

REPORT OF THE INQUIRY COMMITTEE

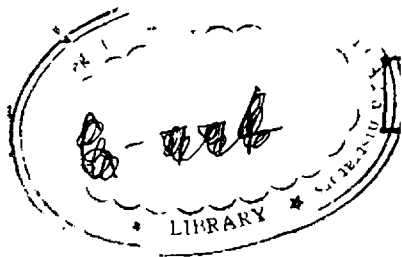


JUSTICE M. C. DESAI

(Retired Chief Justice, Allahabad High Court)

NARAS HINDU UNIVERSITY VARANASI

1971



REPORT

The Vice-Chancellor of Banaras Hindu University by his orders dated 25-9-1971 appointed me as "One-Man Enquiry Committee to enquire into the various allegations of indiscipline and misconduct on the part of 39 students of the University who have been charged and to furnish a report which charges against which students are established", the students referred to being those included in the list attached to the order and suspended by him from the privileges of the University pending enquiry. The list contains names of 39 students studying in various Faculties and the Institute of Technology. Anand Kumar is the President of the Students' Union and M. P. Tara, the General Secretary. Krishna Prakash is the Prime Minister of the Students' Parliament. The Vice-Chancellor framed charges against all these students and called upon them to offer their written explanation, if any, on or by 8-10-71, to submit documents, or a list of documents to be produced in defence and, list of defence-witnesses and to appear before the Committee on 12-10-71 if they wanted to be heard in person. I had fixed 12-10-71 as the date for commencing the enquiry.

On 12-10-71 at 10.00 A.M. when I commenced the enquiry about 18 students charged with various acts of indiscipline or misconduct were present in the premises of the office of the Dean of Students but some of them kept away from the room in the office in which I was holding the enquiry. Not more than 23 students came inside the room and some of them raised various preliminary questions. Some of the students, such as, Anand Kumar and M. P. Tara, had not offered any written explanation in reply to the charges framed against them and had solicited certain information from the Registrar of the University and had informed him that in the absence of the required information they would not offer any explanation. The Registrar did not supply the information required by them, and rightly because he was not the proper authority to supply it.

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Before commencing the enquiry I orally supplied the information to such of the students as were present in the room. I explained to them the nature of the enquiry, my powers, the rights of the students, the procedure to be followed by me. I also informed them that I could not be, and was not constituted, a Court or Tribunal, that I had no power which ordinarily vests in a Court or Tribunal and could not summon any witness or document and could not administer oath, that the nature of the enquiry by me was exactly the same as that of an enquiry if conducted by the Vice-Chancellor himself or by any other person authorised by him, that the procedure to be followed by me would be the procedure that is normally followed in such disciplinary or departmental enquiries in the University by the Vice-Chancellor or any other authority of the University, that the students had no greater rights than they would have in such an enquiry and that no lawyer would be permitted. It was made clear that the enquiry was not a secret or in camera. Some students raised the question of identification by the witnesses for the University (which will be referred to, henceforth, as Prosecution Witnesses or P. Ws.). It arose this way. In many incidents, which are the subject-matter of the charges, many students took part and the witnesses giving evidence in respect of the incidents knew from before only few of them. They could give evidence against others only by pointing them out in the enquiry room. What the students claimed was that if they alone were in the Enquiry Room, the witnesses would have no difficulty in pointing them out as the culprits. They, therefore, desired that they should be mixed with outsiders before the witnesses were asked to identify them. Though the numbers of outsiders to be mixed with each student, to be identified in the enquiry room by a prosecution witness was suggested by the students to be not less than 10, I informed them that it was too large a number and that I would permit each student to be mixed with only five outsiders. I may point out here that not one student availed himself of this opportunity; actually many of the students charged with acts of indiscipline or misconduct during an incident were absent from the room when witnesses of the incident came to give evidence in respect of it, thus depriving the prosecution witnesses of an opportunity to identify them in the enquiry

room. Lastly, I informed the students that as far as practicable, prosecution evidence would be received incident-wise, that the prosecution witnesses would be allowed to be cross-examined by the students charged with acts in the incident, and that after the close of the prosecution the students' defence-evidence will be received.

The acts of indiscipline or misconduct with which the students have been charged are wrongfully surrounding or confining the Vice-Chancellor, the Registrar and other authorities of the University, shouting imprecatory, insulting or abusive slogans, waving black flags, taking possession of University buildings in the campus and locking them up, going on strike, including hunger-strike, holding meetings and demonstrations, taking out processions and using a loud-speaker without the required permission, abusing and threatening the University authorities and members of various Faculties, assaulting and injuring them, and preventing them and other University employees from discharging their duties. These acts are alleged to have been done in several incidents between September 7 and September 11, 1971, within the campus of the University.

The Ordinances governing **Maintenance of Discipline and Grievances Procedure** define culpable acts of students of the University rendering themselves to disciplinary action. Clause II of it defines acts of indiscipline to include *inter alia*, misconduct, an act violative of discipline, an act punishable under any law, an act which interferes with personal liberty of another, or subjects another to indignity, or involves physical violence or use of abusive language or destruction of property, organising of a procession or meeting without the permission of the appropriate authority or participation therein, raids on premises of the University and breaking into any University building or premises, rowdy or other forms of misbehaviour, dissemination and assertion of false statements with malicious motive, sending any letter or communication to the press, use of agitational methods, such as, strikes, gheraos, fasts, arousing the sentiments of the students and abetment of acts of indiscipline. The Ordinances do not affect plenary powers vesting in the Vice-Chancellor in respect of indiscipline and punishment for indiscipline of students vested

in him by Clause 60 (1) of the Statutes ; this means that he can punish a student even for an act not coming within the above definition of indiscipline. It is at his discretion for what act to punish a student with what punishment.

The history of the incidents commences with hunger-strike on 25-8-71 by six students of the University namely, Gopalji Tripathi, Om Prakash, Umesh Chandra Tiwari, Prabhu Nath Misra, Sarju Prasad Singh and Rohit Prasad, in the building of the Students' Union for pressing their demands which are enumerated in a notice signed by Anand Kumar and M. P. Tara. There are 19 demands (the so-called 20th demand is a repetition of an earlier demand) ; the important demands are recall of expulsion or rustication orders passed against some students, removal of the limit on the number of Science students to be admitted in the Arts Faculty, recall of the orders of expulsion or rustication passed against the students found guilty of use of unfair means in 1971 examinations in accordance with the rules revised in 1971, admitting to the University all applicants, fresh examination for the students who had boycotted the regular examination or in substitution of the examination for which incorrect question papers were printed, giving part-time jobs to all poor students, re-evaluation of answer books, immediate announcement of the results of B.Sc. Part II and B.A. Part II Examinations and commencement of second examination, improvement in the running of messes and canteens and in the quality of food, adequate facilities for such students as wanted to study through Hindi medium, representation of students and teachers in University Court and Academic Council, allowing double course and reducing the period for degree course in Law from three years to two years, opening one more section in M.Sc. Mathematics Department, providing general promotion to students in the Institute of Technology, decentralisation of the Vice-Chancellor's powers, making the offices of Heads of Departments and Directors of Institutes rotating, increase in hostel accommodation and regular grants to the Students' Union as in Delhi University. These demands were considered on the very day by the Consultative Committee presided over by the Vice-Chancellor and attended by Deans of Faculties, the Registrar and six students, including the President and the General Secretary of the Students' Union and Sheo Deo Narain and Tarkeshwar

Rai, who are accused before me of certain acts. Most of the demands were accepted or conceded by the Consultative Committee. For reconsiderations of the orders of expulsion or rustication a one-man committee consisting of the Registrar was appointed; it was to submit its report soon after the return of the Vice-Chancellor from abroad. The Vice-Chancellor was to go (and went) to Ghana on 26th August, 1971. The same Committee was also to report about the increase of seats in post-graduate classes. It was decided to revise the punishment for the use of unfair means in accordance with the previous rules in force upto 1970 examinations. The members of the Consultative Committee were informed of the decision that 840 students would be admitted in B.A. Part II. It was decided to start evening classes in four subjects for B.A. Committees were appointed to go into the question of finding part-time jobs. The re-evaluation of answer books was accepted in principle but it was decided that it would be done only in cases found to be fit by the Vice-Chancellor and that detailed rules be framed without delay for re-evaluation. A Committee of three students and the Finance Officer of the University was constituted to go into the matter of messes and canteens and frame rules. The Vice-Chancellor informed the members that classes had already been opened for training stenographers and typists in Hindi Stenography and Typewriting and the administrative work would substantially be done in Hindi when competent Stenographers and Typists become available. The proposal for representation of students and teachers in the University Court and the Academic Council was to be forwarded to the Ministry of Education. The suggestion for reducing the 3-Year LL.B. course to two-year course and for permitting double courses was ordered to be referred to the Bar Council of India. The proposal for general promotion of failed students in the Institute of Technology was ordered to be sent to the Faculty of Engineering and Technology for consideration. The Vice-Chancellor accepted in principle that the Vice-Chancellor's powers should be decentralised and promised to consider what could be done in accordance with the Act, the Statutes, the Ordinances and the Regulations. The Executive Council was already seized with the question of rotation of the office of Head of Department and Director of Institute and correspondence was

going on with the Union Government in respect of this matter, considered in the light of Gajendragadkar Inquiry Commission. It was decided to reopen the cases of students rusticated or expelled for keeping lodgers in the hostel and for other petty irregularities. Lastly, it was decided to enquire from the Delhi University of what financial assistance it gives to the Students' Union.

The Vice-Chancellor left for Ghana on 26th August, 1971; though one of the demands met by the students on August 25 was that he should cancel his departure, it was decided in the Consultative Committee that he should stick to his plan. He returned to Varanasi, via Bombay, by plane on 10-9-71. He heard in Bombay about some of the incidents that had taken place during his absence and had sent telephonic message for convening a meeting of the Advisory Committee on 10-9-1971 at 11.00 A.M.

Incident No. 1

THE INCIDENT OF 10-9-71 AT THE UNIVERSITY GATE

On 9-9-71, at 9.30 P.M., there was a meeting of the Proctors in the Chief Proctors Office because there were rumours that the Vice-Chancellor would be subjected to 'Gherao' on his return from Ghana and Surendra Singh, Proctor, who keeps a motor-cycle, was deputed to watch the situation near the main gate on 10-9-71 from 9.30 A.M. till the arrival of the Vice-Chancellor's car at the main gate and to inform him on the way at Bhelupura, if he found anything abnormal. There is a Police Station at Bhelupura, which is about two miles from the main gate of the University and is on the way from the aerodrome of Varanasi to the University. The aerodrome is more than 20 miles from the University.

On 10-9-71, at about 9.00 A.M., Bhola Shanker Singh, a Shanti Sainik on duty at the main gate from 8.00 A.M. to 12.00 noon, saw 15-20 students coming with black flags from inside the campus and they were joined by more students from time to time. They stood or sat down on the two sides of the road passing through the gate into the campus, a majority being on the left side where there is a cycle-shed. The Adviser

to the Vice-Chancellor, the Registrar, Deans— G. B. Singh, Saluja and M. M. Sinha, two Proctors— S. R. Mukherji and V. N. Sinha, and the Vice-Chancellor's wife, daughter and grand-children and his Private Secretary went from the campus in three cars to receive the Vice-Chancellor. One was the Proctorial car, the second was the Vice-Chancellor's car and the third was the Adviser's car. The plane landed at about 9.40 A.M. and the party received the Vice-Chancellor and after talking with him for some minutes left for the campus. The Proctorial car was in the lead carrying the Registrar, the two proctors and Deans—G. B. Singh and M. M. Sinha, the Vice-Chancellor's car carrying him and members of his family and Private Secretary was in the middle and the Adviser's car carrying him and Dean Saluja was in the rear. Proctor Surendra Singh went to the Chief Proctor's Office at about 9.30 A.M. to carry out the duties imposed upon him and learnt there that there was an apprehension of the Vice-Chancellor's being subjected to 'Gherao' and proceeded to communicate the information to him at Bhelupura. He says that he did not notice any abnormal collection of students, but that might be because there is heavy student-traffic at the main gate between 9.30 A.M. and 10.00 A.M. He met the Vice-Chancellor's party at Bhelupura and informed them of the possibility of 'Gherao' and suggested that the party should enter the campus not through the main gate but through a back gate. The suggestion was promptly rejected by the Vice-Chancellor, who said that he would enter through the main gate and meet the students. The party arrived at the main gate at about 10.55 A.M. Just outside the gate is the statue of Mahamana Madan Mohan Malviya and there was no collection of any students or anybody else near the statue or outside the gate. The Proctorial car entered into the campus through the main gate and at once students, who were sitting, stood up and all students-numbering 30-40 shouted "they have come, they have come". The Registrar stopped his car within 30 yards of the gate. The Vice-Chancellor's car stopped just as it passed through the gate and at once the students crowded round it. They waved black flags and shouted slogans, such as, "Hai-Hai" and "Moordabad", with reference to the Vice-Chancellor, the Deans, the Adviser and the Registrar, "Shrimali go back", "Na Joshi Raha Hai Na Shrimali Rahega, V. C. ka Bungla Khali Rahega". The Vice-Chancellor

got down from his car and talked with the students surrounding him; their grievance was that their demands which had already been accepted prior to his departure to Ghana had still not been implemented or carried out. Paras Nath Singh handed over to him a writing signed by himself and Awadhesh Kumar Pandey addressed to the Vice-Chancellor, stating that the students of the University were receiving him with black flags because the promise made by him before leaving for Ghana was a deception and its implementation or fulfilment had been delayed by his colleagues and officers, that nothing had been done in respect of the question of back paper in the Institute of Technology, that the lock-out of Political Science Department continuing for several days was the consequence of indifference of the officers and that all the problems must be solved as early as possible. The Adviser, the Registrar, the Deans and the Proctors tried to go near the Vice-Chancellor but the students shouted slogans against them and asked them to keep away saying that they would talk direct with the Vice-Chancellor. The Vice-Chancellor signalled to them to keep away and so they stood at some distance from him. The sun was shining fiercely and the Vice-Chancellor was led by the surrounding students to the cycle-shed. There was some 'Takth' and the Vice-Chancellor stood on it and some of the students also stood on it. Anand Kumar, Mahabir Prasad Tara and Krishna Prakash arrived there and speeches started being made. The first speech was made by Anand Kumar; he alleged non-fulfilment of the accepted demands, abused the Deans and the Director of the Institute of Technology by calling them "Haramkhore", "Nikamme" and "Gairzimeddar", and threatened to detain the Vice-Chancellor there unless he met their demands. The next speech was made by M. P. Tara who threatened to resort to hunger-strike. Mohan Prakash and Satrudra Prakash also spoke. The speakers insisted upon their demands being met there and then. The Vice-Chancellor reasoned with them and told them that he could not decide anything without consulting his colleagues and that he had already convened a meeting of the Advisory Committee for 11 O'clock on the same day to discuss the very matter. The students shouted that the Deans were there and he should hold the meeting there and then, invited the Deans to go upto the Vice-Chancellor and even made a passage for them. But the Deans kept themselves away because

the Vice-Chancellor had not called them. The Public Relations Officer, S. P. Tripathi, arrived at the spot on hearing about the incident and when he tried to reach the Vice-Chancellor he was confronted by Mohan Prakash who asked him why he had gone there and why he was interfering with the students, Krishna Prakash shouted that he should be driven away and Hari Kirtan Singh abused him (by calling him 'Sala') and asked him to go away. There was also a shout that he should be beaten. The Registrar went to him and asked him to move away to avoid unpleasantness and he went away. The slogans of "hai-hai" and "moordabad" with reference to the Vice-Chancellor, the Deans and the Registrar continued to be shouted from time to time. Somebody planted a black flag on the Vice-Chancellor's car in which his wife was sitting. There were shouts from the students that the Deans who were present should apologise for not fulfilling some of the demands and that the Head of the Department of Economics be removed immediately and threatened that if he was not, they themselves would remove him. Ultimately, Anand Kumar said that the matter be decided before midnight and the Vice-Chancellor replied that he would not take food before some solution was found. Then he came out of the crowd, drove away in his car followed by the Deans, Registrar, etc. The incident lasted in all for about an hour. Besides the students already named above Hari Kirtan Singh, Tarkeshwar Rai, Krishna Prakash, Din Dayal, Anil Kumar Chaurasia, Hori Lal, Vivekanand, Gopalji Tripathi, Ravindra Pal, Nand Kishore, Ram Naresh Singh, Ranjeet Singh, Virendra Pratap Singh, Ajai Pal Singh, Baij Nath Rai, J. N. Rawat, V. Gupta, Bansi Dhar Singh and Sheo Deo Narain Singh are alleged to have taken part in these acts of Gherao, shouting objectionable slogans, uttering threats and waving black flags. At the beginning of the incident there were 30-40 students but the number gradually increased as more students and members of the public joined and in the end there must have been 250 persons in all. The traffic through the gate was stopped because of the cars and the student-crowd. The Registrar, the Proctors and the Shanti Sainiks busied themselves with regulating traffic; even Mohan Prakash, one of the students charged, is said to have helped them.

