

COMMITTEE OF PRIVILEGES

(NINTH LOK SABHA)

FIRST REPORT

(Presented on 11 March, 1991)



LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA TO THE FIRST REPORT OF THE
COMMITTEE OF PRIVILEGES
(NINTH LOK SABHA)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*
(1990-91)

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
- **4. Shrimati M. Chandrasekhar
- ***5. Ch. Jagdeep Dhankhar
6. Shri Harmohan Dhawan
7. Shri Eduardo Faleiro
8. Shri Santosh Kumar Gangwar
9. Shri Bhogendra Jha
10. Shri K. Ramamurthy
11. Shri R. Gundu Rao
- ****12. Shri B. Shankaranand
13. Shri Mandhata Singh
14. Shri R. L. P. Verma
- *****15. Vacant

SECRETARIAT

Shri C. K. Jain—*Additional Secretary*

Shri T. S. Ahluwalia—*Director*

Shri K. M. Kamboj—*Under Secretary*

*The Committee of Privileges was nominated by the Speaker on 24 January, 1990.

**Nominated on 20-8-90, *vice* Shri Mallikarjun resigned *w.e.f.* 13-8-90.

***Nominated on 14.5.90 *vice* Shri Ajay Singh resigned *w.e.f.* 1.5.90.

****Nominated on 25-9-90, *vice* Shri Ajit Kumar Panja resigned *w.e.f.* 24-8-90.

******Vice* Dr. Shakeelur Rahman ceased to be member *w.e.f.* 11-1-91 consequent on being disqualified under the Tenth Schedule of the Constitution.

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES (NINTH LOK SABHA)

I. Introduction and Procedure

1. the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their First Report to the House on the question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras, on 15 March, 1990 and referred to the Committee by the House on 22 March, 1990.

2. The Committee held 14 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 11 April, 1990, the Committee decided that in the first instance, Shri Era Anbarasu, M.P., be requested to appear before the Committee for oral examination. The Committee also decided that eleven members who had given notices of question of privilege be requested to appear before the Committee for oral examination, if they so desired. The Committee further decided that the Ministry of Home Affairs be asked to furnish a detailed report on the incident of alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras on 15 March, 1990 alongwith a copy of First Information Report, if any, lodged by Shri Era Anbarasu regarding the said incident.

4. At their second sitting held on 3 May, 1990, the Committee considered the request made by Shri Era Anbarasu, M.P., regarding his inability to appear before the Committee on that day and decided to call him on 16 May, 1990, for oral examination. The Committee examined on oath, Shri P.R. Kumaramangalam, M.P.

6. At their fourth sitting held on 24 May, 1990, the Committee considered the request of Shri Era Anbarasu, M.P., regarding his inability to appear before the Committee on that day and decided to call him on 24 May, 1990, for oral examination. The Committee also considered the request made by Shrimati M. Chandrasekhar, M.P., to give evidence before the Committee in this case, as she was also lodged in the Central Jail, Madras at the relevant time and decided to call her for oral examination.

6. At their fourth sitting held on 24 May, 1990, the Committee examined on oath Shri Era Anbarasu, M.P. As his oral examination was not concluded, the Committee decided to call him on some other date.

7. At their fifth sitting held on 5 June, 1990, the Committee further examined Shri Era Anbarasu, M.P. The Committee took serious note of the fact that the Superintendent, Central Jail, Madras, who had been directed to appear before the Committee on 5 June, 1990, had failed to appear before the Committee for his oral examination without giving any prior and proper intimation to that effect. After some discussion, the Committee decided not to examine the former Inspector-General, Prisons and the Deputy Inspector General, Prisons, Tamil Nadu, who had come in place of the Superintendent, Central Jail, Madras, as they had not been directed by the Committee to appear before them. The Committee decided that the Superintendent, Central Jail, Madras, be directed through the Ministry of Home Affairs to appear before the Committee in person for oral examination on 22 June, 1990.

