

Estate Cell.

REPORT OF THE COMMISSION OF ENQUIRY

By

Justice O. CHINNAPPA REDDY

Retd. Judge, Supreme Court of India.



**OSMANIA UNIVERSITY
HYDERABAD**

REPORT OF THE COMMISSION OF ENQUIRY

On 21-1-1994, the Board of Management of the Osmania University passed the following resolution:

"To appoint One-Man Commission of Justice Chinnappa Reddy, Retired Judge of the Supreme Court to enquire into all important matters pertaining to the land of OU.

WHEREAS some allegations pertaining to the University lands have been made to the Chancellor and have been forwarded to the University and also in the Press and through Pamphlets; and WHEREAS many requests have been made for allotment of the University land by various organisations/departments, the Vice-Chancellor has requested Justice Chinnappa Reddy to be the One-man Commission to examine all such issues and placed the matter before the BOM at its meeting held on 21.1.1994.

After considering the above matter, the BOM has decided to appoint One-man Commission of Justice Chinnappa Reddy, Retired Judge of the Supreme Court, with his kind consent, to go into all the matters pertaining to the University land including the allegations and to prepare guidelines for the University with regard to the requests for allotment/alienation of University land. All

necessary papers may be placed before the Commission.

Further the members suggested that to undertake various developmental activities, the University needs to mobilise its own resources. In this context, the BOM also suggested that, apart from looking into the matters pertaining to the land, Justice Chinnappa Reddy Commission may also be requested to kindly formulate for the University certain guidelines on the basis of which such developmental activities and collaborative programmes with the national and international organisations can be undertaken."

Entering upon the references I addressed letters to the individuals and organisations, who had submitted representations to the Chancellor of the University (Governor of Andhra Pradesh) and had made allegations of impropriety and misconduct against University authorities and informed them to submit their written statements, if any, and to appear before me to give evidence giving information concerning the allegations made by them. I also published a notice by affixing it on the Notice Boards of the library and administrative building calling upon all those in possession of information concerning the allegations to submit written representations and/or to appear and give evidence before me.

The Akhil Bharatiya Vidyarthi Parishad was the only organisation which submitted a written representation within the stipulated time. Four other organisations, the United Students Struggle

Forum (USSF), the Post Graduate Students Unity (PGSU), the Students Federation of India, Osmania University Committee and the Osmania University B.C., S.C. & S.T. Teachers Association, who did not submit their written representation within the stipulated time, however, submitted their written representations when their office bearers appeared before me to give evidence as witnesses. The Akhil Bharatiya Vidyarthi Parishad was the only organisation among the several students' and other organisations who appeared to take the matter with some degree of seriousness. They appeared to be genuinely concerned with the continuous depletion of University land in the last thirty or more years during the regimes of successive Vice-Chancellors. Their representative not only gave detailed evidence about University lands and their fate but also showed me around the various lands said to have been encroached upon or likely to be encroached upon. I am grateful to them for their cooperation. I am however constrained to observe that they too have indulged in several wild and irresponsible allegations for which there was not an iota of evidence except their own unfounded suspicions and assumptions. They appeared to be only too ready to attribute evil and corrupt motives to any and everyone without regard to facts or evidence. The other organisations whose representatives appeared before me as witnesses did not give any helpful evidence beyond making vague statements. The representative of one of the organisations who appeared and gave evidence before me promised to sign the deposition after it was typed. He did not again

come back to sign the deposition. Later he appears to have joined hands with some other organisations in issuing a press release to the effect that they did not want to cooperate with the Commission of Enquiry, appointed by the Vice-Chancellor. This is patently an after thought.

It appears to me that all that they desired was to indulge in an agitational approach without any sense of purposeful concern and there was no genuine desire on their part to have any enquiry made into the allegations made by them. From the statements filed by them it does not appear that they had made any serious effort to gather the necessary facts. Their policy appeared to be to keep agitations alive and not to solve the problems responsible for the agitations. As I said, the Akhil Bharatiya Vidyarthi Parishad was the only organisation which seems to have made some effort to gather some material facts relating to the lands. I must however add here that subsequently I received a letter from the Progressive Democratic Students Union (PDSU) dissociating their organization from the press release and stating that their organisation had been wrongly mentioned in the press release. They very gracefully apologised and offered their fullest cooperation. I am grateful to them.

Apart from the four organisations mentioned by me, I issued notices to several other organisations and individuals to appear before me as witnesses but they failed to appear, I presume, because they had no information to give. I also

examined Sri.M.Malla Reddy, Vice-Chancellor, Mrs.Lalitha, Principal, Univesity College for Women. I also examined Prof. HanumanluPolasa, Registrar, Sri J.M.Girglani, Adviser (Administration), O.U. Sri.B.Ayodhya Raj, Security Officer, O.U.

I also perused all the files relating to allotment of land, demolition of compound wall, the proposal of the Municipal Corporation to lay a road across the campus of the Women's College, the litigations regarding encroachments and several other connected files.

The representations made to the Chancellor in regard to University land pertains principally to:

1. The land in which the Institute of Genetics and Hospital for Genetic Diseases is located and which is alleged to be attempted to be alienated in favour of Share Medical Care.
2. The land which is appurtenant to the Women's College, Koti, which is alleged to be attempted to be alienated in favour of Amrutha Estate.
3. The demolition of the compound wall by Dr.V.Rajeswara Rao and the inaction of the University which is alleged to be collusive.
4. The land in which the Petrol Filling Station is located in regard to which it is alleged the University is not taking any action to recover

possession although the period of lease has expired.

5. The several encroachments by different religious institutions.

Since the Board of Management in their resolution desired that I should offer some suggestions by way of guidelines for the future in the matter of dealing with applications for allotment of University land, I also sent for and examined several files relating to the allotment of University lands on earlier occasions during the tenure of the predecessors of the present Vice-Chancellor.

The matter of alienation of University land at the behest of various governmental and non-governmental, private and public organisations appears to have perturbed the University Administration on an earlier occasion also. On 3-12-1984 the Syndicate of the Osmania University, while resolving that no land on the campus should be alienated for any purpose in violation of the master plan and that no land in the campus should be alienated to any Institution not connected with Higher Education, Research & Training, also resolved to authorise the Vice-Chancellor to constitute a Committee to lay down detailed guidelines for alienation of land on the Campus to outside agencies in the light of the above norms laid down. The Vice-Chancellor constituted a Committee consisting of Prof. Jafar Nizam, Dean, Faculty of Science, O.U. (Chairman); Prof. K.S. Upadhyaya, Dept. of Economics, O.U. and Prof. J. Ramakrishna Rao, Dept. of Civil Engineering, O.U.

