

Jawaharlal Nehru University

Report of the High Level Enquiry Committee

TOR: 1: Enquiry into the Incident and Sequence of Events

The committee invited all the people who applied for the permission to hold this programme and the names of the individuals that were printed on the poster of the event. It also invited all the complainants, the security staff present during the event and all JNUSU office bearers. In addition to this, a notice was sent to all the centres, schools and hostels to invite anyone who was present at the venue or had any information or evidence relating to this event. The Committee also called the faculty who forwarded the application of these students for holding the event to depose before the committee.

Based on the aforesaid depositions, perusal of video clips, and examination of documents on record, the Committee has reconstructed the incident and the sequence of events:

I. Booking of the venue

On 8th February 2016, a booking requisition form was filled out by one student namely:

- (i) Mr. Umar Khalid, CHS/SSS

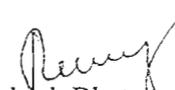
And the Undertaking form was signed by four students:

- (ii) Mr. Syed Umar Khalid, CHS/SSS
(iii) Ms. Komal Mohite, CPS/SSS
(iv) Mr. Anirban Bhattacharya, CHS/SSS and
(v) Ms. Aswathi A. Nair, CAS/SIS

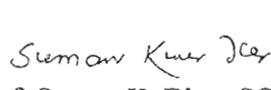
The form prescribed that the same had to be approved by the Rector who is the approving authority.

Ms. Komal Mohite, CPS/SSS took the form to Prof. Anupama Ray, Chairperson CPS/SSS to have it forwarded by her. The form sought permission to hold a "Poetry Reading – A Country Without a Post Office at Sabarmati "Dhaba on 9 February 2016 from 5 pm - 7.30 pm (Annex III). The total number of the participants mentioned in the form was 07 only. The booking was in the name of Mr. Umar Khalid, CHS, SSS.

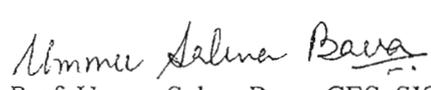
Mr. Syed Umar Khalid took the form to Dean of Students (DSW) for signature. Since the DSW was not available, Prof. Mahalakshmi, Additional Dean of Students (ADOS I) signed the form and handed it over to Mr. Syed Umar Khalid (Annexure IV).


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The form was then to be sent to the Rector for approval. Thereafter, the approval was supposed to be sent to Chief Security Officer (CSO) for necessary action (A Completed Form Sample **Annexure IV a**). However, the form was never taken to the Rector's Office, being the approving authority and hence approval for the event on 9 February 2016 was never sought nor granted. Further, the CSO also did not receive any official intimation about the holding this event.

2. Incident of 9 February 2016

As per the deposition of Mr. Saurabh Kumar Sharma, Joint Secretary, JNUSU stated that he got to know about the event at 12 pm on 9 February and took a photograph of the posters and printed it out and submitted in writing to Vice-Chancellor, Proctor Office, CSO, Registrar and DOS stating that some students are planning to host a "anti-national event" in the evening at Sabarmati Dhaba. He immediately also informed the police and the media about the event. As per the North Gate entry record ANI and Zee News TV crew came to the campus at 4.45 pm and 5.20 p.m. respectively (**Annexure V**). ANI left campus at 5.48 pm and Zee left at 7.20 pm.

As per the deposition of the Registrar (See other deposition file), Mr. Kanhaiya Kumar, Mr. Rama Naga were present in his office around 3.00 pm to discuss about the bus route. After 10 minutes Mr Saurabh Sharma came to the Registrar's office to join the meeting. Then Mr Saurabh Sharma and showed him the poster of the event. As per the CCTV footage (CCTV camera installed outside Registrar Office) it is not possible to verify the individuals who went in and came out of the office).

The posters had the following title "Against the Brahmanical 'Collective conscience'; Against the judicial killing of Afzal Guru and Maqbool Bhat! In solidarity with the struggle of Kashmiri people for their democratic right to self determination...(Annexure VI a); "Afzal tumhare armano ko hum manzil tak pounchayenge! (**Annexure VI b**); Cowardly acts like the judicial murder of afzal Guru can never suppress the flames of Azadi in Kashmir! (**Annexure VI c**); "On 9th of February....., remembering the martyrdom of Afzal Guru (**Annexure VI d**).