8. At their sixth sitting held on 6 June, 1990, the Committee expressed their unhappiness over the remissness on the part of the Ministry of Home Affairs in not sending the communication in time intimating that the Government of Tamil Nadu had informed that the Superintendent, Central Jail, Madras was on medical leave undergoing treatment for his fractured hand and that the then Inspector General of Prisons, Tamil Nadu, who was fully conversant with the facts of the case had been deputed to appear before the Committee on 5 June, 1990.

9. At their seventh sitting held on 8 June, 1990, the Committee examined on oath Shrimati M. Chandrasekhar, MP. The Committee decided that Shri G. Lakshmanan, ex-M.P., be asked to appear before the Committee for oral examination on 22 June, 1990.

10. At their eighth sitting held on 22 June, 1990, the Committee examined on oath Shri K. Chelladurai, Superintendent, Central Jail, Madras and Shri G. Lakshmanan, ex-M.P. The examination of Shri K. Chelladurai was not concluded and the Committee decided to call him again at a later date.

11. At their ninth sitting held on 21 September, 1990, the Committee further examined Shri K. Chelladurai, Superintendents Central Jail, Madras, who expressed his regrets on the incident which happened in the Central Jail on 15th March, 1990. The Committee deliberated on the matter.

12. At their tenth, eleventh and twelfth sittings, held on 19 November, 28 December, 1990 and 29 January, 1991, the Committee further deliberated on the matter.

13. At their thirteenth sitting held on 11 February, 1991, the Committee further deliberated on the matter and arrived at their conclusions.

14. At their fourteenth sitting held on 6 March, 1991, the Committee considered their draft Report and adopted it.

15. Shrimati M. Chandrasekhar, MP, who had given evidence in the matter before the Committee prior to her nomination as a member of the Committee did not participate in the deliberations by the Committee on this case.

II. Facts of the case

16. On 16 March, 1990, Shri P. R. Kumaramangalam, M.P., gave notice of a question of privilege regarding alleged assault on Shri Era Anbarasu, M.P. in Central Jail, Madras. The member was allegedly "beaten up by convicts and thrown out of jail", which according to Shri Kumaramangalam amounted to a breach of privilege and contempt of the House.

17. On the same day Sarvashri P. R. Kumaramangalam, Ajit Kumar Panja, T. Basheer, D. Pandian, Piayre Lal Handoo, Dileep Singh Bhuria, Dinesh Singh, Sontosh Mohan Dev and Dr. K. Kalimuthu and Prof. N. G. Ranga, MPs, gave a joint notice of question of privilege alleging that "in Central Jail, Madras, convicts on the direction of jail authorities assaulted our sitting member Shri Era Anbarasu and threw him out of jail." The members contended that it amounted to "violation of the privileges of the member as well as this House".

18. Two more notices of question of privilege were received on 19 March, 1990, from Shri Harish Rawat and Shri Era Anbarasu, MPs, regarding the incident of alleged assault on Shri Era Anbarasu. Shri Harish Rawat stated in his notice of question of privilege *inter alia*, as follows:—

"The incident of assault in Central Jail, on Shri Era Anbarasu, M.P. — who is under detention in connection with the Rail Roko Agitation demanding the naming of a railway station after freedom fighter Shri Kamaraj — is condemnable as it is a conspiracy to wilfully prevent

the member from attending the House. This amounts to a contempt of the House and breach of privilege of the member."

19. Shri Era Anbarasu stated, *inter alia*, as follows in his notice of question of privilege :—

"I was arrested on 10-3-1990 at Madras Egmore Railway Station as I had participated in an agitation on public demand, in a peaceful and democratic manner, urging the Government of Tamil Nadu not to change the name of Kamaraj Nagar Railway Station. Myself, Mrs. M. Chandrasekhar, M. P. and Mr. G. Lakshmanan, former Deputy Speaker (Lok Sabha), alongwith 4,500 workers were detained illegally in the Central Jail, Madras.

