil Defence. She was, however, afraid of losing her life. Both of them went to the office of A. K. Singh, Commandant of the Home Guard. Shalinder Kumar observed that she was making the statement with reluctance. He impressed upon Shri Singh that it was important that her statement should be recorded immediately as she was in a state of hurt emotion in which she was likely to tell the truth even if it incriminated her father. Thereafter, Shalinder Kumar left the place at about 6 P.M.

A. K. Singh is a member of the Indian Police Service and was then working as Commandant of Home Guard. He had before this day come to know of the love affairs between Onkar Singh and Nirmal Pardesi. He had called Onkar Singh and advised him to cut off all relations with Nirmal Pardesi since he did not like any scandal about an officer of the Home Guard.

Shri Singh asked Nirmal Pardesi about the incident. She started crying and was unable to speak. However, after some time she talked. Shri Singh could gather that Onkar Singh had been got murdered by her father because of the love affair and now she was afraid to go home lest she might also be killed. In the meantime, Shri Narula, a colleague of Shri Singh, and Major General Korla arrived there. Shri Narula suggested that her statement should be recorded immediately. Shri Singh, however, felt that

there was a likelihood of Nirmal Pardesi retracting her statement later and thus dubbing him a liar. He decided not to record her statement.

Major General Korla on seeing Nirmal Pardesi talked to her. He got an impression that she was in love with Onkar Singh deceased, and was afraid of going home lest she might be killed. He also got an impression that she knew some important facts regarding Onkar Singh's murder and that her parents were involved in it. He decided to request the District Magistrate who, as a Deputy Commissioner, was the next head of the Civil Defence, to arrange for the protection of Nirmal Pardesi.

#### **D.M. Orders magisterial inquiry**

After receiving a written report from SP (North), the ADM along with the SP went to the office of the DM and came to know that the DM had gone to attend a meeting at Raj Niwas. Both of them therefore proceeded to Raj Niwas. While they were waiting there for the DM, they were informed that the DM had left for his house. They immediately went to the DM's house. It was now 6 P.M. The DM was informed about the facts and shown the written report. After some discussions the DM asked the ADM to find out which magistrate was available. On being informed that S. L. Dua, SDM (Kotwali), was available, he passed an order directing him to hold an inquiry into the cause of Onkar Singh's death.

The District Magistrate in the meantime received a telephone from Major General Korla informing him that Nirmal Pardesi, who had a love affair with Onkar Singh deceased and knew some important facts relating to Onkar Singh's murder, was sitting in his office and was afraid of going home and was asking for protection. The DM asked him to send her to his residence. A. K. Singh brought Nirmal Pardesi to the DM's house. Shri Singh suggested to the DM that her statement be got recorded by a magistrate and that she should be given protection. The DM was not sure whether her statement could be recorded under Section 164 of the Code of Criminal Procedure by an Executive Magistrate. He was of the opinion that in any case she should be given time to cool down and com-

pose herself. The DM talked to Nirmal Pardesi and he was told that she was afraid of her family members. She repeatedly asked for protection. The DM directed her to make a statement to the investigating officer telling him all she knew about the incident. The DM thereafter rang up the DIG and requested him to make necessary arrangements for her protection. Shri Singh then took Nirmal Pardesi to the office of the DIG and left her with an orderly directing him to take her to the DIG. The DIG talked to her. He came to know that she was a sub-inspector under training. He found her panic stricken. She seemed to be afraid of inmates of her house and so wanted protection. She did not make any statement about the incident but told the DIG that she would make a statement after she had settled down. He, therefore, directed SP (Old Lines) to arrange for her stay in Old Police Lines. Later, the DIG directed SP (Crime) to record her statement.

### **Peaceful demonstration**

By 7 P.M. people started collecting outside the police-station and their number kept on increasing. Some of them had read the Evening News which had carried the story on the front page showing "Onkar Singh, a Staff Officer of the Delhi Home Guards, leading an armed gang". There was resentment against the police for not arresting the ASI who had murdered Onkar Singh by falsely calling him a dacoit. The crowd increased to about one thousand by 8 P.M. Radhey Shyam Khanna, a local Congress leader, who had gone to Delhi early in the day and was returning home, found G.T. Road blocked by the crowd. On enquiry he learnt about Onkar Singh's murder. He, along with some persons, went inside the police-station and met DSP Avtar Singh and told him about the resentment of the public. The DSP told him that no one from the public was willing to make any statement about the incident though he was still willing to record statements. He also informed Shri Khanna that the moment some evidence making out a case of murder against the ASI was forthcoming, he would arrest him and change the offence from Section 304, Indian Penal Code, to Section 302, Indian Penal Code. In the meantime, some local leaders of the Jan Sangh including Bharat Bhushan Sarawarya, Inder Singh Azad and Ram Narain Gupta, also arrived at the police-station and joined in the discussion. The crowd kept on swelling all the time. Some persons were standing

inside the boundary wall of the police-station while the others had blocked the G.T. Road. Some started raising slogans "Delhi Police Murdabad. Bakhshish Singh Ko Girtar Karo".

At about 9 P.M. O. S. Chauhan, ADM (North), Sheel Kumar Saxena, SP (North), P. N. Gupta and S. L. Dua, SDMs, and D. S. Amist, SDPO, decided to go to the Irwin Hospital since Shri Dua had to hold the inquiry and wanted to have a look at the dead body. They reached the hospital at about 9-20 P.M. At 9-30 P.M. they received information that a huge crowd had collected outside police-station Shahdara which was blocking the road and was in a very agitated mood. All of them left for the police-station immediately. The road was found blocked and they had to walk about 1½ furlongs to reach the police-station. They reached at 10-15 P.M. They found a crowd of more than 1000 persons. Half of it was inside the boundary wall of the police-station, whereas the other half was standing on the Grand Trunk Road. The people were asking for the arrest of ASI Bakhshish Singh who had shot dead Onkar Singh. They went to the room of the SHO and found some local leaders of Shahdara present there. At about midnight. I. D. Mahajan and D. K. Jain of the Jan Sangh also arrived.

### **Demands**

After long discussions, five demands crystalised which were put before the ADM on behalf of the public. First was that ASI Bakhshish Singh should be arrested. Second was that the offence, in respect of which case against ASI Bakhshish Singh and others had been registered, should be changed from Section 304, IPC to Section 302, IPC. Third was for the suspension of the SHO. Fourth was that the police-officers connected with the incident should be transferred from the police-station. The fifth was that a judicial inquiry should be ordered. The ADM explained that the public should co-operate with the investigating officer who was present in the room so that the collection of evidence may be facilitated and that the moment a case was found to have been made out against the ASI he would be arrested. If the evidence collected by the investigating officer showed that a case under Section 302, IPC was made out, the offence would be converted to Section 302, IPC. It was also explained that the SHO could

not be suspended straightaway since some formalities had to be gone through. During the discussions it was suggested on behalf of the public that at least the SHO should be asked to proceed on leave if he could not be suspended since he should not be present in the police-station while the investigation was going on. This suggestion was accepted by SP (North) and the SHO was asked to proceed on leave. In connection with the fourth demand it was explained that if during investigation anything was found against any police-officer not only would he be suspended but even action under law would be taken against him. In respect of the last demand it was explained that none of the officers present at the police-station was competent to order any judicial inquiry. They were, however, informed that the District Magistrate had ordered a magisterial inquiry into the death of Onkar Singh. This dialogue continued till about 1 A.M. (midnight). During this period some persons started shouting at the public leaders calling them touts of the police. All the local leaders, however, seemed satisfied and the crowd standing out was told about the result of the discussion.

At about 1-30/2 A.M. the leaders suggested that in order to show that the officials were taking steps in the matter, they should visit the place of incident. Thus they went to the spot. The persons, who had assembled there, were told that they should come forward and state all that they knew to facilitate the inquiry and the investigation. They were also informed that if anyone was prepared to make a statement it could be recorded immediately. However, no one came forward. The officials announced that SDM Dua will record statements at 8 A.M. It was suggested by the persons present there that since people had to get busy with their normal duties it was not possible to produce witnesses before 4 P.M. that day. Everyone present agreed to this suggestion. It was now 3 A.M. when they left the place of incident. All the officials along with some of the leaders came back to the police-station at about 3-15 A.M. and found that the crowd had melted away and hardly about 30 to 40 persons were left. All the officials felt that the public had gone back satisfied and nothing untoward was likely to happen during the day. They left the police-station at about 4 A.M. leaving behind the SDPO who was directed to keep some force handy as a precautionary measure.

## CHAPTER IV

### PUBLIC RELATIONS OFFICER

The Central Police Office has a Public Relations Officer whose duty, amongst others, is to communicate to the Press a correct version of the crimes which take place in Delhi. The practice is that a Sub-Inspector, on the basis of First Information Reports of previous day, prepares a note for him. Another Sub-Inspector, who sits in the Central Control Room, informs him about the important messages which pass through the Control Room. All this information is conveyed to him at about noon and a bulletin is prepared at about 12-30 P.M. After the Public Relations Officer has cross-checked important instances with the police-stations concerned, the bulletin is sent to all the newspapers at about 1 P.M. through a despatch rider.

R. D. Saxena (GW 42) was the PRO on August 18, 1972. At about noon he received information about the Shahdara incident. Exhibit GW 42/1 is the bulletin sent to the Press. Before releasing it Shri Saxena took the draft bulletin to Gautam Kaul, AIG (II), which resulted in the insertion of the fact that a magisterial inquiry had been requested by the police. Another amendment was that Onkar Singh deceased was an officer of the Home Guard and that the investigation had been entrusted to the Crime Branch.

At about 6 P.M. Shri Saxena went to DIG (Range) and showed him a copy of the bulletin released to the Press. The DIG gave Shri Saxena the additional information that on the complaint of Onkar Singh's father a cross-case had been registered against the ASI and others and that the investigation of the same had been entrusted to the Crime Branch. The DIG directed him to contact the Press to release this information. Shri Saxena could not contact the Crime Reporters on the telephone since they were busy covering the Jan Sangh demonstration in front of Super Bazar, New Delhi. He went to Super Bazar and briefed the Crime Reporters present there.

At about 9-30 P.M. when Shri Saxena returned home he came to know that SP (North) had been trying to contact him. Shri Saxena was informed that ASI Bakhshish Singh and the Constable connected with the incident had been sent to the Police Lines and that this information should also be communicated to the Press. He tried to contact the Crime Reporters and conveyed the information to those who could be contacted on the telephone.

### **Evening newspapers**

It is not the practice of the PRO to impart any information to the Press for the evening newspapers published in Delhi. These newspapers are available to the public at about 3-30 P.M. and usually try to cover up all the important events which take place during the day. The Evening News, which is the most popular evening newspaper, carried the news about the alleged encounter on its title page in bold caption. This was the most important news of that day. It was collected by a correspondent of this newspaper from his own sources. A bare reading of this news shows that a garbled version of the incident had been published. This gives the impression that Onkar Singh, a staff officer of the Delhi Home Guard, was leading an armed gang in Balbir Nagar. When he was spotted by an ASI, he fired. The ASI returned the fire resulting in Onkar Singh's death. The remaining members of the alleged gang had managed to escape in a car which did not bear a number plate and the police parties had gone to the neighbouring towns to locate the suspects. This paper must have been read by numerous residents of Shahdara, especially those who come to work in Delhi and go back to Shahdara in the evening. Those, who would not know Onkar Singh, would feel relieved about the liquidation of a gang of dacoits. Whereas those who knew him, and he was well-known in Balbir Nagar area and the adjoining localities and among the Home Guard personnel living in Shahdara, would feel very much perturbed about the police killing an innocent person and then dubbing him a dacoit. The collection of hundreds of persons outside Shahdara police-station that evening was, to some extent, due to it.



PART II  
COURSE OF DISTURBANCES

## CHAPTER I

### EVENTS OF AUGUST 19, 1972

#### Newspapers

All the English newspapers except National Herald carried the news of the occurrence in their newspapers published on August 19, 1972. The Hindustan Times carried these news under a bold caption "Officer 'leading gang of dacoits' shot dead". The news disclosed the fact that a counter case had been registered against the Assistant Sub-Inspector and others and that the ASI and the Constable had been transferred to the Police Lines. The news in the Statesman was comparatively very sketchy though it mentioned the salient facts. However, it tends to show Onkar Singh as a dacoit. The Times of India gave more details. This newspaper, unlike the Hindustan Times and the Statesman, gave more facts than those released by the PRO. It mentions that "about 400 angry residents of Balbir Nagar village gheraoed the Shahdara Police Station in the night demanding the immediate suspension and arrest of the ASI who had fatally shot Onkar Singh". Details of the demonstrations are also given. All these newspapers published their news on third page meant for Delhi news. The Patriot carried the news on its back page with a bold caption "Dacoit killed in an encounter with Delhi Police". This newspaper carried the only information given by the PRO in his bulletin.

The Hindi newspaper "Hindustan" gave great prominence to this news by publishing it on the front page. Its correspondent, Shri Shalinder, had taken pains in collecting the facts which cover two half columns of the front page and more than two half columns of the back page. The caption reads "Policemanon Par Homeguard Ke Afsar Ki Hatiya Ka Arop—Utejat Bhir Ne Shahdara Thane Ko Gher Liya". Allegations of the policemen murdering Onkar Singh with the help of notorious *goondas* are made. The information of the police-station being surrounded by thousands of angry persons is given. It speaks of a plan to carry the dead body to the houses of the Prime Minister and the Lieutenant Governor. Details of the brutal murder

are given. The fact of deceased's father rushing to the police-station is also given. The statement given by the lady Sub-Inspector (Kumari Nirmal Pardesi) to the correspondent that conspiracy for murdering Onkar Singh was being hatched for the last one week is also published. Various questions have been posed. One of the questions is: "Why the police has not recorded that girl's statement?" It is mentioned that no one had cared to search for her till the evening and that the public had produced her before the magistrate.

The Hindi newspaper "Nav Bharat Times" published the news under a bold caption on the front page. It also contains some details as to how Onkar Singh was murdered. The information of the police-station being surrounded by the demonstrators who threaten to continue demonstrating till their demands for the suspension and arrest of the ASI are conceded, is mentioned.

The Hindi newspaper "Vir Arjun" published the news on the back page. It carries the information given in the police bulletin. However, it is also mentioned that the ASI has not yet been arrested.

The Urdu newspaper "Partap" carried the same version as the Hindi newspaper "Vir Arjun".

### **Public collects**

At about 8-50 A.M. P. N. Gupta, SDM (Shahdara), was informed on telephone by Ram Narain Gupta, Member Metropolitan Council, that some persons were getting the shops closed in Shahdara and that people were assembling outside the police-station because of the death of Shri Onkar Singh. The SDM informed him about the developments of the previous night and requested him to persuade the people not to get the shops closed in protest. The SDM immediately telephoned O. S. Chauhan, ADM (North), about it at 9 A.M. The SDM was told to proceed immediately, who, along with Shri Amist, SDPO, reached the police-station at about 10 A.M.

The ADM contacted the DM and apprised him of the situation. The ADM left his house at about 9-15 A.M. for the police-station. SP (North) also left his house by that time. Their cars had wireless. While they were on their

way to the police-station, they were directed by wireless to reach Raj Niwas to meet the District Magistrate immediately. Both of them came to Raj Niwas and had a talk with the District Magistrate who advised them to use restraint while dealing with the public but to be firm if necessary. While they were at Raj Niwas, another wireless message was received that the crowd outside the police-station was swelling and they should reach immediately. They were also informed that G.T. Road had been blocked by the crowd and the traffic had come to a standstill. They proceeded to the police-station via Wazirabad in order to avoid G. T. Road.

D. K. Jain (PW2) had left his house at 9 A.M. for his office. On his way he found G. T. Road blocked at Loni Road crossing. Suspecting trouble he came to the police-station where he found a crowd of about 1600 persons.

About 400 residents of Balbir Nagar passing by the house of Radhey Shyam Khanna, a local Congress leader, left a message that he should come to the police-station since there was going to be a complete *hartal* in Shahdara that day and people were collecting outside the police-station. He reached the police-station at about 9-45 A.M. He found a crowd of about 2000 persons.

#### **ADM & SP arrive**

At 10 A.M. the ADM and the SP, who had travelled by one car from Raj Niwas, reached the crossing of Loni Road and G. T. Road. They noticed a crowd on G. T. Road towards the police-station. The crowd did not allow the car to proceed further. Both of them got down and instructed the driver to take away the car. They walked for a distance of about 1½ furlongs to reach the police-station. They found the people intensely agitated because of the non-arrest of ASI Bakhshish Singh. They arrived at the police-station at about 10-15 A.M. The crowd was at this time outside the boundary wall of the police-station on G. T. Road, though a few persons were inside the boundary wall. They went to the room of the SDPO and found him and SDM (Shahdara) there. Some of the leaders of the locality, who were present in the police-station the previous night, were sitting in that room. They were asked as to why the crowd had collected when it was agreed unanimously the previous night that the evidence would be recorded at 4 P.M.

### **ASIs arrest demanded**

The ADM had a talk with persons present outside the room and was told that unless the ASI was arrested immediately the crowd was likely to ransack the police-station. The leaders told the ADM and the SP that the crowd wanted the arrest of the ASI and it was getting out of their control. They found the situation very tense. Stray stones were being thrown at the police-station. Their assessment was that immediate arrest of the police-officers concerned would help to diffuse the situation (the joint report submitted by them to Delhi Administration). SP (North) immediately rang up DIG (Range) and apprised him about the situation and the demand of the public. The DIG told the SP that he would consult the SP (Crime) and ring him back. SP (Crime) told the DIG that he had contacted Nirmal Pardesi in the morning and after recording her statement he had ordered the arrest of ASI Bakhshish Singh and the constables, and that they had been taken into custody at the Police-Lines.

### **Arrest announced**

The DIG rang up SP (North) and told him that the ASI had been arrested and that this fact should be announced to the public. The ADM and the SP came out of the room, went up the boundary wall of the police-station and announced to the people that the ASI had been arrested and that since their demand had been met they should now peacefully disperse. The local leaders present in the police-station also mounted the boundary wall and made similar announcements. Thereafter, a section of the crowd became peaceful and some persons even started moving away. At that time another section of the crowd from the rear came forward and shouted that the ASI should be brought in handcuffs and shown to them. They were informed that the ASI was not at the police-station and so this could not be done, and that he was at the Police-Lines where he had been sent the previous day. This again had a soothing effect on the crowd but it continued to swell. The officers came back to the room.

### **Trains damaged**

At 10-57 A.M. Hira Lal Sharma, Station Master of Shahdara Railway Station, was informed that train No. 4 (Moradabad-Delhi) had been stoned by the public between

Delhi and Shahdara in front of Shyam Lal College, and S. D. Saxena travelling in that train had been injured. The information was conveyed to the Control of the Railway.

At 10-57 A.M. train No. 2 (Delhi-Saharanpur) left Shahdara Railway Station for Delhi Main. This train had to pass a temporary diversion track about half a mile from Shahdara Railway Station, where the speed had to be cut down to 4/5 miles per hour. As the train approached the diversion, the mob started pelting stones. Some persons stood on the track. Someone pulled the chain and the train stopped. Throwing of stones continued. The engine was decoupled by some persons and the people shouted at Mangu Ram, driver, to take away the engine. The engine was taken up to a distance of about 50 feet and stopped on the diversion.

Train No. 2 (Delhi-Dankur) left Delhi Main at 11-30 A.M. for Shahdara Railway Station. It was also stopped opposite Shyam Lal College. People pelted stones at the train. Its engine was also decoupled and was forced to go to Shahdara Railway Station without the wagons. The engine driver informed the Station Master Hira Lal Sharma about the incident and this information was conveyed to the Railway Control. Passengers got down from the train and started running away seeking shelter. C. R. Mehta, Railway Guard, after removing his uniform came out and saw the people using *lathis* and stones to break the window-panes as well as the windows. 10 or 15 policemen approached the train from the direction of Delhi and after seeing them the mob ran away. C. R. Mehta reached Shahdara Railway Station at about 1 P.M. and informed the Railway Control on the telephone about the occurrence.

At about 11-40 A.M. DSP Bhagwan Dass, SDPO, Railway Police, who has his headquarters at Delhi Main railway-station, received information from police Control Room that people were stoning the trains and that a train had been detained. He reached Seelampur Railway crossing with a police-force, consisting of about 10 persons, at about noon. He found two railway rakes, one facing Delhi Main and the other facing Shahdara Railway Station, in front of Shyam Lal College. He also noticed one railway engine facing Delhi on this site. It was about 50 yards away from the wagons. The police-force tried to re-

couple the wagons with the engine in order to take the train to Delhi. However, the public started decoupling the other wagons. The result was that while the police-force recoupled some wagons, the public decoupled others. More people collected there and started throwing stones and the police-force had to retreat to Seelampur Railway crossing and ask for reinforcements.

### **Shri H. K. L. Bhagat, M.P. & Chief Executive Councillor arrive**

In the meantime, Shri H. K. L. Bhagat, M.P., who represents this constituency in the Parliament, arrived at the police-station. He was followed by Shri Radha Raman, Chief Executive Councillor. They were apprised of the situation. Shri Bhagat came out of the police-station and told the persons standing in the compound that the ASI had been arrested and the matters would be fully investigated. He was informed that the public did not believe the police announcement of ASI's arrest and so wanted to see the ASI under arrest. SHO's suspension was also demanded. Some persons started raising slogans "Khoon Ka Badla Khoon Se Lenge." Shri Bhagat went in and rang up the Lieutenant Governor and apprised him of the situation. While he was talking the telephone got disconnected and went out of order. He came outside and found that the people were excited. He informed them that he, along with Shri Radha Raman, was going to see the Lieutenant Governor and would return within an hour. Some persons told him not to leave the place as the situation was getting tense. He, therefore, came back to the police-station.

### **Slogans**

At about 11-30 A.M. the crowd was shouting and raising slogans "Delhi Police Hai Hai. Khoon Ka Badla Khoon Se Lenge. Thane Ko Aag Laga Denge. Delhi Police Murdabad". One or two persons were seen throwing stones occasionally at the police-station. On the railway track opposite Shyam Lal College two railway trains could be seen surrounded by the crowd. The ADM felt that the situation was becoming more tense and that there was a likelihood of something untoward happening.

During this period the DIG had been informed by wireless that there was a violent mob in the police-station and that another mob was stopping the railway trains on the

railway track in front of Shyam Lal College. This College is at a distance of about 150 yards from the police-station. The DIG apprised the DM about the developments at about 11-45 A.M. The DM asked him to make necessary arrangements to send reinforcements to the police-station without delay and to find out about further developments. The DIG arranged for reinforcements for Shahdara and also directed the Additional SP (North), Shri Vohra, to go there. Jagmohan, ADM (Land Acquisition), was also asked to proceed to Shahdara.

### **Stoning**

At about noon a large section of the crowd entered the gates of the police-station and started throwing stones at the police-station as well as at the residential quarters situated there. Before long the crowd reached the gate of the police-station main building after crossing 50 feet deep lawn and road. It was now throwing stones heavily. Glass panes of the windows and the doors broke. The crowd continuously raised slogans. The ADM felt that the crowd should now be stopped and pushed back, otherwise there was a likelihood of their entering each and every room of the police-station. The ADM was apprehensive that the people might not only ransack the whole of the police-station but endanger the lives of the persons present there including the public leaders and the Chief Executive Councillor. He immediately declared the assembly unlawful and warned the crowd to disperse within five minutes failing which he would be compelled to use force. The warning had no effect and heavy stone throwing continued.

### **Tear-gas**

At about 12-15 P.M. the ADM ordered the SP (North) to use tear-gas. The Gas Squad, which was stationed in the open courtyard inside the police-station building, fired tear-gas shells at the crowd forcing it to retreat. As the passage inside the building leading to its gate became clear of the crowd, the Gas Squad came out and fired tear-gas shells on the crowd present in the compound of the police-station. The result was that the police-station as well as its compound was cleared of the crowd. The portion of the G. T. Road in front of the police-station was also vacated by the crowd. The ADM directed the SP to



post sufficient police-force in formation at the two boundary wall gates opening on G. T. Road as well as outside the boundary wall of the police-station so that nobody was allowed to enter. This was immediately done.

### **DM & DIG arrive**

In the meantime, the DIG had been informed that the mob continued to be violent and the traffic remained at a standstill on G. T. Road. He rang up the DM and apprised him about it. At 12-15 P.M. the DIG went to the DM and they left for Shahdara *via* Wazirabad and Loni Road. They reached the crossing of Loni Road and G. T. Road *via* Wazirabad at about 12-45 P.M. Finding a huge crowd there, they stopped the car and started walking to the police-station. In the meantime Jag Mohan, ADM (LA), and Shri Vohra, Additional SP, arrived at the crossing. They also started walking. Both the DIG and the Additional SP were in uniform. The DM went ahead and was followed by the DIG and the Additional SP at a distance of 20 to 25 yards. The mob was following these two police-officers and was raising slogans against the police. They were also pelting stones. The DIG told the persons near him that the ASI had been arrested and they should not have any cause for grievance, but nobody was in a mood to listen. On the way to the police-station the DIG was hit and started bleeding from his head and foot. All of them reached the police-station at about 1 P.M.

### **Vehicles damaged**

Amar Dass driver (GW 26) brought the Statesman's photographer, Raghu Singh (PW 30), in office car No. DLF 4456 in the forenoon. He parked it near Shyam Lal College. He found 3000 to 4000 persons in the crowd. Some of them had *lathis* while some were holding stones in their hands. Between 12 and 1 P.M. some persons attacked the car with stones and *lathis* (Photo Exhibits GW 26/1-3) and damaged it. The damage was estimated at Rs. 965/-. Police truck No. DLL 6891 was also attacked on G. T. Road. Its damage was estimated at Rs. 200 (Exhibit GW 13/3, Photos Exhibits GW 5/8-12). At about 1-15 P.M. jeep No. DLI 7103 belonging to Deputy Commissioner's staff was burnt (Photos Exhibits GW 9/16-18). Its damage was estimated at Rs. 8,000 (Exhibit G.W. 18/1). Jail van DLP

4476 was also stoned and damaged (Photos Exhibits GW 4/1-3). Its damage was estimated at Rs. 210 (Exhibit GW 13/2)

At this stage there was a huge crowd on G. T. Road extending towards Shyam Lal College as well as towards Shahdara Chowk though the road in front of the police-station was clear. There was another crowd on the railway track where some railway bogies had been decoupled. Smoke was noticed coming out from a folded bridge of a compartment meant for linking up with the other bridge of adjoining compartment.

### **Students isolated**

The DM and the DIG had a talk with all the senior officers present at the police-station and the situation was assessed. It was realized that the students of Shyam Lal College were feeling very much agitated. Their office bearers were sent for and some of the students along with the office bearers came to the police-station. Some of the students had already come there. They complained that as they were passing near the mob and going to their College, the police had beaten them unnecessarily. One of the students was found to have a cut on the forearm, and others showed marks of injuries. They were threatening to burn down the police-station and to see that the whole University was closed down. In order to isolate the student community from this trouble, the DM and the DIG successfully persuaded them to remain inside the College. They were also assured of full protection and advised not to get involved in the trouble.

### **Appeals to Crowd**

Having successfully isolated the student community, the DM thought fit to deploy the available police force in such a manner as would enable it to contain the crowd with minimum and only responsive force since the crowd was already anti-police in temper and any inadvertent action by the police would further exacerbate the crowd. The help of local leaders, who were present in the police-station, was also sought. Some of them went to the people and tried to pacify them. The DM also went to them several times and assured them that the AST and the constables had already been arrested. He also assured them that justice would be done according to law and nobody

found guilty in the investigation would be spared. These appeals had momentary effects as the crowd would rush towards the police-station off and on throwing stones in a menacing mood. Shri H. K. L. Bhagwat, M.P., with some workers ran towards the crowd standing towards the railway track. As he approached, the crowd stopped pelting stones. He saw the police and the crowd standing near the railway bogies exchanging stones after picking them up from the railway track. He intervened and succeeded in taking away the crowd from that place to the nearby *jhuggis*. He, however, noticed that some person were trying to instigate the crowd against him. Thereafter, he came back to the police-station. In the meantime, a police jeep, which was parked near Shahdara Chowk, was seen on fire. A bus was also seen on fire beyond the Chowk.