The Committee submitted a report embodying the following resolutions:

1. Resolved that the practice of allotting University land be dispensed with and no land shall be alienated irrespective of the fact whether the requisitioning authority is of educational/ Research nature or otherwise. Also resolved to seek the advice of the Government in regard to the action to be taken in respect of the organisation/Institutions which have already taken possession of University land on lease basis but failed to start construction within the stipulated date as laid down in the lease deed.
2. Resolved to get the University land re-measured by the Government Revenue and Survey Department to demarcate the actual boundary and an authentic map be prepared and got verified by the concerned authorities. Also resolved that the map prepared by Sri Syed Anwar Aziz, Architect for Master Plan Committee be considered for developmental purposes till the authentic map is prepared.
3. Resolved to prepare plans sector-wise keeping in view the future development so as to avoid pressure for alienation of lands to any organisation/Institution. Also resolved that further developmental activities be undertaken only in accordance with the Sector-wise plan.

4. Resolved to identify sensitive areas and implement such measures that are necessary to avert encroachments. Further resolved to keep constant vigil over the encroached area so as to avoid further encroachment beyond the present encroached limits.
5. Resolved to adopt stringent measures to get the encroachers evicted. Also resolved that the matter concerning the unauthorised camps scattered over the University Campus be examined and necessary steps be taken to evict the encroachers particularly in the light of allotment of land at Vaddar basthi to Revenue Department.
6. Resolved to examine the possibilities of having commercial complexes by University of its own for earning revenue.
7. Resolved to construct compound wall where encroachments are found subject to authenticity of the boundary".

The Report of the Committee was considered by the Syndicate of the University at the meeting held on 26-12-1986 and the following resolution was adopted:

"RESOLVED that the practice of allotting University land to the outside agencies of either Educational/Research nature or otherwise be dispensed with totally, as recommended by the sub-committee constituted in 1985".

It should also be mentioned here that the Government of Andhra Pradesh was also consulted in the matter. On 14.5.1990 the Principal Secretary to Government, Education Department replied stating, " I am directed to advise that no University land should be sold or alienated or leased out to any non-governmental organisation or individual without prior permission of Government, since the State Government provides land to the Universities."

We, thus see that as early as 26-12-1986, there was a firm resolution of the Syndicate of the Osmania University totally abandoning the practice of allotting University lands to outside agencies for whatever purpose, educational research or otherwise. In other words, the Syndicate imposed a ban on alienation of University land to outside agencies for any purpose. It is true that neither the Syndicate nor any other authority of the University can bind itself for all posterity but if the successor body wants to depart from the earlier resolution of the predecessor body it can only do so by either passing a fresh resolution either superceding the earlier resolution and / or laying down exceptions to the earlier resolution.

In my considered opinion there are no strong and compelling reasons to make any departure from the resolution dated 26-12-1986 of the Syndicate. It is now axiomatic that the universe of knowledge is ever expanding and the growth has been particularly fast in recent years. The growth of knowledge necessarily involves the springing

up of a host of new disciplines in the University and an expansion of every one of the existing disciplines. It is not for the authorities of the University to fritter away the land of the University which has been so wisely and generously placed at their disposal by the original benefactor founder of University who obviously contemplated the growth of the activities of the University in several directions.

The very demand and pressure for land should put the University authorities on their guard against alienating University land to any one be it an individual or an organisation and whether private or public, governmental or non-governmental. The availability of a large extent of land with the University seems to have the effect of converging all eyes on the University land and to make every one demand allotments of University land for one purpose or the other, some times, even offering some so called facilities to the staff and students of the University. The resolution dated 26.12.1986 was a wise resolution and an enunciation of sound policy. I would advise the University authorities to stick to the resolution strictly and to deal with all pending and future applications in the light of that resolution. The only possible departure which may be permissible is if the alienation is to result in out-weighting academic advantages of a far reaching nature to the University which cannot be had otherwise. Departure from the resolution may also be permissible for the purpose of providing urgent basic and wholly necessary services to the Campus, such as Water supply, Electricity etc.

Of course, the land placed at the disposal of the University has never been formally transferred to the University by the Government. Since the legal title to the land still vests in the Government, it is the Government that is the final arbiter of the question whether any land placed at the disposal of the University should be assigned or allotted to any other person or body. The University may recommend the transfer but the final approval has to be from the Government.

Since December, 1986, there have been four instances of alienation of University land to outside agencies. They are:

1. Alienation of two acres of land in favour of the Police Department for the construction of Police Station and staff quarters (Resolution dated 24-10-1987);
2. Alienation of 2 (two) acres of land in favour of Telecommunication Department for construction of Telephone Exchange and staff quarters (Resolution dated 4-12-1980);
3. Alienation of 4,000 sq.yds. of land in favour of postal department for the construction of Post Office, in the place of the old post office building standing on 1/2 acre of land (Resolution dated 24.10.1987);
4. Alienation in favour of Director of Archaeology Museum for the construction of building to house manuscript library; (Resolution dt. 28.11.1990)

It will be seen that all the four alienations were in favour of the Government Departments. The alienation in favour of the Telephone Department, though made after the policy decision of 26.12.1986 was made pursuant to the commitment already made on 4.12.1980 by the Resolution of the Executive Council. The alienation in favour of the Police Department was in response to the request made long prior to the policy resolution and pursuant to the commitment by the University as early as in 1962.

The file relating to the alienation of land to the Director of Archaeology does not mention any special reason for departing from the resolution of December, 1986. But it is mentioned therein that the request for alienation has been recommended by the government. Whatever justification there maybe for these alienations in departure from the policy resolution of December, 1986 they are no longer open question before me, nor will any useful purpose be served by going into the question whether there was sufficient justification for departing from the policy resolution.

There are now as many as twelve applications pending with the University for allotment of University land. As already mentioned by me the availability of extensive University land at strategic and convenient locations appears to have attracted the attention of every individual or organisation, private or public to cast covetous eyes and request the University to allot an extent of land to them, for their purposes.