I was planning to submit a proposal in the Railway Budget discussion not to change the name of Kamaraj Nagar Railway Station in Tamil Nadu. That on 15-3-90 at 7.20 p.m. in the Central Jail, when I was discussing this subject with the inmates of Jail, suddenly the lights were switched off. Nearly 10 convict prisoners surrounded me and suddenly beat me on my neck, back and left-hand shoulder with lathis. I sustained injuries on my back, on my left shoulder and had bleeding injury on my last toe of my left foot. The Jail Superintendent also caught hold of my shirt and necked me out. Some unknown goondas supposed to be from the DMK Party have also beaten me and manhandled me and threw me out of the prison....

I got treatment from Devaki Hospital, Madras, for the injuries I sustained due to lathi charge and manhandling in the jail...."

20. On 22 March, 1990, when Shri Era Anbarasu sought to raise the matter in the House, the Speaker observed, *inter alia* as follows:—

"It is under my active consideration.... Mr. Anbarasu. I have referred it to the Home Minister to get the facts. As soon as I get the facts, I will let you know."

agitation were admitted as remand prisoners in Central Prison, Madras on 10.3.90. These agitation prisoners included Tvl. Era Anbarasu, P. Chidambaram, M. Arunachalam, C. K. Kuppusamy, Tindivanam Ramamoorthy, Thangabalu and Tmt. Maragatham Chandrasekar, who are all Members of Parliament. Tvl. P. Chidambaram, M. Arunachalam, C. K. Kuppusamy, Thangabalu and Tindivanam Ramamoorthi, Members of Parliament went out of Prison on 11-3-90. They subsequently represented before the Hon'ble High Court Justices S. T. Ramalingam and K. S. Sivasubramaniam for the release of all the arrested persons. A Court was held at the residence of Hon'ble Justice S. T. Ramalingam, as it was a Sunday and the Court took cognizance of the telegram received by them pleading for the release of those arrested in connection with the above agitation. In the meantime, orders were received from the remand court to release all the Members of Parliament. The Members of Parliament, who went out of the prison on 11-3-90 and represented before the Hon'ble High Court Justices S. T. Ramalingam and K. S. Sivasubramaniam did not however return to the prison. The contents of the release order received from the remand court were, therefore, explained to the remaining Members of Parliament *viz.*, Thiru Era Anbarasu and Tmt. Maragatham Chandrasekar who were inside the prison. But both these agitation prisoners refused to go out of the prison. It was explained to them that the prison authorities have no powers to keep them in the prison disobeying the orders of the court because it would involve contempt of Court. But they did not relent from their attitude. Hence, the Superintendent, Central Prison, Madras sent a report to the Chief Metropolitan Magistrate, Madras and Judicial Magistrate, Poonamallee stating that the above said two Members of Parliament refused to leave the prison premises and were taking shelter among more than 3000 agitation prisoners lodged in the Central Prison, Madras, with the sole intention of creating problems inside the prison.

On 12-3-90 at 11.30 A.M. when the Chief Metropolitan Magistrate, Madras, came to the Prison to enquire about the agitation of prisoners on the report sent by the Superintendent, Central Prison, Madras, Thiru Era. Anbarasu

prevented the agitating prisoners from being produced before the Chief Metropolitan Magistrate. At that time, a crowd presumably belonging to Congress (I) Party was waiting outside and Thiru C. K. Kuppusamy, Member of Parliament, who was one among them was shouting slogans against the Prison administration and used threatening language against the Superintendent in the presence of police officials, visitors, Lawyers and Chief Metropolitan Magistrate and their staff.

Thiru Era. Anbarasu, Member of Parliament did not remain peaceful inside the Prison and he was using every available opportunity to create disturbances inside the Prison so as to make political capital out of it. On 11-3-90, when a remand prisoner Ravichandran was distributing water to all prison inmates, Thiru Era Anbarasu, Member of Parliament and a few of his followers pushed the said Ravichandran into the water tank and assaulted him. Remand prisoner Ravichandran however wriggled out of the crowd with difficulty and in the process inflicted a minor injury on one of the agitation prisoner by name Thiru Moorthi. Thiru Era. Anbarasu, Member of Parliament instigated the other agitation prisoners and as a result, remand prisoner Ravichandran was beaten up. The crowd of prisoners then started rushing towards the office of the Prison Superintendent using food plates and mugs as missiles. The situation was brought under control with great difficulty. Thiru P. Chidambaram Member of Parliament, who was inside the prison at that time requested the prison authorities to afford medical attention to the inmates Ravichandran and Moorthy. These two prisoners were immediately sent to Government General Hospital, Madras, for treatment. Thiru Era. Anbarasu, Member of Parliament was going on creating problem of one kind or other inside the prison. On 11-3-90, when Thiru Gurubani, an ex-detenué under Tamil Nadu Prevention of Dangerous activities of Bootleggers, Drug offenders, Goondas, Immoral Traffic Offenders and Slumgrabbers Act, 1982, who was admitted along with other agitation prisoners, threatened to commit suicide by touching the electric wire after climbing up the second floor of the clothing store of Central Prison, Madras, if Thiru Era. Anbarasu was released from the

