



GOVERNMENT OF BOMBAY

REPORT OF THE COMMISSION OF INQUIRY
(SHRI JUSTICE S. P. KOTVAL) ON THE CASES
OF POLICE FIRING AT AHMEDABAD ON
THE 12TH, 13TH AND 14TH AUGUST 1958

AND

GOVERNMENT'S CONCLUSIONS AND
PROPOSALS FOR ACTION ON
THE REPORT.

Commission of Inquiry.

Findings of the — appointed to inquire into the police firings at Ahmedabad in August 1958;

Government's observations, decisions and proposals for action on the findings.

GOVERNMENT OF BOMBAY.

HOME DEPARTMENT (SPECIAL).

Resolution No. S. B. III/MGM. 2458.

Sachivalaya, Bombay, 1st July 1959.

RESOLUTION.

By a Resolution of the Government of Bombay, No. S. B. I/MGM-2458, dated the 31st October 1958, Shri Justice S. P. Kotval of the Bombay High Court was appointed under the Commissions of Inquiry Act, 1952, to hold an inquiry into the police firings that had taken place in Ahmedabad on the 12th, 13th and 14th August 1958. The terms of reference were as follows :—

(a) to ascertain the circumstances under which the Police resorted to firing on the said dates ;

(b) to report whether there was an attempt, direct or indirect, on the part of any persons or political parties to create, or instigate others to create, disorder and to indulge in acts of violence, incendiarism, looting and destruction of private and public property in the event of the local authorities obstructing the erection of the Memorials or removing them after erection ;

(c) to determine whether the firing on the said dates was justified or not ; and

(d) to report on such other matters as may be germane to the above.

2. The Commission submitted its Report to Government on the 28th April 1959. Government has carefully considered the Report with due regard to the evidence recorded, and, in the light of the observations hereinafter made, accepts the findings of the Commission, with a few exceptions.

3. The findings of the Commission, Government's observations thereon and its proposals for action are as follows :—

*Term (a) :—*The causes which led to the disturbances in Ahmedabad during the 12th, 13th and 14th August 1958 and to the consequent firing on those days and the circumstances under which the police resorted to

firing were :—

(i) The formation of the bilingual State of Bombay, the firing which took place in August 1956, and the refusal to order a judicial enquiry giving rise to a spontaneous feeling among the people of Ahmedabad of hostility to the Congress Party, the State Government and the local authorities.

Government does not accept that any of the factors set forth above could have been or, in fact, was a circumstance, or even a proximate cause, under which the police resorted to firing. The Commission itself has held evidence relating to incidents of 1956 as being outside the terms of reference. No evidence relating to these events was therefore led by Government.

Conclusion. Government is of the view that, under the circumstances, this finding cannot be accepted.

(ii) The speeches delivered between 8th July 1958 and 8th August 1958 by the leaders of the Parishad whereby they whipped up the already existing feelings against the Congress Party, Government and the local authorities and turned them to their own political advantage. In delivering these speeches and undertaking the programme of activities between June 1958 and 12th August 1958 they indirectly attempted to instigate the people of Ahmedabad to create disorder and indulge in acts of violence.

Conclusion. Government accepts this finding.

Findings. (iii) The decision to permit the memorials to be erected, which was an error of judgment ; and

(iv) the decision to remove the memorials. When this decision was taken, the consequences and the depth and extent of public feeling were not correctly gauged and there was a miscalculation.

The correct position is that there was only one composite decision, namely, to suffer the memorials to be placed temporarily and to remove them later. Government fixed the date of removal in order to synchronise it with the removal in other districts where such memorials had been erected about the same time. The District Magistrate, Ahmedabad, decided to suffer the erection of the memorials temporarily in order to avoid a serious clash, but this decision was coupled with the decision to remove them at the earliest opportunity. Government is unable to agree that this decision involved an error of judgment. The wisdom of the decision could be properly assessed only by contrasting the consequences of adopting this alternative with the consequences that were likely to have ensued had the erection been forcibly prevented on the 8th August 1958. Government regrets that the Commission has not taken into account this factor and especially the desirability of averting a clash between the milling crowds in an aggressive mood and the police on the 8th August in order to avoid bloodshed and loss of life. Government is convinced that resort to force on that occasion would have been inevitable and that it would have resulted in tremendous loss of life. The authorities were anxious to avoid this on humane considerations.

It is also incorrect that resort to other preventive measures was not considered prior to the 8th August ; it is clear from the evidence that resort to preventive measures was considered by the local officers and ruled out because it would not only have failed to prevent the very clash which the authorities were desirous of avoiding, but would also have given further ground for agitation and provocation to the agitators. This is not a matter for evidence but for appraisal by those in charge of administration. The Commission does not find that the banning of the procession and the detention of 6 or 7 Parishad leaders would have prevented a clash on the 8th August, nor that it would have helped to avoid the consequences of such a clash. The Commission is even not in a position to say that, in that case, the loss of life and property would not have equalled or exceeded the toll of life and property lost in the disturbances that took place after the memorials were removed.

With regard to the so-called miscalculation, Government is satisfied that while the reaction that followed the removal of the memorials was somewhat underestimated, the damage to life and property that in fact did occur was much less than what would have occurred had the erection of the memorials been prevented by force on the 8th August. Therefore, the underestimation did not affect the overall choice as between the two alternatives.

While the removal of the memorials was made an occasion for the disturbances, such removal could by no means be regarded as a cause of the disturbances, as found by the Commission.

Government is unable to agree that the decision to suffer erection of the memorials temporarily was an error of judgment or that the decision to remove them later involved a miscalculation.

Conclusion.

*Term (b) :—*There was an indirect attempt made by the Maha Gujarat Janata Parishad to instigate the people of Ahmedabad to create disorder and indulge in acts of violence by the speeches made by their leaders between the 8th July 1958 and the 12th August 1958 and by their programme of activities between June 1958 and 12th August 1958. There is no evidence of any such attempt on their part, direct or indirect, prior to June 1958.

Finding.

Conclusion. Government accepts the finding.

Term (c) :—(i) The firing admittedly resorted to by the police on the 12th, 13th and 14th August 1958 was fully justified and there were no excesses except in one case ;

Findings.

(ii) The firing resorted to under orders of the Police Inspector Gohel along the road between the Khadia Cross Roads and Panchkuwa or in that locality on the 13th August 1958 and in which Safru Hussein and Ibrahim were killed amounted to excessive use of force and was not justified.

Government accepts these findings, except that as to the firing by Police Inspector Gohel on the 13th August, Government is ordering a departmental enquiry against him in accordance with the Bombay Police (Punishments and Appeals) Rules, 1956, when he will have an opportunity of being heard in his defence.

Conclusion.

(iii) The evidence relating to two incidents of firing has been suppressed, viz., the firing which took place in the Patasa Pol on the evening of the 13th August 1958 and the firing by an unknown officer wherein Shantilal Kantilal was injured by a revolver shot on the 12th August 1958.

Finding.

Government has decided to order further investigations into the two incidents of firing which, according to the Commission, have been suppressed.

Conclusion.

Government has also decided to order further investigations into the instances of persons having been injured by shot ammunition, which the Commission has found to have remained unexplained.

Finding.

Term (d) :—(i) The manufacture and use of a modified type of ammunition was improper and illegal.

Government is unable to accept the Commission's finding with regard to the motive or reasons underlying the use of modified ammunition, and is satisfied with the *bona fides* of the officer, namely, to cause less grievous harm and minimum injury in the suppression of riots—a motive which is in conformity with the provisions of law and the general policy of Government. Government therefore does not propose to take any further action in this regard. Government is satisfied that, in the circumstances obtaining at that time, the use of modified ammunition obviated loss of life and caused less grievous injury to human beings as the Commission itself has conceded in paragraph 180 of the Report.

Observations and Conclusion.

(ii) In two cases, viz. the arrests of Shri Keshavlal Vadilal Shah and Shri Kakubhai Kanubhai Bhatt, there is evidence of excesses having been committed by unidentified police personnel in the use of their authority and the use of force other than firing.

Finding.

While Government regrets these incidents, they are clearly attributable to the circumstances obtaining on that day when the police had to effect extensive arrests for the enforcement of the curfew order. Since the persons responsible for making the arrests have not been identified, no further enquiry or action is feasible.

Conclusion.

4. Government has noted with regret the observations made by the Commission about a statement not having been filed by it and the consequent handicap to the Commission and prejudice to what is described as the "opposing party." The Commission has not shown in what way the inquiry was delayed nor in what way the Commission was handicapped and the "opposing party" prejudiced. Government placed before the Commission the fullest information and all facts relating to the questions which the Commission had to inquire into and gave its fullest co-operation in producing evidence. The District Magistrate and the Deputy Inspector-General of Police, C.I.D., were the first two witnesses to be examined by the Commission, and they disclosed all material facts in their evidence. No change was introduced into the case at any later stage. Government has not been able to trace any instance of this nature in which Government was called upon to file a statement before a Commission constituted by itself to enquire into the justification of, and the circumstances leading to, a police firing. It was known early in the inquiry that Government had suggested the second alternative. What is even more important is the local officers' implementation of the suggestion and their actual handling of the situation. These were fully set out in the District Magistrate's statement. There could thus be no question of prejudice to anybody.

5. Government does not propose to comment on such of the conclusions and observations in the Report as fall outside the scope of the inquiry as laid down by the terms of reference or on conclusions and observations which are of no material significance.

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

A. L. DIAS,

Secretary to the Government of Bombay,
Home Department.

To

The Registrar, High Court, Appellate Side, Bombay,
The Prothonotary and Senior Master, High Court, Bombay, } By letter.
The Divisional Commissioner, Ahmedabad,
The Inspector-General of Police, State of Bombay, Bombay,
The Deputy Inspector-General of Police, C.I.D., Bombay,
The Deputy Inspector-General of Police, Ahmedabad Range,
The District Magistrate, Ahmedabad,
The District Superintendent of Police, Ahmedabad,
The Director of Publicity, Bombay,
The Political and Services Department.

REPORT ON THE CASES OF POLICE FIRING
AT AHMEDABAD ON THE 12TH, 13TH
AND 14TH AUGUST 1958

BY

Mr. JUSTICE S. P. KOTVAL

CONTENTS

PART I.

PRELIMINARY MATTERS AND THE CASES OF THE RESPECTIVE PARTIES.

	Page.
Appointment of the Commission and preliminary matters	1
Parties appearing before the Commission	2
Counsel for the parties	2
Work of the Commission	3
Principal officers concerned with the inquiry	3
Cases of the respective parties:—	
(a) District Magistrate's case	4
(b) Mahagujerat Janata Parishad's case	6
(c) The Congress Party's case	8
(d) The Communist Party's case	8
(e) The Praja Socialist Party's case	8
Part which Government played in the events of August 1958	8
Reasons why Government did not file a statement	9
Effect of Government not filing a statement	11

PART II.

SOME CIRCUMSTANCES LEADING UP TO THE FIRING OF AUGUST 1958.

Questions of jurisdiction of the Commission to inquire into certain matters ..	12
Formation of the present Bilingual State of Bombay and its effects	13
Firing in Ahmedabad in August 1956 and its effect	15
Conduct of the Parishad between August 1956 and June 1958 and certain incidents charged against them	17
Decline in the popularity of the Parishad between April 1957 and June 1958 and their effort to rehabilitate themselves	21
Speeches of the leaders of the Parishad—evidence relating thereto—their content and effect	22

PART III.

THE ERECTION AND REMOVAL OF THE MEMORIALS.

Knowledge of the Parishad leaders that erection of the memorials was illegal ..	30
Reasons for the erection of the memorials	30
Shahid Chowk	31
Nature of the memorials	31
Correspondence prior to the erection of the memorials with various authorities ..	32

CONTENTS

	Page.
Government's part in allowing the erection of the memorials	33
Suggestion of the "Second alternative" and its effect	33
Allegation that Government have suppressed the records	36
Effect of the "Second alternative"	37
Aftermath of the erection of the memorials	39
Decision to have the memorials removed	40
Were the decisions influenced by local Congress leaders or other persons ? ..	42
Conclusions on Parts II and III	43

PART IV.

THE INCIDENTS OF FIRING PRELIMINARY MATTERS.

Some events immediately after the removal of the memorials	44
Expectations and preparations of the authorities	44
Conditions after 7 O'clock on the 12th August 1958	47
The Khadia locality	47
Peculiar policing problems of Ahmedabad	48
General nature of the evidence relating to firing	49
Incidents of firing on the 12th August 1958	49
Situation at Khadia Cross Roads on that day	50
First firing at Khadia Cross Roads	51
Second firing at Khadia Cross Roads	52
Time when the first firing took place	53
Some legal aspects on the question of firing	56
Damage to public and private property on 12th August and succeeding days ..	57
Alleged inaction on the 12th on the part of the Police	60
Government's policy in regard to firing and how far it influenced the local authorities	61
Modified type of ammunition	64
Question of legality of its manufacture and use	71
Curfew orders of the 13th and 14th August 1958	72
Incidents of firing on the 13th August 1958—	74
(1) Firing between Khadia Cross Roads and Panchkuwa	74
(2) Firing on Jordan Road	82
(3) Firing at Panchkuwa Chowky	84
(4) Firing at Shahpur	85
Incidents of firing on the 14th August 1958—	90
(1) Firing at Aka Sheth Kuwa's Pol	90
(2) Firing on Relief Road by P. S. I. Tilak	92
(3) Firing on Relief Road under orders of the 1st Additional District Superintendent of Police, Mr. Hazari	93

CONTENTS

	Page.
Incidents of firing regarding which evidence has been alleged to have been suppressed—	93
(1) At Patasa Pol	94
(2) At Kolsa Galli	96
(3) At Manik Chowk (Shantilal Kantilal)	97
Conclusions on part IV	99

PART V.

ALLEGED EXCESSES BY THE POLICE NOT ARISING OUT OF FIRING AND CONNECTED MATTERS.

Some alleged excesses by the Police not arising out of firing	100
---	-----

PART VI.

CONCLUSIONS

Conclusions	105
---------------------	-----

APPENDICES.

Appendix A Statement showing the names of persons killed or injured during the Police firing in Ahmedabad on the 12th, 13th and 14th August 1958	108
Appendix B List of witnesses examined by the Commission	113
Appendix C List of Exhibits produced before the Commission	119

PART I

PRELIMINARY MATTERS AND THE CASES OF THE RESPECTIVE PARTIES

The Commission of Inquiry was appointed by notification No. S.B.I/MGM. 2458 issued by the Government of Bombay, *Appointment of the Commission and preliminary matters.* Home Department (Special) on the 31st October 1958, and published in the *Bombay Government Gazette*, dated the 13th November 1958.

2. As several questions relative to the interpretation of the terms of that notification and to the jurisdiction of the Commission to inquire into certain matters were raised, it is worthwhile reproducing the notification *in extenso* :

“ HOME DEPARTMENT (SPECIAL)

Sachivalaya, Bombay, 31st October 1958.

No. S. B. I/MGM. 2458.—WHEREAS the Maha Gujerat Janata Parishad erected “ Martyrs’ Memorials ” unauthorisedly in Ahmedabad on the 8th August 1958 ; and whereas after the removal by the Police of the unauthorised structures in the early hours of the morning of the 12th August 1958, there was an outbreak of mob violence, incendiarism, looting, etc., in certain parts of Ahmedabad ; and whereas in quelling these disturbances the Police opened fire on the 12th, 13th and 14th of August 1958, which resulted in loss of life and injury to some persons ; and whereas the Government of Bombay is of opinion that it is necessary to hold a judicial inquiry into the said Police firings :

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952, the Government of Bombay, hereby appoint Shri Justice S. P. Kotval, Judge, High Court, Bombay, to be the Commission of Inquiry, for the purpose of making the inquiry and submitting its report within six months from the date of the notification under the following terms of reference, namely :—

(a) to ascertain the circumstances under which the Police resorted to firing on the said dates ;

(b) to report whether there was an attempt, direct or indirect, on the part of any person or political parties to create, or instigate others to create, disorder and to indulge in acts of violence, incendiarism, looting and destruction of private and public property, in the event of the local authorities obstructing the erection of the Memorials or removing them after erection ;

(c) to determine whether the firing on the said dates was justified or not ;

and

(d) to report on such other matters as may be germane to the above.”

By a notification, Home Department (Special), No. S. B. III/MGM. 2458, dated the 22nd November 1958, the Government of Bombay conferred additional powers upon the Commission under sub-sections (2), (4) and (5) of section 5 of the Commissions of Inquiry Act, 1952 (LX of 1952).

3. By Government Resolution, Home Department, No. HCT. 1658-II, dated the 14th November 1958, published in the *Bombay Government Gazette*, dated the 20th November 1958, Mr. V. R. Gadkari, Additional Registrar, High Court (Appellate Side), Bombay, was appointed as the Secretary to the Commission.

4. On the 20th November 1958 the Commission issued to the Press a notification inviting interested parties to file their statements before the Commission by the 6th December 1958. On the 3rd December 1958 at the request of several parties, the date for filing statements was extended till the 15th December 1958. On the 22nd December 1958 the Commission held a preliminary sitting at Ahmedabad at which the procedure and other preliminary matters were settled and again on the request of parties the date for filing statements was further extended till the 12th January 1959.

5. In pursuance of the notification of the Commission several individuals and parties filed their statements but most of them took no further part. The parties who appeared before the Commission and took a more or less active part in the proceedings were :

- (1) The District Magistrate, Ahmedabad,
- (2) The Congress Party,
- (3) The Mahagujerat Janata Parishad,
- (4) The Communist Party, and
- (5) The Praja-Socialist Party, Ahmedabad.

An institution interested in social work, namely, the Jyoti Sangh, had also filed a statement and throughout appeared before the Commission by counsel Mr. P. B. Desai, Advocate, who was also appearing for the Congress Party, but it merely concerned itself with the damage done to the properties of the Sangh during the three days of rioting and did not interest itself in the other matters raised before the Commission by the other parties. By Government Resolution, Home Department (Special), No. S. B. III/MGM. 2458/32245, dated the 13th December 1958, a copy of which was forwarded to the Secretary to the Commission, the State Government appointed the Public Prosecutor, Ahmedabad, Mr. Daulat C. Trivedi, to appear on their behalf, but Government took no further part in the proceedings.

6. In the inquiry the parties were represented by the following counsel :—

and their Counsel :

(1) The District Magistrate.	Mr. Daulat C. Trivedi, Advocate and Public Prosecutor, Ahmedabad.
(2) The Congress Party.	Mr. H. P. Shukla, Advocate, Mr. P. B. Desai, Advocate, Mr. C. C. Parikh, Advocate, Mr. R. P. Swaminarayan, Advocate, and Mr. H. C. Trivedi, Pleader.
(3) The Mahagujerat Janata Parishad.	Mr. D. K. Shah, Advocate, Mr. A. S. Shaikh, Advocate, Mr. D. M. Sant, Advocate, Mr. B. N. Naik, Advocate, Mr. S. M. Tailor, Pleader, and Mr. R. K. Patel, Pleader.

(4) The Communist Party. Mr. Amritlal Barot, Advocate, and Mr. D. N. Vashi, Pleader.

(5) The Praja Socialist Party. Mr. Jyotindra Bhatt, Advocate.

At the time of the examination of the Chief Minister at Bombay, Mr. H. M. Seervai, Advocate General of Bombay, appeared on behalf of Government.

7. The Commission recorded evidence at Ahmedabad and Bombay from the 12th January to 15th March 1959. One hundred and forty-six witnesses were examined before the Commission—86 by the District Magistrate and 52 by the Mahagujerat Janata Parishad. None were examined on behalf of the remaining parties. The Commission examined 8 witnesses as Commission witnesses, of whom Mr. Y. B. Chavan, Chief Minister of Bombay, was examined at Bombay on the 15th March 1959. The parties or witnesses filed or produced before the Commission 297 documents or other exhibits, such as, maps, photographs, X-rays of injured persons, articles of clothing etc. The evidence was recorded in 45 sittings and the arguments took 15 sittings. The Commission held local inspections on the 20th January 1959 and 4th April 1959 and witnessed a film regarding the erection of the memorials taken by the Police Department, on the 18th January 1959.

8. Though the proceedings were civil proceedings, none of the parties strictly adhered to the rules of pleadings, with the result that the Commission was faced with the choice of ruling out their evidence upon facts not pleaded by the respective parties or permitting that evidence to be recorded. The parties agreed that relevant evidence tendered should be accepted irrespective of any defect or omission in the pleadings and in view of the fact that the inquiry was a public inquiry and ordered by the State Government in the interests of the public, I permitted the parties to do so. Moreover, if I had enforced the rule, practically the whole of the evidence relating to the part played by Government would have been ruled out since there was absolutely no pleading relating to it.

9. At the relevant time, the principal officers concerned with the firing and the law and order situation at Ahmedabad and
Principal officers concerned with the inquiry. who have given evidence were :—

- | | |
|-------------------------------|---|
| (1) Mr. A. L. Dias, I.C.S. | .. Secretary, Home Department, Government of Bombay : (D.M.W. 85). |
| (2) Mr. F. J. Heredia, I.A.S. | .. District Magistrate, Ahmedabad : (D.M.W. 1). |
| (3) Mr. K. J. Nanavatty, I.P. | .. Deputy Inspector-General of Police, C.I.D., Bombay State : (D.M.W. 2). |
| (4) Mr. N. H. Sethna, I.P.S. | .. Senior District Superintendent of Police, Ahmedabad : (D.M.W. 7). |

- (5) Mr. R. C. Hazari, I.P.S. .. First Additional District Superintendent of Police, Ahmedabad : (D.M.W. 6).
- (6) Mr. E. F. Renison .. Second Additional District Superintendent of Police, Ahmedabad : (D.M.W. 8).
- (7) Mr. N. C. Mistry .. Deputy Superintendent of Police, C.I.D., Bombay : (D.M.W. 17).
- (8) Mr. T. S. Gohel .. Police Inspector, Anti-Corruption Branch, Baroda : (D.M.W. 11).
- (9) Mr. Sahebudin Khan Pathan .. Police Sub-Inspector, Ahmedabad City : (D.M.W. 17).
- (10) Mr. Jorawarsingh Madhusingh. Police Sub-Inspector, Ahmedabad City : (D.M.W. 16).
- (11) Mr. Amarsingh Prithvisingh .. Police Sub-Inspector, Ahmedabad, who was Jamadar at that time : (D.M.W. 15).
- (12) Mr. B. T. Tilak .. Police Sub-Inspector, Poona : (D.M.W. 19).

10. In the proceedings before the Commission, the principal contest was between the District Magistrate and the Mahagujarat Janata Parishad (hereafter referred to as the Parishad). Only these parties led evidence before the Commission. Other witnesses examined in the proceedings were at the instance of the Commission.

(i) The District Magistrate in his statement referred to events prior to the 8th of August 1958 on which day the " martyrs " memorials came to be erected in Ahmedabad City. He alleged that as a result of the reorganization of the Bombay State, certain elements who were arrayed against the Congress Party formed an organized opposition under the name of the Mahagujarat Janata Parishad and started an agitation for a separate State of Mahagujarat. It was these elements which attempted to arouse linguistic passions by indulging in a militant agitation. The popularity of the Mahagujarat Janata Parishad however soon began to wane in the course of time, public interest in their programme began to flag, and the position which the Parishad leaders occupied in public life was shaken. It was the District Magistrate's case that because of their waning prestige, the Parishad leaders made attempts to rehabilitate their position and bolster up the morale and prestige of their adherents. With that end in view, they indulged in speeches calculated to result in defiance of law and order and arranged programmes which they knew the authorities entrusted with the maintenance of law and order could not possibly permit. They vehemently criticised the police for opening fire in 1956 and " did everything that was feasible to demoralize the administrative working of the Bombay State ".

(ii) The District Magistrate also stated that the leaders of the Parishad decided at a conference held in June 1958 at Baroda to commemorate suitably the memory of the martyrs who had died in the police firing of 1956. Later, at their conference at Nadiad held on the 2nd and 3rd June 1958 (sic.) [It should really be the 2nd and 3rd August 1958 as is evident from Ex. J. P. 66, copy of the resolutions and amendments to the constitution of the Parishad] they further resolved "to erect a memorial on the traffic pedestal in front of the Congress House at the very place and the time of the first firing in 1956." The District Magistrate added that "it is not unlikely that the Nadiad resolution was intended to raise public sentiments and emotions to a highly explosive pitch".

(iii) As regards the 8th of August 1958, the programme of the Parishad was to observe a hartal, to hoist black flags, to organize a procession and to hold a public meeting on the 8th of August 1958 which was to be observed as the Shahid Day. Immediately prior to this day between the 4th and 7th August the Parishad leaders made speeches calculated to incite hatred and violence against Government. At these meetings, the formation of the bilingual State of Bombay was vehemently denounced, police firing of 1956 condemned with equal vehemence, and the Mayor's refusal of permission to erect a memorial criticised in strong language. The District Magistrate then set forth the gist of the speeches delivered by several leaders of the Parishad and urged that the atmosphere created in Ahmedabad by these speeches was very tense and highly explosive. The students, the textile workers and the general public were thus prepared for a major struggle.

(iv) As regards the events of the 8th of August 1958, the District Magistrate described how the procession started from Manilal Mansions at about 12-30 p.m., consisting of 6,000 persons led by Mr. Indulal Yagnik, President of the Parishad, and by Mr. Jayanti G. Dalal, Mr. J. V. Sutaria and Mr. Dinkar Mehta, other leaders of the Parishad. It reached the Victoria Garden at about 1-30 p.m. There the procession was met by the Second A. D. S. P. Mr. E. F. Renison, who warned them twice. In spite of the warnings, the procession went forward and erected the memorials and "the authorities refrained from taking any action. They did not even make any attempt to disperse the crowd or to prevent the Parishad leaders from carrying out their objective..... At that particular juncture, the authorities were anxious to prevent any major clash with the crowd, which would inevitably have resulted in violence. They apprehended that such a clash would cause heavy loss of human life and damage to public property. Humane considerations weighed with the authorities in deciding to observe patience and restraint".

(v) The District Magistrate then described the events between the 8th and 11th August 1958. He stated that two accidents occurred at the site of the traffic pedestal on which one of the memorials was erected (hereafter referred to as the "memorial pedestal") and therefore the authorities had no alternative but to decide against the retention of the memorials on the site. He stated that they were removed by the authorities in the early hours of the 12th August 1958.

(vi) In the rest of his statement the District Magistrate recounted the various incidents of firing in chronological order, gave the circumstances in which firing had to be resorted to and justified each one of the incidents. I shall refer to the District Magistrate's statement as to the large-scale rioting which broke out on the 12th, 13th and 14th August 1958 immediately after the removal of the memorials when I discuss the actual incidents of firing.

(vii) Further, the District Magistrate's case was that the erection of the memorial on the traffic control pedestal was "unlawful and was intended to accentuate the aggressive tone which was given to the agitation and to glorify acts of defiance of lawful authority." The speeches made at the meeting held in the evening of the 8th of August 1958 after the erection of the memorials "constituted a threat to lawful authority and incitement to the public to attack the lawful authority in Ahmedabad...." The District Magistrate alleged that the speeches made by the leaders of the Parishad before and after the 8th of August 1958 had the direct result of inciting acts of violence, incendiarism, looting and destruction of private and public property. When these acts took place, the District Magistrate alleged, the leaders of the Parishad did not condemn or in any way disapprove of them. The pattern of events and the speed with which they occurred in different parts of the City and the fact that particular persons and properties were singled out and made the target of attack furnished "unmistakable evidence that the disturbances were planned and engineered by the Mahagujerat Janata Parishad".

11. (i) The Parishad in their statement denied their complicity in the events which occurred on the 12th, 13th and 14th August 1958. They alleged that the rioting, incendiarism and disorder which broke out in Ahmedabad on the 12th, 13th and 14th August 1958 were spontaneous and that the rioting was not the outcome of any conspiracy or premeditation. The Parishad tried their best to assist the authorities in the restoration of law and order.

(ii) The Parishad traced the history of the events which occurred in Ahmedabad from August 1956 onwards. They alleged that the public dissatisfaction was engendered principally by two important events: (i) the formation of the present bilingual State of Bombay; and (ii) the firing which took place in August 1956 as a result of the agitation which then broke out consequent upon the formation of the present bilingual State of Bombay by Act of Parliament and the refusal to order a judicial inquiry into the firing in August 1956. They alleged that the Congress Party were themselves against the bilingual State of Bombay and were demanding a separate State of Mahagujerat. Even Mr. Morarji Desai, the then Chief Minister of Bombay, and the Gujerat Pradesh Congress Committee were not in favour of it. "In Gujerat, actually at Mehmabad, Mr. Morarjibhai Desai publicly denounced the new demand of bigger bilingual Bombay..... and a resolution was passed at Mehmabad demanding formation of Mahagujerat..... Thereafter came the Three-State Formula and actually a bill was introduced in Parliament. When the first reading of the bill was over, it was somewhere in the beginning of August 1956 that there was a move in the capital of India to frustrate this Three-State Formula and instead to introduce a bill for the bilingual State of Bombay along with Vidarbha. This news spread in Gujerat on the 5th of August and all the newspapers and the Congress workers and leaders immediately protested and expressed their disapproval against such formation of a bilingual state." The Parishad then alleged that on the 7th of August 1958 an amendment to the original Bill was piloted through Parliament "in complete disregard of the wishes of the general public of Gujerat" and the bigger bilingual State of Bombay (including Vidarbha) came into existence all of a sudden. As a result of this spontaneous disorder broke out at once.

(iii) They then referred to the firing which took place in August 1956. It was from the premises of the Congress House itself. They alleged that "the sentiments of everyone were aroused and very naturally the young blood took the initiative. On the 8th August 1956, they went to the Congress House at about 11 a.m. and it may be that some students may have been rowdy, but without any reason whatsoever, they were fired on from the Congress House and two students were killed just opposite that House. A large number of students got injured on account of indiscriminate firing." Twenty-five young boys were killed on account of this firing. "The present traffic island just opposite to the Congress Housewas the unfortunate spot where the first unfortunate young student was hit by a bullet and met his end." They then alleged that the traffic pedestal was not there at that time and "as people were placing wreaths and flowers at that place every day the authorities later on decided to place a traffic island of brick and mortar there—a definite act to wound the feelings of the public".

(iv) The Parishad further alleged that as a result of the firing in 1956 the people of Ahmedabad, and indeed of the whole of Gujerat, were greatly shocked and several prominent Congressmen resigned from the Congress Party and from the Municipal Corporation where they had won seats on Congress tickets. Demands were made from all over Gujerat for a judicial inquiry into the firing of 1956 and these were communicated to the then Chief Minister, Mr. Morarji Desai, but he declined to hold any judicial inquiry. As a result, the Ahmedabad City Congress Committee passed a resolution outright condemning the bilingual State of Bombay and demanding Mahagujerat and "all the intelligentsia of Ahmedabad and particularly of the legal profession" joined. The Bar Association of Ahmedabad appointed a Committee to inquire into the firing of the 8th of August 1956, of which two counsel appearing on behalf of the Congress Party before the Commission were members and the third counsel "Shri H. P. Shukla, ex-High Court Judge and the leading and senior member of the Bar, was the principal witness in this inquiry." The Committee after due inquiry condemned the firing and submitted a report on the 1st October 1956 to the Bar Association. The Bar Association demanded a judicial inquiry by the Government. The Parishad then stated facts to show that the agitation was a result of the setting up of the new State of Bombay which had created considerable irritation and it was further aggravated by the firing of 1956 which "created a great unrest in the minds of the people." The Parishad denied having instigated people to become violent or to create disturbances and alleged that these disturbances would have taken place in any case as they were the result of the spontaneous feelings of the people of shock and frustration.

(v) The Parishad admitted that they had a three-fold objective, namely, (i) the establishment of a separate State of Mahagujerat; (ii) a judicial inquiry into the firing of 1956; and (iii) the erection of martyrs' memorials at the sites where the "Martyrs" fell in 1956. They then described the incidents which occurred on the 8th of August 1958 when the procession went to erect the memorials at the site of the memorial pedestal in Ahmedabad. These memorials were subsequently removed by the authorities though they had acquired a very sentimental and religious significance for the people of Ahmedabad.

(vi) As to the firing which took place on the 12th, 13th and 14th August 1958, the Parishad's case broadly was that the police and the District Authorities were guilty of great inaction on the 12th August 1958 on which day the major portion

of the damage to public and private property took place. As regards the 13th and 14th, it was their case that the police took extreme steps and resorted to firing far in excess of the requirements of the situation. They also committed several atrocities with and without the use of firearms. I shall state the details of the pleadings on the above subjects when I proceed to discuss the evidence. I have here generally stated the pleadings which serve to introduce the facts and the respective cases of the parties.

12. The Congress Party filed a very short statement of about a page and a half, stating that they were not concerned with the erection or removal of the memorials or with any of the events which happened in Ahmedabad during the three days of disturbance and that they were generally adopting the statement filed by the District Magistrate. They also led no evidence, but from time to time counsel on their behalf put questions in examination to several witnesses and particularly to Mr. Jayanti Dalal (J. P. W. 49) who was virtually cross-examined for over a day and a half by Messrs. H. P. Shukla and P. B. Desai.

13. The Communist Party of India substantially supported the Parishad's statement and adopted it. They also traced the history of events which led to the firing in 1956 and stated certain facts indicating the respective positions of the Congress and the Parishad before the 8th of August 1958. They alleged that the police and pro-Government elements were responsible for provoking rioting which was due also to the feeling of dissatisfaction engendered by the establishment of the present State of Bombay and the firing of 1956. On the principal incidents of firing, they supported the Parishad's statement. The Communist Party led no evidence. From time to time, counsel on their behalf asked certain questions to some of the witnesses on behalf of the District Magistrate, but for the major part of the inquiry their counsel was absent.

14. The Praja Socialist Party wholly adopted the statement filed by the Parishad and appeared through a counsel but took no active part in the inquiry.

15. Till the District Magistrate gave his evidence on the 12th January 1959 and subsequent days, the Commission was unaware that Government or their officers had taken any part in the erection or removal of the memorials. There was no reference to their part in the written statement of the District Magistrate. Till then the impression given to the Commission was that it was a matter between the District Magistrate and the people and parties in Ahmedabad. Upon the evidence tendered before the Commission it is now clear that at various stages all the events which form the subject-matter of this inquiry. To say nothing of many minor events, it is now not disputed that Government or their principal officials took the following part :—

(a) On the 23rd July 1958, the District Magistrate, Ahmedabad, separately met the Home Secretary and the Chief Minister at Bombay and apprised them of the situation created by the Nadiad and Baroda Resolutions passed by the Parishad.

(b) On the 5th August 1958, the Chief Minister held a meeting at which the Home Secretary, the D.I.G., C.I.D. and the D.I.G., Ahmedabad Range, Mr. Pant, were present. At this meeting, an important opinion, dated the 29th July 1958 given by the Remembrancer of Legal Affairs (Ex. D.M. 12) regarding the legality of the proposed erection of the memorials by the Parishad was discussed and ordered to be communicated to the District Magistrate for appropriate action. Shortly after this meeting, the D.I.G., C.I.D. was ordered by the Chief Minister to go to Ahmedabad to assist the local authorities. The D.I.G., C.I.D. reached Ahmedabad on the 6th morning carrying with him the legal opinion and a covering letter.

(c) On the 6th August 1958, an important conference was held at Bombay at which the Chief Minister and the Finance Minister, Dr. Jivraj Mehta, the Revenue Minister, Mr. Rasiklal Parekh, the Law Minister, Mr. Shantilal Shah and the Home Secretary were present. At this meeting an important decision was taken to make a certain suggestion to the District Magistrate in regard to the proposed erection of the memorials by the Parishad. (It is this suggestion which has come to be referred to both in the evidence and in the arguments at the bar as "the second alternative" and to which I shall hereafter refer as such.)

(d) On the 7th August 1958, the Home Secretary himself arrived in Ahmedabad. He was sent there, presumably under orders of Government, in order to communicate the second alternative and to obtain a first-hand appraisal of the situation. He returned the same day and informed the Chief Minister of what he had gathered about the situation.

(e) After the erection of the memorials, on the 9th August, another conference was held at Bombay at which the Chief Minister, the Revenue Minister, the Home Secretary, the D.I.G., C.I.D. and the District Magistrate were present. Here again the situation was gauged and a decision taken that the memorials should not be removed before the 11th August 1958.

(f) Between 12 noon and 2 p.m. on the 11th August 1958, a further important conference was held at Bombay at which the Chief Minister and the Ministers for Finance and Revenue were present, as also the Home Secretary. At this conference was taken the vital decision to have the memorials removed on the night of the 11-12th August 1958. The decision was communicated by the Home Secretary to the District Magistrate on the same day between 2 p.m. and 4 p.m.

16. These are some of the important matters showing Government's connection or the connection of their principal officer, the Home Secretary, with the events that happened in Ahmedabad in connection with the erection and removal of the memorials and the subsequent firing. The decision to remove the memorials was that of Government. The decision to make the suggestion as to the second alternative was also that of Government. These undoubtedly constitute circumstances which are material—and vitally material—in connection with the inquiry.

17. It is surprising to find that not a single one of the facts or circumstances mentioned in paragraph 15 above finds any mention in the written statement of the District Magistrate. The Home Secretary has admitted that before the statement of the District Magistrate was filed before the Commission, he had seen it and approved of it.

Reasons why Government did not file a statement.

He had also noticed that in that statement no facts referred to in paragraph 15 above were mentioned. He was asked why these facts were not brought to the notice of the Commission and the reason which he gave was that "our intention was that the decisions of Government and the meetings held at Government level would be deposed to by Government witnesses".

18. I have already stated that Government informed the Commission on the 13th December 1958 that they had appointed the Public Prosecutor, Ahmedabad, to appear on their behalf "to conduct the proceedings before the Commission of Inquiry." Before this appointment was announced, on the 25th November 1958 the Secretary to the Commission had written to the Secretary to the Government of Bombay, Home Department, stating that "the Commission would welcome a written statement from Government on the facts and circumstances which led to the firing by the police at Ahmedabad on the 12th, 13th and 14th August 1958 and on any matters which Government might like to place before the Commission in order to assist the inquiry." On the 4th December 1958 the Secretary to the Commission wrote a letter to the Home Secretary informing Government that the time for filing their statement had been extended to 15th December 1958. A reply was received from the Deputy Secretary to the Government, Home Department, stating :—

'The District Magistrate, Ahmedabad, i.e. the officer responsible for the maintenance of law and order in the district, is filing before the Commission of Inquiry a written statement covering the terms of reference and furnishing the facts and circumstances which led to the firing by the police at Ahmedabad on the 12th, 13th and 14th of August 1958. I am to add that the Government does not intend to file before the Commission of Inquiry a separate statement on its own behalf in this connection".

When the Commission sat at Ahmedabad for the first time on the 22nd December 1958, it was difficult to understand from the District Magistrate's statement (which had been filed by then) as to who had taken the decisions to permit the erection of the memorials and to remove them. It was made clear to the counsel appearing on behalf of Government that the Commission viewed with displeasure the fact that Government had not filed a statement. The learned Public Prosecutor later on stated that he had communicated the Commission's views to Government but that they were not filing a statement for certain reasons which he wanted to state orally. The Commission asked the Public Prosecutor to state the reasons in writing.

19. In a statement signed by the Public Prosecutor and filed on the 13th January 1959 the following reasons were given :—

"(1) The Government is the appointing authority and will have to review the recommendations and findings of the Commission to take suitable action.

(2) The Government feels that, if they file a statement and thereby become a party to the proceedings, they will debar themselves from reviewing the recommendations and findings of the Commission.

(3) The Government has, therefore, having carefully considered the different aspects, decided not to file the statement.

(4) The Government offers its whole-hearted co-operation to the Commission".

20. The Home Secretary, Mr. A. L. Dias, I.C.S., gave evidence before the Commission as D. M. W. 85. He was asked about the reasons expressed in the statement filed on the 13th January 1959 and he stated : " After reading this application, I say that the word ' review ' in paragraphs 1 and 2 is not correct. What Government intended to state was that they would have to consider and take action on the findings of the Commission." The reasons given in the statement dated the 13th January 1959 will thus have to be read in the light of the above amendment made by the Home Secretary. On the 13th January 1959 when the statement of reasons was filed, the evidence of the District Magistrate as the first witness in the inquiry had been partially recorded.

21. In my opinion, Government ought to have filed a statement in the present inquiry. None of the reasons advanced in the application filed on the 13th January 1959 or those advanced by the Home Secretary to which I have referred above can possibly justify their not filing a statement. As a result of the non-disclosure of such important facts and decisions taken by Government in regard to the erection and removal of the memorials, the unfortunate District Magistrate had to be subjected to examination for almost seven days, his examination running into 87 typed foolscap sheets. Even then he was unable to enlighten the Commission on some of the important decisions taken by Government because he was not present at several of the meetings and conferences held at Bombay. It was not until the Home Secretary was examined on the 20th February 1959 as the 85th witness on behalf of the District Magistrate that the source of the major decisions which were taken in connection with the memorials was somewhat clarified and the reasons for the decisions made known to the Commission. In regard to the meeting held on the 6th August 1958 at which the Chief Minister and other Ministers were present and at which it was decided to suggest the second alternative, the Home Secretary claimed privilege which had to be upheld.

22. It was the want of a statement by Government and the fact that several important matters were not till then clarified that the Chief Minister had to be examined on the 15th March 1959 at the instance of the Commission. It was only then that the important fact, among others, became known that the second alternative was a suggestion of the Chief Minister himself. It was at this stage too late to re-open the proceedings before the Commission which was given time till the 30th April 1959 to submit its report.

23. I am unable to see how by the disclosure of the bare facts relating to the decisions taken by Government they would have " debarred " themselves from reviewing or considering the recommendations and findings of the Commission or taking any suitable action. The proper course obviously was to have stated the facts relative to each decision and to have expressed no opinion or to have expressly reserved their comments. By appearing before the Commission through counsel, Government had already become a party to the proceedings and it ought not to have declined to file a statement, especially when it had played a vital part in the events which formed the subject-matter of the inquiry before the Commission. The decision of Government not to file a statement considerably delayed the inquiry and handicapped the Commission. It has also prejudiced the opposing party in meeting the case which Government have ultimately made out through the witnesses at a late stage.

PART II.

SOME CIRCUMSTANCES LEADING UP TO THE FIRING
OF AUGUST 1958,

24. Subject to what I have said above and upon such material as has come before the Commission, I proceed to give findings upon the terms of reference. At the commencement of the proceedings a controversy was raised as to whether, having regard to the terms of reference it was within the competence of the Commission to inquire into the firing in August 1956 and the subsequent events till August 1958. I had borne in mind this objection when evidence was tendered and from time to time had to rule out questions and evidence relating to the actual incidents in 1956. But in so far as the Commission was charged with the duty of ascertaining the circumstances under which firing in 1958 had to be resorted to, the fact of firing in 1956 and the circumstances before and after that firing became material. Both the occasions of firing were the result of one and the same continuous agitation. At the stage of arguments the learned Public Prosecutor as also counsel on behalf of all other parties agreed that the Commission will have to consider those circumstances.

25. At almost the fag end of the proceedings before the Commission, another point of jurisdiction was raised in the arguments by Mr. H. P. Shukla on behalf of the Congress Party. According to Mr. Shukla, the Commission had no jurisdiction (a) to inquire into events prior to the 12th August 1958, such as the firing of 1956 and the events which led to the formation of the Parishad, (b) to inquire into the question of the erection of the memorials or its legality, or (c) to inquire into the question of the removal of the memorials or its legality or any other matters connected therewith. He urged that the point of time from which the Commission would have jurisdiction to inquire into events was 5 a.m. on the 12th August 1958 when the actual disturbances broke out.

26. The whole argument is founded upon the preamble to the notification and the words which I have underlined below :—

“ Whereas the Maha Gujerat Janata Parishad erected “ Martyrs’ Memorials ” unauthorisedly in Ahmedabad on the 8th August 1958 ; and whereas after the removal by the Police of the unauthorised structures in the early hours of the morning of the 12th August 1958, there was an outbreak of mob violence, incendiarism, looting etc., in certain parts of Ahmedabad ; and whereas in quelling these disturbances the Police opened fire on the 12th, 13th and 14th of August 1958 which resulted in loss of life and injury to some persons ; and whereas the Government of Bombay is of opinion that it is necessary to hold a judicial inquiry into the said Police firings ”.

The argument is that Government has already declared in the notification that the martyrs’ memorials were erected, and unauthorisedly erected, and therefore all inquiry into the erection and its legality is ruled out. Secondly, Government has assumed the fact of removal by the police of the unauthorised structures and this is not intended to be inquired into. Thirdly, what was intended to be inquired into is affirmatively stated in the words “ it is necessary to hold a judicial inquiry into the said Police firings ”.

27. In my opinion, the argument cannot for a moment be sustained, and I did not call upon the opposite parties to answer it. In the first place, it is contrary to accepted rules of interpretation of a document that the preamble should control the terms of reference which are plenary. Secondly, looking to the terms of reference the erection of the memorials would clearly fall within both clauses (a) and (b). It was the case of the District Magistrate that the Parishad was founded "as a result of the reorganization of the Bombay State and that it undertook the programme of erection of the memorials with a view to create feelings against the Congress and Government and in order to instigate people to create disorder and indulge in acts of violence, incendiarism, etc." It was also his case in evidence that even prior to the formation of the Parishad, the self same leaders who founded the Parishad were instigating people to resort to violence and create disorder. Moreover, the erection of the memorials and their removal are undoubtedly circumstances leading up to the disorders which broke out and which resulted in the police firing. Therefore, both clauses (a) and (b) would be attracted. Even a consideration of clause (d) would point to the same conclusion because the erection and removal of the memorials are matters most intimately connected with the disorders which broke out and the subsequent firing. Thirdly, the point of jurisdiction was never raised at any stage of the proceedings nor in the written statement of the Congress Party or any party until Mr. Shukla rose to argue the case. It certainly does not lend weight to his argument that he examined in great detail Mr. Jayanti Dalal as to all the circumstances connected with the erection and removal of the memorials and the latter's conduct in relation to the happenings on the 8th of August 1958. If it was beyond jurisdiction, Mr. Shukla ought to have pointed it out to the Commission and not proceeded to have evidence which, according to him, was not within the jurisdiction of the Commission. placed before the Commission. I reject the contention.