This incident was witnessed not only by the persons referred to above but also by Dr. Y. S. R. K. Sharma, Dean of Students ; Proctors-- K. D. Misra, D. N. Pandey and S. B. Lal Gupta and Shanti Sainiks-Bans Bahadur, Vindhvasini Singh and Bhola Shanker Singh. Dr. Y. S. R. K. Sharma happened to be returning after seeing a patient in the hospital near the main gate. K. D. Misra, Proctor, and the three Shanti Sainiks were on duty at the gate, while Proctors D. N. Pandey and S. B. Lal Gupta reached the place on receiving information of the incident. The Proctors and the Shanti Sainiks named above and Dr. Y. S. R. K. Sharma—Dean of Students, sent written statements about the incident seen by them and naming the students whom they had recognised among those doing the various acts. The reports of the Shanti Sainiks are all of 10-9-71, while those of the Proctors and Dr. Y. S. R. K. Sharma are of 16-9-71 and 17-9-71, respectively. The Shanti Sainiks and the Proctors made the reports in the normal course and as a part of discharge of their duties. It is stated by one Shanti Sainik that the report of such an incident is made as a matter of routine. The Act and the Statutes and the Ordinance do not refer to "Proctors"; they only refer to "Chief Proctor". In the University there are the Chief and a number of Proctors to assist him. So Proctors report to the Chief Proctor incidents of an unusual character and it was in accordance with this practice that the Proctors made the reports to the Chief Proctor. These reports are important because not only were they made in the normal discharge of their duties but also they were made just by way of information and not with any object of being used as evidence in subsequent proceedings against any particular student. These reports are, therefore, entitled to great weight.

Anand Kumar in his reply to the charge denied it as false and malicious, asked for information on certain points and reserved his defence before the Enquiry Committee, but did not appear before it except once when he cross-examined Dr. Y. S. R. K. Sharma. He did not make any additional statement before the Committee. Mahabir Prasad Tara had pleaded not guilty, denied the allegations as false and malicious and claimed that he believes in peaceful methods and would not think of indulging in acts of gherao and forcible occupation of buildings, making

fiery speeches and shouting derogatory slogans, and he believes in and pursues peaceful methods in the solution of problems. He pleaded inability to give a complete explanation in the absence of details of charges which he branded as vague. Mohan Prakash, Tarkeshwar Rai, Shatrudra Prakash, Anil Kumar Chaurasia and Sheo Deo Narain asked for information about certain matters such as the terms of reference, the jurisdiction of the Committee of Inquiry, the right to confront witnesses of the University and to produce witnesses in defence and the right to engage a lawyer and asked for an extension of time to file a complete written statement. Krishna Prakash's written statement is a copy of Anand Kumar's. Din Dayal denied having taken any part in the acts, but admitted that he was present at the place of occurrence though only as a passer-by. Paras Nath Singh stated that he reached the place of occurrence after the arrival of the Vice-Chancellor and stopped there for only 15 minutes. Not only did he not wave black flags and shouted any slogans, but in his presence these acts were not done at all. He only respect-fully handed over to the Vice-Chancellor some information contained in the memorandum of demands and that he never behaved disrespectfully towards him. Horilal and Ranjit Singh stressed that the onus of proving the charges is on the University as in the eyes of law they are innocent, that before they are called upon to submit their reply they must know the statements of the witnesses and the reports on which the charges are based, and called the charges imaginary. Viveka Nand pleaded not guilty and stated that he was ill from the beginning of August 1971. On 19-9-1971 he went to his village for recuperation and stated that he got himself treated in a private hospital because he could not get accommodation in the students ward of the University hospital. He filed (i) a prescription dated 21-8-1971 containing a note dated 11-9-1971 that there was no accommodation in the students ward of the S. S. Hospital B.H.U., (ii) another prescription signed by a doctor of the S. S. Hospital containing a note of 12-9-71, (iii) an unsigned requisition form of Pathological investigation containing no report of any examination and (iv) two railway tickets for the journey from Varanasi to Khagaria issued on 19-9-1971 and 9-10-1971 but containing no name of the student. In one railway ticket S. K. Chaubey is written, but struck off. Ravindra Pal pleaded alibi, claimed to

be interested only in sports and promised to give evidence in defence. Nand Kishore pleaded alibi saying that he was at his home in Varanasi at the time of the alleged occurrence, added that he had great respect for the Vice-Chancellor and could not have indulged in the acts with which he has been charged and asked for an opportunity to cross examine the witnesses. Ram Naresh Singh denounced the charges as false, claimed that he held the Vice-Chancellor in high esteem, and asked for an opportunity to cross examine the witnesses. Virendra Pratap Singh pleaded not guilty and denied that he was ever concerned with the acts of Gherao, demonstration and black flag procession etc. Ajai Pal Singh pleaded alibi stating that he appeared in paper ME-307 from 8.30 A.M. to 11.30 A.M. Baij Nath Rai stated that he not only did not do any act with which he was charged but was also not present at the place of occurrence, that he appeared to be falsely implicated because of his membership of the Student's Executive Council and that he was not in a position to say more without knowing who were the witnesses against him. J. N. Rawat, in his statement dated 4-10-1971, only stated that the allegations made against him were false. His father in a letter of the same date stated that he would examine the Vice-Chancellor and other witnesses on 12-10-71. His father wrote another letter now alleging for the first time that he was ill in Bandikui on September 8 and 10, 1971 and was under the treatment of Dr. R. Sahai, a private practitioner of Bandikui and that he would produce documentary evidence in support thereof. He filed the following documents in defence :—

- (i) a medical certificate dated 10-9-1971 signed by Dr. R. Sahai to the effect that J. N. Rawat was suffering from B-Dysentery from 6-9-1971 to 10-9-1971 and recommending leave of absence for five days ;
- (ii) a prescription dated 8-10-1971 signed by a doctor of Rajkiya Chikitsalaya, Bandikui, Jaipur.
- (iii) a certificate dated 14-10-1971, issued by the Medical Officer of the Government Hospital, Bandikui :

Virendra Kumar Gupta pleaded not guilty saying that he had been punished for using unfair means in the

examination and was to re-appear in the same examination in 1972, that he was not a hosteler during the period, that he did not belong to any political party, that he did not do any act derogatory of any person in authority, and that he had been falsely roped in the incidents by his enemies who were desirous of ruining his career. He promised not to take part in such activities in future. Harikirtan Singh admitted his presence at the gate at the time of the incident, completely denied having participated in any of the objectionable acts and said that he stayed there only 5-7- minutes as a spectator. Avadhesh Kumar Pandey denied his presence at the scene of occurrence but admitted his signature on the memorandum of demands and explained that it was taken from him by a group of students which met him as he was going to the Department of Political Science at 10.00 A.M. on the day of the occurrence and informed him that it would be delivered to the Vice-Chancellor.

There is no doubt that the incident narrated by the witnesses took place. There is no reason to doubt the presence of the witnesses at the place of occurrence. There is voluminous evidence to prove the presence of the three Deans, the Registrar and the two Proctors who had gone to receive the Vice-Chancellor and escorted him to B.H.U. They must have witnessed the occurrence. There can be no doubt about the presence of the three Shanti Sainiks who were on duty at the gate at the time the incident took place. There was some controversy about the presence of Dr. Y S. R. K. Sharma, but I am not inclined to doubt his presence also. There have been some contradiction in the testimony of these witnesses. For instance, one witness stated that the Vice-Chancellor's party was greeted with the shout of 'V. C. Zindabad' at the Statue of Malviyaji, but other witnesses denied this; some witnesses stated that during the incident a cycle collided with a car while one witness denied that any such incident took place. The order in which speeches were made by Anand Kumar, Mahabir Prasad Tara and Mohan Prakash was given differently by different witnesses. Some witnesses denied having

seen any document in the hands of Paras Nath Singh ; the account of times of various events given by Proctor Surendra Singh does not tally with the other evidence. One witness denied having seen any black flag on the car of the Vice-Chancellor ; one witness said that the V.C's car was in the lead and was preceded by a taxi. One witness denied having heard any objectionable word in Anand Kumras' speech. These conflicts or discrepancies do not mean either that the witnesses did not see the occurrence or that they deliberately gave an untrue account of it. The witnesses did not note the times of various events by looking at their watches and their estimate of the times when the events happened could reasonably depart from the correct times by half an hour. As one witness stated, some witnesses had seen some of the students during various incidents and could make a mistake in pointing out if they took part in one particular incident or the other. If a student was named by only one witness and not named by others it does not mean that his participating in the incident is doubtful. It could not be said that all the witnesses must have seen and recognised all the students and remember the names of all. If some witness named a student though not charged with the incident, it does not follow that he did not see the incident or he is a liar. The fact that the students gheraoed the Vice-Chancellor is admitted by Anand Kumar through a press communique dated 10-9-1971 bearing his signature. It is written in the press communique that the students gheraoed Vice-Chancellor at the gate as soon as he reached there, that they placed their demands before him, and threatened that if it was not met within 24 hours the whole University would be locked up, that the students kept him under gherao for nearly 3 hours, that the students complained to him that the authorities had turned a deaf ear to the demands of the students and had gone back on their word, that the majority of the students holding the demonstration were from the Faculties of Arts, Science and Institute of Technology that all the Deans and other higher officers should be punished with dismissal for their inefficiency, that the students were led by Anand Kumar, Krishna Prakash, Paras Nath, Shatrudra Prakash etc. and that the gherao terminated on the V.C.'s promise that he would have his food only after satisfaction of the demand. This written admission of Anand Kumar besides proving that the Vice-Chancellor

was subjected to gherao lends support to the evidence that the students waved black flags, used threatening and abusive language in their speeches and slogans, that the Vice-Chancellor was allowed to depart only after he had promised fulfilment of the demands within 24 hours and that besides him three of the students were actively present. The statements of the some of the University witnesses are fully corroborated by their previous written statements made on the date of occurrence or soon thereafter. There is no evidence whatsoever to rebut the evidence of gherao. There is no force in the argument that as the Vice-Chancellor was determined to face the students he would have had himself stopped the car on seeing the crowd of students collected at the gate and there could have been no question of his being gheraoed. It cannot be said that he was not subjected to gherao, when he was surrounded by the students, was asked to solve their problems then and there and was finally given an ultimatum of 24 hours, when there is admission of Anand Kumar himself. It clearly means that he was wrongfully confined for more than an hour. He might have voluntarily stopped his car and thereafter he was not permitted to leave until he promised to consider the demands within 24 hours and before taking his next meal. There is also the memorandum of demands signed by Paras Nath Singh and Avadhesh Kumar Pandey in which they have admitted that the V.C. was received with black flags, and accused him of practising deception upon the students by making a false promise, and the officers of the University of procrastination in implementing the accepted demands and stated that the demonstration was a warning. This memorandum clearly shows that the demonstration was aggressive and supports the evidence of insulting and threatening and abusive slogans. As against all this evidence there is not a single statement by any defence witness denying that the V.C. was subjected to gherao, that objectionable slogans were shouted, that black flags were waved etc. I therefore accept that the incident as narrated by the witnesses took place.

When the prosecution witnesses described the incident saying that students did the various acts and mentioned the names of the students present in the incident, they necessarily meant that they took part in the

acts. They could not be expected to state precisely specific acts done by each named student; that would require a very prodigious memory. There is nothing what-soever to suggest that in reciting the names of the students present in the incident they also included students who were spectators like themselves or mere passers-by. When the students collected at the main gate with the common object of surrounding the Vice-Chancellor, waving black flags before him, shouting slogans and pressurising him into accepting their demands there and then or promising a fulfilment of them before the end of the day all are responsible under the common law for any act done by any of them in furtherance of the common object. The analogy of the provisions of Section 149 of the Indian Penal Code applies; consequently it would not do for a student to contend that he was not proved to have done any of the specific acts or that all that the prosecution witnesses stated against him was that he was present. I shall presently come to the defence of some of the students who pleaded that they were mere passers-by; the others did not plead so and if their presence is proved, it must be among the students doing one or more of the acts.

I shall now take up the cases of the students charged with this incident individually.

(1) Anand Kumar—

He has been named by S/s. M. M. Sinha, K. D. Misra, V. N. Sinha, A. S. Raturi, G. B. Singh, S. S. Saluja, Surendra Singh, Y. S. R. K. Sharma, Bindhbasini Singh, D. N. Pande, Bhola Shanker Singh, S. P. Tripathi, S. B. Lal Gupta and S. R. Mukherji. Dean G. B. Singh said that he used the vituperatives 'Haramkhore', 'Nikamme' and 'Gair-zimmedar' with respect to the Deans and Dr. S. B. Lal Gupta said that he made a fiery speech. There is Anand Kumar's own admission in the Press Communique issued after the incident. It is immaterial that he arrived after the Vice-Chancellor had stopped his car and alighted from it; he joined the students already collected in doing the various acts and with same common object delivered a speech. He offered no defence. The evidence against him is voluminous and given by very responsible and respectable members of the University and independent persons who had no animus and

harboured no ill-feeling against him and consequently had no reason for giving false evidence. The Proctors and the Shanti Sainiks had no reason to name him falsely in their earlier written reports. He has produced no defence evidence. Charge No. 6(i) is clearly proved against him with qualification that he did the acts after the Vice-Chancellor had stopped his car.

(2) M. P. Tara—

Evidence against him has been given by S/s. M. M. Sinha, V. N. Sinha, A. S. Raturi, S. S. Saluja, Surendra Singh, Y. S. R. K. Sharma, Bindhbasini Singh, D. N. Pande, Bhola Shanker Singh, S. P. Tripathi, S. R. Mukherji and S. B. Lal Gupta. He also made a fiery speech according to the last witness. He came later but that is immaterial. There is no reason to disbelieve the voluminous evidence against him. He has not substantiated his plea of innocence by any evidence. He has not explained why the prosecution witnesses should have given false evidence against him. Charge No. 3 against him is proved with the qualification that he did the acts after the Vice-Chancellor had reached the gate.

(3) Mohan Prakash—

He has been named by S/s. M. M. Sinha, K. D. Misra, V. N. Sinha, A. S. Raturi, Surendra Singh, Bindhbasini Singh, D. N. Pande, Bhola Shanker Singh, S. R. Mukherji and S. B. Lal Gupta. D. N. Pande said that he helped in regulating the traffic but that does not prove that he did not do the acts charged with. Bhola Shanker Singh did not or could not identify him in the Inquiry Room. But it does not matter even if his evidence is discarded. There was no reason for the witnesses to give false evidence against him and I see no reason to disbelieve their evidence. He did not offer any explanation to the charge and has laid no defence evidence. Charge No. 3(i) is proved against him.

(4) Tej Bahadur—

Evidence against him has been given by S/s. M. M. Sinha, V. N. Sinha and Y. S. R. K. Sharma ; Dr. M. M. Sinha did not know him from before and identified him in the Inquiry Room as one of the students taking

active part in the incident. In his written statement he denied his presence at the gate and participation in the incident, claimed to be holding the Vice-Chancellor in great respect and pleaded that he has been falsely implicated by somebody. He has offered no defence evidence. There is no reason to disbelieve the evidence of the witnesses and it has not been shown that they gave false evidence at the instance of anybody. Nobody has been named as being instrumental in getting him falsely implicated. Charge No. 1 is proved against him.

(5) Tarkeshwar Rai—

Evidence against him has been given by S/s. G. B. Singh, Y. S. R. K. Sharma, S. R. Mukherji and S. P. Tripathi. It was this student who, according to the evidence of Dr. G. B. Singh, asked the Deans to move upto the 'Takath' and settle the students' demands there and then. He has offered no defence evidence and has failed to disprove the prosecution case. Charge No. 3. must be held to be proved against him.