The first of the application now pending is from the Institute of Electronics & Telecommunication Engineering, a private body who proposes to set up 'All India Staff College for Electronics'. They ask for allotment of three acres of land. There is no reason why private professional bodies of this kind should be allotted University land departing from the Policy resolution of December, 1986. It is upto them to purchase land for building at suitable places instead of the University providing land to them. I do not recommend the allotment of any land to the Institute of Electronics & Tele-communication Engineering.

The next pending application is from the Superintending Engineer (Operation), City circle, A.P. State Electricity Board, for allotment of 300 sq.mtrs. of land within the compound of Nizam College for construction of an electric Sub-station.

The land in the compound of the Nizam College is prime land in the city and every inch of land is not only valuable but is required for the future expansion activities of the Nizam College or some Department of University which may require to be located there. The A.P. Electricity Board can well afford to acquire other suitable land from the private or public bodies. In fact, a vast extent of land around the premises of the stadium is available for the Electricity Board for the construction of the proposed sub-station. In the note it is mentioned that the University is thinking of constructing commercial complexes in the premises of Nizam College adjoining the road in order to

raise necessary resources for the University. The argument appears to be that if a sub-station is located in the compound of the Nizam college, it will help the power position in and around the Nizam College, including the proposed commercial complex. The short reply to the argument is that the sub-station is not going to be exclusively for the Nizam College. Wherever it is located whether in the premises of the Nizam College or outside, the entire area including the proposed complex will be benefited in the matter of power supply. That by itself cannot be a reason for the University to part with the much needed land at the present juncture without even making an attempt to find out the necessary, future requirements of the Nizam College and the Osmanla University. I do not recommend the allotment of land in favour of the Andhra Pradesh State Electricity Board.

The third request for allotment of land is from the President, Asian Studies who propose to construct a building of their own and move from the present rented building at Barkatpura. The Institute of Asian Studies is a private body and there is no reason whatsoever to depart from the policy resolution of December, 1986. I do not recommend the allotment of land in favour of the Institute of Asian Studies.

The fourth pending application is from the Institute of Human Studies, also a private body, for the construction of a school building for the Institute. This has a long history of ups and

downs. The Institute wanted the University to DONATE ten (10) acres of land for its projects. The University syndicate resolved in its meeting held on 18-12-1965 to give five (5) acres of land for the time being and to consider the request for the balance of land on the basis of development of the Institute. The Government was requested to give its approval. By G.O.Ms:No.3049 dated 28.12.1966, the Government sanctioned its approval for allotment of land to various institutions but not in favour of Institute of Human Studies. It was claimed that the Government in fact granted its approval to the Institute of Human Studies also but by some typographical error the Institute of Human Studies was not mentioned in G.O. On 23-9-1974, the Syndicate of the Osmania University passed another resolution declining to grant five acres of land to the Institute of Human Studies but agreeing to give a piece of land on lease at nominal rent for a period of forty nine (49) years subject to the condition that the school then being run elsewhere should be shifted to the new building as soon as it was constructed. Nothing so far has been done pursuant to the resolution. But subsequently in 1987 the Chairman of the Institute of Human Studies once again wrote to the University stating that the Government had approved the allotment of five acres of land to the Institute even in 1966 and that the non-mention of the Institute in the copy communicated to the University was a typographical error. The Government was requested to inform the University the correct position. The Government by their letter dated 13.7.1993 informed the University that the Insti-

tute of Human Studies was also included in the 1966 G.O. The Institute of Human Studies is also a private body and there appears to be no reason for departing from the December, 1986 resolution. Further the so called typographical error is stated to be such an error twenty seven years after the original order of the Government. The Institute seems to have been taking the matter easy and never pursued the matter diligently these twenty six years. The Institute is obviously carrying on its activities elsewhere and now after a quarter of century there is no reason why the University should make a virtual gift of its land to a private body at this juncture. I do not recommend the allotment of any land in favour of the Institute of Human Studies.

The next application for allotment of land is from the Share Medical Care for four acres of land within the premises of Institute of Genetics, (Ameerpet), Begumpet, for developing Research and Training facility. The University possesses an extent of acres 17-08 of land in Begumpet acquired and assigned to the University by the erstwhile Government of Nizam (Hyderabad). The Institute of Genetics of the Osmania University is located here. On 13-10-1993 Share Medical Care stated to be a non-profit organisation funded and founded by NRIs with the main object of establishing an Institution of Training and Education in the field of Science Health and Allied Research and Education. wrote to the Vice-Chancellor, Osmania University requesting the assignment of four acres of land in the premises of the Institute of Genetics.

It was mentioned in their letter that they proposed to open the Medicity Institution and Heart Institute and that they would be willing to extend medical care at concessional rates to the faculty and employees of Osmania University at Medicity. They would also help in developing the Genetics Institute's facilities as a major research centre with International collaboration. The application of the Share Medical Care was considered by a Committee appointed by the Vice-Chancellor pursuant to the resolution dated 29-7-1993. On 19-10-1993 the Committee expresses its views as follows:

"In view of the fact that Share Medical Care has offered Medical Services for the employees of Osmania University the area required for starting Research Centres in "Bio-Medical Area" at Begumpet (in the premises where the Institute of Genetics Diseases) may be permitted by the Board of Management. The other cases can be taken up separately after careful examination."

It does not appear from the views expressed by the Committee on 19-10-1993 that they had taken into consideration or that they were aware of the policy decision taken by the Syndicate on 26.12.1986. the Board of Management considered the matter on 21.10.1993 and deferred its decision. The Share Medical Care is a Private organisation and the Medical Services offered at concessional rates by them to the staff of the University are far too remote and are far outweighed by the loss of prime land to the University

if it is allotted to the Share Medical Care. True, the Share Medical Care has also offered to provide certain research facilities but the distinct academic advantages to be gained by the University, the nature and scope of the research facilities are not clearly spelt out in the letter of Share Medical Care. I am also informed that Share Medical Care has also secured some other premises. There do not appear to be any substantial and compelling reasons to justify a departure from the policy resolution of 26-12-1986.