28. It is now an admitted fact that both the firing in August 1956 and the firing which took place on the 12th, 13th and 14th August 1958 in Ahmedabad City had one source in common among others, viz., an agitation against the recommendations made in the report of the States Reorganization Commission. The report was signed on the 30th September 1955 but was published sometime later. In regard to the then existing State of Bombay, the Commission recommended a bilingual set-up comprising the then existing State of Bombay excluding the Abu Road taluk and four districts of Karnataka ; but including an area from the then existing State of Hyderabad, now popularly known as "Marathwada", Saurashtra and Kutch. The Vidarbha area was not included in the Bombay State as contemplated by the States Reorganization Commission's report. It was recommended that Vidarbha should be formed into a separate State.

29. We have it from the evidence of three witnesses, Miss Indumati Seth (D. M. W. 82), Mr. Kantilal F. Ghiya (D. M. W. 84) and Mr. Jayanti G. Dalal (J. P. W. 49), that the recommendations of the States Reorganization Commission were acceptable to the people of Gujerat. But, as there was an agitation against it amongst the Marathi-speaking people, the leaders of both Maharashtra and Gujerat were considering how to reach an acceptable solution. The Congress Party in Gujerat and even the then Chief Minister of Bombay, Mr. Morarji Desai, were in favour of accepting the recommendation of the

States Reorganization Commission. But, if the recommendation of the Commission was to set aside, then they were in favour of three States being formed of which one would be a separate State of Gujerat and they were not in favour of the present composite bilingual State of Bombay including the Vidarbha area. Mr. Kantilal Ghiya (D. M. W. 84) proves that the Gujerat Provincial Congress Committee held a meeting at Mehemedabad on the 22nd October 1955. At that meeting, the G. P. C. C., resolved that bilingual Bombay (as contemplated by the report of the States Reorganization Commission) would be acceptable to them but not if Vidarbha were included. After this resolution was passed, a formula was evolved which has been referred to in the evidence as the "Three-State Formula" whereby three separate States were to be formed of which one was to be a separate State of Gujerat. This was a solution most acceptable to the people of Gujerat, as also to the Congress Party in Gujerat; and in anticipation of that solution being accepted by Parliament, concrete action was also taken by the then Government of Bombay, such as construction of houses for Ministers of the proposed new State.

30. Mr. Kantilal Ghiya is an important Congressman associated with the Congress Party since the last twenty-nine years and has been holding several offices under various Congress Committees since the last two years. He was present in the meeting of the G. P. C. C. and events which happened are best stated in the words of this witness :

"The proposal before the Committee (G. P. C. C.) for the composite bilingual Bombay State was that such a State should be formed but that Gujerat should have an option after five years to remain within the State or not. This the G. P. C. C. considered was not a proper suggestion. They felt that at the end of five years a situation will be created where Gujerat will have to opt out, which they did not approve. It was in that connection that Mr. Morarji Desai had stated at that meeting that "we are not such persons that we would accept such a proposal." It was after this that the Three-State Formula was evolved and on the basis of that formula, a Bill was also passed in Parliament at the first reading. It was only on the 6th night or 7th morning that I learnt that an amendment had been tabled in Parliament and was going to be accepted forming the present bilingual State of Bombay. We members of the G. P. C. C. were not consulted regarding this final decision. On the other hand, when Mr. Morarji Desai landed at Bombay air-port on the 7th August 1956 he stated that strong action would be taken against anybody who opposed the bilingual Bombay."

This evidence is supported by equally reliable evidence given by Miss Indumati Seth (D. M. W. 82). She too is a prominent Congress and social worker. She had been a Deputy Minister for several years and became a Minister of the Bombay Government. In August 1956 she was the Deputy Minister in the Bombay Government. She has in her evidence made it clear that when the Three-State Formula was evolved, it was acceptable to the people of Gujerat and to the Congressmen in Gujerat, and she added :

"It is true that thereafter some construction work was undertaken in Ahmedabad with a view to accommodating members of the Government of a separate Gujerat State. It is true to say that it was the Congress Party who first contemplated the creation of a separate State for Gujerat. It is also true to say that the people of Ahmedabad were enthusiastic about the idea. I do not know whether it was the 3rd or the 5th of August 1956 when

I first came to know that a separate State of Gujerat was not to be formed. It is true that no one in Ahmedabad was consulted regarding the abandonment of the idea to form a separate State of Gujerat ”.

31. I accept the evidence of both these witnesses supported as it is by the evidence of Mr. Jayanti Dalal himself. This evidence discloses that the situation in Ahmedabad a day or two prior to the 8th of August 1956 was that the people were led to believe that a separate State of Gujerat was definitely being formed. The G. P. C. C. had accepted it and Government had indeed taken action to build houses to accommodate the new Government in Ahmedabad which was expected to be the capital. It also appears from this evidence that the decision to form the present bilingual State of Bombay was taken suddenly in Parliament and the result was grave discontent among the people of Gujerat and particularly Ahmedabad.

32. It appears that on the afternoon of the 8th of August 1956 some students went to the Congress House in Ahmedabad to demand an explanation but did not obtain it. They became rowdy and threw stones at the Congress House.

Firing in Ahmedabad in August 1956 and its effect. As a result, fire was opened against them and four or five youths were killed, two just opposite the Congress House. Their names were Punamchand and Kaushik according to Ex. J. P. 61.

I mention these names here because they are referred to in several subsequent speeches. There is no explanation on record as to why and under whose orders fire was opened at that time, but there is considerable evidence, which was not disputed, to show that the most violent rioting, arson and looting spontaneously broke out in Ahmedabad soon after the first firing at the Congress House. I advisedly use the word spontaneously because at that time there was no question of any party in opposition to Congress inciting people or encouraging them to violence.

33. The Parishad was not in existence then. It was formed for the first time only on the 9th September 1956 and its constitution formally adopted in December 1956. There is no suggestion on the part of the District Magistrate or any other party that these disturbances in 1956 were engineered by the Parishad or by other interested persons or parties. It must therefore be held that the 1956 disturbances broke out spontaneously because of a sense of frustration and shock among the people in Ahmedabad as a result of the denial to them of a separate State of Gujerat and the firing at the Congress House which precipitated matters.

34. The effect which these events had on the people of Gujerat has been deposed to by Mr. Kantilal Ghiya and is best stated in his words :

“ The reason why people began to hate the white cap in Ahmedabad was that at one time it was settled that there would be a separate State of Gujerat but suddenly Parliament decided otherwise and that gave rise to some sort of ill feeling against Congress. The other reason was that those who were opposed to the Congress attempted to inflame feelings against the Congress.”

I shall show later that the second reason advanced by the witness began to operate only after June 1958. As to the events of the 8th of August 1956 the witness further went on to say :

“ I have heard that after the announcement of Parliament's decision several students had gone to Congress House on 8th August 1956. Those who had been to Congress House were not armed. I know that firing took place on the 8th as a result of which some youths were killed. I also know that as a result, the feelings of people were strongly inflamed to some extent.... I agreed that about 20 people died as a result of firing in 1956.”

Even the Chief Minister has in his evidence as Commission witness No. 8 has admitted :

“ I entirely agree that Ahmedabad, as also the whole of Gujerat were the strongholds of the Congress till 8th August 1956. It is true that the firing resorted to in August 1956 was one of the causes responsible for the prestige of the Congress waning in Gujerat and in Ahmedabad in particular, but the principal cause, in my opinion, was the question of the formation of the linguistic States.”

35. Shortly after the firing in 1956 the Ahmedabad City Congress Committee passed a resolution condemning the firing and also passed another resolution favouring a unilingual State of Mahagujerat. On the 8th of August 1956 the Ahmedabad Bar Association resolved to inquire into the firing and appointed a Committee to take evidence. The Committee consisted of senior members of the Bar including Mr. C. C. Parikh and Mr. P. B. Desai, both counsel appearing before the Commission on behalf of the Congress Party. The third counsel, Mr. H. P. Shukla, an ex-Judge of the Saurashtra High Court, gave evidence of what he had personally seen. He was at the Gujerat Club about a couple of hundred yards from the Congress House. The Committee accepted this evidence and held as follows :—

“ It is very clear from the statements of Messrs H. P. Shukla, B. B. Thakore and N. C. Trivedi that the firing that took place in their presence near Congress House, where there was neither any crowd nor stone throwing, was unnecessary, inhuman and brutal. There was not the least justification for firing after the crowd of students had dispersed from near Congress House.”

These findings do not bind me, nor do I think that the questions as to the firing of 1956 and whether it was justified or not are directly germane to the present inquiry ; but the report made by the Committee, was accepted by the Bar Association, and forwarded to the then Government. All this does show how everyone in Ahmedabad was shocked by the firing in 1956 and even educated and sober people reacted to it. They were shocked and angered.

36. It is clear from the evidence which I have discussed above that one of the principal causes for the unrest which prevailed in Ahmedabad from August 1956 till the events which happened in August 1958 was the formation of the present bilingual State of Bombay. The second cause was the firing which took place in August 1956 against certain students and youths who in consequence immediately took up an attitude of hostility to the Congress Party and to Government. I shall show when I discuss the results of firing in August 1958—and this is a feature which has profoundly impressed itself on me and saddened me—that all the persons who died and most of those who were injured were either young students or very youthful urchins.

37. It was a matter in controversy whether the firing in 1956 took place from inside the Congress House or it was just from outside. The two witnesses I have mentioned above, namely, Mr. Kantilal Ghiya and Miss Indumati Seth, were reluctant to admit this. The report of the Committee of the Bar Association to which I have just referred (Ex. J. P. 32) as also the evidence of Mr. H. P. Shukla tendered before it, show that it was from the compound of the Congress House. A speech made by Mr. Maganbhai R. Patel in the Bombay Legislative Assembly in the debate which took place on the 4th October 1956 (Ex. Cong. 5) also shows that the firing took place from inside the compound of the Congress House.

38. Beyond referring generally to the activities of the leaders of the Parishad, in their written statements neither the District Magistrate nor any of the other parties alleged any particular act or acts or action taken by the Parishad which could indicate that they incited the people to violence between August 1956 and June 1958. But the District Magistrate in his evidence, followed by a number of official witnesses including the D.I.C., C.I.D. and the Senior D. S. P., deposed to several incidents which, according to them, showed that the Parishad from the very start were creating disorder and instigating people to violence. These incidents were pressed before me in the arguments as indicative of a set policy and the programme of the Parishad to create disorder.

39. Mr. Kantilal Ghiya stated that on the 14th August 1956 his residential house opposite the Bombay Mutual Building on the Relief Road was attacked by a crowd. He added:—

“ They had broken down part of the main gate but in the meanwhile a police van arrived and I was saved. Thereafter, I had to leave my house for fear of further violence and I had to live near Ellis Bridge for about a month. I was present at the meeting held in Congress House on the 19th August 1956. I had gone to the Congress House on the previous night and stayed there for the meeting to be held on the 19th. I had to go there the previous night because of fear that the crowds would not permit me to reach Congress House on the 19th.”

I accept this evidence, but I am unable to see how it is at all germane to the charge which was to be proved, viz., that the Parishad was inciting people to violence. Mr. Kantilal Ghiya scrupulously avoided mentioning any particular person or party in connection with this incident. On the contrary, he speaks only of “ the crowds.” This reinforces what I have said above that the anti-Congress feeling was a general feeling amongst the people uninspired by any other persons or political parties.

40. The next incident regarding which evidence has been given was in connection with the visit of the then Chief Minister of Bombay, Mr. Morarji Desai, to Ahmedabad. After the firing on the 8th of August 1956 and subsequent days, a curfew was imposed by the then District Magistrate from the 8th to 19th August 1956 except for two hours on the 15th August. On the 17th August 1956, the Ahmedabad City Congress Committee passed a resolution by majority favouring the formation of a unilingual State of Mahagujarat. This is

admitted by Mr. Kantilal Ghiya who was a member of that Committee but had opposed the resolution. On the 19th August 1956 a meeting of the G. P. C. C. was to be held at which the then Chief Minister was to be present. On this day he was also to address a public meeting. However, the persons believing in the Mahagujerat movement at that time made a public appeal to the people of Ahmedabad not to attend the meeting to be addressed by the Chief Minister and to remain indoors and persuade people not to attend, *vide* Exs. J. P. 58 and 59 which is the original appeal with signatures, and Ex. J. P. 10, the paper "SANDESH" of the 18th August 1956 in which it was published. The appeal was signed, amongst others, by Mr. H. P. Shukla, Mr. P. B. Desai and Mr. C. C. Parikh, counsel appearing on behalf of the Congress Party before the Commission, and by several leading members of the Bar including its President. These were admittedly independent persons then and it is too much to suppose that they were involved in any subversive activities. Mr. Kantilal Ghiya has stated :—

" I agree that the signatories to that appeal are all persons of great repute and position in Ahmedabad. I agree that the signatories of this appeal are not persons who would coerce the people."

41. As a result of the appeal, there were hardly any people present at the meeting though elaborate preparations had been made and the official curfew was no longer in operation. This self-imposed ban on the attendance at the meeting has been referred to by the witnesses as the "Prajakiya Curfew" which later on became the "Janata Curfew". As a result of the absence of any audience, the meeting had to be abandoned. These facts have been admitted by Mr. Kantilal Ghiya and Police Inspector S. O. Patel (D. M. W. 41). It appears that as a result of the abandonment of the meeting the then Chief Minister undertook a fast for seven days and broke it only when a meeting was held on the 25th August 1956 which he was able to address. It was urged that the fact that at the bidding of a certain set of people the entire city of Ahmedabad refrained from attending the meeting shows that these persons coerced the people of Ahmedabad and, so to say, held the city to ransom. It was urged that there is also evidence to show that at the meeting held on the 26th August 1956 which was addressed by the then Chief Minister, stones were thrown and there was considerable disorder. The District Magistrate has in his evidence attributed this to the leaders of the Mahagujerat movement. The suggestion is—and I emphasise that it is only a suggestion—that it is the leaders of the Mahagujerat movement who ultimately formed themselves into the Mahagujerat Janata Parishad and therefore there was a continuity of thought and action.

42. Beyond the general statements of the District Magistrate and other witnesses there is no evidence to connect the Parishad with the disturbances. The Parishad, it is now admitted, was for the first time formed on the 9th September 1956. Its constitution, as adopted, has been filed and it is Ex. J. P. 60. It was adopted in December 1956. That being so, any question of the Parishad being responsible for any acts or activities in connection with the incidents from the 19th August 1956 to 26th August 1956 is out of place. On the other hand, these incidents would show that the high but spontaneous feelings of the people at times manifested themselves in acts of violence. The evidence, in my opinion, falls far short of establishing that the Parishad which was formed only on the 8th September 1956 was responsible for those acts of violence.

43. The next incident is the one which occurred on the 14th December 1956 at which Miss Indumati Seth (D. M. W. 82) was assaulted. Miss Seth herself did not depose to the incident in her examination on behalf of the District Magistrate, but she was asked about the incident in examination on behalf of the Congress Party. The incident is also deposed to by P. I. Patel (D. M. W. 41) who was present at that time. His version of the incident is as follows :—

“ I know Miss Indumati Seth. I know that she had come to Ahmedabad in December 1956 and had attended a meeting in the Khadia locality in the building of the Jyoti Sangh. At that time there was a group of about 30 or 40 women who had demonstrated against her. There was also a crowd of about 200 or 300 young boys, who ill-treated the lady. Miss Seth fell down and was injured as a result of the pushing from the crowd. At that time Miss Indumati Seth was a Deputy Minister in the Government of Bombay and a staunch Congress woman.”

Miss Seth stated that when she arrived near the Jyoti Sangh she met a large crowd which was blocking the road and so her car could not proceed further. Therefore she got down and started walking towards the Jyoti Sangh accompanied by another lady. The crowd was shouting pro-Mahagujerat slogans and against the Congress Government. She stated that the crowd kept on pushing her, and she fell down and they also beat her with sticks on which they were carrying their black flags. Now, once again it is to be noticed that she makes no charge against the Parishad that they had inspired this demonstration against her. She talks of a crowd shouting pro-Mahagujerat slogans and generally of “ persons in opposition to the Congress ” but it is difficult to hold the Parishad responsible for this incident from the mere fact that the crowd was shouting pro-Mahagujerat slogans or that it is one of the parties opposed to the Congress Party. The Parishad had just been formed and it is rather difficult to suppose that they would engineer this particular disturbance within a few months of their formation when they were still consolidating their position. Any such attempt at direct violence would be inviting immediate action by the authorities and result in a clash with the authorities which the Parishad could then ill-afford. P. I. Patel also does not attribute the incident to the Parishad. Miss Seth also admitted that she had learnt that the leaders of the Parishad had condemned the incidents which had happened at the Jyoti Sangh on the 14th December 1956 with which she was connected. She further stated that she considered Mr. Ratilal Khushaldas and Mr. Jayanti Dalal, two important leaders of the Parishad, as good citizens of Ahmedabad.

44. In connection with the incident Mr. Jayanti Dalal has given his own version in paragraph 71 of his deposition. He stated that when he learnt that Miss Seth had been roughly handled, he immediately left his office with a view to go to the Jyoti Sangh. When he went to the Raipur Chakla, he found that some boys had gathered there and were creating trouble by throwing stones. He therefore went to pacify them. Questions were put to Mr. Jayanti Dalal by the Congress Party as to the whereabouts of his wife on this occasion suggesting that his wife was responsible for the assault on Miss Seth. Mr. Jayanti Dalal has denied this suggestion. There is absolutely no evidence to support an irresponsible suggestion of this kind which ought never to have been made and which only serves to illustrate the bitter feelings between the Congress Party and the Parishad. Miss Seth was at the time accompanied by Mrs. Vijayaben

Desai who is Mrs. Dalal's brother's wife. She (Mrs. Desai) had also received a bleeding injury on the forehead, and it seems to me most unlikely that Mrs. Dalal would instigate people to cause her injury. In the absence of any evidence connecting the Parishad with the incident, I must hold that this incident was yet another manifestation of the spontaneous feelings to which I have referred above.

45. Mr. Kantilal Ghiya then referred to a meeting in October 1956 when the Prime Minister came to Ahmedabad and was to address the people at the Lal Darwaja Garden. On that occasion, the Parishad had convened a parallel meeting at the Law College Garden. He however does not allege that there was any disturbance at the meeting which was addressed by the Prime Minister. There is some evidence however that several students had asked questions at the meeting and strong words were exchanged. On the other hand, it is the complaint of the Parishad that at their meeting tear gas shells were fired. There is absolutely no evidence to suggest that the miscreants, if any, were members of the Parishad or inspired by them.

46. Mr. Kantilal Ghiya also speaks of a meeting which he was to address in connection with the General Elections in March 1957 in the Karoda Pol in Kalupur and about a meeting in Dhana Sutar's Pol. Here again he states that the former meeting was broken up by the believers in the Parishad but does not state that any members or leaders of the Parishad or the Parishad itself were responsible for or involved in that minor disturbance. As to the meeting at Dhana Sutar's Pol all that he stated was: "After the meeting terminated and people started going home they were molested." This is extremely meagre evidence upon which I am asked to find that the Parishad leaders and the Parishad were creating disorder and disturbance.

47. There was also some reference to a disturbance when Mr. Chavan visited Ahmedabad on the 19th December 1956 as Chief Minister. Mr. Chavan himself has not deposed to this incident and the evidence shows that some violence was done to the Chief Minister's car which was surrounded by a hostile mob and stones were thrown. Of course, the unfortunate habit of sections of the people to resort to violence on the least excuse cannot be too strongly condemned and will have to be taken into account when determining the responsibility and justification for the firing; but I cannot with any sense of responsibility attribute any and every action of the people to the conduct of the Janata Parishad without cogent evidence. As I have said, the people's feelings were highly inflamed and these incidents of violence could as well be attributed by a witness to the people's feelings as to the instigation of the Parishad. In these circumstances, it is essential that cogent evidence pointedly showing the Parishad's complicity should be given before a conclusion is drawn that they inspired the incidents. I hold that there is no evidence to connect the Parishad with the sporadic incidents of violence which did take place from time to time between August 1956 and June 1958.

48. But, while I am unable to attribute any of these acts or incidents to the instigation of the Parishad or their leaders, there is no doubt that subsequently, that is to say, after June 1958, the Parishad took advantage of this anti-Congress, anti-Government feeling and fully exploited it in their speeches in order to stage a comeback.

49. There is considerable evidence to show that after April 1957 the fortunes of the Parishad declined. The District Magistrate has alleged this in paragraph 59 of this

Decline in the popularity of the Parishad between April 1957 and June 1958 and their effort to rehabilitate themselves.

deposition and has given as many as six reasons. Similarly, the D. I. G., C.I.D., has given about seven reasons in paragraph 2 of his evidence. This evidence is supported by Mr. Kantilal Ghiya and Miss Indumati Seth. I need not go into all these reasons. Some of them are not supported by evidence, but Mr. Jayanti Dalal has admitted the true position in paragraph 44 of his deposition. He stated :—

“ It is true that the membership of the Parishad was 1,82,000 in December 1956 but that in June 1958 when the second Convention of the Parishad was held it was about 37,600. It is true that two seats held by the Janata Parishad to the Bombay Legislative Assembly from Anand and Himmatnagar were lost to the Congress in the bye-elections held consequent upon successful election petitions. The same is true of the Jamalpur seat from Ahmedabad. . . In July 1958 Mr. Indulal Yagnik had stated at a public meeting that the Parishad had failed to live up to the three objectives for which it was formed and that it was time that the Parishad woke up.”

This was the reason why the Parishad undertook the programme of erection of the memorials. The true position is well put in the two speeches delivered by Mr. Indulal Yagnik on the 31st July 1958 and 5th August 1958. In the first-mentioned speech which was made in the Mandvini Pol, Ahmedabad, referring to the erection of the memorials, he stated :—

“ By doing this holy act we must remove any weakness that has come to us and keeping in mind the spirit of self-sacrifice, we may go to erect the martyrs' memorials. . . . If there will be friction any further sacrifice will make this Chowk more sacred. . . . This programme of the Parishad is chalked out to cultivate the spirit of self-sacrifice.”

In the second speech on the 5th August 1958 in Tajpur Mominwad, Jamalpur, Ahmedabad, he clarified what he had intended to communicate in the first speech. This is what he stated :—

“ When I was returning from Delhi, I felt that M. G. agitation has gone slack or has cooled down. The Congress took the opportunity and many ministers and Congress leaders toured Gujerat with a view to create sympathy in the minds of the people towards Congress and to drag them in Congress fold. But this was like 'when the cat is out mice are playing'. During our absence the ministers visited various towns of Gujerat and performed opening ceremonies of schools and maternity homes. But our coolness or inactivity was only a temporary one. The people have again raised their voice in the same manner as they did before two years.”

50. This clearly shows that the intention of the Parishad was to galvanise their workers into activity and to recoup lost ground. In their political struggle with their strongest rival — the Congress Party, they had succeeded in getting the upper hand soon after the bilingual Bombay was formed and as a result of the firing of 1956. But, as the memory of those events faded, so did the position of the Parishad amongst the masses. It appears that the Parishad leaders were

aware of this and they decided on a programme to attract the people towards the Parishad, and with that end in view, they passed the resolution at the Baroda conference in June 1958 which was further clarified in their Nadiad conference held on the 2nd and 3rd August 1958. They deliberately selected the correct point on which to attack the Congress Party. The firing of 1956 was not an act of which the Congress Party was very proud. The firing had occurred from inside the Congress House. The Parishad therefore selected the very spot in front of the Congress House where two young boys were first killed in August 1956. It would have the dual advantage of reminding the people of Ahmedabad of the inequity of the firing, and, at the same time, serve to throw the blame upon the Congress Party. The memorials standing in front of the Congress House would be a constant reminder to them and to the people of Ahmedabad. The strategy which the Parishad adopted is made clear by a speech delivered by Mr. Jayanti Dalal at Hathi's Chora, Daryapur, Ahmedabad, on the 25th July 1958. While explaining why they had decided to erect the memorials at the particular spot, he expressed himself as follows :—

“ When the Mahagujerat Janata Parishad was established we had three demands viz., (1) formation of Mahagujerat, (2) Judicial Inquiry into police firings, and (3) Memorials for the martyrs. This is the wish of the entire populace of Gujerat. We had shouted “ Shahid Amar Raho ’. This we had done after understanding full responsibility and liability. We had not spoken these words in an unconscious state of mind. We should, therefore, at all cost erect a memorial for the martyrs. There are several places of martyrdom in the city. We cannot afford to erect memorials at all these places. We have therefore decided to erect, as a token two memorials: (1) on the traffic island and (2) near the foot-path adjacent to Sardar Smarak Bhavan. This we shall do at all cost.”

[The opening sentence is incorrectly translated in Ex. D. M. 11 when compared with the original Gujerat record in Ex. D. M. 72. I have corrected it according.]

For this very reason it also seems to be obvious that the Congress Party would be equally strongly of the view that the memorials should not be allowed to be erected at the spot of the memorial pedestal. This will be one of the circumstances to be taken into account when I consider the alleged part played by the Congress leaders in the erection and removal of the memorials.

51. By far the strongest pieces of evidence against the Parishad connecting them with the disturbance which followed in Ahmedabad on the 12th, 13th and 14th August 1958 are the speeches delivered by their leaders between the 8th July 1958 and 15th August 1958. On behalf of the District Magistrate evidence has been given as to these speeches. The Criminal Investigation Department had ordered its reporters to be present at each of the meetings of the Parishad and to take down verbatim the speeches delivered. These reporters have given evidence and they are Mr. C. P. Valand (D. M. W. 49), Mr. C. M. Sharma (D. M. W. 50) and Mr. P. M. Bihola (D. M. W. 51). They are all shorthand reporters not highly educated but trained by the C. I. D. in taking down notes in Gujerati shorthand. The speeches which these reporters took down were originally taken down in Gujerati shorthand, typed out in the C. I. D. Office and then extracts of the speeches

Speeches of leaders of the Parishad—evidence relating thereto—their content and effect.

were prepared and translated into English and submitted to the District Magistrate, the District Superintendent of Police, the D. I. G., C. I. D., at Bombay, and the Deputy Superintendent of Police, C. I. D. The translations are at times in bad and broken English and I have tried as far as possible to avoid quoting such passages. The Gujarati version of the speeches is evidenced by Exs. D. M. 71, 72 and 73, whereas the English summaries of all the speeches are Ex. D. M. 11.

52. The reporters were examined at length on behalf of the Parishad as to their qualifications and capacity, and it was suggested that they were not too well qualified and that there were errors in some of the speeches recorded. It was also suggested that they must have missed a lot of what was spoken because it was not possible for them to take down in Gujarati shorthand all that was spoken, especially if a speaker spoke fast. Mr. Jayanti Dalal in his evidence also disputed the accuracy of the reports or of the summaries. He stated that there was great variation between what was spoken and the speeches that were reported in Ex. D. M. 11 and the Gujarati versions. Some of these variations were, as I have said, put to the reporters. At the hearing however, counsel for the principal parties, especially on behalf of the District Magistrate, the Congress Party and the Parishad, agreed that the contents of Exs. D. M. 11, 71, 72 and 73 should be taken as correct unless they were expressly challenged in the evidence, and subject to any evidence to the contrary, or unless there was any variation between the summary and the original report in Gujarati, in which case the original report in Gujarati was to be taken as correct. There is no suggestion whatsoever in the cross-examination of these witnesses or of the District Magistrate that the speeches were not recorded by the reporters referred to above. They were recorded at a time when there was no controversy and in the routine course of the business of the C. I. D. There was no question at that time of any inquiry being held, so that the reporters could have had any bias or object in adding any embellishments to the speeches. I accept Exs. D. M. 71, 72 and 73 as substantially accurate reports of the speeches delivered and Ex. D. M. 11 as a substantially accurate and disinterested summary of those speeches. Of course, in so far as there may be any conflict between the two, the original record of the speeches in Gujarati, and not the summary, must prevail.

53. It was urged by Mr. Shah on behalf of the Parishad that these were all speeches delivered before large audiences, and it would not be fair to the speakers to pick out an isolated word or two from the context to charge them with having incited the people to violence and disorder. I accept this contention and I propose therefore to consider the speeches as a whole and wherever possible, to give the entire context in which certain words were uttered. I am constrained to observe also that the general impression left on my mind is that the speeches delivered by Mr. Indulal Yagnik, President of the Parishad, are infinitely more intemperate in language and inflammatory than those delivered by other leaders. I observe this here because this was one of the reasons why Mr. Indulal Yagnik ought to have entered the witness-box and given his explanation of those speeches, if any.

54. The total effect of those speeches is :—

(i) To play up to the people the inequity of the setting up of the present bilingual State of Bombay and to suggest that the interests of Gujaratis are suffering in such a set-up.

(ii) To condemn the action of the then Government and its Chief Minister, Mr. Morarji Desai, in ordering firing in August 1956 and to emphasise the fact that they had acted callously and in complete disregard of the welfare of the people or of any humanitarian considerations and in order to assist the Congress Party.

(iii) To tell the audience that the programme of erection of the memorials was irrevocably determined upon and would be carried through under any circumstances.

(iv) There is a clear attempt to run down the local authorities, i.e. the District Magistrate, the District Superintendent of Police and other police officials and the Corporation, and also to threaten them and at the same time to tell the people that whatever the police might have done in the past, the police have now been rendered ineffective and will not use firearms against them. The President particularly seems to have been obsessed with one idea that the people were afraid of the police and that that fear must be removed at all costs; otherwise they would not take part in large numbers in the programme of the Parishad. In this very respect, unfortunately the local authorities, I shall show later, played into the hands of the Parishad when they allowed the memorials to be erected and even after the rioting broke out.

(v) In almost every speech, no doubt, every speaker has exhorted the people to remain peaceful and non-violent but at the same time they have repeatedly put before them and applauded the part played by the people in previous movements during British times, and especially in August 1942 and reminded them of August 1956, and the people have been called upon to respond in the same manner. The audiences which heard these speeches were comprised of school and college going youth—very inflammatory material. The other sections of the audience were either illiterate or not too educated and incapable of discriminating between sober fact and rhetorical flourish. There is no doubt that on each of the occasions held out before the audiences as glorious examples from the past, violence had always broken out, and it seems to me that the effect of the speeches on the minds of the audiences of the type that heard them could be none other than that they should follow those examples when called upon. I shall show later that the actual happenings also indicate that this was the impression which the people gathered.

55. It would be completely out of place in a report of this kind even to attempt to summarise all the speeches delivered. The summaries (Ex. D. M. 11) run into 252 typed sheets. But I propose to reproduce significant passages which, in my opinion, give a fair picture of the nature of the speeches made and serve to illustrate what I have said above. Throughout the underlining in the extracts is mine.

(i) In a meeting held on the 22nd July 1958 at Maninagar Cross Road, Ahmedabad, one of the speakers, Mr. Ratilal Kilachand Patel, announced:—

“ On the 8th August 1958, there is the 2nd anniversary of the ‘Shahid Din’. It is the responsibility of the Janata Parishad representatives to see that the ‘Martyrs Memorials’ are erected. We have got feeling for the martyrs and for their sake we have burnt the mock corpus (sic.) of the Bilingual State. The Janata Parishad cannot wait any longer now. It will

erect the memorials by facing all the consequences. The Action Committee has decided to enlist 100 volunteers from every ward of the city and collect a donation of Rs. 100 from each ward. ... We have to go to the place of Martyrs' memorials against all odds."

(ii) At the same meeting Mr. Vidyut Thakkar, a student leader, stated :—

" It is not necessary to explain the importance of 8th August. The Nagrik Paksha (in the Municipality) had given a promise to erect the 'Martyrs Memorials' to the Janata Parishad and won the municipal election in Ahmedabad. The people will certainly demand the explanation of the Nagrik Paksha.

The non-violence dream of the Congress has vanished with the demise of Mahatma Gandhi.

On the 8th August 1958, the non-violent Satyagrahis will go to erect the 'Martyrs Memorial'. We have no relation with the Nagrik Paksha.

" Shri Morarji has shed blood in the soil of Gujerat. If you can remember the blood-oozing corpus (sic.) (corpses) of the martyrs you will roar like a lion and I hope the people of Ahmedabad will not lag behind."

(iii) At the same meeting, Mr. Indulal Yagnik stated :—

" It is wrong to say that there is no effect of the agitation against the police. The heads of the State and Delhi Governments have been compelled to express regret. No one can dare to open fire in response to pelting of stones. No inquiry has yet been instituted for opening police firing. It has been agreed that 303 bullets will not be used and it has also been admitted that there should be no police firing. The Home Minister Shri Pant said that if there is no other recourse, firing will be aimed at the portion below the knee. But what is your bravery in it?

On 8th August, we shall go to erect the 'Martyrs Memorials'. I do not know what will happen..... Be ready for any consequences. One man determined to sacrifice is match to 100. I hope many such persons will come forward in Ahmedabad.

I am also under correspondence with Pandit Nehru.There is no need to enter into struggle if all is done by persuading the members of the Bombay State Assembly. We are awaiting a final reply. There will be a sammelan of the Janata Parishad on the 1st, 2nd and 3rd proximo where a decision will be taken. There might either be no struggle or might be a conflagration."

(iv) In a meeting held near the Zakaria Masjid on the Relief Road at Ahmedabad on the 23rd July 1958, Mr. Indulal Yagnik stated :—

" I have written to Shri Chavan that he should not interfere in this dispute between the Janata Parishad and the Corporation. Shri Chavan when first visited Ahmedabad appears to have instructed the police not to resort to repressive measures under any circumstances. This can be seen from the fact that police did not use any force against mischief-mongers who threw some stones near Congress House and damaged a car etc. on that day.....

Police may try to keep patience and tolerance but nothing can be said as to when they would lose their temper so the volunteers should go there with full preparations to meet with the consequences."

It is significant that he did not indicate what the nature of these preparations was, though he has added at the end of that part of the speech :

"We have to behave in a non-violent and democratic manner."

(v) In a speech delivered on the 24th July 1958 at the Raipur Chakla, Ahmedabad Mr. Indulal Yagnik stated :—

"I am at present in correspondence with Pandit Nehru and have sought some clarification with regard to Mahagujerat issue and my discussion with him is constitutional. I will publish the correspondence on that matter by the 1st proximo. Further reply of Pandit Nehru is awaited and will come shortly. If this struggle is finished peacefully then it is all right, otherwise the Parishad will have to give further programme to fulfil its programme. This is not a show."

(vi) In a speech delivered on the 25th July 1958 at Zaveriwad, Ahmedabad, Mr. Indulal Yagnik stated :—

"If the Government thinks that people of Ahmedabad will be afraid and the Parishad will alter its programme, they are living in the paradise of fools. The traffic island near the Congress House and the edge of the foot-path opposite to it is the property of the municipality. The memorials will be erected there. Will the Mayor of Ahmedabad call for police for causing encroachment of municipal property? If the police want to open firing they may, but I do not believe they are so foolish."

And a little later he said :—

"There is still fear in the minds of the people and the repression of the police in India." (sic.).

(vii) In a speech delivered on the 25th July at Hathi's Chora, Daryapur, Ahmedabad, Mr. Brahmakumar R. Bhatt stated :—

"On the sacrifice of 25 martyrs, had the citizens of Gujerat not started agitation, perhaps in 25 years to come they would not have been able to raise their heads. The future generation would have blamed us for our cowardice. It is, therefore, quite proper on our part to have launched this agitation against the unjust and undemocratic and atrocious rule of the Congress Government. We have registered many records of our brilliant activities in the past and hence we should not be afraid of implementing the present programme of 8th August."

(viii) In a speech delivered on the 26th July 1958 at Sankdi Shery Naka, Ahmedabad, Mr. Indulal Yagnik stated :—

"I also inform the police that this is a test of ours as well as yours. We have to go to erect martyrs memorials after executing our 'WILL' (of property) deed. Our blood will flow near the memorials, and I want to remind the officer on duty there, that you have spoiled your name once before ; you have turned out notorious in India. Do you wish to crush down our sacred feelings? If you will do that, you will have to give reply to the people of Gujerat where you have to stay and you will be nowhere. The bilingual State is crumbling

and when the Mahagujarat State will be formed, those who have turned out traitors of Gujerat will not be forgiven whether he may be police, Municipal Commissioner or Mayor of Ahmedabad..... "This struggle is not final; we may increase our activities thereafter."

(ix) In a speech delivered on the 29th July 1958 at Kalupur, Ahmedabad, Mr. Brahmakumar Bhatt, M.L.A., elected on the Parishad ticket from Ahmedabad, stated :—

"There has been a panic in the Police Department since 8th August is coming nearer. Various types of rumours are afloat amongst the citizens and it is said that the atmosphere of the city is getting tense. I have come to know from a policeman that the department is giving a training to the staff to meet with the situation of the ensuing 8th August. It is learnt that one squad of police is instructed to pelt stones and the other is instructed how to disperse it."

(x) At the same meeting, Mr. Indulal Yagnik stated :—

"I have written a letter that the police need not interfere in our sacred task. The Police Head and the Collector have gone to Bombay to seek advice of the Government. But is this Lebanon or Jordan that it is necessary to land a big force in Ahmedabad? I believe that some mesmerism will be played upon Mr. Nagarwala (D. I. G.) and he may not act as he did previously in Ahmedabad. The policemen are also getting wise. If any officer will order any policeman to remove the memorial and if such a policeman is sensible he will not do it, and mix with the people. The policemen will say that they want to be faithful to the people of Gujerat and during the struggle of Mahagujarat, these policemen will help the Parishad, in order to break the bilingual State."

(xi) In a meeting held on the 30th July 1958 at Halim's Khadki, Shahpur, Ahmedabad, Mr. Indulal Yagnik stated :—

"The people of Ahmedabad are not cowards that they will be afraid of such repressive measures and the exhibition of brute force. On account of repressive measures adopted by the police on 8th August 1956, it has become very difficult for them to explain their position. I hope they have had a sufficient lesson from those incidents. Enforcement of repressive measures and use of P. D. Act, etc., are now old ideas and are not likely to be made use of. The police could not do anything in Doffers' agitation..... Even if the police come with their arms and ammunition and well-equipped then also they will not be able to make use of their weapons. In Bombay, during the strike of 7 lakh workers, the police did not do anything even though about 20 to 30 thousand police had assembled. Non-violent police was detailed for duty in Bombay for strike bandobast and similarly we also expect such a police on 8th August."

(xii) At the same meeting Mr. Jayanti Dalal stated :—

"Under any circumstances we have decided to hold our meeting in 'Shahid Bag' (Lal Darwaja Garden) and nobody will stop us from doing so. If we are arrested, the youngsters will take the lead as they had done in 1942 struggle. No amount of repression is going to curb our agitation."

(xiii) In a meeting held at Popatiawad, Daryapur, Ahmedabad, on the 30th July 1958 Mr. Indulal Yagnik stated :—

“ By erecting the memorials we are at the most committing breach of Municipal Rules and that it is not an offence under I. P. C..... I have written to Shri Chavan to keep the police away from our programme of 8th August..... I say that police should not interfere in our programme and if at all they are to be called on duty they should be unarmed. Let unarmed and non-violent police mix up with the procession and shout slogans along with us on that day.”

(xiv) In a meeting held on the 31st July 1958 at the Mandvini Pol, Nava Rasta, Ahmedabad, Mr. Indulal Yagnik assured the audience that “ orders have been issued to the police to tolerate if stones are pelted and suffer stick blows, but do not open firing.” He further added :—

“ Will the Nagrik Paksha call the Police? The Congress people had called the police and they have learnt a lesson. I do not believe that the Municipality will call the police, because the municipal servants will think over for their safety in future.”

(xv) In a meeting held at Kikabhatni Pol. Ahmedabad, on the 4th August 1958 Mr. Indulal Yagnik stated :—

“ Really speaking, this is a ‘ Struggle Week ’..... If the Mayor consults the police, the latter will not give any advice and the Chief Minister of Bombay will tell that the police will not interfere unless called for..... The police will be armed, but who can dare touch the memorials? These memorials are like idols and no one can dare to touch them. If anyone will touch with his finger, he will experience burning pain.”

(xvi) In a meeting held on the 5th August 1958 at Tajpur Mominwad, Jamalpur, Ahmedabad, Mr. Indulal Yagnik stated :—

“ Our sincerity of purpose is clear ; our motives and intentions are clear. We are not going to resort to any violent method, All the same if trouble comes on our head, we shall make all efforts to resist the same. We shall be most blessed if our blood is sprinkled on the martyrs’ memorial on the day.”

56. It is clear to my mind, reading these speeches as a whole (I have only tried to reproduce some representative extracts), that they are a mixture of preaching of non-violence coupled with suggestions of blood being shed, of references to what happened in August 1942 and 1956, of threats, cajolery and persuasion to the police and other public officers to refrain from taking action, and of attempts to belittle the Government, the District Authorities and the District Police and to emphasise that the last-named will not open fire, that they have been so instructed by Government and thereby to take away any fear of the police force from the minds of the public. It is also clear from the speeches and particularly extract no. (xiii) given above that the leaders knew that the contemplated erection of the memorials was contrary to law and was an illegal act, but that they had resolved to erect the memorials at any cost and in spite of any consequences.

57. To sum up, therefore, there is no doubt that as a result of the speeches, the atmosphere in Ahmedabad during the week preceding the 8th of August 1958 became more tense. To begin with, there was intense spontaneous dissatisfaction and annoyance at the sudden formation of the bilingual State of Bombay.

The dissatisfaction was considerably enhanced and became more pointedly anti-Congress and anti-Government after the firing of 1956. At this time, the Parishad was nowhere in the picture. It was formed only on the 9th September 1956 and its constitution formally adopted in December 1956. The Parishad came into being only as a result of the general discontent. In the words of Mr. Jayanti Dalal, one of its founder members, "The Parishad was formed only to attain the three limited objectives.and it was intended that it would be dissolved as soon as those objectives were attained". That in the sequel the Parishad has flourished, has entered the legislatures and has been recognised as a distinct party by the Election Commission, is due to circumstances having played into their hands.

58. After its formation, the Parishad for a time reaped the benefit of the prevalent acute discontent. They swept the polls in Ahmedabad City in the General Elections in March 1957 and the elements sponsored by them, namely, the Nagrik Paksha, captured the Corporation of Ahmedabad. But, as the memory of the events of 1956 faded, so did their membership. Between April 1957 and June 1958 there is ample evidence that the interest of the people in the Parishad was flagging. Their membership greatly declined. It was in these circumstances that the Parishad and their leaders launched upon the programme in June, July and August 1958. The programme was so framed as to hit their strongest political opponent—the Congress Party. The speeches delivered by the Parishad leaders and the programme which they launched upon in June, July and August 1958 was one of the contributory causes leading to the firing which took place in Ahmedabad City on the 12th, 13th and 14th August 1958. The immediate cause however was the removal of the memorials.

PART III

ERECTION AND REMOVAL OF THE MEMORIALS

59. The other important conclusions that emerge from the evidence so far discussed are.—(i) that the Parishad leaders knew

Knowledge of Parishad leaders that erection of memorials was illegal.

that the erection of the memorials was an illegal act and in breach of law; and (ii) that they were prepared to erect the memorials despite the fact that the erection would be illegal and disregarding lawful orders to the contrary. This aspect of the matter was not disputed in the arguments by Mr. Shah who frankly conceded that the act of erection was illegal and known to the leaders to be illegal. I have already reproduced their speeches from which these conclusions flow. I may here briefly refer to some other evidence. Mr. Jayanti Dalal, who had appeared in the proceedings throughout and instructed counsel on behalf of the Parishad, admitted in the witness-box :—

“ It is no doubt true that we had intended to erect the memorials though contrary to municipal law. The Parishad had resolved that if permission was not granted to proceed further or to erect the memorials the procession should squat on the ground and do satyagraha. This would have been the case even if the local authorities had ordered the procession or those who were squatting to move away from the place.”

Later he stated :—

“ If merely an order had been passed to the satyagrahis not to go further, they would have broken the order and gone further.”

There is also a similar statement in a letter dated the 5th August 1958 written by Mr. Indulal Yagnik to the Mayor of Ahmedabad (Ex. D. M. 14). In view of this evidence it seems to me unnecessary to discuss the question of the legality of the erection and removal of the memorials to which arguments were directed on behalf of the Parishad and the District Magistrate. I hold that the contemplated action of the Parishad and their leaders in attempting to erect the memorials was wholly illegal. They intended to erect the memorials with a view to capitalizing the feeling of dissatisfaction in the minds of the people against the Congress Party and Government and acquiring for themselves a larger political following.