prison. Thiru Era Anbarasu told him that he would not get released even if he had to lose his life. Except this ex-detenu, no other agitation prisoner demanded the stay of Thiru Era. Anbarasu, Member of Parliament, inside the Prison. At the instigation of Thiru Era Anbarasu, Member of Parliament, the agitation prisoners protested that there was no adequate supply of water and that the sanitary condition was poor even though satisfactory arrangements had been made for the provision of timely food, adequate water supply and better sanitary conditions inside the prison throughout the period of confinement of agitation prisoners. They also agitated that Thiru Vazhapadi Ramamoorthi was refused permission to interview the agitation prisoners, while the fact is that Thiru Vazhaphadi Ramamoorthi had interviewed the agitation remand prisoners Thiru S.M. Krishnan, Tmt. Yasoda, and Tmt. Latha Priyakumar. The wife of Thiru Era Anbarasu, Member of Parliament had also interviewed several agitation remand prisoners.

On the night of 15.3.90, there was a sudden break-down of power supply plunging the entire prison into darkness. This was quite unexpected. Following this power failure, there was a melee among the agitation prisoners during which, the following agitation prisoners sustained minor bruises:—

- (1) Thiru G. Lakshmanan, former Deputy Speaker, Lok Sabha.
- (2) Thiru Krishnan
- (3) Thiru Balasubramanian
- (4) Thiru Ranganathan

Other than this small unexpected incident, no untoward incident happened in the Central prison, Madras, throughout the period of confinement of the agitation prisoners, even though Thiru Era Anbarasu, Member of Parliament was bent upon creating disturbances day in and day out.

In this connection, it is relevant to mention some of the activities if Thiru Era Anbarasu before and after his

arrest in connection with the 'Rail Roko' agitation launched by the Congress (I) Party.

On 10-3-90, when Thiru Era Anbarasu, Member of Parliament went to Egmore Railway Station for picketting, he disguised himself as a muslim with beard and a cap on his head. This was published in almost all the News Papers. After his admission in Central Prison, Madras, he was hiding himself here and there with a view to evade release. This behaviour of Thiru Era. Anbarasu had caused a sense of bitterness amongst his fellow remand prisoners. He went to the extent of wearing convicts' dresses so that he could not be recognised easily by the Prison authorities and thus evade the release. Though Thiru Era Anbarasu, Member of Parliament had adopted all these tactics to gain publicity among his fellow men, the fact remains that these activities were resented to by other prison inmates as a whole. It may also be relevant to mention here that Thiru Era. Anbarasu, Member of Parliament had issued a press statement on 16.3.90 stating that the supporters of Thiru Moopanar viz, Tvl. Rangathan and Vetrivel had exercised pressure on the prison authorities to remove him forcibly from the prison or else they would themselves lift him physically and throw him out of the prison and requesting Thiru Vazhapadi Ramamoorthy to take action against Tvl. Rangathan and Vetrivel. Further, he had published in the News Papers a photograph of himself as if he was assaulted inside the prison so as to gain sympathy and publicity among the public and to make political capital out of it. He had also alleged that he had kept a sum of Rs. 4,000/- in his shirt pocket and that somebody has taken it at the time of his release. He had further alleged that he had kept a sum of Rs. 1000/- in his suitcase. As per Rule 195 of Tamil Nadu Prison Manual. Volume-II. no prisoner can keep cash or other valuables with them during their confinement. The cash and other properties brought by the prisoners on their admission will be deposited in the prisoners cash property-account and will be handed over to them only at the time of their release. The suitcase belonging to Thiru Era Anbarasu, Member of Parliament was handed over under proper acknowledgement to one Thiru V. K. Rajavelu, residing at No. 412, Sathia Nagar, Madras-89

