

## The infamous Justice Ellis inquiry report on firing

After the firing took place on February 21 and subsequent days an enquiry was held on the firing. The Government appointed Justice Ellis of the High Court to conduct the same. The Chief Secretary of East Pakistan at that time was Assize Ahmed who was reviled for his anti-Bengali bias within the civil service. Justice Ellis himself was an Englishman who later became the Governor of East Pakistan from October 25 1954 to December 22, 1954.

It is noted that the later famous Justice Hamoodur Rahman acted as counsel of a number of government officials appearing at the Enquiry. The Committee concluded on the firing and remarked that it was justified. The original notification on the decision of Enquiry is reproduced below:

Report of the Enquiry into the Firing by the police at Dacca on the 21 February 1952, by the Hon'ble Mr. Justice Ellis of the High Court of Judicature at Dacca on the 21 February 1952, by the Hon'ble Mr. Justice Ellis of the High Court of Judicature at Dacca.

Government of East Bengal Home (Police) Department

Resolution No. 2149/8PL, dated the 3 June, 1952.

Government Notification No. 943-PL, dated the 13 March, 1952, stating that with regard to the firing that took place at Dacca on the 21 February 1952, an enquiry should be held by a judge of the Dacca High Court, to be nominated by the Hon'ble the Chief Justice, to ascertain whether-

(i) the firing by the police was necessary; and  
(ii) the force used by the police was justified in the circumstances of the case.

Read-The Report, dated the 27 May, 1952, submitted by the Hon'ble Mr. Justice T.H. Ellis, who was nominated by the Hon'ble the Chief Justice and appointed by Government, to hold the enquiry.

The Government of East Bengal is pleased to accept the findings of the Enquiring Judge that-

(i) the firing by the police was necessary;  
(ii) the force used by the police was justified in the circumstances of the case.

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The Government of East Bengal are pleased to accept the findings of the Enquiring Judge that-

(i) the firing by the police was necessary;  
(ii) the force used by the police was justified in the circumstances of the case.

Ordered that a copy of the Resolution be forwarded to the Enquiring Judge, the Hon'ble Mr. Justice T.H. Ellis, for information.

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Ordered also that copy of the resolution together with a copy of the Report be forwarded to the Commissioner of the Dacca Division and the Inspector-General of Police, East Bengal, for information and necessary action.

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Ordered further that the Resolution together with the Report be published in an extraordinary issue of the "Dacca Gazette".

Aziz Ahmed  
Chief Secretary

In the report Justice Ellis described the process and mentioned the nature of deposition of the witnesses in the following manner:

The hearing in camera should have commenced on the 7 April, 1952, but on that date it proved impossible to examine any witness as certain preliminary arrangements were not completed in time. The examination of witnesses actually commenced on the 8 April.

Witnesses whose statements were in support of the police claim that the firing was justified and was not in excess were examined on the 8, 9, 10, 15, 16, 17 and 18 of April, i.e., for 7 days. Witnesses whose names figured into the statements disapproving of the firing were examined on the 21, 22, 24, 25, 26, 28 and 30 of April, i.e., for a similar period of 7 days. After the statements of the witnesses had been recorded two days were taken up in argument. Mr. Hamoodur Rahman presented the case for his clients on May 2, and Mr. Abdul Ghani argued his case on May 3. After the enquiry was concluded, although familiar with the topography of the scene of the firing I visited the locality to refresh my memory as to the position and lie of the buildings and landmarks figuring in the enquiry and to see for myself the bullet marks on the Medical College hostels.

Witnesses' statements recorded in the enquiry may conveniently be divided into 5 classes. The first class consists of official witnesses- 1 to 21 and witness No. 36, Ashraf Ali Wahidi a photographer attached to the firm of Messrs. Zaidi & Co., who took photographs at the instance of the police after the occurrence was over.