The next application for allotment of University land is that of the Hyderabad Metro Water Supply and Sewerage Board. By their letter dt. 1.9.1990 the Board requested the allotment of 3,700 sq.mts. of land in Ramanthapur for the construction of a ELS Reservoir in Ramanthapur adjoining the Uppal Ramanthapur main road, next to the T.V. Studio of Doordarshan. It was not suggested in the letter nor does it appear from the subsequent correspondence that this was the only site available for the construction of the reservoir. The reason for choosing the site was that the Minister for Sports and Youth Services thought it was a suitable site. On 6-5-1991 the Executive Council of the Osmania University resolved to approve the allotment of 3,700 sq.mts at the prevailing market rate. There does not appear to have been any agreement as to what was the prevailing market rate. The water supply and sewerage board, on the basis of the Sub-Registrar's information offered a price of Rs.2.42 lakhs, per acre, whereas the University demanded a price of

450 per sq.yard. This was arrived at by taking into consideration the fact that eight years earlier i.e., in 1981 land required by Doordarshan for the construction for the T.V.Studio was given to them by the University at the rate of Rs.180/- per sq.yard. Allowing for price escalation the University demanded a price of Rs.450/- per sq.yd. There has been no further progress in the matter. Consequent on the appointment of this Commission, the matter has been kept in abeyance. While the construction of a reservoir by the Hyderabad Water Supply & Sewerage Board may be considered to be in the public interest, there is no reason why the University land only should be chosen for this purpose and not some other land Nor is there any reason why the University should abandon this land in the light of the policy decision of December, 1986. We may appreciate allotment of land to the Water Supply Board if the Water Supply Board is in a helpless position and is unable to find any other land in the area suitable for the construction of a reservoir. The file does not indicate that no other land is available for construction of the reservoir. As I remarked earlier, every body's eyes are on University land whenever they require some land for a private or a public purpose. I do not consider that there are any Special or compelling reasons to depart from the policy resolution of 26-12-1986.

The request of the Andhra Pradesh State Road Transport Corporation for allotment of five (5) acres of land for the creation of a Bus Depot

(Satellite Bus Depot) at Tarnaka requires to be considered next. It is stated that this would facilitate travel of the students and staff of the University in addition to the local people. An earlier request for allotment of thirteen (13) acres of land in Ramanthapur village for locating a Training Centre was rejected by the University at its Executive Committee Meeting held on 3.12.1987. The Resolution stated,

"Resolved not to allot any University land for any purpose other than educational and allied institution, even in the case of educational and allied institution will be subject to the approval of the Government".

In view of the policy resolution of December, 1986 and the resolution of 3-12-1987 to this effect, the present application of the Andhra Pradesh State Road Transport Corporation cannot also be agreed to. Further, the location of a Bus Depot and Bus station adjacent to the University Campus is bound to lead to critical situations of law and order. It is well known that when ever there is an agitation, political or otherwise, leaders of the agitation invariably try to draw the students into it and the students in their youthful enthusiasm are often responsive. It is equally well known that the first victims of all agitation are the vehicles of the Road Transport Corporation. Location of a Bus-depot near the University campus will lead to easily foreseeable situations which may be avoided.

I do not recommend the allotment of land to the Andhra Pradesh State Road Transport Corporation for the location of a Bus Station.

The next application to be considered is that of the Principal, University Medical College for allotment of 10,000 sq.yds. of land of the Campus of the Women's College, Koti for the construction of a Convention Centre/Research Block and History of Medicine Block. The Board of Management after discussions with the Principal of the Osmania Medical College agreed in principle to the request of the Principal, Osmania Medical College, who was also requested to prepare a draft memorandum of understanding. No further progress has been made. From the file shown to me, I do not find that the Principal of the Women's College was present when the discussion took place with the Principal, Osmania Medical college. I also do not find that she was ever consulted in the matter. Since the request of the Principal, Osmania Medical College was to carve out some land from the land within the Campus of the Women's College, the requirements and the Programmes for extension of the Women's College had to receive primary consideration. It appears that had not been done at all. The Principal, Women's College, who gave evidence before me stated emphatically that the Women's College is now an autonomous college offering several post-graduate courses of study and with many programmes for expansion, the college needs more land than is now available to it and the college is in no position to spare even a cent of land to anyone else. Further, the policy

resolution of December, 1986 was not taken into account at all. As already mentioned by me earlier it is difficult for the university and its constituent colleges to spare any land in view of their own future programmes. The land must be kept in trust for future development activities and it is not to be frittered away. I do not recommend allotment of any land to Osmania Medical College.

The Director, Centre for Cellular & Molecular Biology (CCMB) has made a request for allotment of a few acres of land to house the Centre for DNA Finger Printing. Curiously enough, the Director of the CCMB does not even care to specify the actual extent of land required by them. However, on 17.1.1993 the Board of Management resolved to accede to the request of the CCMB for allotment of land and authorised the Vice-Chancellor to decide to extent of land to be allotted etc. The matter has not progressed further.

The allotment of land to CCMB has to be decided in terms of the policy resolution dt. 26.12.1986. The resolution of December, 1986 forbids all such alienations of land. There is no reason to depart from that resolution. It is not for the University to provide land for, the expansion of institutions located around the campus ignoring the possible future requirements for its own expansion.

The next application for allotment of land which requires consideration is that of allotment of land for the Academy of Human Resource

Development. It appears from their letter that it is a body established by the National HRD Network. The academy is now situated at Ahmedabad. They would like to locate the academy in a university Campus, so that, they can get the benefit of research and academic atmosphere. As Osmania University encourages innovative education they thought of locating it within the campus of Osmania University. They requested the allotment of two or three acres of land for construction of Buildings. They also mentioned that the Centre was funded by earnings from its corporate Sector Programmes.

I am afraid there are many such organisations all over the country which offer programmes of the nature described in the letter of the Academy who would also like to be housed in suitable buildings. It is not for the University to take care of all such institutions and provide land for them. There does not appear to be any reason for departing from the Resolution of 26.12.1986. The request of the Academy may not be succeeded to.