on 16-3-1990. The suitcase contained none other than clothes, paste, diary etc. So the allegations made by Thiru Era. Anbarasu, Member of Parliament, in the press about the Prison Administration are totally false, concocted and contrary to facts.

With a view to bring discredit to the Prison Administration and with ulterior motives, he had appeared in Parliament in torn clothes and with bandages on his body provided in a private hospital in Madras.

The above behaviour of Thiru Era Anbarasu, Member of Parliament are pointers of the fact that he will go to any extreme extent so as to gain publicity mileage and to gain a niche for himself in the political arena. This was evident even at the initial stage of the 'Rail Roko' agitation launched by the Congress (I) Party, when Thiru Era Anbarasu went in disguise as a muslim to participate in the said agitation.....".

23. As the Government of Tamil Nadu's version of facts was different from that of Shri Era Anbarasu, the Committee examined in person Sarvashri P. R. Kumaramangalam, Era Anbarasu, Smt. M. Chandrasekhar, MPs, Shri G. Lakshmanan, ex-M.P. and Shri K. Chelladurai, Superintendent, Central Jail, Madras, to find out the correct factual position.

24. Shri P. R. Kumaramangalam, M.P., in his oral evidence³ before the Committee deposed that Shri Era Anbarasu along with a number of MPs, who had participated in a peaceful agitation in Tamil Nadu against the renaming of Kamaraj Nagar Railway Station, as Maramalai Nagar Railway Station, was arrested and remanded to judicial custody. According to him the arrest and detention of Shri Era Anbarasu was illegal and it was done to prevent him from attending the Parliament session. On being asked, Shri Kumaramangalam informed the Committee that he was telephonically informed by Shri Anbarasu about the incident that at about 7.20 P.M., the lights were switched off and 10 convicts on the direction of jail authorities assaulted him and beat him on the neck, on the shoulder and on the back. As a result of this he got bleeding injuries and instead of taking him to the hospital for medical treatment, he was further assaulted by the jail Superintendent, who caught hold of him and threw him out of the jail.

³ See Minutes of evidence.

In reply to a question whether he knew the fact that Shri Anbarasu was ordered to be released and he was released by the jail authorities, Shri Kumaramangalam stated that he learnt from Shri Anbarasu on telephone on the basis of which he had given the notice of question of privilege. He requested the Committee that Shri Anbarasu might be heard in the matter who would be able to explain the incident in detail.

25. Shri Era Anbarasu, M.P., in his oral evidence⁴ before the Committee deposed that he was arrested on 10 March, 1990, at Madras Egmore Railway Station while he was participating in a 'Rail Roko' agitation. While they were going near the rail track they were all arrested and remanded in the Central Jail, Madras upto 12 March, 1990. He further stated that he was under the impression that after taking him to the police station, he would be released as he was summoned to attend the Parliament, but he was remanded alongwith nearly 4,000 workers till 12 March 1990, by the Magistrate. He also stated, *inter alia*, as follows:—

“On 12th March, the Superintendent of Central Jail came and told me that he had received some telephonic orders for the release of MPs and MLAs. When I insisted on his producing the order, he said it was only an oral communication through telephone. Therefore, he could not produce it.

He said: ‘You are an MP; you can go.’ Then I told him that the offence committed was one and the same—by the MPs, MLAs and the workers. Therefore, I said that before the eyes of the law, all should be treated as equals and that all of them should be released. But the Jail Superintendent said: ‘That release order has not been issued for all of them; and, therefore, we cannot release them.’ I was there alongwith the prisoners. Every day, we used to conduct political camps, and I wanted to collect some material from the workers, to enable me to take part in the discussions on the Railway Budget, *i.e.*, regarding certain problems in Tamil Nadu’s railway track, and in respect of the Madras Central railway stations also. So, every day, at the Central Jail we used to have some discussions.