In order to contain the crowds the DM ordered that ADM (Revenue), ADM (L.A.) and SDM (Shahdara) should control the crowds on the Shyam Lal College side, towards Shahdara Chowk and on the railway track respectively. They were provided with police-officers and police-parties. The ADM (North) and the SP (North) were directed to remain in front of the police-station.

At about 1-35 P.M. ADM (North) found that the people were still throwing stones on the railway trains detained in front of the police-station and Shyam Lal College across G.T. Road. With the help of a megaphone the crowd on the railway track was warned that in case they did not stop stoning the trains and dispersed, force would be used. The warning had no effect and after five minutes SP (North) was directed to use tear-gas. After the use of tear-gas the crowd present at the railway track dispersed and the ADM and the SP came back to the police-station.

### **More vehicles damaged**

At about 1-45 P.M. a stationwagon belonging to the police bearing No. DLF 3646 was stoned and damaged (Photos Exhibits GW 6/43-44). Damage was estimated at Rs. 600 (Exhibit GW 13/2). A police-pick-up No. DLF 4082 was also stoned and damaged (Photos Exhibits GW 6/35-38, Damage report Exhibit GW 13/1). A DTC bus No. DLP

1725 was burnt (Photos Exhibits GW 9/22-24).. Damage was estimated at Rs. 45,000/- (Exhibit GW 20/1).. At about 2-30 P.M. U.P. Roadways Bus No. USK 6793 was burnt (Photos Exhibits GW 9/26-29)..

### **Section 144, Cr. P. C. promulgated**

At 2 P.M. it was decided to promulgate Section 144, Code of Criminal Procedure, throughout Shahdara in order to control the situation. Announcements were made with a loud-speaker fitted to a jeep a number of times. The DM also addressed the crowd from that jeep assuring the people that the ASI had been arrested and justice would be done. He also warned them that since Section 144, Criminal Procedure Code, had been enforced they should disperse. As the DM proceeded towards Shahdara Chowk there was a heavy shower of stones. Shri H. K. L. Bhagat along with Shri Bharat Bhushan got into this jeep to address the public. Shri Bhagat also assured them that justice would be done and requested them to maintain the peace. Shri Bharat Bhushan of the Jan Sangh also appealed to the crowd to be peaceful and disperse. Since these appeals did not have much effect, Shri Bhagat got down from the jeep and ran towards the people requesting them to hear him. He lay on the road and told the people that they would have to proceed over his body. Some person lifted him up and then he was heard. There was a momentary calm. Some young persons started shouting that they would not go till ASI Bakhshish Singh was shown to them in handcuffs. The result of these efforts was that the crowd became peaceful though it did not disperse. It was at three places. A part of the crowd was towards Shyam Lal College, another part was towards Shahdara Chowk, while the third was towards the railway track.

### **Trains pulled away**

At about 2 P.M. one Company of DAP and one Section of Gas Squad joined DSP Bhagwan Das (Railways) and he proceeded to the place where trains had been detained after sending for an engine. An engine arrived from Delhi. The coaches were recoupled and the train was taken to Delhi. The second track was also cleared by asking for a railway engine from Shahdara which took the

wagons to the railway station. Thus at about 3-30 P.M. the railway track was clear. At about 4 P.M. he wanted to go to railway-station Shahdara when he found a mob at Bhola Nath Marg railway bridge. It started throwing stones at him. He shouted that he belonged to the railway police and the people should not stone him but it had no effect. His advance was arrested. After some time police-force under the command of ADM (North) came to his help. The ADM warned the crowd which paid no heed. Thereafter, he ordered the use of tear-gas and the crowd melted away at about 4-45 P.M.

### **Tear-gas**

At about 2-45 P.M. ADM (North) noticed that a huge crowd had collected towards Shahdara Chowk and on the new railway bridge under which Bhola Nath Nagar Road runs. Persons at Shahdara Chowk were pelting stones at the police-force deployed there and also at the nearby shops. ADM (North) went there with a police-force and warned the public with a megaphone not to indulge in violence. Finding the public in a defiant mood he ordered the use of tear-gas. The persons, thereafter, dispersed and ran towards the railway bridge. This area was cleared of the crowd right up to the railway track and ADM (North) came back to the police-station. There he noticed some action near Shyam Lal College as well as on the railway track in front of it. He ran to Shyam Lal College and found the crowd throwing stones at the police stationed there. He warned the crowd with megaphone. Finding that it had no effect, he ordered the use of tear-gas. Thereafter, the crowd dispersed and he came back to the police-station.

### **Still more vehicles damaged**

At about 3 P.M. a DTC bus No. DLP 178 was burnt (Photos Exhibits GW 3/1-6). Damage was estimated at Rs. 30,000 (Exhibit GW 20/1). Another DTC bus No. DLP 352 was damaged, estimated loss being of the order of Rs. 3,000.

At about 3-30 P.M. more officers had arrived at the police-station and the DM decided to redeploy the available officers. Finding that crowd near Shahdara Chowk

was swelling, he deputed P. P. Chauhan, ADM (South), to control the situation at that place. Jag Mohan, ADM (L.A.), was sent to the railway track. ADM (North) was kept in front of the police-station to coordinate the activities of the officers.

### Mounted police and tear-gas

At about 3-45 P.M. ADM (North) noticed that the crowd at Shahdara Chowk had increased tremendously and so he decided to send reinforcements. He also decided to use the mounted police which was available at the police-station. He, therefore, started for Shahdara Chowk with mounted police and a Gas Squad. The crowd blocked their progress and started throwing stones. ADM (North) warned the public not to indulge in violence. Instead of dispersing, the mob became more violent and he ordered the use of tear-gas. The crowd dispersed and he was able to proceed to Shahdara Chowk and join the forces stationed there. After leaving the additional force there he came back to the police-station.

P. P. Chauhan, ADM (South), was in charge of the area consisting of G.T. Road/Loni Road crossing on one side and Shahdara Police-Station on the other including G.T. Road and Bhola Nath Marg up to the bridge. He had a platoon. There was a Gas Squad with him but it had no tear-gas shells. The crowd was continuously pelting stones and the police was shielding itself. He asked for additional Gas Squad and additional force from the police-station. He found that crowd from Bhola Nath Marg as well as from Shahdara Chowk was advancing towards him. He noticed ADM (Central) ordering the use of gas and the crowd retreating. Thereafter, the ADM (Central) came and met him. ADM (South)'s Gas Squad borrowed tear-gas shells from the Gas Squad of ADM (North), which thereafter proceeded towards the railway track and ordered the use of tear-gas.

### **Cane-charge clears the area**

The crowd facing ADM (South) again started pelting stones. It consisted of 3,000 to 4,000 persons. This crowd was warned but it did not disperse. ADM (South) now ordered the use of tear-gas. He noticed that as soon as tear-gas shells fell near the public the latter flung them back at the police-force. The result was that the police-force was exposed to the effects of the gas. Finding the crowd very determined and steadily advancing towards him he again asked for reinforcements. He again warned the crowd but it had no effect. He, therefore, ordered cane-charge, and directed Shri Vohra to disperse the crowd with the use of canes. The police-force advanced to G.T. Road dispersing the crowd. When they reached Bhola Nath Marg one platoon went on Bhola Nath Marg, while the other proceeded towards Shahdara Chowk. The crowd started retreating on both sides and the ADM (South) succeeded in reaching G.T. Road. His sector was now clear of the crowd. He came back to the police-station after posting a force at the crossing of Bhola Nath Marg and G.T. Road, and reported to the DM.

### **Railway Station attacked**

At about 4-30 P.M. Railway Station Shahdara was cleared of the trains when train No. 2 (Delhi-Dankaur), which had been pulled to this station, left for Sahibabad. SI Sarmukh Singh of Delhi Railway Police, who was in charge of the police-post located in a room at the railway station, was present in his room. Mohan Lal Sharma, Assistant Security Officer of Railway Protection Force, who had by this time reached the railway station, was also sitting inside that room and talking on the telephone. On hearing a noise outside they came out of the room and saw a huge mob coming from the direction of Delhi carrying stones, lathis, tin-cans, iron rods etc., and running towards the railway station. People were shouting "Police Walon Ko Mar Do" and that the railway station should be

set on fire. The room adjoining the police-post is that of Assistant Station Master. Vishwa Mitter, Assistant Station Master, and Hira Lal Sharma, Station Master, were in that room. It contains a Panel showing the working of electric signals. It also has telephones and other analogous equipment. The Assistant Station Master noticed from the Panel that signals were being damaged. The Station Master came out of the room and requested the people to go away and not to damage the railway property. However, no one paid any heed and he came back to the Assistant Station Master's room and informed his officers on the telephone about the developments. SI Sarmukh Singh warned the approaching mob not to damage the railway property. The people, however, continued running and throwing stones. Head Rakshak of the Railway Protection Force, Mangal Sen, got an injury on the eyebrow. When the intensity of stone throwing increased, the sub-inspector along with others went inside the police-post and bolted the door hoping that after some time people would go away. The Assistant Station Master had also bolted his room from inside. The mob broke all the glass panes including a huge glass pane of about 10 feet into 12 feet meant for the ASM to have a look at the railway track from his room. There was iron netting about 1/8 inch thick to protect this glass pane from outside. It was broken open. The Assistant Station Master as well as the Station Master moved into the adjoining room to protect themselves and bolted the same from inside. They could see the crowd pulling out the telephones and smashing them on the floor. Similarly they saw the microphone and the amplifier system being pulled out and smashed, and some persons taking away the telephones and the microphone. Some of the switches of the Panel were also damaged.

#### **Sub-inspector fires in the air**

The two glass panes of the door of the police-post were also broken. Stones were now coming inside the room. Mohan Lal Sharma, Assistant Security Officer, who was



using the telephone, was hit by a stone on the head. The intensity of the stones increased and the persons inside took shelter against the walls. This room had a roof of cement asbestos which got broken and some holes appeared. Some persons were heard shouting that the door of the police-post should be broken open and the policemen caught hold of and killed. Shortly after, because of the intensity of stone throwing, the wooden panel of one of the leaves of the door was broken. The sub-inspector had directed a constable to stand next to a wall near the door to watch the developments outside the room. He informed the sub-inspector that the mob had broken the window panes of the ASM's room and had entered it. The sub-inspector warned the mob in a loud voice not to damage the railway property. In order to scare the mob he fired in the air from his service revolver of .45 bore through a broken glass pane of the door. He noticed that persons coming from the direction of Delhi had stopped while those on the other side were running away. He again fired in the air through the broken glass pane of the door in the direction of Delhi. He noticed men running away towards Delhi with telephones, microphone and curtains. After about three or four minutes a crowd started pelting stones on the doors. He again fired but it was a misfire. Again after three or four minutes he noticed that a mob had set fire to curtains, *chatayees* etc. at a distance of about 50 yards from the station building, and the flames were leaping up to four feet. He further noticed that some persons had lifted the burning material and were bringing it to the station. He again fired in the air from inside his room. The result was that the crowd left the burning material and retreated. He immediately telephoned the SDM and the SP (Crime and Railways). He failed to contact the SDM but succeeded in contacting the SP. The sub-inspector apprised him of the situation and asked for reinforcements. He also reloaded his revolver. A crowd again came to the railway-station and started pelting stones. Once more the sub-inspector fired. Since it turned

out to be a misfire, he fired again in the air. After another two or three minutes he had to fire again. In the meantime, a police-force from Shahdara arrived at the station and the crowd dispersed. Thereafter, he came out of his room.

The Assistant Station Master and the Station Master after hearing the gunfire shots and finding that the crowd had disappeared, also came out from the room where they had taken shelter.

#### **Rafiq hit by bullet**

When the mob on the railway track was running towards the railway station, Sona Devi (GW 24) went up the roof of her house, which was about 10 paces away from the railway track. She found her son and another boy, named Rafiq, there. All of them started looking at the mob which was running towards the railway station. She noticed persons who were running on the railway track towards the station, were pelting stones and were breaking railway equipment. The railway station is about 50 to 100 paces from her house, which is situated about 10 feet below the level of the railway track. There are two trees between the houses situated there and the police-post, and one cannot see houses from that place. These trees are also below the railway track. While Sona Devi and others were looking down on the railway track, Sona Devi heard a sound of gunfire and simultaneously received an injury on her forehead which started bleeding. She also noticed that Rafiq, who was standing next to her, had fallen and had received an injury on his head. Both were taken to the hospital. Rafiq was declared dead and his postmortem examination showed that he died of bullet injury (Exhibit GW 39/1).

#### **Railway sleepers burnt**

At about 5 P.M. DSP Bhagwan Dass (Railways) along with others reached the railway station. At that time some of the miscreants retreating from the station were seen.

setting fire to the wooden railway sleepers stocked near the temporary diversion about half a mile away from the railway station. Three temporary huts built near the diversion for storing materials were dismantled and set on fire along with the nearby tents.

### **Normalcy returns**

By 5-30 P.M. traffic had started on G.T. Road and it became normal by 6-30 P.M. Local residents, who go for service across Yamuna to Delhi city and other places, could thus return unhindered.

At about 6 P.M. a police pick-up No. DLV 6920 was stoned and damaged near Seelampur.

SP (Railways) arrived at the railway station at about 6-30 P.M. and enquired from SI Sarmukh Singh about the incidents.

At 7 P.M. all the senior officers on duty collected at Shahdara Police-Station and took stock of the situation. In order to prevent repetition of earlier incidents, the DM decided to keep reserve police at the police-station in preference to patrolling since in the then anti-police atmosphere a small body of policemen patrolling various parts of the locality could not be safe. Sufficient reserve police was kept ready at the police-station to respond to incidents in the night. He also divided Shahdara into three sectors and in each sector posted a senior magistrate and a police-officer. The overall charge was given to ADM (North) who was assisted by ADM (L.A.) for the night. At 7 P.M. an announcement was made with a loud-speaker throughout Shahdara area reminding the public that Section 144, Criminal Procedure Code, was in force and that they should not violate it.

### **Night incidents**

Around 8 P.M. information was received at the police-station that ambulance No. DLP 3442 had been damaged near Seelampur. Magistrates with police-force were sent

to the spot. When they reached Seelampur petrol pump they found that the miscreants after setting fire to a police truck No. DLG 5167 had run away towards the railway level crossing. Damage was estimated at Rs. 265/- (Exhibit GW 13/3). The petrol pump at Seelampur and the terminal tax post at Loni Road were also damaged.

At about midnight information was received at the police-station that some miscreants had set fire to a police jeep at Shahdara Chowk crossing. SDM (North) went to the spot with a police party. They found that miscreants, after setting fire to jeep DLF 4260, had run away. The damage was, however, light and estimated at Rs. 80/- (Exhibit GW 13/3. Photos Exhibits GW 5/1-7).

Stray incidents of damaging property continued. Police Control Room Van No. DLV 2429 was attacked beyond Shyam Lal College and its windscreen was broken. Police truck No. DLL 6189 was also slightly damaged. Windscreen of another police truck No. DLG 5163 was broken near Seelampur. Army truck No. UD 41069 was also damaged at 10 P.M. near this place. At 2 A.M. police jeep No. DLV 1726 was set on fire causing damage estimated at Rs. 8,500/- (Exhibit GW 13/1).

### **Arrangements for Onkar Singh's cremation**

By the evening the DM had realized that there was a strong anti-police feeling among the people. He did not want to provoke them further and so kept the police patrols away from them. He also realized that cremation of Onkar Singh deceased in Shahdara could be another occasion for emotional outbursts. The Home Guard as a force had felt aggrieved of the death of Onkar Singh. The DM had seen the Home Guard as a force at close quarters in December, 1971. He knew that about 40 per cent of the Home Guard in Delhi lived in Shahdara or nearby Gandhi Nagar. In order to assuage their feelings to some extent he suggested Onkar Singh's cremation with full Home Guard honours to the Commandant-General of the Home Guard. The DM requested him to contact family members of Onkar Singh

and with their cooperation arrange the cremation at the Nigambodh Ghat with appropriate honours the following morning.

### **Result.**

On this day 186 police officials including DIG (Range), 2 SPs, 4 Dy. SPs, 7 Inspectors, 10 Sub-Inspectors, 4 ASIs, 26 HCs and 132 Constables were injured. Three Magistrates also received injuries. 107 persons from the public were reported to be injured. The damage to public property was provisionally estimated to be of the order of Rs. 2 lakhs. This property included 15 vehicles and several railway bogies. A private car and the Show Room of a petrol pump were damaged. Some minor damage to private property was also caused. 370 tear-gas shells consisting of 146 long range shells, 118 short range shells, 48 speed high traffic grenades and 58 three-way grenades were used. The additional police-force apart from the strength of police-station Shahdara, consisting of 8 Dy. SPs, 9 Inspectors, 29 Upper Subordinates, 133 HCs and 862 constables came to the affected areas and at the police-station at different times.

## CHAPTER II

### EVENTS OF AUGUST 20, 1972

On the morning of August 20, 1972, the District Magistrate positioned himself in Delhi at his office while the DIG reached Shahdara Police-Station at about 10 A.M. This arrangement was made to enable the DM to have an overall assessment of the situation throughout Delhi. ADM (Revenue) and ADM (South), along with SP (Central) were posted at the Nigambodh Ghat cremation ground.

Radhey Shyam Khanna went to the house of Onkar Singh deceased at about 8-15 A.M. He found about 800 persons assembled there. Some of them were insisting that the dead body should be brought to Shahdara and then taken to the Nigambodh Ghat. They were also advocating complete *hartal* in Shahdara. Shri Khanna advised the relations of the deceased against bringing the dead body there since that might deteriorate the situation resulting in police firing and deaths of innocent people. It was then agreed that they should go to the Irwin Hospital and finally decide the matter there since some relatives had already gone there. Persons collected there were informed accordingly.

Shri Khanna along with relatives of the deceased and some members of the public and Home Guard left for the Irwin Hospital in a private bus. As they reached the Nigambodh Ghat they noticed that Home Guard in uniform had been lined up to present a guard of honour. They had a talk with some of the Home Guard who asked them to bring the dead body soon as they had been waiting since morning. They reached Irwin Hospital at about 9 A.M.

#### **Funeral procession**

At the hospital the relatives of the deceased agreed to take the dead body straight to the Nigambodh Ghat for cremation. At about 10 A.M. the body was put in a truck which was followed by other vehicles in the form of a funeral procession. The truck was stopped at the road leading to the cremation ground. The body was taken out

and various persons laid flowers on it. It was then taken inside. In the meantime, Shri Khanna telephoned various individuals in Shahdara and Shri H. K. L. Bhagat, M.P., informing them about the cremation. Various local leaders of Shahdara and others arrived there. A few thousand persons had thus collected.

### **Rumour**

Inside the Nigambodh Ghat a rumour spread that 3,000 to 4,000 persons, who had come to Delhi from U.P. to attend the cremation, had been held up by the police at the Yamuna Bridge. D. K. Jain, P. K. Jaiswal and Gopal Krishna Aggarwal, who reached the cremation ground at about 11 A.M., informed the people that the rumour was baseless since they had travelled through Yamuna Bridge and nobody was being stopped. ADM (South) came out of cremation ground to check up with SP (Central) who was present on the Ring Road outside with a wireless. The Commandant of the Home Guard and some persons of the public also came out for the same purpose. SP (Central) after checking by wireless informed everyone that the rumour was baseless. People were, however, not satisfied and about 700 to 800 persons, who had come out of the Nigambodh Ghat, started proceeding towards Lothian Gate. Seeing the police posted at that gate they started pelting stones. Police photographer Shashi Pal Singh HC (GW 5) and Surrinder Pal Singh HC (GW 6) started taking photographs. Both of them were in mufti. Suspecting them to be police photographers some persons caught hold of them. Shashi Pal Singh told them that he was a photographer of National Herald and not of the police, and was thereupon set free. However, Surrinder Pal Singh was not released. His camera was smashed and he was given a beating.

### **Tear-gas**

ADM (South) tried to intervene and persuade the public to release him but in vain. Suddenly some young men recognised him as the magistrate who had ordered the cane charge the previous afternoon at Shahdara and rushed at him. Since he was all alone he ran out of that place towards Inter-State bus terminus chased by them. There he contacted the DM on telephone and asked for reinforcements. He was informed that reinforcements had been sent. The mob, which was facing the police at Lothian

Gate, in the meantime, started throwing stones heavily and forcing the police party to retreat. Some members of the police-force retaliated by throwing back the stones they were getting. The police party consisted of about 25 persons and was armed with canes. After some time reinforcements arrived. S. L. Dua, SDM, directed the public to release Surrinder Pal Singh photographer. When the public refused to release him, the SDM ordered the use of tear-gas. He thus succeeded in rescuing the photographer and dispersing the people. However, some tear-gas shells fell inside the boundary wall of the cremation ground.

### **Jan Sangh satyagrah**

The Jan Sangh had been agitating against the price rise by holding demonstrations at various places in Delhi for about a month. It had announced its intention to hold a protest meeting in the afternoon of August 20, at Chandni Chowk. Now it decided to shift the venue of the meeting to Anaj Mandi, Shahdara. The D.M. came to know about it. He immediately got in touch with one of the senior Jan Sangh leaders and requested him to intervene and not to shift the venue in view of the tense situation in Shahdara. His request was not accepted.

At about 11 A.M. Yogdhian Ahuja with some Jan Sangh workers came to police-station Shahdara for permission to use loud-speaker in the proposed meeting to be held at Anaj Mandi. ADM (North), however, refused the permission (Exhibit GW 33/1-A) since he felt that the meeting was likely to adversely affect the law and order situation. He got in touch with I. D. Mahajan and D. K. Jain, who were the leaders of Jan Sangh in Shahdara, and asked them not to hold the meeting since it might worsen the situation. His efforts, however, did not succeed and he was told that the decision had already been taken to shift the venue and the meeting was going to be held at 4 P.M. He warned SP (North), who was present in the police-station, to be vigilant.

At 3-30 P.M. ADM (North) directed Parkash Singh, Commandant of the DAP, and his force, to accompany him to Anaj Mandi. He took three magistrates and some additional police-force with him. They walked to Anaj Mandi reaching at 3-50 P.M. He found there a small police-force already deployed under the command of



DSP. Mehra. With a megaphone he made an announcement reminding the public that Section 144, Cr. P. C., was in force and the people should not commit any breach of the same. At 4 P.M. Jan Sangh workers started collecting there and they were also warned. However, they continued to collect. A cordon of the police was formed and Jan Sangh workers offering satyagrah were made to sit in that cordon. Till 4-30 P.M. about 179 workers and leaders of the Jan Sangh had collected. They were taken into custody. The satyagrah was peaceful and orderly. Four or five jail vans were available at the spot and the arrested persons were asked to get into those vans. The arrested persons cooperated inasmuch as they obeyed the directions. However, 18 of them refused to go into the vans and wanted a separate van for themselves. Their grievance was that there was no space for them in the vans. Efforts to persuade them to get into the vans failed. Another police van from the police-station was summoned by wireless. A van did leave the police-station for that place but was held up at Chowk Shahdara by the crowd and was forced to go back. These 18 persons, therefore, had to walk to the police-station with the police. They raised slogans against the rise in prices on way to the police-station.

When the ADM reached Shahdara Chowk. at about 6 P.M. he noticed that a crowd had collected and people were throwing stones at the police-party deployed there. He stopped there directing the police and magistrates to take the *satyagrahis* to the police-station. This party reached the police-station at 6-15 P.M.

### **Tear-gas**

In the meantime, the ADM directed Manjit Singh, Magistrate, who was present at Chowk Shahdara, to warn the crowd and ask the people to disperse. On their refusal to disperse, the ADM ordered the use of tear-gas. Thereafter, the people dispersed.

The ADM came back to the police-station at about 6-20 P.M. He noticed that a jail van was standing outside the compound of the police-station and the 18 satyagrahis were refusing to enter the same. A minor scuffle ensued but the police succeeded in forcing them into the jail van which was then sent to the Central Jail.

At about 4 O'clock another incident took place near Shahdara Chowk. Groups of people suddenly emerged from various directions and about 300 to 400 persons collected between Radhu Talkies and Shahdara Chowk. They began throwing stones at the police. DSP Om Parkash, who was in police jeep on patrol, became a target. He and his driver were hit. After due warning, DSP Joginder Singh, in charge of the police party at Shahdara Chowk, used tear-gas and dispersed the mob. FIR No. 1051 was registered at police-station Shahdara in respect of this incident.

### **Acts of lawlessness and tear-gas**

Between 4-30 P.M. and 5-30 P.M. some acts of lawlessness took place along Loni Road. ASP A. K. Srivastava, SDPO Kingsway Camp, was proceeding to police-station Shahdara via Loni Road along with one Company of DAP and a half section of Gas Squad. He was held up on Loni Road near Narula factory by a mob which consisted of 4,000 to 5,000 persons. Some of them were armed with lathis. He asked for reinforcements from the police-station. A police-force with G. K. Dikshit, SDM (Daryaganj), rushed to the spot via G. T. Road. As they passed through Loni Road, they were subjected to heavy stoning from both sides of the road. Later, they encountered a road block near the culvert beyond Balbir Nagar extension which was cleared. The force led by ASP A. K. Srivastava could be seen beyond the crowd. Finding the crowd in a menacing mood and indulging in heavy stone throwing from all sides, it was decided to force a way out by making a convoy of trucks and jeeps. Two trucks with sufficient tear-gas were put in front of this convoy and they started using tear-gas and proceeding. The last truck got stalled on account of some mechanical defect which forced the officers to stay behind with their jeep and two trucks. The people started surrounding the force and indulging in heavy stoning. Since most of the force along with tear-gas had succeeded in going ahead, the SDM sent a message for reinforcements and started retreating. Again one truck got stalled because of some mechanical trouble and the force decided to abandon the truck and march back. This abandoned truck was subsequently set on fire by the crowd after pushing it off the road into nearby fields.

At about 4-30 P.M. in answer to the request of SDM Dikshit, SDM P. N. Gupta with DSP Durga Shankar Amist, SDPO (Shahdara), and a police-force, was sent to Loni Road. They reached the spot at 5 P.M. and found a large crowd blocking Loni Road. After due warning the SDM ordered the use of tear-gas with the result that the crowd dispersed and they were able to proceed. In the meantime, a message was received that the beleaguered Company had reached the police-station. Thereafter, they came back to the police-station.

Another police-party under DSP Joga Singh (DAP), which was going to DAP Lines via Loni Road, met a violent mob near Narula Factory. The mob was dispersed by the use of tear-gas after due warning. Many policemen received injuries from the stones thrown by people. FIR No. 1051 was registered at police-station Shahdara about it. They were able to join the force led by ASP A. K. Srivastava and Srivastava's force could then proceed on to police-station Shahdara.

At about 4-45 P.M. a mob raided terminal tax check post at Loni Road which is about a mile away from Balbir Nagar Extension. It was ransacked and set on fire. The loss was estimated at Rs. 8,937/- including the cash amount of Rs. 812 (Exhibit GW 14/1). At about 5-45 P.M. terminal tax check post at Johripur was attacked and set on fire. The loss was estimated at Rs. 5,905/- (Exhibit GW 14/2).

A U.P. Roadways bus No. UST 5241 was set on fire on Wazirabad Road off Loni Road (FIR No. 1051).

At 6-40 P.M. the house of ASI Bakhshish Singh, which is situated in Ram Nagar Extension, was raided by a mob and set on fire. Information about it was received at the police-station at 6-45 P.M. Fire-brigade was sent and police was rushed from police-station Shahdara. Almost half of the house was reduced to ashes before the fire could be brought under control by the fire-brigade which was subjected to heavy stoning by the public. Tear-gas had to be used twice under the orders of Manjit Singh, Magistrate, to clear the mob for providing passage to the fire-brigade. FIR No. 1053 was registered in respect of this incident at police-station Shahdara.