60. The Parishad and their leaders had decided that the two memorials should be erected at the spot of the memorial

Reasons for the erection of the memorials.

pedestal at 2.17 p.m. on the 8th of August 1958. I have already discussed the reasons which impelled them to select the particular place, date and hour at which to erect the memorials. The day and time were selected because it was at that time two years before on the 8th of August 1956 that the first shot was fired from the Congress House killing the “ martyrs ” Punamchand and Kaushik. The leaders of the Parishad had in several meetings held between the 1st August and 7th August 1958 announced their full programme. Mr. Jayanti Dalal was appointed the President of the Action Committee and the programme which was undertaken is best explained in his own words in a speech delivered at Tajpur Mominwad, Jamalpur, Ahmedabad, on the 5th August 1958 :—

'At 12-30 a procession will be taken out from Manilal Mansion and will arrive at 'Shahid Chowk' at 1-45 p.m. From 1-45 to 2-15 hours, martyrs songs, etc., will be recited and exactly at 2-17 hours the work of erecting memorial will commence. Two memorials will be erected; one at the traffic circle and the other on the foot-path near Sardar Bhavan. Up to 4 o'clock the work of erecting memorials will continue. If everything goes right then the next programme is a public meeting from 4 to 7 o'clock. But, if something goes wrong and our programme is not properly implemented, i.e. if we are arrested or the memorials are not allowed to be erected, then batch after batch will commence erection of memorials and 100 volunteers will be on guard at the place for 24 hours, for the protection of the memorials till August 15.

On 9th August floral homage will be paid to martyr Kinariwala."

61. The "Shahid Chowk." referred to above is an open space formed by the intersection of three principal roads. One joining the Chowk from the north-west and coming from the Victoria Garden towards the Congress House.

The Shahid Chowk.

The other is a road leading from the Chowk to what has been referred to as the Mavlankar Chowk and to the Lal Darwaja and running in a south-westerly direction. It may be mentioned that at the Lal Darwaja is the terminus of the City bus service run by the Ahmedabad Municipal Transport Service. The third road is towards the north-east of the Chowk and is a road leading from the Chowk to the Lal Darwaja Garden and Bhadra. Around the Chowk are the following buildings which will find mention in the evidence from time to time. To the north-west of the Chowk is the Congress House and another building known as Motilal Mansion. To the north-east of the Chowk lies the Treasury Office and next to it is the Gujerat Club. In the southern corner of the Chowk is the building known as Sardar Smarak Bhavan. Almost in the centre of the Chowk there stood on the 8th of August 1958 a circular cement concrete pedestal about a foot high and about 3½ feet in diameter, with the usual broad, black and white markings to indicate its existence to passing traffic at night. This is what has been referred to in the proceedings throughout as the "memorial pedestal."

62. A short description of the memorials would not be out of place at this stage. The memorials were inspected by the

Nature of the memorials. Commission on the 23rd January 1959 in the presence of counsel for the parties and an agreed inspection note put on record. The memorial which was admittedly erected on the memorial pedestal consisted of two circular cement concrete blocks, each about 4 inches in height, placed on top of one another, the lower block measuring about 3 feet in diameter and the upper about 2 feet in diameter. Placed on the top of this two-tiered base was a representation showing a human hand holding a flaming torch about 1½ feet in height. The second memorial was nothing but a rectangular cement concrete plaque, about 2 inches thick, mounted on a base about 4 inches high and having an ornate conical shape on top. On this plaque were written the words: "શહીદો અમર રહેા". Both these memorials can be seen in the photographs nos. 1, 3, 14, 15 and 16 in the album Ex. D. M. 191. At the time of inspection, both the memorials were in a pit dug into the ground inside the District Police Headquarters at Shahibag, Ahmedabad.

The first memorial was in three pieces and the second memorial was intact. It was a part of the District Magistrate's case in his written statement that these memorials constituted an obstruction to traffic. A mere look at these memorials would be enough to satisfy anybody that the mere physical erection of the memorials would not cause any substantial obstruction to traffic. There is more substance in the other part of the District Magistrate's case that the number of people who came to worship or have a look at them would constitute such an obstruction.

63. Some allegation has been made that the memorial was deliberately broken and questions were put in that respect to the Chief Minister as to whether the District Authorities had been ordered to break up the memorials and bury them in this fashion underground, the suggestion being that the police authorities had deliberately done it in order to trample upon public feelings. Nothing however turns upon this suggestion, nor is there any proof that the principal memorial was deliberately broken up by the police authorities. It might have been broken up in the process of handling. At any rate, there is no evidence on the point upon which any finding can be based.

64. In pursuance of their intention to erect the memorials, Mr. Indulal Yagnik, President of the Parishad, addressed a letter to the Chief Minister, dated the 8th July 1958 (Ex. J. P. 9) in which he purported to bring to the notice of the Chief Minister for his "urgent attention" an important matter. By that letter he informed the Chief Minister that the Ahmedabad City Janata Parishad were going to erect the memorials at the traffic point opposite the Congress House and on a section of the footpath near the wall of Sardar Smarak Bhavan. He also informed the Chief Minister that the Parishad considered that it was a matter between them and the Corporation and that it was hoped that Government would not be involved in the matter. No reply was received to the letter. The Chief Minister has explained that he did not think it necessary to reply to that letter because it would raise further controversy and because some suggestions made in that letter were light-hearted. I accept that explanation.

65. Mr. Indulal Yagnik was also corresponding with the Corporation of Ahmedabad, and had asked for permission to erect the memorials. This permission was refused by the Mayor on the 4th August 1958 (*vide* Ex. D. M. 14). Mr. Yagnik acknowledged this letter, and on the 5th August wrote a further letter to the Mayor in which he used the words:—

“આ અંગે ને કશો કાનુન ભંગ થતો હોય તો એવા કાનુન ભંગની જે પશુ સજા હોય તે અમે રાજી પુશીથી ભોગવી શું.”

[In this connection if any law is broken, then we shall of our own free will and pleasure undergo any punishment prescribed by such law.]

66. On the 4th August 1958 the Secretary of the Parishad wrote to the District Superintendent of Police, Ahmedabad, requesting permission to take out a procession on the 8th of August 1958 (Ex. D. M. 32). On the 5th August the Secretary addressed another letter to the D. S. P. informing him that they proposed to effect certain changes in the route of the procession to be taken out on the 8th of August (Ex. D. M. 33). On the 7th August 1958 the

Secretary issued a reminder to the D. S. P. regarding his applications dated the 4th and 5th August (Ex. D. M. 34). The Senior D. S. P. granted a permit No. 457 of 1958 dated the 7th August 1958, under section 33(b) (i) of the Bombay Police Act, 1951, to take out a procession on the 8th of August at 12 noon, but he permitted the procession to proceed only up to the Victoria Garden and not further. In other words, the procession could not proceed to the spot of the memorial pedestal. The Senior D. S. P. was unable to state when he signed the order granting permission and even whether it was before or after the conference with the Home Secretary on the 7th August 1958. He did not remember whether he discussed the grant of permission with the Home Secretary. It may also be noted here that neither in the application to the D. S. P., nor in the reminder, of the Parishad was the purpose of the procession mentioned, namely, the erection of the memorials.

67. While these were the activities on the part of the Parishad immediately prior to the 8th of August 1958, Government on their part were taking certain action. I have already referred to it generally in paragraphs 15 and 16. The evidence in this behalf is principally furnished by the Home Secretary and by the Chief Minister, and in some measure by the District Magistrate himself and the D. I. G., C.I.D. On receipt of the letter of Mr. Indulal Yagnik dated the 8th July 1958, the Chief Minister has stated that he sent it down to his office for discussion and acknowledgment. The Chief Minister has also stated that he sent that letter for obtaining legal opinion. The legal opinion is Ex. D. M. 12. On the 23rd July 1958 the District Magistrate went to Bombay to apprise Government of the situation created by the resolutions of the Parishad to erect the memorials at Ahmedabad. On the 5th August 1958 the Chief Minister held a discussion with the Home Secretary, the D. I. G., C.I.D. and the D. I. G., Ahmedabad Range. At this discussion the opinion of the Legal Remembrancer was discussed and it was decided to bring the opinion to the notice of the District Magistrate for appropriate action. On this day the D. I. G., C.I.D. also discussed with the Home Secretary the police *bandobust* to be made.

68. Then on the 6th August 1958 there was held an important meeting at the residence of the Chief Minister, where the Ministers for Finance, Revenue and Law and the Home Secretary were present. At this meeting, it was decided, according to the evidence of both the Chief Minister and the Home Secretary, that it should be suggested to the District Magistrate that he should consider a certain suggestion as recommended by the Chief Minister, namely, the second alternative. The Chief Minister has told us that when he had discussed with the District Magistrate on the 23rd July 1958, the District Magistrate was of the opinion that "the erection of the memorials would be illegal and that he would have to stop it." What was decided in the meeting held on the 6th August 1958, according to the Home Secretary's evidence, was :—

"...it was decided to suggest to the District Magistrate that if the crowd was, in the opinion of the District Magistrate, too large and uncontrollable and if he felt that preventing the erection of the memorials was likely to result in bloodshed or heavy loss of life, it would perhaps be better on humane grounds to allow the memorials to be erected and have them removed later."

According to the Chief Minister :—

“The alternative suggestion was that the local authorities may, in their discretion, allow the memorials to be erected when the procession came there to erect them if they considered that the crowd was very large and aggressive, and have the memorials removed later on. The only consideration that prevailed with me was a humane consideration that if a clash were to occur it would result in considerable loss of life and injury to the people. This suggestion was unanimously accepted and it was decided at the meeting to send the Secretary, Home Department, to Ahmedabad to communicate the suggestion to the local authorities. The discretion was left entirely to the local authorities in Ahmedabad.” (underlining is mine).

69. According to the Home Secretary, he proceeded to Ahmedabad on the 7th August 1958 as ordered at the meeting on the 6th August 1958 and held a meeting in the morning soon after his arrival by air. At the meeting were present the D. I. G., C.I.D. the D. I. G., Ahmedabad Range, the Senior D. S. P. and the District Magistrate. The Chief Minister has told us :—

“The Secretary, Home Department, told me that he had had discussions with the local authorities and that they had informed him that the tension in Ahmedabad had increased and that a large number of students were likely to take part in the procession. The Home Secretary informed me that the local authorities also thought that the adoption of the second alternative would result in lesser loss of life and avoid a possible clash. He also informed me that the authorities would be taking a decision on the next day looking to the exigencies of the situation.”

70. What happened at the conference on the 7th morning in Ahmedabad, according to the District Magistrate's evidence, was :—

“We considered a possible alternative course of action to the one of prevention. We felt that by that date the excitement in the City had run very high and there was every possibility of a very large and excited crowd assembling at the site of the memorial joining in the attempt to place the memorial. We came to the conclusion that the crowd would attempt to break the cordons and that there would be a clash and resultant violence and heavy damage and loss of life. On humane grounds we did not want that to happen. We therefore decided to warn the leaders and if the warning was not heeded, to refrain from preventing them. We also decided to take photographs of their activities and to take a film. We also decided that the memorial should be removed later at a suitable date.”

In the examination on behalf of the Parishad, he stated :—

“After hearing myself and the D. S. P., Mr. Dias expressed the view that the second alternative was the better alternative on the balance of advantage. To begin with I did not express any preference for either of the two alternatives, but discussed the question with an open mind. After the discussion it was unanimously decided to follow the second alternative.” (underlining is mine).

71. Now, it is clear from the evidence of the District Magistrate which I have reproduced above that what he considered was decided at the conference on the 7th August 1958 was not what the Chief Minister and the Home Secretary intended. From the evidence of the Chief Minister and the Home Secretary, it appears that no decision was taken but only a suggestion made, and the District Magistrate had to decide for himself upon the course to be adopted, having

regard to the exigencies of the situation, that is to say, the situation as it existed on the 8th of August. But from the version given by the District Magistrate of the conference on the 7th, it is clear that though he understood that it was a suggestion to him, the District Magistrate thought at the end of the conference that the second alternative was a decision taken at the conference which had to be carried out.

72. No doubt, the District Magistrate has, in his subsequent version given in answer to the questions put on behalf of the Parishad, stated that he had taken no decision until 2 p.m. on the 8th of August, till which time he had decided merely to watch the proceedings and this evidence has been supported by the D. I. G., C.I.D., who was with the District Magistrate at that time. I have however no doubt whatsoever that it is the first version of the District Magistrate given in paragraph 7 of his evidence which is the correct version, namely, that when the second alternative was placed before the meeting on the 7th morning by the Home Secretary, all the District officials considered that a decision had been made which had to be carried out. It was a suggestion made by no less than the Chief Minister himself; it was a suggestion which was considered so important that the Home Secretary was sent in person to convey it; and it is but natural that the District Magistrate did not think of any other course thereafter. In fact, all the circumstances and the evidence points to that conclusion also.

73. The Senior D. S. P. who was present at the conference summed up his impressions as follows :—

“It was for the first time when Mr. Dias expressed his opinion that the thought struck the local authorities (that is to say, D. I. G., Mr. Pant, the D. I. G., C. I. D., District Magistrate and myself) about allowing the memorials to be erected and removing them later on. Till then we had never considered that alternative. The adoption of that alternative was at the suggestion of Mr. Dias. (Underlining is mine).

The Home Secretary himself thought at the end of the conference :—

“When I left Ahmedabad on the 7th I did form the impression that upon the assessment of the situation given to me by the local officers, the second alternative would probably have to be adopted.”

74. Because of this conflict in the evidence and argument was strenuously advanced by Mr. Shah on behalf of the Parishad that the whole story regarding the suggestion as to the second alternative is an afterthought and ought to be rejected and that it ought to be held that an order was passed by Government permitting the erection of the memorials and that Government were now shifting the responsibility for the decision on the shoulders of the District Magistrate. It was urged that in the speech on the 21st August 1958 made by the Chief Minister on an adjournment motion in the Bombay Legislative Assembly, there is no mention of any suggestion like the second alternative made by him. If he had made the suggestion, counsel urged, he would have said so.

75. Now, no doubt in his speech made on the 21st August 1958 in the Bombay Legislative Assembly the Chief Minister did not refer to the suggestion as to the second alternative which he has deposed to in his evidence. In his

evidence he has stated categorically that the suggestion was entirely his. He has also emphasised that it was merely a suggestion and nothing more. So has the Home Secretary. The Chief Minister had however stated before the Assembly that "the local authorities had to take a decision" (Com. Ex. 6, p. 215 of the Bombay Legislative Assembly Debates dated the 21st August 1958).

76. In this connection, it was urged that Government have suppressed all their records and files, and if these had been forthcoming their case as now made out would clearly be proved false. For the same reason it was urged that Government did not file a statement because they did not want to put a false case in a written statement and commit themselves. Unfortunately it is true that there is not the vestige of a written record of the important conference held at Bombay on the 6th August 1958 except some notes by the Home Secretary which have not been produced, or of the equally important conference held at Ahmedabad on the 7th when the Home Secretary communicated the views of Government to the local officers, or, for that matter, except the Home Secretary's notes which have not been produced, of any conference, meeting or discussion whatsoever held at Governmental level. It was urged that it is impossible that Government would not reduce to writing the decisions taken, or at least the discussions at such important conferences involving the people of such a large city as Ahmedabad. I was asked to hold that such written records have been suppressed. No doubt, the total absence of any written record regarding the conference on the 6th August at Bombay or the conference on the 7th August at Ahmedabad, as also of the several other important conferences at which decisions were taken, excepting some handwritten notes by the Home Secretary which have not been produced, is a very surprising feature of the proceedings before the Commission and there is no reason given for such an omission. All this has not lightened the task of the Commission.

77. As regards the absence of any record, the Home Secretary was asked about it and he stated :—

"I have not maintained any written record of the meeting held at Ahmedabad on the 7th August 1958. I did not put it on the file for the information of the Chief Minister and the other Ministers. Unaccountably I did not keep any minute or record of the meeting held on the 7th August 1958."

Later on he stated :—

"I realize that it was an important and unusual step which Government was taking in allowing the memorials to be erected though the erection was illegal. Still I did not put anything on record in writing. I concede that it was an omission on my part."

Unfortunately there is no other evidence before me on this subject. I have therefore no reason to reject the sworn testimony of the Home Secretary that the absence of any record before the Commission is due to an omission and that the record was not suppressed.

78. Both the Home Secretary and the Chief Minister have also stated that when the second alternative was ordered to be placed before the local authorities, it was a suggestion and a suggestion only and not a decision. They have been corroborated by the District Magistrate, the D. I. G., C. I. D., and the Senior D. S. P. I therefore accept this evidence and hold that the fact that when the second alternative was placed before the local authorities it was only placed by way of a suggestion and was not an order or decision by Government or the Chief Minister.

79. There is no doubt whatever that the Chief Minister made the suggestion from the very highest of motives, namely, to prevent bloodshed and injury to citizens. Unfortunately a suggestion of this kind coming from the highest quarters was not understood as a suggestion by the local authorities, and particularly by the District Magistrate. They virtually took it as a decision and carried it out. It is clear that after the conference on the 7th August there was no other mode of dealing with the situation ever considered, and as I have shown from the evidence of the District Magistrate himself which I have reproduced in paragraph 70 above, he referred to the conclusions arrived at at the conference on the 7th as decisions.

80. At no stage does it appear upon the evidence that any action in the nature of preventive action, such as banning the procession intended to be taken out on the 8th August or arresting the leaders of the Parishad or placing them under preventive detention, was ever considered. Such a suggestion was actually made in the legal opinion given to Government, *vide* Ex. D. M. 12. This opinion was sent to the District Magistrate for consideration. The District Magistrate's own reactions before the second alternative was communicated to him were also that the placing of the memorials should be prevented. This is what he has stated:—

“It seemed to me in these circumstances that my duty was very clear and that I was to prevent these unlawful acts. Accordingly I made preparations to prevent any attempt to place the memorials.”

It was only when faced with the second alternative emanating from the highest quarters that he gave up considering any other possible alternative. Upon the evidence which I have accepted, he was bound to have considered other alternatives because the second alternative was merely a suggestion to him.

81. I am aware that I am speaking after the event and that allowance should be made for a much harassed District Magistrate who, on his own admission, had never faced such a situation, was inexperienced and upon whom the responsibility of taking a very grave decision was suddenly cast. But in his evidence the District Magistrate has not referred to this subject at all nor given any reasons as to why preventive measures of this nature were not taken. The Chief Minister only generally stated as the last witness in the proceedings that, in his opinion, it would have had the effect of making the agitation more widespread, but upon the case now made out and which I have accepted the Chief Minister was not the person appointed to take the decision. He had only suggested the second alternative and it was for the District Magistrate to have decided it. There is not the slightest evidence on record to show why such preventive steps would have created more agitation or would have

resulted in greater trouble than that which actually occurred on the 12th, 13th and 14th August 1958. On the other hand, when the D. I. G., C. I. D., was asked about it he stated :—

“ I did apply my mind to the question whether the granting of the permission to take out the procession would invite a much larger crowd than otherwise and I came to the conclusion that the granting of the permission would make no difference to the size of the crowd. No question arose for my consideration as to whether I should not detain the leaders or stop the procession at the inception as a preventive measure.”

The seniormost officer of Government in Ahmedabad at that time was the Commissioner, Mr. Kapadia, who was consulted from time to time. The Senior D. S. P. has stated :—

“ About 10 or 15 days before erection of the memorials, the District Magistrate and I had gone to consult Commissioner Mr. Kapadia. Mr. Kapadia's opinion was that the erection of the memorials would be illegal and that it must be stopped.”

The Home Secretary has corroborated this evidence. After the conference on the 7th August he also saw the Commissioner, and he stated :—

“ I did tell him about the alternative suggestion made to the local authorities. He thought that the logical action was that the law should be enforced, and that the erection of the memorials should be prevented.”

82. I have not understood why in spite of these views being before the District Magistrate, in spite of the fact that he knew that the erection of memorials was an illegal act, in spite of the fact that he had received the Legal Remembrancer's opinion that the erection of memorials would be illegal, in spite of the fact that Mr. Yagnik had definitely informed the Corporation that the memorials would be put up in breach of municipal law and that they were prepared for all the consequences, and in spite of the fact that the speeches of the Parishad leaders clearly indicated that they were going to erect the memorials, whatever the consequences, the District Magistrate should have thought that greater trouble would arise if the procession was banned and the leaders detained than did actually arise. In fact, the huge procession which went through the most crowded parts of the City on the 8th of August 1958 with the memorials proudly displayed in a handcart and with the permission of the authorities, was the best possible publicity for the Parishad and allowing the memorials to be erected in spite of the defiant speeches of the leaders threatening the police and the local authorities was the weakest possible action from the point of view of the maintenance of law and order. The subsequent speeches of the leaders and their conduct clearly prove this.

83. It would have been a wiser course if the District Magistrate had, from the very start, resolutely set himself against allowing the memorials to be erected and not granted the permission to take out the procession and, if necessary, detained the leaders. Of course, in the application to take out the procession it was not stated that it was for the purpose of erecting the memorials. But there is no doubt that the purpose was known to the authorities. It was publicly announced in their speeches. It is mentioned in the preambles to all the confidential reports of the police *bandobust*, copies of which were sent to

the District Magistrate and have been produced by him, *vide* Exs. D. M. 37 and 38. The police *bandobust* was subsequently modified but the statements in both Exs. D. M. 37 and 38 were there as early as the 1st August 1958. Considering it from any aspect I cannot but conclude that it was a grave error of judgment on the part of the District Magistrate to have permitted the erection of the memorials when it was known to all parties that their action was an illegal act and the Parishad leaders had publicly declared that they would erect the memorials, though illegal and regardless of all consequences. It had a disastrous effect upon the morale of the City. It made the police appear ineffective and weak in the eyes of the public—the very point which Mr. Indualal Yagnik had been trying to impress upon the minds of his audiences. It gave an impetus to the forces ranged against law and order. Part of the unparalleled disturbances which broke out on the removal of the memorials must be attributed to this unfortunate decision.

84. The Parishad leaders immediately hailed it as a great victory for the Parishad at a meeting held that very evening at 5 o'clock at the Lal Darwaja

Aftermath of the erection of the memorials. Garden which is within a few yards from the spot of the memorial pedestal. It is also curious that they immediately thought of the possibility of the memorials being removed. That was decided at the conference on the 7th which the Home Secretary held at Ahmedabad, and obviously the decision had leaked out. With this possibility in view, speaker after speaker hailed it as a victory against Government and constituted authority and also against the Congress and the Nagrik Paksha. At the same time, they uttered "warnings" and "threats" against Government and the local authorities. Mr. Karsandas U. Parmar stated :—

"The Police today retreated before the masses and the people have established their right. This victory will give us more strength and courage in attaining our demand of Mahagujerat."

Mr. Dinkar Mehta stated :—

"The strength of the authorities has freezed before the power of the masses."

Mr. Harihar Khambolja stated :—

"If anybody will try to remove the memorials, be it Congress or Government, there is no doubt that they will invite their deaths. The Congress Government or Shri Heredia cannot dare to remove the memorials an inch. The Parishad workers and the citizens of Ahmedabad will protect the memorials."

Mr. Ranjit Brahmabhatt, a student leader, exhorted the students :—

"The students will not tolerate insult of the memorials erected opposite the Congress House. The students have remained in the vanguard and will be ready when a call is given to them by the Janata Parishad."

Mr. Ahmedmiya Sheikh, counsel appearing on behalf of the Parishad before the Commission, himself stated at this meeting :—

"The memorials represent the dignity of Gujerat and if the Mayor or Shri Kantawala, the Municipal Commissioner, Chavan Saheb or the police will tamper with them, the people should know how the memorials should be protected. Some Congressmen must be ashamed of looking at the memorials and they should be really ashamed."

Mr. Indulal Yagnik took advantage of the occasion to attack the Congress Party in the following words :—

“ The Congress men of Ahmedabad, Delhi and Bombay have called the police. If the Parishad workers do not erect the memorials opposite the Congress House, should they be erected on the *otla* of the Congress House itself? Why were they not sensible on the day of 8th August 1956 and had called the policemen? The Congress people feel that these memorials are erected near their houses. But now there is no G. P. C. C. It is dead and gone..... But this place is kept for maintaining the vested interests. A big struggle is now coming ahead.”

A little later he stated :—

“ From today's experience I can say that the spirit of the police has diminished.”

85. There was another very significant development also. Whereas the attendance at other meetings was seldom in excess of 2000-3000 people and in several of the meetings between the 8th July 1958 to 30th July 1958 it was between 200 and 2,000 people, at the meeting held on the evening of the 8th August 1958, even according to the C. I. D. Reporter, the attendance jumped to 75,000 persons. Mr. Jayanti Dalal has claimed that it was between 3½ lakhs to 4 lakhs of people. Nothing shows more effectively that the decision of the District Magistrate to accept the second alternative and allow the memorials to be erected was a miscalculation and that by its acceptance the authorities played into the hands of the Parishad.

86. The cumulative effect of allowing the memorials to be erected and of the speeches delivered was to make the memorials and the site of the memorial pedestal a focal point of great public attention. The memorials also acquired in the eyes of a very large number of citizens a sentimental significance, and, according to some witnesses, even a religious significance. The District Magistrate has admitted that “ as a result of the erection of the memorials, several people used to constantly gather round them and it being *Adhik Mas*, women used to come to offer prayers resulting in congestion. This was the state of affairs throughout the day.” There is no doubt that the situation, from the point of view of the maintenance of law and order, became infinitely more tense after the erection of the memorials than it was before.

87. The decision to have the memorials removed was taken at the conference held in Bombay on the 11th August 1958 some-
Decision to have the time between 12 noon and 2 p.m., according to
memorials removed. the Home Secretary. The decision was taken at
 a meeting at which the Chief Minister and the
 Ministers for Finance and Revenue were present, as also the Home Secretary.
 As to this meeting, the Home Secretary stated :—

“ The question of the removal of the memorials was considered and in view of the fact that the M. G. J. P. had decided to make the memorials permanent on the 15th and also because the District Magistrate had already informed us that the memorials constituted an obstruction to traffic, it was decided to have them removed on the night of the 11-12th August 1958. I communicated these orders to the District Magistrate, Ahmedabad, between 2 p.m. to 4 p.m. on that day.”

This statement of the Home Secretary was the first occasion on which the Commission was apprised of the manner in which and the persons by whom the decision to remove them was taken. In his written statement the District Magistrate's case was : "The authorities, therefore, in this situation had no alternative but to decide against the further retention of the memorials at the site." The Home Secretary was the 85th witness on behalf of the District Magistrate. In the above passage the Home Secretary stated two reasons why it was decided to remove the memorials. In the examination on behalf of the Parishad, the Home Secretary added a third ground which had weighed at the meeting in coming to the decision to remove the memorials. This ground is stated by him as follows :—

"The Government had considered whether the time which had elapsed between the erection and the contemplated removal on the 11th night was sufficient to allow sentiments to die and they were of the view that that much time was sufficient."

The Chief Minister's evidence on this point is the same as that of the Home Secretary. There is no other witness who threw any light upon the decision to remove the memorials.

88. I have already shown how the feelings of the people of Ahmedabad were raised to the highest possible pitch after the erection of the memorials as a result of allowing the memorials to be erected and as a result of the speeches delivered that evening. I have also shown that after the erection of the memorials the place of the memorial pedestal attracted considerable attention and a large number of people visited it as if it were a place of pilgrimage. There is no evidence that these circumstances and the speeches delivered on the 8th August 1958 were known to or pointedly brought to the notice of the Chief Minister or the Ministers at the conference on the 11th August 1958 when the decision was taken to remove the memorials and to remove them at night.

89. In coming to the decision to remove the memorials it has been admitted on all hands that there was again a miscalculation as to its possible effect. The Home Secretary has stated in answer to the questions put by the Commission :—

"When we came to our decision to order the removal of the memorials on the 11-12th August 1958, we had not calculated that the reactions would be so severe. To that extent our calculations have miscarried."

Even the Chief Minister stated :—

"I expected that in the four days between the 8th and 11th of August public feeling and regard for the memorials would die down, but in the events that have happened, that expectation was belied."

90. I hold (i) that it was an error of judgment on the part of the District Magistrate to have allowed the memorials to be erected at all ; and (ii) that at the time the order for removal of the memorials was passed the consequences and the extent and depth of public feeling were not correctly gauged and there was a further miscalculation.

91. In this connection, a charge was vehemently levelled both against Government and the District Magistrate that in the decisions which were taken to permit the erection of the memorials and to remove them, they were influenced by local Congress leaders either directly or through other Ministers.

Were the decisions influenced by local Congress leaders or other persons?

Alternatively, it was suggested that the ex-Chief Minister, Mr. Morarji Desai, had influenced the decision to remove the memorials. I may at once say that there is not an iota of evidence to support the latter suggestion which should never have been made. The Chief Minister had also denied this in the speeches which he delivered in the Bombay Legislative Assembly soon after the events. He has also denied it before the Commission. I accept his statement.

92. As regards the charge that local Congress leaders influenced those decisions, there is no doubt some evidence. The District Magistrate admitted that he consulted Mr. Khandubhai Desai, an ex-Congress Minister at the Centre; Mr. Thakorbbhai Desai, at present President of the Bombay Provincial Congress Committee; Mr. Vasawada, a leading Congressman and President of the I. N. T. U. C. and Mr. Chinubhai Chimanlal Seth, ex-Mayor of Ahmedabad, to ascertain their views as to the effect which the placing of the memorials had produced. The D. I. G., C. I. D., had also been to see them in company of the District Magistrate. The D. I. G., C. I. D. places the interviews some time between the 8th and 11th August. The District Magistrate had been called to Bombay on the 9th August, and if he saw these persons between the 8th and 11th it must have been on the 10th after his return or the 11th.

93. Now, the District Magistrate has denied the charge. He has stated that he only discussed the questions of the reactions of the people to the erection of the memorials but not the question of the removal. The D. I. G., C. I. D., has also said the same thing. It may be that the District Magistrate and the D. I. G., C. I. D., may have discussed even the question of removal of the memorials. It is too much to believe that when they discussed the effect of the erection no reference whatsoever was made to the question of removal. It is also true that the Congress Party has not examined a single witness, nor any one of the four persons named, and an adverse inference should be drawn against them.

94. But the question whether the District Magistrate and the D. I. G., C. I. D., were influenced in the matter of the removal or not is in my consideration somewhat irrelevant because upon the evidence given it is clear that the decision to remove the memorial was not that of the District Magistrate or of any local authority but was an order from Government. Therefore, whether or not the District Magistrate and the D. I. G., C. I. D., were influenced by these Congress leaders, and if so, to what extent, is not relevant.

95. So far as the Chief Minister is concerned, he has categorically denied that he ever consulted them or was influenced by them. There is absolutely nothing in the evidence to suggest that he was so influenced. It was urged that the whole sequence of events is too telling. The District Magistrate had been to Bombay on the 9th, he returned and saw the leaders on the 10th along with the D. I. G., C. I. D. On the 14th, the Chief Minister came to Ahmedabad, and he is alleged to have stated then that even if the Corporation allowed the memorials to be erected Government would not allow it. It was suggested

that this shows the influence which local Congress leaders had upon a Chief Minister who was otherwise completely impartial. Then the Corporation actually resolved on the 19th August 1958 that if the Parishad leaders were to apply to erect the memorials, such permission would be granted. But Government disallowed this resolution from taking effect because it was, according to them, *ultra vires* of the powers of the Corporation. Then on the 21st August 1958 the Chief Minister made his speech in the Bombay Assembly in which he justified the removal of the memorials and the firing. It was urged that the concatenation of events shows the influence.

96. In my opinion, most of this evidence is irrelevant with reference to the charge to be proved and in any case far too meagre to base a conclusion that the Chief Minister or Government must have been influenced by local Congress leaders, especially when the Chief Minister has denied the charge.

97. It was further argued that the local Congress leaders influenced the decision through the two Gujerati Ministers who were throughout present and were advising the Chief Minister. It was urged that there was no need for them to be present and none of them has given evidence. No doubt, if one or the other of these Ministers had been examined, it would certainly have clarified matters and assisted the Commission. But the Chief Minister was questioned on this point and he stated:—

“ I deny that I asked the two Gujerati Ministers to be present at the conference on the 11th August 1958 because of any pressure brought to bear upon me either by the local Congress leaders or by Mr. Morarji Desai.”

The Chief Minister asserted that he asked these Ministers to be present because they were his senior colleagues and he wanted to consult them. The position then is that on the one side there is only a suggestion made and on the other the evidence given by the Chief Minister. I accept the evidence.

98. It is also significant that though the Parishad filed a lengthy and considered statement, they did not level any such charge in their pleading. If there had been any foundation for the charge, they would have been the first to state it. I hold that there is no evidence to show that any Congress leader or the ex-Chief Minister (now Union Finance Minister), Mr. Morarji Desai, influenced anyone of the decisions of Government in connection with the erection or removal of the memorials in Ahmedabad in August 1958.

99. I may here usefully summarise my findings upon events up to the point of the removal of the memorials. The causes *Conclusions on Parts II* which led to the disturbances and the *and III.* consequent firing were:—

(i) the formation of the bilingual State of Bombay, the firing which took place in August 1956, and the refusal to order a judicial inquiry giving rise to a spontaneous feeling among the people of Ahmedabad of hostility to the Congress Party, the State Government and the local authorities;

(ii) the speeches delivered between the 8th July 1958 and 8th August 1958 by the leaders of the Parishad whereby they whipped up the already existing feelings against the Congress Party, Government and the local authorities and turned them to their own political advantage;

(iii) the decision to permit the memorials to be erected, which was an error of judgment; and

(iv) the decision to remove the memorials. When this decision was taken, the consequences and the depth and extent of public feeling were not correctly gauged and there was a miscalculation.

PART IV.

INCIDENT OF FIRING—PRELIMINARY MATTERS

100. Turning to the incidents of firing, it was not disputed that the removal of the memorials was the immediate cause which gave rise to the disturbances from about 6 a.m. on the morning of the 12th August 1958. The memorials, as I have said, were removed between 3 and 4 a.m. on the night of 11-12th August 1958. When the District Magistrate and the D. I. G., C.I.D. arrived at the spot of the memorial pedestal at about 3 a.m. there were a number of volunteers of the Parishad who were removed and detained in the compound of the District Local Board Office. One of them apparently slipped away because Mr. Jayanti Dalal admits that soon after he came and told him at his house that the memorials were being removed. Thereafter the memorials were removed.

101. It is the District Magistrate's case in his written statement that "the removal of the memorials proved to be the signal for an unparalleled outbreak of rioting accompanied by arson, loot and mischief on an extensive scale." This was not disputed and this has been amply proved. After the removal of the memorials, the District Magistrate and the D. I. G., C. I. D., remained at the spot of the memorial pedestal till about 6-30 or 7 a.m. Both of them stated in their evidence that soon after the removal, several persons connected with the Press came to the spot to interview the officers. The District Magistrate asked these persons to wait as he was going to issue a Press Note. The District Magistrate had also promulgated an order under section 144 of the Code of Criminal Procedure in the early hours of the 12th August 1958 (Ex. D. M. 181). By that order he had prohibited an assembly of five or more persons in a certain area which may roughly be indicated as about three furlongs round the memorial pedestal. Immediately after the removal of the the D. I. G., C.I.D. ordered the Dy. S. P., C.I.D., Mr. Mistry, to go round the City and report to him the conditions prevailing in the City. The Dy. S. P., C.I.D. came back at about 4-15 or 4-30 a.m. and reported to the D. I. G., C.I.D. and the District Magistrate. He was again sent out and he returned at about 6 a.m. and gave a second report. On the first occasion the Dy. S. P., C.I.D. reported that the City was quiet. On the second occasion he reported that the police pickets were in position but that people were collecting in large numbers at the ends of the *pols* on the three pincipal roads in the City, namely, the Relief Road, the Richey Road and the Astodia Road. The District Magistrate and the D. I. G., C.I.D. left on an inspection tour of the City at about 6-30 or 7 a.m., leaving the Dy. S. P., C.I.D. at the site of the memorial pedestal. The latter remained there till 1 p.m. on the 12th.

102. The reason why both the top officials remained at the site of the memorial pedestal till 6-30 or 7 a.m. is explained by the District Magistrate. He stated that he was anticipating that an attempt would be made to replace the memorials and he wanted to prevent it. That this statement of his is a correct statement is proved by the action which he took and is supported by the statement of the D. I. G., C.I.D. The District

Expectations and preparations of the authorities.

Magistrate had promulgated an order under section 144, and it is significant that the order was one merely prohibiting assemblies within a radius of about three furlongs from the memorial pedestal. The police *bandobust* made (Exs. D. M. 37, 38 and 39) also indicates the same. A strong force was deployed at the memorial pedestal and for the rest the police relied on mobile patrols to rush from place to place if occasion demanded, leaving the police chowkies with their usual complement of about 3 to 4 men in charge of a Head Constable and placing strong pickets at strategic points. The District Magistrate, the D. I. G., C. I. D., as also the Second A. D. S. P. have deposed to the police *bandobust*. The Second A. D. S. P., Mr. Renison, stated :—

“ On the early morning of the 12th August the total strength of the police force deployed in the area covered under section 144 Cr. P. C. round about the memorial pedestal was 490 men of the District Police Force and two companies numbering 200 men in all of the Special Reserve Police.”

As events have proved, this was far in excess of the needs at the spot where comparatively very little happened on the 12th August 1958. All this shows that the attention of the District Magistrate and the D. I. G., C. I. D., was primarily concentrated in and around the spot of the memorial pedestal and they did not anticipate anything like the mass outbreak of disorder and violence accompanied by looting, arson, stone-throwing and barricading of roads, and attacks on public, Corporation and some private properties which took place.

103. When the local authorities received orders from Government at Bombay that the memorials should be removed on the night of the 11-12th August 1958, they were no doubt taken by surprise. The police authorities, in consultation with the District Magistrate, hurriedly drew up plans for handling the situation. The Second A. D. S. P. had already drawn up a plan on the 5th August 1958 (Ex. D. M. 37). This had been slightly amended to suit the events of the 8th of August as then anticipated and the amended copy is Ex. D. M. 38. In order to meet the situation which was likely to develop on the 12th after the removal of the memorials, the same plan was further modified and re-arranged. It is Ex. D. M. 39. The Second A. D. S. P. stated that he, along with the Senior D. S. P., drew up the plan in consultation with the District Magistrate and the D. I. G., C. I. D. The hurried manner in which it was prepared is thus deposed to by the Second A. D. S. P. :—

“ I had no time to prepare an elaborate written plan. So I merely made notes and the D. I. G., C. I. D., said that he would call a conference of Police Officers and instruct them orally. Accordingly at about mid-night between the 11-12th August 1958 there was a conference of Police Officers held at the District Police Headquarters. At this conference all the Police Officers present were instructed regarding their duties.”

The Second A. D. S. P. himself left the District Police Headquarters at 2-30 a.m. on the night of the 11-12th in order to go to the spot of the memorial pedestal. The sudden orders received from Bombay to remove the memorials on the night of the 11-12th were apparently passed without consulting the District Magistrate or the D. I. G., C. I. D. At any rate, there is no evidence showing that the local authorities were consulted. The result was that they had to act, and act in a great hurry, to comply with the orders from above. I stress this point

because it seems to me that their subsequent conduct in handling the situation must be judged in the light of the extreme hurry with which they had to proceed after the receipt of the orders from Bombay.

104. The Home Secretary has stated that after the conference on the 11th, he communicated the orders to the District Magistrate between 2 and 4 p.m. on that day. It seems to me that the fixation of the time of removal as 3 a.m. by the local authorities was also induced by considerations of time. The authorities had to call the entire police force into action, equip and arm them and give them necessary instructions between 2 and 4 p.m. on the 11th and the morning of the 12th. This undoubtedly put a quite unnecessary strain upon the entire police force. Several police officers who left the conference at the Headquarters on the 12th morning at 2 a.m. went straight to duty and remained there for the next thirty-six to forty-eight hours.

105. A glance at the police *bandobusts* (Exs. D. M. 37, 38 and 39) will show that the Control Room was to be the nerve-centre of the police arrangements in the City both on the 8th of August 1958 and on the 12th and subsequent days. In Ex. D. M. 38 the role assigned to the Control Room was : "The Control Room will be guiding all the operations in the City such as rushing of reinforcements to the trouble spots." The Control Room is equipped with both telephone service and wireless service, so that it can remain in contact with all the police vehicles carrying wireless equipment and messages can be communicated to these vehicles instantly. According to the *bandobust*, each vehicle was to report all important incidents to the Control Room forthwith, take action in accordance with the instructions, if any, issued by the Control Room, and report to it the result of the action taken. In the Control Room were posted two officers of the rank of Police Sub-Inspectors to receive messages and direct reinforcements or assistance to particular spots. As messages were received, the wireless operator would record them on separate sheets of paper and then pass them on to the Sub-Inspector to be entered in the Occurrence Book.

106. On the relevant dates, i.e. 12th, 13th and 14th August 1958, the two Police Sub-Inspectors in charge of the Control Room were Nukundlal Dhawan (D. M. W. 4) and Ghanashyamrai Vaishnav (D. M. W. 5). They have proved the entries in the Occurrence Book, and the former was searchingly examined on behalf of the Parishad. It is not doubt true that a few entries are not exactly in accord with the evidence given by some of the police witnesses as to the messages which they sent ; but I am satisfied that substantially the Occurrence Book is a correct record of the messages received in the Control Room on the three days of disturbance. On the strength of the discrepancies between some of the messages sent and the entries recorded in the Occurrence Book, it was argued on behalf of the Parishad that the entire book is a fabrication. It was also argued that it was produced late and that the police officers had an opportunity to rewrite the whole book, omitting or altering the entries to suit the case made out by the District Magistrate. It was also urged that the Occurrence Book which has been produced bears all the signs of having been a new register and does not show the usual signs of wear and tear due to constant use.

107. It is true that the Occurrence Book should have been filed along with the written statement of the District Magistrate, but, in my opinion, nothing turns upon that omission. The Occurrence Book was actually produced by

the fourth witness on behalf of the District Magistrate, namely, P. S. I., Dhawan and copies of it were filed on the first day when the recording of evidence commenced, and the copy is mentioned in the list of documents. The two police officers have also stated on oath that this is the very book which they had written during the days of disturbance and there is no evidence to the contrary. It has only been suggested that I should presume against the authenticity of the book, because it was produced later, but in the circumstances I have stated above the delay cannot lead to that conclusion. The authorities had also produced the original notes taken down by the wireless operators but they were not admitted in evidence as the Parishad did not wish to make use of them. I accept the evidence of P. S. Is., Dhawan and Vaishna and hold that the Occurrence Book is a genuine document and the entries therein were made in the ordinary course of police routine.

108. When the District Magistrate, accompanied by the D. I. G., C.I.D. commenced his tour of the City at about 7 o'clock on the 12th, the atmosphere was already very tense and some violence had been resorted to in several localities. These officers went round in a car equipped with wireless and went along the Astodia Road to Panchkuni and then to the Khadia Cross Roads. The condition of the City which they have described was not seriously challenged at any stage and therefore I can do no better than describe it in the words of the District Magistrate himself :—

“ The impression that I gathered as we passed on one of these roads was that there was much tension in the air and groups of people had collected at various points. At the Khadia Cross Road there was a large crowd comprised mostly of young people blocking the way to the Khadia locality. There were also large crowds on the Gandhi Road and the Brahmapuri Pol and the police were trying to hold back the crowd. There was fairly brisk stoning of the police going on. The crowds blocking the way to the Khadia locality were standing shoulder to shoulder and in a purposeful way and were trying to see what we would do. Stones were coming from behind the crowds and the crowds were jeering at us.”

The D. I. G., C.I.D. the Second A. D. S. P. and the Dy. S. P., C.I.D. have all corroborated the District Magistrate on this part of his evidence. Some of them have also deposed to the barricading of important roads by the placing of telegraph and telephone poles and parts of bus shelters broken down for that purpose across the roads.

109. Reference has already been made above to the Khadia Cross Road and a word here as to the peculiar position of the Khadia locality in Ahmedabad City would not be out of place. The Khadia locality is inhabited mostly by middle-class and upper middle-class people. It is in evidence that most of the persons residing here are of the better and more educated classes and are usually to be found in the forefront of all political activity. The District Magistrate has eloquently described this locality in Ex. D. M. 5, a report which he made to Government on the firing on the 12th August 1958 in that locality in these terms :—

“ The worst area was (as it has invariably been in previous disturbances) the Khadia Ward of Ahmedabad City. This war (sic.) (ward) is inhabited by middle-class families who are reputed to have been turbulent and restive

at all times since Mughal rule. The people of this ward were prominent during the 1942 movement. They are exceptionally adapt (sic.) (adept) in the gentle art of rioting, and within their own ward they cannot be subdued by any force short of firing. The main gate into this veritable fortress of unrest is the Khadia Cross-road, which crosses Gandhi Road, one of the two main streets of the walled city. It was at this spot that both the two incidents of Police firing occurred on the evening of the first day of the Ahmedabad riots of 1958."

110. Another important circumstance which affected the pattern of rioting and created difficulties from the point of view of the local authorities may also be referred to here. It is the development of Ahmedabad which is peculiar to itself. Ahmedabad was founded in 1411 A.D. by Ahmedshah, and in 1486 the then existing City was encircled by a huge wall for purposes of protection, and this is what has been referred to at several places in the evidence as the "city area" or the area of the "walled city" or the "city fort area". Originally, the walled City had 18 gates, some of which are still existing and referred to in the evidence from time to time. The ancient wall has now been pulled down by the Corporation but several of the gates are still standing, and there is a clear demarcation between the area of the City outside these gates or the fort wall and the inner side. Inside the walled area, the City grew up in a most fantastic and haphazard manner, probably for want of space. Large areas of it are virtually a maze of the narrowest imaginable alleys and bye-lanes, all mostly inter-connected. These are referred to as *pols*. Some of these terminate at dead ends and are referred to as *khanchas*. These areas are mostly unapproachable by any modern means of transport except cycles or motor-cycles. Certainly no police vehicle can approach these areas. The two main roads, namely, the Richey Road or the Gandhi Road and the Relief Road, as also the Astodia Road on the perimeter of the fort, are modern developments and cut through these areas. On either side of these roads lie huge areas intersected by the alleys and *pols* described above. Some of the *pols* are as narrow as three to four feet with storeyed houses on either side. It was alleged that people can also travel long distances by jumping from house to house over their terraces. There is some evidence also to show that this facilitated stone-throwing from the top.