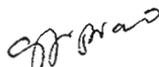
Subsequently there was a meeting at 4.15 pm in the VC office which was attended by the VC, Prof. M. Jagadeesh Kumar, the Registrar, DOS and Chief Proctor Prof. Krishan Kumar. They discussed about the event. DOS said he does not remember giving permission for the event. It was decided in this meeting that the permission for this event should be withdrawn. At 4.30 PM, the Registrar got a call from Mobile no: 9457565317 and the caller identified himself as Kanhaiya, who asked why the permission was withdrawn. The Enquiry Committee could not confirm the identity of the said mobile number.

As per the deposition of the DOS (see Other Deposition file), he immediately instructed the CSO through an SMS to convey to the Organizers not to hold this meeting because the permission had been withdrawn. (**Annexure VII**). DOS was told by the CSO after some time that the Security had removed the posters and the sound system had been removed from the site.


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According to the CSO's deposition (see Security Deposition file), he received a call from the DOS between 3.00 pm and 3.30 pm and was asked if a programme related to Afzal Guru was being organised by the students. CSO replied that he was not aware of any such programme. The DoS asked him to ascertain if it was happening. The CSO instructed his team to confirm if posters related to Afzal Guru had been pasted at the venue.

Subsequently, in the meeting in the VC's office which was attended by the VC, Registrar, DoS, and Chief Proctor, CSO was called in and told that the permission for the programme had been withdrawn and he was ordered by the VC to stop the programme from happening. He was also instructed to inform the Police as per the accepted SOP, which he did. He was further instructed by the VC not to use any force against any student, not even for self defence.

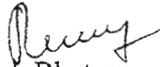
Instructions were given to the Operations Manager of Group 4 by Mr Palni, JNU Security Inspector, who directed Mr Amarjeet Kumar (Group 4) to go at 4.30 pm to Mr. Umar Khalid's room (R. No. 168) at Tapti Hostel and inform him that the programme that he was to hold had been disallowed by the administration. Mr. Syed Umar Khalid told Mr Amarjeet Kumar that they will go ahead with the programme at Sabarmati Dhaba and security can do whatever it wants.

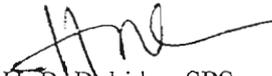
3. Sabarmati Ground

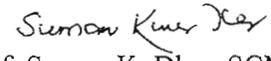
As per the deposition of Mr. O.P. Yadav, Operations Manager (G4S) (See Security deposition File), which is corroborated by the deposition of Mr V P Yadav, Security Supervisor (G4S), immediately after that they reached Sabarmati grounds, along with Mr Palni and a team of guards around 4.45 pm. Mr. Syed Umar Khalid, Mr. Anirban Bhattacharya were found putting up posters and were setting up a public address system. Mr. Umar Khalid was advised by the security that he could still seek permission from the authorities as the office was still open. Mr. Umar Khalid rejected the plea of the Security staff to stop the meeting and conveyed to them that he had the necessary permission to hold the Meeting. Among other students gathered there who were busy organising the event were Mr. Ashutosh Kumar, Mr. Rama Naga, Ms. Shweta Raj, Ms. Chintu Kumari, Mr. Anant Prakash and Ms. Banojyotsna Lahri. According to some depositions, Mr. Kanhaiya Kumar came late to this venue, while still others say that he only joined in the procession.

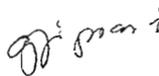
Students gathered there slowly, and Syed Umar Khalid, Asutosh and Anirban addressed the Meeting. This was followed by sloganeering and the following slogans were shouted like "Kashmir ke log sangharsh karo hum tumhare saath hein", Afzal Guru Zindabad, Chheen Ke lenge Azadi", "Manipur mange azadi", "Nagaland mange azadi", "Kashmir mange azadi" etc. "Kashmir ke azadi tak jang rahegi jang rahegi", "Hindustan ke barbadi tak jang rahegi jang rahegi", "Hum kya mange azadi Bندوق se lenge azadi", "Chheen ke lenge azadi", "Go India go back", "Ek Afzal maroge, har ghar se Afzal niklega" etc. (These slogans are in no particular sequence).

Along with the above mentioned students, other students namely, Gargi Adhikari, Ms. Sweta Raj Mr. Rama Naga, Ms. Chintu Kumari and Banojyotsna Lahri, Ms Rubina Saife and Ms. Anjali were also participating in the sloganeering.