Another application for allotment of land is from the Hyderabad Urban Development Authority. Earlier, in the year, 1976 the Hyderabad Urban Development Authority had been allotted land to the extent of 6.08 acres for the construction of an office cum commercial complex for the benefit of the residents of Tarnaka. The allotment was subject to the condition that the Hyderabad Urban Development Authority was to help in the construction of the eastern block of the University

stadium. The work was completed more than ten years ago. Now, ten years after the completion of the work the Hyderabad Urban Development Authority has discovered that they require another 305 sq.mts. of land to broaden the 'kinks' and 'ease the curves'. From the letter of the Chief Engineer, HUDA it appears that the additional extent of land would be used for vegetable market. It may be mentioned here that in the land earlier allotted to the Hyderabad Urban Development Authority they have also constructed a theatre and a restaurant and bar. The construction of the theatre, restaurant and bar, more particularly, the construction of the bar is detrimental to the interest of the students of the University. It should have never been permitted. Their present request for the additional extent of land is opposed to the policy resolution of December, 1986. It does not appear that the allotment of the land to the Hyderabad Urban Development Authority will result in any advantage or benefit to the university. It is not as if the land is useless to the university. If the land had become totally useless to the University on account of its location between the stadium and the land already allotted to the Hyderabad Urban Development Authority and the land is otherwise unapproachable, the University could have considered the request of Hyderabad Urban Development Authority, but the reports of the Chief Engineer of HUDA and the Engineer-in-Chief of Osmania University do not show that the land can be considered as of no present or future use to University. In the circumstances, there do not appear to be any compelling reasons for

departing from the policy resolution of December, 1986.

Another application for allotment of land is from the Principal Investigator, National Sericulture Project, Department of Zoology, Osmania University. An extent of five acres of land and the building vacated by the NCC are requested to be allotted to the National Sericulture Project for Mulberry cultivation. It is not clear from the correspondence contained in the file placed before me whether the land is required for a project connected with the research work of the university or whether the request is for assignment of the land to an outside agency engaged in research work, but which is not part of the University. If the National Sericulture project is engaged in the Research work of one of the Departments of the University it will not be an alienation of the land and it should be a matter that could be decided internally. If the land is to be alienated to an outside agency then it cannot be permitted unless there is some substantial academic benefit or advantage to the University. The resolution of 26.12.1986 must be borne in mind.

As mentioned earlier, the problem of alienation of University land had perturbed the university authorities in 1986 when a Sub-Committee was appointed to go into the question and the report of the Sub-committee was accepted by the Syndicate. Prior to 1986 there were several alienations of university land, some by way of long leases and some by way of absolute transfer. The

alienations by way of long leases covered about 225 acres of land and the alienations by way of absolute transfer covered about 34 acres. Some of the alienations were in favour of State or Central Government Organisations like the National Institute of Nutrition, Central Institute of English and Foreign Languages, Telephone Department, Doordarshan, Andhra Pradesh State Electricity Board, Hyderabad Urban Development Authority etc., while some were in favour of private bodies, such as, Andhra Mahila Sabha, Sanskrit Academy, Sri Satya Sai Trust etc. The resolution of the Board of Management has asked me to look into all the matters pertaining to University land and to prepare guidelines for the University to deal with requests for land hereafter. Though the resolution is wide enough to enable me to probe into earlier alienations of land also, the primary concern of the University, as I understand it, is now to have suitable guidelines to deal with pending and fresh applications for alienation of land. Nor do I think that any useful purpose will be served by attempting to go behind the alienations and trying to find out whether the alienations were justified or not. The alienations which have been already made have become final. All that need be done now is to formulate 'guidelines' for the future. As mentioned by me almost at the outset, the University itself has resolved this question by its resolution of 26-12-1986. No fresh guidelines are really necessary and it only remains for me to say that the resolution of 26.12.1986 embodies a thoughtful and a wise decision and to add a firm suggestion that the resolution should be adhered

to strictly. There should be no departure from the letter or spirit of the resolution. Alienation of University land in favour of any individual or organisation should be totally banned unless such alienation is designed to confer substantial academic advantages and benefits of a far reaching nature to the University. I am of the opinion that strict adherence to the policy resolution of 26.12.1980 would have scotched all the rumours now set afloat by interested parties. The very entertainment of applications for transfer of land has resulted in an invitation to rumourmongers to speculate and set afloat all manner of wild and vicious rumours.

I would like to record here that before arriving at the above conclusion, I did look into some of the files relating to past alienations of University land though not for the purpose of going behind such alienations. Some could be justified and many could not be justified if the principle of the 1986 resolution was to be applied. But those guidelines were not available to the authorities at that time and they could not therefore be faulted on that account. They seem to have acted on the assumption that, subject to the approval of the Government, they had the absolute discretion to permit alienation of University land if there was some benefit to the public even if it was of some remote or even no advantage to the University. This typical feudal attitude of University authorities of thinking and acting like Jagirdari Landlords bestowing land on supplicants must change. The university must consider

its own interests first and foremost. The University authorities must consider themselves as trustees holding the land as trust property for the benefit of the future generations of University students. One conspicuous fact which I noticed in all the files relating to alienations of University land is that until 1986 no one seems to have been concerned with the depletion of University land by such alienations; no one seems to have been seriously concerned about the future requirements of the University for its own expansion activities. I would suggest that the Board of Management should appoint a Committee to assess the future requirements of each of the existing Departments of the University for their expansion activities and also to investigate the likelihood of expansion of the activities of the University itself by increasing the number of disciplines of the University and by making provision for the due construction of additional buildings to house additions to the library, hostels, amenities to students etc.

One of the questions raised before me is the alleged inaction of the University authorities in the matter of encroachments upon University land for erecting unauthorised temples and mosques. Though the Akhil Bharatiya Vidyarthi Parishad concentrated on the alleged encroachments made by Tippu Khan Mosque, it is clear from the evidence and the available records that there are several other mosques and temples who had also encroached upon University land. The

Board of Management had appointed a Committee presided over by Justice Gangadhara Rao to identify and demarcate all such encroachments and to recommend appropriate action. The Justice Gangadhar Rao Committee submitted a report on 1-3-1993 identifying several encroachments of mosques and temples and suggesting remedial measures to prevent such encroachments in future. They suggested that the Estate Cell and the Security Office should be strengthened and that they should work in collaboration, constantly going around the campus and trying to prevent or remove encroachments, if necessary, by taking immediate steps to file petitions in the Criminal Court, the civil court or special court under the land grabbing Act. After the report of the Committee, the University authorities appear to have taken action in the Special Court under the land Grabbing Act in the case of encroachments made by Tippu Khan Mosque, Himmath Ali Khan Mosque and Qutab Shahi Mosque. No action has been taken in regard to the other encroachments.