111. It is a curious feature of the Police arrangements at Ahmedabad that there is hardly any police station or police chowky inside these labyrinths of *pols* and alleys, and the only way in which the law and order situation is controlled is by surrounding huge areas by a number of police stations and police chowkies. In fact, many of the witnesses who gave evidence before the Commission seemed to have taken it for granted that while the police could only open fire or make a lathi charge on the main roads if disturbance was taking place, they had no right to enter the *pols*. The District Magistrate has, in paragraph 19 of his statement, made a point of this feature which is peculiar to Ahmedabad City. He has stated :—

"The streets in Ahmedabad are in several places bisected by labyriathine alleys and *pols*. This enabled the mob to dodge the approaching police party. The mob had adopted what may be termed guerrilla tactics by retreating when the police party advanced and as soon as the police party went ahead, by again collecting behind the police party and also in front

from the alleys, lanes and the pols opening on the streets. It was the situation of the streets and the lanes and pols as also the tactics of the mob which explains why warnings to disperse, lathi-charges or tear-gas squibs failed to produce the desired effect. The crowd would melt away as soon as either of these methods of dispersal were tried and would collect again in larger numbers from the neighbouring pols to attack the advancing police party from the rear."

This statement of the District Magistrate is fully borne out by the evidence before the Commission. It was also not disputed on behalf of any party.

112. On the question of firing, apart from the oral evidence of the superior officers and the officers who actually ordered firing

General nature of the evidence relating to firing. and the men who carried it out, there is some oral evidence of the persons injured or their relations or the relations of deceased persons.

Important evidence is also furnished by the hospital records, the three principal hospitals being the Government Civil Hospital, the Vadilal Sarabhai General Hospital which is run by the Corporation of Ahmedabad, and the Lallubhai Gordhandas Hospital. Another important piece of evidence is furnished by the Occurrence Book (Ex. D. M. 29) maintained in the Control Room, and the three reports submitted by the District Magistrate to Government (Exs. D. M. 5, 6 and 7). Besides the above material, a large number of reports from newspapers, pamphlets and Assembly Debates were proved before the Commission. Not all of these are strictly admissible evidence, nor could they be entirely excluded. The parties before me agreed that they may be used as a reasonably reliable contemporary record unless the facts in any of them were disputed or challenged by either party or there was contrary evidence. I have as far as possible endeavoured to base my findings and conclusions on admissible evidence. I have already referred to some of these documents in the earlier part of this report. There is also a valuable precedent that such material can be used in an inquiry of this kind, *vide* Report of the Commission of Inquiry into the Firing at Patna by the Single Member Commission consisting of the then Chief Justice of Patna, Mr. S. K. Das, I.C.S., now a Judge of the Supreme Court of India, pages 6 and 7.

113. The District Magistrate has in his written statement referred to the incidents of firing in the chronological order in

Incidents of firing on the 12th August 1958. which they occurred on the 12th, 13th and 14th August 1958 and I propose to deal with these

incidents in the same order. As regards the 12th August 1958, the only firing that took place was at the Khadia Cross Roads. According to the District Magistrate's statement, there was firing on two occasions on this day. On the first occasion, four rounds were fired under orders of Police Sub-Inspector Sahebodin Pathan (D. M. W. 17). These four rounds were alleged to be fired between 4-45 and 4-55 p.m. The persons who actually fired under orders of P. S. I. Pathan were Head Constable Ramji Manji (D. M. W. 20) and Police Constables Bhagaji Lajuji and Mahaboobkhan (D. M. Ws. 21 and 22). The second occasion for firing, according to the District Magistrate's statement, was between 5 and 6-30 p.m. on the Khadia Cross Roads under orders of P. S. I. Joravarsingh (D. M. W. 16). Under his orders, eight rounds were fired at intervals. The persons who fired these rounds were Constables Pandurang Bhaosar (D. M. W. 23) and Vishwanath Asma (D. M. W. 31).

114. The situation at the Khadia Cross Roads earlier in the day has been deposed to both by the District Magistrate and the D. I. G., C. I. D., and by P. S. Is. Pathan and Joravarsingh. I have already indicated that the District Magistrate and the D. I. G., C. I. D., left the spot of the memorial pedestal at about 6-30 or 7 a.m. From there they went to the Khadia Cross Roads and thence to Panchkuwa. Both the officers stated that when they arrived at the Khadia Cross Roads the police picket stationed there was surrounded by large crowds who were throwing stones at the police. They stated that the police made several lathi-charges and tried to arrest the persons throwing stones. There was a very large crowd on the road from the Khadia Cross Roads to the Raipur Chakla, i.e. the Khadia Road passing through the Khadia locality. When the crowd on any side was charged by the police it promptly retreated and ran into the *pols* and gullies only to emerge later and resume stone-throwing. This went on during the whole of the day.

115. While the two top officers were supervising the activities of the police, someone in the crowd observed that the Khadia Post Office had been attacked and the D. I. G., C. I. D., stated that looking behind the crowd on the Khadia Road, he noticed flames and smoke rising. Seeing the situation, the D. I. G., C. I. D., sent for reinforcements, but the reinforcements took more than half an hour to arrive because, as these officers subsequently learnt, the roads in other parts of the City were also barricaded. On this point, the D. I. G., C. I. D., is corroborated by the Second A. D. S. P. who was in charge of a mobile patrol with call-sign "Charlie". The Second A. D. S. P. also states that as soon as he received the message from the Control Room, he rushed up but he took much time to reach the Khadia Cross Roads because there were barricades on the way and "people were stoning us as we passed." This evidence is further corroborated by entry No. 4 dated the 12th August 1958 in the Occurrence Book. It is an entry made at 7-10 a.m. and reads, "D. I. G., C. I. D., wants striking force at Khadia as the situation is tense. Directed Sugar 1 and Sugar 2". The column of "Action Taken" shows "Sugar 1 and Sugar 2 reached along with Charlie". Sugar 1 was the call-sign of the mobile van of P. I. S. A. Donelley (D. M. W. 42), *vide* Ex. D. M. 30. He has also corroborated the evidence of the District Magistrate, the D. I. G., C. I. D., and the Second A. D. S. P.

116. The police parties under P. S. I. Pathan were meanwhile making lathi charges in order to disperse the crowds throwing stones and attempting to arrest the persons responsible for stone-throwing. After the reinforcements arrived, the police succeeded in temporarily dispersing the crowd on the Khadia Road and cleared it. They then noticed that the Khadia Post Office had been completely gutted and all the contents of the Post Office were strewn across the road and were burning. Its iron safe was broken open and was lying on the roadside. Entries Nos. 11 and 12 of this date in the Occurrence Book corroborate this evidence.

117. The D. I. G., C. I. D., and the District Magistrate then left the place and went towards the Richey Road. This evidence of the D. I. G., C. I. D., and the District Magistrate is corroborated by P. S. I. Pathan and P. I. Donelley, P. S. I. Pathan stated that the crowd on the Khadia Road was in a tense and

excited mood. He used to order lathi charges to be made against them from time to time and order tear gas shells to be discharged and thus controlled the crowd till 2 p.m. Some mobile patrols with police parties used to come there at different times. At about 2 p.m. the police party under P. S. I. Joravarsingh arrived at the Khadia Cross Roads, and shortly after at about 2-30 or 3 p.m. the D. I. G., C. I. D. and the District Magistrate came there a second time. The situation at that time was worse than it was in the morning. Though P. S. I. Pathan stated that the D. I. G., and the District Magistrate remained at the Khadia Cross Roads for about an hour or an hour and a half after they arrived a second time, I shall presently show that this statement is not correct. The D. I. G., C. I. D., and the District Magistrate must have left the place after a very short time.

118. It is of some significance that P. S. I. Pathan also stated that before leaving the District Magistrate and the D. I. G., C. I. D., instructed him that if the situation was very grave and if it could not be brought under control, he (P. S. I. Pathan) could resort to firing. He added that in that event, they had instructed him that fire should be aimed low.

119. P. S. I. Pathan has further deposed that after the District Magistrate and the D. I. G., C. I. D., left, the situation continued to grow worse. He was extremely worried, as by that time there were crowds on all the three sides, namely, on the two sides of the Richey Road, i.e. the Panchkuwa side and the Bala Hanuman side, and on the Khadia side. He therefore decided to guard all the three sides. He placed two of his armed Constables, Ramji Manji and Maheboobkhan, facing the Khadia Road and Constable Bhagaji Laluji facing the Richey Road. He warned the crowds on both the sides that they were behaving in a riotous manner and that they should disperse: otherwise fire would be opened against them. The crowds did not however disperse and continued to attack the police party with stones and other missiles. He therefore ordered four rounds to be fired at intervals of a few minutes. Three of these rounds were fired on the crowd on the Khadia Road and one on the Richey Road. Of the rounds fired towards the Khadia Road, two were fired by Constable Ramji Manji and one by Constable Maheboobkhan. The one round fired towards the Richey Road was fired by Constable Bhagaji Laluji. At the time of firing these four rounds, all the three Constables were at a spot in the south-east corner of the Khadia Cross Roads, that is, the corner formed by the junction of the Khadia Road with the portion of the Richey Road leading to Panchkuwa. At this point there is the dispensary of one Dr. Foujdar.

120. In this evidence, P. S. I. Pathan is corroborated by P. S. I. Joravarsingh. The latter had arrived there at about 2.25 p.m., and he stated that when he arrived at the Khadia Cross Roads, P. S. I. Pathan was already there with a police party near the dispensary of Dr. Foujdar, and he and his party were being assaulted with stones from three sides. He stated that he and his party attempted to push back the crowds gathered on the three sides. When they failed, he ordered a lathi charge to be made against the crowds. He also ordered a few tear gas shells to be discharged, but the crowds were not affected, and "on the other hand, they used to pick up the tear gas shells and throw them back at us". He also deposes to the arrival and departure of the District

Magistrate and the D. I. G., C. I. D. After they left, the crowds became particularly violent and continued their stone-throwing activity. Further lathi-charges were made and tear gas shells discharged but they had no effect because the crowds would run into the *pols* as soon as the police ran after them and emerged as soon as the police left the place. It is of some significance that no examination worth the name so far as these two witnesses are concerned was directed to finding out the justification or legality of the firing.

121. The Constables who fired have further corroborated the two officers. All three of them, namely, Ramji Manji, Bhagaji Lалуji and Maheboobkhan, deposed to the rounds which each of them respectively fired, two towards the Khadia side by Ramji Manji, one by Bhagaji Lалуji towards the Richey Road side, and one by Maheboobkhan also towards the Khadia side. These witnesses also proved that the rounds were fired at intervals of about two to three minutes and after due warnings, and when every other method of dispersal of the crowds was tried.

122. The firing was reported soon after by P. S. I. Pathan to the Control Room and through the Control Room, the D. I. G. C.I.D. was informed. The relevant entry is entry No. 133 dated the 12th August 1958. As regards this firing, the District Magistrate reported the matter to Government, wherein he informed Government that four rounds of .410 ball ammunition were used.

123. As regards the second firing which took place on the Khadia Cross Roads, P. S. I. Joravarsingh stated that about fifteen minutes after the firing ordered by P. S. I. Pathan, the crowds came back infuriated and shouting slogans and they rushed at the police party from all the three sides. They continued to attack him and his party and he had to order a few lathi charges to be made, but they had no effect. He therefore, warned the crowd that fire would be opened, and when they did not disperse, he ordered five rounds to be fired at intervals of a few minutes each. He stated that he had instructed the Constables firing to aim low. Of the five rounds thus fired, two were fired at the crowd on the Khadia Road, two at the crowd on the Richey Road and one on the Brahmपुरi Road. P. S. I. Joravarsingh has in his evidence also indicated that the total strength of the police force at the Khadia Cross Roads at the time when the District Magistrate and the D. I. G., C. I. D., came there a second time was about 50 to 60 men and officers. In his examination by Mr. Shah on behalf of the Parishad he also admitted that the first firing under orders of P. S. I. Pathan took place at the Khadia Cross Roads about forty-five minutes after the District Magistrate and the D. I. G., C. I. D. left. He also deposed to the innumerable lathi-charges and firing of tear gas shells he had to order against the crowds in order to push them back. He stated that between the first round ordered to be fired by P. S. I. Pathan and the second round towards the Richey Road side also ordered by P. S. I. Pathan, he had pursued the crowd on the Khadia Road beyond the Khadia Post Office and upto the second Golwad lane.

124. P. S. I. Pathan has corroborated P. S. I. Joravarsingh as to the details of firing, and both the officers are further supported in their evidence by Constables Pandurang Bhaosar and Vishwanath Asma. Constable Pandurang Bhaosar fired five rounds, of which two were fired on the Khadia

Road, two on the Richey Road, and one on the Brahmapuri Road. He stated that at the time of firing he was standing at the centre of the Khadia Cross Roads near the traffic pedestal. This witness was searchingly examined as to the warnings given prior to firing, and he deposed that P. S. I. Joravarsingh gave three warnings and ordered him to open fire. It may be an exaggeration that three warnings were given, but it is insufficient to discard the entire testimony of the witness, especially when it is corroborated by the two officers, by Constable Vishwanath Asma, and by the Occurrence Book entries.

125. Constable Vishwanath Asma had, under orders of P. S. I. Joravarsingh, fired three rounds, one towards the Khadia Road, the second on the Gandhi Road and the third on the Brahmapuri side. He stated that the crowds at that time were shouting slogans and throwing stones and P. S. I. Joravarsingh frequently warned them.

126. The firing was shortly after reported to the Control Room and the relevant entries are Nos. 142 and 150 of that date. Both the entries speak of an attempt to burn police vehicles by the crowds but this has not been deposed to by any of the witnesses in connection with this incident of firing. On the strength of that omission, it was urged that the entire story ought to be disbelieved and it should be held that the firing was not justified. The pelting of stones and other missiles by the crowd has been mentioned in entry No. 150 which was a message received at 6-50 p.m. Entry No. 142 was made at 6-15 p.m. It is possible that the listener might not have taken down the message with absolute accuracy. It has to be remembered that on the 12th the Control Room was receiving messages from all parts of the City in quick succession at very short intervals and sometimes two or three messages at the same time. There are as many as 158 messages received and recorded in the Control Room between the hours of 6-45 a.m. and 11-10 p.m.

127. In my opinion, much cannot be made of the slight discrepancy between the oral evidence and the messages recorded in the Occurrence Book. I accept the evidence regarding the firing at the Khadia Cross Roads, resorted to under orders of P. S. Is. Pathan and Joravarsingh, as also the evidence as to the conditions under which fire was opened and as to the necessity of opening fire. The conditions were extremely grave. The crowds were most persistent and defiant and had surrounded the police party on three sides and were determined to press home their attack. Earlier in the day they had ransacked and burnt the Khadia Post Office. Innumerable attempts to disperse the crowds by lathi charges and use of tear gas shells were made but without any effect, and the police party was assaulted by stones and other missiles and several policemen were injured. If in these circumstances fire was opened, it was, in my opinion, perfectly justified. Besides these circumstances justifying the firing, there was also the fact that out of all the damage done during the three days of disturbance over 80 per cent. of the damage was done by 2-30 p.m. on the 12th August. I shall presently refer to the evidence bearing on this point.

128. I am not satisfied with the evidence of the two officers P. S. Is. Pathan and Joravarsingh as to the time at which fire was opened. As I have said, both the officers deposed that the firing ordered by P. S. I. Pathan took place between 4-45 and 4-55 p.m. and the firing ordered by P. S. I. Joravarsingh, between 5 and 6 p.m. It is clear

Time when the first firing took place.

however from other evidence that the firing must have taken place much earlier. It has to be remembered that this was the first occasion when fire was opened during all the three days of disturbance. There is clinching evidence to show that at least one person was injured and taken to the hospital much earlier than the time at which fire was opened according to the District Magistrate's case which these officers have tried to support. He was the boy Vikram Ranchhod who was admitted into the Vadilal Sarabhai Hospital at 3-20 p.m. on the 12th August. The certificate issued by the hospital is Ex. D. M. 130 and it states :—

“ Bullet injury today at 2-30 p.m. Bleeding from injury *plus* ”

The boy was injured on the lateral aspect of the right knee below the joint and on the medial aspect of the right knee below the medial end of tibia. The certificate has been proved by Dr. B. S. Jani, Resident Medical Officer, Vadilal Sarabhai General Hospital (D. M. W. 74), who stated that the two injuries were the entry and exit wounds of the bullet. He has also deposed that Vikram Ranchhod was admitted into the hospital at 3-25 p.m. and the entry in the hospital register was that he complained of bullet injury at 2-30 p.m. on that day. It was urged by the learned Public Prosecutor that Vikram Ranchhod has not been examined and therefore the best possible evidence was not tendered. It seems to me that since the injury was caused by a bullet, it could only be from a bullet discharged on this particular day by the police when they fired on the rioting crowd. The injury must have been caused by police firing, and if anyone was bound to examine Vikram Ranchhod, it should be the District Magistrate and not the opposite party. Therefore the argument cannot be accepted. It was moreover the District Magistrate's case at the time of arguments that this Vikram Ranchhod was not to be found anywhere in Ahmedabad. I must therefore accept the evidence of Dr. Jani and the evidence furnished by Ex. D. M. 130.

129. The hospital register is further corroborated by other evidence. There is first of all a report appearing in the newspaper “SEWAK” dated the 12th August 1958 (Ex. J. P. 27). The newspaper reported that the boy, Vikram Ranchhod, was injured at 3 p.m. On behalf of the District Magistrate, a list of persons injured (Ex. D. M. 56) within the area of the Kalupur Police Station was filed by P. I. N. C. Barot (D. M. W. 45) when he gave his evidence. In that list, amongst the names of the persons injured at the Khadia Cross Roads on the 12th August appears the name of Vikram Ranchhod. Similarly, appended to the report made by the District Magistrate to Government regarding the firing on the 12th (Ex. D. M. 5) there is a schedule showing the result of the firing at Ahmedabad on the 12th August. In that schedule also, the name of Vikram Bhaosar appears. He is shown to be aged 20 and to have been admitted into the hospital on the 12th August, thus showing that the entry in the hospital register is not incorrect.

130. Upon this evidence, I conclude that Vikram Ranchhod was injured between 2-30 and 3 p.m. on the 12th August 1958 and that therefore the first firing which took place in Ahmedabad must have taken place sometime at about 2-30 p.m. on the 12th August 1958.

131. The importance of the question as to when fire was first opened arises from the fact that earlier in the day the District Magistrate had a telephonic conversation with the Chief Minister and it has been urged that it was after that conversation that fire was opened. I shall advert to this matter later.

132. It is no doubt a curious circumstance which I may note here that none of the witnesses to the firing which took place on two occasions at the Khadia Cross Roads on the 12th August stated in their evidence what the effect of the firing was. All of them were asked and all of them uniformly stated that they searched for the persons injured but none was found. As I have said, P. I., N. C. Barot has mentioned in the list of persons injured during the police firing within the area of the Kalupur Police Station (Ex. D. M. 56) seven persons as injured on the 12th August 1958 at the Khadia Cross Roads. Similarly, the District Magistrate, in his report dated the 17th August 1958 to Government (Ex. D. M. 5) relating to the firing on the 12th August 1958, has mentioned seven persons. These seven persons are the same both in Ex. D. M. 56 and Ex. D. M. 5, and they are :—

- (1) Vishnuprasad Manilal,
- (2) Vithalbhai Jethalal,
- (3) Bipinchandra Chandrakant,
- (4) Prabhulal Hiralal,
- (5) Janubhai Pranjiwan,
- (6) Nabimiya Rahimmiya, and
- (7) Vikram Ranchhod.

The injury certificates pertaining to these persons are respectively Exs. D. M. 127, 128, 129, 131, 111, 110 and 130. Except Nabimiya all these persons received injuries in the lower part of their bodies showing that fire was aimed low.

133. It was argued on behalf of the Parishad that the reason given by the District Magistrate in Ex. D. M. 5 justifying the firing at the Khadia Cross Roads on the 12th August was that "the rioters were bent upon blocking one of the most important public thoroughfares of the city", but that the reason has not been advanced by either of the two P. S. Is., who ordered the firing. Then District Magistrate in his statement has stated that the police party was hemmed in on all sides and the evidence led also proves that fact. Much cannot therefore be made of the statement in the District Magistrate's report to Government and I do not think that there is a discrepancy between the statement in the report and the statement of the District Magistrate filed before the Commission or the evidence.

134. It was however urged that in the Press Note issued by Government explaining the firing and published in the newspapers on the 13th August 1958 the reason given was that the firing was by way of warning and that that could not possibly be a justifying cause. A copy of the Press Note is not on record. Reference was made to a copy of the newspaper "SANDESH" dated the 13th August 1958 (Ex. J. P. 24). Even here the Press Note is not reproduced in full, nor has the person issuing the Press Note been examined. The report is in Gujerati, whereas the text of the Press Note was in English. It is also possible that the words "એતવણી રૂપે" have been wrongly translated. Since the extract in the paper has been denied and no other proof has been tendered I am unable to accept it. Assuming that such a statement was made in

the Press Note, unless the complete text of the Press Note is before me, I am not prepared to hold on such a meagre ground that the entire evidence which I have discussed above is unworthy of credence. I hold that the firing resorted to in the afternoon of the 12th August 1958 on two occasions at the Khadia Cross Roads under orders of P. S. Is. Pathan and Ioravarsingh was perfectly justified.

135. Both on behalf of the District Magistrate as also the Parishad, some argument was advanced as to the law governing *Some legal aspects on unlawful assemblies*, and in the arguments the *main attack against the firing was upon such legal grounds*. Reference was made by both the principal parties to sections 127 and 128 of the Code of Criminal Procedure.

136. Section 127 of the Code of Criminal Procedure gives power to a Magistrate or officer in charge of a police-station to command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse, and the section enjoins that it shall thereupon be the duty of the members of such assembly to disperse accordingly. Section 128 deals with the use of civil force to disperse such assembly. Section 128 states that if, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a police station may proceed to disperse such assembly by force. On behalf of the District Magistrate, it was urged that the quantum of force to be used is not specified in the section. On behalf of the Parishad it was urged that the essential requirements of this section that the assembly should first be commanded to disperse has not been established. According to Mr. Shah, the order to disperse in each case has not been established. The section however permits the use of force to disperse an assembly which conducts itself in such a manner as to show a determination not to disperse and in such a case no command to disperse is necessary. I have not the slightest doubt that upon the evidence which I have already discussed, the crowds at the Khadia Cross Roads on all the three sides repeatedly conducted themselves in such a manner as to show a determination not to disperse.

137. The sections do not however imply that the moment an assembly is unlawful and shows a determination not to disperse, any amount of force is justified. The degree of force which may be lawfully used in the suppression of an unlawful assembly depends upon the nature of such assembly and the force used must always be commensurate with the circumstances of each case and with the end to be achieved, namely, the restoration of order; see *Queen Empress v. Subba Nair* (I.L.R. 21 Madras 249). In the case cited, the Division Bench observed at page 252:—

“The taking of life can only be justified by the necessity for protecting persons or property against various forms of violence or by the necessity of dispersing a riotous crowd which is dangerous unless dispersed.”

138. In appreciating the evidence in an inquiry of this kind, it has to be borne in mind that all the principal witnesses are police witnesses or persons who are themselves concerned in the firing and are justifying their action, and the possibility may be there that they are moved by a common cause, a sort of

esprit de corps which may colour their evidence. On the other hand, as observed by Ratigan J. in *Niamat Khan v. Emperor* (1883 P. R. 17), allowance must be made for the excitement of the moment, and for the feelings which such excitement would engender in the minds of the persons placed in the position of these officers. That was a case where the officers were being tried for criminal offences and they had taken a plea of self-defence, and the learned Judge observed :—

“ It is therefore quite possible that what may now appear to us, sitting in the serene atmosphere of a Court of Justice, to have been an insufficient cause for the exercise of such means of self-defence as were adopted by the prisoners, may yet have seemed to them at the moment to have been absolutely necessary for the purpose of self-defence.”

139. Looking at it from this point of view, I cannot overlook the fact that when fire was opened the District Magistrate and the police authorities had before their mind's eye the serious events which had occurred earlier in the morning of the 12th August and the extensive rioting, incendiarism, looting and damage to property which had taken place, and allowance must be made for this.

Damage to public and private property on the 12th August and succeeding days.

140. The two most affected areas were the Richey Road and the Relief Road. Between 8 and 10 a.m. on the 12th August, on the Richey Road the Khadi Bhandar had been broken into, ransacked and its goods and belongings set on fire on the street. At Manick Chowk the Post Office was set on fire and when the fire brigade arrived to put out the fire it was pelted with stones. It could not approach the Post Office. P. I. Donelley had to order several lathi-charges to be made. Along the Richey Road up to Fernandez Bridge, several electric lamp posts and telephone poles had been brought down and laid across the road, and police parties who tried to remove them were stoned. These facts are proved by the evidence of the District Magistrate, the D. I. G., C. I. D., the Senior D. S. P. and P. I. Donnelley.

141. On the Relief Road, the Bombay Mutual Building had been set on fire, and the Arvind Mills Cloth Stores on the ground floor was broken open, its cloth removed and set on fire on the road. On the first floor, the patients of Dr. Amin's Nursing Home were trapped. They were being rescued by the fire brigade and by some citizens of the locality when the firemen were attacked and Mr. Benjamin, Second Officer of the Ahmedabad Fire Brigade, was hit with a stone while on the fire ladder going into the building. On his return journey, while coming down with a patient he was hit with a gutter lid and sustained a fracture of the right foot. These facts are proved by P. Is. S. O. Patel, Donelley and R. M. Syed, and Mr. Benjamin (D. M. W. 57). I shall advert to this incident a little later when I discuss the question of alleged inaction of the police.

142. By about 2-30 p.m. eight police chowkies were demolished, about six Post Offices were attacked and two of them burnt, and about ten shops completely ransacked and gutted by fire. Besides the above damage, it is also in evidence that considerable other property was damaged. It would be convenient at this stage to take up this question of the damage to property because, as I have said, it is a circumstance which did and legitimately could

have weighed with the authorities in deciding whether to open fire or not on the 12th August and subsequent days. Moreover, the major part of the damage was also done on this day alone.

143. On this question of damage, considerable evidence has been given on behalf of the District Magistrate and I can only barely summarize it here. P. Is., R. G. Barot (D. M. W. 43), B. P. Jadeja (D. M. W. 44), N. C. Barot (D. M. W. 45) and R. M. Syed (D. M. W. 46) proved respectively the extent of the damage to public and private property within the areas of their respective charges, namely, the Gomatipur Police Station, the Sher Kotla Police Station, the Kalupur Police Station and the Karanj Police Station. They have also filed statements of damage which are Exs. D. M. 55 and 57.

144. Then there is evidence given of damage sustained to Corporation property. This evidence is furnished by Mr. Champaklal Shah, Workshop Superintendent (D. M. W. 55). The total damage to the properties of the Corporation amounted to Rs. 1,40,348. This witness also filed a statement of the damage sustained under various heads as furnished by the departments of the Corporation. That statement is Ex. D. M. 118. The witness also stated that the Corporation did salvage work on all the three days and cleared up the roads at night with the assistance of the police, and the material which was collected speaks for itself. The witness stated :—

“ In the material we collected in the salvage operations, we found, among other things, telephone and telegraph poles, electric poles, electric fans, burnt cloth, gutter lids, bus stand pillars, iron scrap and stones.”

The witness also stated that they returned about 90 gully traps to the drainage department of the Corporation. This evidence incidentally corroborates the evidence of Mr. Benjamin, Fire Brigade Officer, which I have just referred to and the police witnesses when they say that stones and gutter lids used to be frequently flung at them and the roads used to be barricaded by pulling down telephone and telegraph poles and wires and placing them across the roads.

145. Apart from this, considerable damage was sustained by the property and vehicles of the Ahmedabad Motor Transport Service. This damage is deposed to by Mr. Cecil Michael, Works Manager of the A. M. T. S. (D. M. W. 64). He stated that the damage to buses came to about Rs. 10,593, and that including all the property, such as bus shelters, bus stops, control cabins, Paldi bus terminus, furniture and electric installations, the total damage amounted to Rs. 61,593. The witness has also filed two statements showing in detail the assessment of damage. They are Exs. D. M. 123 and 124.

146. Next, there is the statement filed on behalf of the Ahmedabad Millowners' Association and proved by Mr. Harinarayan G. Acharya, Secretary to the Association (Com. W. 4). According to this witness, there are in Ahmedabad 61 mills of which 54 are members of his Association, and the total damage sustained by the properties and premises of the mills other than to the retail shops was Rs. 13,852, and the total damage to the cloth stores and retail shops of the mills was Rs. 5,19,972 plus Rs. 69,677 to furniture, fittings and cash belonging to the mills. The witness stated that this figure was excluding the damage that might have been sustained by the five non-member mills about which he had no information. The witness also made an important statement

that before 2-30 p.m. on the 12th August 1958 the total damage to mills' retail shops was Rs. 4,63,508, and the total damage to mill premises before 2-30 p.m. on the 12th August was about Rs. 13,152. The statement filed by this witness showing the above figures and proved by him is Ex. C-3.

147. Further, there is a statement showing the damage sustained by the Post Offices and the properties of the Posts and Telegraphs Department. The damage to the properties of the Postal Department is proved by the Inspector of Post Offices (Complaints) Mr. Hemendra Nathalal Shah (D. M. W. 76) who has filed a detailed statement (Ex. D. M. 118). The total damage estimated by his Department came to Rs. 25,076.95 nP.

148. The total damage sustained by the public telephone system in Ahmedabad is proved by Mr K. Krishna Ayer Gopalkrishnan, Assistant Engineer (Telephones), Ahmedabad. He proved that the total damage to apparatus, plants, lines and wires was Rs. 21,842. The statement which he has filed is Ex. D. M. 70.

149. Mr. Dorab Sorabji Daboo, Shift Manager, Pilot Dairy, Ahmedabad, (D. M. W. 80), has proved the damage sustained by the pilot dairy belonging to the Ahmedabad Corporation, of about Rs. 1,500 to 2,000; and one Melumal Tulsidas (D. M. W. 81), who is the proprietor of the Karachi Hindu Hotel, has proved that his hotel sustained a damage of about Rs. 1,000 to Rs. 1,200.

150. Thus, upon the evidence of the consolidated statements filed, it appears that excluding the properties belonging to the Telegraphs and Telephone Departments and the A. M. T. S., in certain areas, such as the Ellis Bridge, Nawrangpura and the Kagda Pith Police Station limits, the total damage sustained to public and private properties during the three days of rioting in Ahmedabad amounted to about Rs. 13,56,061. But what is more important and of the greatest significance is the fact that out of this, damage to the extent of Rs. 11,05,374 was sustained before 2-30 p.m. on the 12th August. Thus, by about 2-30 p.m. on the 12th August, about 81 per cent. of the total damage to property in Ahmedabad City had already taken place. This fact must have been taken into account by the officers who opened fire at about that time and it cannot be ignored in judging the necessity and justification for the firing on the 12th August.

151. It is also important that the figures of damage to which I have referred above were not seriously challenged on behalf of the principal opposing party, namely, the Parishad. There was hardly any examination of the several witnesses who deposed to the damage, directed to challenging the figures. No figures were furnished on behalf of the Parishad, and when at the fag end of his examination I asked Mr. Jayanti Dalal to give the figures, he stated that he was not able to give figures of the extent of the damage sustained, though he ventured a statement that the damage sustained in Ahmedabad City during the disturbances must be very much less than that stated by the District Magistrate and his witnesses. But then he made the following noteworthy statement in paragraph 111 :—

“According to my estimate out of this total of 10 lacs, property worth about 8½ lacs may have been damaged or destroyed by 3 p.m. on the 12th of August 1958.”

Therefore, the only witness on behalf of the Parishad also agreed that the major part of the damage done in Ahmedabad City during the three days of rioting had taken place by about 3 p.m. on the 12th August.

152. The figures of damage and also the other evidence as to the nature of the debris salvaged amply corroborate and justify the evidence of the police officers and the District Magistrate to which I have referred. They could not control the crowds without resorting to firing.

153. It was not even the case of the Parishad in their written statement that the firing on the 12th August was wholly unjustified. On the other hand, it was their case that firing would have been justified in certain areas but was not resorted to in time, though it was in excess at the Khadia Cross Roads. According to the Parishad, the police were guilty of inaction till 2-30 p.m. on the 12th August. The case which they made out regarding the firing on the 12th August was as follows :—

“ There was disturbance in certain areas in the very presence of the police officers, for example, near Krishna Cinema, Relief Road, near Ravindra Tea Depot, Richey Road, etc. These places were burnt in the presence of the police officers and they did nothing to prevent these disturbances. They also did nothing to arrest any person at these places. They were the silent spectators of the whole show. Perhaps, those were the secret orders of the superior officers. They wanted to make out a case for firing, so that they can indiscriminately fire at various places under the guise of the right of self-defence of person and property and thus to terrify the public at large.”

154. I may at once say that I am unable to find the slightest evidence to suggest that the police deliberately allowed damage to be done, much less than that there were any orders from superior officers or that there was any motive behind their conduct. The charge, in my opinion, was irresponsibly preferred.

155. There is ample evidence on record to show that till 2-30 p.m. when fire was opened at the Khadia Cross Roads, the police were making their best efforts to control the rioting by resort to means other than firing. The D. I. G., C. I. D., stated that after leaving the Khadia Cross Roads in the afternoon, he went to the Karanj Police Station and taking stock of the situation, he found that about 450 arrests had already been made that day, 500 tear gas shells or grenades had been used and lathi charges had been made on 57 occasions. It has to be noted that he had gone to the Karanj Police Station directly from the Khadia Cross Roads and fire was opened at the Khadia Cross Roads while he was still at that Police Station. Therefore, the situation to which he deposes was the situation as it existed from the early morning of the 12th August till fire was opened at the Khadia Cross Roads. No attempt was made to challenge the statement of the D. I. G., C. I. D., and I accept it. It shows that every possible attempt was being made, short of firing, to control

the situation but the situation could not be controlled by those means. I am unable to find any evidence of any deliberate inaction on the part of the police or the local authorities on the 12th August.

156. A charge was also levelled on behalf of the Parishad that several police chowkies were deliberately ordered to be vacated by the superior officers. The argument advanced was that on the 12th August the police officers wanted the maximum damage to be done in certain localities, so that they could persuade the Chief Minister, who was adamant in his view that no firearms should be used, to agree to firing.

157. I may say that though quite a volume of evidence has been led on this point, there is no evidence to show any deliberate attempt of this kind on the part of the officials. There is no doubt that such reports gained currency on the 12th August itself, and can be seen from Ex. J. P. 26 and 27, the copies of the paper "SANDESH" and "SEWAK" of that day. In Ex. D. M. 18 also the Second A. D. S. P. has stated regarding the Raipur Chowky that "all policemen were previously withdrawn." The correctness of this statement as also the statements in the newspapers was denied by the District Magistrate, and even the Second A. D. S. P. admitted that his statement was a mistake. At any rate it is a statement regarding only one chowky viz. the Raipur Police Chowky, and it falls far short of proving a general charge such as was levelled.

158. From the evidence of several policemen who were manning police chowkies on the morning of the 12th August, it does appear however that most of these policemen very tamely walked out of the chowkies when threatening crowds collected in front of them. Some of these witnesses are Jasuji Badarji (D. M. W. 34), Dalji Rupji (D. M. W. 35), Ahmadmiya Bapumiya (D. M. W. 36) and Fatteh Mohammad Shah Mohammad (D. M. W. 37). These witnesses even carried away the telephone instruments from the chowkies after disconnecting them. None of these witnesses had a single injury on their persons.

159. Normally such conduct on the part of policemen would meet with some censure but none of the superior officers has either condemned or questioned this conduct. It does seem unusual conduct, but the explanation, in my opinion, is not to be found in the theory that there were express orders issued to that effect. The more probable explanation is, as I shall presently show, that the local officers allowed the stated policy of Government to restrict the use of firearms as far as possible, to weigh with them to an extraordinary degree. They possibly felt that it was no use sacrificing the personnel at the chowkies, and therefore if the policemen left the chowkies they could not be blamed. There is no other explanation on record.

160. The policy of Government has been deposed to by the Chief Minister himself and he also filed before the Commission a pamphlet containing a policy statement made by him before the Bombay Legislative Council (Ex. Com. 4). The policy is stated at page 7 of the pamphlet as follows :—

Government's policy in regard to firing and how far it influenced the local authorities.

"Crowd control is an art which requires some training and we are trying to develop that. We are trying to make it a part of a police officer's training

We are trying to replace the normal gun of 303 by the 410. We are trying to see that if at all the police have to resort to firing, it will cause as little damage as possible. Orders were already issued that whenever firing is to be resorted to, it should be done in such a way as to cause minimum harm."

The Chief Minister had also clarified his view in the Assembly in answer to a short notice question (see page 1989 of the Official Report of the Bombay Legislative Assembly Debates dated the 17th October 1959). This is what he stated on this occasion :—

"There is no question of taking the consent of the Ministry for each and every firing, but I may tell the hon. House that we have given general instructions to the Police not to use firearms as far as possible. So, the Police asked me on the 12th afternoon that they could not carry on without using firearms and whether the Government was prepared to allow them to use firearms. I told them that it was their responsibility to keep law and order and so if they thought fit and necessary to resort to firing, they might do so."

161. There is no doubt that this policy of Government and the views of the Chief Minister were known to all officers. This is admitted by the District Magistrate, the D. I. G., C. I. D., and the Senior D. S. P. Referring to his conversation with the D. I. G., C. I. D., in his office at Bombay on the 5th August 1958, the Home Secretary stated :—

"At that time both of us were aware of the views of the Chief Minister that as far as possible the use of firearms should be avoided and the conclusions which we reached were influenced by the fact that we knew the Chief Minister's views."

The District Magistrate has stated in his evidence that every officer connected with law and order in Ahmedabad was informed of Government's policy in regard to the use of firearms, and he further stated :—

"In view of Government's declared policy we had resolved not to use firearms except in case of extreme necessity but to resort in the first instance to a lathi-charge, or use of tear gas."

162. This evidence explains in a large measure the conduct of the District Magistrate and the police officers in handling the situation on the 12th August. They did not open fire till about 2.30 p.m. because the District Magistrate could not make up his mind to agree to it. At any rate, with the views of the highest authority before him, it appears that he was not prepared to take the responsibility without consulting that authority.

163. Further, the District Magistrate himself admitted that seeing that the situation was getting out of hand on the afternoon of the 12th August, he informed the Chief Minister of the grave situation over the trunk telephone. The talk which took place may be stated in his own words :—

"On the 12th at about 2-30 p. m. I informed Government by Trunk Telephone that the situation was very grave and that it would be impossible to maintain law and order without resort of firearms. I had a talk with the

Chief Minister himself. The Chief Minister instructed me that it was the responsibility of the local officers and that I should take all steps necessary in consultation with the local police authorities. The Chief Minister said: 'You are the Local Authorities and it is your responsibility to maintain law and order. If you think it necessary in order to restore order to resort to firing you may do so.'

The Chief Minister in his evidence has almost verbatim confirmed this evidence of the District Magistrate and I have shown that he had also almost verbatim stated the same facts before the Bombay Legislative Assembly.

164. Now, no doubt, there was nothing unusual in the District Magistrate having a conversation with the Chief Minister, but I am unable to understand why in the middle of the most serious rioting the District Magistrate should have mentioned to the Chief Minister that it was impossible to maintain law and order without resort to firearms, unless the District Magistrate considered that without some sort of consultation with the Chief Minister he would not be acting properly in opening fire. Another important circumstance in this connection is the fact that immediately after the conversation with the Chief Minister, the District Magistrate and the D. I. G., C. I. D., go to the Khadia Cross Roads and fire was for the first time actually opened at the Khadia Cross Roads at 2-30 p.m. The sequence of events is telling. I have already discussed the evidence relative to this point in paras 128-131. All this shows that the District Magistrate was somewhat overwhelmed by the policy statement of the Chief Minister and unduly allowed it to weigh with him in exercising the lawful powers vested in him to control the situation by resort, if need be, to firearms. In fact, his legal powers are clearly defined by Sub-Rule (2) of Rule 50, Chapter II, of the Bombay Police Manual, Volume III, read with sections 127 and 128 of the Code of Criminal Procedure. This also explains in some degree why the superior police officers did not condemn or take any action when several policemen manning the chowkies walked out of them.

165. The situation which had developed in certain localities by about 12 noon on the 12th August would have amply justified the use of firearms. One such locality was the Relief Road, where the Bombay Mutual Building was set on fire. On the 12th August, a senior Police Inspector in charge of the Karanj Police Station, R. M. Syed (D. M. W. 46), was posted on duty on the Relief Road near this building, and what happened may be described in his own words:—

"On the 12th August 1958 at about noon time I had been on the Relief Road near the Bombay Mutual Building. I remained there for about three hours. During this time I was assisting in controlling the crowds and in ensuring law and order. The crowds were engaged in throwing stones at the police party and the building, had broken down electric poles and laid them across the road. The Bombay Mutual Building had been set on fire and the fire brigade was trying to put out the fire and rescue persons from the upper floors of the building. I was trying to assist the fire brigade."

On the first floor of this building is the nursing home belonging to Dr. Amin. The senior D. S. P. had also arrived at the spot and when he arrived, the situation was as follows :—

“ There I noticed that the whole building was ablaze and the patients belonging to a nursing home on the upper floor had been trapped. There was a large crowd collected on the road leading to the Railway Station and the Zaveri Wad. By this time the fire brigade had arrived and the crowd was threatening to advance. So I put a cordon across the road and warned them that force would be used if they attempted to advance. The fire brigade attempted to put out the fire. They broke open a window on the first floor with a view to rescuing the patients. The crowd meanwhile attacked the fire brigade with stones.”

166. There is no explanation why under these circumstances fire was not opened at the Bombay Mutual Building. The senior D. S. P. and several other officers were there ; the senior D. S. P. had warned the crowd ; the building was ablaze ; and innocent patients of the nursing home were trapped on the first floor. When the fire brigade men were trying to get the patients out through the first floor windows, the crowd attacked the fire brigade with stones. It is this sort of conduct which has prompted the charge of inaction by the Parishad. In my opinion, the only possible explanation is that the District Magistrate and the police officers restrained themselves on the 12th August till 2-30 p.m. because of the undue importance which they gave to the declared policy of Government as against their legal duties. I am unable to find any evidence to suggest that they had any particular motive in doing so or that there were any specific orders to that effect. Those suggestions are entirely unfounded.

167. Before I turn to the incidents of the 13th August, it is necessary to discuss an important subject, namely, the use of *Modified type of ammunition.* a modified type of ammunition which, it is now admitted on behalf of the District Magistrate, was used on the 13th. The District Magistrate has made no reference to the modified type of ammunition in his written statement, nor in any of the reports which he submitted to Government. The District Magistrate stated in his evidence that he only learnt of the use of the modified type of ammunition after the appointment of the Commission was notified and that he had throughout presumed that it was the normal 410 ball ammunition which was being used in dealing with the rioting during the three days of disturbance in Ahmedabad.

168. The story was introduced for the first time at the stage of evidence when the D. I. G., C. I. D., gave his evidence on the 21st January 1959. According to the D. I. G., C. I. D., when he took stock of the situation and of the events which happened on the 12th August, he found that twelve rounds had been fired from 410 muskets and that there had been seven casualties in all, none fatal but three of a serious nature. Then he went on to state : “ On receiving this report I seriously considered whether the 410 ammunition which is capable of causing serious injury could not be so modified as to cause very much less damage.” He stated that he therefore instructed the Senior D. S. P. to take twelve rounds of 410 buckshot, remove the top wads and the pellets and substitute them with smaller shots of either no. 4 or no. 6 size pellets,

of the same volume. He admitted that in the normal .410 cartridge, about 70 pellets of the no. 4 size and approximately 90 to 100 pellets of the no. 6 size could be fitted in. He stated that the approximate diameter of each pellet of the no. 4 shot is .11 of an inch and that of the no. 6 shot is .10 of an inch. In the shot cartridge containing buckshots, there are usually 18 to 19 pellets, approximately .2 of an inch in diameter. Thus, in short what the D. I. G., C. I. D., did was to remove the single missile from the ball cartridge and substitute it with 70 to 100 pellets of smaller missiles. He stated that the Senior D. S. P. carried out his instructions and that in all twelve rounds were thus manufactured under his instructions. The Senior D. S. P. handed over the twelve rounds to the D. I. G., C. I. D., on the 13th August before 11-30 a.m.

169. The justification for the use of this type of ammunition given by the D. I. G., C. I. D., may be stated in his own words :—

“ I am aware that this was a somewhat unusual procedure which I adopted because it involved the taking of a risk. The risk was that the smaller shots introduced into the ammunition may not have sufficient effect upon the crowd. Nevertheless on humane considerations I thought the risk worth taking provided I could make the officers using the ammunition understand the circumstances and the conditions under which they should use this ammunition.”