⁴. See minutes of evidence.

What were the important requirements of the public? Some people were urging me that I should take up the construction of a foot overbridge at the Madras Central Railway Station. If this is done, this bridge would connect all the 14 platforms. Like this, so many subjects we used to discuss. Then on the 15th, at about 6 O'clock, we assembled in the open ground and sat on a raised platform. It was a sort of dias, There we were discussing about the problems of the railway. During the course of discussion, to discharge my duty as a Member of Parliament, I was collecting information from the workers. At about 7.20 P.M., suddenly all the lights were switched off. At that time, about ten prisoners surrounded us. I heard hue and cry. People were shouting that they were being beaten up; they were being lathi-charged. When I heard their cries, I told them not to beat them. What harm did they do? Meanwhile, those prisoners who had surrounded me, they started beating me. My friends were thrown out. They had to cross three gates from the place where I was sitting. When they crossed the second gate, some people in plain clothes were there. I presume that they all belonged to DMK. I do not know their names. They said, "You rascal, how can you say that DMK rule should go, etc.?" They gave me blows and I was dragged to the last gate. There the Jail Superintendent caught hold of my shirt and called me rascal and asked me to get out. There is a small door through which only one or two persons can go out. He pushed me out. When I came out, he caught hold of my hands and wanted me to sit in a police jeep. I said, "Why do you want me to sit in a police van?" Meanwhile, TNCC people were standing there; they were supplying breads and biscuits. At that time, one Mr. Salam came and caught hold of my hands. He said, "Don't take him to the police station." Then a driver of the TNCC brought a jeep. Even that driver was pulled down and beaten up by the police. I got into the jeep given by the TNCC and went to the office. From there, I rang up a private hospital for treatment because I sustained injuries. I have got photographs of my injuries. My last left finger was injured. I went to a private hospital for treatment because I thought—since DMK Party was in power—that they would not treat me properly. I was discharged on 17th

Immediately, I came to Delhi to attend the session. My points is that I was illegally detained and they manhandled me. They used all sorts of third degree methods on me. And while I was discussing certain steps to be taken in connection with the Railway Budget, in the course of my duty, as a Member of Parliament, they had switched off the light, they had detained me and they prevented me from attending the session also. If their intention was actually to release me, they should have allowed me to go out. Instead of that, they attempted to take me in the Police Van. The detention is illegal and definitely it amounts to a breach of privilege of a Member of Parliament and therefore, I request that this Committee should ensure that in future MPs should not be treated like this. . . . They detained me up to 12th, but as you know very well, the remand time was extended. They did not produce me before the Magistrate on the 12th. They said that the remand period was extended up to the 25th. Extending the remand period is also illegal. I was informed that the Magistrate came near the Sub-Jail and he just took the names of the persons who were in the prison and he ordered the extension of the remand period. That itself amounts to an illegal order and illegal detention....."

When asked to state who assaulted him and to give their names, Shri Anbarasu replied. "Convicts. . . I do not know the names, But I can identify them. They are all life convicts in the jail". When further asked to state whether there was anybody other than the convicts, he stated, "Police people", but could not give their names. Later on he mentioned the name of Shri Chelladurai, Jail Superintendent. Referring to his own statement that when the convicts beat him with lathis, there was no light in the prison, he was asked how could he identify the people in darkness, Shri Anbarasu replied: "When I was sitting and discussing with the workers around 6 O'clock these convicts were taking their positions slowly. I was able to see them. After the lights were off, they rushed and beat me. I was in prison for five, six days. Therefore, I am familiar with them. I can identify them."

Asked about the allegation made against him that he had instigated other prisoners in the jail to agitate as a result of which a remand prisoner was beaten up, Shri Anbarasu stated: "In fact, when the Jail Superintendent told me one day that I can go out of

the prison, one prisoner climbed on the prison building and announced that Shri Era Anbarasu should not be released and he should not go out of the prison and if he goes out of the prison, he would jump from the prison building. I was afraid that if I went out of the prison, there will be a danger to his life and I did not want to be released even if I had to lose my life." In reply to another question Shri Anbarasu stated that only the Deputy Superintendent of the jail tried to prevent him from getting the blow or lathi on his head, otherwise he would have been beaten still more seriously on his head also.