However, one of the encroachments noticed by the Justice Gangadhar Rao Committee is a Ganesh temple constructed on the University land leased to one Sunderlal Fathepuria for erecting a petrol bunk. The extent of land leased was 4,325 sq.yds. at the Tarnaka Cross roads. The lease was for a period of 30 years from 1961. Though the period of lease expired in 1991 Sunderlal Fathepuria has not vacated the premises and the University has filed a suit to recover possession from Sunderlal Fathepuria. Even earlier Sunderlal

Fathepuria had filed a suit claiming that he is entitled to a renewal of the lease for a further period of 30 years. He also sought an injunction against the university restraining the university from interfering with his possession. He obtained an interim injunction which was later got vacated by the University. In the application filed before the Civil Court by the University it was expressly mentioned that the leasee had set apart an area of 1,378 sq.yds. by constructing a compound wall and had let it out to Lorry owners for parking their vehicles. Some of these lorry owners had erected huge bill boards and boardings. The lorry owners had also unauthorisedly constructed a Ganesh temple. Mentioning all these facts the University sought for and had the interim injunction vacated so as to enable the University to take steps for removal of encroachments. The civil court while vacating the interim injunction also gave a direction that the police should give their assistance to the University to have the encroachments removed from the suit premises. Subsequent to the order of the civil court the University with the assistance of the Police was able to remove the bill boards and hoardings and a Panchanamma was also prepared. A gate which had been constructed creating an opening from the Moulali road into the plot of land in which the temple had been constructed was also closed with the help of the police. It appears that subsequently some miscreants again opened the gate forceably. Steps have now to be taken with regard to closing of the gate and also with regard to the removal of the temple.

Apart from the Ganesh Temple and the three mosques mentioned above, there are other smaller temples and mosques built by encroaching upon University land. They have also to be removed. Suitable steps will have to be taken as early as possible. Steps should be immediately taken to prevent further encroachments. So far as the removal of the temples and mosques are concerned the matter has become extremely sensitive these days on account of the prevailing political atmosphere in the country and in the city. Removal of mosques and temples is likely to create problems of law and order. It is however necessary that at an appropriate time when tempers have cooled down and the atmosphere is clear, the authorities should take steps to remove the encroachments. Meanwhile all possible steps should be taken to prevent further encroachments as suggested by the Justice Gangadhara Rao Committee.

One of the matters in regard to which lot of heat and dust was raised was that relating to the land of Ramreddy Nagar or Raveendranagar. This has nothing to do with the present Vice-Chancellor. The events took place more than a dozen years ago. It appears that one of the items of property acquired by the Government and given to the university was plot No. 79 of Habsiguda Village. Survey No. 79 originally belonged to Khaleelullah Shareef and it was from him that the land was acquired by the Government of the Nizam. Khaleelullah Shareef claiming that what was acquired was not the whole of Plot No. 79, purported

to sell land which he claimed was not part of the acquired land to a Cooperative Housing Society, formed by the Employees of the Osmania university. The University Employee - Members of the society applied to the Andhra Bank for loans for construction of houses and loans were granted on the university offering guarantee. In fact cheques were also issued in favour of the University to be disbursed to the members of the Society. The repayment of loans was being made by deductions from the salaries of the employees. However, the Asst. Estate Officer of the University was of the view that the land which Khaleelulah purported to sell to the society was also part of the land which had been given to the University by the government of the Nizam. Meanwhile, the foundation stone for the colony which was expected to come up on the land was also laid by the then Vice-Chancellor of the University and the colony was also named after him. In view of the opinion given by the Asst. Estate Officer, the University filed a suit O.S.No 317/79 in the Court of the District Munsiff, Hyderabad E & N claiming ownership of the land. The several members of the society who had either constructed houses or who had been allotted plots and the Society were made defendants in the suit. At that stage the Vice-Chancellor of the University appointed a Sub-committee under the chairmanship of : Prof. S.Badrudin, to investigate the question whether the disputed land belonged to the University or to Khaleelulah. This was obviously to prevent the University from involving itself in wasteful and protracted litigation. The Sub-committee submitted a report to the

effect that the disputed land was not part of the acquired land but belonged to Khaleelulah. The Syndicate was dissolved before the report was received. The new syndicate thought fit to appoint a new Sub-Committee consisting of Prof.K.S.Upadhyaya, Prof.S.Badrudhin and Sri Gulam Samdani. This Committee also reported that the disputed land belonged to Khaleelulah and not the University. The committee also recommended that since the Defendants were university employees who had constructed houses at considerable cost, the University may also think of safeguarding the interests of the employees by withdrawing the suit. The suit was withdrawn by the University in 1982. The Akhil Bharatiya Vidyarthi Parishad wants this entire transaction to be reopened. I do not see how it can possibly be done. The suit filed by the University in regard to the very property was earlier withdrawn and this was done not because of anybody's whim or fancy, but pursuant to the findings and the recommendation of two sub-committees appointed by the Syndicate of the University. It is not open to me or to anyone else to reopen this transaction at this stage, when on the fact of it appears to be a bonafide transaction.

Another parcel of land in regard to which there is considerable dispute and litigation is that covered by Plot No. 94, 104 and 111 of Habsiguda village. This land is stated to be part of the land of the extent of 313 ares and 15 guntas (Ac.313.15 guntas) acquired by the Government of Nizam from Nawab Zynuddin and given to the Osmania

University. After the death of Zynuddin, Habeebuddin claiming to be Zynuddin's heir asserted that these plots were not acquired by the Government and that they continue to be the property of Nawab Zynuddin and after Nawab Zynuddin's they became the property of his heirs. He parcelled out the land into smaller bits and sold them to various individual purchasers like, Tumula Krishna Rao, Valluri Kesava Rao etc. Saleemunnissa Begum who claims to be a heir of Habeebuddin, sold Ac. 9.33 guntas of land in plot No. 104. She claimed to have obtained the land in exchange for another bit of land of the same extent which was by the side of the Masjid, near the Manjeera Hostel. The net result was that several persons claiming to have purchased the land from Habeebuddin and Saleemunnissa Begum tried to get into possession of the land belonging to the University on the basis of the alleged purchases made by them. In 1956, Osmania University filed O.S.No. 1/56 in the City Civil Court, Hyderabad against Habeebuddin to recover possession of the land in Plot No. 94, 104 and 111. The suit against Habeebuddin was dismissed on the ground that he had acquired title by adverse possession. An appeal filed by Osmania University, C.C.C.No. 61/1959, was dismissed by the High Court on 24.1.1964. The Government of Andhra Pradesh then took proceedings under the Land Encroachment Act for eviction of Habeebuddin from Plot Nos. 101, 104 and 111, while the proceedings were before the Board of Revenue, Habeebuddin started making sales of the land. When orders for eviction were passed against Habeebuddin and the