(6) Krishna Prakash—

Evidence against him has been given by S/s. M. M. Sinha, V. N. Sinha, A. S. Raturi, G. B. Singh, S. S. Saluja, Surendra Singh, Y. S. R. K. Sharma, S. P. Tripathi, S. R. Mukherji and S. B. L. Gupta. Dr. S. R. Mukherji, however, was not certain about his presence. Dr. G. B. Singh did not know his name but knew him by his face as Prime Minister of the Students' Parliament and identified him in the Inquiry Room. He stated that he had said in a raised voice that he would have the decision there and then and would not wait for the meeting of the Advisory Committee. It was this student who shouted that S. P. Tripathi should be driven away. Dr. S. B. Lal Gupta said that this student was standing on the 'Takath' with the Vice-Chancellor and other students; this means that he was not merely present; he took an active part in the incident. The evidence against him is voluminous. He has not explained why there should have been all these false evidence against him. He has offered no defence evidence. Charge No. 1 is proved against him, with the qualification that he did the acts after the Vice-Chancellor had reached the gate.

(7) **Din Dayal—**

Drs. M. M. Sinha and G. B. Singh have given evidence against him. According to the former he indulged in slogan shouting. He has admitted his presence during the incident but failed to prove by any defence evidence that it was innocent and in the capacity of a passer-by. In the absence of any thing to corroborate his own statement he must be taken to have been present among the students doing the various acts. Charge No. 1 against him is proved.

(8) **Paras Nath Singh—**

S/s. M. M. Sinha, V. N. Sinha, A. S. Raturi, G. B. Singh, Y. S. R. K. Sharma, D. N. Pande and S. P. Tripathi have given evidence against him. He shouted slogans and admittedly handed over a memorandum of demands to the Vice-Chancellor. According to Dr. Raturi, he waved black flag in front of the Vice-Chancellor and there is his own admission in the document of demands that the Vice-Chancellor was being greeted with black flags. Dr. G. B. Singh stated that he was among the students who made way for the Deans to go upto the *Takath* where the Vice-Chancellor was standing so that they could hold a meeting to decide upon the demands. Dr. Y. S. R. K. Sharma stated that this student was among the students who used abusive language with reference to the Deans. The evidence against him is voluminous. He admitted his presence and the handing over the document of demands to the Vice-Chancellor. There is nothing to support his claim that he reached the place of incident after the arrival of the Vice-Chancellor and that he did nothing objectionable. He has offered no defence evidence. The very language of the document admittedly written by him proves that he was not so respectful towards the Vice-Chancellor as he now pretends to be. It also falsifies his statement about reaching the place of incident after the arrival of the Vice-Chancellor ; his reference to the greeting with black flags means his presence at the time of the Vice-Chancellor's arrival. He himself has not claimed and there is no evidence that he wrote out the document after the arrival of the Vice-Chancellor. It must certainly have been written before the arrival of the Vice-Chancellor and that indeed is the statement of Awadhesh Kumar, the other signatory of the document.

It is certain that he was present from the inception with the document and was on the aggressive. He has offered no defence evidence. Charge No. 1 is proved against him.

(9) Shatrudra Prakash—

S/s. M. M. Sinha, K. D. Misra, Surendra Singh and Bindhbasini Singh have given evidence against him, the first and the last witnesses adding that he made a speech. He did not file any written statement and has not produced any evidence in defence. There is no reason why the evidence of the four witnesses should be disbelieved and Charge No. 4 is held proved.

(10) Anil Kumar Chaurasia—

Only Dr. A. S. Raturi has stated about his presence. He has not filed any written statement in reply to the charge and has offered no defence evidence. There is nothing to suggest that Dr. A. S. Raturi might have named him by mistake and in the face of his statement it is difficult to say that he did not participate in the incident. The charge against him is proved.

(11) Hori Lal, (12) Vivekanand, (13) Ravindra Pal, (14) Nand Kishore, (15) Ram Naresh Singh, (16) Virendra Pratap Singh, (17) Ajai Pal Singh, (18) Baij Nath Rai and (19) V. Gupta—

No prosecution witness has given evidence against them. They appear to have been charged on the basis of a written report of Proctor Surendra Singh made on 17-9-71. A previous statement is, in a court of law, no substantive evidence, being usable only for corroboration or contradiction. Though in the enquiry before me I am not governed strictly by the law of evidence, I suppose, I should consider only the evidence given before me. Surendra Singh denied that he had seen these students taking part in the incident and there is nothing to contradict this statement. He admitted that he had included their names in his report but tried to explain it away by saying that he was asked to include in it names of all students who were present at the scene of occurrence, whether as participants or as spectators or passers-by. This explanation is not

quite correct : Paras Nath Singh undoubtedly participated in the incident and was not a simple spectator and his name was included in the report and not in the statement made before me. This fact contradicts the explanation that the additional names included in the report were of spectators or passers-by. Still the fact remains that in his statement before me he has denied the participation of these students in the incident, and I feel hesitant in actions upon his earlier report in contradiction to his clear evidence before me. I would, therefore, hold that the charges framed against these students are not proved beyond reasonable doubt. In this connection I should point out that disciplinary proceedings against students are not entirely civil proceedings ; as they involve infliction of punishment which may have more serious consequences than infliction of fine or even imprisonment for a short term, they are of a criminal nature and in the matter of proof one should be guided by the principles prevailing in criminal proceedings, or other than those prevailing in civil proceedings. Accordingly I would not hold a student guilty of charge involving punishment unless I find that it is established beyond reasonable doubt.

(20) Ranjit Singh—

Evidence against him has been given by Dr. Y. S. R. K. Sharma. No reason exists for disbelieving it specially when it is fully supported by his earlier report. There was no occasion for him on 17-9-1971 to implicate him in a false case. I, therefore, hold that the charge is proved against him.

(21) Gopalji Tripathi—

S/s. M. M. Sinha, S. R. Mukherji and S. P. Tripathi have given evidence against him. But no one has mentioned any specific act done by him. This evidence is in direct conflict with the evidence of P.W. 31, Sita Ram, Peon, Malviya Bhavan, to the effect that from 10.00 A.M. on 10-9-1971 this student was on hunger-strike in Malviya Bhavan. Gopalji Tripathi has himself stated before me that he was on hunger-strike and was not present at the place of incident. It is difficult to understand how he has been named by the three witnesses. Normally a person who is on hunger-strike remains at one spot and does not move about ; if he were

to move about there would be no certainty in the minds of the people that he did not take food when he was alone. The three witnesses might have been mistaken in thinking that he was present in this incident whereas they had really seen him in another incident. In any case, the case against him is open to grave doubt and charge No. 3 must be held to be not established.

(22) J. N. Rawat—

Drs. Y. S. R. K. Sharma and S. R. Mukherji have stated about his participation in the incident. Their statements are corroborated by their previous statements made on 17-9-1971 and 16-9-1971 respectively. Dr. S. R. Mukherji is Reader in the Institute of Technology and this student studies there; so there was no difficulty in his recognising him. The student pleaded not guilty in his first statement. His father also filed a written statement on the same day but only denying the prosecution case. It was in the later statement of 9-10-71 that his father pleaded alibi on his behalf. The alibi-evidence is not at all satisfactory and conclusive. No value can be attached to the certificate of a private practitioner because the procurement of a medical certificate from a private practitioner is notoriously within the resources of the humblest. It costs very little money and energy. The father is a railway employee and his explanation for getting him treated by a private doctor instead of in the Railway Hospital is not at all convincing. The certificate given by the Medical Officer of the Government Dispensary is of a much later date and does not support the plea of alibi. The father showed to me, but did not have the courage to tender in evidence, a railway pass purporting to have been issued on 19-3-71 for a journey from Ajmer to Puri with halts at Bandikui, Agra Fort, Allahabad and Varanasi, by the father, the mother and their two sons aged 19 and 5 years. The pass did not prove anything and was incomplete in as much as the date of commencement of the journey was not written and there was no signature or thumb mark of the holder of the pass. There was no endorsement of any travelling by the student near about the date of the incident and, I fail to understand why it was brought by his father at all. It is difficult to believe that the son did not get himself treated in the Banaras Hindu University Health Centre and

instead undertook the long journey from Varanasi to Bandikui. All that he is said to be suffering from was B. Dysentery and colic. The evidence is wholly unacceptable. There is no good reason for disbelieving the evidence of the two prosecution witnesses. Charge No. 2 is proved.

(23) Hari Kirtan Singh—

Evidence has been given against him by S/s. M. M. Sinha, A. S. Raturi, G. B. Singh, S. S. Saluja and S. P. Tripathi. Dr. M. M. Sinha had noticed a student with blood-red eyes participating in the incident but did not know his name. He was shown photographs of a number of students and indentified Hari Kirtan Singh's photograph as that of the student with blood-red eyes, and learnt the name then. He identified him during the enquiry. Dr. A. S. Raturi saw a black flag in his hands. Dr. G. B. Singh stated that he was the leader of the student shouting slogans and went to him and shouted that he would be the first man to be dismissed and should be beaten. He did not know him from before and learnt his name on enquiry when he found him violent in his language. Dr. S. S. Saluja also found him very violent and learnt his name on enquiry. Shri S. P. Tripathi stated that the student walked upto him, abused him and ordered him to clear out. He was admittedly present during the incident and there is nothing whatsoever to substantiate his plea that he was present there only for a few minutes and that too as a spectator. The case against him is very clear and Charge No. 1 is proved against him.

(24) Awadhesh Kumar Pandey—

—has not been named by any witness but is a signatory of the document of demands delivered by Paras Nath Singh to the Vice-Chancellor. I have already said that this document must have been written out before the arrival of the Vice-Chancellor and so the signature of Awadhesh Kumar also must have been obtained previously as indeed his own statement. There is nothing to contradict his statement. Charge No. 1 is not proved against him.

(25) Sheo Deo Narain Singh—

Evidence has been given against him by S/s. M. M. Sinha and S. P. Tripathi. He has not filed any explanation to the charge and has not

produced any defence witness. There is no reason to disbelieve the statements of the two witnesses and Charge No. 4 must be held to be proved.

(26) Bansi Dhar Singh—

Evidence has been given against him by S/s. M. M. Sinha, Surendra Singh and Y. S. R. K. Sharma. According to Dr. M. M. Sinha he was among the students shouting slogans. He admitted his presence at the scene of occurrence though only for a short time and as a passer-by. Though he was present during the hearing he did not elicit in the cross examination of the prosecution witnesses anything suggesting that they had animus against him and had given evidence on account of it. It does not appear to me from anything on the record that his presence during the incident was innocent as that of a passer-by or spectator and not that of an agitating student. He has offered no defence evidence. In the circumstances, Charge No. 1 must be held to be proved against him.

**II. INCIDENT OF 28-8-1971—AT THE STATUE OF
PT. MADAN MOHAN MALVIYAJI.**

On 28-8-1971, at about 5.50 P.M. a meeting of students was addressed by several speakers including Shatrudra Prakash, who presided, Anand Kumar and Sheo Deo Narayan, the student charged with the incident (and some others, with whom I am not concerned). The main purport of the speeches was that no action had been taken on the demands of the students which had been accepted by the Vice-Chancellor on 25-8-1971. The speakers, however, while addressing the students used deprecatory, humiliating and minatory language with reference to the Vice-Chancellor, his Advisor, the Deans, the Registrar and the Chief Proctor. The meeting lasted more than two hours and a microphone was used.

Evidence about the meeting and the speeches made by the three students has been given by two Shanti Sainiks Hiralal Upadhyaya and Mahabir Singh, who were posted on duty at the main gate, from where they could see the meeting and hear the speeches. Both of them had made reports about what they had seen and heard to the Security Officer immediately after the meeting. They verified the reports made by them. Anand Kumar in his explanation to the charge denounced it as false and

imaginary and did not give any detailed statement ; the other two had not furnished any explanation and sought certain information from the Registrar as already stated above. None of them produced any defence evidence.

There is no reason to disbelieve the evidence of the two witnesses, who have corroborated each other and whose evidence is supported fully by the written reports made by them immediately after the meeting. They had no grudge against any of these students and had no reason to fabricate false case against them. Finally there is absolutely no evidence to rebut their evidence. That the meeting was held and that objectionable speeches were made is thus amply proved.

Shatrudra Prakash made the following objectionable statements in his speech :—

The Vice-Chancellor, Dr. G. B. Singh, Dr. S. Bhattacharya got bewildered when the students demands were accepted and Dr. G. B. Singh began to perspire. Copying in examinations was resorted to by students on a mass scale and the invigilators who caught the students were thoroughly beaten. So long as the system of education is not changed, copying will not cease and the very teachers who succeed by copying were catching students for doing the same. Efforts are constantly made to harrass students and the authorities act arbitrarily.

The above speech was undoubtedly derogatory to the Vice-Chancellor, the other authorities and the Deans of the University, and is insulting. Charge No. 1 is proved against him.

Sheo Deo Narayan used the following language in his speech :—

The Chief Proctor who cannot stop copying, goondaism, ragging and theft of cycles has received promotion and has been granted a new car. The Vice-Chancellor was acting like an autocrate like General Tikka Khan, wasted University money on buying new cars and coolers and visiting Ghana,

and will not be permitted to return to the University if the students demands were not implemented. Deans G. B. Singh, M. M. Sinha and Director Gopal Tripathi, Dr. A. S. Raturi etc. will not learn a lesson so long as they are thoroughly ragged. The more the officers are appointed the more is the wastage of money in useless expenditure.

It was also an insulting and objectionable speech and Charge No. 1 is proved against him.

Anand Kumar spoke as follows:—

The authorities harrass the students by creating disorder and are so petty-minded that they start trembling when faced with the smallest challenge. Even Dr. S. Bhattacharya had to yield and Dr. Gopal Tripathi ran away to Lucknow. Students of the Institute of Technology must be prepared for a struggle when Dr. Saluja calls a meeting. If the Registrar and the Deans do not put into effect the demands already accepted, bad consequences will result and Dr. Raturi will not be allowed to resume the office of the Registrar on 1-9-1971, and will be confronted with a big fight. The agents of the Vice-Chancellor should telephone to him at Ghana that he will find the gates closed against him on his return if the demands were not implemented.

This was also a threatening and insulting speech. Charge No. 1 is proved against him.

III. INCIDENT OF 2-9-1971—ISSUE OF A CIRCULAR

On 2-9-1971, Anand Kumar distributed among the applicants for admission to B.A. Part II a cyclostyled notice bearing his signature. The signature on the Pamphlet is proved by Prof. S. M. Tewari, Hony. Treasurer of the Students' Union, who is acquainted with his signature. It was stated in the notice that the University authorities were very indifferent and acted irresponsibly and that he was determined to make them shed their indifference and shirking from performance of duty or leave their job.

Anand Kumar in his written statement generally denounced the whole charge-sheet as false and baseless. His signature on the notice has been proved. He has offered no evidence in defence. Charge No. 2 is thoroughly proved against him.

IV. CONSTANT ABUSE OF THE DEAN OF THE FACULTY OF ARTS

Only one student named Keshva Pandey is involved in this charge and the evidence in support of this charge is by only one witness viz. Dr. S. Bhattacharya, the Dean concerned. He has made a detailed statement narrating how again and again he was abused, insulted and humiliated by this student in his office and in the presence of his subordinates and in the Birla Hostel in the presence of Wardens and students. Keshva Pandey is a student of the Arts Faculty and resident of Birla Hostel of which Dr. Bhattacharya is the Dean. Birla Hostel offers accommodation to the students of Arts Faculty and the Faculty of Social Sciences. Dr. Bhattacharya has often to go to Birla Hostel to discuss hostel problems with the Wardens in the room of the Administrative Warden.

Dr. Bhattacharya is the Dean from 19-4-1971. Keshva Pandey was General Secretary of the Common Room, Faculty of Arts. As a motion of no confidence was moved against him, he became annoyed with the Dean, because of certain steps taken by the latter in connection with the motion. Consequently he embarked upon a campaign of persecution by abusing, insulting, threatening and humiliating him whenever he met him, sometimes even on the road, and in the presence of other students and clerks. He accused him of being an autocrat, acting irresponsibly, and being indifferent and threatened him with the loss of his Deanship. He accused him of being partial and unfit for the post and was always in an aggressive mood and created tension by shouting loudly and by violent movements of hands. On 3-9-1971, he abused the Dean in Birla Hostel by calling him "Chutiyapanti". This is the evidence given by the Dean. He was subjected to a lengthy cross examination by the student, but nothing was elicited which would indicate that he made the statement falsely or bore animus against him. The only

suggestion of animus was that he was displeased with him but no cause for the alleged displeasure was suggested. The Dean emphatically denied that he was ever displeased with the student, asserted that he simply said what was true and answered in the affirmative the question whether he was prepared to make the same statement on oath with the Ganges water in his hand.