### **Rafiq's burial**

In the meantime, the DM was busy making arrangements for the burial of Rafiq who had died of a bullet injury the previous evening. He deputed H. A. Arfi, SDM (Patel Nagar), to persuade the deceased's relations to bury the deceased in the Muslim graveyard near the Irwin Hospital as carrying the body to Shahdara might aggravate the situation. At 6 P.M. the DM and R.D. Pande, DIG (Armed Police), reached Irwin Hospital and persuaded the relations of Rafiq to agree to bury him there. They were assisted by Y. N. Sarwariya, Municipal Councillor. The body was buried the same night in the graveyard behind Indian Express Building.

### **DM's assessment**

At 7 P.M. the DM along with ADM (South) and ADM (L.A.) arrived at police-station Shahdara. The DIG also arrived. Other senior officers also collected there and the situation was assessed. The DM's assessment was that things were returning to normal but unlike the previous day the police should go out for patrolling since the tempo had subsided. He decided to apprehend bad characters on that night as a preventive measure. It was also decided to prevent outsiders coming to Shahdara to create trouble as rumours were current of persons coming from the U.P. and indulging in lawlessness. Shahdara was now divided into six sectors covering Gandhi Nagar Police-Station also. Sufficient reserves were kept at all the police-stations and also with patrolling parties. Each sector was put under the charge of a responsible officer and patrolling was intensified. Special precaution was taken to keep G.T. Road open. During that night some 58 bad characters were rounded up.

In order to isolate the students and keep them away from mischief Shyam Lal College as well as the Higher Secondary School near the police-station was got closed for two days.

At about 8-05 P.M. a terminal tax check post, about 4 miles from the police-station, was attacked and ransacked. The loss was estimated at Rs. 5,200 (Exhibit GW 14/2).

**Arson at Police-Station, Farash Bazar and use of tear-gas**

At about 8-40 P.M. information was received at the police-station that there was some attempted arson at Farash Bazar Police-Station. P. N. Gupta, SDM (North), with a police party went to that police-station. On way to the police-station he noticed a crowd in front of Babu Ram Higher Secondary School blocking his progress. After due warning he ordered the use of gas and the crowd dispersed. He reached the police-station and found that one of its tents, pitched outside the police-station building, had been burnt down. He also found stones lying there. This police-station is located in some small rooms of an old building. In front of it there is a large open space across the road and some tents have been pitched there to provide extra accommodation. At about 9-30 P.M. the people again collected there and started pelting stones. Again tear-gas had to be used to disperse them. The SDM called Ram Narain Gupta and J. K. Jain, who lived nearby, to help him by persuading the people not to collect and to abstain from violence. Thereafter, the SDM with his force came back to police-station Shahdara.

The DM and the DIG on coming to know about the attempted arson near Farash Bazar Police-Station decided to patrol selected areas to assess the situation. Between 10 P.M. and 11 P.M. they marched with a posse of police-force to various areas including Farash Bazar police-station area. This boosted the morale of the police-force.

## CHAPTER III

### EVENTS OF AUGUST 21, 1972

The Loni Road and the Balbir Nagar areas had been scenes of violent incidents the previous day. Road blocks were put up by the people on Loni Road which is an essential Inter-State artery. Police parties were stoned. The District Magistrate, therefore, decided to keep Loni Road under effective police patrolling to prevent road blocks, brickbating and other acts of lawlessness. He also decided to deal firmly with miscreants indulging in acts of lawlessness and to arrest them.

#### **Police vehicle damaged**

At about 9 A.M. information was received at police-station Shahdara that some miscreants were stoning passing vehicles near Seelampur on G.T. Road. DSP D. S. Amist, SDPO Shahdara, with a police party was sent. Seeing the police the miscreants ran away. They had damaged police vehicle No. DLV 2588 by smashing its windscreen. FIR No. 189 was registered at police-station Seelampur about this incident.

At about 10 A.M. ADM (North) directed S. P. Aggarwal, SDM (Civil Lines), to go to the crossing of G.T. Road/Loni Road along with Balwant Singh, SDPO Kingsway Camp, to ensure unhindered flow of traffic on the roads. He was told that a police-force was already there and that another police party would be sent to the other end of Loni Road. Shri Aggarwal had been given one Company of the CRP under the command of DSP J. S. Dawson, who was commanding 'C' Company. Before this Company left the police-station it was addressed by Y. N. Kashyap, Assistant Commandant, and was told that they were to obey the orders of the SDM and were to act in not less than a Section's strength. S. P. Aggarwal reached the crossing at about 10-30 A.M. and found a police-force with Inspector Gurnam Singh of the DAP there. He noticed a smooth flow of traffic.

At about noon Shri Aggarwal, SDM, received information from the driver of a passing truck that about 500 persons had collected on Loni Road and were trying to

block the same near Rathi Steel Rolling Mills. Shri Aggarwal passed this information to the police-station by wireless and enquired if police-party had reached the other end of the road. At about 12-30 P.M. a three-wheeler scooter rickshaw driver, coming from the other end of Loni Road, informed Shri Aggarwal that people near the Mills were collecting petrol and diesel oil from passing vehicles. This information was also conveyed to the police-station and again enquiry was made whether police had reached the other end of Loni Road.

After receiving the information ADM (North) directed P. N. Gupta, SDM, to proceed to the other end of Loni Road with R. N. Saxena and Y. N. Kashyap, Assistant Commandants of the CRP, and L. D. Gupta, Magistrate. He was apprised of the situation on Loni Road. R. N. Saxena, Assistant Commandant, was also briefed about the situation. There were two Companies of the CRP at the police-station. They were ordered to fall in. Shri Saxena briefed them. They were told to work under the orders of the SDM who was accompanying them. They were directed to act in not less than a Section's strength. In case the two Companies had to work separately then one Company of DSP Bhola Singh was to remain with him and the SDM, while the other Company of Subedar Ranbir Singh was to remain with Shri Kashyap and L. D. Gupta. All the commanding officers were directed to keep a close supervision over the constables working under them. Y. N. Kashyap, Assistant Commandant of the 9th Battalion, CRP, also similarly briefed the Companies. DSP Bhola Singh was commanding 'D' Company, while Subedar Ranbir Singh was commanding 'F' Company. These two Companies along with two platoons of DAP with their officers and the magistrates left the police-station at about 12-40 P.M. and proceeded to Loni Road through back lanes via Kabul Nagar.

### **Road block**

S. P. Aggarwal, SDM, was informed by wireless that a police party had left the police-station and was on its way to the other end of Loni Road. Shortly thereafter Shri Aggarwal noticed flames on the road near the Mills. He thought that perhaps some vehicle had been set ablaze. He rushed to the spot with his force. This spot was about

500 metres away from the crossing. He found a crowd between him and the flames. As they approached the spot some stones were pelted on them by this crowd. When they neared the spot the crowd fell back towards Balbir Nagar. Now he found some drums and discarded iron chimneys with some oiled rags aflame on them. These had completely blocked the road. He directed the policeman to clear the road. No sooner had the policemen got busy in removing the obstructions that the people collected at the nearby Balbir Nagar Marg started throwing stones and soda water bottles on them. SDM Aggarwal warned them not to indulge in violence. It had no effect. They were shouting "Delhi Police Hai Hai", and continued pelting stones.

### **Crowd chased**

The SDM checked up the possibility of using tear-gas but found the wind unfavourable. He, therefore, directed SDPO Balwant Singh to arrest the miscreants and disperse the crowd by using force. The SDPO along with a DAP Company led by Inspector Gurnam Singh chased the people down Balbir Nagar Marg. DSP J. S. Dawson was also with him. About 33/34 persons were apprehended during this operation. The policemen went, according to SDPO Balwant Singh and DSP J. S. Dawson, up to a distance of about 150 yards and remained on that road only and did not enter any bylane. During this operation some policemen received simple injuries on their legs, feet and hands from the stones thrown at them by the public. The apprehended persons were brought to Loni Road and were put in a jail van which had been summoned by wireless. This van was then escorted to G.T. Road by Shri Aggarwal and his force.

In the meantime, the police party led by P. N. Gupta, SDM, reached Loni Road. It had emerged on the road near Balbir Nagar Extension at about 1-30 P.M. Shri Gupta noticed persons being put in the jail van and being taken towards G.T. Road.

### **Tear-gas**

Shri Gupta, SDM, noticed a mob towards Vivekanand Marg in Balbir Nagar Extension and another mob towards Rathi Steel Rolling Mills. He found himself between the



two mobs. He sent a wireless message for Shri Aggarwal to return to the spot. The mob near the Mills became violent and started pelting stones on the policemen. When the stoning became intense, the SDM warned the people and, finding that it had no effect, ordered the use of tear-gas. The mob melted away. At about 2-20 P.M. the police party with Shri Aggarwal, SDM, approached the Mills. The people again collected at this site and started brick-bating. Shri Aggarwal's progress was impeded and his force could not join the force accompanying Shri Gupta, SDM. The mob had to be tear-gassed to enable the two police-forces to meet.

The mob at Vivekanand Marg was also indulging in violence and was throwing stones and soda water bottles on the policemen standing nearby. At about 2-20 P.M. Shri Gupta, SDM, noticed a damaged car belonging to the Hindustan Times coming there.

At about 2-30 P.M. Radhey Shyam Khanna approached SDM Gupta and requested that some persons arrested by Shri Aggarwal be released. He told Shri Khanna that all those persons had been sent to the police-station. Shri Gupta, however, requested Shri Khanna to use his good offices to persuade the mob at Vivekanand Marg not to indulge in violence and to disperse. Shri Khanna made several efforts to persuade the people to leave the place. This had some momentary effect. Soon thereafter intensive stoning started in which Shri Khanna was also injured. He told SDM Gupta that he was going to the police-station since people were agitated over the arrests and left the place. However, stone throwing continued. Some of the persons in the mob were seen with lathis.

### **Crowd charged**

At about 2-50 P.M. the mob was shouting "Police Bhaag Jao" and was stoning the policemen. Shri Gupta, SDM, directed R. N. Saxena, Assistant Comandant, to arrest the miscreants and to disperse the crowd. Shri Saxena pointed out the miscreants to DSP Dawson, SDPO Balwant Singh and Assistant Commandant Kashyap, and directed each one of them to take a platoon, arrest the miscreants and disperse the mob.

Each of the officers took a platoon consisting of about 25 persons who were briefed. The policemen carried cane shields to protect themselves from stones. They also had canes. Each officer made his platoon fall in three lines. The platoons entered Vivekanand Marg with three abreast. DSP Dawson's platoon entered first and rushed at persons in the middle of the Marg. SDPO Balwant Singh's platoon followed the first platoon by entering from the left side, whereas Shri Kashyap's platoon was the last entering on the right side. As the first platoon entered, the people started running away. They were, however, throwing stones now and then. The first platoon went about 200 yards down Vivekanand Marg. After the entry the formation of the platoons was automatically broken. Within two minutes of the entry of the first platoon, the police started arresting persons. About 8 to 9 persons were arrested by the first platoon and they were immediately taken to Loni Road with a Head Constable and about 12 constables.

The second platoon was able to apprehend about six persons within a distance of 60 yards from the entrance. Three were apprehended from inside a bylane, whereas the other three were apprehended at its entry. They were escorted back to Loni Road by about nine policemen. In the meantime, Shri Kashyap's platoon bypassed the second platoon and went ahead. The second platoon thereafter went towards its right and again came back on the left seeing some persons collected there.

The third platoon, after bypassing the second platoon, had gone ahead for another 100 yards when they noticed some miscreants, who were to be arrested, in a bylane. One Section was directed by Shri Kashyap to enter that bylane and arrest them. By this time Shri Kashyap had been hit by a stone near the eyebrow.

### **Constable injured**

Three constables of this Section followed these miscreants in the bylane and as they were about to close on the nearest person when that person turned back and hit constable Dinesh Singh of the CRP on his mouth with something held in his hand. The constable's upper lip was cut, and he started bleeding profusely and sat down. However, his two companions followed that person, whose name

was later on found out to be Shiv Narain Sharma. He entered a house and the two constables followed him inside the house. However, the two constables came out immediately shouting that they had been beaten. They came out on the Marg along with the injured constable and apprised Shri Kashyap who sent the injured constable assisted by three other constables to Loni Road.

### **Shiv Narain Sharma apprehended**

In the meantime, SDPO Balwant Singh saw a CRP constable standing at the entrance of the sixth bylane and shouting "Major, Hamaara Ek Aadmi Ghir Gaya Hai". He directed SI Attar Singh of the DAP to take three or four Constables of DAP and one CRP Constable to find out what the matter was and to help them. SI Attar Singh took one of the CRP Constables accompanying the injured Constable and entered that lane. Now the CRP Constable told them that a person after hitting one of their companions had taken shelter in a house and in fact none of their companions had been surrounded. The house was pointed out. SI Attar Singh entered the house with his constables. He noticed Shiv Narain Sharma lying on the floor and a lathi lying near him. He saw a simple injury on his head. SI Attar Singh directed his men to lift him up. In the meantime, his wife came out and said that her husband should not be taken away since he had done nothing. She was told that he had to be taken away since he had injured a Constable. The wife bent over Shiv Narain Sharma in order to save him from being taken by the Constables and clinging to her husband. However, he was lifted up and taken out of the house by the Constables.

As the police party came out in the lane, stones were thrown at them from the opposite house. SI Attar Singh, after directing two or three constables to take away Shiv Narain Sharma, entered that house along with a constable. He did not find anyone. However, an old woman came out of another door and told him that there was only a lady in the house who had recently given birth to a child and that the persons, who were throwing stones, had run away from the roof. Thereafter the Sub-Inspector left this house and came out on the Marg.

During these operations Shri Gupta, SDM, along with Shri Saxena, Assistant Commandant, was standing on Vivekanand Marg/Loni Road crossing. He could see that the policemen had gone about 200 yards down the Marg and that some of them had entered the bylanes. After about 10 minutes some apprehended persons were brought out and the Marg was cleared of the crowd. He, therefore, directed Shri Saxena to retrieve the force. Shri Saxena went inside the Marg while Shri Gupta requisitioned a jail van by wireless.

Shri Saxena went about 30 yards inside Vivekanand Marg and blew his whistle and gave a signal for the force to come back. This signal was given by raising his hand over his head with the fingers touching the head. The commanding officers, who had taken the platoons on the Marg, heard the whistle and noticing the signal started collecting their force and returning back to Vivekanand Marg.

#### **Injured women demonstrate**

As the force was coming out of Vivekanand Marg, a woman was brought by some persons and was placed near the junction of Vivekanand Marg with Loni Road alleging that she had been injured by the police. Two other women also came and all the three lay down on the road. They were complaining of merciless beating by the police. Sheila Devi, wife of Shiv Narain Sharma, was one of them and was bleeding from her head. Someone started sprinkling water on her face while photographs were being taken by the Press photographers. There was a demand for the release of some arrested persons who were said to be relations of these women. Shri Gupta, SDM, informed them that he was ready to take the women to the hospital for medical aid. He, however, refused to release anyone. All the apprehended persons were put in the jail van. As the van started moving, Sheila Devi was picked up from the place where she lay and placed on the road in front of the jail van.

In the meantime, Radhey Shyam Khanna reached the police-station and met ADM (North), SP (North) and Shri Gautam Kaul, AIG (II), and complained about police excesses. He requested for the release of six persons who had been unjustly apprehended in his presence in front of Bharatiya Arvachin School and told the officers that otherwise situation was likely to deteriorate. Finding no response he sat in *dharna* to protest. In the meantime Communist Party Leaders including Prem Sagar Gupta and B. D. Joshi arrived there. Thereafter, Gautam Kaul persuaded Shri Khanna to accompany him to Balbir Nagar.

At Balbir Nagar Gautam Kaul, AIG, talked to the persons present and then directed the release of Shiv Narain Sharma who was taken out of the jail van and released. Thereafter the people dispersed and the policemen were able to come out on Loni Road. The jail van left the place and after some time P. N. Gupta, SDM, along with other officers and the police-force left for the police-station.

#### **M.Ps. visit**

Shri Khanna came back to the police-station along with Shri Gautam Kaul. Now six arrested persons, for whose release Shri Khanna had requested earlier, were released. By that time Shrimati Sheila Kaul and Shrimati Mukul Banerjee, M.Ps., came there to find out the facts. Shri Khanna took them to Balbir Nagar and showed them various places as well as the injured men and women. The M.Ps. assured the people that their grievances will be looked into.

Thereafter, no incident took place and the situation became normal.

PART III  
ADMINISTRATIVE MEASURES  
AND  
USE OF FORCE

**CHAPTER I**  
**NON-ARREST OF A.S.I.**

*August 18, 1972*

The First Information Report lodged by ASI Bakhshish Singh in police-station Shahdara shows that he shot at and injured Onkar Singh. Thereafter, he took Onkar Singh into custody and brought him to the police-station. From there Onkar Singh was taken to Irwin Hospital, where he was declared dead. Thus, Onkar Singh died while in the custody of the police.

When SP (North) was informed of the incident, he promptly visited the place. He learnt that Onkar Singh, deceased, was not a dacoit, as alleged by the ASI, but was an officer of the Home Guard. He also discovered that the ASI's allegation that other members of the supposed gang of dacoits were hiding in the house of the deceased at Balbir Nagar was false. He suspected the ASI's story of an encounter. But for the bullet injury sustained by the Head Constable accompanying the ASI, he would have ordered the immediate registration of a case against the ASI and arrested him.

The SP telephoned the ADM (North) at about 11-15 A.M., apprised him of the facts, asked him to send a Magistrate to the police-station and requested a Magisterial inquiry. The ADM told him that he was sending a Magistrate and would get permission of the District Magistrate for a Magisterial inquiry.

Why the SP was asking for a Magistrate is not clear. The ADM himself is not clear why the Magistrate was being asked for. However, when he sent two Sub-Divisional Magistrates to the police-station he directed them to take care of the law and order problems if any arose. The SP, however, is quite specific that no law and order problem was envisaged at that time.

The SP had not indicated any reason to the ADM why a Magisterial inquiry should be held. But the ADM had also not inquired the reason. Perhaps each thought that

the other had understood it in the context. After promptly despatching two Sub-Divisional Magistrates to the police-station with directions to handle any law and order problem, the ADM tried to contact the District Magistrate for obtaining orders for a Magisterial inquiry. However, the DM was not immediately available and could be contacted only at 2 P.M. Even then the DM did not make any order though he had spoken to the DIG on the telephone. Instead he asked for a written report from the S.P.

The DM says that he wanted to know more details so as to decide whether it would be appropriate to hold a Magisterial inquiry or a Magisterial inquest. He states that, at that time, he had no information which might show that Onkar Singh had died in police-custody. It was his understanding that whenever a person dies as a result of a shot fired by the police either a Magisterial inquiry or a Magisterial inquest needs must be held.

At this stage it is to be observed that under Section 176 of the Code of Criminal Procedure when any person dies while in the custody of the police it is the duty of the nearest Magistrate empowered to hold inquests, to hold an inquiry into the cause of death. The Code empowers a District Magistrate, Sub-Divisional Magistrate and Magistrate of the 1st Class to hold inquests (Section 36 read with Schedule III of the Code). The inquiry may be, either instead of, or in addition to, the investigation held by a police-officer. In holding the inquiry the Magistrate has all the powers in conducting it which he would have in holding an inquiry into an offence. He must record the evidence taken by him in connection with the inquiry.

It is also to be noticed that under Rule 16(38)(1) of the Punjab Police Rules a Superintendent of Police is required to give immediate information to the District Magistrate of any complaint received by him which indicates the commission by a police-officer of a criminal offence in connection with his official relations with the public. The District Magistrate is then to decide whether the investigation of the complaint shall be conducted by a police-officer, or made over to a selected Magistrate having 1st class powers. Under Section 10 of the Code all the Additional District Magistrates of Delhi have been conferred all the powers of a District Magistrate under the



Code. However, according to District Magistrate Srinivasan, there has been a controversy about the interpretation of this Rule and conflicting decisions have been given by High Courts, some of them interpreting the words "District Magistrate" to mean a *persona designata*. In other words, it is doubtful if Additional District Magistrates can pass orders under this Rule. DM Srinivasan states that this conflict of views is known to all the ADMs, although there is no order directing the ADMs not to act under this Rule.

DM Srinivasan also states that in a situation, which is likely to have repercussions in the jurisdiction of more than one ADMs, the ADM concerned is expected by convention to consult the DM, even though the ADM may have power to act under Section 10 of the Code. Though a Magisterial inquiry under Section 176 of the Code can be ordered by an ADM, ADM O. S. Chauhan states that he would approach the DM in all such cases for orders. This shows that there is some practice or convention or understanding in Delhi whereby ADMs leave such decisions to be taken by the District Magistrate.

How and why this undesirable state of affairs has come about in Delhi, is not known. It may be, that as the senior-most officer is available immediately, it has been thought desirable to obtain a decision from him. But the result of it is that even when the DM is not easily available, no decision is taken by an ADM. In such a state of affairs a Sub-Divisional Magistrate or a Magistrate Ist Class can never contemplate the taking of any decision. It has produced a lack of confidence amongst officers and they are afraid of taking any decisions lest they turn out to be wrong and provide occasions for reprimands by the DM. The quicker this deplorable condition is rectified the better it will be for all concerned.

As I have already observed, under Section 176 of the Code a Sub-Divisional Magistrate has a duty to hold an inquiry into the cause of death of a person who dies while in police custody. If the state of affairs to which I have referred had not existed in Delhi, the SDM of the locality would have immediately proceeded to hold an inquiry into the cause of Onkar Singh's death. P. N. Gupta was the Sub-Divisional Magistrate of Shahdara. He came to know about the death of Onkar Singh when the ADM sent him

and SDM Narayana to Shabdara. He should have proceeded to hold the inquiry forthwith. However, he cannot really be blamed because the ADM had instructed him to look after law and order problems only. The same applies to SDM Narayana, who also had the power to hold an inquiry. Even the ADM cannot be blamed because he too was following the existing practice, convention or understanding that the DM was to take a decision.

In my opinion, the DM should have ordered a Magisterial inquiry at 2 P.M. when the ADM approached him. Not only had the ADM given him the facts, but the DM had also had a talk with the DIG on the telephone. The DIG had inspected the spot and knew the facts in detail, and had directed the SP to request the ADM for a Magisterial inquiry. The DM's explanation for asking for "fuller details" is that he had received two reports. The first was that a dacoit had been killed in an encounter, and the other that an officer of the Home Guard had been killed. He thus wanted to be sure about the facts and so asked for "fuller details" in writing.

I do not see any conflict in these two reports. At the very outset the SP and the DIG had come to know that the person killed was an officer of the Home Guard. It was also known that he had been killed on the pretext that he was a dacoit. These facts were explicitly conveyed to the ADM. The reason for the ADM sending the two Magistrates to look after the law and order situation obviously was that since an important resident of the locality had been killed by a police officer on the pretext of his being a dacoit, the public might create a law and order problem. I have no doubt in my mind that the ADM had conveyed these facts to the DM. Even if there was some doubt in the mind of the DM, it should have been resolved when he talked to the DIG who knew every detail. Thereafter, there was hardly any reason for the DM wanting to be more sure about the facts, and to ask for full details in writing. Even the written report did not contain any material additional detail. The only additional fact mentioned in it was the registration of a counter-case against the ASI under Section 304, I.P.C. But this admittedly did not affect the DM's decision. It seems that the matter was not given the attention it deserved, for otherwise it was quite clear that even according to the

ASI's version Onkar Singh had died in police custody. This called for an inquiry into the cause of his death by a Magistrate. The DM had no discretion in the matter. In fact, he does not come into the picture at all under Section 176 of the Code. In any case, he ought to have realised that he should pass immediate orders directing the holding of a Magisterial inquiry (also known as a Magisterial inquest in common parlance) under Section 176 of the Code.

Till this time no question of ordering a Magisterial inquiry under Rule 16.38(1) of the Punjab Police Rules had arisen. No complaint had been received by the Superintendent of Police indicating the commission of a criminal offence by the ASI. Even if it be assumed that the Superintendent of Police being himself suspicious of the version given by the ASI and so was giving information to the District Magistrate and requesting for a Magisterial inquiry, the Magisterial inquiry under this rule (which is an investigation) could not by any stretch of imagination replace a Magisterial inquiry (also known as Magisterial inquest) under Section 176 of the Code.

Had a Sub-Divisional Magistrate started an inquiry into the cause of death of Onkar Singh at about the time when SDMs P. N. Gupta and Narayana reached the spot, or even in the afternoon if the DM had passed the necessary orders directing a SDM to hold the inquiry, there was a great likelihood of avoiding the demonstrations and disturbances which subsequently occurred. After the incident the residents of the locality were mortally afraid of the police. They had come to know that a police-officer (the ASI) along with notorious bad characters had brutally murdered an innocent respectable official residing in the locality in broad daylight. Some of them had seen the incident. Now this very ASI was leading the SP, the DIG and other officials for inspection of the place of incident. All this had given rise to strong anti-police feelings in the public. The presence of the police in the locality, instead of being an assurance of safety and help, had become an obstacle in the way of the residents openly coming forward and stating what they knew. It is true that the DSP (Crime) was asking for witnesses and that no one was willing to come forward. But, how could the residents distinguish between local police and other police, and

know that the DSP (Crime) had come there to protect them and not the guilty ASI. In this situation if a Sub-Divisional Magistrate had started an inquiry into the cause of death and started recording evidence, I have no doubt that residents would have been willing to come forward to state what they had seen. The residents certainly knew the difference between Magistrates and police-officials. They knew that Magistrates are for doing justice and not for protecting guilty police officials.

One of the effects of the SDM holding an inquiry at this stage would have been that the residents would have been satisfied that an agency independent of the police had started looking into the matter. The relatives of the deceased, who were scared of the police, would have felt secure and been quietened. The attention of everyone would have been diverted to the inquiry being held by the SDM. With this atmosphere in the locality there was little chance of any demonstrations and disturbances occurring subsequently.

Another important result of the SDM holding an inquiry would have been the immediate arrest of the ASI. The main cause for the demonstrations by the public on the night of 18th and the morning of 19th was the failure of the police to arrest the ASI. The residents, including responsible public leaders of the locality, were approaching police-officials and asking them to arrest the ASI. They were told that there was no evidence on which the ASI could be arrested. I will discuss this aspect in detail a little later. At this stage it is sufficient to say that had an SDM started conducting an inquiry into the cause of death of Onkar Singh, there was every likelihood of people coming forward to depose before him, and this evidence would have been available to the police in addition to the report lodged by the deceased's father.

The presence of the SDMs in the locality had, in the beginning, given rise to an impression amongst the residents that they had come there to hold an inquiry. A. K. Singh, the then Commandant of the Home Guard (now the Superintendent of Police of North District), who was sent by Major General Korla to visit the place of incident and make an inquiry, found SDM Narayana surrounded

by many persons. A. K. Singh succeeded in ascertaining some of the facts and took 3 or 4 persons to the SDM so that their statements could be recorded, because earlier he had been told by the then Superintendent of Police that the latter had asked for a Magisterial inquiry, preferably by an SDM who was not in charge of Shahdara. Finding SDM Narayana over there, he presumed that an inquiry was being held. This presumption was further strengthened by the fact that he had seen SDM Narayana surrounded by many residents. Consequently, he more or less pushed those 3 or 4 persons forward amongst those surrounding the SDM and directed them to narrate all that they had seen. But, the unfortunate thing was that SDM Narayana was neither holding any inquiry nor recording any evidence. And so he could not, and did not, record the evidence of these persons. This shows that there was considerable possibility of people coming forward to make statements before the SDM. At the same time, no resident was willing even to go near a police-officer, leave alone the making of a statement before him.