170. The D. I. G., C. I. D., then stated that of the twelve rounds prepared under his orders, he gave four rounds to the Police Inspector T. S. Gohel, four rounds to the Senior D. S. P., and kept the remaining rounds himself. He stated that he instructed P. I. Gohel and the Senior D. S. P. that these rounds were not to be used except at a range not exceeding fifty yards, because beyond fifty yards the effect of this new ammunition would be very insignificant and the firing would also injure other persons besides those aimed at. He stated that he also instructed the two officers that in case they ordered the use of this ammunition, the squads using it should be supported by a unit using the normal ammunition and that the ammunition must only be used under their personal supervision. In this evidence the D. I. G., C. I. D., has been corroborated in great detail by the Senior D. S. P. and P. I. Gohel, as also by the Dy. S. P., C. I. D., Mr. Mistry. The Dy. S. P., C. I. D., stated that he was present outside the Karanj Police Station on the foot-path at about 11-45 am. when P. I. Gohel told him that the D. I. G., C. I. D., had given him four rounds of ammunition and also given him instructions about their use.

171. The other persons who are directly or indirectly connected with this story of the modified type of ammunition are Head Constables Sakharam, (D. M. W. 12), Datadin Durgadin (D. M. W. 13) and Vardhamansingh Shivsingh (D. M. W. 28). These three Head Constables were in charge of different classes of ammunition and have produced registers [Ammunition Deposit Register (Ex. D. M. 41), Ammunition Register (Ex. D. M. 43), Confiscated Stock Register (Ex. D. M. 44), and Ammunition Deposit Register (Ex. D. M. 46)] to show entries regarding the issue of the normal and return of the modified type of ammunition and the removal of six rounds of 12-bore cartridges from the confiscated stock from which no. 4 and no. 6 size pellets were obtained.

172. If the modified type of ammunition was manufactured with a high motive and on "humane considerations" as stated by the D. I. G., C. I. D., I am unable to see why these police officers did not give out this story until it was disclosed for the first time when the D. I. G., C. I. D., gave evidence before the Commission. After the unfortunate events of the 12th, 13th and 14th August, the District Magistrate had to make reports to Government (Exs. D. M. 5 to 7). In order to make these reports the District Magistrate examined all these police officers but none of them informed him. In fact, relying on their statements he definitely informed Government that .410 ball ammunition had been used. What is worse, acting on this information supplied by the District Magistrate, the Chief Minister informed the Assembly accordingly. These officers did not even subsequently correct the District Magistrate or the Chief Minister in their wrong impression, nor did they inform the Inspector-General of Police, their own chief. It was unquestionably their duty to have done so. One would expect that they would have been only too keen to disclose their action if the motive was as laudable as it is sought to be made out. Upon the case put forward, there is no explanation for this strange conduct on the part of the officers concerned and therefore I am not inclined to accept this story as told. There are only two alternative probabilities which have to be considered, namely,—

(i) that the entire story is false as urged by the Parishad; or

(ii) that it is just possible that the story is true that the modified type of ammunition was manufactured but from other motives than of "humane considerations" and the officers were not anxious to let their motives be known or scrutinized.

173. I have given this matter most anxious consideration and I have come to the conclusion that the latter alternative is nearer the truth and that the motive was not founded upon any "humane considerations" as the D. I. G., C. I. D., has stated, but that the modified type of ammunition was tried out in an endeavour to produce greater effect on the crowd without visible damage. I shall presently show that this is the only conclusion possible upon the evidence. The D. I. G., C. I. D., was closely examined as to the difference between the two types of ammunition and their results, and one of the differences which he pointed out was as follows: "The second difference is that it is easier to miss with a bullet cartridge than a shot cartridge." It seems to me that this admission of the D. I. G., C. I. D., affords an adequate explanation why he substituted the ball ammunition by the modified type of ammunition and also why the officers were not anxious to disclose the story earlier than they did.

174. I have already referred to the D. I. G., C. I. D.'s evidence that taking stock of the firing on the 12th August, he found that twelve rounds had been fired on that day and that they had occasioned seven casualties in all, none fatal but three of a serious nature, and that because of this, he decided to modify the ammunition out of humane considerations. In the first place, the statement of the D. I. G., C. I. D., that there were injuries of a serious nature does not bear scrutiny. I have already referred to the names of the persons who were injured in the firing on the 12th August.

175. I give below the injuries which these seven persons had received :—

- (1) Vishnuprasad Pandya ... Punctured wound on the right thigh, middle lateral aspect, $\frac{1}{2}'' \times \frac{1}{2}''$. No wound of exit. Bleeding Foreign body seen in the right thigh.
- (2) Vithaldas Jethabhai ... Two punctured wounds: Entrance wound on the anterior aspect of the right leg at the tibial tubercle $\frac{1}{2}'' \times \frac{1}{3}''$. Exit wound $\frac{1}{2}'' \times \frac{1}{3}''$ at the posterior aspect of the right upper leg.
- (3) Bipinchandra Chandrakant... Sustained injury on the right thigh. Entrance wound: punctured wound on the anterior medial aspect of the right thigh lower end $\frac{1}{2}'' \times \frac{1}{2}''$. Exit wound on the posterior medial aspect of the upper end of popliteal fossa. No bullet or fracture seen on X-ray.
- (4) Prabhulal Hiralal ... Complains of bullet injury on both knees today at 5 p.m. Right knee both wounds above patella — punctured wound of entry — medial — $\frac{1}{4}'' \times \frac{1}{4}''$. Exit lateral aspect $\frac{1}{3}'' \times \frac{1}{3}''$ left knee. Lateral $\frac{1}{4}'' \times \frac{1}{4}''$ punctured wound — medial $\frac{1}{3}'' \times \frac{1}{3}''$. On screening no bony injury.
- (5) Janubhai Pranjiwan ... Punctured wounds $\frac{1}{4}'' \times \frac{1}{4}''$ and on lower $\frac{1}{3}$ rd left leg, medial side, $\frac{1}{2}''$ above medial malleolus. Punctured wound $\frac{1}{6}'' \times \frac{1}{6}''$ lower $\frac{1}{3}$ rd left leg, lateral side with fracture $\frac{1}{2}''$ above the lateral malleolus with fracture of tibia.
- (6) Nabumiya Rahimmiya ... Punctured wound $\frac{1}{4}'' \times \frac{1}{4}''$ left side shoulder region anteriorly punctured wound $\frac{1}{4}'' \times \frac{1}{4}''$ left side shoulder region posteriorly, with fracture cavicle.
- (7) Vikram Ranchhod ... Bleeding from wound 2 plus. Entry wound: on the lateral aspect of the right knee below patella $\frac{1}{3}'' \times \frac{1}{3}''$. Exit wound $\frac{1}{2}'' \times \frac{1}{2}''$ on medial aspect of right knee below the medial end of the tibia. Slight effusion of right knee. On X-ray, no bullet seen, but cracked fracture of tibia.

Except Nabimiya all were injured on the legs below the hips and their lives were never in danger. These injuries were not more serious than those which were inflicted by the modified ammunition.

176. If one considers the overhaul result of the two types of ammunition during the three days of disturbance, the contention that the use of the modified ammunition was more humane cannot be sustained. The figures of casualties for all the three days of firing, according to the official case itself, i.e. to be culled from the District Magistrate's written statement and from his reports Exs. D. M. 56 and 57, read with the medical and other evidence, are as follows :—

<i>Ammunition.</i>		<i>No. of rounds. Fired.</i>	<i>No. of persons</i>	
			<i>Killed.</i>	<i>Injured.</i>
Modified type of ammunition	.. ..	5	1	20
410 ammunition	.. ..	21	2	11

Thus, according to the District Magistrate's own case, the use of only five rounds of the modified type of ammunition resulted in one person being killed and twenty persons being injured, and the use of twenty-one rounds of the normal ammunition resulted in two persons being killed and eleven persons being injured. The figures are, in my opinion, eloquent in themselves and negative any contention that the modified ammunition was less harmful than the normal type of ammunition. In fact, many more persons have received pellet injuries than appear in the above figures, but for the time being I am concerned only with the admitted casualties.

177. On behalf of the Parishad, it was urged that the entire story regarding the modified type of ammunition was false and ought to be disbelieved. It was urged that it was deliberately and falsely introduced because the police and the local authorities found, after the Commission was appointed, that the hospital records showed a number of gunshot injuries to several persons, probably by the use of a 12-bore gun and that there was no adequate explanation for those injuries, and therefore the story of the modified ammunition was introduced. It was urged that where buckshot or other shot ammunition is used no one can tell from the number of persons how many shots were fired, because one shot may injure any number of persons from, say, 1 to 50. That is why the story was introduced and only five rounds are stated to have been used. Even on this story it is not possible to explain all the pellet injuries proved to have been received in these proceedings. The whole story has been introduced at a very late stage which shows that it must have been an after-thought. It was further urged that it is impossible to believe that if the modified type of ammunition was manufactured from laudable motives or humane considerations, the D. I. G., C. I. D., and the Senior D. S. P. would not tell the District Magistrate about it. Indeed, as a result of their silence, the District Magistrate made incorrect reports to Government, and as a result of the incorrect reports submitted by the District Magistrate, the Chief Minister was induced to make incorrect statements before the Bombay Legislative

Assembly. It is clear that Government and the Chief Minister were misinformed. The Chief Minister himself has said so in his evidence and it is also proved from the tabular statements in answer to Short Notice Questions published at pages 1985 and 1987 of the Official Report of the Bombay Legislative Assembly Debates dated the 17th October 1958.

178. All this criticism, in my opinion, is more or less justified, but it is too much to say that because the story was not disclosed, it is necessarily false. There is no alternative suggestion made on behalf of the Parishad as to why such a story should be invented. The motive suggested is a very weak one, namely, that someone must have used a 12-bore gun on 13th August and thereby caused injuries to all the twenty-one persons (as admitted now) and to several other persons as proved otherwise (but not admitted by the official case) and that in order to cover up the illegal use of that gun, the story was invented. A suggestion was even made that it was the Head Constable Vardhamansingh, who used the 12-bore gun. He was asked a stray question as to whether he did not have a licence for a 12-bore gun and he stated that he had.

179. It seems to me to be stretching imagination too far to hold that because Head Constable Vardhamansingh admitted having a licence for a 12-bore gun, he must have used it on the 13th. Vardhamansingh has denied the suggestion. Vardhamansingh was on the 13th August in the personal escort of the Senior D. S. P. throughout and the latter has also denied the suggestion. On the other hand, the fact that as many as twenty-one persons are proved to have sustained gun shot wounds would go to show that the modified ammunition might have been used—I do not say necessarily five rounds only. If Head Constable Vardhamansingh had used a 12-bore gun in breach of regulations, it seems to me highly improbable that so high an officer as the D. I. G., C. I. D., assisted by other senior officers and three Head Constables would all be so interested in him as to invent a story to help him. They could as well have afforded to let him answer for his own misdeeds. Several pellets removed from the injured persons were produced and one of them was removed in the presence of the Commission by witness Abdul Salam Abdul Majid (J. P. W. 18). These pellets were either of the no. 4 or no. 6 size. Of course, that is compatible with a 12-bore gun being used, but as I have said, there is no reliable evidence of the use of such a gun, and therefore these facts corroborate the story of the modified ammunition.

180. It is a circumstance of some significance in judging the truth of this story that all the injuries from gun shot wounds proved to have been sustained were only on the 13th August and not earlier. That fact corroborates to some extent the evidence of the D. I. G., C. I. D., and the Senior D. S. P. as to the manufacture of the modified type of ammunition, and of these officers and P. I. Gohel as to the date on which it was used. The argument that the whole story is fabricated means that I should discard the entire evidence on this point of four principal officers, the D. I. G., C. I. D., the Senior D. S. P., the Dy. S. P., C. I. D., and P. I. Gohel, and the evidence of Head Constables Datadin, Vardhamansingh and Sakharam. These witnesses are moreover corroborated by the evidence of the registers in which the ammunition has been accounted for and this documentary evidence will also have to be rejected. I see no reason whatsoever to discard all this voluminous evidence: I accept the story that the modified type of ammunition was manufactured and used, but I am

unable to accept the reason given for its use. The reason appears to me to be that the use of the normal .410 ball ammunition was not producing sufficient general effect having regard to the number of rounds used. Whereas by the use of the modified ammunition, effect could be produced on a number of persons at each shot because when fired at a crowd a number of persons are bound to be injured even though the shot were badly aimed. No doubt, the pellet injuries would be less dangerous than bullet injuries but at the same time many more persons would be injured at each shot fired of the modified ammunition. It was the latter consideration which prevailed in the use of the modified ammunition.

181. On this question, the D. I. G., C. I. D., has admitted that where shot cartridges are used accuracy is sacrificed and innocent persons may be injured. His statement was :—

“ I agree that of the arms used by the Police Force, the rifle is the most accurate. So far as the musket is concerned the ball shot is the most accurate. In buckshot cartridges and cartridges containing small shots (such as the modified type of ammunition contained), no question of accuracy arises. Therefore, in the use of buckshot cartridges or cartridges containing smaller shot the possibility of hitting persons other than the persons aimed at is always there.” (underlining is mine).

Later in paragraph 95 he tried to modify the above statement by saying :—

“ Though no doubt the modified form of ammunition might cause injury to persons other than the one aimed at the injuries so caused to other persons would, in my opinion, be so trivial as to justify the substitution of that ammunition for the .410 ball ammunition.”

Upon these admissions of the D. I. G., C. I. D., I am unable to understand how any considerations of humanity can be said to prevail. There was always the possibility of injuring innocent persons by the use of the modified type of ammunition. I shall show when I discuss certain proved cases of injuries sustained but not disclosed by the police or the District Magistrate in his statement, e.g., the firing at the Patasa Pol, that many of them were innocent bystanders or onlookers who received injuries by straying pellets.

182. If one studies Regulation 50(4) (iii) at page 35 of the Bombay Police Manual, Volume III, it is clear that all these considerations have been weighed by the authorities who made those Regulations and the principle which they accepted was that when dealing with a hostile and riotous mob, fire should be made effective against individual leaders of the mob who should be picked out. The idea is that the real mischief-mongers may receive condign punishment but not others. This principle was admittedly sacrificed by the use of the modified ammunition. In my opinion, it is incorrect on principle to permit an individual officer, howsoever high, to allow his own considerations of what is proper or humane to prevail against express Regulations. If the Regulations made were permitted to be set at naught, at the discretion of an officer, it may become impossible to decide whether the discretion of each officer was wisely exercised or not and the lives of people cannot to that extent be allowed to be left to the discretion of each individual officer.

183. The Chief Minister unfortunately has stated in his evidence :—

“ I did come to learn after the inquiry commenced that certain officials of the Police Department had used a modified type of ammunition. I think that the officers must have done it in order to carry out Government's policy of causing minimum damage.”

On the strength of this statement, it was argued that the use of the modified type of ammunition was justified. The Chief Minister could not have known anything about the modified type of ammunition because the Home Secretary has stated that Government has called for a report from the D. I. G., C. I. D., and no one has stated that such a report has been received, and therefore the statement of the Chief Minister relied upon could only be a conjecture. In fact, the Chief Minister had to admit this in a subsequent passage of his evidence as follows :—

“ When I made the statement that the officers must have used the modified ammunition in order to carry out Government's policy of causing minimum damage, I had no material in support of the statement.”

It was in order to make firing more effective and to control the crowds better that the modified type of ammunition was used and not out of humane considerations.

184. The legality of the action of the D. I. G., C. I. D., was questioned before

Question of legality of its manufacture and use. me and reliance was placed upon the provisions of sections 5 and 6 of the Indian Explosives Act, 1884 (No. 4 of 1884), read with the Explosives Rules, 1940, published in the *Gazette of India*, Extraordinary, dated the 5th December 1940. Rule 6 of these Rules clearly prohibits import, transport, manufacture, possession, use or sale of any explosive which is not an authorised explosive. It is beyond dispute that there was no authorisation in the present case. But reliance was placed on section 15 of the Explosives Act, read with section 1 of the Indian Arms Act, 1878 (No. 11 of 1878). It was urged that under section 1(b) of the Arms Act, none of the provisions of the Arms Act apply to the manufacture, conversion, sale etc., or possession of arms, ammunition or military stores by a public servant, and since section 15 of the Explosives Act keeps intact all the provisions of the Arms Act, neither of the two provisions of law would be attracted in the present case.

185. I am quite unable to accept this contention. The opening clause of the second paragraph of section 1 of the Arms Act states, “ But nothing *herein contained* shall apply to ”, thereby clearly indicating that it is only the provisions of the Arms Act from which a public servant is exempted, and not those of the Explosives Act, nor do the provisions of section 15 of the Explosives Act exempt a public servant under that Act. The opening words of section 15 of the Explosives Act, “ Nothing in this Act shall affect the provisions of the Indian Arms Act ”, can only mean that in the event of a conflict between the two Acts, nothing in the Explosives Act shall affect the provisions of the Arms Act. The words cannot be construed to mean that the provisions of the Explosives Act must give way to the provisions of the Arms Act even though there is no conflict.

186. Moreover, even considering the provisions of section 1(b) of the Arms Act, the provisions state that “ nothing herein contained shall apply to the

manufacture, conversion, sale etc., or possession of arms, ammunition or military stores.....by a public servant.....in the course of his duty as such public servant.....” Therefore, it must be shown that the public servant was acting in the course of his duty as such public servant. Having regard to the I. G. P.’s Circulars, the Regulations and the Home Secretary’s evidence, it is clear that in the instant case the D. I. G., C. I. D., was not so acting. He was in fact acting contrary to the express provisions of the Circulars issued by the Inspector General of Police. These have been produced on behalf of the District Magistrate and are Exs. D. M. 61 and 188. These Circulars invite attention to Rule 50 of the Bombay Police Manual, Volume III. Sub-rule (4) (iii) of Rule 50 indicates that a hostile riotous mob cannot be dispersed with buckshot. The rules also prescribe that the standard arms shall be 410 muskets and the ammunition shall be ball ammunition. This is also admitted by the District Magistrate and the D. I. G., C. I. D. The D. I. G., C. I. D., stated that when he asked the Senior D. S. P. to modify the existing ammunition, he did not consider the legal position. The Home Secretary has moreover deposed :—

“The District Police officials, in my opinion, cannot use any other ammunition except what is supplied to them by Government, nor can they, in my opinion, modify the ammunition supplied to them by Government.”

The position adumbrated in the above passage would, in my opinion, equally extend to the D. I. G., C. I. D.

187. That this was not Government’s action is amply clear because Government were never informed and in fact the Chief Minister has stated : “I do consider that the D. I. G., C. I. D., should have informed Government at least after he had used the modified type of ammunition.” I hold therefore (i) that the manufacture and use of the modified type of ammunition was illegal ; and (ii) that it was also improper and cannot be justified upon any humane considerations.

188. Out of the twelve rounds of the modified ammunition manufactured, it was the case of the police officials that only five rounds were used and seven rounds remained unused and were returned to the ammunition deposit room at the Police Headquarters. Of the five rounds used all were used in the firing which took place on the 13th August 1958.

189. Before turning to the incidents of firing on the 13th August, it is necessary to say a few words about the several *Curfew orders of the 13th and 14th August 1958* orders which were promulgated from time to time. After the firing on the 12th August, the Additional District Magistrate, under orders of the District Magistrate, promulgated a curfew order which came into force from 9 a.m. on the 12th August and was to remain in force for 24 hours. That order was however modified by an order issued on the 13th August whereby the curfew was relaxed for two hours from 7th to 9 p.m. on the 13th August. On the 13th August, another curfew order was promulgated. It was to come into force from 9 p.m. on that day and to remain in force for a further 24 hours. This order was also issued by the Additional District Magistrate and was modified by an order issued on the 14th August and the modification was that the curfew

was relaxed between the hours of 7 and 9 p.m. on the 14th August. A third curfew order was issued by the Additional District Magistrate on the 14th August. Under this order, the curfew was enforced from 9 p.m. on the 14th August to 9 p.m. on the 15th August. This order was subsequently modified by three separate notifications issued on the 15th August. The effect of the three modifications was that the curfew was relaxed between the hours of 6 a.m. and 9 a.m. on the 15th August. The orders have been filed as Exs. D. M. 181, 181-A, 182, 182-A, 183, 183-A, 183-B, and 183-C. The issue and the publication of the orders have been proved by Mr. Kantilal Jadawala (D. M. W. 77), a clerk in the office of the District Magistrate. It may be mentioned here that the curfew order issued on the morning of the 12th August and operating within an area of about three furlongs from the memorial pedestal was a separate order over and above these curfew orders. That order came into effect from 6 a.m. on the 12th August and was to remain in force for fifteen days (Ex. D. M. 10).

190. The situation in Ahmedabad City on the morning of the 13th August has been deposed to by the District Magistrate and the D. I. G., C. I. D., who were both constantly moving about together in the City on all the three days of disturbance. Regarding the situation, the D. I. G., C. I. D., stated that the roads were still barricaded and the crowds were collecting in the streets in contravention of the order under section 144. The crowds still continued to come out of their houses and pelt stones and other missiles at the police parties. The District Magistrate also admitted that the curfew order had had no effect and that the police continued to be the target of attack and engaged themselves in repelling assaults by stones, brick-bats and burning material, and in arresting as many people committing mischief as could be apprehended.

191. In the afternoon of the 13th August, a police jeep was attacked at the Delhi Chakla, the driver and the wireless operator were badly beaten and the police jeep was burnt. The driver and the wireless operator ran away. The District Magistrate and the D. I. G., C. I. D., saw the jeep burning near the R. C. High School and opposite the Dena Bank. Entry no. 22 of that date in the Occurrence Book corroborates them. There was a barrier erected across the road consisting of pieces of wood which were burning, electric lamp posts and other materials, and there was a big mob on the road. This mob was engaged in the task of demolishing the Police Chowky at the Delhi Chakla. The thoroughness with which the mobs had set about their nefarious tasks is graphically shown in photographs nos. 16 and 17 in the album (Ex. D. M. 122). While in this locality, the two officials entered the Waghri Wad which is just behind the Dena Bank. Here they were assaulted with soda water bottles. The two top officers remained in the locality for about five hours, of which the first two hours were spent in dispersing mobs and attempting to clear the roads.

192. At about 11 a.m. on the 13th August, the Mission Dairy Farm was set on fire on the Khadia Road opposite the Wada Pol. Taraben Manilal (Com. W. 1) deposed to this incident. Her husband Manilal Patel was the manager of the Dairy, but he was not at home and so the witness went there on hearing that it had been set on fire. She stated that about 700 or 800 boys were bringing out articles from the Dairy and setting them on fire. Then she stated :-

“ I went into the dairy and tried to persuade the boys but they asked me who I was. I told them I owned the dairy. The boys were trying to break open

the inner door of the dairy. A plank out of the front door of the dairy which had been broken down was lying there. When the boys did not listen to me I picked up this plank and threatened to beat the boys. When I did this, the boys went away shouting slogans."

It may be noted that the lady speaks of the crowd of "boys." Her son had gone to play with some of them, and when they resorted to mischief he came and informed her. Her son's age is 8, from which the age of his companions may be judged. The lady also stated :—

' The Bal Mandir on the Khadia Road was working that day, but the boys would not allow anyone to attend it. I sent him in order to attend school if it was open."

At 11 a.m. fire broke out at the Ramkrishna Mills, and at 12-20 the Major Mahajan Library was ransacked. Entries nos. 11 and 18 dated the 13th August 1958 in the Occurrence Book prove these incidents.

193. All these facts are further corroborated by the evidence of the general conditions in this locality deposed to not only by the District Magistrate and the D. I. G., C. I. D., but by P. I.'s S. O. Patel and Donelley. On this part of their evidence there was hardly any examination. I accept this evidence. The situation in other parts of the City was also more or less the same. The instances of attacks on property, of looting and arson, of lathi-charges and discharge of tear-gas shells, are too numerous to discuss in detail in a report of this kind.

194. On the 13th August 1958 there were four incidents when fire *Incidents of Firing on the* was opened in the City. These four incidents *13th August 1958.* were :—

- (1) Between the Khadia Cross Roads and Panchkuwa on the Richey Road at about 3-30 p.m. under orders of P. I. Gohel ;
- (2) On the Jordan Road off the Delhi Chakla between 3-45 p.m. and 4-15 p.m. under orders of the D. I. G., C. I. D., himself ;
- (3) Near the Panchkuwa Chowky at the end of the Richey Road between 6-45 p.m. and 7 p.m. under orders of Head Constable Amarsingh ; and
- (4) At Shahpur at about 7 p.m. under orders of the Senior D. S. P.

195. As regards the first incident on the 13th August, P. I. Gohel was attached on that day to the mobile unit under the Dy. S. P., C. I. D., and having as its call-sign "Sugar-6". He was at the Karanj Police Station till about 11 a.m. This is proved from his own evidence and that of the D. I. G., C. I. D., and the Senior D. S. P., because it was at that time that the Senior D. S. P. handed over four rounds of the modified ammunition to him and the D. I. G., C. I. D., gave him instructions as to how those rounds were to be used. At about 1 p.m. P. I. Gohel stated that the Dy. S. P., C. I. D., told him to go with him as a building near the Dhalni Pol was being attacked. The party therefore left and dispersed the mobs at the Dhalni Pol, effected seventeen arrests and sent

the arrested persons to the Gaikwad Haveli lock-up, and returned to the Karanj Police Station.

196. P. I. Gohel then stated that while "Sugar-6" was at the Karanj Police Station, the Dy. S. P., C. I. D., received a message at about 3 p.m. that there was considerable trouble at the Khadia Cross Roads and the Panchkuwa portion of the Richey Road, and therefore they proceeded to that spot by the outside road *via* the Astodia Road and the outer Panchkuwa Road. There was a picket posted a little distance away from the Panchkuwa Police Chowky and there was also the normal complement of policemen in the Panchkuwa Police Chowky. Both these parties were being assaulted by the crowds who were throwing stones and were shouting slogans and were armed with lighted pieces of wood. The witness then stated—and in this he is corroborated by the Dy. S. P., C. I. D.—that the latter warned the crowd and when the warning was not heeded, he rushed at the crowd on the Khadia Road with his party. The Dy. S. P., C. I. D., pursued that part of the crowd which went towards the Khadia side and P. I. Gohel with another party pursued the crowd which went towards the Brahmapuri side from the Khadia Cross Roads. The two officers thus took opposite directions, and in fact from that stage onwards they parted company.

197. The Dy. S. P., C. I. D., stated that he went along the Khadia Road and into the Jethabhai's Pol off the Khadia Road. He then chased a crowd from Jethabhai's Pol into Gotini Sheri, and from there came out further down the Richey Road near a point where there is a temple known as Bala Hanuman. Meanwhile, P. I. Gohel was pursuing that part of the crowd which went towards the Brahmapuri side and into the Haranwali Pol. The Haranwali Pol has three entrances, one of them on the Panchkuwa side. He stated that he entered the Haranwali Pol from the road leading to Brahmapuri and came out of the Haranwali Pol at Panchkuwa. When he came to Panchkuwa, he noticed a crowd coming towards him from the Khadia side. He warned this crowd, ordered a lathi-charge against it, but it had no effect. Thus, P. I. Gohel and his party had again reached a point from which they started on that day, namely, a point at the end of the Richey Road at Panchkuwa. He could not see the Dy. S. P., C. I. D., and informed the Control Room accordingly. (*Vide* entry No. 53, dated 13th August 1958 in the Occurrence Book). At that time he had ten men with him besides the police pickets stationed there which numbered about five persons, all of whom were armed. In his own party, four persons were armed and the rest unarmed. Thus, P. I. Gohel had at his command about nine armed men and about six unarmed men.

198. He stated that while he was between the Khadia Cross Roads and Panchkuwa, a big crowd advanced upon him from the rear, i.e. from the Panchkuwa side, and he felt that he had been caught between two crowds and therefore he sent a message to the Control Room asking for reinforcements, but the Control Room informed him that he should manage the situation as best as he could. P. I. Gohel stated that thereupon he divided the party under him and the pickets into two groups, one facing the Panchkuwa side and the other facing the Khadia Cross Roads, and he warned both the crowds and told them that if they persisted in their behaviour he would be constrained to open fire. When the warning had no effect, he asked Jamadar More to ask Head Constable Sopan Keshavrao (D. M. W. 27) to fire one round at the

crowd on the Khadia side. He stated that he asked him to aim at the mischievous portion of the crowd and gave instructions that he should aim low. The crowd was at that time between 50 to 60 yards from where the police were standing. This round was fired but it had no effect. Therefore he asked Head Constable Sopan Keshavrao to fire a second round because the crowd was advancing.

199. While he was thus dealing with the crowd on the Khadia side, a mob numbering about 700 persons had gathered on the Panchkuwa side and was also persisting in their unlawful activities and was advancing upon the police. He stated that the Panchkuwa mob had come within a distance of about 30 yards from the police and therefore he gave one round of the modified ammunition to Constable Vishwanath Asma and asked him to fire at the crowd. He had warned the crowd before fire was opened. After this round was fired, both the crowds retreated. After the crowds dispersed, he searched for injured persons and found one such person near the Khadia Cross Roads. This person was injured near the head. There is no dispute that this person was the boy Safru Hussein who was killed in that firing. The justification for the firing given by P. I. Gohel may be stated in his own words :—

“ If fire had not been opened on the 13th at the Khadia and Panchkuwa, the lives of myself and the police party would have been in danger and the police vans and other public property would have been destroyed.”

Upon the evidence which I shall presently discuss, it is impossible for me to accept either this explanation or the justification offered for the firing.

200. In paragraph 28 of the statement of the District Magistrate, it was stated that the two police vehicles in which the Dy. S. P., C. I. D., and P. I. Gohel arrived were parked near the English Cinema along with another police van which was already stationed there. This was the van which had brought the police picket to the place. The map relevant to this firing is Ex. D. M. 24. It was prepared by P. S. I., C. I. D., P. F. Ankalesaria (D. M. W. 3) who stated that he prepared the map under instructions of the Dy. S. P., C. I. D., Mr. Jariwala, and he went to the places where firing had taken place which were pointed out to him by the several officers who had ordered firing. No one, whether witness or party, has disputed this map at any stage. In the map, the English Cinema is shown to be about 85 paces from the end of the Richey Road on the Panchkuwa side and it is here that the police vehicles were parked. From the English Cinema the Khadia Cross Roads, according to the map, is at least at a distance of over 150 paces. It is the case of P. I. Gohel that both the shots fired by Head Constable Sopan Keshavrao were fired from near the English Cinema. P. I. Gohel does not state where the third round, namely, the one fired by Constable Vishwanath Asma towards the Panchkuwa side, was fired from. But Constable Vishwanath Asma clearly states that all the firing that took place on the 13th August, that is to say, the one under orders of P. I. Gohel, took place from a spot near the English Cinema.

201. Now, it seems to me that this story of P. I. Gohel cannot for a moment be sustained. In the first place, the map (Ex. D. M. 24) itself shows two spots of firing, one near the English Cinema and the other on the Panchkuwa

Cross Roads. It was the case of the Parishad that the person who was shot at on the Panchkuwa side on that day was the boy Ibrahim who was killed, and that he was killed by a shot fired from the Panchkuwa Cross Roads towards the masjid near the Navi Molat. This masjid is shown to be 56 paces away from the spot of the firing on the Panchkuwa Cross Roads at right angles to the end of the Richey Road, in Ex. D. M. 24. Thus the map filed by the District Magistrate himself negatives the evidence of P. I. Gohel.

202. It is P. I. Gohel's case that both Ibrahim and Safru Hussein were killed at the Khadia Cross Roads and that Ibrahim was not killed towards the Panchkuwa side as alleged by the opposite party. This story is not borne out by the evidence. According to P. I. Gohel, only two shots were fired towards the Khadia side, both by Constable Sopan Keshavrao; and if his statement is correct that both the persons were injured at the Khadia Cross Roads, then both the shots found their mark, one on Safru Hussein and the other on Ibrahim. Now, regarding this incident of firing, the District Magistrate made his report to Government (Ex. D. M. 6) only four days later on the 17th August 1958. In the schedule appended to that report, he shows the following persons as injured in this firing :—

- (1) Ramesh Hargovind (16),
- (2) Ibrahim Sharfuddin (25),
- (3) Natvarlal Chandulal (16),
- (4) Dhana Hira (19),
- (5) Shirish Mangaldas (19), and
- (6) Sharfuhussein Pirbhai (25).

We have it upon the evidence that Dhana Hira and Shirish Mangaldas have received pellet injuries. Their certificates are Exs. D. M. 137 and 135. As to Natvarlal Chandulal and Ramesh Hargovindas, they have received bullet injuries and their certificates are Exs. D. M. 134 and 133. Thus excluding the persons who have received pellet injuries, there are still four persons who received bullet injuries in this firing, namely, the two deceased persons Ibrahim and Safru Hussein, and Ramesh Hargovindas and Natvarlal Chandulal. There is no doubt that all these persons were injured since their certificates have been produced and deposed to by Dr. Jani of the Vadilal Sarabhai Hospital. Upon P. I. Gohel's evidence it is impossible to account for the injuries to all these persons by only the two shots admitted to have been fired. The third shot was of the modified ammunition and therefore that shot could never have caused any of the injuries to those four persons. Therefore, either P. I. Gohel is suppressing the number of rounds fired or is not giving the correct version of the incident.

203. It was suggested not only in the evidence of the D. I. G., C. I. D., but also of other witnesses that the bullet may pass through the body of one person and injure one or more other persons, and that is what the learned Public Prosecutor was ultimately reduced to urging before me in connection with this firing.

204. It seems to me that even that explanation is impossible of acceptance. Dr. Dhavan (D. M. W. 54) has already told us that Safru Hussein had the bullet

embedded in his head. Thus that leaves only one bullet upon which to account for the injuries to the remaining three persons, namely, Ibrahim, Ramesh Hargovindas and Natwarlal Chandulal. Now, Ibrahim has been hit on the chest. His age is shown in the schedule to Ex. D. M. 6 as 25. Ramesh and Natwarlal have both been injured on the left thigh. It seems to me ridiculous to suggest that all these injuries were caused by one bullet passing through three human bodies. Therefore, the only possible conclusion to which I can come is that some more shots must have been fired in the firing which took place under orders of P. I. Gohel between the Khadia Cross Roads and Panchkuwa on the 13th August and that P. I. Gohel has not stated the true facts before the Commission. Over and above what I have stated above is another admission made by P. I. Gohel. He stated in paragraph 7 of his deposition that both the two shots were fired by Head Constable Sopan Keshavrao. The first round had no effect and therefore the second round had to be ordered. If that be the true reason, then the story told by P. I. Gohel becomes even more improbable.

205. There are a number of other statements made by P. I. Gohel which are incorrect and cannot be sustained upon the evidence. He has stated that he asked the Control Room for assistance but they informed him that he should manage the situation as best as he could. The entry in the Occurrence Book is entry no. 53 dated the 13th August 1958 which runs as follows :—

“ Time : 15-23 hours.

Informant : S-6.

Situation turning worst (sic.). Please sent more striking force. Shri Mistry's whereabouts not known. Please find out.”

And the entry in column 5 is : “ Directed S-3 ”. “ S-3 ” on that day was the call-sign of P. I. Sharmalkar who has not been examined. The entry does not show that the reply which P. I. Gohel says he received from the Control Room was given to him. P. I. Gohel had also filed a complaint in regard to the firing on the 13th August. The complaint was filed on the 21st August 1958 and is Ex. D. M. 45. In that complaint also he stated that he informed the Control Room that the crowd would set fire to the police vans and asked them to send immediate help but that the Control Room told him :—

“ भद्रना मायूसो हालमा आपी शकाय तेम नथी. अने परिस्थिती लयंकर
हाय तो गोलीबार बरु पडे करशे.”

[Men to assist you cannot at present be given. If the situation is serious and if it is necessary, you may open fire.]

He was examined about his statement as to the message received from the Control Room and was confronted with entry no. 53 which I have reproduced above, and he stated :—

“ I did not receive such a message. This statement is incorrect. I was not specifically instructed to use firearms by the message flashed back to me.”

Therefore, faced with entry No. 53 he immediately repudiated the entry and said that it was incorrect. But then he was contradicted by the written evidence

of the passage which I have quoted above from his complaint and he stated, after reading the passage : " I now remember that I was so informed by the wireless operator." This shows that P. I. Gohel was in his evidence making statements without much regard to truth.

206. Next, P. I. Gohel has admitted that as a result of the firing resorted to under his orders, two persons died, one was Safru Hussein Peerbhoy, aged about 25 years, and the other Ibrahim Sarfuddin, also aged about 25 years. Both the persons were shot from the back. This negatives his case that the firing had to be resorted to because the two mobs were advancing on the police party. Regarding Ibrahim, the certificate issued by the Vadilal Sarabhai Hospital (Ex. D. M. 136) shows that he expired at the hospital on the 13th August 1958 at 6-15 p.m. The injury has been described as follows :—

" Gun shot wound—front of chest 2" above the nipple on the right side 1.5 cm. × 1 cm. Another on the back, right side, posteriorly, at lower end of a scapula $\frac{3}{4}$ cm. × $\frac{3}{4}$ cm."

The X-ray taken of this person is Ex. D. M. 158. Dr. Jani of the Vadilal Sarabhai Hospital who issued the certificate stated :—

" The boy was injured on the right side of the chest. From the injuries I can say that he was shot at from the back, the entry wound being just below the lower end of the right scapula and the exit wound 2" above the right nipple. It is possible that the person who fired at Ibrahim fired from a lower level than the height of the entry wound on his person because the exit wound is higher in level than the entry wound."

The doctor further deposed that the boy could not have walked after the injury because it was a very serious injury.

207. In regard to Safru Hussein, the injuries which he had received are described by Dr. Dhavan (D. M. W. 54) who was the Police Surgeon at Ahmedabad at the material time. His injuries were :—

External Injury :—

Circular wound of $\frac{3}{4}$ " diameter with lacerated inverted and blackened margins, $1\frac{1}{4}$ " to the right of the external occipital protuberance (back of the head) with brain protruding.

Internal Injury :—

Extravasation of blood over whole of scalp.

Circular wound under external injury in column 17 (i.e. the wound described above).

Circular wound of 1" diameter with everted margins involving the deeper four layers of scalp, 2" above the middle of the left eyebrow with a bullet fixed in it.

One circular wound under each injury mentioned above.

Comminuted fracture of all bones of vault and base of scalp.

Intracranial haemorrhage present. Brain disintegrated. Coverings injured under circular wounds to skull.

208. The doctor stated that according to him, the cause of death was the fracture of the skull, intracranial haemorrhage and injury to the brain due to bullet injury. The memorandum of the post-mortem examination of Safru Hussein is Ex. D. M. 78. Dr. Dhavan further stated :—

“As regards the injury received by Safru Hussein, the bullet hit him on the back of his head one inch and a quarter to the right of the occipital protuberance and the bullet passed out of the skull bone but was embedded just under the skin. It had fractured the frontal bone and penetrated the lower four layers of the skin, but had not come out of the skin. The point where it had emerged through the skull was about 2 inches above the left eye-brow. I can say that the deceased must have been hit by the bullet when his back was turned to the firer. The man must have died instantaneously. He could not have survived even a minute after the injury.”

209. Further, P. I. Gohel stated that after the crowd had dispersed, he searched for injured persons and “found one such person near the Khadia Cross Roads. This person was injured near the head. We put him in a mobile van and as I was about to leave, District Superintendent of Police Mr. Sethna arrived at the Khadia Cross Roads”. This person was obviously Safru Hussein. In the examination on behalf of the Parishad however, he wanted to suggest that Safru Hussein was “limping towards the Brahmपुरi Pol with the aid of another man” and that he had heard this from Head Constable Sopan Keshavrao. Head Constable Sopan Keshavrao (D. M. W. 27) also tries to make out the same story. He stated :—

“I cannot say where the first round which I fired went. I did not hit anybody. I had not fired in the air. Nobody went to see the effect after the first round was fired..... The second round was fired within a minute of the first round..... I had seen this person coming forward from the crowd and as soon as he came forward Inspector Gohel pointed him out. I also thought that that person was the leader. This person was injured by the second round which I had fired. Other persons in the crowd assisted this injured person to move away. I saw the person from a distance when Inspector Gohel and others brought him for being placed in a motor van.”

All this evidence, in my opinion, is utterly false for the simple reason that if one considers the nature of the injuries sustained by Safru Hussein, it is clear that he could not have walked or limped or being assisted by anyone else, moved along. In fact, I have already referred to the evidence of Dr. Dhavan who has deposed that he must have dropped dead at the spot.

210. The reason for all this embellishment is not far to seek. It was the case of the Parishad that Safru Hussein was not shot at from the English Cinema, nor did he fall down near the Khadia Cross Roads, as deposed to by P. I. Gohel. Their case is that the police party ran after the crowds and pursued them up to the Khadia Cross Roads and when they went on to the road leading to the Brahmपुरi Pol, a shot was fired from the Khadia Cross Roads towards the road leading to the Brahmपुरi Pol. Upon the evidence it appears that the greater probability is that this is the correct version of the story. It was in order to answer this version that the story of Safru Hussein limping on to the road leading to the Brahmपुरi Pol was invented. There is reliable evidence to

show that Safru Hussein was found lying inside the road leading to Brahmapuri Pol. Even P. I. Gohel stated in answer to a searching examination on behalf of the Parishad that "the spot where the injured person fell was inside the Brahmapuri Pol about twenty yards from the Khadia Cross Roads." Now, it is clear upon the medical evidence that Safru Hussein must have fallen at the very spot where he was hit. He was admittedly found twenty yards inside the Brahmapuri Pol from the Khadia Cross Roads. A glance at the map (Ex. D. M. 24) will convince anyone that if that is where Safru Hussein was hit, it is impossible that the shot could have been fired from the English Cinema. The English Cinema is at least 150 paces from the Khadia Cross Roads and round a corner from the spot where Safru Hussein fell.

211. There is also evidence of a lady, Shantaben Haridas (J. P. W. 5), who lives on the road leading from the Khadia Cross Roads to Brahmapuri. Her house is about four or five houses away from the Khadia Cross Roads. She stated that at about 3-30 p.m. on the 13th August she was standing on the *otla* of her house. Her daughter Pushpa was with her at that time. The rest of the story is best stated in her own words:—

"While I was standing on the *otla* of my house, a Muslim boy was going along the road towards the Zakaria Masjid, when he was hit by a bullet. At first I thought from the sound that a tear-gas shell had been discharged but soon noticed that the boy had been shot. The boy fell down on the spot. The boy fell at a distance of about ten feet from my house on the road. I went out of my house with a bucket of water in order to help the boy. He was injured on the back of his head. I was trying to put water over the injury but a policeman came there and told me to go inside my house. I therefore went into my house. My daughter who had come out with me also went inside the house."

In the examination by the Congress Party, she stated:—

"I had been noticing the boy going along the side of the road. When the police came there, he started running and was shot."

This statement would no doubt explain the injury received by Safru Hussein on the back of his head. But, if this statement were to be accepted, I am unable to see what justification there was for shooting the boy. Upon the case set forth by P. I. Gohel the crowd was advancing upon the police. That story would in any case be false.

212. In the schedule to the District Magistrate's report (Ex. D. M. 6) one of the persons injured in this firing is shown to be Natwarlal Chandulal aged 16. This boy was shot through the right thigh. His medical certificate is Ex. D. M. 134. The X-ray of the injury is Ex. D. M. 156 which show no foreign body in it. Dr. Jani (D. M. W. 74) has also proved this. Now, describing the injury the certificate states that on the medial side of the lower end of the right thigh there was "one punctured wound 1 cm. × 1 cm. with surrounding area black." Dr. Jani was asked about this and he stated that in his opinion that is due to charring of the skin. In view of this, Dr. Jani was asked about the probable distance between the victim and the firer and he stated: "The distance, according to me, must have been about 2 feet from

the injured Natwarlal when the shot was fired at him." This evidence, in my opinion, completely negatives the police case in regard to this firing. On the other hand, it supports the case which I have already held probable that the police party ran after the crowd and fired.

213. I have already commented upon P. I. Gohel's evidence on the modified ammunition. He had on his own admission used one round of it at Panchkuwa on the 13th. He talks of a conversation with the D. I. G., C. I. D. on the 15th on the footpath outside the Karanj Police Station when the D. I. G., C. I. D. told him all about the modified ammunition and what it contained. Later in the afternoon he was examined by the District Magistrate with a view to making a report to Government. Before the District Magistrate he deliberately stated that '410 ball ammunition had been used. He was asked why he did this, and he stated:—

"There was no reason whatsoever which I can give as to why I did not tell the District Magistrate that afternoon when he examined me. I am aware that it was my duty to have told him."

He made a deliberately false statement in Ex. D. M. 45, his complaint made on the 21st August 1958 that '410 ammunition had been used. I cannot rely on the testimony of P. I. Gohel.

214. I am unable thus to see any justification for the firing resorted to under orders of P. I. Gohel. On both these occasions, it appears to me that fire was opened against the two crowds when they were running away. The crowds were not defiant or determined not to disperse. The story that the police or police vehicles were in danger when this firing was resorted to is false. The number of rounds fired under orders of P. I. Gohel must have been many more than have been deposed to by him and as to which he alone could have given correct information. The place from which he ordered the firing of the rounds admittedly fired has been incorrectly stated and the story improved upon and materially discrepant.