In his explanation to the charge the student completely denied it. But he did not explain why the false charge should have been levelled against him by Dr. Bhattacharya. He admitted that he is the student of Arts Faculty and resides in Birla Hostel. He did not say anything about his visiting Dr. Bhattacharya again and again.

Dr. Bhattacharya is a responsible officer of the University and could not be expected to make an absolutely false statement against an innocent student when there was no occasion for him to harbour a grudge against him. If the student did not do any of the acts and had not displeased him otherwise also I do not understand why he should have made such false acquisition against him. He has not produced any evidence in defence and the statement made by the Dean remains uncontroverted. The statement establishes the charge fully, and I must hold it as proved.

V. MEETING NEAR THE CROSSING OF BHU STUDENTS' UNION

Only two students are involved in this incident, they being Anand Kumar and Shatrudra Prakash. They are stated to have held a meeting at the Students' Union crossing on 7-9-1971 at about 10.00 A.M. and to have stated in the speeches that the building of the Arts Faculty and the Central Office would be locked up. No evidence to prove this meeting and to prove the speeches have been given by any witness. Only one witness has been examined by the University to prove this Charge—Hira Lal Upadhyaya a Shanti Sainik, but although he stated that he only saw a meeting being held, he did not name who addressed the meeting and what they said in their speeches. He verified the report made by him the same day to the Chief Proctor, but admitted that it was based on hearsay. There is no evidence to prove that particular speeches were

made by the charged students. There is thus no evidence to prove the charge and Charge No. 3(i) against Anand Kumar and Charge No. 2(i) against Shatrudra Prakash are not proved.

VI. INCIDENT OF 7-9-1971—LOCKING OF THE FACULTY OF ARTS

Sheo Deo Narain, Shatrudra Prakash and Tarkeshwar Rai are the students involved in this incident and evidence against them has been given by S. Balsubramanium, Asstt. Registrar, Faculty of Arts. This incident immediately followed incident No. 5 dealt with above. It is said that in the meeting dealt with under incident 5, it was said by the speakers that the Arts Faculty would be locked up ; accordingly a group of 70-80 students raided the office of the Dean, Faculty of Arts on 7-9-1971 at about 12-30 P.M. The Dean was away, but the Asstt. Registrar S. Balsubramanium and other clerks were working in the office. 15-20 students including Tarkeshwar Rai and Sheo Deo Narain entered into the office of the Dean, while other students alongwith Shatrudra Prakash remained out side. The students shouted slogans and disturbed the work in the office of the Dean. The students who entered the office demanded that it should be closed. Tarkeshwar Rai demanded the keys of the locks of the office and Balsubramanium reasoned with the students saying that he had no authority to close the office, that the Dean was away and the keys were with a peon. Sheo Deo Narain started closing the windows of the office and in the meantime the peon reached there and Balsubramanium, to avoid any untoward incident, delivered the keys to Tarkeshwar Rai and came out of the room with other clerks. The students locked up the office. Balsubramanium reported the matter in writing to the Registrar at about 2.00 P.M. This is the evidence given by Balsubramanium and is fully corroborated by the report made by him in writing immediately after the incident. He has not been cross examined and nothing has emerged to show that he has given false evidence in any respect. No reason exists for disbelieving his evidence. The three students have not offered any explanation to the charges framed against them and adduced any evidence in defence. Prosecution evidence, therefore, remained un rebutted. Charge No. 2 against Sheo Deo Narain and Charge No. 1

against Tarkeshwar Rai are fully established. Though Shatrudra Prakash did not actually enter the Dean's Office, demand the keys, and get the office closed, he all the same was responsible for these acts which were done in prosecution of the common objects of the students raiding the office. So I must hold Charge No. 2(ii) proved against him.

VII. INCIDENT OF 7-9-1971—GHERAO OF THE REGISTRAR

Seven students, Anand Kumar, Mahabir Prasad Tara, Mohan Prakash, D. K. Shukla, Shatrudra Prakash, Gopalji Tripathi and Bhagat Singh are charged with the acts done in this incident.

On 7-9-1971 at about 11.30 A.M., 100-125 students including the charged students raided the office of the Registrar in the Central Office and shouted slogans. The Registrar came out from his office on hearing the noise and offered to discuss the demands in his office. They told him that they were too many to be accommodated in his office and he took them to the large Committee Room No. 1. The students sat down on chairs in the room alongwith the Registrar. They shouted slogans, 'Registrar Hai Hai, V. C. Hai Hai' and D. K. Shukla started addressing the students. He asked for implementation of the demands of the students of the Institute of Technology. The Registrar was then called upon to speak and he explained the situation in respect of the demands. While he was replying, Anand Kumar came inside the room and addressed the meeting saying that certain demands have not been fulfilled. While he was speaking 150 more students including M. P. Tara, Mohan Prakash and Shatrudra Prakash came and stood round about the Registrar. When the Registrar explained what had been done in respect of some of the demands and why nothing could be done in respect of other demands, students pressed him to call to the meeting the Director of the Institute of Technology and the Dean of the Faculty of Engineering and Technology (Dr. Gopal Tripathi and Dr. S. S. Saluja), but he replied that he had no power to call them. About the same time Dr. Saluja who had received information earlier about the Registrar being Gheraoed by students in his office came there to find out what the matter was. As he entered the room the students shouted 'Saluja Hai Hai' but he took no notice and

sat down by the side of the Registrar. There was a repetition of 'Saluja Hai Hai'. He smiled whereupon one student admonished him by saying that he was taking the demands light heartedly. Dr. M. M. Sinha also came into the Committee Room and stood in a corner near the entrance door and remained standing there even though he was asked to sit by the side of the Registrar. V. N. Sinha and one or two other Proctors also came inside the Committee Room. Anand Kumar said that certain demands had not been carried into effect and waving a key in the air informed the students that Arts Faculty had been closed and that it was the students first victory. The students demanded that if it was not in the power of the Registrar to meet the demands then and there, he should immediately call the meeting of the Advisory Committee and the Faculty of Engineering and Technology. He replied that certain notice had to be given before a meeting can be summoned. Dr. Saluja acquiesced in the immediate summoning of the meeting of the Faculty of Engineering and Technology to consider the demands. In the meanwhile Shri O. P. Tandon, Dy. Registrar, (Academic) came inside the room (it is not known how he came or whether some student went and called him) and said a meeting of the Advisory Committee would be called at 3.30 P.M. and the other meeting at 7.00 P.M. as suggested by the Registrar. In the course of discussion one student (it might be D. K. Shukla) said that their struggle was non-violent but another student, who was tall, darkish and well built and whose name was given out to be Bhagat Singh, said that the struggle would not remain non-violent if the demands were not satisfied. It seems that after the discussion to call the two meetings the students allowed the Registrar to leave the Committee Room and they all dispersed. The speeches made by Anand Kumar and M. P. Tara were fiery and derogatory; some of the utterances were that the authorities were irresponsible and indifferent and that they would remain liable for the consequences of their acts.

Evidence to prove this incident has been given by the Registrar, Dr. Saluja and Dr. M. M. Sinha. The Registrar's evidence fully proves the incident as described above and which is considerably strengthened from a note prepared by him on 17-9-1971 containing names of the all

students except Bhagat Singh, whom he has described by his physical features mentioned above.

Dr. Saluja on being informed that the Registrar has been gheraoed by the students reached the Committee Room after D. K. Shukla had made his speech. He said that he was received with the shouts 'Saluja Hai Hai' 'Saluja Murdabad' and described the discussion about the holding of the two meetings immediately and the satisfaction of the demands. He further said that the students had threatened not to let him and the Registrar go out of the room so long as their demands were not met. When it was decided in the end to call the two meetings to consider the demands some students were still determined not to allow them to leave the room, and relented only when Dr. Saluja told them that as meeting the demands was not entirely in their hands, detaining them even for the whole day would not result in the demands being met. Dr. Saluja was delivered a notice of 5 demands pertaining to the Faculty of Engineering and Technology ; in the notice it was said that if the demands were not met immediately the students would be forced to take the severest steps and that the struggle would assume a terrible form. Dr. Saluja produced the notice of the demands before the Committee. It is not signed by any one and purports to be on behalf of the students of the Institute of Technology. It was referred to by Anand Kumar when addressing the students and then it was handed over to the Registrar who passed it on to Dr. Saluja during the incident. Dr. M. M. Sinha said that when he went to the office of the Registrar to discuss some matters he was informed that he was in Committee Room No. 1, probably gheraoed by students. He went there and found the room crowded with students with no vacant chairs. Apparently he reached there shortly before Anand Kumar made his speech. He gave evidence about Anand Kumar, M. P. Tara, Gopalji Tripathi and Bhagat Singh. About the discussion regarding the summoning of these two meetings, he said that the speech made by Bhagat Singh was very violent one ; he did not know him previously, but on account of his violent speech he became inquisitive about his identity and learnt his name. He said that the Registrar and Dr. Saluja had been gheraoed by the students and were not allowed to depart until the Registrar

made it clear to them that he would take about an hour-and-a-half to summon the meetings and that the more he was detained, the more delay would occur in summoning them. He added that when Anand Kumar was making a speech and advising Dr. Saluja to concede their demands immediately if he cared to hear the shout of 'Saluja Zinabad', another group of students entered the room, one of them delivered to him a bunch of keys which he waved in the air and warned that in the event of the non-satisfaction of their demands all the Faculties would be similarly locked up.

As I said earlier Anand Kumar and M. P. Tara in their written statements generally condemned all the allegations made against them as false and baseless. They did not say anything specifically about this incident. D. K. Shukla admitted his presence during the incident but explained it away by saying that he was taken to the Registrar's office by a group of students headed by Bhagat Singh and Gopalji Tripathi and that he did not do anything objectionable and did not shout slogans. Mohan Prakash and Shatrudra Prakash did not offer any explanation. Bhagat Singh denied having gone in a slogan shouting procession of students in the Registrar's Office or having gone inside the Committee Room. He admitted that he was present in the Central Office at 12.30 P.M. and said that it was only for depositing an application form for examination. He attributed his prosecution to mistaken identity. Gopalji Tripathi denied his presence in the Central Office altogether. He did not add anything in the statement made orally before the Committee on 27-10-71.

Only D. K. Shukla produced defence evidence. Manikant Shukla an ex-student of the University said that on 7-9-1971 at about 11.30 A.M. he met D. K. Shukla as he emerged out of the examination hall, saw the question paper set in the examination, walked with him from there towards Morvi Hostel and on the way at the Electrical Engineering Department crossing met a crowd of students coming from the opposite direction. Some students in the crowd called out D. K. Shukla and D. K. Shukla went to them and had some discussion with them and after sometime he went with the crowd. That is all the statement made by the witness and it comes to nothing.

The evidence of the Registrar, Dr. Saluja and Dr. M. M. Sinha fully proves the incident as narrated above. The witnesses are responsible members of the University and cannot be expected to fabricate false evidence against these students with whom they are not even alleged to be on bad terms. Their statements support one another. All these students undoubtedly gheraoed the Registrar and detained him in Committee Room No. 1 from about 11.30 A.M. to 2.30 P.M. Not only did they do this, and claim that they were detaining him so long as he did not do certain acts but also they by their acts and speeches confirmed that they were gheraoing him. The speeches made by them were fiery and containing threats. One of the students even threatened violence. It is in the statement of Dr. Saluja that some students tried to raise one side of the table in which he and the Registrar were seated. Some other students sat on the table and prevented it being overturned on them. The Registrar's statement receives full support from the note prepared by him on 17-9-1971.

The Registrar named all the charged students as having participated in the incident, Dr. Saluja named Anand Kumar, M. P. Tara and D. K. Shukla and Dr. M. M. Sinha named Anand Kumar, M. P. Tara, Gopalji Tripathi, Bhagat Singh and Mohan Prakash. Dr. Saluja referred to an unknown student who was dark, hefty and not very tall. This description and the part assigned to him, suggests that he was Bhagat Singh named by the other two witnesses. There is the statement of D. K. Shukla referred to above which confirms the presence of Bhagat Singh in the incident; the students took part in the procession, went to the Committee Room and so naturally Bhagat Singh also must have gone there.

Charge No. 3(ii) against Anand Kumar, Charge No. 1 against Bhagat Singh, Charge No. 1 against Gopalji Tripathi, Charge No. 1 against Mohan Prakash and Charge No. 2(iii) against Shatrudra Prakash are proved. Charge No. 1 against D. K. Shukla is also proved. It is immaterial that his own speech was not violent and preceded the explanation of the Registrar, because the charge as framed is regarding his participation in the incident in which fiery speeches were made and despite the Registrar's explaining the situation in respect of the satisfaction of the demands. It

will be for the Vice-Chancellor to consider the fact that D. K. Shukla's own speech was not fiery and that he did not repeat it after the Registrar had explained the position. On the other hand he had himself observed during the incident that the students would not leave the Committee Room unless their demands were met.

VIII. INCIDENT OF 8-9-1971—LOCKING UP OF THE DEPARTMENT OF POLITICAL SCIENCE

Three students, Om Prakash, Bachchan Singh and Aniruddh Singh are charged in connection with this incident, which took place in the office of the Department of Political Science. Evidence in respect of it has been given by Prof. K. V. Rao, Dr. Ganesh Prasad, Dr. R. H. Saran, Dr. P. D. Kaushik, Dr. Harihar Nath Tripathi and Shri S. P. Tripathi.

Dr. K. V. Rao is the Head of the Department of Political Science. On 7-9-71 Mani Shanker Pandey, Bachchan Singh and 8-10 other students, including probably Om Prakash, went to his room in the Department and complained through their spokesman Mani Shanker against the question papers set in the M.A. Previous Political Science Examination of 1971. The Head of the Department informed them that he was helpless in the matter as the examiners were selected in a particular manner. Mani Shanker said that if so he should close the department and another student threatened with 'Dharna'. He replied that the department would not be closed whether there was a 'Dharna' or not and suggested that they might make a representation which he would forward to the Vice-Chancellor. The students went away but Om Prakash remained behind and repeated what had been said by Mani Shanker and received the same reply from the Head. A Clerk of the Department handed over to Dr. K. V. Rao in the afternoon a memorandum of demands addressed to the Head of the Department and signed by a number of students including Mani Shanker bearing date 7-9-71, containing several demands such as reassessment of answer books, re-examination, etc., asking for closure of the department till the satisfaction of the demands by the Vice-Chancellor and threatening to prevent its working in the event of its not being closed. This memorandum was forwarded on the same day by Dr. K. V. Rao

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to the Dean, Faculty of Social Sciences, who returned it to him on the next day. It was submitted to the Vice-Chancellor by Dr. K. V. Rao on 13-9-71. On 8-9-71 he was away from Varanasi and Dr. Ganesh Prasad, Reader, in the Department of Political Science, acted as the Head of the Department in his place. He went to his office at 11.30 A.M. and saw a crowd of students. They handed over to him a memorandum purporting to have been signed by the students of M.A. Political Science (Final) including Om Prakash and Bachchan Singh and stating as follows :

We are stopping all work in the Department with immediate effect in order to demonstrate our dissatisfaction with the department.

He asked the students why they were displeased and the reply given was "on account of low marks given to us in the examination". They said that they had made a representation a day earlier to the Head of the Department and nothing had been done. Dr. Ganesh Prasad told them that he knew nothing about it and was unable to do anything. On an enquiry about the closing of the department they said that it had to be closed there and then and that if it was not, he would be 'Gheraoed'. So to preserve his and other members' dignity he got the department closed and went to the office of his colleague, Dr. R. H. Saran. The students went there and on his advice Dr. Saran closed his office. They then went to Dr. M. M. Sinha, Dean, whose office is on the first floor, and informed him of the incident. He gave a written report of the incident to the Dean and attached to it the memorandum delivered to him by the students. This is his evidence; he did not name any of the students. Dr. R. H. Saran, stated that at 11.45 A.M. Dr. Ganesh Prasad went to him with some students when he was doing some work and Dr. Harihar Nath Tripathi was sitting by his side and asked them to come out and close the room, that the students told them that they would not allow any work to be done, that they all came out, that Dr. Ganesh Prasad showed him the memorandum referred to in his statement and informed them that the department was to be closed with immediate effect, and that after 15 minutes or so he was called by Dean M. M. Sinha in his room. He also did not name the students accompanying Dr. Ganesh Prasad. Dr. Harihar Nath

Tripathi corroborated him and added that five students including Om Prakash and Aniruddh went to his room soon after Dr. Ganesh Prasad went there and that Om Prakash had told them that the Department had been closed and that no work would be permitted to be done. Dr. P. D. Kaushik, a Reader in the Department of Political Science, stated that students had been dissatisfied with the result of M.A. Previous Political Science Examination because of very poor marks awarded to them, that on 8-9-71 at about 12.00 noon he heard a loud noise outside his class, that he and the students went out to find out what the matter was, that he saw the office of the Head locked and Dr. Ganesh Prasad standing there and that Dr. Ganesh Prasad informed him that the department had been locked by students. He added that he accompanied Dr. Ganesh Prasad to the Dean's room. On 9-9-71 Om Prakash and Aniruddh went to the office of the Public Relations Officer when he was not present and handed over a memorandum to his clerk saying that it should be published. The contents of the memorandum are as follows :

The students of the M.A. Political Science class had taken possession of and locked up the department to demonstrate their opposition to the result of the M.A. Previous examination. The department would remain locked up so long as the Vice-Chancellor did not return and the matter was not settled. The Vice-Chancellor is requested to arrange re-examination of such students as desire it.