It is suggested on behalf of the Government that even if a SDM had been directed to hold an inquiry either by the ADM at 11-15 A.M. or by the DM at 2 P.M., it would not materially have altered the course of events. The reason given is that in practice a Magistrate holding an inquiry under Section 176 of the Code is not required to go to the place of incident immediately, and a few days elapse before the statements of witnesses are recorded by him as he has to issue a public notice. If there is any such practice, as suggested on behalf of the Government, then it must be strongly deprecated. Section 176 of the Code assumes that the inquiry will be started as soon as possible after the Magistrate comes to know that a person has died in police custody. It is true that no detailed procedure is laid down under this Section, but its absence gives a wide discretion to a Magistrate to adopt such procedure as he may consider expedient in the circumstances of each case. Inspection of the place where the incident occurs has normally to be made as soon as possible and that is an important part of the inquiry. The evidence available at the spot can be recorded at once. Of course, this does not mean that the inquiry must or should be completed there and then. It only ensures that the evidence is not allowed to be lost. In the present case, if an SDM had

started an inquiry in the forenoon, or even in the afternoon, evidence in the form of statements of witnesses available at the spot could have been recorded quickly. This evidence would have been immediately available to the investigating officer.

The copy of the inquiry report prepared by S. L. Dua, SDM, who was directed to hold an inquiry into the cause of death of Onkar Singh at about 8 P.M. on the fateful day, shows that he proceeded immediately to the Irwin Hospital mortuary and examined the dead body of Onkar Singh. He prepared an examination report and recorded the statements of two constables who had custody of the body. He then proceeded to Shahdara for further inquiries. Around the police-station at Shahdara he found a large crowd demanding, *inter alia*, the arrest of the ASI. He, as well as other officers, continued to discuss the matter with the public leaders and visited the spot only at about 2-30/3 A.M. By that time no one was willing to make a statement.

But S. L. Dua, SDM, had reached the spot too late to collect evidence. He himself could not have avoided the delay because he was directed to hold the inquiry only at about 8 P.M. Had he reached the place of incident even by 3 or 4 P.M., I have no doubt that the situation would have been materially different.

Numerous residents of the locality and some of the local leaders were coming to the police-station throughout the day to find out if the police had arrested the ASI. Every time an inquiry was made, people were told that the police was looking into the matter. A rumour had also spread that the deceased's father had gone to the police-station soon after the incident to make a report against ASI Bakhshish Singh and others for murdering his son, but the report was not recorded and he was driven away. The reputation of the police in general, and in Shahdara in particular where many murders and dacoities seem to have gone untraced, was already at the lowest ebb, and people regarded the police as a corrupt and inefficient force willing to help and protect bad characters and the guilty. On the critical day they had learnt of the cold-blooded murder of an innocent person by the police in the company of notorious bad character and others. They had seen the

two SDMs in the locality and their presumption that an inquiry was being held into the matter had turned out to be wrong. They found a DSP of the CID (Crime) asking for witnesses at the place of incident. They thought it as a mere farce and an attempt to protect the guilty police-officials. They were not prepared to trust him. Some even felt that by talking to the police their own safety would be jeopardised.

The residents were thus left with no alternative except to clamour collectively. They started congregating outside the police-station. It was not an organised affair. There was a sizeable crowd by 8 P.M. which continued to swell and resulted in a blockade on G.T. Road. The crowd was completely non-violent and was demanding arrest of the ASI. The local leaders also arrived at the police-station and protracted discussions followed. The main demand by the public was that the ASI be arrested; their other demands were only consequential to it. Significantly, the slogans raised were "Bakhshish Singh Ko Girftar Karo" and "Delhi Police Murdabad". The only answer which the public received was that there was no evidence to justify arrest of the ASI. Negotiations were drawn out till the early hours of the next morning when people dispersed.

Had ASI Bakhshish Singh been arrested on the 18th, I have no doubt that there would have been no demonstration that night, and the disturbances could have been prevented. The question is could he be arrested or not? On behalf of the Government it was submitted that sufficient evidence to arrest the ASI was not available. DSP Avtar Singh of the Crime Branch was asking for witnesses but no one was willing to come forward. The statement of the deceased's father, on the basis of which a counter-case under Section 304, Indian Penal Code had been registered against the ASI and others, was not, it was said, sufficient to arrest the ASI since it did not explain the bullet injury suffered by the Head Constable accompanying the ASI.

On the other hand, it was submitted, that the police was determined to shield the ASI. If, instead of the ASI, an ordinary citizen had killed another in the exercise of his right of self-defence and lodged a report of an encounter, the police would never have permitted him to

leave the police-station until it was fully satisfied that the deceased was in fact killed in an encounter. Even a passing motorist who takes a person injured on the road to a hospital is suspected to be the offender by the police. But, in this case the statement of the deceased's father, which was more than sufficient to justify the arrest of the ASI, was not being acted upon by the police. In any case, it was submitted, the police was negligent in not ferreting out the fact that Kumari Nirmal Pardesi, a Sub-Inspector of the police, had an affair with Onkar Singh, and knew of the conspiracy to murder him.

Onkar Singh was not unknown in the locality or to the officers in the police-station. He had been living there for the last four years and was the District Officer of the Home Guard. During the Indo-Pakistan conflict in December, 1971, the Home Guard played an important role in assisting the administration. A room in the police-station had been provided to the Civil Defence authorities and it was also used by the Home Guard. SDM P. N. Gupta used to sit in this room at that time as he was in charge of the Civil Defence for that area, and was in constant touch with Onkar Singh. The Balbir Nagar area, in which Onkar Singh was living, is hardly about a mile away from the police-station. The house, pointed out by the ASI to the SP and the DIG as the one from which Onkar Singh, an alleged dacoit, had emerged, whilst other dacoits were supposed to have remained hidden inside, had a conspicuous name board bearing the name of Onkar Singh and his designation. According to Exhibit PW 69/2, the report submitted by Commandant A. K. Singh, "Shri Onkar Singh was posted in Police-Station Shahdara as Instructor Civil Defence for about a year at the same time when the ASI concerned, who shot Shri Onkar Singh, was also posted in the same Police Station. Shri Onkar Singh has been associated in supplying Home Guard to Police in various places of North District including Shahdara and practically every police-official knows him by face. ....there was a report by North District itself some times, in January, 1972 that this person (notorious dacoit Onkar Singh) had been killed in a motor-cycle accident." In the face of all this to confuse Onkar Singh, deceased, with the notorious dacoit Onkar Singh, was obviously impossible. SP (North), who had taken charge of this police-station hardly two days earlier, had become suspicious of the story told by the ASI after he visited the spot



and found out the identity of the deceased. The only reason why he did not order the arrest of the ASI immediately was the bullet injury sustained by the Head Constable. Even SDM P. N. Gupta, who knew the deceased very well, had become extremely sceptical about the encounter story.

A. K. Singh, who belongs to the Indian Police Service and had been on deputation to the Home Guard and is now the Superintendent of Police of the North District which includes Shahdara Police-Station, did inform S. P. Saxena, the then SP (North), that the family of the deceased was making counter allegations of murder. A. K. Singh had also told S. P. Saxena that if no one was willing to lodge a counter complaint then he himself was willing to do so as the deceased belonged to his force. At this stage S. P. Saxena told him that father of the deceased had already been sent for. The DIG had arrived thereafter at the police-station, and A. K. Singh had told the DIG about the counter allegation that Onkar Singh was taken out of his house, dragged and shot. About the bullet injury received by the Head Constable, he told the DIG that one of the police-officers must have caused it in order to support the version of the police. In other words, this injury could have been willingly suffered. The only assurance given to A. K. Singh was that the matter would be looked into.

In these circumstances I see no reason why the ASI should not have been arrested after the statement of the deceased's father had been recorded and a counter case under Section 304, Indian Penal Code registered. This statement shows that the father actually saw Onkar Singh being killed. He saw this from a distance and had not gone near when the shooting was on because he was threatened that he too would be killed. How then could he possibly say anything about the injury received by the Head Constable? There was no reason to disbelieve him, and a *prima facie* case of murder against the ASI and others was made out. The police should, now, have arrested the ASI and his companions.

A. K. Singh, who had gone to the place of incident to ascertain facts, noticed about 500 persons and a large number of policemen there. He soon realised that the residents

were too afraid of the police and goondas to communicate what they had seen. He succeeded, however, in finding out almost all the important details of the incident by 2-30 P.M. and submitted his report Exhibit PW 69/1. The only important feature he could not then ascertain was the motive for the murder, which would have led him directly to Kumari Nirmal Pardesi. But then he was not investigating the case, and was only anxious to collect, as quickly as he could, the facts necessary to determine whether the encounter story of the police was true.

By a strange chance, a journalist, Shalinder Kumar, associated with the Hindi newspaper "Hindustan", decided to discover the motive for the murder. He worked hard and moved about a great deal. Ultimately, he succeeded in locating Kumari Nirmal Pardesi at about 4 P.M. He was able to persuade her to divulge what she knew. She told him that her father was responsible for getting Onkar Singh murdered and had been in conspiracy with a notorious badmash Billa, Shalinder Kumar took her to the office of A. K. Singh and rightly stressed the desirability of her statement being recorded quickly by a Magistrate because she was in a state of emotional trauma and so was likely to tell the truth even if it meant incriminating her father.

I must surely commend Shalinder Kumar for his resourcefulness and pertinacity which enabled him to discover such an important piece of evidence. The information which he collected was published prominently in his newspaper. The news-article contains full details of the circumstances in which Onkar Singh was allegedly murdered. It also contains all what Kumari Nirmal Pardesi told him. What Shalinder Kumar was able to achieve alone and unaided is enough to put to shame the contention of the police that no evidence could possibly be obtained from members of the public on the relevant day. Were it not for his efforts, the contention of the police might even have prevailed.

Whether the statement of Kumari Nirmal Pardesi was recorded by the officers of Civil Defence or not, is not really material for my purpose. The noteworthy point is that Shalinder Kumar succeeded in discovering (a) that a woman was involved in some way in the matter, (b) discovering who she was and locating her, and (c) persuading her to divulge what she knew.

In these circumstances I see no reason why a competent investigating officer should have failed to learn about Kumari Nirmal Pardesi. She would have provided him with the additional evidence that he was looking for. The investigating officer ought to have realized that in the situation which then existed, people were frightened of the police and would not communicate what they knew to a police-officer. Only a little imagination was needed to overcome the difficulty. With some resourcefulness he could have gathered all the gossip in the locality. He could have deputed intelligent officers to pose as friends of the deceased or as correspondents of newspapers or as members of the Home Guard and so collect all available information without much loss of time. After all, Shalinder Kumar had succeeded in doing so merely as a correspondent in a locality where he knew nobody. Even A. K. Singh had succeeded in gathering detailed information simply by impressing on the public that he belonged to the Home Guard. The investigating officer should have been able to achieve as much as them, if not more. If the investigations had once led to Kumari Nirmal Pardesi, who was a sub-inspector in the police, it would have been quite easy to secure a statement from her.

Equally serious and inexplicable was the failure to draw out information from Kumari Nirmal Pardesi even after she had been brought to the DM and the DIG. Though Shalinder Kumar is certain that officers of the Home Guard had begun to record her statement after he took her to the office of the Civil Defence (and his statement is corroborated by the news-article published in the Hindi newspaper "Hindustan" dated August 19, 1972) Major General Korla and A. K. Singh are categorical that no such statement was recorded. Possibly, Shalinder Kumar, who had brought the lady to those officers so that her statement could be recorded, mistakenly formed the impression that they had begun to do so. Again, whether they did so or not is of no real consequence for our purpose. What is critical is that both Major General Korla and A. K. Singh came to know from her that her father was implicated in the incident and she knew all about it. They gathered that she was deeply in love with Onkar Singh, deceased, and that he had been killed because of the affair; and also that she did not wish to go home as she was afraid for her life.

After his conversation with Kumari Nirmal Pardesi, Major General Korla telephoned the DM and told him all that he had come to know from her, except that her father was involved in the murder. He did, however, tell the DM that she had something important to say about the incident.

A. K. Singh took Kumari Nirmal Pardesi to the DM's house and told him that she had a story to tell regarding the incident. He also opined to the DM that it was clearly a case of murder. Unfortunately, the DM decided to give her time to recover instead of trying to find out all that she knew forthwith. Consequently, he instructed her to make her statement before the investigating officer. Thereafter, A. K. Singh took her to the office of the DIG and left her with the latter's orderly having directed him to produce her before the DIG immediately. The DIG also did not try to ascertain what she knew about the incident.

The DM and the DIG knew by the evening of August 18 that Kumari Nirmal Pardesi had in some way been affected by the death of Onkar Singh. They also knew that she apprehended danger to her life, and that the source of the danger were her parents and relations. Though she did not make any formal statement, both of them knew that her statement would show that Onkar Singh had been murdered, and that the encounter story was without foundation. A. K. Singh's suggestion to the DM that her statement be recorded by a Magistrate appears to have set the DM on the erroneous course of limiting his considerations to an executive and a judicial magistrate and overlooking the fact that her statement could be recorded forthwith by the investigating officer. In any event, information could have been elicited even without recording her statement formally, to satisfy themselves that the statement made by father of the deceased was in all probability true. The DM apparently did not realize that if a person's parents are implicated in a crime, one of the rare chances of his telling the truth is under stress of strong emotion. Regretfully, this excellent opportunity for recording her statement was allowed to go by.

The DIG lost another similar opportunity when he agreed that her statement may be recorded the next day by the investigating officer. He already knew that she was Sub-Inspector under training in the Old Police Lines.

With a little questioning, the very least, he would have found out was that her father was involved in the murder of Onkar Singh and that the cause was her love affair with the deceased. That would have demolished the story of encounter.

Although neither the DM nor the DIG recorded the statement of Kumari Nirmal Pardesi enough facts had come to their knowledge as would tend to show that the ASI's story of encounter was untrue and that the report made by the father of the deceased was credit worthy. Hence the ASI and others could justifiably have been arrested at this stage. Even otherwise, as already observed, there was no real reason to doubt the veracity of the statement made by the deceased's father to the effect that Onkar Singh had been murdered by the ASI and others.

If, even at this somewhat late stage the ASI and others had been arrested and information of having done so imparted to the public, the rallying cry for the demonstrators would have been obviated. People coming to the police-station could have been given this information right away and chances are that their feelings would have been mollified and they would gradually have drifted away. There would have been no reason left with them to demonstrate and cause a riot.

Perhaps, a last chance of avoiding the disturbances lingered till the early hours of the morning of August 19, when the investigating officer might reasonably have been expected to record the statement of Kumari Nirmal Pardesi. No reason has been furnished for not recording her statement soon after dawn. I would say it ought to have been done by 7 A.M. at the latest. In fact, it does not seem to have been recorded even by 10-30 A.M. Every moment that passed was now vital. It is difficult to account for this delay, unless it be that those concerned with the matter were inefficient or were not giving it the serious consideration and attention it deserved. Of course, it is easier to be wise in the after light, and it may well be that no one could have anticipated the developments of the morning of the 19th or gauged how inflammable the situation was. Still, even disregarding lack of such foresight, there was more delay than ought to be allowed to occur in the routine investigation of offences of the kind disclosed.

Most probably people collected outside the police-station on the evening of the 18th as a result, at least in part, of what they had read in the "Evening News". Indeed, members of the Home Guard, who read it, including Commandant A. K. Singh, were greatly annoyed by the description of Onkar Singh as a "dacoit" by the police. The "Evening News" in turn had collected information through its own resources and had not the benefit of any official handout, since none was issued before 1 P.M.

The main object of issuing an official version is to provide authentic, accurate and complete information to the public. But, this must be done promptly if the purpose is to be served. Delay in doing so usually enables rumours to gain undue currency and acceptance, and they are fraught with distortion. Public Relations Officers must be made to understand this. In Delhi, where evening editions of newspapers are regularly published the time lag should be minimal.

The news bulletin issued by the PRO at 1 P.M. did not mention that the DIG and the SP had visited the place where the incident had occurred. Nor did it mention that two Magistrates had also gone to Balbir Nagar in connection with the incident. In the circumstances these were important facts and deserved to be brought to the notice of the public. They would have indicated that the administrative machine was on the move, and that responsible officials had taken charge. This might have helped to restore public confidence. At present a Sub-Inspector uses the messages passing through the Police Control Room to keep the PRO informed about important events of the day. The Sub-Inspector is not trained in journalism and cannot be expected to have perception of what is news-worthy or has news value.

Furthermore, the time for issue of the news bulletin, i.e., at 1 P.M. was too late to be published in the evening newspapers and unlikely to be of much use for the newspapers to be published on the following day. The news given of the incident was sketchy. If there were a system of issuing news bulletins so that they could be published in the evening papers, and of issuing supplementary bulletins to cover incidents fully for publication in the morning newspapers, the public might have had a correct version of the incident early enough to pacify them and change the course of conduct.

## CHAPTER II

### VIOLENT DEMONSTRATION

August 19, 1972

This morning no one expected any trouble. The crowd, which had collected outside the police-station the previous night, had apparently gone back satisfied at about 2-30 A.M. It had got the time for recording of the statements of witnesses by SDM S. L. Dua postponed from 8 A.M. to 4 P.M. The public leaders belonging to Jan Sangh and the Congress, who appeared before me, also did not expect any trouble. D. K. Jain, Vice-President of the Jan Sangh, had left his house at 9 A.M. for his factory as usual and it was only when he found G.T. Road blocked that he came to the police-station. Radhey Shyam Khanna, the only person to help continuously from August 18 to August 21 in the maintenance of law and order, was also not expecting any trouble. He apprehended some trouble only at 9 A.M. when a message was left for him by the residents passing in front of his house that there was going to be a complete *hartal* in Shahdara and that the people were collecting outside the police-station. He had been asked to reach there. By this time SDM P. N. Gupta had also received information on the telephone that some people were getting the shops closed and were assembling outside the police-station. Radhey Shyam Khanna reached the police-station at about 9-45 A.M. and found about 2,000 persons there. O. S. Chauhan, ADM (North), and SP (North) had also reached the police-station by about 10 A.M.

No evidence has been produced before me to show as to who were the persons who had decided to organise a *hartal* in Shahdara and to assemble before the police-station. Radhey Shyam Khanna was informed about it by some residents of Balbir Nagar on their way to the police-station. It appears that only 400 to 500 persons from Balbir Nagar had gone to the police-station. The rest must be from other areas. A number of photographs in Photo Series produced by Shri A. C. Shubh, Advocate, show the crowd before the police-station. A large number of urchins and

teenagers can be seen in these photos. They seem to be in a jovial mood because in every photograph they are seen laughing. Some of these, which seem to have been taken soon after the trains were stopped on the railway track, also show urchins and teenagers.

It is reasonable to assume that a vast majority of the persons, who had collected, knew nothing about the developments of the previous night or did not have the correct picture of what transpired between the public leaders and the officials at the police-station. This crowd must have comprised a large number of Home Guard who are living in Shahdara and who would come to know about the death of Onkar Singh only by the morning newspapers. Whereas English newspapers had given very sketchy news depicting Onkar Singh as a dacoit, Hindi 'Hindustan' had displayed the news on its front page. Its caption showed that policemen had murdered a Home Guard Officer and that an agitated crowd had surrounded the police-station. Police was blamed for its inaction and public's plan to carry the dead body to the houses of the Prime Minister and the Lieutenant Governor was mentioned. The Hindi 'Navbharat Times' had also given out that the police-station had been surrounded by the demonstrators who threatened to continue demonstrating till their demands which included arrest of the ASI, were conceded. The failure to arrest the ASI was also mentioned by the Hindi 'Vir Arjun' and the Urdu 'Partap'. The Hindi newspapers are most widely read in Shahdara and it is not surprising that people started collecting outside the police-station. They were dissatisfied with the police for not having arrested the ASI. They thought that unless a collective demand was made the police may shelter the ASI.

The only demand of the crowd was for arrest of the ASI. The public leaders, who had collected inside the police-station, had informed ADM (North) that unless ASI Bakhshish Singh was arrested immediately the crowd was likely to ransack the police-station. Stray stones were being thrown. The assessment of the SP and the ADM was that immediate arrest of the police-officers would help to diffuse the situation (Joint Report submitted to the Administration). The DIG was spoken to, who in turn contacted the Crime Branch and told SP (North) that the ASI had been arrested. This announcement was made by the officials as well as by the public leaders who had all



come out of the police-station and stood on the boundary wall. It had an immediate effect and the shouting of slogans came to an end.

Some persons at the back of the crowd demanded the production of the ASI in handcuffs before them. This demand was spontaneously taken up by everyone there. The situation was ripe for it. The case against the ASI had been registered the previous day and he had not been arrested. Announcement of the arrest of the ASI was made only when demand for his arrest was made collectively by demonstrators, stones were thrown and threat to burn down the police-station was given. The arrest and its announcement were unfortunately made too late and the crowd was justified in thinking that the announcement might be a subterfuge to gain time and to persuade it to disperse. They wanted to be sure of the arrest of the ASI. There must have been some feelings of revenge among the public to see the ASI in disgrace. The result was that everyone asked for the production of the ASI in handcuffs.

The public was informed that the ASI had been sent to the Lines the previous day and so could not be produced. Even if it was possible to produce the ASI in handcuffs, in my opinion, he should not have been produced. Keeping in view the temper of the crowd the life of the ASI would have been endangered. However, in any case it was not possible to produce the ASI.

All the public leaders were now persuading the people to disperse and go home and were assuring them that the ASI had been arrested and that justice would be done. Shri H. K. L. Bhagat, M.P. of the area, as well as Shri Radha Raman, Chief Executive Councillor, along with Jan Sangh and Congress leaders, were all at the police-station. All of them were trying to persuade the people to disperse. Nobody listened to them.

Stone throwing had been started by the public. Trains had been stopped on the railway track opposite the police-station and damaged. Provocative slogans like "Khoon Ka Badla Khoon Se Lenge Aur Thane Ko Aag Laga Denge" were being continuously raised. Many persons had already collected inside the boundary wall of the police-station. Attempts to persuade them to leave the premises had failed.

Photographs Exhibits C-1 to C-7 show the police-station from various angles. The boundary wall of the police-station is hardly 2½ feet high and can easily be crossed. I am satisfied that till now force had not been used, as suggested by some public witnesses, in persuading the persons to leave the premises. Even according to these witnesses, only five or six police Constables were trying to push out the persons from the gates. There was thus no immediate provocation for the crowd to become violent. Shri H. K. L. Bhagat, M.P., who had gone to the crowd to request them to disperse, had to return disappointed. Shri Radha Raman, who remained inside the premises, was helpless just like other local public leaders who had collected there.

At about noon a huge crowd entered the premises throwing stones at the police building. The stone throwing was very intense and there was a likelihood of the mob entering the gate (seen in photo Exhibit C-4) of the main building and ransacking the police-station. Women and children in residential quarters had started crying and the safety of the public men and others inside the police-station could not be ensured. It was at this stage that the ADM had to order the use of tear-gas to disperse the crowd. This proved effective and the police-station as well as the road in front were cleared of the crowd. There was a complete calm in the crowd and shouting of slogans and stone throwing came to an end.

Some persons were seen with *lathis* in the crowd. These might have been picked up from nearby stalls dealing in bamboos etc. After sometime the Statesman's car near Shyam Lal College was stoned and hit with *lathis*. A police truck near that place was also damaged. The DIG, who was in uniform, had been hit while walking to the police-station. At about 1-15 P.M. a jeep belonging to the Deputy Commissioner's office was burnt. Soon thereafter a bus of the Delhi Transport Corporation and a U.P. Roadways bus were also set ablaze.

Efforts of the DM and Shri Bhagat, who addressed the crowd with loud-speaker fitted to the jeep, failed. Attempt to set fire to a railway bogie was made. Stone throwing became heavy and tear-gas had to be used.

More vehicles were damaged and the crowd continued to be violent. At 2 P.M. Section 144 of the Code of Criminal Procedure was enforced but it had no effect.

On various occasions, as detailed already, tear-gas had to be used to disperse the crowd at various places. The mounted police was effectively used. Only on one occasion ADM (South) was forced to order the use of cane. He was facing a crowd of 3000 to 4000 persons who were indulging in heavy stone throwing. He had used the tear-gas to begin with but found that the moment tear-gas shells fell near the public, the latter picked them up and flung them back on the police, and the result was that the police-force started being affected by the gas. Thus, it was not possible to disperse the crowd except with the use of cane. This was effectively used and the result was that the crowd retreated and his sector became clear.

#### **Firing by SI Sarmukh Singh**

When the mob dispersed from the railway track opposite Shyamal College at about 4-30 P.M. it ran down the track towards the railway station. On the way it damaged various electric signals. This mob was in a violent mood and was pelting stones at the railway station. The signal room had full length glazing which was protected by thick wire-netting. The mob had broken the glasses, opened the iron doors with wire netting and entered the signal room necessitating the Station Master and the Assistant Station Master to take shelter in the adjoining small room. They had heavily stoned the doors including the door of the police-post.

Earlier in the day members of the railway police were able to avoid the mob fury by telling them that they had nothing to do with the local police. However, this time it was different and the people seemed to be in a revengeful mood. SI Sarmukh Singh and others had gone inside the police-post room hoping that the mob would leave the station of their own accord. However, the developments at the railway station, which included ransacking of the signal room, the breaking of a big wooden panel of one of the leaves of the police-post room resulting in stones falling inside the room where policemen had taken shelter, and the raising of provocative slogans threatening to kill the policemen and set the railway station on fire, created

a reasonable apprehension in the mind of SI Sarmukh Singh that there was a likelihood of the mob entering the police-post itself and endangering their lives. He decided to use his .45 bore service revolver to frighten away the crowd and started firing in the air. One of the bullets seems to have hit Rafiq Ahmed who was standing on the roof of a building about 50 yards away with Sona Devi (GW 24). As a result of this firing the mob left the railway station and vanished.

It has been suggested that SI Sarmukh Singh had become nervous and was hasty in firing and he could have waited for some time. In my opinion, he cannot be blamed for firing in the air to scare away the crowd. He had admittedly no intention to kill or injure any one. Otherwise he would have fired straight at the mob. During my inspection of the railway station I noticed that the door of the police-post is at a distance of about 50 yards from the roof of the building at which Rafiq Ahmed and others were standing and looking at the crowd running on the railway track towards the police-station. I noticed some *neem* trees between the police-post and the building. These had shed their leaves and the roof was visible. However, I have no doubt that in the month of August these trees must have been full of leaves and it would not be possible to see the roof which is not very high from the railway platform since the double storeyed building is situated in a great depression. The roof might be about eight feet higher from a person standing on the railway platform. SI Sarmukh Singh was naturally firing in the direction of Delhi since the mob was coming from that side. In these circumstances one of his shots seems to have hit Rafiq Ahmed. The postmortem report shows that the bullet had entered his head from one ear and came out from the other side killing him instantaneously. This was a most unfortunate incident but SI Sarmukh Singh cannot be blamed for it.

The D.M., who was at the spot from about 1 P.M. till about 7 P.M., was able to control the situation. He had divided the area into sectors and had deputed various senior Magistrates with sufficient police-force to control the crowd.

The result of various steps which were taken was that normalcy was restored on G.T. Road by 6-30 P.M. when regular traffic started moving. This avoided further deterioration which might have taken place on the return of residents to Shahdara after their work from Delhi city. Thereafter, except for stray incidents at Farash Bazar Police-station and other places, nothing serious happened.

Earlier in the day the DM had received a deputation of the students belonging to nearby Shyamlal College complaining against police highhandedness in beating them. According to Radhey Shyam Khanna, when he reached the police-station he had found the students using loud-speaker fitted on a rickshaw persuading the public to keep the G.T. Road clear. Radhey Shyam Khanna himself also used that loud-speaker to persuade the people but in vain. Later some students were beaten by the police. They had approached the police-station demanding action against the erring policemen and threatening that if no action was taken all the students will take part in the agitation and even the University will be closed. The D.M. had seen some students with injuries on their bodies. He handled the situation tactfully and was able to persuade the students not to become a part of the crowd but stay inside their college. This successful isolation of the student community from the crowd was an important measure, otherwise with the students on the rampage the situation would have taken a turn for the worse.