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4. Presence of Outsiders in the Event and slogans raised by them

The presence of a group of outsiders was noted by the Security staff and confirmed by many other eye witnesses. This group of outsiders had their head and faces covered by a cloth / scarf most of the time. This group of people had engaged in shouting the following slogans: "Kashmir ki Azadi tak, jang rahegi, jang rahegi", "Bharat ko ragda, de ragda", "zor se ragdo, de ragda", "Aeen Hindustan ka, Manzoor nahi, manzoor nahi", "Go India Go Back", "" We want freedom". (As per Q8 Video clip up to 1.19, as authenticated by Truth Labs). **Along with this group, one JNU Student, identified as Mr. Mujeeb Gattoo (Room No 137, Cauvery) was also seen participating in the sloganeering (As per Q8 Video clip at 0:00:45 - 0:00:59, as authenticated by Truth Labs).** As per the depositions the following slogans were also made: "Hum kya mange- azadi", "bandook se lenge azadi", "Indian army murdabad", "Pakistan zindabad", "Bharat ki barbadi tak, jung rahegi", "kitne mabool maroge, ghar ghar se maqbool niklega", "JNU prashasan murdabad", "Kashmir ki junta jung karo, hum tumhare sath he".

As per the deposition of eye witnesses, ABVP members around 35-40 students led by Mr. Saurabh Kumar Sharma had gathered on the opposite side and were slogan shouting against the other side. ABVP student members Vinit Lal, Shruti Agnihotri were shouting slogans like "Vande Mataram", "Bharat Mata Ki Jai".

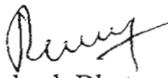
This slogan shouting on both sides continued till about 7.30 pm.

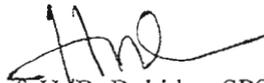
5. Procession

As per the deposition of eye witnesses (see all Deposition files), the crowd gathered at Sabarmati Ground then suddenly started moving towards Ganga Dhaba in a procession. Both sides suddenly started moving. On the one side in the procession Umer Khalid, Asutosh, Rama Naga, and Kanhaiya Kumar were present. And on the other side Saurabh Sharma, Vinit Lal and Shruti Agnihotri were also present. There was scuffle between both groups, but no violence was reported as both these sides were separated by a human chain made by the security guards. The group of 10-15 masked outsiders also were part of this procession. It has been seen in the video clip (Q6, time 0:00.44 – 0:01.07) authenticated by Truth Labs) that one JNU student Mr. Mujeeb Gattoo (Room No. 137, Cauvery) is seen raising slogans, " hum kya chahati hain azadi", "hum cheen ke lenge azadi". Another student Mr. Mohd. Qadeer (Room No. 221, Lohit) was seen close to Mr. Gattoo. Both were found in close proximity of the outsiders. As per the deposition of some eye witnesses the police was present in the procession. The sloganeering continued until the gathering reached Ganga Dhaba at about 8.00 pm.

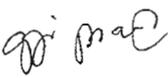
6. Ganga Dhaba

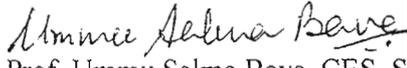
As per witness deposition (see all depositions), the same group of 10-15 masked outsiders shouted slogans. The police had already arrived there including the ACP and SHO of Vasant Kunj North Police Station. As per many eye witness depositions, Mr. Kanhaiya Kumar, Rama Naga and Anirban addressed the gathering here, however what they said was not audible to them.


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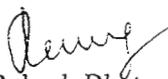

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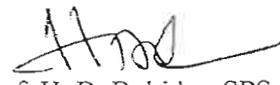


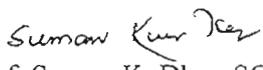
From the ABVP group, there were counter protest and slogans. They also shut the University main North gate and blocked the traffic. According to the deposition of Mr. R. P. Singh, Security Supervisor, Mr. Saurabh Sharma, Joint Secretary JNUSU laid down in front of the DTC Bus and asked to check the I-Card of all the people, because he suspected that some outsiders who participated in the event were in the bus. After that, he was asked to get up and the bus had to go back. The crowd dispersed between 8.30 p.m. – 9.00 pm. The group of 10-15 unidentified people also left the campus.

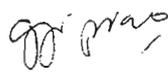
7. Police Presence on Campus

As per deposition of Mr. S.S. Palni, JNU Security Inspector, police in civilian dress was present at Sabarmati grounds during the event. Police along with ACP and SHO was present at North Gate. When the procession moved from Sabarmati ground to Ganga Dhaba, police was called in by the Security and joined and accompanied the procession from Godavari onwards.