This memorandum bears the date 9-8-71 (obviously a mistake for 9-9-71). It was left in the office of the Public Relations Officer along with a letter bearing date 9-9-71 and signed by Om Prakash and Aniruddh Singh. It was written in it :—

We had come to acquaint you with our acts to express our dissatisfaction. You were away and we are leaving a communique for publication in papers. This is a small announcement on behalf of the students. We hope you will not attempt to ignore our request.

The Public Relation Officer forwarded the letter and the memorandum to the Registrar with a covering letter on 17-9-1971.

The above evidence fully makes out the charges framed against the students. Om Prakash admitted the incidents of 7-9-71 and 8-9-71 saying that he had approached the Head of the Department on 7-9-71 in connection with the poor results of examination, that the Head had promised to forward to the Vice-Chancellor a representation of the students, that accordingly he had given to him a representation, that later they were informed that the University authorities had not assisted some students who had filed a suit in a Court and that consequently they had lost hopes of achieving success through constitutional means and had decided to launch an agitation, that on 8-9-71 he had gone to the office of the Acting Head and compelled him to close his office by threatening him with 'Gherao' and 'Dharna'. He pleaded justification for the acts admitted to be done by him and wanted the Committee to summon the Controller of Examinations, Dr. K. V. Rao, Dr. Ganesh Prasad and some students. He was not present when Dr. K. V. Rao and Dr. Ganesh Prasad were examined. He has been named by Drs. Ganesh Prasad, R. H. Saran and Harihar Nath Tripathi. There is no doubt whatsoever that the incident as narrated by the witnesses took place; it is more or less admitted by this student. The statements of the witnesses support one another. The witnesses have not been cross-examined and no reason exists for disbelieving them. Therefore Charge 1 is proved against Om Prakash.

Aniruddh admitted having taken part in the incident and pleaded justification. He said that it was the demand of all students that the department be closed. He impliedly admitted that he had gone to the office of the Public Relations Officer and left a memorandum to be published with a letter. He did not offer any evidence in defence though in his statement he named a number of defence-witnesses. Charge No. 1 is proved against him beyond any doubt.

Bachchan Singh has been named by Dr. Ganesh Prasad and Dr. R. H. Saran (he was not known to, and was only pointed out by, Dr. Ganesh Prasad). He pleaded not guilty. He admitted having been a signatory to the memorandum submitted to the Head of the Department on 7-9-71 but denied participation in the incident on 8-9-71 and pleaded

that he was a good student. He thought he was implicated in the incident because of his being a signatory to the memorandum. The evidence against him is clear and there is no reason to reject it as against him. There is nothing to support his defence that he was implicated just because he had signed the memorandum. He is a student of this very department and the two teachers who have stated against him could not have any difficulty in recognising him. They harboured no hostility towards him. They had no reason to do so. Consequently they had no motive to state falsely against him. He has produced no evidence in defence. The charge must be held to be proved.

IX. INCIDENT OF 9-9-1971—PUBLICATION OF NEWS ITEM.

This incident is in continuation of the incident of 8-9-71 that took place in the office of the Head of the Department of Political Science and has been dealt with just above. Om Prakash and Aniruddh admitted that they left a memorandum for publication in the office of the Public Relations Officer with a letter hoping that he would not attempt to disregard their request. In view of the admission Charge 2 against Aniruddh Singh and Charge 2 against Om Prakash are proved.

X. INCIDENT OF 8-9-1971—LOCKING UP OF THE INSTITUTE OF TECHNOLOGY

On 8-9-1971 at about 9.30 A.M. Prof. N. Roy, Head of the Department of Civil Engineering was informed by a Proctor that the students who had locked up the Arts Faculty on the previous day were planning to lock up the Institute that day. So he closed the laboratory and locked it up to save the equipment from being damaged. At 10.45 A.M. when he was in his office on the ground floor he heard noise and came out. He saw a procession of 100-150 students coming along the road just below the verandah outside the office with a rickshaw on which was mounted a loud-speaker. Anand Kumar was speaking on the loud-speaker and he and the students in the procession were shouting slogans "Carry-over will continue", "G.T. hai-hai" and "red-tapism will not do". The procession stopped in front of the office of the Department and students asked the clerks to stop working, removed their cycles and dumped them

outside the office. They asked for the keys of the office which were handed over by one clerk and they closed the office and locked it up. Anand Kumar raised his hand brandishing the keys and said that it was the symbol of their first victory, that it was a gold medal and that all other departments would come into their possession likewise. Some students did not respond to the slogans and were rebuked by him.

Anand Kumar and 3-4 students went to the room where Dr. C. R. Kesava Rao, Reader of the Department, was working and knocked on its door. He let them come inside and they asked him to stop working and close the office. On his refusal they asked him why he wanted to study when they did not want to. They asked for the key of the lock of his door and he refused to give it. They said that they had other ways of achieving their object and tried on the lock one or two keys that they had already with them but unsuccessfully. They then went out, closed the door of the room and bolted it from outside, thus confining him inside his room.

The procession moved on and came to the Department of Electrical Engineering. Prof. N. Roy also followed them. The procession halted under the portico in front of the building of the Electrical Engineering Department. Prof. V. V. Chelam, Head of the Department of Electrical Engineering, was at that time working in his office and came out on hearing the noise. He also had been warned previously that students might come and close the building; so as soon as he came out a servant closed the door and locked it. At once 10-15 students rushed up and tried to snatch away the key from the servant. The Head of the Department asked the boys why they wanted the keys of the room belonging to him and why they were preventing him from studying. They replied that he could not study when they themselves did not want to study. Ultimately, the servant handed over the keys to the students who went away with it. After their departure the Head re-opened his office with a duplicate key. He did not recognise any of the students but Prof. N. Roy had heard Gopalji Tripathi claiming that he bore the same name as the Director of the Institute and would lead the students from that time. The procession moved on to the Department of Mechanical Engineering.

Prof. L. R. Govil, Head of the Department of Mechanical Engineering, was working in his office and heard the noise of the procession approaching and at once directed his laboratory staff to remain inside the laboratory and close its door from inside and did the same with his own office (locking the door from outside and re-entering it through another door). He remained inside the room and did not see anything. Prof. N. Roy saw J. N. Rawat checking the lock of the room of the Head of the Department of Mechanical Engineering and directing other students to check locks of other rooms and laboratories; he then returned to his Department.

40-50 students including Gopalji Tripathi went to the office of Dr. Gopal Tripathi, Head of the Department of Chemical Engineering and Director of the Institute of Technology. He was not present in his office. Gopalji Tripathi removed his name-plate, held it in front of his chest, announced to his companions that from then onwards he was the Director and they shouted) "Gopal Tripathi Moordabad". This was witnessed by Dr. Patwardhan from his Department of Ceramic Engineering.

The procession moved on towards the department of Pharmaceutics and reached there sometime between 11.00 and 11.30 A.M. Shri K. P. Singh, a Laboratory Assistant, heard slogans of the processionists and went to the office of Dr. G. P. Srivastava, Head of the Department and asked and enquired of him whether he should close the department. Dr. G. P. Srivastava answered in the negative. He went to the central corridor. There he saw 10-15 students coming into the central corridor and 100-150 students standing just outside the gate shouting slogans. Dr. G. P. Srivastava was in his office, and Dr. S. N. Ghosal and Shri Deepak Prakash were in their laboratories. Dr. Ghosal heard noise of slogans and came out of the laboratory; he met a number of students in the central corridor who surrounded him and asked why he had kept the laboratory open. He replied that the research students working in the laboratory had nothing to do with the students' strike. Dr. G. P. Srivastava on hearing the noise came to central corridor and saw Dr. Ghosal being surrounded and pushed about by 20-25 students, some of whom were shouting at him. About this time somebody opened the main gate and the remaining students entered into the building. Dr. Srivastava penetrated through the

surrounding crowd of students and tried to pacify the student who was violently arguing with Dr. Ghosal. He asked him to be quiet and told him what he desired but he violently waved his hands and Dr. Srivastava received several blows from his hands (he could not say whether the blows were aimed at him or he got accidentally struck by coming in the way of violent movements of his hands). In all he received half-a-dozen blows. Then the students pushed him and went towards the Departmental office and Dr. Srivastava followed them as also did other students. In the office the students had a scuffle with the clerks and demanded keys from them and snatched them away. After snatching away the keys the students locked up the office. Anand Kumar who was among the students approached Dr. G. P. Srivastava and told him that the students wanted to lock up the department and take away the keys to the Union. He moved away instead of answering the question of Dr. Srivastava "Why"? The students then went to the Laboratory of Shri Deepak Prakash.

Some students entered into the laboratory where Shri Deepak Prakash was working and on his asking them what they wanted some of them caught his arm and dragged him outside the laboratory. In this scuffle his shirt got torn and he received on the right arm wounds which bled. The students pushed him into the open yard and closed the door confining him in the yard. When somebody opened the door after sometime he came out and went to the central corridor and showed his injuries to Dr. G. P. Srivastava and others.

The students who had assaulted Shri Deepak Prakash in his laboratory returned to the central corridor within a few minutes. Dr. Srivastava, Shri K. P. Singh and Dr. S. N. Ghosal were in the central corridor. In the corridor there is a hexagonal showcase and one of the students threw the bunch of keys on the top of the showcase. The ring of the bunch broke and the keys fell scattered on the ground. The students shouted "Pharmacy Department moordabad", "Hamari Mange Puri Ho", "Jo Hamse Takrayega wo Chur-chur ho jayega" etc. They bolted all the exits of the building and went out towards the east. They closed the door between the central corridor and the main entrance and locked it

with the lock and key snatched away from the departmental office. They took away the keys and Dr. G. P. Srivastava etc., were locked up inside the building.

The students then went to the Department of Ceramic Engineering. Dr. Patwardhan, a Reader in the Department had been warned earlier and had been cautious. At about 12 noon he saw a group of 40-50 students including Krishna Nand Singh, a tall student wearing Pajama and Khaddar Kurta and a student of Civil Engineering who gave out his name as Singh. He asked the tall student what they wanted. He replied that they wanted the department to be locked up. He did not give any reply to the question what he meant thereby and walked away. Krishna Nand Singh with a clenched fist rebuked Dr. Patwardhan for the alleged crime of stopping the students President and repeatedly asked him to apologise. The students pushed him inside the corridor. One of them recognised him as the teacher who had complained in 1968 that he had been attacked with a knife and said to him, "You received injuries by grazing against a rickshaw and falsely accused students of attacking you with a knife. Then there was no knife. To-day you will see a real knife." The students demanded keys of the departmental buildings and 2-4 of them went inside. They managed to get hold of the keys, locked the outside gate confining Dr. Patwardhan, his colleagues and others inside and went away. Two students, not known to Dr. Patwardhan, and one of whom called himself Singh of Civil Engineering got accidentally locked up along with Dr. Patwardhan etc., and called out their companions (Dr. Patwardhan does not recollect the names). Some students returned with the keys of the lock, opened the door and the two students as also Dr. Patwardhan etc. came out. The department was re-locked by the students and remained locked at least upto 10-9-1971 on which date Dr. Patwardhan reported the matter to the Director in writing. The written report corroborates his statement to the above effect made before me.

D. K. Shukla a student of Metallurgy Department implicated in this incident after finishing his examination in some paper at 11.30 A.M. went to Dr. Anantharaman, the Head of the Department of Metallurgy to inform him how he had fared in the examination. He met

Dr. Anantharaman soon after noon and told him that some students were going to raid his department in order to close it. While they were talking one or two students un-known to Dr. Anantharaman entered his office and told him that they were going round to get the departmental offices closed. He asked them to call their leader Anand Kumar, and in a short time Anand Kumar entered in the office with one or two students and told him that in order to give time to the Heads of the department to reflect on the students demands they were getting the departmental offices closed. When Dr. Anantharaman professed ignorance of the students demands, he produced before him a cyclostyled copy of the document of demands which was delivered by some student on 7-9-71 to the Registrar when he was gheraoed in Committee Room No. 1 of the Central Office vide incident No. VII dealt with above. When Dr. Ananthraman said that he had not heard about the demands, Anand Kumar told him that it was an instance of inefficiency of the Heads of the Departments. Anand Kumar told him that this was the last Department in the Institute to be closed, that all others had already been closed and that the idea behind the closer was to give adequate time to the Heads of the Departments to cogitate on their demands. After allowing Dr. Anantharaman to finish the urgent work, he closed his room. In the meanwhile a few students entered the departmental room and stopped the clerks from working and got it closed. The students who locked the departmental office threw the key into the air caught it with a flourish and walked away as if he had scored a great victory. The total number of students who raided the Department of Metallurgy was more than 100 and they shouted slogans against Dr. Ananthraman and other teachers, broke flower-pots and damaged name-plates and man-handled a laboratory Technician.

On the next day at 3.00 P.M. a meeting of the teachers of the Department was held to condemn these acts of the students. It was unanimously resolved in the meeting that a thorough investigation into the incident should be made and suitable disciplinary action be taken against the miscreants, that the procedure for the redress of students grievances should be strictly followed and that since no real work in the department was possible in the present state of in security and uncertainty,

steps should be taken to restore normalcy in the department. The next day Dr. Anantharaman reported the incident of 8-9-1971 to the Vice-Chancellor through the Director of the Institute and communicated to him the resolution passed in this meeting. The report more or less support the statement made by Dr. Anantharaman before me.

The students involved in this incident pertaining to the various departments of the Institute of Technology are Anand Kumar, D. K. Shukla, Krishna Nand Singh, J. N. Rawat, Bhagat Singh and Gopalji Tripathi. Evidence in respect of the incident has been given by Prof. T. R. Anantharaman, Dr. G. P. Srivastava, Prof. A. N. Roy, Dr. S. Ghosal, Shri K. P. Singh, Shri Deepak Prakash, Prof. S. M. Tewari, Dr. D. K. Patwardhan, Prof. L.R. Govil, Prof. V.V. Chalam and Dr. C.R. Kesava Rao. They have described the incident as far as they witnessed it from different places at different times. Prof. S. M. Tewari, Treasurer of the Students' Union proved the signature of Anand Kumar on a leaflet published by him. In this leaflet which will be dealt with in detail in the next incident, Anand Kumar admitted that the students had got the various departments of the Institute closed in order to bring pressure to bear upon the authorities for settlement of the students demands. The statements of Dr. Anantharaman, Dr. G. P. Srivastava, Shri Deepak Prakash and Dr. Patwardhan are supported by the reports made by them after the incident. Dr. Srivastava made two reports, a brief report earlier and a detailed report subsequently.

There is no doubt that the incident as narrated above took place. None of the witnesses had any motive to fabricate an entirely false case. It is note-worthy that many of the witnesses did not name any student taking part in the incident, i.e., that they had no animus against any student and no incentive to fabricate a false case. The witnesses are all responsible members of the University and respectable persons. None was shown to be nourishing any ill-will against any student. There is no conflict among the statements of these witnesses. There is no evidence that the incident as described above, did not take place. That the

departments were got forcibly closed is admitted by Anand Kumar in the leaf-let published by him on 8-9-71. It is, therefore, proved beyond any doubt that the incident took place.

Anand Kumar in his written statement made a general condemnation of all charges as false and fictitious. He did not say anything specifically about this incident. On the other hand through the leaflet published on 8-9-71, he took credit for getting the departments closed. He has been named as a participant in the incident by Prof. Anantharaman, Dr. Srivastava, Prof. N. Roy, Dr. Ghoshal and Shri K. P. Singh. The evidence against him is voluminous and clear. His involvement in the incident is proved beyond any doubt. Charge No. 4(ii) is proved against him.