In the evening the D.M. had correctly assessed the situation that the mere presence of the policemen was provoking the public since their anger was directed solely towards them, and that the damage caused to non-police property was the result of stray acts only. He was right in deciding to keep sufficient reserve police ready at the police-station in preference to patrolling. In such a situation it was not possible for him to order the arrest of the bad characters living in Shahdara that night. Adequate announcements with loud-speakers were made throughout Shahdara that Section 144 of the Code of Criminal Procedure was in force and that the persons should not collect in groups.

Many of the photographs produced before me and also those which appeared in some of the newspapers show some persons holding *lathis*. These *lathis* were used. There are some photographs which show the police throwing back the stones which the public was throwing at them. Witnesses have also deposed about such acts. These seem to be the spontaneous acts of some policemen. Roshan Chopra, Staff Photographer of Indian Express, heard some of the policemen complaining against their officers for not ordering them to use their canes and for getting them stoned by the public. Apparently the restraint shown by the officers was not liked by the policemen and at times they decided to retaliate on their own.

### Conclusions

The Administration has no system of scanning all the newspapers in the morning and bringing the relevant news to the notice of the D.M., the DIG and other responsible officials. The evidence of the various officials, who have appeared before me, shows that except for English newspapers to which they personally subscribe, news appearing in newspapers are not brought to their notice. The D.M. gets the relevant cuttings from the newspapers in his office sometimes in the afternoon. The DIG perhaps never gets them.

Both the D.M. and the DIG knew about the incident of the 18th. However, they did not come to know about the developments of that night. Radhey Shyam Khanna had telephoned the Inspector-General of the Police that night from the police-station sometimes between 9 and 10 P.M. informing him about the situation at the police-station and requesting him to come personally. He did not come because of some other engagements and promised to send some senior officer. There is nothing to show if he deputed any one. SP (North) along with the ADM and others came to the police-station from the Irwin Hospital because of a wireless message received from the

police-station. ADM (North) and SP (North) cannot be blamed for not apprising the D.M. and the DIG of those developments since talks with public leaders continued till early hours of the morning and they left the Police Station with the feelings that public was satisfied about the action taken by them.

Had newspaper reports appearing in the Hindi "Hindustan" and other vernacular newspapers been brought to the notice of the DM, the DIG and other responsible officials on the morning of August 19, they could not have failed to notice that there was a great probability of the public feeling agitated about Onkar Singh's murder and surrounding the police-station. They would have also realized that the people were going to demand immediate arrest of the ASI.

One cannot forget the fact that the people are convinced (rightly or wrongly—it is not for me to say) that without agitation even their just demands are not conceded by the authorities and that many a time the official reaction to a demand is to gain time and postpone the decision. The people thus decided to collect and demand the arrest of the ASI.

Surprisingly till about 10-30 A.M. no official knew whether the ASI had been arrested. Even the DIG did not know about it and had to contact SP (Crime) for the information. The circumstances in which the announcement of ASI's arrest was made gave rise to a reasonable apprehension in the mind of the people that the police was shielding the guilty ASI and because of the demonstration and threats it had conceded their demand to arrest the ASI. Because of earlier conduct of the police, the public doubted the correctness of the announcement. They had categorically told Shri Bhagat that they would not go unless the ASI in handcuffs was shown to them. This could not be done. The ASI was in the Police Lines. In my

opinion, it was not desirable to produce the ASI whose life might have been endangered by the crowd, and the authorities were justified in not producing him.

The situation, which had now arisen, was handled suitably. Adequate measures were taken to prevent and deal with the disturbances. The force used to meet the situation created by the crowd was justified.



## CHAPTER III CREMATION OF ONKAR SINGH

August 20, 1972

The District Magistrate correctly assessed that in case the body of Onkar Singh was taken to Shahdara there was a likelihood of the public feeling being aroused again resulting in another flare up. He was also anxious to assuage the feeling of the Home Guard personnel, a large proportion of whom was residing in Shahdara. He wisely contacted the Commandant General of the force to arrange for the cremation with full Home Guard Honours at the Nigambodh Ghat with the cooperation of the family members of the deceased. Radhey Shyam Khanna also played an important part in persuading the family members of the deceased in agreeing to the cremation at the Nigambodh Ghat and not to bring the body to Shahdara. The DM had deputed two ADMs along with sufficient police-force for the Nigambodh Ghat. The cremation there removed any further occasion for the public to again give vent to their anti-police feelings.

After the pyre was lit some persons came out of the cremation ground to the Ring Road where police was posted. They were enraged on account of a rumour, which turned out to be baseless, that a large number of people, who wanted to come to attend the cremation from U.P., had been held up at the Yamuna Bridge. ADM (South) had promptly come out of the Nigambodh Ghat to check with SP (North) about this rumour. He was informed by wireless that the rumour was baseless. People were, however, not satisfied. Perhaps they thought that the police was giving false informations. Noticing the police at Lothian Gate they started pelting stones. Two police photographers, who were in mufti and were taking photographs of the crowd, were caught hold of by the public. One of them escaped by telling them that he belonged to the Press and not to the police. The other one was not released and was given a beating, and in order to save him the tear-gas was used. The ADM had to save himself from the fury of the mob by running towards Inter-State Bus

Terminus. Some members of the police-force retaliated by throwing back the stones which the public had thrown at them. Photographs Exhibits GW 6/10 and GW 6/14 to 18 show the police and the mob near the Lothian Gate. The police-force here did not have any cane shields to protect themselves. They had to retreat and take shelter. Some of them, as seen in Exhibit GW 6/15, threw back the stones.

The use of tear-gas in these circumstances became necessary. It dispersed the crowd indulging in stone throwing and the situation returned back to normal immediately.

ADM (North) rightly refused the use of loud speaker to the Jan Sangh for a meeting which they wanted to hold at Anaj Mandi that evening. It was unfortunate that the Jan Sangh had decided to shift the venue of the satyagrah from Chandni Chowk to Anaj Mandi in Shahdara. This prevented their Shahdara workers to continue their efforts to help bring the Shahdara situation to normal. However, it did not lead to any deterioration of the situation. The satyagrah was orderly and peaceful, and except for about 15/20 persons everyone had been accommodated in the buses stationed there. ADM (North) summoned an additional bus by wireless from the police-station but unfortunately it could not reach the spot because it was held up by the crowd at Shahdara Chowk. Neither satyagrahis nor the authorities had any intention to march to the police-station, but the situation which developed was such that they were forced to march because of non-arrival of the bus. Some of the satyagrahis created a situation leading to minor scuffle outside the police-station while entering the bus but nothing serious happened.

At the Chowk a police jeep carrying the DSP was attacked. Front page photograph in "The Times of India" of August 21, 1972, and also of "National Herald" of the same date show the public running towards the police party which can be seen retreating. In this situation tear-gas had to be used. The situation became normal soon thereafter.

Some incidents took place on Loni Road this evening. At some places the public had blocked the road. Two photos in Photo-series produced by Shri A. C. Shubb, Advocate, and a photograph on the front page of the

"Patriot" of August 21, 1972 show discarded chimneys blocking the road and the police facing the crowd.

A. K. Srivastava, SDPO (GW 46), who was proceeding to police-station Shahdara via Loni Road with one Company of DAP and a half section of Gas Squad, was held up near Narula Factory because of the road block. The mob consisted of 4,000 to 5,000 persons. Some of them were armed with lathis. He asked for help from police-station Shahdara by wireless. D. K. Dikshit, SDM, rushed to the spot via G. T. Road with a police party. He was subjected to heavy stoning and later encountered a road block near the culvert beyond Balbir Nagar Extension. The road block was cleared and he was able to advance by making a convoy of trucks and jeeps and using tear-gas from the two trucks in front of the convoy. When one of the trucks got stalled the people surrounded it and more police-force had to be summoned from the police-station. This was brought by DSP D.S. Amist and SDM P. N. Gupta. Their progress also was barred by the crowd on Loni Road and they had to use gas. Another police-force under DSP Joga Singh, which was going back to DAP Lines via Loni Road, also met a violent mob near Narula Factory and gas had to be used.

Again tear-gas had to be used when the police tried to reach the house of ASI Bakhshish Singh which had been raided by a mob and set on fire.

There was no occasion for the mob to indulge in these acts of lawlessness on Loni Road. Two Terminal Tax Check Posts at Loni Road and Johripur were also attacked the same evening by miscreants.

On all occasions it was necessary to use tear-gas failing which the situation might have taken a turn for the worse. The officers had acted with considerable restraint on Loni Road.

The DM's decision to make arrangements at New Delhi for the burial of Rafiq, who had died of a police bullet fired by SI Sarmukh Singh, was another prudent step not to provide public with any occasion to show anti-police feelings.

This evening the DM decided to order the arrest and rounding up of all bad characters of the locality and to prevent outsiders from coming to Shahdara since rumours were afloat that people from U.P. belonging to the deceased's *bradari* were likely to come to Shahdara to take revenge of Onkar Singh's death. It was necessary to round up the bad characters to prevent any further breach of peace. The nearby Shyamlal College as well as the Higher Secondary School was also got closed to keep the students from getting involved. This night only a minor incident of setting fire to one of the tents belonging to Farash Bazar police-station took place. SDM P. N. Gupta proceeded to Farash Bazar police-station and had to use tear-gas to disperse the crowd which had collected nearby. The subsequent selective patrolling between 10 and 11 in the night by the DM and the DIG into various interior areas of Shahdara had a great soothing effect.

### Conclusions

The District Magistrate acted prudently in having Onkar Singh cremated at the Nigambodh Ghat cremation ground, and Rafiq Ahmed buried in New Delhi. Had their dead bodies been taken to Shahdara it would have resulted in a serious situation indeed. The situation which arose at Ring Road outside cremation ground called for the use of gas which proved effective.

There was no occasion for the public raising road blocks on Loni Road and stoning the various police parties. The officers had acted with considerable restraint and made effective use of the gas.

Setting fire to one of the tents of the Farash Bazar Police-Station was an act of hooliganism and SDM P. N. Gupta was justified in using gas. The selective patrolling by the DM and the DIG boosted the morale of every officer.

Adequate measures had been taken to prevent and deal with the disturbances and the use of force was justified.

**CHAPTER IV**  
**TROUBLE IN BALBIR NAGAR**

August 21, 1972

The DM had decided to keep G.T. Road and Loni Road clear for smooth Inter-State traffic. He directed the officers to ensure it. He also directed them that wherever miscreants were found, they should make large scale arrests.

Realising that disturbances on the 20th took place only on Loni Road, it was correctly decided to keep a watch on that road and to keep it clear. For that purpose a police-force along with SP Aggarwal, SDM, was posted at the crossing of G.T. Road and Loni Road. Loni Road was again blocked near Rathi Steel Rolling Mills by placing discarded mill chimneys lying nearby. The miscreants were employing the same method which they had used the previous evening. During inspection I had seen the chimneys which were lying near this place. These chimneys are about four feet in diameter and could be easily rolled on to the road. Some oil rags were set on fire and placed on the chimneys. SDM Aggarwal could notice the fire from G.T. Road/Loni Road crossing. He was thus bound to proceed to the place where the road had been blocked. After sending information by wireless to the police-station he proceeded to that place and he was stoned by the public. As the police-force approached, the crowd retreated. He directed the police to clear the road. As they were removing the chimneys a crowd from Balbir Nagar Marg started throwing stones and soda water bottles at them. The police was ordered to arrest the miscreants. The result was that the police went into action on Balbir Nagar Marg chasing the public. The reason for not using the tear-gas was that the wind was not favourable.

Though the decision to direct the police to effect arrests of the miscreants and to chase away the crowd, because the gas could not be used, was correct, the police committed excesses which I will discuss separately.

SDM P. N. Gupta's force had reached the other end of Loni Road in response to the wireless message sent by SDM Aggarwal. By that time SDM Aggarwal's force had

returned to G.T. Road. SDM Gupta's force was surrounded by two mobs and so he called back SDM Aggarwal's force by wireless. Whenever stone throwing became intense, tear-gas had to be used to disperse the mob.

Radhey Shyam Khanna tried to persuade the people present on Loni Road to disperse and to go back to their houses. The people demanded the removal of the police-force. However, the Magistrates would not agree to remove the police till the people dispersed from Loni Road.

In my opinion, keeping in view the lawlessness on Loni Road the previous evening, blocking the road on this day necessitated the presence of the police-force. In order to ensure that Loni Road remained clear, the Magistrate was justified in not leaving the place till the people went back.

Later when another mob collected on Vivekanand Marg and started throwing stones, Radhey Shyam Khanna did his best to persuade the mob to leave. The miscreants would, however, pay no attention to his advice. In these conditions force had to be used to clear Vivekanand Marg. Again, the decision to use force to clear Vivekanand Marg and to arrest the miscreants was correct but the police again committed excesses which I will discuss later on. The mob at this place was so furious and unreasonable that even the press Correspondents were jeered at and a Press car was damaged. Vidya Rattan and Ashwani Kumar Bhardwaj, correspondents of the Patriot, who were present on Loni Road to cover the incidents, dared not go and mix in the public.

### **Conclusions**

The District Magistrate acted correctly in directing the officers to keep G.T. Road and Loni Road clear since these are the main arteries for the Inter-State traffic.

The SDMs had to take the police on Loni Road to clear the obstructions. There was no occasion for the public to indulge in stone throwing and force had to be used to disperse the mobs and apprehend the miscreants. Radhey Shyam Khanna played a prominent part in trying to persuade the public not to indulge in violence and also to persuade the SDMs to use restraint.

Whereas the order for the use of force was justified, the extent of force used by the police was not justified.

PART IV  
POLICE EXCESSES

## CHAPTER I

### INDISCRIMINATE BEATING

Various allegations of excesses by the police have been made before me. These can be divided broadly into two categories. The first category consists of general allegations of indiscriminate beating and harassment of men, women and children. The second category consists of specific allegations made by the various persons alleging uncalled for beating and in some cases, of taking away their belongings. I propose to deal with these allegations in respect of each day of incidents.

August 19, 1972

#### General allegations

Roshan Chopra, Staff Photographer of Indian Express, New Delhi (GW 27), who was present outside Shahdara Police-Station, saw policemen giving cane blows to various persons after apprehending them. Persons were continuously thrashed while they were being dragged to the police-station. R. Srinivasan, District Magistrate (GW 35), received one or two complaints in the afternoon about the police apprehending persons and beating them while dragging them to the police-station. He also received complaints from some students of the nearby college. They complained of getting beating by the police despite their standing quietly as a group on one side. Shri H. K. L. Bhagat, M.P., (PW 12) noted many college students bitterly complaining against the police for a beating given to them. Some of the students had injuries on their bodies. Shri Bhagat had seen the police dragging and continuously beating the persons while bringing them to the police-station. He had intervened in some cases to save persons



from the beating. In one case he saved a young boy of 12/13 years, who was carrying a copy book in his hand, from a Constable who was chasing him with a cane. Shortly after he saw the same student with injuries on his body, being brought to the police-station. The student complained to him that though Shri Bhagat was able to save him from one Constable, he was chased and beaten by another on his way home. Other public witnesses have also deposed about somewhat similar instances.

I have no doubt that these allegations are correct. In their zeal to disperse the crowd the Constables seem to have lost all sense of proportion. Simply because the police had been stoned, was no excuse of their beating persons after they had been apprehended. Photograph Exhibit PW 25/B on the front page of the "Patriot" dated August 20, 1972, shows a person sitting on the ground getting cane blows from two policemen while three or four other policemen are surrounding him. There was absolutely no justification in giving cane blows in such situations.

### **Specific allegations**

**Om Parkash Bansal.**—Om Parkash Bansal (PW 56) states that at about 4 P.M. he was walking with five other persons near Shahdara Police-Station when he, along with others, was beaten by the police. A cane blow fell on his left wrist with the result that the chain of his wrist watch automatically opened. He alleges that the watch was removed by a Sikh police-Constable.

He was coming from Klashmere Gate and came to know of the cane charge by the police when he was near Seelampur. He had to go to his house in Balbir Nagar and he could have taken another road. However, he proceeded on G.T. Road. He then states that the fact was that he had entered a room of a Dharamsala to escape the police, but he was chased by the police and his watch

was removed in that room. He, however, admits that as he received cane blows he started running without looking back. It is difficult to believe him when he says that his watch was removed by a Sikh police-Constable. At about 4 P.M. order for a cane charge to disperse the crowd had been given and the police went into action. It seems that he was present in a part of the crowd and got the cane blows when the police was dispersing the crowd. He must have lost his wrist watch as its chain had opened automatically, but he is definitely exaggerating when he says that it was removed by a Sikh police-Constable.

**Sonpal Singh.**—Sonpal Singh (PW 64), who had opened a *dhaba* in front of Radhu Talkies only a day earlier, states that the police gave him cane blows when he was sitting on a platform in front of his *dhaba*. Apparently he had not realised the extent of trouble and perhaps did not close his *dhaba*. He saw the public throwing stones at the police and thereafter the police chasing the public. Thereafter, he was beaten. Once the police starts dispersing a crowd, every person, who happens to be or appears to be forming a part of the crowd, is likely to get cane blows unless he can run fast to safety. The police cannot be blamed for giving cane blows to Sonpal Singh.

**Son of K. L. Manchanda.**—Yoginder Nath Sarvarya (PW 3) and Priya Kumar Jaiswal (PW 5), both of the Bhartiya Jan Sangh, state that they saw one of the sons of K. L. Manchanda, ex-Municipal Councillor, being brought to the police-station under custody with one of his legs fractured. The boy was complaining that he had been mercilessly beaten in front of Radhu Talkies near Bholanath Marg when he came to take his sister from Shyam Lal College. It is not in dispute that the boy had a fractured leg when he was brought to the police-station. The question is whether the police beat him and broke his leg or not? Unfortunately the injured has

not cared to send or make any statement. It cannot be decided how his leg was fractured. The likelihood of the boy fracturing his leg while running and falling cannot be ruled out. Yoginder Nath Sarvarya's statement shows that the boy must have been apprehended during the cane charge. It may be that he was apprehended because he could not run fast and escape. Though the likelihood of the police beating him after apprehension cannot be ruled out, it cannot be said that the leg got fractured by reason of police beating.

**CHAPTER II**  
**TEAR-GAS AND SATYAGRAHIS**

August 20, 1972

**Nigambodh Ghat**

**General allegations.**—Some public witnesses say that the police entered the cremation ground and fired tear-gas shells on the mourners. This allegation was made for the first time in the witness-box. No body asserted so when the people were asked to submit their statements. Many persons belonging to the Bharatiya Jan Sangh submitted their statements but no one cared to make such an accusation.

Inderjit Sharma (PW 10) states that he saw two or three policemen entering the gate of the Nigambodh Ghat and firing five or six tear-gas shells on the mourners. Sekhar Chand (PW 48) states that he saw five or six policemen climbing up the boundary wall, which is about four to five feet high, and jumping inside the cremation ground and firing ten or fifteen tear-gas shells. These policemen thereafter went out across the same boundary wall. Both the witnesses had submitted their statements to the Commission in response to the public notice. They had not even mentioned the falling of any tear-gas shell inside the cremation ground. They could not give any explanation for their failure to assert this fact in their statements. They also contradict each other on the entry of policemen inside the cremation ground. Whereas Inderjit Sharma saw two or three policemen entering the gate of the Nigambodh Ghat and firing tear gas shells, Sekhar Chand would have us believe that five or six policemen climbed the boundary wall, jumped inside the cremation ground and fired tear-gas shells.

I cannot believe these two witnesses when they accuse the policemen of entering the cremation ground and firing tear-gas shells. The Nigambodh Ghat had a large number of Home Guard. Their officers were looking after the cremation of Onkar Singh. There was no disturbance

or law and order problem inside the Nigambodh Ghat, and no occasion arose to disperse the mourners. On the other hand the crowd outside the Nigambodh Ghat was throwing stones and had to be tear-gassed. There was no necessity of policemen going inside the cremation ground. Moreover, had such an incident taken place it would have been reported in newspapers the following day. Local leaders of all political parties were present inside the cremation ground and they would have seriously resented the police defiling the sanctity of cremation ground. Even questions about it would have been raised in the Parliament especially when the police had been severely criticised for its performance.

I am fortified in this conclusion by the statements of a number of responsible persons who were present inside the cremation ground. D. K. Jain, who is the Vice-President of the Bharatiya Jan Sangh and was present inside the cremation ground, specifically states that no policeman came inside the cremation ground. He, however, speaks of some tear-gas shells falling inside the boundary wall of the cremation ground. Had any policeman entered the cremation ground and fired tear-gas shells, as is stated by Inderjit Sharma and Srinivas Sharma, D. K. Jain would have noticed their presence and would have been the last person to hide the fact. Bharat Bhushan (PW 4), who is the Municipal Councillor representing Raghburpura of Shahdara on Jan Sangh ticket, was also present in the cremation ground. He only noticed some empty tear-gas shells lying inside as well as outside the Nigambodh Ghat. He reached the cremation ground at about 12-30 P.M. when the pyre had already been lit. Nobody complained to him about the policemen entering the cremation ground and firing tear-gas shells. P. K. Jaiswal (PW 5), Secretary of the G.T. Road/Loni Road Shahdara Mandal of the Bharatiya Jan Sangh, who was also present there, is silent about it. He only saw 15 or 20 tear-gas shells lying inside the boundary wall of the Ghat. Gopal Krishan Aggarwal (PW 9) President of the Shahdara Mandal of the Bharatiya Jan Sangh, states to the same effect. Major General S. K. Korla (GW 53) of the Home Guard was in charge of the arrangements inside the cremation ground on that day. He states that at about 2 P.M. he saw some persons running inside the Ghat and heard one of them shouting "Mar Gaya, Mar Gaya". He spoke to one of them. He

noted that the person shouting had received an injury from some blunt object like tear-gas shell. He also discovered that the injury had been received outside the boundary wall. Shortly thereafter he saw tear-gas spreading inside the cremation ground. His impression is that a tear-gas shell must have landed inside the boundary wall. He is sure that not more than one tear-gas shell landed inside. He is specific that no policeman entered the cremation ground and no one complained of any such entry.

It appears that one or more tear-gas shells landed inside the boundary wall of the Nigambodh Ghat. The police had fired tear-gas shells at Ring Road to disperse the crowd, which had caught hold of a police photographer and was throwing stones on the police posted at Lothian Gate. The boundary wall of Nigambodh Ghat is within the range of tear-gas shells from the Ring Road and some tear-gas shells might have landed inside by accident, otherwise there appears to be no reason why everyone forgot to complain about it in their statements submitted to the Commission.

## SHAHDARA

### Specific allegations

**Bashesar Nath Kundra.**—Bashesar Nath Kundra (PW 13) states that when he and other *satyagrahis*, who could not be accommodated in the jail vans at Anaj Mandi, arrived at the police-station, they were directed to sit in the buses parked there. Two or three buses were fully occupied by some of them. As the rest were entering other buses, the SP came out of the police-station and ordered the policemen to remove (*Hatao*) them. The police started brandishing their canes asking everyone to go away. B. N. Kundra was at that time with SDM P. N. Gupta, who was standing outside the police-station. An ASI is stated to have caught hold of B. N. Kundra by the waist and dragged him towards the police-station building. As they reached the gate two or three policemen started giving him cane blows. He was thereafter taken to a van, which was parked at the back of the police-station. On the way he was continuously beaten. He started bleeding from the mouth. He was taken inside the van and was also beaten there. After about 15 minutes he was taken to the reporting room. He saw Madan Lal and Kapoor sitting in the room. They

are stated to have come there to enquire about him. From there all of them were taken to another van which was parked outside the gate of the police-station and were directed to sit in the van. Some more persons were brought there and asked to sit in the van. Thereafter, they were taken to the police hospital where a doctor treated the injured. However, B. N. Kundra and his said two companions were not medically examined but were transferred to another police van and taken to jail. Even in the jail B. N. Kundra was not medically examined. According to B. N. Kundra, his bandage was changed the following day in the jail and tincture was applied by a person who was not a doctor.

B. N. Kundra was at that time the Secretary of Kashmere Gate Mandal of the Bharatiya Jan Sangh. He is now the President of the same Mandal. I fail to understand why such a responsible person like B. N. Kundra did not submit his statement to the Commission in response to the public notice issued by it and complain about the excesses of the police. He gives no explanation. A non-violent *satyagrahi* getting merciless beating by the police, as B. N. Kundra would have us believe, is a serious matter indeed, and there was no reason for B. N. Kundra to remain silent.

Shri Kundra states that he along with others went to Anaj Mandi to offer *satyagrah* and was among those *satyagrahis* who could not be accommodated in the police vans there. But B. N. Kapil (PW 7), who is President of Shahdara District Bhartiya Jan Sangh and had taken part in the *satyagraha*, says that he did not see Shri Kundra at Anaj Mandi. According to Shri Kapil; only fifteen/twenty persons could not be accommodated in the police vans at Anaj Mandi and he walked with them to the police-station. Shri Kundra would have us believe that the procession of the *satyagrahis* marching to the police-station comprised of thousand of persons. He further states that for the first time he met Shri Kapil only in the jail that day and did not see him in the procession. Photo Exhibit PW 13/B, which was taken outside the police-station, shows Shri Kundra as well as Shri Kapil. This photo also shows that there were only a handful of *satyagrahis* and corroborates Shri Kapil when he says that only 15 or 20 *satyagrahis* walked to the police-station. If Shri Kundra marched with

the *satyagrahis* from Anaj Mandi, he could not have missed Shri Kapil, who is an important office bearer of his party. Again, Shri Kundra's statement that the police were looking for Shri Anand who was leading the procession in front of the police-station is believed by this photograph as Shri Anand can be seen in it. Moreover, I see no reason why SDM Gupta, beside whom Shri Kundra was standing, was not cross-examined to show that Shri Kundra was dragged away by the police. If Shri Kundra was beaten and was in fact dragged away from amongst the *satyagrahis*, who were being asked to sit in a police van outside the police-station, his companions would not have allowed the van to move and would have raised a hue and cry. Three sets of photo-series were produced by Shri A. C. Shubh, Advocate. Photo-series No. 1 contains two photographs which show the *satyagrahis* and the van in which they were asked to sit. All the photographs show the *satyagrahis* raising slogans. Photograph Exhibit PW 13/A shows Shri Kundra raising slogans along with some *satyagrahis*. A van can be seen in this photograph. SDM P. N. Gupta states that when the *satyagrahis* were asked to enter the van in front of the police-station, the *satyagrahis* resisted and a scuffle ensued. In other words, minor force had to be used to put the *satyagrahis* in the bus. In these circumstances, there was no occasion for Shri Kundra being dragged and taken away from among the *satyagrahis* and given beating. Moreover, had Shri Kundra suffered a bleeding injury on his head, as stated by him, the police had no choice but to take him to the police hospital because the jail authorities do not admit any injured person in the jail without a medical certificate in respect of the injuries suffered by him. Moreover, an injured person has to be medically treated in the jail by the jail doctor. For these reasons I am not willing to believe Shri Kundra when he says that he was dragged and mercilessly beaten.