215. The next incident of firing on the 13th August 1958 was the one at the Jordan Road. The Delhi Chakla is formed by the intersection of four important roads: One is the road coming from the Delhi Gate and going towards Mirzapur; another branch of this road goes to the Gheekanta Char Rasta; and the Jordan Road is the fourth road leading into the Delhi Chakla and is to the east of the Delhi Chakla. I have already stated about that the D. I. G., C. I. D. and the District Magistrate were in the Delhi Chakla area for about five hours on the morning of the 13th August. When the situation would not come under control, the District Magistrate and the D. I. G., C. I. D., formed themselves into two police parties. The District Magistrate and his party went to the Delhi Chakla and the D. I. G., C. I. D., went to the Jordan Road.

216. The D. I. G., C. I. D., has stated that he noticed that on the Jordan Road and the locality roundabout very large crowds had collected and they had barricaded the roads. The crowds on the Jordan Road were also threatening to barricade the main road between the Delhi Gate and the Delhi Chakla. The D. I. G., C. I. D., entered the Jordan Road with a section of the police party

leaving other officers and men to guard the Delhi Chakla and proceeded to clear up the barricades on the Jordan Road. As they were doing this, severe stone-throwing commenced, and as soon as barricades were being removed they were being re-erected by the mob. When charged with lathis, the mob would run into gullies on the two sides and emerge again. Innumerable lathi charges were made and tear gas used on several occasions. The evidence of the D. I. G., C. I. D., is corroborated by Constable Sadanand Hanmoji (D. M. W. 30) and Gurubasappa Kuduappa (D. M. W. 29). Neither of these two witnesses were at all examined regarding the condition of the Jordan Road.

217. Under these conditions, the D. I. G., C. I. D., stated he had no other alternative but to open fire. He gave one round of the modified ammunition to a Constable and after warning the crowd, ordered him to fire it. Thereafter, he gave a second round, also of the modified ammunition, to another Constable. The D. I. G., C. I. D., did not give the names of the two Constables but they are Constables Gurubasappa and Sadanand, both of the S. R. P. In the same locality, a little later, crowds gathered on both the sides of the police party and the D. I. G., C. I. D., ordered two more rounds of .410 ball ammunition to be fired. These two rounds were also fired by the same two Constables mentioned above. The D. I. G., C. I. D., stated that of the last two rounds fired on the Jordan Road, one round completely missed the mark. The last shot did effect a hit but the police could not approach the casualty. The firing was immediately notified to the Control Room and the relevant entry is No. 68 dated the 13th August 1958.

218. As regards this firing, on behalf of the Parishad, two witnesses have been examined, namely, Surendrakumar Maniklal (J. P. W. 6) and Babubhai Manilal (J. P. W. 21). Surendrakumar stated that he lives at Daryapur but went out to get a supply of municipal milk as the municipal milk distributor sits on the foot-path near the Lunsu Wada to distribute milk. His usual way to the milk distribution centre was *via* the Kadia Naka on the Jordan Road. On this day also he went by the same way. He stated that as he came on to the Jordan Road, he noticed a crowd and felt that there must be some disturbance and therefore turned back into the Lodhwad. As he was about to enter Lodhwad, he was hit by a bullet and he managed to go into the Pol limping. Thereafter he collapsed and was picked up by a number of boys and carried back to his house.

219. There is no doubt that Surendra Maniklal was injured at the Jordan Road. He was admitted into the Vadilal Sarabhai Hospital at 6 p.m. on the 13th August and his certificate is Ex. D. M. 66. It has been proved by P. I. R. M. Syed (D. M. W. 46) who was in charge of the Karanj Police Station and who also proved that four other persons Kisan, Kalyan, Dayabhai Chimanlal, Krishna Murari Kalyan and Narayan Vithal were also injured in the firing on the Jordan Road. Their certificates are Exs. D. M. 63, 64, 65 and 67. P. I. Syed also proved that excepting Surendrakumar who was injured by a bullet, the rest of the four persons were injured by pellets. On Exh. D. M. 63, 66 and 67 there is an endorsement that the pellets or bullets removed were handed over to the police. Curiously enough, P. I. Syed stated that he did not know anything about the pellets mentioned in Exs. D. M. 66 and 67 having been returned to the police. The production of these pellets would undoubtedly have thrown some light and corroborated the story as regards this firing and no explanation is given as to why they are not produced.

220. The other person examined on behalf of the Parishad, Babubhai Manilal, was injured, according to him, near the Kadia Naka on the Jordan Road. He stated that he lives in Lodhwad, Daryapur, and had been to the Jordan Road to purchase bidis. As he was returning, a shot was fired and he was injured and fell down. The witness produced a bush coat which he was wearing at that time, which shows marks of pellets injuries (Ex. J. P. 22). He also showed marks of injuries on his leg, arms and shoulder. But he was treated at the dispensary of Dr. Chunibhai who has not been examined and except his own word, there is nothing to corroborate his story that when he was injured on the Jordan Road near the Kadia Naka, according to this witness, there was absolutely nothing on the Jordan Road at that time. He admittedly did not even see the police who were hidden from his view. The story told by this witness, uncorroborated as it is, is not acceptable and I reject the evidence of this witness.

221. The other witness, Surendra Maniklal, whose evidence I have already referred to, does not make out a case not justifying the firing on the Jordan Road. On the other hand, he corroborates the evidence of the official witness as to the time, place and direction of the firing. The evidence of the D. I. G., C. I. D., is corroborated by the evidence of Constable Gurubasappa Kuduappa and Sadanand Hanmoji in regard to the firing, and by the District Magistrate in regard to the circumstances preceding the firing. The firing was immediately notified to the Control Room and the relevant entry in the Occurrence Book corroborates the evidence given by the D. I. G., C. I. D., and the two Constables. I accept all this evidence and hold the firing justified.

222. The third incident of firing on the 13th August occurred near the Panchkuwa Chowky some time after 5-30 p.m.

(3) *Firing at Panchkuwa Chowky.* The firing was ordered by Jamadar Amarsingh (D. M. W. 15) who was in charge of the Panchkuwa Police Chowky. He stated that a large crowd of about fifty persons gathered near the Khadia Cross Roads and started coming towards Panchkuwa. They were shouting slogans, were throwing stones and had flaming sticks in their hands. Seeing the crowd approaching, another crowd of 200 persons also quickly gathered near the Panchkuwa Police Chowky. He attempted to disperse the crowds with several lathi-charges but they came back and attacked the police party and he was apprehensive of the safety of the police. He warned the crowd that fire would be opened against them. He ordered one round to be fired by Constable Rupji Virji (D. M. W. 32). As a result of this shot, one person was injured on the left leg and he sat down. The crowd dispersed and the injured person was picked up and sent to the Civil Hospital. About half an hour later, another crowd came towards the Panchkuwa Police Chowky armed with flaming sticks. They were throwing stones at the Police Chowky and were constantly shouting hostile slogans. Jamadar Amarsingh warned the crowd but it had no effect. He suddenly saw flames emanating from a place behind the crowd and concluded that they had ransacked some shops and had set fire to the goods of some shops. He therefore ordered the crowd to disperse and told them that fire would be opened if they would not. When the crowd did not heed this warning, he ordered Constable Rupji Virji to fire a second round. As a result of this shot being fired, the crowd dispersed. The firing took place between 6-45 and 7 p.m. on the 13th August.

223. Jamadar Amarsingh has been corroborated by Constable Rupji Virjee who fired the two shots. This witness also deposes to the fact that before the second round was fired, the crowd had attempted to set fire to some material on the road. The material consisted of cloth and other articles brought out from a shop in front of the English Cinema at a distance of about 150 paces from the witness. The members of the crowd were armed with brick-bats and flaming pieces of wood or torches, and there is no doubt that if they had not been checked, the Police Chowky would have been set fire to and the policemen severely injured.

224. The person injured in this firing is Soma Bhagwan who has been examined as J. P. W. 23. His injury certificate is Ex. D. M. 132 which shows that he received an injury on the left knee. The bullet appears to have passed through the knee, because Dr. Jani has deposed that on screening no foreign body was discovered and there were two wounds, an entry wound and an exit wound. Soma Bhagwan sustained a fracture of the medial condyle of the right femur bone. This witness was altogether an unsatisfactory witness. I had to make a note of his demeanour in the witness-box. To a certain question where he had contradicted himself, he took a very long time to answer and ultimately did not say "yes" or "no" but stood dumb. He is working as coolie at the railway station though he is not an officially recognised coolie. He could not give any satisfactory account as to why he was at Panchkuwa on the 13th August at that time. He was at one time an inmate of an Anathashram at Ahmedabad and admitted that he ran away from the Anathashram. No doubt, he added that he had been beaten by his teacher. The witness did not appear to be very reliable. He must have been there along with the crowd. At any rate, his evidence does not negative the evidence of Jamadar Amarsingh and Constable Rupji Virji which I accept. The whole incident was reported shortly after at 7-15 p.m. and entry No. 84, dated the 13th August 1958 corroborates the evidence of these witnesses. This firing was not even attacked on behalf of the Parishad and Mr. Shah agreed that it was justified. I hold that this firing was justified.

225. The fourth firing which took place on the 13th was under orders of the Senior D. S. P. on the Shahpur Road at
 (4) *Firing at Shahpur.* Mangal Parikh's Khancha. This is one incident regarding which widely differing evidence has been given on both sides. On behalf of the District Magistrate, the evidence consists of the Senior D. S. P. (D. M. W. 7) and Head Constable Vardhamansingh (D. M. W. 28), to whose evidence I have referred when discussing the modified ammunition. On behalf of the Parishad, the evidence has been given by Dr. Rasiklal Chhotalal Shah (J. P. W. 12), Miss Premlata Chinubhai Nanawaty (J. P. W. 20), Ambalal Mofatlal (Com. W. 6), and Rasiklal Premchand Shah (Com. W. 7).

226. As regards this incident, the Senior D. S. P. stated that while he was at the Karanj Police Station, he received information from the Control Room (Entry No. 79, dated the 13th August 1958) that the Mayor of Ahmedabad had informed them that a municipal school at Shahpur had been attacked. He went to the locality and found that the condition at Shahpur was serious. On that day about three police chowkies had already been destroyed and several public and private properties had been damaged. The Bharati Vidyalaya had

been attacked and in the morning the police had been hemmed in by the crowd. The Senior D. S. P. went to the Shahpur area *via* the Cama Garage and the Bahai Centre, that is, through the Khanpur area. He stated that the crowds were shouting and jeering at the police, and when he arrived on the Shahpur Road itself, he could not proceed further and he had to stop near a maternity home. The maternity home is at the junction of the road from the Bahai Centre going to Shahpur and the road from the Rangila Chowky going to Shahpur. Just opposite the maternity home is a school, and next to it, the Mangal Parikh's Khancha. The Senior D. S. P. stated that there was a crowd of about a thousand persons in front of him and when he looked round, he found that there was a crowd collected behind him also. His jeep and the escort remained with him but the mobile reserve which was accompanying him had been cut off by the crowd at a distance of about a hundred yards. The crowd was in a highly excited state and violent and was throwing stones at the municipal school and the maternity wards. The bus stand almost opposite the Mangal Parikh's Khancha had been destroyed.

227. Seeing the police party the crowd turned its attention to it. They attacked the men and vehicles with stones. A section of the crowd placed an electric pole across the road, so that they could not proceed further. The Senior D. S. P. declared the crowd an unlawful assembly and commanded it to disperse but they did not disperse nor desist from their attack. Behind him, he saw that the mobile reserve under P. I. Madhavparasad had been completely surrounded and that the latter's men were trying to push back the crowd with lathis. When that crowd started coming towards the jeep, he ordered a Head Constable to discharge a few gas shells but the crowd increased its stone-throwing and a number of policemen in the Senior D. S. P.'s party were injured. Thereupon he gave Head Constable Vardhamansingh one round of the modified type of ammunition and ordered him to fire. As a result of the first shot, the crowd on the road leading to the Rangila Chowky ran away but the crowd behind him continued their violent activity. Therefore, he ordered a second round to be fired at that crowd. This was to the left of the road leading from the Bahai Centre to Shahpur, that is to say, in the direction of the Mangal Parikh's Khancha. As a result of the second shot, the crowd behind him which was surrounding P. I. Madhavprasad's party dispersed. The Senior D. S. P. stated that he made inquiries if anyone was injured but could not find any injured persons.

228. This evidence of the Senior D. S. P. has been corroborated in great detail by Head Constable Vardhamansingh who was in his party as his personal escort. Vardhamansingh stated that stones were being thrown from both the sides by both the crowds. The third van under P. I. Madhavprasad was 100 paces behind and was completely surrounded. He stated that the Senior D. S. P. himself and the driver of the D. S. P.'s jeep were injured, as also himself. He received four or five hits from stones. Vardhamansingh was examined in great detail on behalf of the Parishad. There is nothing in his examination which can shake the credibility of his evidence. I have also accepted it in connection with the story relating to the modified ammunition. As to the modified rounds of ammunition, he has stated that since the Senior D. S. P. gave him two shots, he did not bother to inquire what they contained and fired them under the Senior D. S. P.'s orders. The first shot was fired on the crowd on the Shahpur side and the second shot, at the mouth of the

Mangal Parikh's Khancha. This version of the Senior D. S. P. and Head Constable Vardhamansingh is amply corroborated by entries Nos. 79 and 91, dated the 13th August 1958 in the Occurrence Book. Entry No. 79 showed that the Mayor, Mr. Chinubhai Seth, informed the Control Room that a municipal school at Shahpur was attacked and that police assistance was required. The action taken as recorded in the Occurrence Book was, "Informed King". It is to be remembered that "King" was the call-sign of the Senior D. S. P. on that day. Entry No. 91 is a message from "King" at 20 hours shortly after the firing and it describes the scene and the action taken and corroborates the evidence of the Senior D. S. P. and Head Constable Vardhamansingh.

229. Now, as to this incident, the evidence on behalf of the Parishad tries to make out that there was absolutely no trouble on the road leading from the Bahai Centre to Shahpur, that there was no curfew operating in that area, that the shops were open and conditions were normal, but that all of a sudden, the police came in three vans, stopped at the spot, suddenly two shots were heard and the police party immediately left. It was urged that the police were merely trying to terrorize the people without any cause for firing.

230. On this incident, the first witness on behalf of the Parishad is Dr. Rasiklal Chhotalal Shah (J. P. W. 12), who stated that he was in his dispensary which is four or five shops from the Shahpur Maternity Home. He was in his dispensary at 6 p. m. when he heard the sound of police vehicles and he came out to see what the matter was. A jeep and the vans came near the Mangal Parikh's Khancha. The jeep was about to come to a standstill when someone from it fired twice. Then he stated that from the other two police vans behind the jeep, several armed policemen got down and looked around with their guns cocked. They stopped there for about two or three minutes and were then ordered to get into the police vans. They accordingly got in and the whole of the police party left the locality. Thereafter, Dr. Shah stated, he went into his dispensary and sat on his chair. Now, in the first place, the whole story given out by this witness appears to be most improbable. The conduct attributed to the police that without there being any stir in the locality or any person being seen, they suddenly fired two shots, does not appear to me to be a very likely story, especially when the Senior D. S. P. was in charge of the party and there were at least 15-20 subordinate officers and men who could have later on vouched for such atrocious conduct on his part. I do not think that he would resort to such methods in their presence. Then, according to the doctor, the policemen got down from the two vans behind the jeep and looked around with their guns cocked and two or three minutes later they were ordered into the police vans and left the locality. There is no reason whatsoever suggested as to why the rest of the policemen should perform this silent pantomime. It is clear that the doctor knows much more than he cares to admit. He was forced to admit in the examination by the Public Prosecutor that there was an electric pole on the road going to the Rangila Gate broken and thrown on the side of the road. This corroborates in some measure the Senior D. S. P.'s statement that that pole had been placed across the road. He also admitted that at the end of the Mangal Parikh's Khancha there was a crowd of 50 to 75 persons consisting of boys and some grown up persons also. The entire history of the events during the three days of disturbance in Ahmedabad shows that the crowd always came out to do mischief on the main

roads and at the merest approach of the police party, disappeared into the *pols* and *khanchas*. Therefore, if there was a crowd of 50 or 75 persons at the mouth of the Mangal Parikh's Khancha, they did not come there for any innocent reason on a day of such great disturbance in the City. This lends support to the story of the Senior D. S. P. and Head Constable Vardhaman-singh as to their behaviour.

231. The person injured in this firing, it is not disputed, was the boy Hasmukh Jayantilal, aged about 16 years. The injury certificate granted by the Vadilal Sarabhai Hospital in regard to this boy is Ex. D. M. 62. It shows that Hasmukh was admitted into the hospital at about 8 p.m. on the 13th August 1958 and that he died at 11-45 p.m. on the 14th August due to shock and haemorrhage from multiple shots. The boy was injured on the right leg and had innumerable "minute punctured wounds, sievelike, on the right calf, small punctured wounds on the anterior lateral aspect of the right leg." On screening the foot multiple small radio opaque foreign bodies in the right calf were discovered. The X-ray photograph of the boy's foot is Ex. D. M. 159 and it very vividly shows the nature of the injuries. Several dozens of pellets are visible in a small area round the knee. Dr. Jani has proved these injuries and the certificate and the X-ray. He deposed that Hasmukh had not sustained any injuries except the injuries on the leg. He was aged 16. He further stated that the boy was operated on in order to find out the bleeding points. Upon operation it was found that there was a tear in the posterior tibial artery. The tear was caught and ligatured. The doctor stated:—

"These injuries were not such as would normally cause death but since the artery was damaged, profuse bleeding had occurred which resulted in death. It is possible to stop such bleeding by the application of a ligature. Normally, therefore, the boy might have lived if he had been immediately treated."

232. It seems to me that in this evidence is to be found some explanation for the conduct of Dr. Rasiklal Shah in trying to support the Parishad's case. Admittedly, Dr. Shah was immediately called to attend to the boy. He was lying in the open space or what is really a courtyard of a temple just a few yards inside the Mangal Parikh's Khancha. The doctor stated that the boy was injured on the right foot just below the knee. He had been bandaged but he noticed that he was profusely bleeding. Finding this condition, he took the boy to his dispensary with the aid of others. Then he stated: "I opened the bandage, gave him first aid and replaced the bandage." It is patent that Dr. Shah seeing the extensive injury and the profuse bleeding that was taking place, did absolutely nothing because he has admitted that he did not try to find out the bleeding points and did not apply a ligature to stop the bleeding. He stated:—

"I did not think it necessary to apply a ligature in order to stop the bleeding. I did not think it necessary because considerable bleeding had already taken place. The boy was living at that time.... I did not try to ascertain which were the bleeding points."

Dr. Shah does not state what was the nature of the first aid he gave to the boy. Though he maintains some sort of record of his other patients he had absolutely no record of this case in his papers which might have thrown some light on what

he did. Upon the evidence all that he appears to have done is to have removed the bandage, seen the serious injury, replaced the bandage and asked the attendants to take the boy to the Vadilal Sarabhai Hospital. The time thus wasted could have been better utilized to save the life of this unfortunate boy.

233. Dr. Shah is not a qualified allopathic medical practitioner. He passed out in October 1955 from the Jamnagar Ayurvedic Medical College and held a diploma in the Ayurvedic State Faculty. He stated that the diploma entitled him to practise like any other Bachelor of Medicine and Surgery. Upon the evidence of Dr. Jani, I am more than satisfied that the life of the boy Hasmukh could have been saved if he had been given proper medical treatment immediately by Dr. Shah, but he was not so treated and the result was that by the time he had reached the Vadilal Sarabhai Hospital, there was too much bleeding and the boy died. It is this circumstance that appears to me to give a clue as to why Dr. Shah was anxious to support the Parishad's case. By showing his zeal to further the case of the deceased boy's relations, he could at least cover up the allegation made against him that he failed to give the deceased boy proper treatment.

234. The other evidence given on behalf of the Parishad is either indecisive or discrepant and conflicting. Miss Pramila Chinubhai is a student in the B.A. Class in the Lalbhai Dalpatram College. She stated that she had been to the *derasar* (temple) to pray when she heard a shot as if from a gun. She finished her prayers and came out into the outer room of the *derasar*. When she came out she saw a boy fallen in the courtyard of the *derasar*. The boy was bleeding from his foot. Her evidence shows that Hasmukh was injured by the second shot fired from the mouth of the Mangal Parikh's Khancha and limped into the *derasar*. The evidence therefore justifies the Senior D. S. P.'s statement that though he searched for an injured person he could not find any.

235. The next witness is Ambalal Mafatlal (Com. W. 6). He is a mill clerk and lives in the Wadvali Mehta Pol, Shahpur. He was walking about in the Pol when he heard the report of a shot being fired. He then stated that he saw two policemen get out, hit the road with their lathis, and then get into the police van. Thereafter, Ambalal stated that he went into the Mangal Parikh's Khancha and saw the boy injured. People were saying that he was injured with a revolver shot, which incidentally shows how it is possible to imagine incidents. If this witness's evidence were to be believed, Dr. Rasiklal Shah did not on that day go into the *derasar* or attend upon the boy Hasmukh, because, according to this witness, he did not see Dr. Shah at all though he was attending to the boy who had fallen in the courtyard. The other witness is Rasiklal Premchand Shah (Com. W. 7). He is a cotton broker and lives in the Mangal Parikh's Khancha. He gives out a story which is not deposed to by any of the witnesses. According to this witness, he was walking alone in the Mangal Parikh's Khancha when he noticed a police officer wearing a hat getting down accompanied by about five or seven policemen armed with muskets. He heard the report of a shot being fired behind him and turning round he saw an officer and a police constable standing and the officer was holding a revolver in his hand. The suggestion which was made through the evidence of this witness was that the shot was fired by the Senior D. S. P. himself from his revolver, a suggestion which even the last witness faintly made by saying that that was the story which everyone was giving out at the time. The story however cannot possibly be accepted because of the nature of the injuries on the boy Hasmukh, which are multiple

gun shot wounds and could not be caused by the use of a revolver. In this stage of evidence I am unable to accept the version of this incident given by the Parishad. I accept the evidence of the Senior D. S. P. and Head Constable Vardhamansingh.

236. There is further a very crucial piece of evidence which, in my opinion, corroborates the version of the official witnesses. The boy Hasmukh was collapsing after being admitted into the Vadilal Sarabhai Hospital because of excessive haemorrhage. Therefore, arrangement was made for recording his dying declaration. This statement has been produced and is Ex. D. M. 59. P. I. Syed proves that this statement was signed by the boy Hasmukh. The signature of the deceased, Hasmukh upon the document was not seriously-challenged, nor was the admissibility of the document challenged when it was admitted. Hasmukh had stated that he had gone to the *derasar* for *darshan* and that at that time about 100 or 150 boys were causing mischief and that when he came out he was injured by a shot fired by the police who had come there in police vehicles. He stated that the police had fired at the crowd of boys who were committing mischief. I have no reason to doubt that this statement was signed by the deceased Hasmukh and was as recorded. If so, the statement completely negatives the evidence given on behalf of the Parishad and corroborates the testimony of the Senior D. S. P. and Head Constable Vardhamansingh. Incidentally the statement of the boy and the other evidence on this incident point to three conclusions which I have emphasised before, namely, (i) that Hasmukh Jayantilal was an innocent victim of an occasion when fire was justifiably opened on a rioting crowd; (ii) that the modified ammunition can cause very serious injury and injure persons other than those aimed at; and (iii) that he was yet another victim of very young age. I hold that this firing was justified.

237. On the 14th August 1958 fire was opened on three occasions. The first was at the Akashet Kuwa's Pol where one round was fired by Constable Ramchandra Daulat (D. M. W. 26) under orders of the Dy. S. P., C. I. D., The second firing was by Police Sub-Inspector Bhaskar Trimbak Tilak (D. M. W. 19) near Bala Hanuman on the Richey Road. P. S. I. Tilak fired two rounds from his service revolver. The third incident occurred on the Relief Road when two rounds were fired under orders of the First A. D. S. P. Hazari, one each by two Constables Jai Hari (D. M. W. 24) and Ramu Sidappa (D. M. W. 25), both of the Special Reserve Police. On behalf of the Parishad, the last two incidents of the firing on the 14th August were not disputed and it was conceded that the firing on those occasions was justified. I shall therefore merely indicate the evidence in regard to those incidents and not discuss them in detail.

238. As regards the firing at the Akashet Kuwa's Pol, the Dy. S. P., C. I. D., has deposed that on the 14th August he was in charge of a mobile patrol, the call-sign of which was "Sugar-2". At about 1 p.m. he came near the Jyoti Sangh from where the mouth of the Akashet Kuwa's Pol is about seventy paces on the opposite side of the road. He noticed a fire burning on the road. It was being fed with looted articles. There was a barricade erected across the road consisting of large stones. The

map (Ex. D. M. 24) indicates that a little further down the road on the same side is the Shamla's Pol. Here the Dy. S. P., C. I. D., found an electric pole laid across the road and gutter lids tied on a wire strung across the road. His party pushed aside the burning material on the road to one side and attempted to remove the barricades, when crowds from Akashet Kuwa's Pol, Shamla's Pol and Havelini Pol attacked his party with stones and brick-bats. He then made a lathi-charge and dispersed them. But they came back and he had to disperse them by the use of tear gas. Thereafter he had the barricades removed and went and cut the wires across the road. As he and his party were returning with the wires, they were again attacked from the *pols* and had to fire tear gas shells at the crowd. The Dy. S. P., C. I. D., was himself injured on the right hand and P. I. Deo who was in his party was injured on his knee. Thereupon, the Dy. S. P., C. I. D., ordered Head Constable Ramchandra Daulat to fire one round of '410 ball ammunition at the crowd near the Shamla's Pol. He stated that he pointed out to Head Constable Ramchandra Daulat the principal miscreant. The firing had the desired effect and the crowd disappeared. When he went towards the Shamla's Pol, he found that the gate of the Pol had been closed. He could not find any injured person. Constable Ramchandra Daulat (D. M. W. 26) has corroborated the evidence of the Dy. S. P., C. I. D. He deposed to the road block and the fire burning on the road. He stated that the police tried to remove the burning material when the people began to pelt stones at the police party. He also proved that the Dy. S. P., C. I. D., gave a warning to the crowd that they should disperse and that lathi-charges and discharge of tear gas shells were resorted to before firing was ordered. In answer to questions by the Parishad counsel, he stated that the leader of the crowd was at the time engaged in throwing stones at the police party and was saying that the police van should be burnt.

239. The person alleged to have been injured in this firing was Chandrakant Dalpatram (J. P. W. 13), according to the Parishad's case. He is a *badali* worker in the Kaiser-i-Hind Mills and stated that he left his house to go to his maternal aunt's place. From his maternal aunt's place he commenced to go to the Mills at about 2 p.m., and as he reached the end of Shamla's Pol he was injured by a bullet. He stated that he immediately pressed the injured part and ran into the Pol but fell down before he could go beyond the second or third house in the Pol. He was then taken to the Vadilal Sarabhai Hospital in an ambulance. The fact that after he was injured he rushed into the Pol and fell down at some distance in some measure corroborates the evidence of the Dy. S. P., C. I. D., that he tried to search for the injured person but could not find any.

240. Chandrakant Dalpatram tried to make out that there was absolutely no disturbance on the main road or in the Shamla's Pol when the shot was fired, but he was forced to admit that there were ten or fifteen boys at the end of the Shamla's Pol and close to him there were five or six boys of his age.

241. It is not the case of any party that the Dy. S. P., C. I. D., used shot ammunition or the modified ammunition on this occasion of firing on the 14th August. It is also proved beyond doubt and is also not disputed that only one round of '410 ball ammunition was fired on this occasion. The medical certificate of Chandrakant Dalpatram (Ex. D. M. 210-DD or Ex. D. M. 138)

shows that he had sustained two punctured wounds in the upper part of the abdomen. There is absolutely no reason to doubt the correctness of this certificate. Therefore, the only conclusion which can be drawn is that Chandrakant had sustained his injuries at some other place and is now stating falsely that it was at Akashet Kuwa's Pol.

242. This witness had been examined by the Police Sub-Inspector, L.I.B., on the 11th February 1959 and his statement is Ex. D. M. 189. In that statement, he had stated that there were crowds at the end of the Shamla's Pol who were creating disturbance. He denied that statement when it was put to him in examination by the Public Prosecutor, but he has signed the statement and therefore his denial cannot be accepted. He had moreover made a second statement before the Additional District Magistrate (Ex. D. M. 213) wherein he had further stated:—

“ There I noticed a large crowd of people between Aka Sheth Kuwa's Pol and Shamla's Pol. This mob was throwing stones towards Jyoti Sangh. I saw fire burning on the road near Aka Sheth Kuwa's Pol.”

This statement is also signed by him and has been proved by the Additional District Magistrate Mr. N. K. Shah (D. M. W. 86). Mr. Shah has deposed that the statement was explained to the witness before he had signed it. I accept the evidence of Mr. Shah. These statements made by him show that the witness Chandrakant is concealing many facts which he knew. His explanation for visiting his maternal aunt's place on that day in spite of the curfew order being in operation is far from satisfactory. I therefore reject the evidence of Chandrakant Dalpatram. No part of it is true except the fact that he was injured in the abdomen probably by pellets.

243. The evidence of the Dy. S. P., C. I. D., and Constable Ramchandra Daulat is corroborated by entry No. 27, dated the 14th August 1958 in the Occurrence Book. The entry was made shortly after the incident at 2.36 p.m. at a time when there was no opportunity to concoct any case. The entry also stated that the Dy. S. P., C. I. D., was injured by a stone on the left hand and P. I. Deo on the right leg. The incident was reported to Government by the District Magistrate on the 20th August 1958 (Ex. D. M. 7). The report corroborates the above evidence. I accept that evidence and hold that this incident of firing was justified.

244. The second incident on the 14th August was the firing resorted to by P. S. I. Tilak. He is the only witness to this incident. P. S. I. Tilak had come to Ahmedabad only on the 5th August under orders of the District Superintendent of Police, Poona. On the 14th he was at the Kalupur Police Station when at about 11-45 a.m. he was ordered by the Control Room to proceed to Jhaveri Wad Police Chowky to communicate certain instructions. On his return he came near Bala Hanuman on the Richey Road where a crowd of about 500 persons obstructed his further progress. They were pelting stones at his vehicle. Behind him another crowd collected and he was hemmed in. P. S. I. Tilak stated that he got down and warned the crowd three or four times and then fired one round from his .38 bore service revolver. As a result he was enabled to proceed

a little further. Here he had to fire a second round under similar circumstances. Then the crowds dispersed and he proceeded to the Kalupur Police Station *via* the Khadia Cross Roads. He reported the incident to the Control Room, *vide* entry No. 24, dated the 14th August 1958. No one was injured in this firing. The firing was not challenged as unjustified. I hold it justified.

245. The next and last incident of firing was on the Relief Road under orders of the First A. D. S. P. Hazari (D. M. W. 6) when two rounds were fired, one by Constable Jai Hari (D. M. W. 24) and one by Constable Ramu Sidappa (D. M. W. 25), both of the Special Reserve Police. The First A. D. S. P. proves that he was patrolling the Relief Road on the 14th. Sometime after 9 a.m. he was in the area between the Oriental Building and the Relief Tea Centre on the Relief Road. The crowds here were most persistent and aggressive. He and his party experienced a heavy barrage of stones from the side of the Relief Stores. He made a number of lathi charges and used tear gas frequently but to no effect. Some members of the crowd pulled down a tree and laid it across the road. Another crowd was attempting to pull down the telegraph poles nearabout. A third crowd was attempting to break the lock of the Relief Stores. He had by then already fired fourteen tear gas shells and grenades but to no effect. He therefore warned the crowd, ordered Constable Jai Hari to fire one round and after a time Constable Ramu Sidappa to fire a second round. Both the Constables proved the firing and the circumstances under which it had to be carried out and corroborate the First A. D. S. P. The justifying cause for this firing was not questioned by any party. Upon the evidence I hold it justified.

246. These were all the incidents of firing admitted by the District Magistrate. On behalf of the Parishad several other incidents of firing were alleged and it was urged that the police have suppressed evidence of these incidents. It was also alleged that apart from firing the police have otherwise been guilty of conduct savouring of terrorism and have committed a number of atrocities upon innocent people. I now turn to evidence relating to these incidents.

247. There are three undisclosed incidents of firing alleged to have taken place, according to the Parishad. The first was at the Patasa Pol, the second at the Kolsa Galli, and the third in which one Shantilal Kantilal was injured. The incident of firing at the Patasa Pol is deposed to by as many as seven witnesses. They are Shirish Mangaldas, aged about 19 years (J. P. W. 4), Naresh Amritlal, aged about 18 years (J. P. W. 9), Mahendrakumar Kantilal, aged about 23 (J. P. W. 10), Shailesh Ramanlal, aged about 20 (J. P. W. 11), Surendra Mangaldas, aged about 38 (J. P. W. 15), Popatlal Chunilal, aged about 32 (J. P. W. 16), and Bharatkumar Kantilal, aged about 19 (J. P. W. 17). All these witnesses refer to one and the same incident, namely, a firing which took place in the Patasa Pol at about 3 or 4 p.m. on the 13th August 1958

248. The Patasa Pol is a Pol lying on both sides of the Richey Road at right angles to it, between the Fernandez Bridge on the Richey Road and the Panchkuwa end of the Richey Road. This is clear from the map (Ex. J. P. 69D). At the mouth of the Patasa Pol is the Fernandez Bridge Police Chowky on the Richey Road. As one enters the Patasa Pol from the Richey Road end, there is on the right hand towards the west the Kachra Seth's Pol and on the opposite side, the Navi Pol. Further down the Patasa Pol towards the west are the Khara Kuwani Pol and the Adasa Khadki, and on the east, the Brahmapuri Pol and Hirabhai's Pol.

249. Shirish Mangaldas is shown in the schedule appended to Ex. D. M. 6 as having been injured in the firing which took place between the Khadia Cross Roads and the Panchkuwa between 3-15 and 3-30 p.m. under orders of P. I. Gohel. In the schedule to Ex. D. M. 6 he is said to have received pellet injuries on both the legs. Beyond this statement, there appears to be no evidence on behalf of the District Magistrate that Shirish Mangaldas was injured at the Khadia-Panchkuwa firing. I have shown that the evidence relative to that firing is unreliable and suspicious. Now, Shirish Mangaldas has been examined on behalf of the Parishad as J. P. W. 4. Shirish Mangaldas is a student in the junior B.Com. Class in the H. L. College of Commerce, Ahmedabad. He stated that on the 13th afternoon he wanted to go from the Shamla's Pol to the Patasa Pol to his maternal uncle's place. He went to the Patasa Pol *via* Sankdi Sheri and Lakha Patel's Pol. He lives in Shamla's Pol and there is no way to go to the Patasa Pol except through the *pols*.

250. Shirish Mangaldas stated that when he arrived at the Patasa Pol, he found a crowd of people standing at the Richey Road entrance to the Pol. There must have been about 35 to 40 people in the crowd. As he was going towards the mouth of the Pol, the police arrived and the crowd began to run into the Patasa Pol. Shirish also ran. Some members of the crowd rushed into the Navi Pol and closed its door. Therefore, he had to run into the Kachra Seth's Pol along with several others. Having entered the Kachra Seth's Pol, the crowd closed the gate of that Pol. The witness further deposed that the police came up to the gate and fired from the lower portion of the gate where there is a gap. A little while later, it suddenly struck him that he had been injured by that shot. He found that six or seven other persons standing near him had also been injured. He was picked up by the people of the Pol and taken into a house. His injury was profusely bleeding. While he was lying in the house, he heard the sound of another shot being fired about five minutes after the shot which hit him. After the police left, he was taken in a car belonging to one Haveliwala to the Vadilal Sarabhai Hospital. The evidence given by the other witnesses mentioned above is almost identical with the evidence given by Shirish Mangaldas except as to the respective positions of each of the witnesses and what they were doing when the police entered the Pol pursuing the crowd.

251. Naresh Amritlal (J. P. W. 9), aged 18, is a First Year student in the Mafatlal Gagalbhai College of Science at Ahmedabad. He was at the mouth of the Brahmapuri Pol which is off the Patasa Pol, at about 3 or 4 p.m. on the 13th August. He noticed several persons running into the Patasa Pol and disappearing into the smaller *pols*. When a shot was fired, he was also injured. He also deposed to being taken to the hospital in a car belonging to one Haveliwala.

252. Mahendrakumar Kantilal (J. P. W. 10) is aged about 23 and works as a share *dalal* in the seed market. He lives in the Patasa Pol. He was standing below the *otla* of one Jagabhai Kolsawala which is just outside the Brahma-puri Pol. The rest of his story is exactly as told by Shirish Mangaldas. The boys at the mouth of the Pol began to run into the Pol and behind this group of boys the police were also running. The police fired a shot in a *pol* opposite the Navi Pol i.e. the Kachra Seth's Pol. He stated that he was talking to Shailesh and Surendra (J. P. Ws. 11 and 15), and did not run because they all felt that if they started running the police would beat them. While they were standing, a second shot was fired from the Richey Road side and hit all of them. That shot also had injured Naresh Amritlal (J. P. W. 9). Shailesh and Surendra both corroborate the evidence of Mahendrakumar and Naresh.

253. There is also the evidence of Popatlal Chunilal (J. P. W. 16) and Bharatkumar Kantilal (J. P. W. 17). Popatlal and Bharatkumar, along with four or five others, were sitting on the *otla* of an *apasara* (Jain temple). Both Popatlal and Bharatkumar stated that when the police pursued the boys at the mouth of the Patasa Pol, they came running into the Pol and hid there. They saw the police follow them into the Kachra Seth's Pol. Both Popatlal and Bharatkumar went into the Kachra Seth's Pol and the door was closed after them. While they were standing in the Pol, they heard the report of a gun shot from which they received injuries. All these witnesses also depose to the manner in which they were taken to the Vadilal Sarabhai Hospital.

254. There is absolutely no doubt that all these persons have been injured, because their certificates granted by the Vadilal Sarabhai Hospital have been produced and Dr. Jani has proved the injuries. The certificate given to Shirish Mangaldas is Ex. D. M. 135 and his X-ray skiagram is Ex. D.-M. 157. The certificate of Naresh Amritlal is Ex. D. M. 166, of Mahendrakumar Kantilal is Ex. D. M. 171, of Shailesh Ramanlal Ex. D. M. 170, of Surendra Mangaldas, Ex. D. M. 168, of Poptalal Ex. D. M. 167 or 210-FF, and of Bharatkumar Ex. D. M. 175. The injuries which each of these persons received are small punctured wounds and the injury of Mahendrakumar is stated to be from *chharras*. Most of them have multiple punctured wounds. It is clear that they were injured by pellets from a shot or shots fired from a gun or musket.

255. There is absolutely no evidence to the contrary on behalf of the police, nor any explanation offered as to how so many persons came by their injuries. The fact that they have been injured and by firing is beyond doubt. Four of these persons are students and the rest in service. All these are young persons. All are residents of the Patasa Pol except Shirish Mangaldas who has stated why he was at the Patasa Pol. It is highly improbable that so many persons of the same age group, all living in one and the same Pol, would all receive pellet injuries of a similar nature and at the same time, if they were injured at different places or on different occasions or days. The greater probability is that they must all have been injured in the Patasa Pol itself and not at different places. Therefore, some firing did take place there. In my opinion, under these circumstances, some explanation was due from the police, and since none has been given, I have no option but to accept the evidence of these witnesses. The thorough examination of these witnesses by the other parties did not affect their credibility. In my opinion, the cumulative effect of their evidence clearly establishes that a police firing did take place in the Patasa Pol between 3 and 4 p.m. on the 13th August 1958.

256. It is also of great significance that all the medical certificates of these persons show that they were admitted into the hospital after 5-30 p.m. and therefore, in all probability, have not been injured in a firing which took place earlier in the day at Panchkuwa or on the Jordan Road. They could not have been injured in the firing which took place under orders of the Senior D. S. P. at Shahpur, because that firing admittedly took place at about 7 p.m., while many of these persons have been admitted into the Vadilal Sarabhai Hospital at about 5-30 p.m. From the time given in all the certificates again the probability is that these persons may have been injured at one and the same firing as they have actually deposed.

257. None of these witnesses have identified any policeman or police officer at the time of the firing and they have frankly admitted that they could not recognise them. I cannot find any particular purpose or motive in their suppressing the identity. The probability is that they really did not know the person who fired.

258. It was urged on behalf of the District Magistrate that the story that a shot was fired in the Kachra Seth's Pol from under the gate of that Pol is a fantastic story and ought not to be accepted. It may be that the shot was fired before the door of the Pol could be closed and that the witnesses are not certain as to from where that shot came and how it was fired. Because of that doubt it would be safer not to rely on that part of their evidence and to hold that there is no proof that the shot was fired as stated from under the door of the Kachra Seth's Pol. I hold that two shots were fired by an unknown member of the police force in the Patasa Pol on the 13th August 1958 between 3 and 4 p.m.; that the shots were either discharged from a gun or a musket; and that shot ammunition was used and not ball ammunition. By whom the shots were fired must be known to the police or could be found out by them alone, but they have not placed the facts before the Commission and have suppressed evidence of the firing.

259. The second incident of firing which is stated to have occurred but is not disclosed was at the Kolsa Galli which lies just off the Three Gates near the Karanj Police Station. The story is that one shot was suddenly fired at about 5 p.m. on the 13th August 1958 from somewhere near the Three Gates and it is deposed to by three witnesses, Yakubkhan Hatimkhan (J. P. W. 14), Abdul Salam Abdul Majid (J. P. W. 18) and Imdad Hussein Babuji (J. P. W. 29). Of these, Yakubkhan and Abdul Salam are both in the tailoring profession. Both work together in the shop of Permanend Brothers at the Ellis Bridge. According to Yakubkhan, because of disturbance he had brought some work home and was doing it in a tailor's shop known as Favourite Tailors near the Three Gates. He stated that at about 5 p.m. the police had entered the Kolsa Galli and had beaten a Malbari, and as he was therefore uneasy about remaining in the shop, he decided to go home. He got down and locked one side of the shop and was about to close the other side when he heard the shot and the pellets hit him, all over the right side of his body. At that time Abdul Salam who was also working with him in the shop was standing near him and he was also injured. Abdul Salam stated that he received twenty-nine injuries from pellets and he removed a pellet from his person by pinching it out and showed it to the Commission.

260. The evidence of these two witnesses was sought to be corroborated by the witness Imdad Hussein (J. P. W. 29). This man is a person doing the business of *kalhai* (tinning household utensils), and he moves about carrying his implements on a hand-cart or "lorry". He had gone to the Bhatiar Galli to have his meal and thereafter he came near the Hyderi Restaurant which is at the junction of the Chudi Oal and the Kolsa Galli, and as soon as he came to the junction of these roads, he received injuries from pellets fired from somewhere. It is suggested that it was one shot which hit all the three of them because they talk of only one report being heard.

261. Now, there is again no doubt that both Yakubkhan and Abdul Salam were injured by pellet injuries fired from a firearm. Since they were injured on the 13th August, they were in all probability injured in a police firing. Both of them have been treated at the Vadilal Sarabhai Hospital. They were also X-rayed by Dr. K. M. Shah (J. P. W. 50), a private medical practitioner, who has proved the X-ray skiagrams (Exs. J. P. 16 to 16-E and 19 to 19-E). The reports of Dr. Shah are Exs. J. P. 15 and 18. The skiagrams also prove pellets embedded in the persons of these witnesses and are proved by Dr. K. M. Shah.

262. It is a very surprising circumstance that all these three persons were hit by pellet injuries and yet none of them is able to state from where the shot came. One of them merely vaguely indicated that it must have come from the Three Gates side. This is an important omission. Had they stated the direction, they would have been asked further questions about it and about their relative positions. Therefore, in my opinion, they have deliberately omitted to state from where the shot was fired. They are all three Muslims and I shall show when I discuss alleged atrocities that the Muslim community of Ahmedabad had reason to be very annoyed with the police on that day. Two of them, namely, Yakubkhan and Abdul Salam, are obviously very friendly and work in the same shop, and on this day also they were together for no cogent reason. It is just possible that taking advantage of the fact that they had been injured by Gun-shot pellets in some other part of the City and on one of the three days of disturbance, they are putting forward a story that they were injured on the 13th August at About 4-30 p.m. at the Kolsa Galli. I find that these three persons were injured in a police firing during the three days of disturbance and were injured by the discharge of shot ammunition from a police firearm; but I am not prepared to accept their evidence that they were injured on the 13th August or at the Kolsa Galli. In any case no policeman or police officer has been identified and so the responsibility cannot be fixed. The evidence regarding this firing is inconclusive and no finding can be based upon it.

263. The third incident of firing not admitted or disclosed in the District Magistrate's case or evidence is the one in which
 (3) *At Manik Chowk* Shantilal Kantilal, a boy aged about 15 years, was
 (*Shantilal Kantilal*). injured in the stomach by a revolver bullet in the
 afternoon of the 12th August 1958. The only
 evidence is that of Shantilal himself. Ex. D. M. 149 is the injury certificate
 from the Vadilal Sarabhai Hospital and Ex. D. M. 160 is the X-ray taken of the
 boy and the bullet removed from his person is Ex. D. M. 161.

264. The injury certificate shows that the boy was admitted into the Vadilal Sarabhai Hospital at 5-15 p.m. on the 12th August 1958. He had "one punctured wound in the middle of epigastrium $\frac{1}{2}$ " \times $\frac{1}{2}$ ". Dr. Jani of the

Vadilal Sarabhai Hospital (D. M. W. 74) has deposed to the above facts and further proves that the boy was in a collapsed condition when brought to the hospital and was bleeding fairly heavily from the wound. An X-ray was taken and a foreign body observed in the abdominal area. At first the bullet was not extracted but then an abscess formed round it and on the 22nd August 1958 the boy was operated on and the bullet removed from his person. That bullet is Ex. D. M. 161 and it is admitted that it is a revolver bullet of the type issued for use in service revolvers of the police. The boy was discharged on the 4th September 1958. There is absolutely no doubt about this medical evidence which must be accepted.