Krishnanand Singh pleaded alibi, saying that after finishing his paper in B.Sc. Engineering Part-II on 6-9-1971, he left for his home in Ballia district on hearing about the floods in his village and was not here on 8-9-1971. He pleaded that in 1970, he was asked to leave the hostel on the basis of a false charge and suspected that some enemies were at work in getting him implicated in the present incident. He, of course, did not name any person who might have been inimical towards him. He further said that he had no written proof in support of his defence that he was not present in Banaras on the day. He did not produce any witness in defence, but produced his Intermediate Certificate containing an endorsement on the reverse to the effect that it was delivered to the examinee (K. N. Singh) by the Principal of the Kunwar Singh Intermediate College, Ballia on 8-9-1971. There is no signature of the recipient on the certificate below the endorsement and there is no evidence that such a certificate cannot be delivered to the examinees' guardian or agent. If he really received the certificate in Ballia from the Principal, Kunwar Singh Intermediate College, on 8-9-1971, it is not understood how he said in his written statement that he had no proof in respect of his alibi. If he really had no proof, it only means that the endorsement on the certificate has been forged or that it was delivered to some body on his behalf. The Principal who wrote or signed the endorsement has not been examined and I am not prepared to act on the mere endorsement not tested by any cross examination. He has not been named by any witness, but was pointed out by Dr. Patwardhan

as the student who had repeatedly asked him to apologise for obstructing the Union President. He did not know him ever before, but was certain that it was he who did this act. No motive for implicating him falsely was even suggested and it would not be justified to disbelieve his evidence. I must hold the charge proved against him.

Gopalji Tripathi pleaded not guilty in his written statement. He denied his presence in the Institute of Technology when the incident happened and professed ignorance about all that happened there. He said that he is a student of the Faculty of Social Sciences, and has nothing to do with the Institute of Technology. In his statement before me, he denied the specific act alleged against him that he took the name-plate of Dr. Gopal Tripathi, the Director and proclaimed to the students that from that moment he was the Director and their leader. He thought that some other student (not named by him) who resembled Dr. Gopal Tripathi in physique impersonated as him. He did not produce any witness in defence. Evidence has been given against him by Dr. Patwardhan and Prof. N. Roy. These statements are not shown to be false or improbable. There is no justification for disregarding this clear and specific evidence against him. I must hold charge No. 2 proved against him.

J. N. Rawat pleaded alibi and produced evidence in support of it. It has been dealt with this incident earlier in connection with Incident No. 1 and found it unacceptable. He has been named by Prof. Roy who saw him checking the locks of the Mechanical Engineering Department Office. He is a student of Civil Engineering Department of which Prof. Roy is the Head and was known to him. He did not cross examine Prof. Roy and has not explained why he should have given false evidence against him. The case against him is proved, and he has failed to refute it by the evidence produced in defence. Charge 1 is proved against him.

No witness has named D. K. Shukla as being amongst the students taking part in the incident. As a matter of fact he was seen in the Institute of Technology while the incident was taking place only by Dr. Anantharaman and that too when he went to show him the question paper and told him how he had answered it. Far from being one of the students participating

in the incident, he was the person who warned Dr. Anantharaman of the impending raid by the students. Thus the evidence of Dr. Anantharaman exculpates him. There is no other evidence and Charge No. 2 against him must be held to be not proved.

No witness of the incident has named Bhagat Singh or even pointed or indentified him in the Inquiry Committee Room. All that can be urged against him is that one of the students in the Department of Ceramic Engineering along with Dr. Patwardhan gave out his name as 'Singh' of Civil Engineering. This does not necessarily mean that he was Bhagat Singh. There is no evidence that he is the only Singh in the Department ; consequently 'Singh's cannot be said to be indentical with Bhagat Singh. It is a fact that as Dr. Patwardhan entered the Inquiry Committee Room for his evidence, Bhagat Singh went out and was not present in the room to be identified or pointed out by him. This raises only a suspicion that he might be the particular Singh but suspicin cannot take the place of proof. I do not think that Charge No. 2 can be said to be proved against him.

XI. INCIDENT OF 8-9-1971—DISTRIBUTION OF A CIRCULAR AMONGST STUDENTS.

Only one student, namely, Anand Kumar, is involved in this incident and evidence has been given by Prof. S. M. Tewari, Treasurer of the Students' Union. He stated that he is acquanited with the signature of Anand Kumar and that the circular dated 8-9-1971 is signed by him. The gist of the contents of the circular is as follows :

To-day is the 2nd day of our strike, but the authorities are still silent, which is a deplorable matter. The strike and the demonstration at the Central Office on 7-9-1971 has produced no result and the promises made to us have been broken. We have been compelled to use pressure tactics in order to procure the settlement of the student's problems. To-day students have locked up all departments of the Institute of Technology and taken possession of the keys. This possession of the building will cease and the keys will be returned only when our demands are satisfied. The authorities shall have to resort to the carry-over system ; this is

a warning given by the Students' Union. I call upon the authorities of the Institute on behalf of the Students' Union to fulfil our demands as soon as possible. A meeting of the students of the Institute will be held in Limbdi Hostel at 8.00 P.M. as the next step of the struggle. The strike will continue on 9-9-1971 and an emergency meeting of the Central Council of the Students' Union will be held for this purpose on 9-9-1971. Charge 4(ii) is proved.

XII. INCIDENT OF 9-9-1971—SPEECH NEAR RAJPUTANA HOSTEL.

Three students, Anand Kumar, Mohan Prakash and Shatrudra Prakash are charged with this incident. There is no evidence against them. They have been charged on the basis of the report made by Hira Lal Upadhyaya on 9-9-1971 ; but he was not at the place of occurrence and did not see the meeting and did not hear the speeches. He made this report on the strength of what he heard from others, but none of them has been produced as a witness. I am not prepared to act on hear-say, specially when it has not been shown that the eye witnesses have died or are not available. Charge No. 5, para-1, against Anand Kumar, Charge No. 2, para-1, against Mohan Prakash and Charge No. 3, para-1, against Shatrudra Prakash are not substantiated.

XIII. INCIDENT OF 9-9-1971—RAID ON THE CENTRAL OFFICE.

Six students, Anand Kumar, M. P. Tara, Shatrudra Prakash, Mohan Prakash, Mahesh Sharma and Sheo Deo Narain are implicated in this incident, which is a continuation of Incident No. XII dealt with above, and evidence about which has been given by the Registrar—Dr. Raturi and Hiralal Upadhyaya, a Shanti Sainik. On 9-9-1971, at about 1.00 P.M. the Registrar was working in his office on the first floor of the building. A procession of about 50 students reached the portico of the office shouting slogans. The procession halted in front of the portico and speeches began to be made on a loudspeaker. He received information that in one speech he was asked to come down and meet the students ; so he went down and

saw Anand Kumar making a speech. Anand Kumar said that the authorities were completely indifferent to the students demands and had done nothing to meet them and that he would handover to the Registrar an ultimatum. After writing it he read it out and passed it on to a student who handed it over to the Registrar. What it contains is as follows :

This demonstration of the students of the Institute of Technology gives an ultimatum to the Registrar. That settlement of the students demands must commence within 24 hours failing which the Students' Union will not be responsible for what ensues. The Students' Union wants to express its regret over the fact that the settlement of their demands is being postponed since 18-8-1971.

The Registrar recognised among the students, M. P. Tara, Shatrudra Prakash, Mahesh Sharma, Mohan Prakash and Sheo Deo Narain. After Anand Kumar, Shatrudra Prakash, M. P. Tara, and Mohan Prakash and others spoke ; they dwelt upon the same topic of nonfulfilment of the demands and the authorities being irresponsible and slow in meeting them. Students shouted slogans against the Dy. Registrar (Tandon) though he was not present there. After about 45 minutes, the students went away shouting slogans. Hira Lal Upadhyaya had merely seen the procession with a rickshaw on which a loudspeaker was mounted going towards the Central Office and heard an announcement on the loudspeaker that the next speech would be by Mohan Prakash. He did not go to the Central Office and he did not see the processionists.

Dr. Raturi and Hira Lal Upadhyaya have stated about the above incident and their statements are corroborated by the reports made by them on 10-9-1971 and 9-9-1971 respectively. There is absolutely no reason for disbelieving their evidence. The statement given by Dr. Raturi is clear and describes the acts done by the students. Of course, he had no reason to conduct a false case and make a report on 10-9-1971. He had no motive to implicate the six students in a false case. Anand Kumar and M. P. Tara have only generally denounced the whole charge-sheet as false and groundless. Neither of them stated specifically about the incident. There is, therefore, no specific denial from their side. The incident did take place.

The presence of all the six students in the procession is amply proved. It is also proved that Anand Kumar handed over the ultimatum to the Registrar. Speech making by Anand Kumar, M. P. Tara, Mohan Prakash and Shatrudra Prakash is proved from the evidence of the Registrar. He did not name Mahesh Sharma and Sheo Deo Narain amongst the speakers. He said that they either spoke or were among the processionists. The charge that they made speeches is not established. Anand Kumar's speech has been described in detail. It was undoubtedly a provocative speech. What the others spoke was also provocative in as much as the authorities were accused of being irresponsible and impervious to the students' demands. Levelling a charge like this against responsible members of the University is provocative.

None of the students offered any evidence in defence. I therefore, hold that Charge No. 5, paragraph-2, against Anand Kumar, Charge No. 2 against M. P. Tara, Charge No. 3, paragraph -2 against Shatrudra Prakash are established.

Charge No. 2 against Sheo Deo Narain and Charge No. 1 against Mahesh Sharma are established with this exception that they are not proved to have delivered a provocative speech.

XIV. INCIDENT OF 10-9-1971—RAID ON THE OFFICE OF THE PUBLIC RELATIONS OFFICER.

Anand Kumar, Shatrudra Prakash, Krishna Prakash, Mohan Prakash, Paras Nath Singh, Viveka Nand and Din Dayal are involved in this incident.

On 10-9-1971, a procession of 40-50 students went to the Office of the P.R.O., shouting "P.R.O. come out", and "beat P.R.O." Shatrudra Prakash shouted "P.R.O. Ko" and the sentence was completed by other students responding "Maro". He was not present, but his Assistant Editor—Jamuna Prasad, Kailash Nath Srivastava, Kedar Das Khanna, Peon, and Kailash Nath Singh, Stenographer were present. The students rushed into the office of the P.R.O., dashed about the chairs, removed some outside and asked the persons present to lock up the office.

Shatrudra Prakash, Krishna Prakash, and Mohan Prakash went to the table of the P.R.O. hammered it with fists, threw out chairs, knocked down the rack and threw down files from a side rack. Jamuna Prasad asked them why they wanted the office to be closed but did not recall the reply given by them. To avoid trouble, he and K. D. Khanna, Peon, closed the office. The students locked it up and took away the key saying that it could be had from Anand Kumar. The office remained closed till 13-9-1971.

K. N. Srivastava recognised all the students except Paras Nath Singh. After the incident he went to the Guest House and telephoned to the P.R.O. informing him about the incident. The P.R.O. asked him and others to give written reports about the incident so all made written reports and gave them to P.R.O. the same day. K. D. Khanna recognised all the seven students. Kailash Nath Singh recognised only Anand Kumar; Jamuna Prasad identified Anand Kumar and Shatrudra Prakash. The Public Relations Officer reported the matter to the Vice-Chancellor. In the report he mentioned that the students led by Anand Kumar had asked for him and shouted that he be beaten, that they had pounded fists on his table and knocked down chairs and that Anand Kumar took away the keys after locking up the office. He forwarded the reports of Jamuna Prasad etc. to the Registrar on 17-9-1971. On 12-9-1971, Paras Nath Singh returned the keys to the Registrar in the presence of the P.R.O. When the P.R.O. re-opens the office on 13-9-1971, he found the furniture and files in disorder and two pens missing.

Evidence about this incident has been given by Jamuna Prasad, Kailash Nath Srivastava, Kedar Das Khanna, Kailash Nath Singh and S. P. Tripathi, P.R.O. Their statements are corroborated by the reports made by them in writing. The incident is fully proved by this evidence, and there is no reason to reject it.

Anand Kumar and Krishna Prakash have jointly denied all the charges framed against them without saying anything specific about any particular charge. There is no denial by them about the participation in the incident from their side. Shatrudra Prakash and Mohan Prakash

stated nothing about the charges and only solicited some information. Dean Dayal, Paras Nath Singh and Viveka Nand completely denied their presence in the P.R.O.'s Office during the incident, Viveka Nand pleaded alibi. Only Viveka Nand produced evidence which has already been specified in connection with incident No. 1. This evidence does not prove at all that he did not take part in this incident. There is no evidence that he was ill on 10-9-1971 and unable to do the acts he is alleged to have done on this date. The evidence is rejected. Charge No. 2 must be held proved against him.

Anand Kumar has been named by all the eye witnesses : Shatrudra Prakash by Jamuna Prasad, K. N. Srivastava and K. D. Khanna ; Krishna Prakash by Kedar Nath Srivastava and K. D. Khanna ; and Mohan Prakash by Kailash Nath Srivastava and K. D. Khanna ; and Paras Nath Singh, Viveka Nand and Deen Dayal by only K. D. Khanna. This evidence is enough in each case. I, therefore, hold that Charge No. 6(ii) against Anand Kumar, Charge No. 2 against Deen Dayal, Charge No. 3(ii) against Mohan Prakash, Charge No. 2 against Krishna Prakash, Charge No. 2 against Paras Nath Singh and Charge No. 2 against Viveka Nand are established.

XV. INCIDENT OF 10-9-1971—HUNGER STRIKE AT MALVIYA BHAVAN

Gopalji Tripathi, Mahesh Sharma, Sarjoo Prasad Singh, Prem Sagar Pandey, Bali Ram Tewari and M. P. Tara are implicated in this incident.

Sita Ram, Peon, comes to Malviya Bhavan to open it at 10 O'clock every day. On 10-9-1971, he went as usual at 10.00 A.M. and found M. P. Tara, Gopalji Tripathi, Mahesh Sharma and a few more students in the verandah of the Malviya Bhavan. He suspected that they were there for the purpose of sitting on hunger strike. So he did not open it, went to the Women's College crossing, awaited for Sheo Prasad Pathak, an employee in the Library of the Malviya Bhavan and on his reaching there warned him that some students were in the verandah of the Bhavan waiting to enter it in order to sit on hunger strike there. He also asked him to inform Pt. Trilochan Pant, Incharge of the Bhavan and went back to the Bhavan.

Some students asked him to open the Bhavan but he replied that he did not have the keys with him and went to his quarters at the back of the Bhavan. Some students later went to his quarters and again demanded the keys from him but he sent them back, giving the same answer. They pressed him to bring the keys from wherever they were and return to the Bhavan. He then went to the office of the P.R.O. and telephoned to the Incharge and returned to the Bhavan and informed the students that the Incharge was coming. He was standing in the verandah when three students surrounded him and searched his person and recovered the keys from a pocket of the trousers and opened the Bhavan, removed carpets from one room to the central room and lay and sat down on them.

Hira Lal, Shanti Sainik, visited the Bhavan 6-7 times on September 10, 11 and 12, 1971, to collect information regarding the hunger strike. He found M. P. Tara, Gopalji Tripathi, Baliram Tewari, and mentioned their names in a report made to the Chief Proctor on 6-10-1971.

On 10-9-1971 at about 8.00 P.M. some students went to the quarters of the peon and asked him to open the bath room saying that when they were staying in the Bhavan they needed the bath room. The peon opened the bath room for them. The hunger strike continued till about 2.30 A.M. on 13-9-1971 when the hunger strikers were arrested by the Police. After arrest an inventory of the articles left by the hunger strikers was prepared by the Incharge.

Evidence to this effect has been given by the Peon—Sita Ram and Shanti Sainik Hira Lal. The peon also verified the report made by him on 20-9-1971. He did not recognise the students who had gone to his quarters and searched his person and recovered the bunch. He has named only the above named three students. Hira Lal Upadhyaya has named four of them. Neither of them has named Prem Sagar Pandey and Sarjoo Prasad Singh in the evidence before the Committee or in any previous written report.

Gopalji Tripathi admitted that he was on hunger strike in the Bhavan from 10.00 A.M. on 10-9-1971 till his arrest at 2.30 A.M. on 13-9-1971.