**Ram Nath Jha.**—Another person, who complains of merciless beating by the police, is Ram Nath Jha (PW 15). He is a paid Office Secretary of the Jan Sangh Party in the Municipal Corporation of Delhi. In August, 1972, he was the Assistant Secretary of Bhartiya Jan Sangh, Shahdara District. He says that he left Seemapuri with fourteen others to offer *satyagrah*. They travelled in tongas and got off near Jindal Mills. They came to know that crowd was



being cane charged. Therefore, they parted company instead of walking in a group. R. N. Jha went to Anaj Mandi and learnt that satyagrahis had been taken away to the police-station. He started walking to the police-station. As soon as he crossed Radhu Talkies, three policemen caught hold of him saying that he was the person who had criticised the police in a public meeting the previous day. He was hit on the leg and brought to the gate of the police-station. There an Inspector of the police told the Constables to take R. N. Jha inside and give a good thrashing to teach him a lesson for criticising the police. While he was being taken inside, the policemen started beating him with canes. He started crying and shouting, and, seeing a Magistrate standing nearby, complained to him. The Magistrate intervened and ordered the policemen not to beat him. Thereafter, the policemen stopped beating and took him inside. No sooner was the Magistrate out of sight that the policemen started thrusting canes on his body. He again started shouting which attracted the attention of a DSP who was told by the policemen that he had criticised the police in a public meeting. Thereupon, the DSP told the policemen to take R. N. Jha inside. He was taken to a small dark room and was thrashed. He was hit near his genitals and also at his soles. He started shouting and calling out the names of various officers beseeching them to save him. This attracted the attention of an SDM and a Sikh Police Inspector who came there and saved him after reprimanding the policemen. From there he was taken to the reporting room, where thirteen or fourteen persons were already present, and a false case was foisted on him. He was then taken along with others to a bus in which B. N. Kundra with his two companions was sitting. They were asked to sit in that bus. From there they were taken to the police hospital near Kashmere Gate. He was not taken inside the police hospital, while others including B. N. Kundra were taken inside the hospital for medical treatment. After some time B. N. Kundra and his two companions were taken in a separate van, while R. N. Jha and others were brought in a bus to the jail.

R. N. Jha sent his complaint dated August 22, 1972 to Shri K. C. Pant, Minister of State in the Ministry of Home Affairs, Government of India. He has also submitted a statement dated October 5, 1972 to the Commission in response to the public notice issued by it. These two differ. According to his complaint sent to the Minister of State in the Ministry of Home Affairs, R. N. Jha along with his companions came to Shahdara in the form of a *jatha* which got scattered near a water tank as the police tear-gased and cane charged a crowd there. He went to the Anaj Mandi to trace out his *jatha*. Having failed to find his companions at the Anaj Mandi, he decided to go to the police-station to locate his *jatha*. Thus, he was apprehended by three constables near the police-station. He denies these facts before me. The police alleges that he along with his companions and other persons attacked a police jeep near the water tank when tear-gas and cane charge had to be ordered, and he was apprehended at that place. Again, R. N. Jha writes in his complaint that nobody hit him before he was taken to a Police-Inspector who was present outside the gate of the police-station, but he does not say so in his later statement. Whereas in his complaint to the Home Minister he writes in paragraph 12 that he shouted for "Shri Nikhil Kumar, S.P., Shri Sheel Kumar, S.P. and DSP Shri Bistji", who were sitting in the room of the SHO, he has omitted the name of Nikhil Kumar, S.P., in his statement submitted to the Commission. Admittedly, Nikhil Kumar, S.P., left India just before the disturbances and was not present at the police-station on that day. It seems that R. N. Jha realized his mistake of showing the presence of Nikhil Kumar, S.P., on August 20, 1972, at the police-station, and omitted his name in the later statement.

I cannot believe the version given by R. N. Jha. He stands contradicted and belied by his own statements. B. N. Kundra also contradicts him. Whereas according to R. N. Jha he was not taken to a doctor at the police

hospital in spite of his requests for medical treatment, B. N. Kundra says that R. N. Jha refused to be medically examined as he was afraid of getting a further beating if he got out of the bus. Again, according to R. N. Jha, B. N. Kundra was medically examined, but the latter categorically denies it.

The likelihood of R. N. Jha getting a beating in the course of the cane charge near Shahdara Chowk cannot be ruled out. It is believable that he might have been beaten while being dragged to the police-station since the police had similarly beaten many persons. But I am not ready to believe that he was taken to a small dark room and thrashed there. Admittedly, he did not receive such an injury which needed medical attention, and I am convinced that he did not request for medical treatment.

CHAPTER III  
POLICE RUNS AMUCK

August 21, 1972

A number of persons stated that the police gave an indiscriminate and merciless beating to various men and women in Balbir Nagar area. I will first discuss the statements made by men and thereafter analyse the allegations made by women.

**Jawahar Lal.**—Jawahar Lal (PW 16) says that at about 1 P.M. he was closing his shop situated at Balbir Nagar Marg. About fifteen policemen came there and started giving him cane blows. They called him a *badmash* and imputed *goonda gardi* to him. He received eight or ten strokes of canes on various parts of his body. Thereafter, he was apprehended and along with others, taken to the police-station. He was let off late in the evening. Jawahar Lal was beaten during the police operation to disperse the crowd which was stoning the police from Balbir Nagar Marg. He had noticed the police chasing persons who were running towards his shop. The police completely denies his allegations including arrest.

I saw Jawahar Lal in the witness-box. He is a very bulky person and, in my opinion, can hardly run. It appears that seeing the police chasing persons on the road he hastened to close his shop when policemen grabbed him. The police seems to have given him cane blows and arrested him. Radhey Shyam Khanna protested against the indiscriminate arrests on Balbir Nagar Marg by the police and succeeded in getting the arrested persons released in the evening. I am satisfied that Jawahar Lal was one of them.

**Ravinder Kumar.**—Ravinder Kumar (PW 17), aged 16 years, is a student of Class XI. There is a shop in a part of his house. It opens on Balbir Nagar Marg. At about 1 P.M. Ravinder Kumar was talking to the shopkeeper. He saw persons running towards him. They were shouting "Police,

Police". Ravinder Kumar asked the shopkeeper to close the shop quickly. Thereafter, he along with the shopkeeper ran to the door of his house which was around a corner. They carried a cot with *rakhis*. The door of the house is approximately six steps away from the shop. Ravinder Kumar closed the door and bolted it from inside. When the door was knocked, Ravinder Kumar with his brothers immediately went inside a room and bolted it. His mother, however, remained in the courtyard. The police broke open the door and about fifteen policemen entered. Some of them knocked at the door of the room and asked Ravinder Kumar to come out of the room failing which they threatened to break open the door. Ravinder Kumar opened the door and came out. The policemen grabbed him and dragged him outside the house. He was taken to police-station along with Jawahar Lal and others. He was not given any beating. At about 5-30 P.M. he along with others was released and allowed to go home.

The policemen were chasing the miscreants and were anxious to apprehend them. The police appears to have reached the house of Ravinder Kumar, which is just around a corner, while chasing persons who had run to that lane to escape the police. The refusal to open the courtyard door, which is the only door of entry to the house, led the police to use force and break the door open. I am not ready to believe the police when they deny such incidents and state that nothing happened. There was no occasion for the police to break open the door and arrest Ravinder Kumar.

**Vijay Kumar Bhatia.**—Vijay Kumar Bhatia (PW 26), aged 24 years, is a shopkeeper. He has two shops on Balbir Nagar Marg which form part of a house. At about 1 P.M. he also saw persons running towards his shop and heard them shouting that police was coming. He succeeded in closing his Coca Cola shop. As he was putting down the shutter of his other shop, he was beaten by three or four policemen. He ran and took shelter inside the house of Shri Malhotra. The police chased him and after apprehending him gave more beating. He started bleeding from his lips and a nail of one of his fingers was injured. He was allowed by the policemen to lock his shop and hand over the keys to his mother. Thereafter he was taken to the police

station along with Shri Johnson, who was also apprehended from that house. However they were released the same evening. Police denies all the allegations.

Vijay Kumar Bhatia was beaten and arrested at about the time when Jawahar Lal and Ravinder Kumar were arrested. I am inclined to believe that he has given a true version of the incident. Like others he was arrested and, on the intervention of Radhey Shyam Khanna, released that evening.

**Bishambar Nath.**—Bishambar Nath (PW 27) states that he had fever and so was present in his house at about 1-30 P.M. when the policemen pushed the door. The hinges gave way and some policemen entered. One of them gave him 4 or 5 cane blows. While beating him the policemen were remarking that he must be one of the miscreants. His wife intervened and told the policemen that he was sick, and thus he was spared. All the allegations are denied by the police.

I see no reason to disbelieve Bishambar Nath. The police seems to have broken into his house suspecting that miscreants had taken shelter therein. Bishambar Nath was beaten on the pretext that he was one of them without realising that he was sick. The police had no justification to enter his house and beat him.

**Rickshaw-pullers.**—Ram Jor (PW 50), Bindha Ram (PW 51) Ram Sewak (PW 52), Sitla Prasad (PW 53), Ram Hark (PW 54) and Ram Bodh (PW 66) are rickshaw-pullers living in two *ahatas* in Balbir Nagar Extension. In the *ahatas* they have small *kothris* measuring about 10 feet × 10 feet. Part of a small *kothri* is used as kitchen. Some of the *kothris* have thatched roofs. During my inspection of the locality I saw that the doors of *kothris* are about 5½ feet high. Their statements, except that of Ram Bodh, are of the same type. According to them they had come back to their *kothris* either for preparing or taking their meals. The policemen are stated to have come there all of a sudden and gave them a beating. They were apprehended and taken to the police-station. The policemen had accused them of *goonda gardi* and of stone throwing. The police version is, that these persons had been arrested from near Loni Road during police action and not from their houses.

Admittedly none of them received any injury which required medical attention. In my opinion, these persons appear to have been arrested when the police started dispersing the crowd and were not arrested from their houses as stated by them. Balwant Singh, DSP (GW 41), stated that when members of his police-force went into action he was able to arrest six persons from a nearby bylane. These rickshaw-pullers live in street No. 2 which is very near Loni Road, and in all probability were arrested in that bylane as stated by Balwant Singh.

**Ram Bodh.**—Ram Bodh (PW 66) says that his wife had given birth to a child on that day. About half an hour after the delivery of the child the door of his *kothri* was broken open. As the door was not properly hinged, one of its leaves broke and fell injuring the child near its head resulting in its instant death. He further states that he had Rs. 120 with him which the policemen took away after giving him a beating. He could not call any woman of the locality or any midwife during the delivery since he had come to know about the presence of the police on Loni Road and was afraid of going out of the house.

Ram Bodh had submitted his statement to the Commission. Neither the death of the child, nor the falling of a leaf of the door nor the fact of the police taking away Rs. 120 from his pocket are mentioned therein. Ram Bodh gives no plausible reason for this omission. Although various allegations about the police excesses had been made, no such allegation was ever made by anyone. For the first time Ram Bodh makes this allegation while giving his evidence before me. I have no doubt in my mind that had such an incident taken place, everyone in the locality would have known about it and it would have been played up most prominently by the residents. I am not ready to believe Ram Bodh at all.

**Shri & Smt. S. N. Sharma, Shri & Smt. R. P. Sharma and Raj Kumari.**—I will now discuss the statements of S. N. Sharma (PW 37), his wife Sheela Devi (PW 36), Rajinder Prasad Sharma (PW 39), his wife Rekha Rani (PW 38), Raj Kumari (PW 33) and Ram Parkash Sharma (PW 41) since they relate to the same event.

S. N. Sharma is employed in the Municipal Corporation and daily comes to Delhi city. On August 21, 1972, he states, he went to Shahdara Railway Station but found

that the trains were running late. He waited there till 11 A.M. During this period only one train arrived. There was a great rush and he could not board it. He returned to his house by noon. At about 1-20/2 P.M. there was a commotion outside his house. He came out and saw people running and heard them shouting. He closed the outer door of the house and came back to his room. On hearing a knock at the outer door, he peeped out of his room and saw policemen in the lane. Nobody opened the door. The outside wall of the courtyard of this house was about 4 feet high and was of bricks fixed in mud mortar. After pushing down a portion of the wall, five or six policemen jumped inside the courtyard. On seeing the policemen, S. N. Sharma tried to close the door of his room but the policemen began pushing it. In the meantime, some policemen broke open a window of the room and entered from the door as well as from the window. Four policemen in all had entered his room. They started beating him and his wife Sheela Devi with their canes. Both of them were dragged out in the courtyard and were given merciless beating for about fifteen minutes. Sheela Devi raised a hue and cry to save her husband when a cane blow hit S. N. Sharma in the head. He fell down and was stunned. He was dragged out of the house to the lane where, according to S. N. Sharma, he lost consciousness. He regained consciousness only at about 5 P.M. and found himself on a charpoy in the lane outside his house. He found members of the Parliament present beside him and thereafter both the husband and wife were taken to the General Hospital at about 8 P.M. Sheela Devi was admitted in the hospital whereas S. N. Sharma was allowed to go home.

Sheela Devi practically corroborates the version given by her husband that when she tried to save the husband she was pushed and given cane blows. She states that one of the policemen had snatched away her golden chain weighing about  $2\frac{1}{3}$  tolas before she lost consciousness. She regained consciousness the following day in the hospital.

The Government has produced Constable Dinesh Singh (GW 51) and SI Attar Singh (GW 52) to explain the injuries received by S. N. Sharma and his wife. Constable Dinesh Singh was under the command of Shri Kashyap (GW 48) of the Central Reserve Police. He had been ordered to catch the miscreants who had been throwing stones.



One of them was seen running into a bylane. Constable Dinesh Singh along with two Constables chased him and entered the lane. As they approached the miscreant, he turned back and hit Dinesh Singh on his mouth with something which he was holding in his hand. Dinesh Singh's lips were injured and started bleeding. He immediately sat down but his two companions continued chasing that person who was seen entering a house. The two Constables followed him in that house but came out immediately shouting that people had beaten them. The matter was reported to the Platoon Commander who was present on Viveka Nand Marg and the injured Constable was taken to Shri Kashyap and thereafter to Loni Road. In the meantime, Balbir Singh (GW 49) was informed by a CRP Constable that one of them had been surrounded and should be rescued. Thereupon, SI Attar Singh with three or four Constables of the DAP and one CRP Constable entered lane No. 6. In that lane the CRP constables informed SI Attar Singh that the fact was that a man after injuring a Constable had taken shelter in a house and that none of the Constables had been surrounded. The Constable pointed out the house. SI Attar Singh entered the house with the constables. He saw S. N. Sharma lying on the floor and a *lathi* lying near him. He picked up the *lathi* and noticed an injury on the head of S. N. Sharma. He directed his men to lift S. N. Sharma and take him out. In the meantime, S. N. Sharma's wife came out and started pleading for her husband. She was told that since her husband had injured a Police-Constable, he had to be taken in custody. The constables lifted up S. N. Sharma and brought him out of the house into the lane. As soon as the police party came out the house, stones started coming from the house opposite. SI Attar Singh with his Constables entered that house but did not find anyone. However, an old woman came out and told him that a lady in the house had recently given birth to a child and that no one was present in the house. She also informed him that persons, who were throwing stones, had run away by the roof. SI Attar Singh, thereafter, left the house.

Ram Parkash Sharma (PW 41) lives in a room of the same house in which S. N. Sharma is living. He is Havildar in the Railway Protection Force and was, on that day, sleeping in his room after his night duty at the Delhi

Railway Station. He had bolted the door before going to sleep. Suddenly he received a cane blow on his back and got up. He found policemen hurling cane blows at him. He warded off a cane blow with his hands. In the meantime, his wife shouted that he was a Havildar of Police and pointed out his uniform hanging on a wall. Seeing the uniform the policemen left his room and went away.

At this stage the allegations of Raj Kumari (PW 33), Rekha Rani (PW 38) and Rajinder Prasad (PW 39) may be noticed. They live in the house from which stones were being thrown on the police party headed by SI Attar Singh. Raj Kumari is aged 14 years. Finding the police in the lane, door of the house was closed and Raj Kumari took shelter in the loft of a room. A curtain was hanging in front of the loft. The room had a big steel trunk. The police entered the room and opened the trunk to find out if anyone was hiding therein. Thereafter, they pulled down the curtain and seeing feet jutting out, pulled them out. Raj Kumari fell down bewildered and terrified. Rajinder Prasad Sharma (PW 39), who is a clerk in Telephone Exchange, lived in an adjoining room. His wife, Rekha Rani, had recently given birth to a child. He had brought ghee for her at about 1-30/2 P.M. from his village. Within a few minutes of his reaching the house he heard people shouting that the police was coming. He closed the door of his room at once and chained it. His mother suggested to him that he should hide somewhere to elude the police who were not likely to harm the women. R. P. Sharma, therefore, concealed himself under a cot lying in the room. When the door was knocked, nobody opened it. However, its chain gave way and the door opened. The policemen enquired from his mother and wife about the whereabouts of their menfolk, and also started looking around the room. They discovered R. P. Sharma under the cot and dragged him out. The police was inclined to arrest him and take him away. However, his mother and wife intervened and pleaded for him. One of the policemen gave two cane blows to R. P. Sharma. His wife also received cane blows while trying to save him from the police. The policemen were informed that he had just returned from his village with ghee for his wife who had recently given birth to a child. It was only then that the police agreed to let off R. P. Sharma and leave the house. Rekha Rani corroborates her husband and states that she had given birth to a child about 10 or 15 days earlier.

During my visit of the locality I inspected the two houses and directed that these be photographed from various points. I also asked for the plans of S. N. Sharma's house. S. N. Sharma's house, which is an unauthorised structure like the rest of the houses in Balbir Nagar Extension, has a low courtyard wall of bricks fixed in mud mortar. It has small rooms, one of which is in possession of S. N. Sharma. One of the room is occupied by Ram Parkash Sharma (PW 41).

If the Government witnesses are to be believed then no policeman is responsible for causing injury to anyone in the two houses.

Plans Exhibits C/23 and C/24 are of the house in which S. N. Sharma was living. Photographs Exhibits C/12 to C/15 show the house from various points. A part of the courtyard wall, according to the plans, is eight feet high and about half of it is three feet six inches high. The total area of the house is 31 feet x 44 feet. It has five rooms and one of them was occupied by S. N. Sharma. This room is visible in photograph Exhibit C/12. Photograph Exhibit PW 11/B appearing in the "Patriot" shows S. N. Sharma lying on the ground and SI Attar Singh with three constables surrounding him. Sheela Devi, who can be seen standing near her husband, appears to be crying and pleading, perhaps for her husband. The dimensions of the room occupied by S. N. Sharma are 11.25 feet x 11.25 feet.

Constable Dinesh Singh had been definitely injured. He is seen in photograph Exhibit 31/A with his lip injured and being helped by his colleagues. Two constables had followed the assailant who had injured him. I have no doubt that the assailant was no other than S. N. Sharma. But the question is whether the police was justified in giving him and his wife a beating? Unfortunately, S. N. Sharma has not come out with true and complete facts. He refuses to admit his conduct in injuring the constable. Whether CRP constables, who pursued him and entered the house immediately after the constable was informed, or SI Attar Singh and his companions, caused injuries to S. N. Sharma and his wife cannot be fully ascertained from the evidence produced before me. However, I have no doubt that they received injuries at the hands of the police. It seems more likely that they were beaten by the CRP constables whose companion had been injured. However, one or more of the DAP Constables appear to have

entered the room of Ram Parkash (PW 41) and gave him cane blows. I am also satisfied that stones were thrown at the police from the house opposite when SI Attar Singh and constables brought out S. N. Sharma in the lane. This house is shown in the photographs Exhibits C/18 to C/20, and is a better built house. The police was out to apprehend miscreants throwing stones. After entering this house for arresting the miscreants they would have searched for them. I believe Raj Kumari that they entered the room where she had concealed herself in the loft. They also searched the adjoining room occupied by Rajinder Prasad (PW 39) and finding him under the cot, must have given him cane blows.

This is the most glaring instance of police excesses. There is no justification for the police to beat S. N. Sharma and his wife, who had been thrashed mercilessly. There is also no excuse for giving cane blows to Rajinder Prasad (PW 39) and Ram Parkash Sharma (PW 41).

**Ganga Dass.**—Ganga Dass runs a dry cleaner's shop in Balbir Nagar Extension which opens on Loni Road. He had closed the shop at about 2 P.M. when he saw the police using tear-gas. Shortly after, some policemen knocked at the door and asked him to open the door. As soon as he opened the door, five or six policemen started showering cane blows on him and his nephew. They were arrested and taken away. The police had charged them of throwing stones at them. At the time of arrest, Ganga Dass was searched and his wrist watch and key were taken into possession by the public. After he was released on bail he was given back the wrist watch.

**Bir Bal.**—Bir Bal runs a barber's shop in a portion of his house. It opens on Loni Road and is situated near a culvert. He had also closed his shop with the wooden planks. However, before he could properly fix the last wooden plank some policemen pushed it and came in. Bir Bal states that he was at that time taking out his earnings which amounted to Rs. 30 in all. As he was putting them in the fold of his *dhoti*, the policemen gave him cane blows and took away the money. He is not sure whether the policemen had snatched the amount as he was bewildered by a sudden beating. He was also, by that time, affected by the tear-gas. I am not satisfied that the policemen

had taken away his money. The policemen seem to have entered his shop and given him a beating. However, had he lost any money, as stated by him, he would have at some stage complained about it. But he never complained.

**Rama Kant.**—Rama Kant runs a tea shop in a portion of his house. It opens on Loni Road. As he was closing his shop at about noon, some policemen came there and asked for water. He served hundreds of glasses of water to the policemen and thereafter they went away, and he closed his shop. After some time some policemen came there and asked him to open it alleging that *badmashes* had taken shelter therein. He opened his shop and he was arrested and taken away after being given one or two cane blows.

**Chhanga Ram.**—Chhanga Ram has a shop on Loni Road which is situated about 40 paces from a culvert. He sells cereals. He closed his shop when he saw the police using tear-gas. Some policemen knocked at the door. As soon as he opened it about eight policemen entered and gave him cane blows. He further states that the policemen took away his bag containing his earnings amounting to Rs. 800.

Chhanga Ram never lodged any report about the loss nor did he complain to anyone. I do not believe him when he says that policemen took away his money. Had he lost such a big amount I see no reason why he kept quiet about it. He could have complained about it after the situation had become normal. For the first time he complained about his loss when some persons of the locality started recording complaints of the residents about two months after the incidents.

**Smt. Chander Wati & Smt. Kamla Devi.**—Chander Wati (PW 19) along with her daughter-in-law, Kamla Devi (PW 21), live in street No. 9 of Balbir Nagar Extension. On hearing that the police was coming, she closed the door of her house. Shortly thereafter, about nine policemen scaled the boundary wall and jumped inside the house. In the meantime, the door was pushed. The latch came out and the door opened. More constables entered the house. Chander Wati was questioned whether she had given protection to miscreants. Thereafter, two of the policemen removed her golden chain weighing about one tola from

her neck. They also unscrewed one of the ear tops and took it away. She says that she was given about six cane blows. In the meantime, some of the policemen caught hold of her daughter-in-law, Kamla Devi, and removed her golden chain and, after unscrewing one of her ear tops, took it away. Thereafter, the policemen left the house.

Chander Wati is one of the women who had been taken to Vivekanand Marg/Loni Road crossing where she with Sheela Devi (PW 36) and Shanti (PW 20) was photographed. She did not receive, in my opinion, any such injury which might have rendered her unconscious or necessitated lifting her up for being taken to Loni Road. She herself says that when she came out in the street one of the persons present there lifted her and took her to Loni Road and asked her to lie down. It was this lady who was reluctant to lie down according to various other witnesses. After she was photographed with others she immediately returned home leaving the other two ladies lying on the road.

The learned counsel for the Government submitted that these ladies should not be believed about the policemen removing their golden chains and ear tops since they did not complain about their loss soon after the incident. It is true that whereas newspapers of the following day contain various instances of police excesses, there is no allegation about the policemen removing ornaments of women. However, the evidence of the press reporters, who appeared before me, shows that the people had become hostile to the Press and the reporters dared not go in the streets to meet people and collect information. The people noticing a car belonging to a newspaper damaged it. In these circumstances, it is not correct to say that the ladies did not complain about their loss. Proceedings of the Parliament dated August 22, 1972, have come to my notice. I find that an Hon'ble Member of the Parliament specifically accused the policemen of removing golden chains and ear tops of these very ladies. Some members of the Parliament and other political leaders had visited the locality on the evening of the 21st soon after the incidents and had talked to the people to find out their grievances. At that time these ladies seem to have complained about their loss.

I am satisfied that some policemen did break into the house of these ladies, beat them, removed their ear tops and took away their golden chains as stated by Chanderwati and her daughter-in-law.

**Smt. Gurbakhsh Kaur.**—Gurbakhsh Kaur (PW 22) lives in street No. 9, Balbir Nagar Extension. At about 2 P.M. that day she was taking her bath. The bathroom did not have a door but there was a curtain hanging outside. She was alone in her house and had closed its door. She had heard earlier in the day about the presence of the police on Loni Road. As soon as she heard the knocking at the door, she went inside a room and bolted it. The policemen broke open the door of the house and entered. They pushed the door of the room in which Gurbakhsh Kaur had concealed herself. The bolt gave way and the door opened. About ten policemen entered the room. They started throwing down things with their canes. Finding that the policemen were not likely to leave at their own she came out of the hiding and reprimanded them for interrupting her bath especially when she was alone in her house. Thereupon, the policemen left her house. The photographs of her house are Exhibits C-16 and C-17. Photograph Exhibit C-16 shows the bathroom without a door. During my inspection of the house I noted that the door of the house (see in Exhibit C-16) had an old bolt which might have given way when the police pushed the door. In her statement sent to the Commission she stated that she had been abused and given a cane blow on her head by the policemen but she did not mention it while giving her evidence before me. In my opinion, the police was not justified in breaking open her door and entering her home.

**Smt. Shanti.**—Shanti (PW 20) lives in street No. 9 of Balbir Nagar Extension. She was cleaning an *Angithi* inside her house whose door was left open. Her back was towards the door. All of a sudden she received a cane blow at her back. She looked back and saw two policemen in her house. She received injuries on her right forearm, left wrist and shoulder, and became unconscious. The residents removed her to the hospital where she remained as an indoor patient for two days. At the time of incident no male member was present in her house. Shanti is about 40 years old and is illiterate. She is one of the ladies who

were taken to Loni Road and photographed with Chander Wati and Sheela Devi. This is another glaring instance of the policemen running amuck and beating the inmates of houses.

**Evidence of Press Reporters.**—Sunder Lal Kukreja (PW 35) is a staff reporter of the Hindi newspaper "Hindustan". He was in Balbir Nagar on August 21, 1972, and had covered the disturbances for his newspaper. He saw three ladies on Vivekanand Marg coming towards Loni Road and lying near the junction of the roads. He also saw a person pouring water in the mouth of one of those ladies. He heard the people present there complaining that the police had entered the houses and had given indiscriminate beating to inmates including women. He dared not go into the lanes because he found the public hostile even to the persons belonging to the Press. After some time he saw one of those ladies chasing a police van moving slowly with the arrested persons.

Virendra Prabhakar (PW 31) is a press photographer of the Hindi newspaper "Hindustan". He had taken various photographs of the incidents of that day at Balbir Nagar. These are collectively marked as Exhibit PW 31/A. One of these photographs shows the injured CRP constable being brought by his companions. Three photographs show the ladies lying on the road.

Ajit Kumar (PW 35), photographer of the Patriot, was also present at that place and had taken various photographs which are collectively marked Exhibit PW 35/B. One of the photographs taken by him appeared in the Patriot on the following day (Exhibit PW 11/B). Since he was busy in taking photographs he did not hear the talk SI Attar Singh and his companions had, as seen in the photograph, with S. N. Sharma and his wife. This photograph was taken with a telescopic lens from the street. Most of his other photographs show the incidents of the 19th.

Ashwani Kumar Bhardwaj, a Staff Reporter of the Patriot, had also covered the incidents of the 21st. He came with Radhey Shyam Khanna (PW 11) to Arvachin Bharatiya School situated on Balbir Nagar Marg. He saw the police there. Some of the policemen were seen bringing one or two persons in custody from the side of a house.



He heard the people complaining of police excesses but no specific instance was mentioned to him. At that time he was in a hurry to reach Loni Road on which a fire was reported. He saw the three ladies lying on Vivekanand Marg and noticed injuries on one of them. He heard the people saying that the police had given her a beating. He also dared not go into any lane since the people had started shouting at the members of the Press and calling them as police touts. He had seen some injured persons who were attributing the injuries to the police.