26. Smt. M. Chandrasekhar, M.P., in her oral evidences⁵ before the Committee deposed that on 15 March, 1990, when the lights went off, there was a noise of beating and men were crying. She added that not only Shri Era Anbarasu, Shri G. Lakshmanan, the former Deputy Speaker of Lok Sabha, but also nearly 50-60 persons were beaten; some were taken to hospital for treatment, who had fallen down and got injured in the beating at the hands of convicts and others. She was released from the jail on 16 March, 1990.

Asked to state whether she had seen Shri Anbarasu being beaten, Smt. Chandrasekhar replied that the sound of beating and shouting of the people were heard by her, but she did not have the opportunity of seeing him, while being beaten. She replied in the negative when asked to state whether she had seen some non-convicts or non-Congress detainees having entered the jail like the DMK men. In reply to another question whether she knew of an incident when a convict threatened to jump from the roof of the jail building and that he would touch the live wire if Shri Anbarasu went out of the prison, Smt. Chandrasekhar stated: "I do not know anything about it". She further informed the Committee that on the following day, they had a meeting with the Jail Superintendent in his room when "only MPs were asked to leave". They were not prepared to accept it as Smt. Chandrasekhar and Shri Anbarasu had a solemn determination not to leave the jail premises till all the people who had been put in jail with them were released. When asked to tell the Committee exactly as to what happened in the jail on 15th March, 1990, Smt. Chandrasekhar stated: "Mr. Lakshmanan was there. If you call him, he will give you better information... He must be called for giving evidence here. As a responsible person, who was a Member of Parliament and who was the Deputy Speaker, he can give you the exact information."

⁵. See minutes of evidence.

27, Shri G. Lakshmanan, ex-MP., in his oral evidence⁶ before the Committee deposed that he was also in the prison with Shri Anbarasu and on the day of occurrence of the incident, he had met the jail Superintendent, Shri Chelladurai and told him about the contention of Shri Anbarasu that 'if he had to be freed, then the Jail authorities had to free all those people who came along with Mr. Anbarasu'. According to Shri Lakshmanan, Shri Anbarasu's contention was not accepted and he was told that 'they had received some Government Order to release Members of Parliament' to which Shri Anbarasu said: "I am not accepting it. I would go only with my people." Narrating the sequence of events, Shri G. Lakshmanan stated, *inter alia*, as follows:—

"....The day prior to this day, there was some rehearsal. The lights were off. The rehearsal was as to how to hit and all that. I do not know who were doing it. Further, I do not know why the Superintendent was very particular that Mr. Anbarasu should be asked to go out, that too against his request. On that day, I went to him. What they did was that they had brought his wife (Shri Anbarasu's wife). She was brought by the jail authorities. She was staying with the Jail authorities. She was telling that somebody was sick and therefore Mr. Anbarasu should be released. But these things were made out by the police people". Then, I went and met her. I told her: 'Mr. Anbarasu is in the prison and he wants to follow certain norms. He does not want to leave his own followers. Therefore, he does not want to be released. So, Madam, kindly help us.' I told her that I would take the responsibility and she could go. But still she did not go...."

According to Shri Lakshmanan, on the sixth day of their imprisonment, when he was talking with Shri Anbarasu at six O'clock in the evening,

"a big contingent consisting of one or two police personnel and also some fellows descended on the scene. I think they were convicts. I also came to know that certain goondas had been sent inside the prison and the preparation was going on for the past two to three days. They were also there. They hit Mr. Anbarasu. I have also got some hits in four or five places.... Then the door was locked. Immediately Mr. Anbarasu was beaten this side and that

⁶. See minutes of evidence.

side. He was taken out by the time. I had to remain. They came up to the gate which was about 100 to 200 ft. They were going on hitting him very severely. They threw him out. Even at that time his wife was there. He was not given any treatment. So, he had to engage some car. He went direct to the party office and to the doctor. I was told that his wife was there. The police wanted to create a story that his wife wanted him and therefore they had released him. But Mr. Anbarasu was beaten very badly. This is not the kind of treatment that should be given to a Member of Parliament..”