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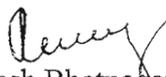

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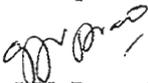


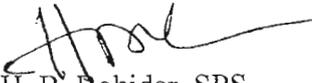
High Level Enquiry Committee (HLEC)

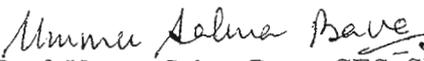
TOR 2: Identification of Lapses

1. A brief summary (few lines) of the programme should have been given to the Dean's office
2. On the booking form, Centre Chairperson had not written her full name and put the seal on the form.
3. On the booking form, ADOS I had not written her full name and put the seal on the form.
4. In the DOS office, no record was kept of this booking form (photo copy and record in the register) and hence on 9 February, no information was immediately available with the DOS office.
5. The booking form, was never submitted to the approving authorities by the students concerned (Mr. Syed Umar Khalid, Mr. Anirban Bhattacharya, Ms. Komal Mohite, Ms. Ashwati Nair).
6. Since the process of seeking approval was never completed, the booking form did not reach the CSO. Therefore, the CSO did not know about the event.
7. The Undertaking form attached to the booking form, did not have the full names and stamps of the four signing authorities- the Faculty, the Chairperson, the Dean of the School and DOS/ ADOS.
8. One student – Ms. Komal Mohite misrepresented her hostel address in the Undertaking Form. Other students did not write their full names.
9. The Students did not complete the process for permission since the form was never submitted to the Rector.
10. Knowing the sensitivity of this particular event (it took place last year as well- confirmed with files available with the Chief Proctor's Office), it has come to light that the DOS was not present on Campus during the event, although he was in touch over the phone with CSO.


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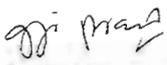


11. Since the process of taking permission was not completed, there was confusion at the level of the DOS, on whether the permission had been granted or not.
12. The DOS should have withdrawn the permission (if any) in writing and not by sending only an sms to the CSO.
13. It has to be noted that since the event took place last year as well (See Chief Proctor Office File No. 605), the Security was not alert and vigilant to spot these posters for this event, till after the CSO met the authorities.
14. It is to be noted, given that the event had taken place in 2015 as well, DOS office was not vigilant enough to anticipate and prevent this event.
15. Security did not make any efforts to stop the outsiders from shouting provocative slogans and also made no effort to prevent them from leaving the campus.


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High Level Enquiry Committee (HLEC)

TOR 3: Recommendation for Disciplinary Action

The High Level Enquiry Committee (HLEC) constituted by the Vice-Chancellor on 11 February 2016 and expanded on 23 February 2016 to enquire into the event of 9 February 2016 has been guided by the Statute 32(5) (**Rules of Discipline and Proper Conduct of Students of JNU**) of the Statutes of the University (copy enclosed).

The High Level Enquiry Committee (HLEC) spent considerable time in examining all the details pertaining to the event that took place on 9 February 2016. After studying the facts it is the considered view of the Committee, that acts of indiscipline were committed and certain norms of conducted violated by the organisers of the event. Taking all the relevant points together, there was a deliberate attempt to mislead the administration about the real nature of the proposed event. The facts reveal that the permission process was circumvented and this is clear by taking in view the sequence of events as constructed by the depositions and examination of witness and material evidence made available to the Committee. The organisers disobeyed the instructions from the administration about not holding the event. This amounts to wilful defiance. This act of indiscipline if it had further escalated could have led to a law and order situation. The role of the security is appreciated in preventing the escalation of standoff between the two groups of students.

It is most unfortunate that the organisers allowed the event to be taken over by a group of outsiders who created a charged atmosphere by raising provocative slogans. This act by the outsider group has brought disrepute to the entire JNU community.

The Committee also notes that none of the JNUSU office bearers acted with due responsibility. The office bearers had to behave with even more restraint and caution befitting the position that they hold. They need to rise above politics and other differences as they represent the student community of the University and this point needs to be reiterated here in their conduct that should be exemplary. It is unbecoming of student representatives that they should be found engaging in disorderly conduct or condoning it.

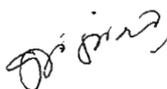
The Enquiry committee sought to establish the sequence of events of the day and identify the individuals responsible for different actions.

The Committee gives the following recommendations. The students have been charged on the following clauses of Category II of misconduct and indiscipline. (**Rules of Discipline and Proper Conduct of Students of JNU**) of the Statutes of the University (copy enclosed).


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