Vidya Rattan, Crime Reporter of the Patriot, was also present at Balbir Nagar at that time. He had gone there with Ashwani Kumar Bhardwaj. He heard some women complaining near Arvachin Bhartiya School that they had been unnecessarily harassed by the police. Since he was interested in reaching Loni Road soon to cover the police action there, he did not question the women to find out the details. He did not stay long on Loni Road as he found that the mob was anti-Press and did not tolerate their presence. He was the author of news item captioned "Policemen beat up women" appearing in the Patriot of August 22, but did not remember who had given him the news. He himself had not seen a policeman beating any woman.

## CHAPTER IV CONCLUSIONS

There is nothing on record to show that policemen had been directed to beat indiscriminately or to thrash persons apprehended by them. However, various instances of August 19, 1972, show that policemen had, without any justification whatsoever, given continuous beating to persons after their apprehension while being dragged to the police-station. The policemen seem to have gone out of control. They had no excuse to beat school children and college students who were not participating in the demonstrations, or to exchange stones with the miscreants. Some of the officers would have seen some of these incidents. Few instances were specifically brought to the notice of some officers. Surprisingly, no action was taken by any officer at that time or thereafter against the erring policemen. It is suggested that such incidents always take place whenever police goes into action because of the uncouth and ill-trained rustics who are normally enrolled in the lower ranks of the police without giving any thought to the requirements of the Metropolitan city of Delhi. Though the suggestion seems to be a reasonable one, I am not called upon to find out the cause of police excesses and, therefore, I express no considered opinion about it.

On August 21, 1972, the policemen seem to have run amuck and lost all sense of proportion during their operations in Balbir Nagar area. They appear to be out to teach a lesson to the residents for their stone throwing. They were not justified in breaking open the doors and entering the houses, except the house of Shiv Narain Sharma and the house opposite to it. Though a large number of public witnesses were exaggerating the police officials, who had gone into action on the two Margs, were by and large suppressing the truth.

I do not believe the police witnesses when they state that they did not enter the bylanes when police went into action on Balbir Nagar Marg. I also do not believe that they did not break open the doors, enter houses and beat

the inmates. They falsely deny non-arrest of about six persons from Balbir Nagar Marg who were released the same evening on the intervention of Radhey Shyam Khanna.

The police had no justification of beating any woman. Sheela Devi had received extensive injuries at the hands of the police. I can visualise that the police was piqued by Shiv Narain Sharma injuring a policeman but, then, it had no excuse to give him and his wife a thrashing. Again, there was no occasion for giving a beating to Shanti.

There was no reason for the police to break into the houses of Gurbakhsh Kaur and Chander Wati. When the police was ordered to enter Vivekanand Marg, policemen immediately started chasing the mob on the road. Unless they saw a miscreant, sought to be arrested by them, entering a particular house, they had no excuse for entering a house. However, nobody from the police admits entering any house in any street except that of Shiv Narain Sharma and the house opposite to it. This is just unbelievable.

On August 21 the police created terror among the residents of Balbir Nagar area. Persons were chased into houses and beaten. Houses were broken into indiscriminately and anyone—man or woman—found therein caned. Two severely injured women were paraded before the officers who did not care to take any action against the erring policemen. No arrangement was made to take the injured to the hospital and they were left to the mercy of their own resources.

The demonstration by the ladies leading to the release of Shiv Narain Sharma, prevented the situation taking a turn for the worse. Timely visit paid by Shrimati Mukal Bannerjee and Shrimati Sheela Kaul, M.Ps., to Balbir Nagar seems to have gone a long way to assuage the feelings of the residents of the area, which is mostly inhabited by the poor and the lower middle class.

Though allegations by various persons that they were deprived of their belongings by the police are not well-founded, I find that some policemen did remove and take away golden chains and ear tops worn by Chander Wati and Kamla Devi.

Sd./-  
**VYAS DEV MISRA,**  
 30-4-1973.

## ANNEXURES

## ANNEXURE I

### Statements received by the Commission

Srl. No.	Name and address	Date of statement	Remarks, if any
1	Shri R. Srinivasan, District Magistrate, Delhi(Affidavit).	7-10-72	On behalf of Delhi Administration.
2	Shri Devender Kumar Jain . . . . .	7-10-72	On behalf of Jan Adhikar Sangarash Samiti Shahdara Zone.
3	Shri Hardayal Devgun . . . . .	7-10-72	On behalf of Bhartiya Jana Sangh (Delhi Pradesh) Delhi.
4	Shri Krishan Chander Gupta, F-13/11, Krishna Nagar, Delhi-51.	4-9-72	
5	Sant Bhikam Singh, 500/20, Vishwas Nagar, Shahdara, Delhi-32.	13-9-72	
6	Shri Inderjit Sharma, H. No. 1438-D/3 Balbir Nagar, Shahdara, Delhi-32.	19-9-72	
7	Shri Bharat Bhushan, K-51, Navin Shahdara, Delhi-32.	19-9-72	
8	Shri Umesh Kapur, K-38, Navin Shahdara, Delhi-32.		
9	Shri Kamal Beri, K-41, Navin Shahdara, Delhi-32.	19-9-72	
10	Shri Jai Bhagwan, S/o Shri Rama Chand, 1438/D/5, Balbir Nagar, Shahdara, Delhi-32.		
11	Shri Arun Kumar Sharma No Address.		
12	Mrs. Rosy, Mrs. Parveen and Shri Vijay Malhotra and Johnson, Shahdara, Delhi-32.		

Srl. No.	Name and address	Date of statement	Remarks, if any
13	Shri Jawahar Lal Mittal, Mittal General Store, 1439-A/46, Balbir Nagar, Shahdara, Delhi-32.	17-9-72	
14	Smt. Chawli Devi, W/o Shrinivas Sharma, 1438/A/33, Balbir Nagar Extension, Shahdara, Delhi-32.		
15	Smt. Jain Devi, W/o Shrinivas, 1439/A/45, Balbir Nagar Extension, Shahdara, Delhi-32.		
16	Shri Subhash Chander, S/o Shri Ram Lubhaya, New Subzi Mandi, Shahdara, Delhi.		
17	Shri Ram Nath, S/o Lala Rattan Lal, Municipal Corporation Rickshaw Stand, Babar Pur Road, Shahdara, Delhi.		
18	Shri Sri Niwas Address : Not given.		
19	Shri Ravinder Kumar Batra, 1439/A/51 Balbir Nagar, Shahdara, Delhi-32.		
20	Shri Mohd. Rafiq, S/o Shri Munshi, Balbir Nagar, Shahdara, Delhi-32.		
21	Smt. Rekha Rani, W/o Shri Rajinder Prasad Shrama, 1439/H/13, Balbir Nagar Extension, Shahdara, Delhi-32.		
22	Shri Ram Avtar Garg, 1439/H/119, Gali No. 6, Balbir Nagar Extension, Shahdara, Delhi-32.		
23	Shri Rajinder Prashad, S/o Shri Jagan Nath, 1439/H/13, Gali No. 6, Balbir Nagar, Shahdara, Delhi-32.		
24	Miss Raj Kumari, D/o Shri Jai Pal Sharma, 1439/H/13, Gali No. 6, Balbir Nagar, Shahdara, Delhi-32.		
25	Shri Ram Parkash Sharma, S/o Shri Ram Gopal Sharma, 1439/H/20, Balbir Nagar, Gali No. 6, Shahdara, Delhi-32.		

Srl No.	Name and address	Date of statement	Remarks, if any
26	Shri Davinder Kumar, S/o Shri Tak Chand, 1438/K/7A, Balbir Nagar, Gali No. 9 Shahdara, Delhi-32.		
27	Smt. Chanderwati, W/o Shri Nater Lal, 1473/A/2G/2A, Balbir Nagar Extension, Shahdara, Delhi.		
28	Smt. Gurbux Kaur, W/o Shri Piara Singh, 1473/A/2G/2D, Gali No. 9, Balbir Nagar Extension, Shahdara, Delhi-32.		
29	Smt. Shanti Devi, W/o Shri Satbir Singh, 1439/H/24, Balbir Nagar Extension, Shahdara, Delhi-32.		
30	Smt. Kamla Devi, W/o Shri Roop Kishore, 1473/A/2G/2D, Balbir Nagar Extension, Shahdara, Delhi-32.		
31	Shri Partap Kanwal, S/o Shri Jeelay Singh, House No. 1438-C/1, Balbir Nagar Extension, Shahdara, Delhi-32.		
32	Shri Samay Singh, S/o Shri Hardev Singh, Shopkeeper, Loni Road, Bhagwanpur Khara, Shahdara, Delhi-32.		
33	Shri Baba Ram, S/o Shri Smadh resident of House No. 1442/5-E, Khara Bhagwan Road, Shahdara, Delhi-32.		
34	Shri Hoshlar Singh, S/o Shri Murti, Shri Shivan, S/o Shri Ram Sahai, Shri Hira Lal, S/o Shri Dhanu Singh, Shri Mangla Ram, S/o Shri Phool Chand and Shri Tara, S/o Shri Devi Singh, Shopkeepers, Loni Road, Shahdara, Delhi-32.		
35	Shri Ram Swarup, S/o Shri Lekh Raj, resident of House No. 1439-H/102, Balbir Nagar Extension, Loni Road, Shahdara, Delhi-32.		
36	Shri Randhir Singh, resident of House No. 1465/1, Loni Road, Shahdara, Delhi-32.		
37	Shri Shabu, S/o Shri Nanda, resident of House No. 1445/2, Bhagwanpur Khara, Shahdara, Delhi-32.		

Srl. No.	Name and address	Date of statement	Remarks, if any
38	Shri Shobha Ram, S/o Shri Mucha Ram, resident of House No. 1465/2, Bhagwanpur Khera, Loni Road, Shahdara, Delhi-32.	21-8-72	
39	Shri Mohinder Singh, S/o Shri Chhota Singh, resident of House No. 1465/2, Bhagwanpur Khera, Loni Road, Shahdara, Delhi-32.		
40	Shri Bhagwan Singh, Shop No. 1465/2-A, Khera Bhagwanpur, Loni Road, Shahdara, Delhi-32.		
41	Shri Ramu, S/o Shri Harkesh, resident of House No. 1465/2, Bhagwanpur Khera, Loni Road, Shahdara, Delhi-32.	21-8-72	
42	Shri Ram Nath, S/o Shri Babu Ram, resident of House, No. 1439/H/103-B, Balbir Nagar, Shahdara, Delhi-32.		
43	Shri Bal Kishan, S/o Shri Basant Lal, resident of House No. 1439/H/101, Balbir Nagar, Shahdara, Delhi-32.		
44	Smt. Savitri, W/o Sardar Singh, resident of 1439/H/101, Balbir Nagar, Shahdara, Delhi-32.		
45	Shri Inder Raj, House No. 1465/2A, Khera Bhagwan Dass, Loni Road, Shahdara, Delhi-32.		
46	Shri Shekhar Lal Singh, S/o Shri Brij Singh, resident of House No. 1439/H/107, Loni Road, Shahdara, Delhi-32.		
47	Shri Khase Ram, S/o Shri Mehar Chand, resident of House No. 1439-A/101, Balbir Nagar, Shahdara, Delhi-32.		
48	Shri Sarju Prasad, S/o Shri Sukhdev, resident of House No. 1439/H/101, Balbir Nagar, Shahdara, Delhi-32.		
49	Mohinder Kumar, House No. 1439/H/101, Balbir Nagar, Shahdara, Delhi-32.		
50	Shri Bhanu Parkash Sharma, S/o Shri Ram Sarup Sharma, resident of House No. 1439/H/102, Balbir Nagar, Shahdara, Delhi-32.		



Srl. No.	Name and address	Date of statement	Remarks, if any
51	Shri Shekhar Chand, S/o Shri Kirpa Ram, Resident of House No. 1439/H/51, Balbir Nagar, Shahdara, Delhi-32.	21-8-72	
52	Shri Gandhi, S/o Shri Babloo, Mohinder Stone Rolling Mills, resident of House No. 1439-A/74/G, Gali No. 2, Balbir Nagar, Shahdara, Delhi-32.		
53	Shri Ram Jor, S/o Shri Mata, resident of House No. 1439-A/14/G, Gali No. 2, Balbir Nagar, Shahdara, Delhi-32.		
54	Shri Ram Sarup, S/o Shri Rup Chand, resident of House No. 1439/H/101, Balbir Nagar, Shahdara, Delhi-32.		
55	Shri Bishamber Nath, S/o Shri Chhote Lal, Ahata Babu Ram, Gali No. 2 Balbir Nagar, Shahdara, Delhi-32.	21-8-72	
56	Shri Birda Ram, S/o Shri Behari 1439-A/14-G, Gali No. 2, Balbir Nagar, Shahdara, Delhi-32.		
57	Shri Ram Sewak, S/o Shri Ram Prashad, resident of House No. 1439-A/14-G, Gali No. 2, Balbir Nagar, Shahdara, Delhi-32.		
58	Shri Sitala Prasad, S/o Shri Ram Dayal Resident of House No. 1439, Gali No. 2 Ahata Harish Chander, Shahdara Delhi-32.		
59	Shri Ram Harak, S/o Shri Mata, Gali No. 2, Ahata Behari Mal, Shahdara, Delhi-32.		
60	Shri Ganga Dass, S/o Shri Khajon, Shop No. 1439/H/101-A, Balbir Nagar, Shahdara, Delhi-32.	21-8-72	
61	Shri Bir Bal, S/o Shri Kala, Resident of House No. 1439/H/101-A, Balbir Nagar, Extension, Loni Road, Shahdara, Delhi-32.	21-8-72	
62	Shri Om Parkash, S/o Shri Rameshwar, Resident of House No. 1439-A/14-B/1, Gali No. 2, Balbir Nagar, Shahdara, Delhi-32.	19-8-72	

Srl. No.	Name and address	Date of statement	Remarks, if any
63	Shri Shish Pal Singh, S/o Shri Nahar Singh, Resident of House No. 1439/H-101, Balbir Nagar, Shahdara, Delhi-32.		
64	Shri Shish Pal Singh, S/o Shri Nahar Singh, resident of 1439/H/101, Balbir Nagar Extension, Loni Road, Shahdara, Delhi-32.		
65	Shri Devki Nandan, S/o Shri Shanti Sarup, Resident of 1439/27, Gali No. 2, Balbir Nagar, Shahdara, Delhi-32.		
66	Shri Yogender Singh, S/o Shri Tilak Ram, Gali No. 8, Balbir Nagar, Shahdara, Delhi-32.		
67	Shri Rameshwar, S/o Shri Jayanti Prasad, Resident of House No. 1438-B/8, Balbir Nagar, Shahdara, Delhi-32.		
68	Shri Janeshwar Prasad, S/o Shri Ilam Chand, Resident of House No. 1439-A/21, Balbir Nagar, Shahdara, Delhi-32.		
69	Shri Rama Kant, S/o Shri Ram Lakhan, resident of Ram Nagar, Loni Road, Shahdara, Delhi-32.	19-9-72	
70	Shri Iqbal Singh, resident of House No. 1438-K/CH, Balbir Nagar Extension, Shahdara, Delhi-32.		
71	Shri Radha Raman Garg, House No. 1259 11, Balbir Nagar, Shahdara, Delhi-32.		
72	Shri Dal Chand Yadav, Resident of House No. 1439-A/21-C, Gali No. 8, Balbir Nagar, Shahdara, Delhi-32.		
73	Shri Jaipal Dutt Sharma, S/o Shri Jyoti Parshad Sharma, resident of 1439-H/52, Loni Road, Balbir Nagar, Extension, Shahdara, Delhi-32.		
74	Shri Bhagwan Singh, S/o Shri Kartar Singh, resident of House No. 1426, Ram Nagar, Loni Road, Shahdara, Delhi-32.	17-9-72	

Srl. No.	Name and address	Date of statement	Remarks, if any
75	Shri Murli, S/o Shri Budh Ram, Resident of Ram Nagar, Loni Road, House No. 1435, Shahdara, Delhi-32.	19-9-72	
76	Shri Kanti Parshad, S/o Shri Kirat Ram, resident of House No. 1423-K/27, Ram Nagar, Loni Road, Shahdara, Delhi-32.	17-9-72	
77	Shri Ramdeen, S/o Shri Proti, resident of House No. 1431/1, Ram Nagar, Loni Road, Shahdara, Delhi-32.	17-9-72	
78	Shri Jaghu, S/o Shri Phular Ram, resident of House No. 1431/1, Ram Nagar, Loni Road, Shahdara, Delhi-32.	17-9-72	
79	Shri Budhi Ram, S/o Shri Changu, resident of House No. 1432, Ram Nagar, Shahdara, Delhi-32.	17-9-72	
80	Shri Satish Kumar, S/o Shri Om Parkash, resident of 1412/2F/36, Ram Nagar, Loni Road, Shahdara, Delhi-32.		
81	Shri Tirath Ram, S/o Shri Babu Ram Gupta, resident of House No. 612/3, West Ram Nagar, Loni Road, Shahdara, Delhi-32.	18-9-72	
82	Shri Ram Bodh, S/o Shri Babu Ram, resident of House No. 1439-H/101, Shahdara, Delhi-32.		
83	Shri Sonpal Singh, S/o Shri Mahabir Singh, Shop No. 15, Municipal Market, Opposite Radhu Cinema. G.T. Road, Shahdara, Delhi-32.		
84	Shri Rameshwar Dayal, S/o Shri Mothi Lal, Shop-keeper, 1439-H/101, Shahdara, Delhi-32.		
85	Shri Chhanga Ram, S/o Shri Nathu mal, 1439-H/101-A1 Balbir Nagar, Shahdara, Delhi-32.		
86	Shri Iberahim, S/o Shri Alaha-meher, resident of House No. 1465/2, Bhagwanpur Knera, Shahdara, Delhi-32.		
87	Shri Sheeshpal, S/o Shri Nobat Singh, 1439-H/101, Loni Road, Shahdara, Delhi-32.		

Srl. No.	Name and address	Date of statement	Remarks, if any.
88	Shri Mohan Lal, S/o Pr. Lorind Chand, House No. 2/65, Teli Wara, Shahdara, Delhi-32.		
89	Shri Sham Sunder, S/o Shri Ram Asra, Resident of House No. 70-C4, Shop-keeper, Bholanath Nagar, Shahdara, Delhi-32.		
90	Shri Kishori Lal Jaiswal, S/o Shri Shyam Lal House No. 1438/1 Ram Nagar Loni Road, Shahdara, Delhi-32.	17-9-72	
91	Shri Radhey Sham Khanna, Social Worker House No. 1157 Rohtas Nagar, Shahdara, Delhi-32.	19-9-72	
92	Shri Khem Chand, S/o Shri Hitu Ram, House No. 5/33, Qabool Nagar, Shahdara, Delhi-32.	25-9-72	
93	Shri Swaran Singh, S/o Shri Sujjan Singh, House No. 1412/2/F/30, Ram Nagar, Shahdara, Delhi-32.		
94	Shri Glad bin (Bilu), S/o Shri Prem Singh, Jhungi Rehman Building, Shahdara, Delhi-32.	30-9-72	
95	Shri Raj Kumar, S/o Shri Hari Kishan, Village Gokalpur, Shahdara, Delhi-32.	30-9-72	
96	Shri Jal Singh, S/o Shri Chaman Lal, Resident of House No. 685, Kabul Nagar, Shahdara, Delhi-32.	30-9-72	
97	Shri Bhagwati Prashad, S/o Shri Santu resident of Mahavir Steel Rolling Mills, Kabul Nagar, Shahdara, Delhi-32.	30-9-72	
98	Shri Kishan Lal, S/o Shri Kacheru Singh, resident of House No. 706, Village Maujpur, Shahdara, Delhi-32.	30-9-72	
99	Shri Rajinder Kumar, S/o Shri Pita Ram, House No. A-22, Nai Basti, Seelampur, Shahdara, Delhi-32.	30-9-72	
100	Shri Ram Din, S/o Shri Puroti, House No. 1431, Ram Nagar, Loni Road, Shahdara, Delhi-32.	30-9-72	

Srl. No.	Name and address	Date of statement	Remarks, if any
101	Shri Tara Chand, S/o Shri Jal Singh, House No. 685, Kabul Nagar, Shahdara, Delhi-32.	30-8-72	
102	Shri Bishamber Dayal, S/o Shri Ram Singh, Village Baburpur, Lohia Marg, Shahdara, Delhi-32.	30-9-72	
103	Shri Raj Kumar, S/o Shri Mohan Lal, House No. 747, Jhuggi Rehman Building, Shahdara, Delhi-32.	30-9-72	
104	Shri Dayakishan, S/o Shri Sham Lal, House No. 45/3-A/2, East Azad Nagar, Shahdara, Delhi-32.	30-9-72	
105	Shri Bharat Lal, S/o Shri Narain Dass, House No. 265, Bhola Nath Nagar, Shahdara, Delhi-32.	30-9-72	
106	Shri Virender Verma, S/o Shri Baljit Singh, House No. 1438-j/2C, Ram Nagar, Shahdara, Delhi-32.	30-9-72	
107	Shri S. P. Sharma, S/o Shri Hari Ballabh Sharma, House No. 7-D, Baburpur, Shahdara, Delhi-32.	30-9-72	
108	Shri Vijender Singh, S/o Shri Risal Singh, House No. 6/55, Mohalla Maha Ram, Shahdara, Delhi-32.	30-9-72	
109	Shri Sukhpal Singh, S/o Shri Bhura Singh, House No. 1551/A, Rohtas Nagar, Baburpur Road, Shahdara, Delhi-32.		
110	Shri Sham Singh, S/o Shri Inder Singh, resident of village Chhajapur, Shahdara-Delhi-32.		
111	Smt. Kamla Devi, W/o Shri Roop Kishore resident of House No. 1473-A/A20/G2/A, Gali No. 9, Balbir Nagar Extension, Shahdara, Delhi-32.	25-9-72	
112	Smt. Gurbaksh Kaur, W/o Shri Pyara Singh House No. 1473/A/20G/2D, Balbir Nagar, Extension Gali No. 9, Shahdara, Delhi-32.	25-9-72	

Sri. No.	Name and address	Date of statement	Remarks if any.
113	Smt. Hira bai, W/o Shri Tulsi Dass, resident of 1438/K/8A, Balbir Nagar Extension, Gali No. 9, Shahdara, Delhi-32.	25-9-72	
114	Shri Mahender Kumar, S/o Shri Tek Chand, House No. 1438/K/7A, Gali No. 9, Balbir Nagar Extension, Shahdara, Delhi-32.	25-9-72	
115	Shri Vidya Bhushan Kaura, S/o Shri Achru Mal Kaura, resident of 619, Ram Nagar, Shahdara, Delhi-32.	25-9-72	
116	Shri Jamna Prashad Gupta S/o Shri Kewal Ram House No. 1160/2 Gali No. 4 East Rohtas Nagar, Shahdara, Delhi-32.	25-9-72	
117	Shri Balu Ram S/o Shri Mukanda Ram resident of Jhuggi No. 749/8 Rohtas Nagar Shahdara Delhi-32.		
118	Shri Suresh Kumar S/o Shri Babu Ram House No. 210 Double Storey G. T. Road Shahdara, Delhi-32.	25-9-72	
119	Shri Karan Singh. S/o Shri Sohan Singh House No. 222/2 Subhash Road Gandhi Nagar Delhi-31.	25-9-72	
120	Shri Sharaf-ud-din S/o Shri Allah-Diya House No. 166 Sarai Najar, Ali, Gaushala Road, Ghaziabad, U.P.	30-9-72	
121	Shri Mobin S/o Shri Mehndi Hassan resident of Takiya Gullu Shah, G.T. Road, Shahdara, Delhi-32.	30-9-72	
122	Shri Prem Parkash S/o Shri Jassa Ram resident of Village Mandauli, Shahdara Delhi-32.	30-9-72	
123	Shri Gurcharan Singh S/o Shri Rattan Singh resident of 67 Double Storey, Kabool Nagar, Shahdara, Delhi-32.	27-9-72	
124	Shri Vijay Pal Singh S/o Shri Sant Singh resident of 1435/1/C/1-A Bhagwanpur Khara, Shahdara, Delhi-32.		
125	Shri Ram Nath Jha Joint Secretary, Bharatiya Jan Sangh, Seemapuri, Shahdara, Delhi-32.	22-8-72	

Sri. No.	Name and address	Date of statement	Remarks, if any
126	Shri Kanwar Lal Gupta, resident of 44 E Kamla Nagar, Delhi.	30-9-72	When summoned he wrote to say that he had nothing to add to the statement already filed.
127	Shri Surjeet Singh Khaira, President, Congress Committee Jhilmil Colony, B-40, Jhilmil, Delhi-32.	13-9-72	
128	Shri Jagmohan Lal, resident of 1329, Vaidwara-Maliwara, Maliwara Nav Yuvak Samiti (Regd), Delhi-6.	22-8-72	
129	Shri Om Parkash, S/o Shri Data Ram, resident of House No. 1266, East Rohtas Nagar, Shahdara, Delhi-32.	5-10-72	
130	Shri B. K. Malhotra S/o Shri Mala Ram Malhotra resident of 1249/A Rohtas Nagar, Shahdara, Delhi-32.	5-10-72	
131	Shri Sohan Singh, S/o Shri Inder Singh, resident of House No. 1360, Ram Nagar, Loni Road, Shahdara, Delhi-32.	5-10-72	
132	Shri D. L. Sethi, S/o Shri Sita Ram Sethi resident of House No. 1183/A, Rohtas Nagar, Shahdara, Delhi-32.	5-10-72	
133	Shri Rattan Lal, S/o Shri Loti Ram, resident of House No. 124, Shivaji Park, Delhi.	5-10-72	
134	Shri Mohinder Kumar, S/o Shri Maujmal resident of 477/3, Bara Thakur Dwara, Shahdara, Delhi-32.	6-10-72	
135	Amreek Singh, S/o Shri Harbans Singh, resident of 651/14, Nehru Gali, Gandhi Nagar, Delhi-31.	6-10-72	
136	Shri Kishan Kumar, S/o Shri Bhagwati Parashad, resident of 3199, Kucha Tara Chand, Daryaganj, Delhi.	25-9-72	
137	Shri Lajunder Nath, S/o Shri Shambunath C/o 43/14 East Azad Nagar, Delhi-51.	7-10-72	

## ANNEXURE II

### *List of newspapers produced before the commission*

Srl. No.	Name of Newspaper	Date of issue or publication	Remarks
1	Hindustan Times . . . . .	19-8-72	News item at P. 3, columns 3 & 4.
2	Statesman . . . . .	19-8-72	News item at P. 3, column 3.
3	Times of India . . . . .	19-8-72	News item at P. 3, column 3.
4	National Herald . . . . .	19-8-72	
5	Patriot . . . . .	19-8-72	News item at P. 8, columns 5 & 6.
6	Hindustan (Hindi) . . . . .	19-8-72	News item at P. 1, columns 4 & 5, and at P. 10, columns 2 & 3 as also 4.
7	Nav Bharat Times . . . . .	19-8-72	News item at P. 1, columns 5 & 6.
8	Hindustan Times . . . . .	20-8-72	News item & photograph at P. 1.
9	Statesman . . . . .	20-8-72	News item & 2 photographs at P. 1.
10	Times of India . . . . .	20-8-72	News item & photograph at P. 1.
11	National Herald . . . . .	20-8-72	News items & photographs at Pp. 1 and 3.
12	Hindustan (Hindi) . . . . .	20-8-72	News items & photographs at Pp. 1 and 6.
13	Nav Bharat Times . . . . .	20-8-72	News items & photographs at Pp. 1 and 3.