265. The boy Shantilal has given evidence as J. P. W. 1. He stated that he was working on a "lorry" (hand-cart) belonging to one Kodumal Sindhi, selling tea to the public on the 12th morning at about 9 a.m. He was sent by his master to call the latter's son who was serving in a bangle shop at the end of Ratanpol. He went to Ratanpol gave the message and was returning at about 12-30 p.m. He had just come to the entrance of Manik Chowk and had hardly walked four or five paces on the footpath on the left when he was hit by a bullet in the stomach. He immediately fell down unconscious. Now, though there was a lengthy examination on behalf of the Congress Party and the District Magistrate, nothing was elicited to discredit the story of the boy that he was hit at Manik Chowk. The boy no doubt admitted that he had been expelled from the Mahipatram Rupram Anathalaya about five years before because "the person who was teaching me beat me with a stick and I hit him with an iron rod on his back"; but this can hardly be a ground for disbelieving his evidence. It is corroborated as to the time and date of injury by the medical certificate and by Dr. Jani.

266. In this case there is no room for even a suggestion that the boy was hit at a different place, because admittedly he has been injured by a revolver bullet and it is not the case of any party, that any revolver was ever used except on one occasion when P. I. Tilak fired two shots with his service revolver on the Richey Road near Bala Hanuman. But that firing was at about noon time on the 14th August 1958. All parties admitted further that no one was injured in that firing. Therefore, it is clear that Shantilal could not have been injured in the firing by P. I. Tilak. Revolvers and revolver ammunition can only be used by officers of the police force and not the ranks.

267. The conclusion then is irresistible that some officer of the police force fired a revolver on the afternoon of the 12th August 1958 injuring the boy Shantilal. I accept the latter's evidence and hold that that firing took place at Manik Chowk. The particular officer remains unidentified.

268. There is another aspect to this incident. From the evidence of the District Magistrate as also the Second A. D. S. P. and Head Constables Datadin and Sakharam, it is clear that the police are bound to account in their books for every round of ammunition used or unused. Police Regulations also show this. Therefore, if this shot was fired by an officer, it was not difficult to have ascertained who fired it. The account books produced do not show that one round of revolver ammunition was used on the 12th. The probability therefore is that evidence of this firing has been suppressed.

269. Thus, as a result of the firing which occurred in Ahmedabad on the three days of disturbance, the total number of persons proved to have been injured are—

15 by bullet injuries ; and

21 by pellet injuries.

Over and above the persons found to be injured in the above pages some other persons at least four in number had been injured in the police firing during the three days of disturbance. Their medical certificates are Exs. D. M. 149, 151, 164 and 172. These certificates are issued by the Vadilal Sarabhai Hospital and proved by Dr. Jani and therefore it is proved that these persons must have received shot injuries. No explanation has been given on behalf of the District Magistrate or by the police in regard to the circumstances in which these persons were injured or where they were injured and on what dates. Since injuries to these persons are proved, some explanation was due but is not forthcoming. There is also no explanation as to why these persons have not been examined by either party. Since their addresses have not been given in the medical certificates, it was impossible to examine them as Commission witnesses. A detailed tabular statement of the persons injured is appended to this report as Appendix A.

270. On the question of firing therefore, I hold :—

Conclusion.—(i) that the firing admittedly resorted to by the police on the 12th, 13th and 14th August 1958 was fully justified and there were no excesses except in one case ;

(ii) that the firing resorted to under orders of P. I. Gohel along the road between the Khadia Cross Roads and Panchkuwa or in that locality on the 13th August 1958 and in which Safru Hussein and Ibrahim were killed amounted to excessive use of force and was not justified ;

(iii) that the evidence relating to two incidents of firing has been suppressed, viz., the firing which did take place in the Patasa Pol on the evening of the 13th August 1958 and the firing by an unknown officer wherein Shantila Kantilal was injured by a revolver shot on the 13th August 1958 ; and

(iv) that there are several instances of persons having been injured by shot ammunition discharged from police firearms which remain unexplained both in the matter of the number of shots fired and the places where they were fired.

PART V.

ALLEGED EXCESSES BY THE POLICE NOT ARISING OUT OF POLICE FIRING AND CONNECTED MATTERS.

271. Several allegations of atrocities or excessive action taken by the police other than by the use of firearms were alleged on behalf of the Parishad and regarding some of them, evidence has also been given. A question was raised whether upon the terms of reference the Commission could look into them. It was urged that the Commission was appointed to investigate the cases of police firing and not of other action taken by the police. In my opinion, these incidents fall under clause (d) of the terms of reference mentioned in the notification, namely, "such other matters as may be germane to the above".

272. Excepting two, the other incidents are of a trivial nature. The important incident upon which much reliance was placed on behalf of the Parishad was that relating to the arrest of Mr. Keshavlal Vadilal Shah, a pleader of Ahmedabad. He has given evidence as J. P. W. 37 and he stated that he lives in the Verai Pada at the end of the Pol. On the 13th August 1958 at about 7 a.m. he was sitting in his house on the verandah reading the "GUJERAT SAMACHAR". One Kachralal, a neighbour of his, was sitting with him reading a paper. While the two were reading, the police came near the house and about seven or eight policemen entered his house from both the southern and eastern entrances. He stated that four or five policemen caught hold of him. The Senior D. S. P. Mr. Sethna was there and they all began to beat him with lathis. The Senior D. S. P. might have also given him one or two blows. He stated that he protested, told them that he was a lawyer and was merely sitting in his house and they should not beat him. Nevertheless he was roughly handled and arrested and taken away to the mouth of the pol near the Richey Road. From the mouth of the pol he was taken to the Khadia Cross Roads where he was bodily picked up and thrown into a police van. From there he was taken to the Gaikwad Haveli where he was detained in the entertainment hall of the Gaikwad Haveli till 12 midnight of the 13th and 14th August, after which he was allowed to go. Mr. Shah has also made several allegations about the treatment at the Haveli. He stated that there were about 300 persons confined in the hall and that another pleader Mr. B. P. Raval was also brought there. Mr. Raval was clothed only in an underwear and a *dhoti*. No food was served to him till 6 p.m. on the 13th.

273. There is no doubt that Mr. Shah was arrested and detained in the Gaikwad Haveli as alleged by him, and the Senior D. S. P. has admitted this fact, though he has denied that he had got him arrested or that he was ever present at the Verai Pada Pol from where Mr. Shah stated he had been arrested. Mr. Shah had submitted a written report to the District Bar Association and that Association passed a resolution concerning the incident. This is admitted by the Senior D. S. P. The case put forward on behalf of the police is that Mr. Shah was arrested from the Sankdi Sheri. There is nothing to prove this fact. The Second Additional D. S. P. and the Senior D. S. P. have stated this but they have no personal knowledge. The Senior D. S. P. was

unable to state for what offence Mr. Shah was arrested. Mr. Shah's case attracted much attention during those days. He had himself brought it to the notice of the Chief Minister. The Bar Association, Ahmedabad, had passed a resolution regarding it. The D. I. G., C. I. D., called for a report regarding this incident from the Senior D. S. P. The reply given was that Mr. Shah had been prosecuted for some offence; had been found guilty and had been fined Re. 1. This was a false statement as it now turns out.

274. The Second A. D. S. P. was asked to inquire into the matter and report by the Senior D. S. P. He made a report which it is now not disputed was false. How he came to make such a report is explained by him as follows :—

“ In the non-cognizable complaints register maintained by Police Station, I found an entry to the effect that Mr. Keshevlal had been prosecuted and fined Re. 1, which was an incorrect entry. I submitted that register to D. S. P. with my report.....”

In my inquiry I came to the conclusion that the incorrect entry was in the handwriting of the writer posted at the Gaikwad Police Station. I am unable to give the name of the writer.”

The police could easily have produced and examined the officer who arrested Mr. Shah at the Sankdi Sheri and the papers connected with his case. They have not cared to do so. Therefore, I must accept the evidence of Mr. Shah that he was arrested from his house in the Verai Pada.

275. In order to prove that he was manhandled, Mr. Shah has produced two medical certificates given by Dr. R. B. Shah (Exs. J. P. 51 and 52), but Dr. R. B. Shah has not been examined and therefore the medical certificates are not proved. I am unable to hold that Mr. Keshevlal Shah was roughly handled by the police or injured by them.

276. Mr. Shah was moreover very closely examined by the learned Public Prosecutor as to his statement that the Senior D. S. P. was present and beat him. Mr. Shah admitted that he had never met the Senior D. S. P. He was unable to give the description of the officer who is alleged to have beaten him or even to say how many stars he had on his epaulettes. He cannot even give the nature of the stick or weapon with which the Senior D. S. P. beat him. He says that he had seen the Senior D. S. P. on five or seven occasions before the incident. When asked where and when he had seen him, he admitted that he could not give either the time or the place where he had seen him. He added that once or twice he might have seen him at the railway station. When serious allegations like these are made by a senior pleader against a senior officer, I would expect much better evidence as to the identity of the person involved, especially when the allegations were denied by the Senior D. S. P. and other officers in their evidence early in the proceedings. The man Kachralal who was sitting with Mr. Shah at the time was not examined. No one from amongst his immediate neighbourhood was also examined.

277. Mr. Shah was also anxious to show that there was no trouble in the Verai Pada on that day, but he admitted that there used to be crowds in the locality and they used to be dispersed by the police into the *pols* and that the

crowds used to run into their houses and shut the doors. He also stated that his son who was on the upper storey had been manhandled by the police but later on he admitted: "Only the police took me away. My son had not come down." On the whole, Mr. Shah appeared to have a strong grievance because he had been arrested and taken to the Gaikwad Haveli, and not without cause. I do not blame him. There was absolutely no justification for his arrest, but for this very reason I do not think that it will be safe to rely upon his uncorroborated evidence on the question of identification and to hold that he was beaten by the Senior D. S. P. himself. In fact, it seems highly improbable because at that time the Senior D. S. P. could not be carrying a lathi himself.

278. It was suggested that Police Inspector Bais who was at that time in charge of that Police Station may have got the false entry made. P. I. Bais has again not been examined. It was stated that he had been demoted and transferred but that is hardly a reason for not examining him. I hold that there was absolutely no justification for the arrest of Mr. Keshavlal Shah on the 13th August 1958. I am unable to hold however that Mr. Shah's allegations of manhandling by the police have been proved, nor am I able to hold that the Senior D. S. P. was in any way connected with this incident or took part in the arrest of Mr. Shah. It has not been established who arrested Mr. Shah.

279. Another incident was the one deposed to by one Kakubhai Kanubhai Bhatt (J. P. W. 38). This person was standing on the verandah of his house on the morning of the 13th August between 6-45 and 7 a.m. when the police came into his compound, caught hold of his nephew aged about 32, and commenced beating him. On seeing this Kakubhai went forward to get his nephew released. The police beat him and fractured his left leg. The police then put him in a van and took him away. The van proceeded up to Akashet Kuwa's Pol and thence to Raipur Chakla. There a police officer seeing his injuries ordered him to be released. Once again there is no reason why this evidence should not be accepted. No apparent justification has been offered for this incident, nor is there anything in the evidence of Mr. Kakubhai Bhatt which should induce me to discredit it. Kakubhai was treated in the Vadilal Sarabhai Hospital. His certificate is Ex. D. M. 210M and it corroborates his evidence. I accept his evidence. The person or persons responsible for arresting Mr. Kakubhai have not been identified and therefore the responsibility cannot be fixed upon anybody.

280. Next, there is the evidence concerning the entry by the police into a *masjid* known as the "Mulla Kasim Masjid", on the afternoon of the 13th August 1958. The *masjid* is situated between the Panchkuwa Chakla and the Haranwali Pol (vide maps Exs. D. M. 26 and J. P. 69E). It has also a small back entrance leading to the Haranwali Pol. The locality is predominantly inhabited by Muslims. Evidence regarding this incident is given by two witnesses, Mahamadbhai Kalubhai (J. P. W. 44) and Immammiya Umarmiya (J. P. W. 48). Mohamadbhai Kalubhai stated that soon after the prayers usually beginning at about 1-45 p.m. were over and six or seven persons were coming out of the *masjid* with shoes in their hands, a group of about six or seven policemen with lathis in their hands rushed into the *masjid* with their shoes on. The people who were going out of the *masjid* rushed back into the *masjid*. The police began

to beat the people inside the *masjid*. The witness told the police: "Does it not occur to you that you are entering into the *masjid* with shoes on?" The witness then added that when he thus addressed the police, they left. One person was injured by a lathi on the head. He is the witness Imammiya. This witness stated that while he was saying his prayers the police entered the *masjid* and began to beat the four or five people in the *masjid* and witness also received a hit on the head. He corroborates Mahamadbhai as to what the latter said to the police.

281. The incident is, in the context of what happened in Ahmedabad on the 13th, trivial but the evidence was tendered in order to suggest that it was a party led by P. I. Gohel which had entered and that he must have fired towards the *masjid* later in the evening. P. I. Gohel was undoubtedly in that locality at that time. I have already shown that he had entered the Haranwali Pol and was later concerned in the firing at Panchkuwa that evening, where Ibrahim was killed. P. I. Gohel was asked about this incident and he has categorically denied having entered the *masjid*. There is absolutely nothing to suggest that this denial of his is false. Neither of the two witnesses referred to above have identified P. I. Gohel or suggested anything from which the latter could be identified. It is possible that the police may have entered the *masjid*. It is not seriously disputed that they had no right to do so. In all probability, they entered in search and in pursuit of miscreants, because when Mahmadbhai pointed out the fact of their having shoes on, they left immediately. Therefore, they had not entered the *masjid* with any evil motive. I cannot hold this as an instance of highhanded conduct on the part of the police. I also hold that it is not proved that P. I. Gohel had anything to do with this incident. There is no doubt however that the entry had aroused strong feelings among the Muslims community against the authorities.

282. Lastly there is the evidence of two witnesses Miss Sudha Jayantilal Shah (J. P. W. 8) and Mrs. Kamla Chaturbhai (J. P. W. 30), both residents of Dhalni Pol. Miss Shah stated that she was on the verandah of her house when the police came and beat her brother, and that when she intervened the police gave her a blow on the hand. It seems to me that Miss Sudha Jayantilal's brother was suspected by the police of having committed mischief and therefore they pursued him on to the *otla* of his house. It was only when Miss Sudha herself intervened that she received an injury on her hand. She admits that she addressed the police saying: "...the curfew does not apply to the *otla* of our house." It is not possible to fix any responsibility on the police in such a case. If Miss Shah had not intervened, she would not have been injured. Mrs. Kamla Chaturbhai deposes to an incident on the 13th August at about 1-30 p.m. when the police came and banged with their lathis on her door and went away in the Dhalni Pol. She suggests that the globe of the front light of her house was taken away by the police. That is only her guess. The whole incident is again too trivial. Both the above incidents are too minor to merit much consideration in the context of the serious events which happened in Ahmedabad during those days. None of the officers or persons responsible have been identified and therefore once again the responsibility cannot be fixed. The same is the case with the evidence of Natwarlal Popatlal (J. P. W. 35) and Sadaji Rupaji (J. P. W. 46).

283. My conclusions on this part of the report are as follows :—

Conclusion. The allegations of beating by the Senior D. S. P. and of manhandling by the police have not been proved in the case of Mr. Keshavlal Shah, but there was no justification for his arrest. As to the case of Mr. Kakubhai Bhatt, no justification has at all been proved. Excepting these two cases I am unable to find that any of the incidents brought to my notice fix any responsibility for improper conduct on the part of the police during the three days of disturbance.

284. During the course of arguments, some discussion took place as to how the law and order situation could be best controlled having regard to the peculiar problems of Ahmedabad and what steps should be taken in that behalf. I had called for information and suggestions from the parties on this topic but on a fuller consideration of the terms of reference I do not think that I would be within my jurisdiction to make any suggestions of this kind.

PART VI

CONCLUSIONS

285. The conclusions to which I have thus come are as follows :

I. The causes which led to the disturbances in Ahmedabad during the 12th, 13th and 14th August 1958 and to the consequent firing on those days were :—

(a) The formation of the bilingual State of Bombay, the firing which took place in August 1956, and the refusal to order a judicial inquiry giving rise to a spontaneous feeling among the people of Ahmedabad of hostility to the Congress Party, the State Government and the local authorities ;

(b) The speeches delivered between the 8th July 1958 and 8th August 1958 by the leaders of the Parishad whereby they whipped up the already existing feelings against the Congress Party, Government and the local authorities and turned them to their own political advantage. In delivering these speeches and undertaking the programme of activities between June 1958 and 12th August 1958 they indirectly attempted to instigate the people of Ahmedabad to create disorder and indulge in acts of violence ;

(c) The decision to permit the memorials to be erected, which was an error of judgment ; and

(d) The decision to remove the memorials. When this decision was taken, the consequences and the depth and extent of public feeling were not correctly gauged and there was a miscalculation.

II. That the firing admittedly resorted to by the police on the 12th, 13th and 14th August 1958 was fully justified and there were no excesses except in one case ;

III. That the firing resorted to under orders of Police Inspector Gohel along the road between the Khadia Cross Roads and Panchkuwa or in that locality on the 13th August 1958 and in which Safru Hussein and Ibrahim were killed amounted to excessive use of force and was not justified ;

IV. That the evidence relating to two incidents of firing has been suppressed, viz., the firing which took place in the Patasa Pol on the evening of the 13th August 1958 and the firing by an unknown officer wherein Shantilal Kantilal was injured by a revolver shot on the 12th August 1958 ;

V. That there are several instances of persons having been injured by shot ammunition discharged from police firearms which remain unexplained both in the matter of the number of shots fired and the places where they were fired ;

VI. That the manufacture and use of a modified type of ammunition was improper and illegal ; and

VII. That as to the use of force other than firing, there is no evidence of any excesses having been committed by the police except in the two cases discussed in part V of this report, by unidentified personnel.

286. In accordance with the above conclusions I answer the terms of reference as under :—

Clause (a).—The circumstances under which the police resorted to firing on the 12th, 13th and 14th of August 1958 are stated in the conclusion No. I in paragraph 285 above.

Clause (b).—There was an indirect attempt made by the Mahagujerat Janata Parishad to instigate the people of Ahmedabad to create disorder and indulge in acts of violence by the speeches made by their leaders between the 8th July 1958 and 12th August 1958 and by their programme of activities between June 1958 and 12th August 1958. There is no evidence of any such attempt on their part direct or indirect prior to June 1958.

Clause (c).—The answers are contained in conclusions nos. II, III and IV in paragraph 285 above.

Clause (d).—(i) The manufacture and use of a modified type of ammunition was improper and illegal.

(ii) In two cases discussed in Part V of the report, there is evidence of excesses having been committed by unidentified police personnel in the use of their authority and the use of force other than firing.

287. I cannot conclude this report without expressing my appreciation of the able and dignified conduct of the proceedings before me by all the counsel appearing on behalf of numerous parties, and especially by the leading counsel of the two most active parties, namely, the learned Public Prosecutor of Ahmedabad, Mr. Daulat Trivedi, and Mr. D. K. Shah, who bore the brunt of the work before the Commission. The subject-matter of the inquiry at times involved questions of the most acute controversy, political and otherwise, but at no stage did any counsel allow such matters to interfere with the quiet performance of their duties for which the Commission is thankful to them.

Nagpur, dated the 28th April 1959.

(Signed) S. P. KOTVAL,
Commission of Inquiry.

APPENDICES A TO C

APPENDIX A.

Statement showing the names of persons killed or injured during the Police firing in Ahmedabad on the 12th, 13th and 14th August 1958.

Name.	Age.	Time of Injury as per findings or accepted evidence.	General description of Nature of Injury	Whether admitted by the District Magistrate.	Place where injury was sustained.
1	2	3	4	5	6
<u>12th August 1958.</u>					
1. Vishnuprasad Manilal Pandya.	30 years ..	4-20 p.m. Medical Certificate, Ex. D. M. 127.	Bullet injury on right thigh Bullet. Ex. D. M. 155, X-Ray. Ex. D. M. 154. M. C. Ex. D. M. 127.	Yes. Ex. D. M. 29. Entry 157 of 12th August 1958 and Ex. D. M. 5.	Khadia Cross Roads.
2. Vithal Jethalal Parmar (J. P. W. 24).	12 years ..	6-00 p.m. Medical Certificate, Ex. D. M. 128.	Bullet injury on Upper part of right leg. 2 punctured wounds. M. C. Ex. D. M. 128.	Yes. Do. ..	Do.
3. Bipin Chaandrakant	.. 17 years ..	5 p.m. Medical Certificate, Ex. D. M. 129.	Bullet injury on right thigh. M. C. Ex. D. M. 129.	Yes. Do. ..	Do.
4. Prabhudas Hiralal (J. P. W. 2).	13 years ..	5-00 p.m. Medical Certificate, Ex. D. M. 131.	Bullet injuries on both knees. M. C. Ex. D. M. 131.	Yes. Do. ..	Do.
5. Vikram Ranchhod	.. 20 years ..	2-30 pm, Medical Certificate, Exhibit D. M. 130.	Bullet injury on Right knee. M. C. Ex. D. M. 130.	Yes. Ex. D. M. 29, Entry 157 of 12th August 1958 and Ex. D. M. 5.	Do.
6. Jamubhai Pranjivan	.. 25 years ..	Medical Certificate, Ex. D. M. 111.	Bullet injury. Lower left leg. X-Ray, Ex. D. M. 108 and 125, M. C. Ex. D. M. 111.	Yes. Ex. D. M. 5 ..	Do.

7. Nabimiya Rahim	.. 28 years ..	Medical Certificate, Ex. D. M. 110.	Bullet injury on left side shoulder region, X-Ray, Ex. D. M. 109 and 128, M. C. Ex. D. M. 110.	Yes. Ex. D. M. 5 ..	Do.
8. Shantilal (J. P. W-1).	Kantilal 18 years ..	4-15 p.m., Medical Certificate, Ex. D. M. 149.	Bullet injury in the middle of opigastrium, M. C. Ex. D. M. 149, Bullet—Ex. D. M. 161, X-Ray, Ex. D. M. 160.	Not admitted by District Magistrate (but please see Ex. D. M. 29, Entry 157 of 12th August 1958 and Ex. D. M. 163.	According to the witness at Manik Chowk.
<i>13th August 1958.</i>					
9. Surendra Maneklal (J. P. W.-6).	16 years ..	Between 3-45 and 5-15 p.m.	Bullet injury in the left leg. Bullet Ex. D. M. 113, M. C. Ex. D. M. 66.	Yes. Ex. D. M. 6 ..	Jordan Road.
10. Dahyabhai Chandulal	.. 17 years ..	Between 3-45 and 5-15 p.m.	9 Pellet injuries on forehead, left arm, left thigh and left ankle. M. C. Ex. D. M. 64.	Yes. Ex. D. M. 6 ..	Jordan Road.
11. Narayan Vithal	.. 20 years ..	Between 3-45 and 5-15 p.m.	6 Pellet injuries on the back of right forearm and back of neck. M. C. Ex. D. M. 67, Pellet, Ex. D. M. 112.	Yes. Ex. D. M. 6 ..	Jordan Road.
12. Krishna Kalyanji	.. 20 years ..	Between 3-45 and 5-15 p.m.	4 Pellet injuries. M. C. Ex. D. M. 63, Pellet, Ex. D. M. 114.	Yes. Ex. D. M. 6 ..	Jordan Road.
13. Krishnamurari Kalyanmal.	15 years ..	Between 3-45 and 5-15 p.m.	Pellet injuries. M. C. Ex. D. M. 65.	Yes. Ex. D. M. 6 ..	Jordan Road.
14. Hasmukh Jayantilal	.. 15 years ..	7-30 p.m.	Died. Multiple pellet injuries on right leg. M. C. Ex. D. M. 62, X-Ray, Ex. D. M. 159.	Yes. Ex. D. M. 6 ..	Shahpur-M a n g a l Parekh's Khancha.
15. Kamesh Hargovind	.. 16 years ..	Between 3-15 and 3-30 p.m.	Bullet injury on left thigh M. C. Ex. D. M. 133.	Yes. Ex. D. M. 6 ..	Khadia Panchkuwa Road.

APPENDIX A—contd.

Name.	Age.	Time of Injury as per findings or accepted evidence.	General description of Nature of Injury.	Whether admitted by the District Magistrate.	Place where injury was sustained.
1	2	2	4	5	6
10. Natvarlal Chandulal, (J. P. W-3).	16 years ..	Between 3-15 and 3-30 p.m. M. C. Ex. D. M. 134.	Bullet injuries on left thigh M. C. Ex. D. M. 134, X-Ray, Ex. D. M. 156.	Yes. Ex. D. M. 6	.. Khadia Road.
17. Dhana Hira	.. 19 years ..	Between 3-15 and 3-30 p.m.	Pellet injuries on chest, abdomen, Left thigh, Rt. Index finger and base of the right toe. M. C. Ex. D. M. 137.	Yes. Ex. D. M. 6	.. Panch Kuwa Khadia Road.
18. Shirish Mangaldas, (J. P. W-4).	19 years ..	Between 3-00 and 4-00 p.m.	Pollet injuries on both legs. M. C. Ex. D. M. 135, Pellets Ex. J. P. 12, X-Ray, Ex. D. M. 157.	Yes. Ex. D. M. 6	.. Patasa Pol. According to D. M. at the Panchkuwa-Khadia Cross Roads firing under P. I. Gohel.
19. Somnath Bhagwan, (J. P. W-23).	21 years ..	At about 6-00 p.m. ..	Bulet injuries on two sides of the left knee. M. C. Ex. D. M. 132.	Yes. Ex. D. M. 6	.. Panchkuwa Khadia Side.
20. Ibrahim Sarfuddin	.. 25 years ..	Between 3-15 and 3-30 p.m.	Died. Gun shot wound (bullet) on chest, M. C. Ex. D. M. 136, X-Ray, Ex. D. M. 158.	Yes. Ex. D. M. 6	.. Panchkuwa Cross Roads towards the Masjid near the Navi Molat.
21. Safru Hussain Peerbhai	.. 25 years ..	Between 3-15 and 3-30 p.m.	Died. Bullet injury to brain M. C. Ex. D. M. 78. Bullet Ex. D. M. 115.	Yes. Ex. D. M. 6	.. Khadia Cross Roads.

22.	Naresh Amratlal, (J. P. W-9).	18 years ..	Between 3-00 and 4-00 p.m.	Multiple punctured wounds on left lower arm. M. C. Ex. D. M. 166.	Not admitted	.. Patasa Pol.
23.	Mahendra Kantilal, (J P. W-10).	23 years ..	Between 3-00 and 4-00 p.m.	One punctured wound above right knee. M. C. Ex. D. M 171.	Not admitted	.. Patasa Pol.
24.	Shaileshkumar Ramanlal, (J. P. W-11).	20 years ..	Between 3-00 and 4-00 p.m.	Two small punctured wounds —Right thigh. M. C. Ex. D. M. 170.	Not admitted	.. Patasa Pol.
25.	Surendra Mangaldas, (J. P. W-15).	38 years ..	Between 3-00 and 4-00 p.m.	Multiple wounds on left thigh and one on forehead. M. C. Ex. D. M. 168.	Not admitted	.. Patasa Pol.
26.	Bharatkumar Kantilal, (J. P. W-17).	19 years ..	Between 3-00 and 4-00 p.m.	Multiple wounds on right hip and right leg. M. C. Ex. D. M. 175.	Not admitted	.. Patasa Pol.
27.	Popatlal Chunnilal (J. P. W-16).	32 years ..	Between 3-00 and 4-00 p.m.	Pellet injuries on the left foot and upper part of the left leg upto the knee. M. C. Ex. D. M. 167.	Not admitted	.. Patasa Pol.
28.	Popatlal Hargovind ..	....	Between 3-00 and 4-00 p.m.	Two pellet injuries on left shoulders-front and back, M. C. Ex. D. M. 151.	Not admitted	.. Patasa Pol.
29.	Kantilal Ravabhai ..	....	Not stated	.. Two pellet injuries one on left thigh and one on the right thigh, M. C. Ex. D. M. 172.	Not admitted.	....
30.	Anil Purushottam Thakkar ..	....	Not stated	.. Multiple pellet injuries on chest right arm and hand and right leg and foot, M. C. Ex. D. M. 210-V.	Not admitted.	....
31.	Babubhai Manilal, (J. P. W-21).	20 years ..	According to the witness at about 3-00 p.m.	According to the witness pellet injuries on chest, both arms and both legs. (Witness showed to the Commission pellet injuries on chest abdomen, legs arms and left shoulder).	Not admitted	.. According to the witness at Kadia Naka (evidence not accepted by the commission).

APPENDIX A—concl'd.

Name.	Age.	Time of Injury as per findings or accepted evidence.	General description of Nature of Injury.	Whether admitted by the District Magistrate.	Place where injury was sustained.
1	2	3	4	5	6
32. Purushottam Shival		Not stated. (He was admitted in the Hospital at 7-49 p.m.).	Pellet injuries on both legs. M. C. Ex. D. M. 164.	Not admitted	..
33. Yaku Khan Hatim Khan, (J. P. W-14).	25 years ..	According to the witness, at 5-00 pm.).	Pellet injuries on the right calf, right arm and right side, below the ribs. X-Ray, Ex. J. P. 16, 16A to 16-E, M. C. Ex. J. P. 15.	Not admitted	.. According to the witness, at Kolsa Galli. (Evidence not accepted by the Commission).
34. Abdul Salam Abdul Majid, (J. P. W-18).	23 years ..	According to the witness, at about 4-30 or 5-00 p.m.	Pellet injuries on different parts of the body. M. C. Ex. J. P. 18. A pellet Ex. J. P. 17, X-Ray, Ex. J. P. 19, 19-A to E.	Not admitted	.. Do.
35. Imdad Hussain Babuji, (J. P. W-29).	20 years ..	According to the witness, at about 4-30 p.m.	Pellet injuries on right leg, left thigh, abdomen, right side of the chest, hand and buttocks M. C. Ex. J. P. 40 and 40-A. X-Ray, Ex. J. P. 41 and 42.	Not admitted	.. Do.
<u>14th August 1958.</u>					
36. Chandrakant Dalpatram Soni, (J. P. W-13).	23 years ..	Between 2 and 2-30 p.m. ..	Bullet injury in the abdomen. M. C. Ex. D. M. 138.	Not admitted	.. Aka Sheth Kuva Pol Raipur.

APPENDIX B.

List of Witnesses.

Serial No.	No. of the witness.	Name of the witness.
<i>Witnesses for the District Magistrate.</i>		
1	D. M. W. 1	.. Mr. Fredrick Joseph Heredia, District Magistrate, Ahmedabad.
2	D. M. W. 2	.. Mr. Kaikshru Jehangir Nanavaty, Deputy Inspector-General of Police, C. I. D., Bombay.
3	D. M. W. 3	.. Mr. Phiroj Fakirji Ankalesaria, Police Sub-Inspector, C. I. D., Ahmedabad.
4	D. M. W. 4	.. Mr. Mukandlal Khushalchand Dhawan, Police Sub-Inspector, Ahmedabad.
5	D. M. W. 5	.. Mr. Ghanashyamrai Ramanikrai Vaishnav, Police Sub-Inspector, Ahmedabad.
6	D. M. W. 6	.. Mr. Rijhusingh Gehisingh Hazari, First Additional District Superintendent of Police, Ahmedabad City.
7	D. M. W. 7	.. Mr. Naushir Hormasji Sethna, District Superintendent of Police, Ahmedabad City.
8	D. M. W. 8	.. Mr. Eric Frank Renison, Second Additional District Superintendent of Police, Ahmedabad City.
9	D. M. W. 9	.. Mr. Gulam Dastagir Sher Mohammad Khan, Police Inspector, Crimes Branch, Ahmedabad.
10	D. M. W. 10	.. Mr. Taj Mohomad Fateh Mahomad Sindhi, Police Inspector, Ahmedabad.
11	D. M. W. 11	.. Mr. Tapubhai Shyamjibhai Gohel, Police Inspector, Anti-Corruption Bureau, Baroda.
12	D. M. W. 12	.. Mr. Sakharām Onkarnath Mishra, Head Constable, II Grade, Ahmedabad.
13	D. M. W. 13	.. Mr. Datadin Durgadin Tiwari, Head Constable, Ahmedabad City.
14	D. M. W. 14	.. Mr. Malsing Kupsing, Head Constable, II Grade, Ahmedabad.
15	D. M. W. 15	.. Mr. Amarsing Prithvising, Police Sub-Inspector, Ahmedabad.
16	D. M. W. 16	.. Mr. Joravarsing Madhusing, Police Sub-Inspector, Ahmedabad.
17	D. M. W. 17	.. Mr. Sahebudin Khan Niwaj Khan Pathan, Police Sub-Inspector, Ahmedabad.
18	D. M. W. 18	.. Mr. Naval Cavasji Mistry, Deputy Superintendent of Police, C. I. D., (Head Quarters—Bombay).
19	D. M. W. 19	.. Mr. Bhaskar Trimbak Tilak, Police Sub-Inspector, Poona.
20	D. M. W. 20	.. Ramji Manji, Havaldar, III Grade, Ahmedabad.
21	D. M. W. 21	.. Bhagaji Luluji, Police Constable, Ahmedabad.
22	D. M. W. 22	.. Maheboobkhan Habibkhan, Police Constable, Ahmedabad.
23	D. M. W. 23	.. Pandurang Chintaman Bhaosar, Police Constable, Ahmedabad.

APPENDIX B.—*contd.*

Serial No.	No. of the witness.	Name of the witness.
24	D. M. W. 24	.. Jai Hari Vishnu, Constable, S. R. P., II Group, Belgaum.
25	D. M. W. 25	.. Ramu Sidappa Tope, Constable, S. R. P., Belgaum.
26	D. M. W. 26	.. Ramchandra Daulat Kadam, Constable, S. R. P., II Group.
27	D. M. W. 27	.. Sopan Keshavrao Bodhe, Havaldar, S. R. P., Poona.
28	D. M. W. 28	.. Vardamansing Shivsing, Head Constable, II Grade, Ahmedabad.
29	D. M. W. 29	.. Gurubasappa Kuduappa, Constable, S. R. P.
30	D. M. W. 30	.. Sadanand Hanmoji Asnotikar, Constable, S. R. P.
31	D. M. W. 31	.. Vishwanath Asma, Police Constable, Ahmedabad.
32	D. M. W. 32	.. Rupaji Virji, Police Constable, City Armed Police, Ahmedabad.
33	D. M. W. 33	.. Himmatsingh Navalsingh, Police Constable, Ahmedabad.
34	D. M. W. 34	.. Jasuji Badarji, Police Constable, Ahmedabad.
35	D. M. W. 35	.. Dalji Rupaji, Police Constable, Ahmedabad.
36	D. M. W. 36	.. Ahmedmiya Bapumiya, Police Constable, Ahmedabad.
37	D. M. W. 37	.. Fatte Mohammad Shah Mohammad, Head Constable, Ahmedabad.
38	D. M. W. 38	.. Abbasmiya Banamiya, Head Constable, II Grade, Ahmedabad.
39	D. M. W. 39	.. Kantilal Hargovindas, Head Constable, Ahmedabad.
40	D. M. W. 40	.. Ghumansingh Gulabsingh, Police Constable, Ahmedabad.
41	D. M. W. 41	.. Mr. Shankarbhai Ottambhai Patel, Police Inspector, Anti-Corruption Bureau, Surat.
42	D. M. W. 42	.. Mr. Sydenham Arthur Donnelly, Police Inspector, Patan.
43	D. M. W. 43	.. Mr. Raghunath Govardhandas Barot, Police Inspector, Ahmedabad.
44	D. M. W. 44	.. Mr. Bhupatsing Phulsingji Jadeja, Police Inspector, Ahmedabad.
45	D. M. W. 45	.. Mr. Natvarlal Chhotalal Barot, Police Inspector, Ahmedabad.
46	D. M. W. 46	.. Mr. Rahim Mohammad Sved, Police Inspector, Ahmedabad.
47	D. M. W. 47	.. Mr. Kollengude Krishna Ayer Gopal Krishna, Assistant Engineer, Exchanges, Central Exchange, Ahmedabad.
48	D. M. W. 48	.. Mr. Achyut Moreshwar Marathe, Police Inspector, Motor Transport, Ahmedabad.
49	D. M. W. 49	.. Mr. Chimanlal Purshottamdas Veland, Shorthand Reporter, C.I.D., Ahmedabad.
50	D. M. W. 50	.. Mr. Chimanlal Motilal Sharma, Shorthand Reporter, C.I.D., Ahmedabad.

APPENDIX B—*contd.*

Serial No.	No. of the witness.	Name of the witness.
51	D. M. W. 51	Mr. Pratapsingh Mahadusingh Bihole, Police Sub-Inspector (C.I.D., Shorthand), Ahmedabad.
52	D. M. W. 52	.. Mr. Mahendrasing Sejnathji Rathod, Shorthand Reporter, C.I.D., Ahmedabad.
53	D. M. W. 53	.. Thakorbbhai Vajesing, Constable, L.I.B., Borsad.
54	D. M. W. 54	.. Mr. Rajkrishna Gokulchand Dhavan, Medical Officer-in-charge, Sayajirao Hospital, Petlad.
55	D. M. W. 55	.. Mr. Champaklal Vadilal Shah, Workshop Superintendent, Ahmedabad Corporation, Ahmedabad.
56	D. M. W. 56	.. Mr. Fali (Framroz) Erachshaw Dastur, Station Officer, Corporation Fire Brigade, Ahmedabad.
57	D. M. W. 57	.. Mr. Benjamin Ruben Benjamin, Second Officer, Ahmedabad Fire Brigade, Ahmedabad.
58	D. M. W. 58	.. Mr. Chanderao Bawaji, Jamadar, Ahmedabad Fire Brigade, Ahmedabad.
59	D. M. W. 59	.. Mr. Kesheo Anant Pradhan, Police Sub-Inspector Ahmedabad.
60	D. M. W. 60	.. Mr. Hiralal Govindji Patel, Sub-Inspector, Kubernagar.
61	D. M. W. 61	.. Mr. Dalsukhbhai Hemabhai, Senior Sub-Inspector, Ahmedabad.
62	D. M. W. 62	.. Mr. Bindumadhao Pandurang Dudhkar, Police Photographer, Ahmedabad.
63	D. M. W. 63	.. Gaurishankar Purushottam, Police Constable, Ahmedabad.
64	D. M. W. 64	.. Mr. Cecil Michael, Works Manager, A. M. T. S., Ahmedabad.
65	D. M. W. 65	.. Mr. Rasik Revashankar Bhatt, Sub-Divisional Officer, Telegraphs, Ahmedabad.
66	D. M. W. 66	.. Mr. Dhirajlal Bavalbhai Parikh, Engineering Supervisor, Telegraphs, Ahmedabad.
67	D. M. W. 67	.. Sital Nathu, Bus Driver, A. M. T. S., Ahmedabad.
68	D. M. W. 68	.. Lallusing Bhurasing, Bus Driver, A. M. T. S., Ahmedabad.
69	D. M. W. 69	.. Ramavtar Gangasing, Bus Driver, A. M. T. S., Ahmedabad.
70	D. M. W. 70	.. Hajisheth Gulam Noor Mahamad, Bus Driver, A. M. T. S., Ahmedabad.
71	D. M. W. 71	.. Kanayalal Mohanlal, Head Constable, Ahmedabad.
72	D. M. W. 72	.. Jayantilal Govardhanbhai Amin, Police Sub-Inspector, C.I.D., Ahmedabad.
73	D. M. W. 73	.. Dr. Ranchhodlal Keshavlal Modi, Honorary Radiologist and Head of the X-Ray Department, Civil Hospital, Ahmedabad.
74	D. M. W. 74	.. Dr. Bhalchandra Shankarlal Jani, Resident Medical Officer, Vadilal Sarabhai Hospital, Ahmedabad.

APPENDIX B—*contd.*

Serial No.	No. of the witness.	Name of the witness.
75	D. M. W. 75	.. Dr. (Miss) Kalindi Mahendra Dave, Resident Medical Officer, Lallubhai Gordhandas Hospital, Ahmedabad.
76	D. M. W. 76	.. Mr. Hemendra Nathalal Shah, Inspector of Post Offices (Complaints), Ahmedabad.
77	D. M. W. 77	.. Mr. Kantilal Chimanlal Jadawala, Clerk, Collector's Office, Ahmedabad.
78	D. M. W. 78	.. Dayashankar Jamiatram Pandya, Servant, Khadi Mandir, Ahmedabad.
79	D. M. W. 79	.. Mr. Rasiklal Sarabhai, Jeweller, Ahmedabad.
80	D. M. W. 80	.. Mr. Dorab Sorabji Daboo, Shift Manager, Pilot Dairy (Municipal Service), Ahmedabad.
81	D. M. W. 81	.. Mr. Melumal Tulsidas, Proprietor, Karachi Hindu Hotel, Ahmedabad.
82	D. M. W. 82	.. Miss Indumati Chimanlal Sheth, Ahmedabad.
83	D. M. W. 83	.. Mr. Natwarlal Nathalal Dapat, Businessman, Ahmedabad.
84	D. M. W. 84	.. Mr. Kantilal Fulchandbhai Ghiya, Shopkeeper, Ahmedabad.
85	D. M. W. 85	.. Mr. Anthony Lancelot Dias, Secretary, Home Department, Government of Bombay, Bombay.
86	D. M. W. 86	.. Mr. Natwarlal Keshavlal Shah, Additional District Magistrate, Ahmedabad.
<i>Witnesses for the Mahagujarat Janata Parishad.</i>		
87	J. P. W. 1	.. Shantilal Kantilal.
88	J. P. W. 2	.. Prabhudas Hiralal.
89	J. P. W. 3	.. Natwarlal Chandulal.
90	J. P. W. 4	.. Shirish Mangaldas
91	J. P. W. 5	.. Shantaben Haridas.
92	J. P. W. 6	.. Surendrakumar Maneklal.
93	J. P. W. 7	.. K. Ismail.
94	J. P. W. 8	.. Miss Sudha Jayantilal Shah.
95	J. P. W. 9	.. Naresh Amritlal.
96	J. P. W. 10	.. Mahendrakumar Kantilal.
97	J. P. W. 11	.. Shailesh Ramanlal Kachuki.
98	J. P. W. 12	.. Rasiklal Chhotalal Shah.
99	J. P. W. 13	.. Chandrakant Dalpatram Soni.
100	J. P. W. 14	.. Yakubkhan Hatimkhan.

APPENDIX B—*contd.*

Serial No.	No. of the witness.	Name of the witness.
101	J. P. W. 15	.. Surendra Mangaldas Bhan.
102	J. P. W. 16	.. Popatlal Chunilal
103	J. P. W. 17	.. Bharat Kantilal Shah.
104	J. P. W. 18	.. Abdul Salam Abdul Majid.
105	J. P. W. 19	.. Gulam Nabi Abdul Samad Khan.
106	J. P. W. 20	.. Miss Pramila Chinubhai.
107	J. P. W. 21	.. Babubhai Manilal.
108	J. P. W. 22	.. Shashikant Ratilal.
109	J. P. W. 23	.. Soma Bhagwan.
110	J. P. W. 24	.. Vithalbhai Jethabhai.
111	J. P. W. 25	.. Bipinohandra Dashrathlal Mehta.
112	J. P. W. 26	.. Niranjan Wamanrao Dholakia.
113	J. P. W. 27	.. Dattatraya Martand Sant.
114	J. P. W. 28	.. Mrs. Vimalaben Tarachand Ravani.
115	J. P. W. 29	.. Imdad Hussain Babuji.
116	J. P. W. 30	.. Mrs. Kamala Chaturbhai.
117	J. P. W. 31	.. Dr. Vikram Sarabhai.
118	J. P. W. 32	.. Ramesh Manilal Shah.
119	J. P. W. 33	.. Mohiddin Gulam Mussein Shaikh.
120	J. P. W. 34	.. Syed Meharalli Syed Kasamalli.
121	J. P. W. 35	.. Natwarlal Popatlal Thakkar.
122	J. P. W. 36	.. Faridbhai Abdul Gafoor.
123	J. P. W. 37	.. Keshavlal Vadilal Shah.
124	J. P. W. 38	.. Kakubhai Kanubhai Bhatt.
125	J. P. W. 39	.. Sanatkumar Ramanlal Zaveri.
126	J. P. W. 40	.. Faridbhai Abdul Karim Chhipa.
127	J. P. W. 41	.. Dadibu Hayatbhai.
128	J. P. W. 42	.. Mariambi Nanubhai.
129	J. P. W. 43	.. Kamrunissa Pirbhai.
130	J. P. W. 44	.. Mahamdadbhai Kalubhai.
131	J. P. W. 45	.. Musaji Abdul Raheman.

APPENDIX B—concl'd.

Serial No.	No. of the witness.	Name of the witness.
132	J. P. W. 46 ..	Sadaji Rupaji.
133	J. P. W. 47 ..	Nandkishore Keshavlal.
134	J. P. W. 48 ..	Imammiya Umarmiya.
135	J. P. W. 49 ..	Jayantilal Ghelabhai Dalal.
136	J. P. W. 50 ..	Dr. Kantilal Mohanlal Shah.
137	J. P. W. 51 ..	Dr. Somabhai Chhakadbhai Desai.
138	J. P. W. 52 ..	Dr. Karimuddin Shamsuddin Malek.
<i>Witnesses for the Commission.</i>		
139	Commn. W. 1 ..	Mrs. Taraben Manilal.
140	Commn. W. 2 ..	Mrs. Ratnaprabha Balubhai Harilal.
141	Commn. W. 3 ..	Miss Hemlata Harishchandra Hegishte.
142	Commn. W. 4 ..	Harinarayan Giridharlal Acharva.
143	Commn. W. 5 ..	Nagardas Zaveribhai Chavan.
144	Commn. W. 6 ..	Ambalal Mofatlal Patel.
145	Commn. W. 7 ..	Rasiklal Premchand Shah.
146	Commn. W. 8 ..	Mr. Yeshwant Balwantrao Chavan, Chief Minister, Bombay State. Bombay.