In his oral statement made before me he said that Anil Kumar, Baliram Tewari, Mahesh Sharma and M. P. Tara were on hunger strike alongwith him and that the last two of them joined him later on return from the gherao incident (Incident No. 1 discussed above). It appears from his statement that a leaflet was published giving names of hunger strikers included in it names of Prem Sagar and Sarjoo Prasad. Gopalji Tripathi said that they were not on hunger strike and their names were wrongly included in the leaflet by M. P. Tara. The reason for sitting on hunger strike as given by him is that he wanted immediate implementation of the demands of the students already accepted. Baliram Tewari admitted that he was on hunger strike and said that he resorted to it in the interest of peace in the campus. Mahesh Sharma said that he was on hunger strike along with about 11 other students with the object of keeping the struggle non-violent and preserving peace, that at first they were in the open, that they asked the peon to bring the keys and open the Bhavan, and that within twenty minutes he brought the keys and opened the Bhavan. He has apologised for resorting to hunger strike and promised not to repeat the offence in future. Prem Sagar Pandey stated that he attended a class from 10-45 A.M. to 11.30 A.M. on 10-9-1971, that he started hunger strike the same day at 12 noon by way of protest against the prevailing disorder, gheraoing and insulting the authorities of the University, the locking up of buildings and such other detestable acts by students and that he terminated it on 11-9-1971 at mid-night after completing 36 hours. Mahabir Prasad Tara expressed his opposition to the acts of gherao, shouting slogans, locking up of buildings and abusing etc. and admitted that he sat on hunger strike with the object of preserving peace in the campus and preventing the students struggle from taking a violent turn. Sarjoo Prasad Singh did not file any written statement and did not offer defence before me. All the students who admitted having gone on hunger strike denied that they forcibly seized the keys of the Bhavan. None of them offered any defence evidence. The University produced the attendance register of the class said to have been attended by Prem Sagar Pandey on 10-9-1971 upto 11.30 A. M. and he was marked absent thus disproving his statement.

It is proved from the evidence of the Peon and the Shanti Sainik that some students resorted to hunger strike in the Bhavan from 10.00 A.M. on 10-9-1971 and that it was brought to an abrupt end on 13-9-1971 at about 2.30 A.M. by their being arrested by the Police. There is no evidence of any declaration by any of the student that the hunger strike was for any duration. Even though students admitted of hunger strike they did not claim that it was for a definite duration, except for Prem Sagar Pandey who said that his own fast was for 36 hours. The Shanti Sainik who frequently met the hunger strikers and reported to the Chief Proctor whatever information he collected from them did not find that the hunger strike was only for a definite period. There is, therefore, no doubt that it was for an indefinite duration.

The evidence of the two witnesses coupled with the own admission of the students proves that Gopalji Tripathi, Mahabir Prasad Tara, Mahesh Sharma, and Baliram Tewari resorted to hunger strike in the Bhavan for an indefinite period. I am not concerned with the reason or the motive for this act. There is no evidence that they forcibly took possession of the keys from the peon. But the evidence of the peon leaves no room for any doubt, that the keys with which the Bhavan was opened was seized by some students during the search of his person. The object of all the students, those who resorted on hunger strike and the others who were there, was that the hunger strike should take place in the Bhavan; consequently the forcible seizure of the keys by some student must be deemed to be an act of all including these four. The four entered into the Bhavan after it had been opened with the forcibly seized keys; they are, therefore, as much liable for the forcible seizure as the actual culprits. They had no right to enter into the Bhavan for the purpose of resorting to hunger strike and more over their entry was preceded by an act of violence in the form of the personal search and forcible seizure of the keys. Charge No. 1 against Baliram Tewari, Charge No. 4 against Gopalji Tripathi, Charge No. 4 against M.P. Tara and Charge No. 2 against Mahesh Sharma are established. There is no evidence on behalf of the University against the other two students. The admission of Prem Sagar Pandey does not prove the charge firstly because it does not relate to the commencement

of the hunger strike preceded by forcible seizure of the keys and secondly because it was for a limited period. The charges as framed against these two students are not established.

XVI. INCIDENT OF 11-9-1971—ISSUE OF A THREATENING CIRCULAR.

Only M. P. Tara has been charged with the publication of a circular containing threats. The University has produced a cyclostyled copy of the circular but it is not signed by anybody and is not proved to have been issued by M. P. Tara. No witness has stated anything about it. Charge against M. P. Tara is not proved.

XVII. INCIDENT OF 11-9-1971—ISSUE OF A THREATENING CIRCULAR.

Only Anand Kumar has been charged with the issue of a circular which does not bear anybody's signature. The University has produced no evidence to prove that it was issued by Anand Kumar. There is no evidence to connect him with the circular. Charge 7 is not proved.

XVIII. INCIDENT OF 11-9-1971—FORCIBLE LOCKING OF THE OFFICE OF THE DEAN, FACULTY OF ARTS, ETC.

Tarkeshwar Rai, Raj Narain Singh, Mohan Prakash and Bansi Dhar Singh are charged in connection with this incident.

On 11-9-71 at 11.30 A.M. Shri S. Balasubramaniam, Assistant Registrar, Faculty of Arts, working in the office of the Dean, Faculty of Arts heard continuous ringing of a time-bell, came out to enquire who was ringing the time-bell and saw a crowd of 70-80 students, including Tarkeshwar Rai, Raj Narain Singh and Mohan Prakash shouting slogans "Chhatra Ekata Zindabad", etc. in the verandah just outside his office. He asked them what they wanted. Tarkeshwar Rai replied that they wanted to close the Dean's Office again and would not allow it to function so long as their demands were not fully met. They all came down. On the ground floor Tarkeshwar Rai closed the class rooms. They then went to the adjacent building of the Post-Graduate Departments and started closing

the offices in it. Shri Balasubramaniam went to the office of the Head of the Department of Sanskrit and Pali located on the first floor of the same building to obtain the advice of the Dean of the Faculty who is also the Head of the Department of Sanskrit & Pali (Dr. Bhattacharya). He informed Dr. Bhattacharya about the incident and as he was talking with him about 30 students, including Tarkeshwar Rai and Banshi Dhar Singh, entered into the room shouting "Dr. Bhattacharya Moordabad", "Dean Sahab go to hell", etc. Banshi Dhar Singh placed a written demand before Dr. Bhattacharya and even while he was reading it they kept on shouting that the Department be closed. Dean Bhattacharya found himself placed on the horns of a dilemma ; he had to agree to the department being closed or he had to allow himself to be "Gheraoed" by the students. Naturally he chose the former, came out and invited Banshi Dhar Singh etc. to discuss the matter with him outside. The Department was then closed and the keys were handed over to Tarkeshwar Rai. Banshi Dhar Singh and Tarkeshwar Rai took the leading part in the incident in Dean Bhattacharya's room. From there they went to the lecture theatre in the building of the Indology Department ; there were Banshi Dhar Singh and 20 other students. They talked for about an hour. Banshi Dhar Singh asked Dr. Bhattacharya to remove the Wardens from Birla Hostel, offered to take charge of the hostel and assured him that no trouble would arise if he did so. Dean Bhattacharya informed him that only the Vice-Chancellor could remove the Wardens, not he. Banshi Dhar Singh invited him to accompany him to the Vice-Chancellor so that the Wardens could be removed immediately and he agreed. As they came out Shri Balasubramaniam met Dr. Bhattacharya and told him that Dean M. M. Sinha was in trouble. Dr. Bhattacharya suggested to Banshi Dhar Singh that inasmuch as Dean Sinha also was concerned with Birla Hostel they might take him along with them to the Vice-Chancellor and Banshi Dhar Singh agreed with him. Dean Bhattacharya went into the room of Dean Sinha, saw a crowd of students including Banshi Dhar Singh and Tarkeshwar Rai standing behind him and after persuasion brought Dean Sinha out of his room. Tarkeshwar Rai asked Dean Bhattacharya outside the room to whom he should hand over the keys of the Faculty of Arts. He replied "to Balasubramaniam". Tarkeshwar Rai handed over the keys of the Department of Sanskrit and

Pali to the Head Clerk of the Department and the keys of the Office of the Dean to Shri Balasubramaniam. He warned them that the offices should not be re-opened without his permission. The two Deans went in a rickshaw to the Vice-Chancellor's Office ; there was no trace of Bansi Dhar Singh.

Evidence about this incident has been given by Dean Bhattacharya and Shri Balasubramaniam. The two statements tally with each other except in one respect and that is about what happened in the lecture theatre. Balasubramaniam stated that he followed Dean Bhattacharya to the lecture theatre and that as he was discussing some demands with the students there another crowd of students went there shouting that Dean M. M. Sinha had been refusing to close the department of Psychology, that thereupon all the students left the lecture theatre and proceeded towards the Department of Psychology, that Dean Bhattacharya and he went to the building of the Psychology Department and that he remained on the ground floor while Dean Bhattacharya went up to the office of the Dean. On the other hand, Dean Bhattacharya did not refer to the arrival of any crowd of students bringing news about the refusal of Dean Sinha into the lecture theatre and said that the information about Dean Sinha's being in trouble was brought to him by Balasubramaniam himself. There is thus conflict between the two statements but it is apparently due to one of them not remembering the facts fully. There was of course no sinister motive behind the statements made by either and there is nothing to show that either of them has fabricated the whole incident. There was nothing to be gained by fabricating any incident and the conflict does not arise out of any desire on the part of either to implicate innocent persons in the incident. The conflict is in respect of a minor detail and has no bearing on the question who took part in the incident. Bansi Dhar Singh has admitted having discussed with Dean Bhattacharya the questions of accommodation in Birla Hostel and removal of warden but stated that the discussion took place as Dean Bhattacharya was coming out of the post-graduate building and not in the Department of Sanskrit and Pali and that there was no student along with him at that time. He admitted that he had offered to take charge of the Hostel. Raj Narain Singh pleaded

not guilty and said that he was not in Varanasi at all on that day. None of the students produced any evidence in defence.

There is no reason to cast a doubt about the occurrence of the incident as narrated by the two witnesses and I take it that it occurred as substantially stated by them. Bansi Dhar Singh's presence in Dean Bhattacharya's office in the Department of Sanskrit and Pali has been stated by both the witnesses. There is, however, no evidence that he took a leading part in shouting slogans. Actually there is no evidence that he even shouted slogans. He certainly demanded the immediate removal of the Wardens of the Birla Hostel. There is also no evidence that he got the office of Dean Bhattacharya closed. Charge 2(ii) framed against him is proved only to this extent that he was among the students who went into the office of the Head of the Department of Sanskrit and Pali. Further charge that he took leading part in shouting slogans and in getting the offices closed is not proved, there being no evidence whatsoever in support of it. Charge 2(iii) is proved. Charge 4, paragraph 1, against Mohan Prakash is proved. Charge 4, paragraph 2, is not proved because there is no evidence. Charge 4, paragraph 1, is proved against Tarkeshwar Rai ; Charge 4, paragraph 2, is proved only to this extent that he alongwith others shouted derogatory slogans against the Dean ; the charge that he and others 'Gheraoed' him and forced him to close the office is not proved, there being no evidence in support of it. The charge framed against Raj Narain Singh is proved.

XIX. INCIDENT OF 11-9-71—THREATENING A WARDEN OF BIRLA HOSTEL

Only two students, Raj Bahadur Singh and Tej Bahadur Singh are implicated in this incident. Birla Hostel has six wardens. Major Bajpai is the Administrative Warden and others including Dr. Bharadwaj are simple Wardens. Dr. Bharadwaj lives on the top floor of the Hostel and has his office on the ground floor near the staircase leading to the top floor. On 11-9-71 when he returned to the hostel for lunch he saw the two students and 4-6 unidentified persons in his office. He asked them what they wanted and one of the two students placed a leaflet before him and said that the Wardens should resign because they had failed to perform their duty.

The students discussed the question of accommodation in the Hostel and complained that 19 students were being kept in each room. When Dr. Bharadwaj told them that he could not do anything in the matter of hostel accommodation and that a new hostel was under construction, they said that the Wardens were inefficient and must resign immediately. Dr. Bharadwaj said he could not resign without consulting the Administrative Warden and offered to keep a letter of resignation ready and act on the advice of the Administrative Warden. He got a short letter of resignation typed out and put it in his pocket together with the draft. He said that he would go to the Administrative Warden and consult him. At about 2.30 P.M., he went to the Administrative Warden's office but did not find him there. He had no real intention of tendering resignation and tore off the letter of resignation and the draft which had not been signed by him. At 8.00 P.M. he met Dean M. M. Sinha and told him about the occurrence. On 17-9-1971 he sent to him a written report about the occurrence as asked for by him on the previous day.

Raj Bahadur Singh denied the allegations made against him and said that neither did he press any Warden to resign nor did he even go to the office of the Warden on 11-9-1971. He professed to be holding his teachers in great respect and said that he had heard that the Wardens had resigned on being disgusted with the acute shortage of accommodation in the Hostel. Tej Bahadur Singh admitted having met the Warden and discussed with him the hostel accommodation but denied having misbehaved with him or forced him to resign. Neither of them has produced any defence-evidence.

The incident is fully proved from the statement of Dr. Bharadwaj. It has not been shown that he was inimically disposed towards the two students and could have a motive for concocting a false case against them. The statement made by him before me is fully supported by the report made by him to the Dean on 17-9-1971. He was alone in the office when the incident happened and naturally there could not be another witness to corroborate him. There is no truth in the allegation of Tej Bahadur Singh that all the Wardens had resigned; no question about this was put to Dr. Bharadwaj in cross-examination. The students accused the Wardens of

being inefficient or ineffective and harassed him by discussing the question of hostel accommodation inspite of knowing that he had no power to solve the problem and that another hostel was under construction to furnish increased accommodation. It was rudeness on their part to press him with a demand for his resignation on the ground of his being unable to do anything in the matter and to compel him to write out a letter of resignation even when he had no intention to resign. Of course, there was no violence used or threat by the student ; but what they did amounts to misbehaviour. The charge against Raj Bahadur Singh is proved and charge 2 against Tej Bahadur Singh is also proved.

XX. INCIDENT OF 11-9-71—MISBEHAVIOUR IN THE OFFICE OF THE FACULTY OF SOCIAL SCIENCES.

Tarkeshwar Rai, Bansi Dhar Singh, Hari Kirtan Singh, Paras Nath Singh and Om Prakash Sharma are charged with acts done in this incident. On 11-9-71 shortly after 11.30 A.M. Tarkeshwar Rai and ten other students went into the office of Dean M. M. Sinha in the Post-Graduate Building and demanded closure of his office. He refused to do so saying that there was no justification for his closing the office and that he had also no authority to do so. The students threatened to come back in larger number and left the room shouting slogans "Prof. Sinha V. C. Ka Dalal hai", "V. C. Ke Dalal Ko Ek Dhakka Aur Do", "Dr. Sinha hai-hai", "Chhatra Ekata Zindabad", etc. Dr. K. V. Rao who was with Dean M. M. Sinha at the time went behind the students and told them that the Dean had no power to close the Faculty. At about 12.45 P.M. Dean M. M. Sinha was discussing some matters with M.A. and M.Sc. students when some students went upto the door of his room and shouted that the Faculty should be closed. The students finding that the Dean did not pay any regard to their shouts went down. Ten minutes later a big crowd of students led by Tarkeshwar Rai came into the room and Tarkeshwar Rai told the Dean to close the Faculty or resign instead of talking about powers. On his repeating that there was no justification for closing the Faculty the students shouted "V. C. Ka Dalal Hai", "V. C. Ke Dalal Ko Ek Dhakka Aur Do", "Chhatra Ekata Zindabad", etc. More and more students

kept on coming inside the room and the Dean kept on looking down. In all there were about 30-40 students who persistently called upon him to close the Faculty and threatened to lift him bodily alongwith the chair and throw him out of the window. Om Prakash wrote out a piece of paper "We students of the Faculty of Social Sciences are taking possession of the office of the Dean by way of protest against red tapism of the University authorities" and flung the paper at the Dean. Bansi Dhar Singh and Paras Nath Singh were standing with Om Prakash; they said that the demands of the students of the department of Political Science be satisfied and that the department be closed. When the Dean told them that no student of the Department of Psychology was clamouring for the closure Tarkeshwar Rai replied that he belonged to the Faculty of Social Sciences and was demanding closure of the whole Faculty. The students went on repeating the demand and shouting slogans. Hari Kirtan Singh whose blood-red eyes were noticed by the Dean, knocked down a letter rack on the Deans' table scattering the paper all round. Dr. Hiralal Singh, Head of the Department of History and Dean Bhattacharya came inside the office. There was a good deal of commotion in the office and one student caught hold of the arm of the Dean's chair. Dean Bhattacharya and Dr. Hiralal Singh repeatedly persuaded Dean Sinha to leave the office and come out and he yielded in the end. He said that he would leave the room if the students left it. Thereupon the students went out followed by the Deans and Dr. Hiralal Singh, etc. The students however kept on shouting in the verandah and demanded keys of his office which he handed over. After about fifteen minutes he and Dean Bhattacharya went in a rickshaw to the Registrar's office. He handed over the paper written by Om Prakash to the Registrar and made a report about the occurrence on 15-9-1971. On 25-9-71 he was shown photographs of a number of students and he identified Hari Kirtan Singh's photograph as that of the student with blood-red eyes who had knocked down the letter rack and made a report about it on 30-9-1971.