Srl. No.	Name of Newspaper	Date of issue or Publication	Remarks
14	Hindustan Times . . . .	21-8-72	News item at P. 1 and photograph at P. 10.
15	Statesman . . . . .	21-8-72	News item & photographs at P. 1.
16	Times of India . . . . .	21-8-72	News items & photographs at Pp. 1 & 7.
17	National Herald . . . . .	21-8-72	News items & photographs at Pp. 1 & 4.
18	Patriot . . . . .	21-8-72	News items & photographs at Pp. 1 & 4.
19	Hindustan (Hindi) . . . . .	21-8-72	News item & photograph at Pp. 1 & 8.
20	Nav Bharat Times . . . . .	21-8-72	News items & photographs at Pp. 1 and 3.
21	Hindustan Times . . . . .	22-8-72	News item & photographs at P. 1.
22	Statesman . . . . .	22-8-72	News items & photographs at Pp. 1 & 7.
23	Times of India . . . . .	22-8-72	News items & photographs at Pp. 1 & 3.
24	National Herald . . . . .	22-8-72	News item & photographs at p. 1.
25	Patriot . . . . .	22-8-72	News item & photographs at Pp. 1 and 8.
26	Hindustan (Hindi) . . . . .	22-8-72	News item & photograph at P. 1.
27	Nav Bharat Times . . . . .	22-8-72	News item & photograph at P. 1.
28	Hindustan Times . . . . .	23-8-72	News item at P. 1.
29	Statesman . . . . .	23-8-72	News item & photographs at Pp. 1 and 3.
30	National Herald . . . . .	23-8-72	News items & photograph at P. 1 only.
31	Hindustan (Hindi) . . . . .	23-8-72	News item at P. 1 and photographs at P. 3.
32	Nav Bharat Times . . . . .	23-8-72	News item at P. 1 and photograph at P. 3.

### ANNEXURE III

(A) *List of Government witnesses examined by the Commission*

Srl. No.	Name and address of witness	Date of examination	Remarks, if any
1	2	3	4
1	Shri Davindra Singh, Sub Inspector Draftsman, CID (Crimes Branch), Delhi.	19-10-72	(GW 1)
2	Shri Raghu Nath Singh, Head Constable No. 34, CID (Crimes Branch), Delhi.	19-10-72	(GW 2)
3	Shri Panna Lal, Head Constable No. 46, CID (Crimes Branch), Delhi.	19-10-72	(GW 3)
4	Shri Ajit Singh, Head Constable No. 118, CID (Crimes Branch), New Delhi.	19-10-72	(GW 4)
5	Shri Shashi Pal Singh, Head Constable No. 59, CID (Crimes Branch), New Delhi.	19-10-72	(GW 5)
6	Shri Surendra Pal Singh, Head Constable No. 41, CID (Crimes Branch), New Delhi.	20-10-72	(GW 6)
7	Major Surrinder Singh, 510 Army Base Workshop, Meerut.	20-10-72	(GW 7)
8	Shri Ram Chander, Head Constable No. 9, Delhi Railway Police, Delhi Main.	20-10-72	(GW 8)
9	Shri Faqir Chand, Head Constable No. 1, CID (Crimes Branch), Delhi.	20-10-72	(GW 9)
10	Shri Dharminder Kumar, Head Constable No. 34, Delhi Railway Police, Delhi.	20-10-72	(GW 10)
11	Shri Birender Singh, Head Train Examiner, Delhi Main.	20-10-72	(GW 11)

1	2	3	4
12	Shri Brijesh Kumar, Permanent Way Inspector, Patel Nagar Railway Station.	20-10-72	(GW 12)
13	Shri R. K. Mittal, Police Inspector Incharge of M.T. Central Workshop, 5, Rajpur Road, Delhi.	20-10-72	(GW 13)
14	Shri Bansi Lal, Terminal Tax Officer Delhi Municipal Corporation.	20-10-72	(GW 14)
15	Shri D. N. Sharma, Junior Engineer, Central PWD.	20-10-72	(GW 15)
16	Shri Nawal Kishore, Junior Engineer, Delhi Development Authority, New Delhi.	23-10-72	(GW 16)
17	Shri S. D. Agnihotri, Inspector of Works, Northern Railway, Ghaziabad Railway Station.	23-10-72	(GW 17)
18	Shri V. B. Nanoti, Technical Officer, Delhi Administration, New Delhi.	23-10-72	(GW 18)
19	Shri N. S. Sardana, Signal Inspector, Power Signalling, Delhi Main Railway Station.	23-10-72	(GW 19)
20	Shri P. N. Zal Puri, Assistant Engineer, Indraprastha Estate, Delhi Transport Corporation, Delhi.	23-10-72	(GW 20)
21	Shri Jarnail Singh, Engineering Supervisor, Delhi Telephones.	23-10-72	(GW 21)
22	Shri Vishwa Mittra, Assistant Station Master, Shahdara.	23-10-72	(GW 22)
23	Shri C. R. Mehta, Railway Guard, Delhi.	23-10-72	(GW 23)
24	Smt. Sona Devi wife of Shri Jia Lal, R/o Chhote Bazar, Meatwali Gali, Shahdara.	23-10-72	(GW 24)
25	Shri Jatinder Kapur Partner Rajdhani Petrol Pump, G. T. Road, Shahdara, R/o 51, Nizam-ud-Din Basti, New Delhi.	23-10-72	(GW 25)

1	2	3	4
26	Shri Amar Dass aged 33 Driver, R/o 38, Arjan Nagar.	23-10-72	(GW 26)
27	Shri Roshan Chopra, S/o Shri Shiv Dayal Chopra, Staff Photographer, Indian Express, New Delhi.	24-10-72	(GW 27)
28	Shri Hira Lal Sharma, Station Master, Shahdara.	24/25-10-72	(GW 28)
29	Shri Sant Ram S/o Shri Prabhu Dayal, employed in Hindustan Times, New Delhi.	25-10-72	(GW 29)
30	Shri Mangu Ram, Driver Northern Railway, Delhi.	25-10-72	(GW 30)
31	Shri Sarmukh Singh, Sub-Inspector, DRP, Shahdara.	25/26-10-72	(GW 31)
32	Shri M. L. Sharma, Assistant Security Officer, RPF Northern Railway.	27/30-10-72	(GW 32)
33	Shri O.S. Chauhan, Additional District Magistrate, (North), Delhi.	30/31-10-72 1/2-11-72	(GW 33)
34	Shri Sheel Kumar Saxena, Addl. Supdt. of Police (North), Delhi.	2/3/7/9/10-11-72 <u>21-3-73</u>	(GW 34)
35	Shri R. Srinivasan Director, Management Bureau of Public Enterprises, Ministry of Finance.	14/15/17/21-11-72	(GW 35)
36	Shri S. V. Tankhiwale IPS., New Delhi.	21/22-11-72	(GW 36)
37	Shri S. P. Aggarwal, SDM Civil Lines, Delhi.	23-11-72	(GW 37)
38	Shri P. P. Chauhan, Secretary, Excise & Taxation, Delhi Administration.	24-11-72	(GW 38)
39	Dr. Bishnu Kumar, Head of Forensic Medicines, Maulana Azad Medical College, New Delhi.	27-11-72	(GW 39)

1	2	3	4
40	Dr. Vishwanathan, Irwin Hospital, New Delhi.	27-11-72	(GW 40)
41	Dr. A. Golmei, General Duty Medical Officer, Irwin Hospital, New Delhi.	27-11-72	(GW 41)
42	Shri R. D. Saxena, Public Relation Officer, Delhi Police, Kashmere Gate, Delhi.	28-11-72	(GW 42)
43	Shri P. N. Gupta, SDM, Kamla Market, New Delhi.	27/28/29-11-72	(GW 43)
44	Shri Durga Shankar Amist, DSP Headquarters, Delhi.	29/30-11-72	(GW 44)
45	Shri Bhagwen Dass, SDPO, Railway Police, Delhi.	30-11-72	(GW 45)
46	Shri Arvind Kumar Srivastava, SDPO, Kingsway Camp, Delhi.	4-11-72	(GW 46)
47	Shri R. N. Saxena, Commandant, 47 Battalion, C.R.P.	4/5-11-72	(GW 47)
48	Shri Y. N. Kashyap, Assistant Commandant, 9th Battalion, C.R.P. New Delhi.	5-12-72	(GW 48)
49	Shri Balwant Singh, Deputy Director, Vigilance, Municipal Corporation, Delhi.	6-12-72	(GW 49)
50	Shri J. S. Dawson, Deputy Supdt. of Police, 9th Battalion, CRP, New Delhi.	7/11-12-72	(GW 50)
51	Shri Dinesh Singh, Constable B-Company, 9th Battalion, CRP.	11-12-72	(GW 51)
52	Shri Attar Singh, Sub Inspector, DAP Third Battalion, Delhi.	12-12-72	(GW 52)
53	Major General S. K. Korla, Director, Civil Defence & Commandant General, Home Guards, Delhi.	23-1-72 20-3-73	(GW 53)

## (B) List of public witnesses who submitted their statements and were examined by the Commission

Srl. No.	Name & address of witness	Date of examination	Remarks, if any
1	Shri Hardayal Devgun, A2/5, Tibia College, New Delhi-5.	19-12-72	(P.W. 1)
2	Shri Davinder Kumar Jain, S/o Shri Gopi Nath Jain, House No. 186, Kabul Nagar, Shahdara.	20/21-12-72	(P.W. 2)
3	Shri Bharat Bhushan, Navin, Shahdara	22-12-72	(P.W. 4)
4	Shri KanwalBerry, S/o Shri Iswar Dass Berry, School Librarian, K-41, Navin, Shahdara.	5-1-73	(P.W. 8)
5	Shri Inderjit Sharma, S/o Shri Attar Singh Sharma, Teacher, House No. 1438 D/3, Balbirnagar Extension, Shahdara.	5-1-73	(P.W. 10)
6	Shri Radhey Shyam Khanna, S/o Shri Daulat Ram Khanna, House No. 1197 Babarpur Road, Rohtas Nagar, Shahdara.	9-1-73	(P.W. 11)
7	Shri Srinivas Sharma, S/o Shri Devi Singh, Teacher, R/o Balbir Nagar, Shahdara.	10-1-73	(P.W. 14)
8	Shri Ram Nath, Jha S/o Shri Shyam Sunder Jha, H-1 Seemapuri, Shahdara.	10-1-73	(P.W. 15)
9	Shri Jawahar Lal, S/o Shri Moti Lal, Shop-keeper, House No. 1439-A/41, Balbir Nagar Road, Shahdara.	11-1-73	(P.W. 16)
10	Shri Ravinder Kumar, S/o Shri Jagan Nath Batra, Student, R/o Balbir Nagar, Shandara.	11-1-73	(P.W. 17)
11	Shrimati Rosa Anthony, W/o Shri Anthony M. O., Resident of Balbir Nagar, Shahdara.	11-1-73	(P.W. 18)
12	Shrimati Chander Wati, W/o Shri Netar Lal, Gali No. 9, Balbir Nagar Extension, Shahdara.	12-1-73	(P.W. 19)
13	Shrimati Shanti, W/o Shri Satvir Singh, R/o Gali No. 9, Balbir Nagar, Extension, Shahdara.	12-1-73	(P.W. 20)
14	Shrimati Kamla Devi, W/o of Shri Roop Kishore, Gali No. 9, Balbir Nagar, Shahdara.	12-1-73	(P.W. 21)

Srl. No.	Name and address of witness	Date of examination	Remarks if any
15	Shrimati Gurbux Kaur, W/o Shri Piara Singh, Gali No. 9, Balbir Nagar Extension, Shahdara.	12-1-73	(P.W. 22)
16	Shri Bishambar Nath, S/o Shri Chhote Lal, Shopkeeper, Gali No. 2, Balbir Nagar, Shahdara.	17-1-73	(P.W. 27)
17	Shri Jai Bhagwan, S/o Shri Rama Nand, Gali No. 13, Balbir Nagar Extension, Shahdara.	17-1-73	(P.W. 28)
18	Shri Partap Kanwar, S/o Shri Zile Singh, Teacher, Gali No. 10, Balbir Nagar, Shahdara.	17-1-73	(P.W. 29)
19	Miss Raj Kumari, D/o Shri Jaipal Sharma, Gali No. 6, Shahdara, Delhi.	18-1-73	(P.W. 33)
20	Shri Budhi Ram, S/o Shri Chhangu, R/o Ram Nagar, Loni Road, Shahdara.	19-1-73	(P.W. 34)
21	Shrimati Rekha Rani, W/o Shri Rajinder Parshad Sharma, House No. 1439/H/13, Gali No. 6, Balbir Nagar, Shahdara.	29-1-73	(P.W. 38)
22	Shri Rajinder Parshad Sharma, R/o House No. 1439/H/13, Gali No. 6, Balbir Nagar, Shahdara.	29-1-73	(P.W. 39)
23	Shri Ram Avtar Garg, S/o Shri Babu Ram Garg, House No. 1439/H/19, Gali No. 6, Balbir Nagar, Shahdara.	29-1-73	(P.W. 40)
24	Shri Ram Parkash Sharma, R.P.F., House No. 1439/H/20, Gali No. 6, Balbir Nagar Extension, Shahdara.	29-1-73	(P.W. 41)
25	Shri Davindar Kumar, S/o Shri Tek Chand, House No. 1438/K/7-A, Gali No. 9, Balbir Nagar Extension, Shahdara.	29-1-73	(P.W. 42)
26	Shri Hoshiar Singh, S/o Shri Murli Dhar, Bhagwanpur Khera, Shahdara.	29-1-73	(P.W. 43)
27	Shri Ram Swarup, S/o Shri Lekh Raj, R/o House No. 1439-M/102, Balbir Nagar Extension, Shahdara.	29-1-73	(P.W. 44)
28	Shri Ramu, S/o Shri Harkesh, R/o House No. 1465/2, Bhagwanpur Khera, Loni Road, Shahdara.	29-1-73	(P.W. 45)

Srl. No.	Name and address of witness	Date of examination	Remarks, if any
29	Shri Balkishan, S/o Shri Basant Lal, R/o House No. 1439-H/101, Loni Road, Shahdara.	29-1-73	(P.W. 46)
30	Shri Khase Ram, S/o Shri Mehar Chand, R/o House No. 1439-A/101, Balbir Nagar Extension, Shahdara.	29-1-73	(P.W. 47)
31	Shri Shekhar Chand, S/o Shri Kirpa Ram, Teacher, House No. 1439-H/61, Gali No. 3, Balbir Nagar Extension, Shahdara.	30-1-73	(P.W. 48)
32	Shri Sarju Prashad, S/o Shri Sukh Dev, Barber, R/o House No. 1439-H/101, Balbir Nagar Extension, Shahdara.	30-1-73	(P.W. 49)
33	Shri Ramjor, S/o Shri Matapher, Rickshaw Puller, House No. 1439-A/14G, Gali No. 2, Balbir Nagar Extension, Shahdara.	30-1-73	(P.W. 50)
34	Shri Binda Ram, S/o Shri Behari, Rickshaw Puller, House No. 1439-A/14G, Gali No. 2, Balbir Nagar Extension, Shandara.	30-1-73	(P.W. 51)
35	Shri Ram Sewak, S/o Shri Ram Parshad, R/o House No. 1439-A/14G, Gali No. 2, Balbir Nagar Extension, Shahdara.	30-1-73	(P.W. 52)
36	Shri Sitla Parshad, S/o Shri Ram Dayal, Rickshaw Puller, R/o House No. 1439-A/14G, Gali No. 2, Balbir Nagar Extension, Shahdara.	30-1-73	(P.W. 53)
37	Shri Ram Harak, S/o Shri Mata Badal, R/o Ahata Baru Mal, Gali No. 2, Balbir Nagar Extension, Shahdara.	30-1-73	(P.W. 54)
38	Shri Ganga Dass, S/o Shri Khazan Singh, Shopkeeper, R/o Bhagwanpur Khera, Shahdara.	30-1-73	(P.W. 55)
39	Shri Om Parkash Bansal, S/o Shri Rameshwar Dass Bansal, R/o House No. 1439-A/14-B/1, Gali No. 2, Balbir Nagar, Shahdara.	1-2-73	(P.W. 56)
40	Shri Bir Bal, S/o Shri Kale, Barber, R/o House No. 1439-H/101-A, Balbir Nagar, Shahdara.	1-2-73	(P.W. 57)



Srl. No.	Name and address of witness	Date of examination	Remarks, if any
41	Shri Janeshwar Prashad, S/o Shri Ilam Chand, Clerk, DTC, R/o House No. 1439-A/21, Balbir Nagar Extension, Shahdara.	1-2-73	(P.W. 58)
42	Shri Ram Kant, S/o Shri Ram Lakhani, R/o Ram Nagar, Loni Road in front of Rathi Mills, Shahdara.	1-2-73	(P.W. 59)
43	Shri Jai Pal Dutt, S/o Shri Joti Prashad Sharma, Teacher, R/o House No. 1439-H/57, Gali No. 4, Balbir Nagar Extension, Shahdara.	1-2-73	(P.W. 60)
44	Shri Dal Chand, S/o Shri Kewal Ram, Hon. Captain, R/o House No. 1439-A/21, Gali No. 8, Balbir Nagar Extension, Shahdara.	1-2-73	(P.W. 61)
45	Shri Ram Din, S/o Shri Proti, R/o House No. 1439/1, Ram Nagar, Loni Road, Shahdara.	1-2-73	(P.W. 62)
46	Shri Satish Kumar, S/o Shri Om Parkash, House No. 1412-2F/36, Ram Nagar, Loni Road, Delhi (Shahdara).	1-2-73	(P.W. 63)
47	Shri Sonpal Singh, S/o Shri Mahabir Singh, Dhabawala, Shop No. 15, Municipal Market.	2-2-73	(P.W. 64)
48	Shri Chhanga Ram, S/o Shri Nathu Mal, Gali Jain Mandir, Anaj Mandi, Shahdara.	2-2-73	(P.W. 65)
49	Shri Ram Bodh, S/o Shri Babu Lal, Ricksha Driver, R/o House No. 1439-H/101, Balbir Nagar Extension, Gali No. 2, Ahata Ram Swarup, Shahdara.	2-2-73	(P.W. 66)
50	Shri Ibrahim, S/o Shri Allah Mehar, House No. 1465/2, Loni Road, Bhagwanpur Khera, Shahdara.	2-2-73	(P.W. 67)

(C) List of public witnesses who did not submit any statement but were summoned by the Commission

Sl. No.	Name & address of witness	Date of examination	Remarks, if any
1	2	3	4
1	Shri Yoginder Nath Sarvarya, 1/227, G. T. Road, Shahdara.	21-12-72	(P.W. 20)
2	Shri Priya Kumar Jaiswal, R/o 1418, Ram Nagar, Loni Road, Shahdara.	2-1-73	(P.W. 5)
3	Shri Yog Dhian Ahuja, Teacher, R/o F-1/31, Krishan Nagar, Delhi-51.	2-1-73	(P.W. 6)
4	Shri Baij Nath Kapil, Chemist, R/o Krishna Nagar, Shahdara.	3-1-73	(P.W. 7)
5	Shri Gopal Krishan Aggarwal, S/o late L. Moti Ram Aggarwal, House No. 588, Moti Ram Marg, Shahdara.	5-1-73	(P.W. 9)
6	Shri H. K. L. Bhagat, M.P., Model Town, Delhi.	9-1-73	(P.W. 12)
7	Shri Basheshar Nath Kundra, S/o Shri Buta Ram Kundra, R/o Kashmere Gate, Delhi.	10-1-73	(P.W. 13)
8	Shri Vidya Rattan, <i>Crime Reporter</i> , PATRIOT, R/o House No. R-878, New Rajinder Nagar, Delhi-60.	15-1-73	(P.W. 23)
9	Shri Ashwani Kumar Bhardwaj, <i>Staff Reporter</i> , PATRIOT, R/o 251, Dacca Village, Delhi-9.	15-1-73	(P.W. 24)
10	Shri Ajit Kumar, <i>Photographer</i> , PATRIOT, R/o Lakshmi Bai Nagar, New Delhi.	15-1-73	(P.W. 25)
11	Shri Vijay Kumar Bhatia, S/o Shri Tulsi Dass Bhatia, Shopkeeper, R/o Balbir Nagar, Shahdara.	17-1-73	(P.W. 26)
12	Shri Ragho Singh, <i>Press Photographer</i> , 'PATRIOT', 551, Fanchkuaian Road, New Delhi.	18-1-73	(P.W. 30)

1	2	3	4
13	Shri Virendra Prabhakar, <i>Press Photographer</i> , 'Hindustan Times', R/o Bazar Sita Ram, Delhi.	18-1-73	(P.W. 31)
14	Shri Sunder Lal Kukreja, <i>Staff Reporter</i> , HINDI HINDUSTAN, R/o Dev Nagar, New Delhi.	18-1-73	(P.W. 32)
15	Shri Tilak Raj, S/o Shri Chaturi, Labourer, R/o Ram Nagar, Dhobi Building, Shahdara.	19-1-73	(P.W. 35)
16	Shrimati Sheela Devi, W/o Shri Shiv Narain, R/o Balbir Nagar, Gali No. 6, Shahdara.	19-1-73	(P.W. 36)
17	Shri Shiv Narain Sharma, S/o Shri Sonpal Sharma, Corporation Employee, R/o House No. 1439-H-XX, Balbir Nagar Extension, Shahdara.	18-1-73	(P.W. 37)
18	Shri Shalinder Kumer, <i>Staff Correspondent</i> of the Hindi "HINDUSTAN", New Delhi.	16-3-73	(P.W. 68)
19	Shri A. K. Singh, I.P.S., Superintendent of Police (North) District, Delhi.	21-3-73	(P.W. 69)

## ANNEXURE IV

### *Documents exhibited in the course of oral evidence*

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Sl. No.	Exhibit No.	Name of the witness filing the exhibit	Date	Description
1	GW 11/1	Birender Singh, Head Train Examiner.	20-10-72	Damage list regarding train No. 2 D.S. (Delhi Saharanpur).
2	GW 11/2	Ditto.	20-10-72	Damage list regarding train No. 2 D.D. (Delhi-Dankur).
3	GW 12/1	Brijesh Kumar, Way Inspector.	20-10-72	Damage to Railway property on 19-8-72 at Shahdara.
4	GW 13/1	R. K. Mittal, Police Inspector.	20-10-72	Damage report of Police vehicles.
5	GW 13/2	Ditto.	20-10-72	Damage report of Police vehicles.
6	GW 13/3	Ditto.	20-10-72	Damage report of Govt. vehicles.
7	GW 14/1	Bansi Lal, Terminal Tax Officer.	20-10-72	List showing damage in terms of money caused to each article.
8	GW 14/2	Ditto.	20-10-72	Ditto.
9	GW 15/1	D. N. Sharma, Junior Engineer.	20-10-72	Damage caused to the building of Police Station, Shahdara.

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Sl. No.	Exhibit No.	Name of the witness filing the exhibit	Date	Description
10	GW 16/1	Nawal Kishore, Junior Engineer.	23-10-72	Damage for the loss of angle irons and the wooden ballies.
11	GW 17/1	S. D. Agnihotri, Inspector of Works.	23-10-72	Damage caused to the Railway Station, Shahdara.
12	GW 18/1	V. B. Nanoti, Technical Officer.	23-10-72	Damage report regarding Jeep No. DLI-7103.
13	GW 19/1	N. S. Sardana, Signal Inspector.	23-10-72	Damage to signalling equipment at Shahdara.
14	GW 20/1	P. N. Zalpuri, Asstt. Engineer.	23-10-72	Buses damaged during the riots at Shahdara on 20-8-72.
15	GW 21/1	Jarnail Singh, Engineering Supervisor.	23-10-72	Damage to telephone cables.
16	GW 21/2	Ditto.	23-10-72	Report to police regarding theft of one D.P. Box and Tail cables from D.P. No. 17/1/1-20 standing near Canal on Loni Road.
17	GW 27/1	Roshan Chopra	24-10-72	Report to Police.
18	GW 28/1	Hira Lal Sharma, Station Master.	24-10-72	Report to Police regarding damage.
19	GW 29/1	Sant Ram, Driver Hindustan Times.	25-10-72	Report to Police.
20	GW 29/2	Ditto.	25-10-72	Photo of car published in the Mother Land of 22-8-72.

Sl. No.	Exhibit No.	Name of the witness filing the exhibit	Date	Description
21	GW 29/3	Sant Ram, Driver, Hindustan Times.	25-10-72	Photo of three women lying on the road in Hindustan Times dated 22-8-72.
22	GW 31/1	Sarmukh Singh, Sub-Inspector BRP.	26-10-72	Memo from the railway guard.
23	GW 31/2	Ditto.	26-10-72	Memo from the Station Master.
24	GW 31/3 to 31/6	Ditto.	26-10-72	Copies of entries of daily diary.
25	GW 31/7	Ditto.	30-10-72	Copies of other entries of daily diary recorded on 19-8-72 from 8 a.m. to 8 p.m.
26	GW 33/1	O. S. Chauhan, ADM (North).	31-10-72	Application for permission to hold Jan Sangh meeting at Anaj Mandi.
27	GW 33/1A	Ditto.	31-10-72	Orders of ADM refusing permission.
28	GW 33/2	Ditto.	1-11-72	Copy of report from SP (North) to ADM(North).
29	GW 34/1	Sheel Kumar, SP (North).	7-11-72	Information supplied by the C.I.D., Crime Branch regarding Onkar Singh Dacoit.
30	GW 39/1	Dr. Bishnu Kumar	27-11-72	Copy of Postmortem Report on the body of Rafiq.
31	GW 40/1	Dr. Vishwanathan	27-11-72	Copy of Medico Legal report regarding Sajjan Singh.
32	GW 41/1	Dr. A. Golmei, Irwin Hospital.	27-11-72	Copy of Case-sheet of Sajjan Singh.
33	GW 42/1	R. D. Saxena, Public Relation Officer.	27-11-72	Copy of bulletin.

Sl. No.	Exhibit No.	Name of the witness filing the exhibit	Date	Description
34	PW 2/A	D. K. Jain	2-1-73	List of injured or arrested persons at Shahdara on 21.8-72.
35	PW 11/A	Radhey Shyam Khanna.	8-1-73	Photo showing Radhey Shyam Khanna on Dharna in a pool of water.
36	PW 11/B	Radhey Shyam Khanna.	9-1-73	Photo in the Patriot dated 22-8-72.
37	PW 13/A	Basheshwar Nath (Filed by Govt.)	10-1-73	Photograph showing some persons dancing in front of the Police Station.
38	PW 13/B	Bashesar Nath (Filed by Govt.)	10-1-73	Photograph.
39	PW 25/A	Ajit Kumar, Photographer, Patriot.	15-1-73	Photograph in the Patriot dated 22-8-72.
40	PW 25/B	Ajit Kumar, Photographer, Patriot.	15-1-73	Photograph appearing on the title page of Patriot dated 20-8-72.
41	PW 25/C	Ajit Kumar, Photographer, Patriot.	15-1-73	Photograph appearing on the title page of Patriot dated 20-8-72.
42	PW 25/D	Ajit Kumar, Photographer, Patriot.	18-1-73	Contact Prints of exposed films.
43	PW 30/A	Ragho Singh, Photographer, Statesman.	18-1-73	Photograph appearing on the title page of Sunday Statesman dated 20-8-72.
44	PW 30/B	Ragho Singh, Photographer, Statesman.	18-1-73	Photograph appearing on the title page of Sunday Statesman dated 20-8-72.
45	PW 31/A	Virendra Prabhaker, Press Photographer, Hindustan Times.	22-1-73	Contact Prints of exposed films.
46	PW 69/1	A. K. Singh, S.P. (North).	21-3-73	Copy of report sent to Chief Secretary.
47	PW 69/2	A. K. Singh, S.P. (North).	21-3-73	Copy of second report sent to Chief Secretary.

*Price : (Inland) Rs. 2·80 (Foreign) £ 0·33 or \$ 1 1 Cent.*