APPENDIX C.

List of Exhibits produced before the Ahmedabad Police Firing cases inquiry Commission.

Serial No.	No. of exhibit.	Description of the exhibit.
<i>Exhibits filed on behalf of the District Magistrate.</i>		
1	D. M. 1	.. Press Note, dated 13th August 1958 issued by the District Magistrate, Ahmedabad.
2	D. M. 2	.. Press Note, dated 14th August 1958 issued by the District Magistrate, Ahmedabad.
3	D. M. 3	.. Press Note, dated 15th August 1958 issued by the District Magistrate, Ahmedabad.
4	D. M. 4	.. Press Note, dated 16th August 1958 issued by the District Magistrate, Ahmedabad.
5	D. M. 5	.. Copy of Memorandum-1 No. CON/SRC, dated 17th August 1958 from the District Magistrate, Ahmedabad to the Government of Bombay regarding adjournment motion on Police Firing in Ahmedabad on 12th August 1958.
6	D. M. 6	.. Copy of memorandum-2 No. CON/SRC, dated 17th August 1958 from the District Magistrate, Ahmedabad to the Government of Bombay regarding adjournment motion on Police Firing in Ahmedabad on 13th August 1958.
7	D. M. 7	.. Copy of memorandum-3 No. CON/SRC, dated 20th August 1958 from the District Magistrate, Ahmedabad to the Government of Bombay regarding Police Firing on 14th August 1958.
8	D. M. 8	.. Copy of memorandum No. CON/SRC, dated 18th August 1958 from the District Magistrate, Ahmedabad to the Government of Bombay regarding observance of 'Shahid Day' on 8th August 1958.
9	D. M. 9	.. Copy of Press Note, dated 11th August 1958 issued by the Government of Bombay a copy sent to the District Magistrate, Ahmedabad by Government under D.O. letter No. SB-1/MGM-1958/17598, dated 11th August 1958 filed with the covering, D. O. letter.
10	D. M. 10	.. Order No. POL-539, dated 12th August 1958 issued by the District Magistrate, Ahmedabad under Section 144 of the Criminal Procedure Code.
11	D. M. 11	.. Shorthand reports (typed) in English of Public meetings held under the auspices of Maha Gujerat Janata Parisad in Ahmedabad City (reports on 30 meetings along with the index).
12	D. M. 12	.. Copy of U. R. to H. D. No. 1065/A/Secret, dated 29th July 1958 from the Remembrancer of Legal Affairs regarding legal position in respect of erection of the memorials.
13	D. M. 13	.. Endorsement No. 87, dated 5th August 1958 from the Municipal Commissioner, Ahmedabad to the Collector, Ahmedabad below a copy of letter, dated 5th August 1958 from the President, Maha Gujerat Janata Parishad addressed to the Mayor of Ahmedabad regarding erection of memorials.

APPENDIX C—contd.

Serial No.	No. of exhibit.	Description of the exhibit.
14	D. M. 14	.. Endorsement No. M/453, dated 5th August 1958 from the Municipal Commissioner, Ahmedabad to the Collector, Ahmedabad below copy of letter No. M/452, dated 4th August 1958 from the Mayor of Ahmedabad to the President, Maha Gujerat Janata Parishad, Ahmedabad.
15	D. M. 15	.. D. O. lettr No. CON/SRC, dated 28th July 1958 addressed by Mr. F. J. Heredia, District Magistrate, Ahmedabad to Mr. K. M. Kantawala, Municipal Commissioner, Ahmedabad requesting him to state his decision on the request of the Janta Parishad for permission to erect " Shahid Memorials".
16	D. M. 16	.. Secret D. O. letter No. MC Conf./A/IV/10/86, dated 5th August 1958 from Mr. K. M. Kantawala, Municipal Commissioner, Ahmedabad addressed to Mr. F. J. Heredia, District Magistrate, Ahmedabad in reply to his D. O. letter Ex. D. M. 15.
17	D. M. 17	.. Copy of S. R. C. report No. B/10/SRC of 1958, dated 9th August 1958 from the office of the District Superintendent of Police, Ahmedabad City submitted to the District Magistrate, Ahmedabad.
18	D. M. 18	.. Copy of S. R. C. report No. D R of 1958, dated 13th August 1958 from the office of the District Superintendent of Police, Ahmedabad City submitted to the District Magistrate, Ahmedabad.
19	D. M. 19	.. Copy of S. R. C. report No. B/10/SRC of 1958, dated 14th August 1958 from the office of the District Superintendent of Police, Ahmedabad City submitted to the District Magistrate, Ahmedabad.
20	D. M. 20	.. Copy of S. R. C. report No. B/10/SRC of 1958, dated 15th August 1958 from the office of the District Superintendent of Police, Ahmedabad City submitted to the District Magistrate, Ahmedabad.
21	D. M. 21	.. Copy of an extract from the Occurrence Book maintained by the Control Room, Ahmedabad.
22	D. M. 22	.. Map showing the places of firings at Bala Hanuman.
23	D. M. 23	.. Map showing the places of firings at Delhi Chakla.
24	D. M. 24	.. Map showing the places of firings at Khadia Panch Kuwa.
25	D. M. 25	.. Map showing the places of firings at Relief Road.
26	D. M. 26	.. Map showing the places of firings at Panch Kuwa.
27	D. M. 27	.. Map showing the places of firings at Khadia Cross Roads.
28	D. M. 28	.. Map showing the places of firings at Aka Sheth Kuwani Pol.
29	D. M. 29	.. Occurrence Register from 21st July 1958 to 31st August 1958 maintained by the Control Room, Ahmedabad.
30	D. M. 30	.. Copy of extracts from a register maintained in the Control Room showing the names of the wireless operators, their call-signs and jurisdiction.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
31	D. M. 31	.. Confidential memorandum—Circular No. B/10 of 1958, dated 5th August 1958 from the District Superintendent of Police, Ahmedabad City, regarding Police arrangements on the 8th August 1958 on the occasion of the 2nd anniversary of the "Shahid Day".
32	D. M. 32	.. Application, dated 4th August 1958 from the Secretary, Mahagujerat Janata Parishad to the District Superintendent of Police, Ahmedabad City, requesting permission to take out a procession on 8th August 1958.
33	D. M. 33	.. Application, dated 5th August 1958 from the Secretary, Mahagujerat Janata Parishad to the District Superintendent of Police Ahmedabad City, informing about certain changes in the route of the procession to be taken out on 8th August 1958.
34	D. M. 34	.. Reminder, dated 7th August 1958 from the Secretary, Mahagujerat Janata Parishad to the District Superintendent of Police, Ahmedabad City, regarding their applications of the 4th and 5th August 1958 (exhibits Nos. 32 and 33).
35	D. M. 35	.. Office copy of permit No. 457 of 1958, dated 7th August 1958 under Section 33(6) (1) of the Bombay Police Act, 1951 granted to the Mahagujerat Janata Parishad to take out procession on 8th August 1958 at 12-00 noon.
36	D. M. 36	Confidential letter No. B/10/SRC/58, dated 10th August 1958 from the District Superintendent of Police, Ahmedabad City to the District Magistrate, Ahmedabad, forwarding confidential report, dated 9th August 1958 of the 2nd Additional District Superintendent of Police, Ahmedabad City.
37	D. M. 37	.. Original draft of confidential memorandum-circular No. B/10 of 1958, dated 5th August 1958, regarding Police arrangements on 8th August 1958 on the occasion of the 2nd anniversary of the "Shahid Day"
38	D. M. 38	.. Cyclostyled copy of confidential (circular) No. B/10 of 1958, dated 5th August 1958 (with corrections and amendments in ink and pencil), regarding Police arrangements on 8th August 1958 on the occasion of the 2nd anniversary of the "Shahid Day".
39	D. M. 39	.. Notes on Bandobast on 12th August 1958.
40	D. M. 40	.. Copy of entry No. 11 of Station Diary, dated 8th August 1958 (in Gujarati).
41	D. M. 41	.. Ammunition Deposit Register from 6th August 1958 to 24th September 1958.
42	D. M. 42	.. Ammunition Book from 8th August 1958 to 13th August 1958.
43	D. M. 43	.. Ammunition Register from 26th June 1958 to Part I-A, Volume II.
44	D. M. 44	.. Confiscated Register, 1954 from 1st February 1954 of Police Head Quarters, Ahmedabad.
45	D. M. 45	.. Copy of a complaint filed by Mr. T. S. Gohel, Police Inspector, Anti-corruption Branch, Baroda on 21st August 1958 at Kalupur Police Station, Ahmedabad.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
46	D. M. 46	.. Ammunition Deposit Register from 25th September 1958 to 12th November 1958.
47	D. M. 47	.. Order No. 13 of 1958, dated 3rd September 1958, of the Additional District Superintendent of Police, Ahmedabad City, regarding issuing of two Ball Cartridges .38 Bore to Mr. B. T. Tilak, Police Sub-Inspector, Poona.
48	D. M. 48	.. Copy of complaint filed by Mr. B. T. Tilak, Police Sub-Inspector, Poona City on 21st August 1958 at Kalupur Police Station, Ahmedabad.
49	D. M. 49	.. Copy of statement, dated 5th September 1958 by Sopan Keshavrao Bodhe, Head Constable, Special Reserve Force, Grade I, Poona before the Additional District Magistrate, Ahmedabad.
50	D. M. 50	.. Report, dated 15th August 1958 submitted by Mr. S. K. Bodhe, Head Constable, Special Reserve Force, Grade I, Poona.
51	D. M. 51	.. Copy of statement, dated 5th September 1958 made by Vishwanath Asman, P. C. B. No. 795 before the Additional District Magistrate, Ahmedabad (His Court Exhibit No. 37).
52	D. M. 52	.. Copy of statement, dated 9th September 1958 made by Rupaji Virji, P. C. B. No. 274, before the Additional District Magistrate, Ahmedabad (His Court Exhibit No. 15).
53	D. M. 53	.. A copy of complaint filed by Mr. K. P. Dave, Police Sub-Inspector, Kalupur Police Station, Dhinkwa Chowky on 24th August 1958 at Gheekanta Chowky before Mr. P. C. Raj, Police Sub-Inspector, regarding damages done to Jhaveriwad Chowky.
54	D. M. 54	.. A copy of complaint filed by Amalkhan Ajikhhan, Head Constable Armed Motor Driver No. 37, on 21st August 1958 before Mr. K. N. Deo, Police Sub-Inspector, Delhi, Chakla Chowky.
55	D. M. 55	.. Statements showing the damages occurred on 12th August 1958 up to 14-30 hours in the limits of the Kalupur Police Station, Ahmedabad.
56	D. M. 56	.. List of persons injured during the Police Firing on 12th, 13th and 14th August 1958 within the limits of Kalupur Police Station, Ahmedabad.
57	D. M. 57	.. Copy of statement showing the damages occurred in the limits of Karanj Police Station on 12th August 1958 up to 14-30 hours.
58	D. M. 58	.. Map showing the places of Police Firing at Shahpur.
59	D. M. 59	.. Dying declaration of Hasmukh Jayantilal, dated 13th August 1958.
60	D. M. 60	.. Inquest Report, dated 15th August 1958 made by Narhariprasad Vamanrao and another before the City Magistrate, Ahmedabad City, regarding the death of Hasmukh Jayantilal.
61	D. M. 61	.. A copy of circular, dated 21st May 1958 (File No. A/1) issued by the Additional District Superintendent of Police, Ahmedabad City, regarding weapons to be used and method of firing for the disposal of the riotous mobs.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
62	D. M. 62	.. Certificate dated 15th August 1958 regarding the death of Has Mukhlal Jayantilal issued by the Registrar, Seth Vadilal Sarabhai General Hospital, Ahmedabad.
63	D. M. 63	.. Medical Certificate regarding injuries to Krishna Kalyanji issued by the Police Surgeon, Ahmedabad, on 16th August 1958,
64	D. M. 64	.. Medical Certificate regarding injuries to Dahyabhai Chunilal.
65	D. M. 65	.. Medical Certificate regarding injuries to Krishnamurari Kalyanji.
66	D. M. 66	.. Medical Certificate regarding injuries to Surendra Maneklal.
67	D. M. 67	.. Medical Certificate regarding injuries to Narayan Vithal.
68	D. M. 68	.. Copy of complaint filed by Jahurali Amirali, III Grade, Armed Head Constable, B. C. No. 1991 on 13th August 1958 at Madhupura Police Station.
69	D. M. 69	.. A copy of complaint filed by Mr. B. M. Purohit, Police Sub-Inspector, Manek Chowk, Karanj Police Station on 12th August 1958.
70	D. M. 70	.. A copy of statement indicating the extent of damages to the Telephone system during the disturbances in Ahmedabad City with particulars of costs etc.
71	D. M. 71	.. C. I. D., shorthand reports (typed) in Gujarati of Public meetings held under the auspices of the Mahagujerat Janata Parishad in Ahmedabad City, reported by the Shorthand Reporter Mr. Valand.
72	D. M. 72	.. C. I. D., shorthand reports (typed) in Gujarati of public meetings held under the auspices of the Mahagujerat Janata Parishad in Ahmedabad City, reported by the Shorthand Reporter Mr. C. M. Sharma.
73	D. M. 73	.. C. I. D., shorthand reports (typed) in Gujarati by Mr. P. M. Bihola, S. H. S. I., of the public meetings held under the auspices of the Mahagujerat Janata Parishad in Ahmedabad City.
74	D. M. 74	.. C. I. D., shorthand reports (typed) in Gujarati of public meetings held under the auspices of the Mahagujerat Janata Parishad at Nadiad, reported by Mr. M. S. Rathod, S. H. Sub-Inspector.
75	D. M. 75	.. C. I. D., shorthand reports (typed) in Gujarati of the public meetings on 19th October 1958 held under the auspices of the Mahagujerat Janata Parishad at Borsad.
76	D. M. 76	.. Hand-written notes of Exhibit D. M. 75.
77	D. M. 77	.. Hand-written fair copy of Exhibit D. M. 76.
78	D. M. 78	.. Memorandum of post-mortem examination held at Ahmedabad Civil Hospital on the dead body of Safru Hussein Pirbhai.
79	D. M. 79	.. Medical Certificate regarding injuries to Amedkhan Rahimkhar.
80	D. M. 80	.. Medical Certificate regarding injuries to Pannasing Ramsing.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
81	D. M. 81	.. Medical Certificate regarding injuries to Gulabsing Virsing.
82	D. M. 82	.. Medical Certificate regarding injuries to Meghaji Virji.
83	D. M. 83	.. Medical Certificate regarding injuries to Valibhai Umarji.
84	D. M. 84	.. Medical Certificate regarding injuries to H. G. Waghela.
85	D. M. 85	.. Medical Certificate regarding injuries to Karansingh Girdharsing.
86	D. M. 86	.. Medical Certificate regarding injuries to Ramanand Rajbhai.
87	D. M. 86-A	.. Medical Certificate regarding injuries to J. K. Kahle.
88	D. M. 87	.. Medical Certificate regarding injuries to K. T. Sarukhan.
89	D. M. 88	.. Medical Certificate regarding injuries to M. R. Pisal.
90	D. M. 89	.. Medical Certificate regarding injuries to S. V. Sawant.
91	D. M. 90	.. Medical Certificate regarding injuries to Vinaychandra Chandulal.
92	D. M. 91	.. Medical Certificate regarding injuries to Kanaiyalal Mohanlal.
93	D. M. 92	.. Medical Certificate regarding injuries to Jayantilal Maganlal.
94	D. M. 93	.. Medical Certificate regarding injuries to A. A. Khan.
95	D. M. 94	.. Medical Certificate regarding injuries to Khumansingh Gulabsingh.
96	D. M. 95	.. Medical Certificate regarding injuries to Anantray Parshottam.
97	D. M. 96	.. Medical Certificate regarding injuries to Kishan Naranlal.
98	D. M. 97	.. Medical Certificate regarding injuries to P. S. I. M. R. Marpute.
99	D. M. 98	.. Medical Certificate regarding injuries to Police Inspector, A. F. Sindhi.
100	D. M. 99	.. Medical Certificate regarding injuries to Manji Kadarji.
101	D. M. 100	.. Medical Certificate regarding injuries to Sub-Inspector, K. M. Vidhane.
102	D. M. 101	.. Medical Certificate regarding injuries to Chandubhai Dhirubhai.
103	D. M. 102	.. Medical Certificate regarding injuries to Harishchandrasingh Haribhai.
104	D. M. 103	.. Medical Certificate regarding injuries to Prithvisingh Virsingh.
105	D. M. 104	.. Medical Certificate regarding injuries to Baldeosingh Sambhusingh.
106	D. M. 105	.. Medical Certificate regarding injuries to Pravarsingh Gulabsing.
107	D. M. 106	.. Medical Certificate regarding injuries to Raghunath Shankar.
108	D. M. 107	.. Medical Certificate regarding injuries to Devisingh Bharaku.
109	D. M. 108	.. X-ray photo of Janubhai.

APPENDIX C—contd.

Serial No.	No. of exhibit.	Description of the exhibit.
110	D. M. 109	.. X-ray photo of Nabimiyan.
111	D. M. 110	.. Medical Certificate regarding injuries to Nabimiya Rahimmiya.
112	D. M. 111	.. Medical Certificate regarding injuries to Janubhai Pranjivandas.
113	D. M. 112	.. Bottle containing a bullet pertaining to case No. E. P. R. 6110.
114	D. M. 113	.. Bottle containing a bullet pertaining to case No. E. P. R. 6111.
115	D. M. 114	.. Bottle containing a bullet pertaining to case No. E. P. R. 6115.
116	D. M. 115	.. Bottle containing a bullet pertaining to case No. P. M. 143/58.
117	D. M. 116	.. Box containing four bottles (Exhibits D. M. 112 to 115).
118	D. M. 117	.. Wrapper of the box (Exhibit D. M. 116).
119	D. M. 118	Statement regarding damages done to the Municipal properties during disturbances between 12th to 14th August 1958.
120	D. M. 119	.. Medical Certificate, dated 14th August 1958 issued by Sheth Vadilal Sarabhai Hospital to Mr. F. E. Dastur.
121	D. M. 120	.. Medical Certificate issued by Sheth Vadilal Sarabhai Hospital to Mr. B. R. Benjamin who was admitted in the Hospital on 12th August 1958.
122	D. M. 121	.. List of the members of the staff of the Ahmedabad Fire Brigade injured on 12th August 1958 at Raipur Police Chowky which was set on fire.
123	D. M. 122	.. Album of pictures of various spots in Ahmedabad City where the damages to property had occurred and of the condition of the roads.
124	D. M. 123	.. Statement showing the estimated cost of damages caused to the property of the Ahmedabad Municipal Transport Service during the disturbances in the Ahmedabad City.
125	D. M. 124	.. Statement showing the approximate costs of damages done to Ahmedabad Municipal Transport Service vehicles during the disturbances in Ahmedabad City and Suburbs in August 1958.
126	D. M. 125	.. X-ray photo of the injured part of the body of Janubhai taken on 13th August 1958.
127	D. M. 126	.. X-ray photo of the injured part of the body of Nabimiya Rahimmiya taken on 9th September 1958.
128	D. M. 127	.. Medical Certificate regarding injuries to Vishnuprasad Pandya.
129	D. M. 128	.. Medical Certificate regarding injuries to Vithaldas Jethabhai.
130	D. M. 129	.. Medical Certificate regarding injuries to Bipin Chandrakant.
131	D. M. 130	.. Medical Certificate regarding injuries to Vikram Ranchhod.
132	D. M. 131	.. Medical Certificate regarding injuries to Prabhudas Jivanlal.
133	D. M. 132	.. Medical Certificate regarding injuries to Somnath Bhagwandas.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
134	D. M. 133	.. Medical Certificate regarding injuries to Ramesh Hargovinddas.
135	D. M. 134	.. Medical Certificate regarding injuries to Natvarlal Chandulal.
136	D. M. 135	.. Medical Certificate regarding injuries to Shirish Mangaldas.
137	D. M. 136	.. Medical Certificate regarding injuries to Ibrahim Sarfuddin.
138	D. M. 137	.. Medical Certificate regarding injuries to Dhanabhai Hiratal.
139	D. M. 138	.. Medical Certificate regarding injuries to Chandrakant Dalpatram.
140	D. M. 139	.. Medical Certificate regarding injuries to Lalmiya Mahmamdiya.
141	D. M. 140	.. Medical Certificate regarding injuries to Ramalal Parsottam.
142	D. M. 141	.. Medical Certificate regarding injuries to B. R. Benjamin.
143	D. M. 142	.. Medical Certificate regarding injuries to Dastur Shah.
144	D. M. 143	.. Medical Certificate regarding injuries to Habibmiya Hussain.
145	D. M. 144	.. Medical Certificate regarding injuries to Popatlal Atmaram.
146	D. M. 145	.. Medical Certificate regarding injuries to Chanderao Bavaji.
147	D. M. 146	.. Medical Certificate regarding injuries to Karansing Gursing.
148	D. M. 147	.. Medical Certificate regarding injuries to Ahmedmiya Moosamiya.
149	D. M. 148	.. Medical Certificate regarding injuries to Lalusing Jusasing.
150	D. M. 149	.. Medical Certificate regarding injuries to Shantilal Kantilal.
151	D. M. 150	.. Medical Certificate regarding injuries to Virendra Govindbhai Dhobi.
152	D. M. 151	.. Medical Certificate regarding injuries to Popatlal Hargovinddas Shah.
153	D. M. 152	.. Note, dated 15th August 1958 from Ellis Bridge Police Station to Seth Vadilal Sarabhai Hospital stating that the dead body of Hasmukh may be handed over to Hasmukh's father.
154	D. M. 153	.. Note, dated 14th August 1958 from Ellis Bridge Police Station to Seth Vadilal Sarabhai Hospital stating that the dead body of Ibrahim Sarfuddin may be handed over to Ibrahim's relatives.
155	D. M. 154	.. X-ray photo of the injured part of the body of Vishnuprasad Pandya.
156	D. M. 155	.. Bullet extracted from the body of Vishnuprasad Pandya.
157	D. M. 156	.. X-ray photo of the injured part of the body of Natvarlal Chandulal.
158	D. M. 157	.. X-ray photo of the injured part of the body of Shirish Mangaldas.
159	D. M. 158	.. X-ray photo of the injured part of the body of Ibrahim Sarfuddin.
160	D. M. 159	.. X-ray photo of the injured part of the body of Hasmukh Jayantilal.
161	D. M. 160	.. X-ray photo of the injured part of the body of Shantilal Kantilal.

APPENDIX C—contd.

Serial No.	No. of exhibit.	Description of the exhibit.
162	D. M. 161	... Bullet extracted from the person of Shantilal Kantilal.
163	D. M. 162	.. History Sheet from the case papers of Shantilal Kantilal.
164	D. M. 163	.. Note, dated 13th August 1958 from Head Constable Usmanbhai Hamadbhai of Ellis Bridge Police Station to the Medical Officer, Sheth Vadilal Sarabhai Hospital regarding injuries to Shantilal Kantilal by Gas shell.
165	D. M. 164	.. Medical Certificate regarding injuries to Purushottam Shivilal.
166	D. M. 165	.. Medical Certificate regarding injuries to Gordhan Gaurishankar.
167	D. M. 166	.. Medical Certificate regarding injuries to Naresh Amritlal.
168	D. M. 167	.. Medical Certificate regarding injuries to Popatlal Chunilal.
169	D. M. 168	.. Medical Certificate regarding injuries to Surendra Mangaldas.
170	D. M. 169	.. Medical Certificate regarding injuries to Shah Shashikant Ratilal.
171	D. M. 170	.. Medical Certificate regarding injuries to Shailesh Ramanlal Motilal.
172	D. M. 171	.. Medical Certificate regarding injuries to Mahendrakumar Kantilal.
173	D. M. 172	.. Medical Certificate regarding injuries to Kantibhai Revabhai.
174	D. M. 173	.. Medical Certificate regarding injuries to Shankar Sava.
175	D. M. 174	.. Medical Certificate regarding injuries to Virendra Govindbhai Dhobi.
176	D. M. 175	.. Medical Case paper in respect of Bharat Kantilal Mohanlal.
177	D. M. 176	.. Medical Certificate regarding injuries to Haridas Gulabdas.
178	D. M. 177	.. Medical Certificate regarding injuries to Gourishankar Purushottam.
179	D. M. 178	.. Medical Certificate regarding injuries to Ahmedkhan Daulatkhan.
180	D. M. 179	.. Medical Certificate regarding injuries to Melumal Tulsidas.
181	D. M. 180	.. Statement showing the loss at the town Sub-Post Offices in Ahmedabad due to disturbances.
182	D. M. 181	.. Curfew Order No. EC/Pol., dated 12th August 1958 issued by the Additional District Magistrate, Ahmedabad.
183	D. M. 181-A	.. Order No. EC/Pol., dated 13th August 1958 modifying the Curfew Order dated 12th August 1958 (Exhibit D. M. 181).
184	D. M. 182	.. Order No. EC/Pol. dated 13th August 1958 issued by the Additional District Magistrate, Ahmedabad under Section 144 of the Criminal Procedure Code.
185	D. M. 182-A	.. Order No. EC/Pol. dated 14th August 1958 modifying the order dated 13th August 1958 (Exhibit D. M. 182).
186	D. M. 183	.. Curfew Order No. EC/Pol. dated 14th August 1958 issued by the Additional District Magistrate, Ahmedabad under Section 144 of the Criminal Procedure Code.

APPENDIX C—contd.

Serial No.	No. of exhibit.	Description of the exhibit.
187	D. M. 183-A ..	Order No. EC/Pol., dated 15th August 1958 modifying the order, dated 14th August 1958. (Exhibit D. M. 183).
188	D. M. 183-B ..	Order No. EC/Pol., dated 15th August 1958 modifying the order, dated 14th August 1958 (Exhibit D. M. 183).
189	D. M. 183-C ..	Order No. EC/Pol., dated 15th August 1958 modifying the order, dated 14th August 1958 (Exhibit D. M. 183).
190	D. M. 184 ..	Complaint filed by Dayashankar Jamiatram Pandya on 19th August 1958 at Kalupur Police Station.
191	D. M. 185 ..	Complaint filed by Melumal Tulsidas on 13th August 1958 at Maninagar Police Chowky.
192	D. M. 186 ..	A printed copy of the election results of Parliament, Bombay. Legislature, District Local Boards, Municipalities and School Boards, where Congress Party directly put up its candidates as Congress Party from Gujerat Pradesh since 1957.
193	D. M. 187 ..	A printed copy of the resolution passed by the Executive Committee of the Gujerat Pradesh Congress Committee on 7th September 1958 at Ahmedabad.
194	D. M. 188 ..	Copy of Circular Memorandum No. 7753-1, dated 13th July 1957, issued by the Inspector-General of Police, regarding weapons to be used and method of firing for the dispersal of the riotous mobs.
195	D. M. 189 ..	Statement, dated 11th February 1959 made by Chandrakant Dalpatram Soni before the Police Sub-Inspector, L. I. B. in connection with his application for compensation for injuries.
196	D. M. 190 ..	Statement made by Chandrakant Dalpatram Soni on 16th September 1958 before the Additional District Magistrate, Ahmedabad.
197	D. M. 191 ..	Album of pictures of various spots in Ahmedabad City exposed on 8th August 1958 and during the days of disturbances.
198	D. M. 192 ..	A copy of 'Gujerat Samachar', dated 22nd June 1958 (columns 7 and 8 at page 1).
199	D. M. 193 ..	A cyclostyled copy of Municipal Resolution No. 333 (in Gujerati) passed by the Municipal Corporation, Ahmedabad, on 19th August 1958 at its ordinary monthly meeting held at 'Gandhi Hall', Ahmedabad.
200	D. M. 194 ..	A copy of Government order, L. S. G. and P. H. D. No. PMC-5758-C, dated 20th August 1958, regarding the suspension of Ahmedabad Municipal Resolution No. 333, dated 19th August 1958 about placing of Martyr's memorials (Exhibit D. M. 193).
201	D. M. 195 ..	A copy of 'Gujerat Samachar', dated 4th August 1958 (page 1, portions marked in column 7).
202	D. M. 196 ..	A copy of 'Nava Bharat', a Gujerati Daily, dated 4th August 1958 (page 1, portions marked in columns 3, 4 and 5).
203	D. M. 197 ..	A copy of 'Sandesh', a Gujerati Daily, dated 9th March 1959 (page 8, portions marked in column 6).

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
204	D. M. 198	.. A copy of "Sandesh", a Gujerati Daily, dated 15th August 1958.
205	D. M. 199	.. Criminal complaint No. 884 of 1958 filed on 18th August 1958 by Mr. N. H. Sethna, Senior District Superintendent of Police, Ahmedabad City at the Karanj Police Station.
206	D. M. 200	.. Criminal complaint No. 931 of 1958 filed by Mr. R. S. Sarmalkar, Police Inspector, Anti-Corruption Branch, at the Karanj Police Station.
207	D. M. 201	.. Map of the City and Suburbs of Ahmedabad showing Police Chowkies and Post Offices damaged by arson.
208	D. M. 202	.. Site plan showing traffic island near Congress House, Bhadra, Ahmedabad.
209	D. M. 203	.. Government secret Circular, H. D. (Political) No. S. D./PAG-6255, dated 28th September 1955 regarding the reports of S. R. C.
210	D. M. 204	.. Government Secret Circular, H. D. (Political) No. S.D./PAG-6255, dated 10th November 1955 regarding the reports of S. R. C.
211	D. M. 205	.. S. R. C. report, dated 18th July 1958 submitted by the District Superintendent of Police, Ahmedabad City, to the District Magistrate, Ahmedabad.
212	D. M. 206	.. S. R. C. report, dated 22nd July 1958.
213	D. M. 207	.. S. R. C. report, dated 24/25th July 1958.
214	D. M. 208	.. S. R. C. report, dated 29th July 1958.
215	D. M. 209	.. S. R. C. report, dated 5th August 1958.
216	D. M. 210, 210-A to 210-FF	33, Medical Certificates of the indoor patients treated by the Shet Vadilal Sarabhai Hospital, Ahmedabad.
217	D. M. 211, 211-A to 211-VV	49, Medical Certificates of the outdoor patients treated by the Sheth Vadilal Sarabhai Hospital, Ahmedabad.
218	D. M. 212	.. Statement made by Prabhudas Hiralal before the Additional District Magistrate, Ahmedabad on 15th September 1958.
219	D. M. 213	.. Statement made by Chandrakant Dalpatram Soni before the Additional District Magistrate, Ahmedabad, on 15th September 1958 and 16th October 1958.
220	D. M. 214	.. 9 telephone trunk call bills.
<i>Exhibits filed on behalf of the Mahagujerat Janata Parishad.</i>		
1	J. P. 1 to 8	.. 8 photo copies of the scenes of disturbances in Ahmedabad City.
2	J. P. 9	.. A copy of letter, dated 8th July 1958 from the President, Mahagujerat Janata Parishad addressed to the Chief Minister, Bombay State.
3	J. P. 10	.. A copy of "Sandesh" Daily dated 18th August 1958 portion marked in red pencil at page 10 regarding the appeal to the public to observe Janata Curfew on the 19th August 1958.

APPENDIX C—contd.

Serial No.	No. of exhibit.	Description of the exhibit.
4	J. P. 11	.. Blood stained trousers (pyjamas) of Prabhubhai Hiralal.
5	J. P. 12	.. A bottle containing pellets extracted from the legs of Shirish Mangaldas.
6	J. P. 13	.. Case papers of K. Ismail, J. P. W. 7, from Sheth Vadilal Sarabhai Hospital, Ahmedabad.
7	J. P. 14	.. Case papers (Case No. 1811) in respect of Shailesh Ramanlal from the Civil Hospital, Ahmedabad.
8	J. P. 15	.. Medical Certificate dated 26th February 1959 describing the X-ray photos of the injured parts of the body of Yakubkhan Hatimkhan.
9	J. P. 16, 16-A to 16-E.	Six X-ray photos of the injured parts of the body of Yakubkhan Hatimkhan.
10	J. P. 17	.. A pellet that had come out from the left knee of Abdul Salem Abdul Majid.
11	J. P. 18	.. Medical Certificate dated 26th February 1959 describing the X-ray photos of the injured parts of the body of Abdul Salem Abdul Majid, issued by Dr. K. M. Shah.
12	J. P. 19, 19-A to 19-E.	Six X-ray photos of the injured parts of the body of Abdul Salem Abdul Majid.
13	J. P. 20	.. Medical Certificate dated 26th February 1959 issued by Dr. K. M. Shah describing the two X-ray photos of the injured parts of the body of Gulamnabi Samadkhan.
14	J. P. 21 and 21-A.	Two X-ray photos of the injured parts of the body of Gulamnabi Samadkhan.
15	J. P. 22	.. Bush shirt (with pellet holes) of Babubhai Manilal.
16	J. P. 23	.. A copy of "Sandesh", a Gujarati Daily, dated 12th August 1958.
17	J. P. 24	.. A copy of "Sandesh", a Gujarati Daily, dated 13th August 1958.
18	J. P. 25	.. A copy of "Sandesh", a Gujarati Daily, dated 14th August 1958.
19	J. P. 26	.. A copy of Special Additional "Sandesh", dated 12th August 1958.
20	J. P. 27	.. A copy of "Sevak", a Gujarati Daily, dated 12th August 1958.
21	J. P. 28	.. A copy of "Sevak", a Gujarati Daily, dated 13th August 1958.
22	J. P. 29	.. A copy of "Sevak", a Gujarati Daily, dated 14th August 1958.
23	J. P. 30	.. Resolution, dated 8th August 1956 passed by the Criminal Courts Bar Association, Ahmedabad, regarding the appointment of an Inquiry Committee to inquire into the Police Firing in Ahmedabad in 1956.
24	J. P. 31	.. Resolution dated 1st October 1956 passed by the Criminal Courts Bar Association, Ahmedabad, regarding the adoption of the report submitted by the Inquiry Committee about the Police Firing in Ahmedabad in August 1956.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
25	J. P. 32	.. Report, dated 1st October 1956, submitted by the Inquiry Committee regarding the Police Firing that took place near the Congress House, Ahmedabad, on 8th August 1956.
26	J. P. 33	.. Resolution, dated 21st August 1958, passed by the Criminal Courts Bar Association, Ahmedabad, regarding the Police Firing in Ahmedabad in August 1958.
27	J. P. 34	.. Statement, dated 18th August 1958, along with its accompaniments sent by Mr. K. V. Shah to the President, Bar Association, Ahmedabad, regarding Police atrocities experienced by him.
28	J. P. 35	.. Statement, dated 18th August 1958 sent by Mr. B. P. Raval, Pleader, to the Bar Association, Ahmedabad, regarding the Police atrocities experienced by him.
29	J. P. 36	.. Copies of resolutions passed by the Ahmedabad Criminal Courts Bar Association on 23rd August 1958 regarding the Police Firing in Ahmedabad in August 1958.
30	J. P. 37	.. A copy of letter, dated 1st October 1958 with its accompaniment addressed to the Chief Minister, Bombay State, by the President, Ahmedabad Criminal Courts Bar Association, requesting for a judicial inquiry into the Police Firing and the Police atrocities in Ahmedabad in August 1958.
31	J. P. 38	.. Letter No. CMS/E-H/7561, dated 20th October 1958, from the Private Secretary to the Chief Minister, Bombay State, addressed to the President, Ahmedabad Criminal Courts Bar Association, acknowledging the receipt of his letter, dated 1st October 1956.
32	J. P. 39	.. Draft letter addressed to the Chief Minister, Bombay State, by the President, Ahmedabad Criminal Courts Bar Association, requesting for a judicial inquiry into the Police Firing in Ahmedabad in August 1958.
33	J. P. 40	.. Medical Certificate, dated 2nd March 1959, issued by Dr. S. C. Desai describing the X-ray photo of the injured part of the body of Imdad Hussain Babuji.
34	J. P. 40-A	.. Medical Certificate, dated 2nd March 1959, issued by Dr. S. C. Desai describing the X-ray photo of the injured part of the body (right hand fingers) of Imdad Hussain.
35	J. P. 41	.. X-ray photo of the right hand fingers and the thumb of Imdad Hussain Babuji.
36	J. P. 42	.. X-ray photo of right side chest and abdomen of Imdad Hussain Babuji.
37	J. P. 43	.. Index (fault) card in respect of Telephone No. 4921/28 E. E. 114, at Kalupur Police Chowky.
38	J. P. 44	.. Index (fault) card in respect of Telephone No. 4921/27 E. E. 59, at Rangila Police Chowky.
39	J. P. 45	.. Index (fault) card in respect of Telephone No. 492/28 Extension 61, at Shahpur Police Chowky.
40	J. P. 46	.. Index (fault) card in respect of Telephone No 4921/28, E. E. 100, at Dariapur Police Chowky.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
41	J. P. 47	.. Index (fault) card in respect of Telephone No. 4921/28 E. E. 107, at Gheekantha Police Chowky.
42	J. P. 48	.. Copies of letter, dated 21st August 1958 and its accompaniments addressed to the Chief Minister, Bombay State; by Mr. K. V. Shah, Pleader.
43	J. P. 49	.. Letter No. CMS/E-H/6211, dated 27th August 1958, from the Private Secretary to the Chief Minister, Bombay State, addressed to Mr. K. V. Shah, Pleader, acknowledging receipt of his letter, dated 21st August 1958 (Exhibit J. P. 48).
44	J. P. 50	.. Government letter, H. D. No. S. B. I/MGM. 1558/23205, dated 13th November 1958, addressed to Mr. K. V. Shah, Pleader, Ahmedabad, regarding alleged misbehaviour of the District Superintendent of Police and the Police of Ahmedabad.
45	J. P. 51	.. Medical Certificate, dated 3rd March 1959, issued by Dr. R. D. Shah in respect of injuries to Mr. K. V. Shah, Pleader.
46	J. P. 52	.. Medical Certificate, dated 3rd March 1959, issued by Dr. R. D. Shah in respect of injuries to Mr. Rajnikant Keshavlal Shah.
47	J. P. 53	.. A copy of 'Gujarat Samachar', a Gujarati Daily, dated 14th August 1958 (page 6, column 8.)
48	J. P. 54	.. A copy of an application, dated August 1958 addressed, to the District Magistrate, Ahmedabad, by Mr. Sanat Zaveri, regarding snatching away of his camera and a bag containing photographs during the disturbances in Ahmedabad on 13th August 1958.
49	J. P. 55	.. A copy of 'Gujarat Samachar', a Gujarati Daily, dated 23rd October 1958 (page 1, column 2).
50	J. P. 56	.. A cutting from 'Gujarat Samachar', dated 25th October 1958 (page 4).
51	J. P. 57	.. Indoor patient ticket (card) in respect of Farid Abdul Karim, issued by the Civil Hospital, Ahmedabad.
52	J. P. 58	.. A printed copy of an appeal to the public of Ahmedabad to observe Janata Curfew on 19th August 1956.
53	J. P. 59	.. A typed (Gujarati) copy of an appeal to the Public of Ahmedabad, to observe Janata Curfew on 19th August 1956.
54	J. P. 60	.. A printed copy (Gujarati) of the Constitution and resolutions passed by the Mahagujarat Janata Parishad in the conference held on 29th December 1956 and 30th December 1956.
55	. P. 61	.. A printed book-let 'Shahadat', issued by the Shahid Smarak Samiti of students.
56	. P. 62	.. A printed copy of the resolutions passed by the General Council of the Mahagujarat Janata Parishad in its meeting held on 21st June 1958 at Baroda.
57	. P. 63	.. A copy of letter, dated 7th July 1958, addressed by the President Mahagujarat Janata Parishad to the Mayor, Ahmedabad Municipal Corporation, Ahmedabad, requesting permission to erect Martyrs' memorials.

APPENDIX C—*contd.*

Serial No.	No. of exhibit.	Description of the exhibit.
58	J. P. 64	.. A printed pamphlet issued by Mr. Indulal Yagnik showing the circumstances under which arrests of Mr. Jayanti Dalal and others were made.
59	J. P. 65	.. A photograph taken at a public meeting held at Daryapur which Mr. Jagjivanram, the then Railway Minister, addressed in 1956.
60	J. P. 66	.. A printed copy (Gujerati) of resolutions and constitutional amendments passed by the Mahagujerat Janata Parishad on 3rd August 1958 in the Second Session held at Nadiad.
61	J. P. 67, 67-A to 67-Y	Reports submitted by the Police Officers under Section 169 of the Criminal Procedure Code, in several complaints.
62	J. P. 68	.. Certified copy of judgment in Summary Case No. 5638/58 (with certified copy No. 5673/58) of the Court of the Judicial Magistrate, First Class, 8th Court, Ahmedabad.
63	J. P. 69	.. Map showing the area from Fuvara to Karanj.
64	J. P. 69-A	.. Map showing the Dhal's Pole area.
65	J. P. 69-B	.. Map showing the Relief Road from Electric House to Pathan Kuwa.
66	J. P. 69-B(i)	.. Map showing the Relief Road from Pathan Kuwa to Zaverivad.
67	J. P. 69-B(ii)	.. Map showing the Relief Road from Oriental Building to Haja Patel's Pole.
68	J. P. 69-B(iii)	.. Map showing the Relief Road from Lambeshwar's Pole to Jhakaria Masjid.
69	J. P. 69-C	.. Map showing the area from Raipur Chakla to Khadia Chowky (old).
70	J. P. 69-D	.. Map showing the area from Ratan Pol Naka to Patasa Pol.
71	J. P. 69-E	.. Map showing the area from Khadia Char Rasta to Pachkuwa Darwaja.
72	J. P. 69-F	.. Map showing the area from Khadia Cross Roads to Ratan Pol Naka.
73	J. P. 69-G	.. Map showing the area from Shahpur Darwaja to Bahai Centre—Mangal Parekhs Khancha.
74	J. P. 69-H	.. Map showing the area from Khadia Cross Roads to Jhakaria Masjid.
75	J. P. 69-I	.. Map showing the area from Raipur Chakla to Madan Gopal Haveli.
76	J. P. 69-J	.. Map showing the Main Roads of the City of Ahmedabad.
77	J. P. 69-K	.. Map showing the area from Delhi Chakla to Prem Darwaja—Jordan Road.
78	J. P. 69-L	.. Map showing the area from Delhi Darwaja to Delhi Chakla to Shahpur Darwaja via R. C. High School Road—Rangila Chowky.

APPENDIX C—concl'd.

Serial No.	No. of exhibit.	Description of the exhibit.
79	J. P. 70	.. Map showing the area from Victoria Gardens to Congress House.
80	J. P. 71	.. A printed copy of Bombay Legislative Assembly Debates—official report, dated 6th October 1958 (Part II—Proceedings other than questions and answers).
<i>Exhibits filed on behalf of the Congress Party.</i>		
1	Cong. 1	.. A copy of 'Gujerat Samachar', dated 9th August 1958 (column 8 at page 8).
2	Cong. 2	.. A copy of 'Janasatta', a Gujarati Daily, dated 9th August 1958 (column 4 at page 8).
3	Cong. 3.	.. A copy of 'Sandesh', dated 9th August 1958 (column 4 at page 2).
4	Cong. 4	.. A copy of 'Congress Patrika', dated 25th August 1958 (page 117) published by Gujarat Pradesh Congress Committee.
5	Cong. 5	.. Bombay Legislative Assembly debates—official report dated 4th October 1958 (Part II—Proceedings other than questions and answers).
6	Cong. 6	.. Bombay Legislative Assembly debates—official report, dated 5th October 1958 (Part II—Proceedings other than questions and answers).
<i>Exhibits filed on behalf of the Commission.</i>		
1	Com. 1	.. List of Medico Legal cases admitted on 12th August 1958, in the Sheth Vadilal Sarabhai Hospital, Ahmedabad.
2	Com. 2	.. List of Medico Legal cases treated in the Out Patients Department in the Sheth Vadilal Sarabhai Hospital, Ahmedabad, on 2th August 1958.
3	Com. 3	.. Statement showing the details of damage done to the Mills Property during the disturbances between the 12th to 14th August 1958.
4	Com. 4	.. A printed booklet 'Police Firing', issued by the Directorate of Publicity, Government of Bombay.
5	Com. 5	.. A printed copy of Bombay Legislative Council debates—official report, dated 4th September 1958 (Part II—Proceedings other than questions and answers).
6	Com. 6	.. A printed copy of Bombay Legislative Assembly debates—official report dated 21st August 1958 (Part II—Proceedings other than questions and answers).

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT CENTRAL PRESS, BOMBAY.
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING, PUBLICATIONS AND
STATIONERY, BOMBAY STATE, BOMBAY.

Obtainable from the Government Publications Sales Depot, Institute of Science Building, Fort, Bombay (for purchasers in Bombay City); from the Government Book Depot, Charni Road Gardens, Bombay 4 (for orders from the mofussil) or through the High Commissioner for India, India House, Aldwych, London, W.C.2 or through any recognized Bookseller.

[Price—Rs. 1'03 or 1s. 9d.]