Pruchasers from Habeebuddin, under Land Encroachment Act, they filed Writ Petitions in the High Court. The High Court allowed the Writ Petitions on the ground that proceedings under the Land Encroachment Act were not the proper remedy to obtain possession when disputed questions of title were involved. The Government of Andhra Pradesh went in Appeal to the Supreme Court of India. The Supreme Court while dismissing the Appeal observed that adverse possession against the Government had to run for a period of 30 years and it was open to the government to seek to obtain possession in a properly instituted suit in the Civil Court. There after the Government filed O.S.No. 36 of 1986 against Saleemunissa Begum and other Purchaser of the land from Habeebuddin and Saleemunissa and their purchasers. Dr. V.Rajeswar Rao who is stated to be one of the prominent persons in possession of University land under a sale from an alleged purchaser from Saleemunissa Begum is also one of the Defendants in the suit.

Several of the Pruchasers also filed suits claiming title to the lands. All these suits are now pending in the Court of the Principal Subordinate Judge, Ranga Reddy District. In view of the pendency of the suit it is not competent for me to express any opinion on the merits of the litigation. The apprehension of some of the organisations appears to be that the University may not properly pursue the matter and contest the suits. These suits are being vigorously fought and the matter

has already travelled upto Supreme Court once. There does not appear to be any reasonable cause to suspect that the suits will not be properly contested. In any case there is nothing that can be done about it except to suggest that a small Committee consisting of a member of the Board of Management, the Adviser (Administration), the Estate Officer and the Legal Adviser of the Osmania University may be constituted to monitor the litigation and submit reports to the Board of Management at periodic intervals about the progress of the suits.

Specific mention has been made in the Memorandum of the A.B.V.P. that the Government had found that Dr. Rajeswar Rao had brought into existence a document falsely purporting to be a memorandum issued by the Board of Revenue to the Collector. The Government had requested the Collector to take necessary action to bring it to the notice of Principal Sub-ordinate Judge, and nothing had been done so far. I would suggest that the Legal Adviser, Osmania University may take immediate action to file an affidavit on behalf of the University bringing the above facts to the notice of the Principal Subordinate Judge.

There is another bit of land of 38 guntas about which there is a triangular dispute. Dr. Rajeswar Rao claims that part of the 38 guntas is a part of Survey No. 10/2 of Habsiguda village which he has purchased. Maj. Hasnuddin and others claim that this 38 guntas of land is part of

S.No. 226 of Nacharam Village. One Yadagiri Reddy is said to be behind these parties. Osmania University claims that the 38 guntas is part of the land in Survey Nos.171/1, 171/2 and 171/3 of Lallaguda village. This land is the subject matter of different suits filed by the University, Maj.Hasnuddin & others and Dr.V.Rajeswar Rao. It will not be proper for me to express any opinion on the questions involved in these suits. These are also suits which have to be vigorously conducted on behalf of the University.

It is alleged that the said Yadagiri Reddy has constructed a commercial complex and some residential houses on University land. It is not clear whether the commercial complex and the residential houses have been constructed on the 38 guntas of land above mentioned or on some other land. That is a matter which requires serious investigation. In fact, it is alleged that there are several other encroachments of University land in all the penumbral areas. I would suggest that the Engineering Department of the University and the Estate Cell of the University may be asked to prepare a detailed, comprehensive plan of the land given by the Government to University and to identify and locate the several encroachments made upon the University land. This should be done immediately and prompt measures should be taken to remove the encroachments by requesting the Government to initiate necessary action either under the Land Encroachment Act or in a Civil Court.

There are two petrol pumps on University land leased out to 1) M/s. Sunderlal Fathepuria, and 2) M/S. Indian Oil Corporation. Both the leases relating to the land leased out for installing petrol pumps have expired and suits are now pending in regard to the land. The University is seeking to recover possession of the land. It is not necessary for me to say anything more about the leases or the litigation.

I may now proceed to consider the allegations made personally against the Vice-Chancellor. The first of the allegations concerns the request of Share Medical Care for allotment of University land. I have already had occasion to refer to it earlier. The allegation against the Vice-Chancellor is that he met the NRI Promoters at Pittsburg during his visit to the United States and worked out a deal with them. The deal was that five acres of land in the premises of the Institute of Genetics should be given to Share Medical Care in return for which the Vice-Chancellor was to get a sum of rupees two crores as a 'Kick-back'. To say the least it is a scandalous allegation for which there is no basis what-so-ever except the imagination of those making it. Those making the allegation left it as an allegation without making the slightest effort to sustain it. They were unable to state the information or the source of information on which the allegation was based. It remained a product of imagination. The Vice-Chancellor in his evidence denied that he visited Pittsburgh or that he negotiated with the NRI Promoters in the

United States. According to the evidence of the representative of the Vidyarthi Parishad approaches were made to them to square them up by the representative of Share Medical Care so as to withdraw their opposition to the allotment of land to Share Medical Care. The argument was, if attempts could be made to make approaches to student leaders to withdraw their opposition, surely the Vice-Chancellor must have received a substantial benefit for advancing the case for allotment of land to the Share Medical Care. This is a ridiculous argument. Because approaches were made to some student leaders to withdraw their opposition it does not follow that the Vice-Chancellor must necessarily have received some material benefit. There is not a scrap of evidence to suspect the bonafides of the Vice-Chancellor. It appears it is not quite the fashion for political and Quasi-political organisations and leaders to indulge in wild and reckless allegations which have no basis what ever in fact. This virus seems to have spread to student organisations and then leaders also. The unrestrained way in which such allegations are made can only result in the loss of the credibility of those who are making it. Good causes are sometimes lost by bad arguments. I would advise student organisations and their leaders to stick to facts and not to indulge in wild surmises and allegations for which there is no factual basis. They should not allow their youthful enthusiasm carry them away and get mixed up with non-facts. There is time enough for it when age advances on them. While, I for one, feel happy that students are taking keen interest in public affairs including