Mr. Md. Idris, PSP SP, Dacca  
Mr. SH Quraishi, CSP, District Magistrate, Dacca  
Mr. AZ Obaidullah, D.I.G. Dacca Range  
Mr. Md. Siddique Dewan, DSP City, Dacca  
Mr. Nuruddin Ahmed, SDO, Dacca South, Dacca  
Mr. Masood Mahmood, PSP, Additional SP, City, Dacca  
Mr. Nabi Sher Khan, then R.I.2, Dacca. Now R.I. Faridpur  
Mr. Md. Yusuf, Special Superintendent of Police, I.B., East Bengal, Dacca  
Mr. Abdul Gofran, then O.C. Lalbagh, Dacca. Now Inspector of Police, Barisal  
Mr. Mir Ashraf Ali Wahidi, Inspector of Police, D.D., Dacca  
Mr. J.D. Mellow, Inspector of Police, Dacca  
The Hon'ble Mr. Hasan Ali, Minister-in-charge of C.B.I. Department, Government of East Bengal, Dacca  
Mr. Syed Abdul Majid, Director of Land Records and Surveys, East Bengal, Dacca  
Mr. Aulad Hossain Khan, Parliamentary Secretary of Hon'ble Minister, Civil Supplies, Government of East Bengal, Dacca  
Dr. Altufuddin Ahmed, Civil Surgeon, Dacca  
Mr. Abdur Rahmān, Sub-Deputy Magistrate, Dacca  
Mr. A. Jabbar, Inspector of Police, Lalbagh Circle, Dacca  
Dr. Habibuddin Ahmed, Professor of Midwifery and Gynaecology, Medical College, Dacca  
Dr. Ahmed Hossain, Electro-Therapist attached to Medical College Hospital, Dacca  
Dr. Hammadur Rahman, Medical Practitioner, Dacca  
Dr. Shaikh Abdus Shakoor, Medical Practitioner, Dacca  
Mr. Ashraf Ali Wahidi, Photographer attached to Messrs. Zaidi & Co. 36  
13. The second class of witnesses consists of the 3 University officials:  
Dr. S.M. Hossain, Vice-Chancellor, Dacca University  
Dr. M.O. Ghani, Provost, Salimullah Muslim Hall, Dacca  
14. The third class of witnesses consists of 10 students, 7 of them being students residing in the Medical College Hostel and 3 of them being outsiders.

The students are-  
Abdul Malik  
Safiuddin Choudhury  
Hurmat Ali  
Md. Ghulam Zulfiqar  
Aminur Rahman  
Rafiqur Raza Chaudhury  
Syed Abdul Malik  
and the 3 outsiders are-  
Ahsanullah, Resident of Salimullah Muslim Orphanage, Dacca  
Shaikh Md. Abdul Hye  
Dewan Harun Md. Maniruddin  
15. The 4 class of witnesses may be described as witnesses hailing from the Medical College. Of their number, four are doctors-  
Dr. Zinnur Ahmed Chaudhury  
Dr. Abdul Massod Khammajlis  
Dr. Nawab Ali  
Dr. Abdu Samad Khan Chaudhury  
Three of the witnesses are nurses, viz-

Sister Miss Eliza Kuruala 43  
Miss Nur Jehan Begum 44, and  
Miss Pulu Costa 48  
Five of the witnesses are Ward boys and Ambulance attendants, viz-  
Witness No.

Deedar Bux 45  
Mohammed Mian 46  
Sekander Ali 49  
Muslim Khan 59, and  
Ramzan Khondkar 61

Witness No. 51, Abdus Sattar Dewan is connected with the Medical College Hospital being its Account and witness N. 63, Mr. Ekhlasuddin Ahmed is a representative of the firm of Khondkar & Co., Contractors to the Medical College Hospital.

The 5 and the last class of witnesses consists of those persons who may be conveniently grouped together as witnesses belonging to the public.

They are-  
Witness No.