The University examined Deans M. M. Sinha and S. Bhattacharya, Doctors Hiralal Singh and K. V. Rao, Heads of the Departments of History and Political Science respectively, S/S. Kool, Dwivedi, Srivastava and Shukla, lecturers in the department of Psychology and office superintendent

Upasani to prove the above incident. Dean Sinha made a statement as reproduced above, which is fully corroborated by his earlier report which is as detailed as the former. He named Tarkeshwar Rai, Om Prakash Sharma, Bansi Dhar Singh and Paras Nath Singh and pointed out Hari Kirtan Singh as the student with blood-red eyes. He had named them in his report as well. Dr. Shukla works in a room close to the Dean's room. He stated that on hearing an uproar from the Dean's room at about 12.30 P.M. he went there and saw about 50 students (none of whom recognised by him) shouting slogans "M. M. Sinha hai-hai", "Sinha V. C. Ka Dalal Hai", "V. C. Ke Dalal Ko Ek Dhakka Aur Do", "M. M. Sinha Moordabad", etc. and demanding closure of the office and Dean Sinha refusing to do so on the ground of its being not in his hands. The students kept on pressing him and he kept on refusing. When the demand became insistent Drs. Bhattacharya and Hiralal Singh, who were in the room, reasoned with Dean Sinha and made him agree to the closure. Thereupon the students came out of the room followed by the Dean and others and the office was locked up; Dr. Shukla did not see who locked it up. His statement only proves the incident; it does not prove the participation of any of the students. Shri Kool heard noise in his laboratory and went towards the Deans room, which he could not enter because it was crowded with students. There was such a great noise that he could not make out who was saying what. He heard slogans "V. C. Ka Dalal Hai", "Prof. M. M. Sinha Moordabad"; "One More Push" etc. He did not recognise any of the students. He made a report of the incident on 14-9-1971. Shri Dwivedi saw 20-25 students in the room of Dean Sinha as he was going towards his own room. He stopped there and heard the students shouting that the office be closed. He also heard slogans "V. C. Ka Dalal Hai", "M. M. Sinha Moordabad", etc. He saw a student writing on a piece of paper and throwing it at the Dean saying that he was a student of the Faculty and demanding its closure. He said that the demand and the refusal went on for a considerable time and the students were shouting at the top of their voices. Dean Bhattacharya and Dr. Hiralal Singh persuaded Dean Sinha to leave the office but he refused in the beginning. Ultimately he was prevailed upon to have the office closed.

Thereupon the students were told to get out and they did, followed by the teachers and others. The students stood in the verandah and repeated the slogans and kept on shouting for nearly ten minutes. He did not name any of the students. Shri Srivastava made a similar statement. His room is near the Dean's and he went there on hearing the slogans "hai-hai", "moordabad", etc. shouted by students including Paras Nath Singh, Bansi Dhar Singh and Om Prakash. He said that he saw about 25 students inside the room and about 50 outside and heard persistent demands of resignation and closure of the department and persistent refusal by the Dean and the threat to throw the Dean bodily out of the room. He further said that on persuasion by Dean Bhattacharya and Dr. Hiralal Singh the Dean left the room which was then locked up. He did not name any other student. Dr. Hiralal Singh stated about information received by him from his clerk at his residence at about 11.30 A.M. about the students' demand for closing his office and about his reply that he need not resist it. He then talked with Dean Sinha about the demand and was informed by him that some students had gone to his office also with a similar demand. At about noon he went to his office on the ground floor of the building and found his clerk outside, his office being closed. He then went upto the Dean's room and saw 20-25 students crowding the small room, some standing in front of him and some behind him. He heard the students demanding the closure of the office and the Dean refusing to do so. This went on for sometime. Finding that the shouts of the students were becoming violent and apprehending some serious trouble if the Dean persisted in his refusal, he advised the Dean to close the office, particularly in view of the fact that other offices had already been closed and was supported by Dean Bhattacharya. After some persuasion Dean Sinha agreed and the students went out and shouted slogans "Dr. Sihha hai-hai", etc. This witness did not recognise any of the students. He knows Bansi Dhar Singh who had been his student for two years and stated that he did not see him there. He made a report about the incident. Dean Bhattacharya was going from the building of Indology to the Vice-Chancellor's Office in the company of, or followed by Bansi Dhar Singh, just after incident XVIII described above. He stated that on being

informed by his Assistant Registrar about Dean Sinha being in trouble in his office in the Department of Psychology he ran upto his room. He saw Dean Sinha being surrounded by 20-25 students. The Dean looked up and told the witness that he was being pressed by the students to close the department. Dean Bhattacharya told him that he had been surrounded by the students and that it would be wise to close the department. The situation there was explosive and Dean Sinha was being threatend with being thrown out bodily from the room. Dean Bhattacharya saw a student knocking down a letter rack. On his and Dr. Hiralal Singh's insistence Dean Sinha agreed to leave the office. They all came out and the office was locked up. Tarkeshwar asked Dean Bhattacharya to whom he should hand over the keys of the Faculty of Arts, the Department of Sanskrit and Pali and the Departments of Psychology and Political Science. He replied that the keys of the office of the Dean of the Faculty of Arts be handed over to Shri Balasubramaniam who was at that moment coming up the staircase, that those of the department of Sanskrit & Pali be handed over to his Head Clerk who was standing by his side and that Dean Sinha would say to whom the other keys be handed over. Tarkeshwar Rai warned Shri Balasubramaniam not to re-open the department without hearing from him. The two Deans then went in a rickshaw to the Registrar's office. He recognised only Bansi Dhar Singh and Tarkeshwar Rai among the students in the room. Upasani was made to close his office in the Faculty of Social Science on the ground floor of the building and went up to the Dean's office to see what was happening there. He saw a crowd of students in the room and stood in the adjacent room of the Dean's Stenographer. He could not understand from there what was being said. He saw the Dean agreeing to leave the office at the persuasion of Dean Bhattacharya and Dr. Hiralal Singh and heard slogans shouted by students as they came down. He could not recognise any of the students. He made a report about the incident on 14-9-1971. Dr. K. V. Rao stated that he was present in the Dean's office at about 12.00 noon when Raj Narain Singh and nine other students came inside the room and asked the Dean to close his office. The Dean refused. They remained there for about ten minutes discussing the matter and then left. Dr. K. V. Rao had stated that they did not behave badly and he did not recognise any of the students.

Bansi Dhar Singh denied his presence in the Department of Psychology when the incident took place. He said that he had gone to the Faculty of Social Sciences half an hour before and alone. This statement itself proves that there was a 'Gherao' of Dean Sinha and that he had heard of it. Hari Kirtan Singh also denied his presence at the place of incident. Paras Nath Singh admitted that he was in a procession taken out in peaceful support of the students' demands but denied that he entered into the Dean's room and did any of the acts mentioned above. Om Prakash had stated that he went to the room of the Dean to enquire what had been done in respect of the demands of the students of Political Science, that he saw the Dean with a number of students in his room, that he went through the crowd to his table and asked him about the students' demands and received the reply that nothing could be done, that thereupon he told him that he should close the Department and warned him that there were more students standing outside who could be expected to transgress the limit of decency and propriety any time. He admitted that Dean Bhattacharya and Dr. Hiralal Singh were present there and persuaded Dean Sinha to come out and succeeded in taking him out of the room. He denied that the room was locked by the students and stated that it was locked by some employee of the department itself. He admitted having written out a few lines on a piece of paper and said that it was done not in the Dean's room but outside and after the Dean's office had been closed and that he affixed the paper on a notice board. Tarkeshwar Rai has offered no explanation to the charge-sheet. None of the students has produced any evidence in defence.

There is no doubt about the occurrence as narrated by Dean Sinha and other witnesses. There are no material contradictions in the statement of the witnesses and none of them had any reason to give false evidence either in respect of the incident or against any of the students. The statements made before me by Deans Sinha and Bhattacharya and Dr. Hiralal Singh, Shri Kool, Shri Dwivedi and Shri Upasani are fully corroborated by the reports made by them shortly after the incident. There is no reason to doubt the presence of any of the witnesses during the incident; one accused student has himself admitted the presence of

Dean Bhattacharya and Dr. Hiralal Singh. I take it as a proof that the incident took place as described by Dean M. M. Sinha.

Evidence against Banshi Dhar Singh has been given by Deans Sinha and Bhattacharya and Shri Srivastava. Dean Bhattacharya's own statement is that he was going with Banshi Dhar Singh from the building of Indology to the office of the Vice-Chancellor when on the way he heard about trouble in the room of Dean Sinha and that he at once went up there. Just as he could go inside the room of the Dean without being guilty of any act, so also could Banshi Dhar Singh. There is nothing surprising in his finding Banshi Dhar Singh in the room at sometime. All that he said is that he saw him in the room. His statement conflicts with those of Dean Sinha and Shri Srivastava that Banshi Dhar Singh had gone into the room with Om Prakash and Paras Nath Singh to demand the closure of the Faculty. Banshi Dhar Singh had not left the company of Dean Bhattacharya and could not have gone inside the room in the company of Om Prakash and Paras Nath Singh. Charge 2 against Banshi Dhar Singh cannot be said to be free from doubt and must be held to be not proved. Only Dean Sinha has given evidence against Hari Kirtan Singh but his statement is very specific and supported by two reports made by him. I have no justification for disbelieving his statement. Charge 2 is proved against him. Om Prakash has been named by Dean Sinha and Sri Srivastava. The student has himself admitted his presence at least during a part of the incident and his authorship of the writing. What he wrote is more consistent with its being written after the locking of the office than with its being written while the students were demanding the closure of the office, but it is not so inconsistent with the latter that the evidence about the latter being the truth should be held to be false. The evidence of Dean Sinha is quite clear that Om Prakash not only wrote it in his room but also threw it at him ; I am, therefore, not prepared to accept Om Prakash's statement that he wrote it after the closure of the office and for the purpose of affixing it on the notice board. Shri Dwivedi did not identify Om Prakash but did see a student write out something and throw the paper at the Dean. So I must accept the Dean's statement in entirety and hold that Charge 3 is proved against him. Paras Nath Singh has been named by Dean Sinha

and Shri Srivastava and their statements fully proved his guilt ; I hold Charge 3 proved against him. Tarkeshwar Rai has been named by Deans Sinha and Bhattacharya whose statements fully proved his guilt ; Charge 5 against him is proved.

XXI. INCIDENT OF 10-9-1971—DELIVERY OF A MEMORANDUM TO THE VICE-CHANCELLOR

Paras Nath Singh and Awadhesh Kumar have been implicated in this incident which is a part of Incident No. I described in detail. I have already dealt with the memorandum signed by him and Awadhesh Kumar and delivered by Paras Nath Singh to the Vice-Chancellor when he was "Gheraoed" at the main gate on 10-9-1971 between 11.00 A.M. and 12.00 noon. I have already held that charge I has been proved wholly against Paras Nath Singh. Charge 2 is proved against Awadhesh Kumar ; he himself has admitted it.

I give below a list of students showing what charges are proved against whom —

LIST I OF STUDENTS AGAINST WHOM ALL OR SOME CHARGES ARE PROVED

1. Aniruddh Singh ... Charges 1 & 2 are proved.
2. Anand Kumar ... Charges 1, 2, 3 (ii), 4(i), 4(ii), 5, para 2, 6(i) with a qualification and 6(ii) are proved.
3. Anil Kumar Chaurasia ... The only charge framed against him is proved.
4. Awadhesh Kumar Pande ... Charge 2 only is proved.
5. Bachchan Singh ... Only one charge and it is proved.
6. Baliram Tewari ... Only one charge and it is proved.
7. Bansi Dhar Singh ... Charges 1, 2(ii) in part and 2(iii) are proved.
8. Bhagat Singh ... Charge 1 is proved.

9.	Deen Dayal	...	Charges 1 and 3 are proved.**
10.	D. K. Shukla	...	Only Charge 1 is proved.
11.	Gopalji Tripathi	...	Charges, 1, 2 and 4 are proved.
12.	Hari Kirtan Singh	...	Charges 1 and 2 both are proved.
13.	J. N. Rawat	...	Charges 1 and 2 both are proved.
14.	Keshya Pandey	...	Only one charge and it is proved.
15.	Krishnanand Singh	...	Only one charge and it is proved.
16.	Krishna Prakash Sharma	...	Charge 1 with a qualification and charge 2 are proved.
17.	M. P. Tara	...	Charges 1, 2, 3 with a qualification and 4 are proved.
18.	Mahesh Sharma	...	Charges 1 in part (being in slogan shouting procession) and charge 2 are proved.***
19.	Mohan Prakash	...	Charges 1, 2 para 2, 3(i), 3(ii) and 4 para 1, are proved.
20.	Om Prakash Sharma	...	Charges 1, 2 and 3 all are proved.
21.	Paras Nath Singh	...	Charges 1, 2 and 3 all are proved.
22.	Raj Bahadur Singh	...	Only one charge and it is proved.
23.	Raj Narain Singh	...	Only one charge and it is proved.
24.	Ranjeet Singh	...	Only one charge and it is proved.
25.	Shatrùdra Prakash	...	Charges 1, 2(ii) and 2(iii), 3 para 2, and 4 are proved.

**He had contended that he was not a student of the University on the days on which he did the acts which have been proved against him; this is a matter within the jurisdiction of the Vice-Chancellor. The Vice-Chancellor has framed charges against him treating him as a student and I am not competent to decide whether he was a student or not. The Vice-Chancellor will decide whether he has jurisdiction to inflict punishment on him.

***The apology he tendered before me is brought to the notice of the Vice-Chancellor for such orders as he deems proper.

26. Sheo Deo Narain ... Charges 1, 2, 3 in part (being in a slogan shouting procession), and 4 are proved.
27. Tarkeshwar Rai ... Charges 1, 2, 3, 4 para 1, and 4 para 2 in part (in respect of shouting derogatory slogans), and 5 are proved.
28. Tej Bahadur Singh ... Charges 1 and 2 both are proved.
29. Vivekanand ... Charge 2 is proved.

LIST II OF STUDENTS AGAINST WHOM NO CHARGE IS PROVED

The following students have been charged with only one incident each and it is not proved in any case :

30. Baij Nath Rai
31. Hori Lal
32. Nand Kishore
33. Prem Sagar Pande
34. Ram Naresh Singh
35. Ravindra Pal
36. Sarju Prasad Singh
37. Virendra Kumar Gupta
38. Virendra Pratap Singh, and
39. Ajai Pal Singh

LIST III OF STUDENTS AGAINST WHOM SOME CHARGES ARE PROVED AND OTHERS ARE NOT PROVED

The following charges are not proved against the students named against them :

1. Anand Kumar ... Charges 3(i), 5 para 1, 7 and 6(i) as regards his assembling with other students at the gate and waving black flags and shouting slogans immediately on the arrival of the Vice-Chancellor.

2. Awadhesh Kumar Pande ... Charge 1.
3. Bansi Dhar Singh ... Charge 2(i) and Charge 2(ii) in part (in respect of slogan shouting and getting the departments closed).
4. Bhagat Singh ... Charge 2.
5. D. K. Shukla ... Charge 2.
6. Gopalji Tripathi ... Charge 3.
7. M. P. Tara ... Charge 5 and Charge 3 in respect of assembling with other students at the gate and waving black flags and shouting slogans immediately on the arrival of the Vice-Chancellor.
8. Mahesh Sharma ... Charge 1 in part (in respect of delivery of provocative speech).
9. Mohan Prakash ... Charges 2 para 1, and 4 para 2.
10. Shatrudra Prakash ... Charges 2(i) and 3 para 1.
11. Sheo Deo Narain ... Charge 3 in part (in respect of delivery of provocative speech).
12. Tarkeshwar Rai ... Charge 4 para 2 in part (in respect of 'Gherao' of the Head of the Department of Sanskrit & Pali and forcible closure of the Department).
13. Vivekanand ... Charge 1.
14. Krishna Prakash Sharma ... Charge 1 as regards his assembling with other students at the gate and waving black flags and shouting slogans immediately on the arrival of the Vice-Chancellor.

Sd/- M. C. DESAI

Sub: National Systems Unit, 8-10-71

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