those concerned with the small world of the University, I would feel happier if such interest is a healthy interest and not reckless abandon. In the present case there was no information available with any of the persons making the allegations and yet they showed no semblance of restraint in casting aspersions and making allegations. The students had every right to oppose and protest against any move to alienate University land to outside agencies but they had no right to make unfounded allegations against the Vice-Chancellor and others who may have incurred their displeasure for other or no reasons. On the one hand, the students' organisations have achieved some signal success: the entire policy of alienation of University land has come under review - they could have achieved this without making unfounded allegations. On the other hand they have caused great harm to the University administration by bringing into disrepute the authorities of the University by needless and baseless aspersions and allegations. The irresponsible nature of some of the allegations can be gauged from the fact that Shri Girglani a former I.A.S. Officer presently employed as Adviser/(Administrative Officer), has been described as 'a notorious land grabber' when all that he is guilty of is that he worked previously as a member of the Special Court under the Land Grabbing (Prevention) Act. Further comment is unnecessary.

The next allegation concerns the alleged attempt of Vice-Chancellor to give away University land within the Campus of the University College

for Women to Amrutha Estates for constructing a residential and commercial complex. This allegation is again totally without basis. There was never any such proposal or even a whisper of it. The allegation was that Rajeev Reddy of Amrutha Estates came to know of a proposal by the Municipal Corporation to lay a road across the Women's College Campus as a result of which part of the land of the Campus would be separated from the main campus by the road. Coming to know about this proposal Rajeev Reddy entered into a deal with the Vice-Chancellor to have the land so separated to be alienated to him. The allegation is a reckless and baseless one. The evidence of the Vice-Chancellor and the Principal of the Women's College shows that the so-called proposal of the Municipal Corporation to lay a road came as a surprise to them when a meeting had been called to discuss with the Municipal Commissioner the question of reconstruction of the compound wall around the campus of the Women's College. It was at this meeting that the Municipal Commissioner disclosed the proposal to them for the first time. Their evidence is fully supported by the Minutes of the meeting signed by the several persons who were present at the meeting. It shows that the proposal was immediately opposed by the Vice-Chancellor who pleaded that it would cause great inconvenience and hardship to the Women's College, its staff and its students if a road was laid across the Women's College Campus. Apparently, the Municipal Commissioner was impressed by the argument advanced by the Vice-Chancellor and others opposing the proposal for laying the

road. The proposal was not pursued. Akhil Bharatiya Vidyarthi Parishad claims the credit for the Municipal Commissioner not pursuing the matter further. Whether they are entitled to claim any credit or not for the same, the fact remains that until the date of meeting the proposal to lay a road was not known to the Vice-Chancellor and to the other University authorities and that as soon as it became known to them, they opposed it. The entire allegation therefore is without any foundation. It was mentioned in the representation and the evidence of the Vidyarthi Parishad that the Vice-Chancellor's brother-in-law Dr. Rajender Pahidi was working with Amrutha Estates. I do not see what difference that should make even if it was true. However, the Vice-Chancellor deposed in his evidence that by the date of meeting, Sri Rajender Pahidi had ceased to work with Amrutha Estate.

The third allegation involving the Vice-Chancellor is the demolition of the compound wall opposite to the CCMB in the intervening night of 7th and 8th of November, 1993. According to the allegation one Pratap Reddy with the help of hired labour got the compound wall demolished in the night keeping twenty hired rowdies to guard the place when the demolition was in progress. When people of the neighbourhood tried to contact the Vice-Chancellor, he deliberately avoided receiving any telephone call. In the evidence however, no reference was made to any phone call but it was stated that the Vice-Chancellor must have necessarily known about the demolition on the night of

7th. It was also stated in the evidence that Sri Pratap Reddy had met the Vice-Chancellor several times prior to the demolition. In his evidence the Vice-Chancellor stated that he came to know about the demolition on the 8th morning only. It is difficult to understand what exactly is the insinuation against the Vice-Chancellor, whether it was that he actively colluded with Pratap Reddy in demolishing the compound wall or it was that he kept silent knowing about the demolition. Whatever it was it is impossible to accept either that the Vice-Chancellor actively associated himself or that he deliberately kept quiet with full knowledge of the demolition. The fact, however, remains that steps were forthwith taken to reconstruct the wall and the wall has been reconstructed. The police have been requested to guard the wall and special security arrangements are also made by the University.

In conclusion,

1. I find that the allegations against the Vice-Chancellor and other University authorities in regard to land-deals concerning University land are baseless and unfounded.
2. I recommend that there should be no alienation of University land for any purpose. The resolution dated 26.12.1986 of the Syndicate of the University should be strictly adhered

to. All the applications now pending for allotment of land may be rejected.

3. I recommend that the Board of Management should forthwith appoint an Expert Committee to investigate, assess and report on the future requirements and programmes of the University for the expansion of its disciplines, the future requirements and programmes of the existing disciplines for their expansions, the future requirements of the students and staff of the University.
4. I recommend that the Board of Management should forthwith appoint a Committee consisting of a member of the Board of Management, the Adviser (Administration), the Estate Officer and the Legal Adviser of the University to monitor all the litigations of the University, pending and future.
5. I recommend that the Board of Management should direct the Engineering Department and the Estate Department to prepare a detailed and comprehensive map or maps of the land given to the University by the government, showing the areas alienated and the areas encroached upon. Upon identification and location of encroachments, immediate action should be taken for the removal of encroachments by requesting the Govern-

ment either to initiate proceeding under the Land Encroachment Act or to file suits in the Civil Court.

6. I recommend that action should be taken for removal of and protection against encroachments as suggested by the Justice Gangadhara Rao Committee. The Estate Office and Security Office should frequently inspect all the sensitive areas liable to be encroached upon (whether by temples and mosques or others) and submit reports at least once a month to the Registrar.

I express my grateful appreciations of the cooperation extended to me by Shri M. Venkata Reddy, Estate Officer, Shri K.S.Narayana Swamy, Stenographer, Shri Niranjana Chari, Asst. Registrar and Shri Subrahmanyam, Stenographer.

(JUSTICE O. CHINNAPPA REDDY)