Mir Muslim, Bus driver 22  
Mansur, Bus conductor 23  
Sona Mian, Rickshaw-puller 25  
Pear Bux, Rickshaw-puller 27  
Faku Mian, Rickshaw-puller 29  
Kala Chan, Rickshaw-puller 30  
Nawab Mian, Rickshaw-puller 31  
Ashrafuddin, Rickshaw-puller 32  
Abdul hamid, Rickshaw-puller 33

Witness No. 26, Khairullah, is a Rickshaw passenger. In this class also come-

Dr. A. Musa A. Huq, a medical practitioner 24  
Mr. Md. Kamal, M.A. At present unemployed 28

Mr. Abdus Sattar, A Technician of the APP 34  
Mr. Matil Islam, an Assistant in the C.L. and I. Department, Government of East Bengal, Dacca 56

and Mr. Noor Mohammed, an Assistant in the Air Customs office, Tejgaon, Dacca 57

The witnesses who were represented by Mr. Hamoodur Rahman had already had their statements recorded and these were produced as each of the witnesses presented himself at the enquiry. As it was thought advisable to do so, each of the witnesses was examined by Mr. Hamoodur Rahman and was then cross-examined Mr. Ghani. When the witnesses who had been cited in disapproval of the firing presented themselves they were questioned by the presiding officer first of all and were then questioned by Mr. A. Ghani and Mr. Hamoodur Rahman in turn. It may be added that none of the witnesses deposed on oath as the enquiring officer had no power to administer an oath to any person appearing as a witness in the enquiry.

It may be here observed that the witnesses whose evidence is really immaterial in this enquiry are the 8 official witnesses, 6 police officers-  
Witness No.

Mr. Md. Idris, PSP SP Dacca 1  
Mr. A.Z. Obaidullah, D.I.G. Dacca Range 3  
Mr. Md. Siddique Dewan, DSP City Dacca 4  
Mr. Mohammed Yusuf, Special Superintendent of Police, I.B., East Bengal Dacca 5  
Mr. Abdul Gofran, then Officer in Charge, Lalbagh PS Dacca, now Inspector of Police Barisal 9  
Mr. Mir Ashraf Ali Huq, Inspector of Police, Detective Department, Dacca; and two Magistrates 10  
Mr. S.H. Quraishi, CSP District Magistrate, Dacca 2



Graffiti recalling the great sacrifice: Lest we forget...

Mr. Nooruddin Ahmed, S.D.O. Sadar, South, Dacca and nonofficial witnesses 5  
Mr. Md. Kamal, M.A. 28  
Dewan Harun Md. Maniruddin 64  
Justice Ellis sums up parts of the case at mid point through the following statement:

On the Police statements it is their case that the situation rapidly deteriorated and although the Police expended a huge quantity of tear gas firing in all 39 gas grenades and 72 tear gas shells they were by 3 PM not in a position to cope with the riotous mob that kept assembling and reassembling in front of the Medical College gate and in the compound and, across the road, in the University playing ground. It is only too obvious that the students regarded the University compound, the Medical College compound and the Hostel area as "sanctuary" from which they could with safety sally out and attack the police. This is perhaps the reason why the students who have made statements all claim that they were inside the compound behind the railings engaged in their peaceful pursuits.

It will at this point be appropriate to quote the statements of the official witnesses with regard to the position of the police force at 3-20 and with regard to the necessity for firing on the crowd.

Mr. Idris (SP Dhaka) was questioned with regard to the situation at the time when he opened fire as follows:

Question No. 75- "Now to return to the determined lathi charge, would you tell my Lord what was the effect of the lathi charge?"

Answer- "The lathi charge failed completely. Instead of the crowd receding and stopping brick bating they started advancing with more showers of brickbats, mainly from two directions, from the university playground corner and from the Medical College Hostel side."

Question No. 76- "What would be your estimate of the crowd, you say, advancing from these directions?"

Answer- "Five to six thousand."

Question No. 77- "What was the strength of the Police Force at that place at that time?"

Answer- "In all at that time there were 3 head constables, 30 constables of the armed branch, two head constables and 14 constables of the unarmed branch, and one head constable and 14 constables of the gas squad, one Inspector and two Sergeants."

Question No. 78- "When the crowd was advancing, you said that lathi charge had no effect. Would you tell my Lord what steps did you consider necessary at this time?"

Answer- "The crowd was advancing with shower of brickbats and I had to come with armed forces and put them in position. When the situation came to such a pass that we were being almost encircled and overpowered, I consulted the DM and the DIG who had all along been present there. We decided to open fire."

Question No. 79- "Could you tell my Lord how fire was opened by you and under whose command?"

Answer- "Firing was done under my command. I put my men in position and formed them in flanks of 5 men each facing the university ground corner and Medical College Hostel side. I ordered my men on both flanks to fire one round each. They did so. The crowd near the University playground, at the corner of the university playground-was held back and I found one man dropping down there, but the crowd from the Medical

College Hostel side fell back momentarily and again advanced towards us with heavy showers of brickbats. I ordered the 5 men in the flank to fire a volley of rounds. Then I ordered them to stop as soon as I saw this mob falling back. I ordered cease fire and then checked up ammunitions and found that in all 27 rounds were fired."

Question No. 80- "Prior to the opening of the fire was any warning given to the crowd?"

Answer- "Yes, we warned them repeatedly."

Question No. 81- To Court: "Who gave the warning?"

Answer- "We all."

Question No. 82- "What do you mean by 'all'?"

Answer- "DIGDM and myself all warned them and ultimately firing was opened."

Question No. 83- To Mr. H. Rahman: "Would you give us the approximate time of the firing?"

Answer- "At about 3 pm."

Question No. 84- "What was the effect?"

Answer- "One man dropped down, that was at the University playground."

Question No. 85- "What was further casualty?"

Answer- "We could not ascertain that."

Question No. 86- "Why not?"

Answer- "Because the attitude of the mob was very violent. To make any attempt to recover the dead and the injured persons from amongst the rioters would have been a severe fight. That was my reading of the situation at that time because even after the firing throwing of brickbats continued."

Question No. 87- "You have said that after the second firing the mob fell back and you ordered 'cease fire'. When the mob fell back did you see any injured person in the street?"

Answer- "No."

Question No. 88- "What happened to that person who died?"

Answer- "The dead body was removed by ambulance."

Question No. 89- "By whom?"

Answer- "I could not tell you."

Question No. 90- "You have told my Lord the situation in which you opened fire. Would you now tell my Lord what would be the result had you not ordered open firing?"

Answer- "Had I not opened fire all the forces could have been overpowered."

Question No. 91- "Is it your case then that firing was necessary for your protection and for the protection of your force?"

Answer- "that was my object; otherwise firing would have been done long ago. It was only when we were being overpowered we fired to save ourselves."

Question No. 305- "In one word, Mr. Idris, is it not a fact that the firing was rather excessive and was not called for by the exigency of the situation?"

Answer- "The firing was not excessive. The firing was most essential. Unless we opened fire I would not have been here to give evidence today. I had two alternatives before me, either to run away with my force or to allow myself to be overrun and killed."

Justice Ellis's description of the witnesses who testified against the firing is noted below:

The statements of the witnesses who came forward to condemn the police firing did not carry conviction. Many of them had no material contribution to make to the objects of the enquiry, and it was only to clear that the student elements were concerned to disclaim all knowledge of inconvenient facts and circumstances. Mr. Hamoodur Rahman



Shaheed Rafiq. The rare picture was given to us by Fariduddin Ahmed, Advocate Supreme Court of Bangladesh. He was a member of the Rashtraabha Committee and Acting General Secretary, DUCSU 1953-54. Advocate Ahmed told us that, he had collected it from Mizanur Rahman, the retired commercial editor of BSS.

Answer- "they fired at the people."

Question No. 54- "What were the people doing at that time?"

Answer- "They were standing on the premises of the hostel and also on the College premises."

Question No. 55- "Where were you standing then?"

Answer- "I was standing in the Medical College compound."

Question No. 56- "How many times did the Police fire?"

Answer- "I did not count it."

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