In reply to a question that when the incident took place, Shri Anbarasu had no intention to come to Parliament to participate in the proceedings, Shri Lakshmanan stated: “Shri Anbarasu wanted that there should not be any discrimination. He was insisting on them that if they were releasing him that day. They must release his followers also...” When asked to state whether it was correct that the question of attending the Parliament or not attending the Parliament was not at that time uppermost in the mind of Shri Anbarasu and what was uppermost in his mind was not to accept the charity of release and leave behind his followers in the prison, Shri Lakshmanan replied in the affirmative.

28. Shri K. Chelladurai, Superintendent, Central Jail, Madras, in his evidence⁷ before the Committee deposed that Shri Anbarasu was brought to the Central Jail in connection with the Rail Roko demonstration on remand by the Additional Metropolitan Magistrate along with other prisoners on 10 March, 1990, at 23.00 hours and on 11th morning order was received from the Additional Metropolitan Magistrate to release all the 6 M.Ps. and 4 M.L.As.

He told them that “their release order has been received and that they can go out and perform their duties as representatives of the people. This is as per the Orders of Court which says that the Superintendent of the Central Jail is hereby authorised to release Shri Anbarasu, M.P. forthwith from the custody of the jail if he is not wanted for any other matter.’ On 11 March, 1990, when he informed Shri Anbarasu personally about the release order, he said that “unless all other MPs are released, he will not go. He said he would prefer to stay inside the jail alongwith order, he said that “unless all other MPs are released, he will to the Chief Metropolitan Magistrate on 12 March, 1990. Denying

⁷. 522 minutes of evidence.

that he had assaulted Shri Anbarasu on 15 March, 1990 Shri Chelladurai stated, *inter alia*, as follows:—

“On 13-3-1990, the Congress (I) agitators tried to break open the main gate. I had warned them not to resort to such methods. They wanted that other prisoners should also be released. On 14-3-1990 also, he had induced a habitual prisoner... He was instigated by the hon. Member to climb over the roof. This habitual prisoner threatened and shouted at me, the Additional Superintendent and the Jailor that he will commit suicide, if Shri Anbarasu is released from the prison. He came down immediately from the roof when the hon. Member told him to do so. I want to mention all these things because the truth has to be brought before the hon. Committee.. There were two factions among the Congress (I) party in Tamil Nadu. I don't want to mention the name of leader of the group. From 11th to 15th, he was only in illegal detention. I had received release orders. I had asked him to go on release. One faction also wanted him to go on release. The other faction did not want him to go on release..... So, I have never instigated anybody nor authorised anybody to do such things. I had never raised my little finger against anybody. When I met him near the gate, I had asked that why did you create such a problem being an M.P.? If he did not instigate the co-agation prisoners to take part or create such a problem inside the prison such incident would not have happened at all. I had also seen that there was no injury on him. His shirt was intact. On 15th, at 7.25 P.M. my jailor and the Additional Superintendent released him from the main gate. I went along with Shri Era Anbarasu outside the gate because at late nights he will not be able to get any vehicle. There was a police jeep which was waiting outside. He said then that he does not want to go by that jeep. There was another Congress (I) Jeep which was waiting outside for giving food to the Congress(I) agitators. It belonged to Tamil Nadu Congress. I asked him to go by that jeep..... Then, he went to his home. Next day, I saw in the newspaper that he was admitted in some priavte hospital. There, it was mentioned that I had assaulted him. I had taken

some money also from him. These are totally false allegations. This was done to politicise the situation.....
First of all the hon. Member had complained that I had taken his Rs. 4000 from his pocket and also another Rs. 1000. He had published this in the newspaper. If a prisoner is arrested and put in the jail and if it is found after the search that he is possessing some money, then we keep it in prisoner's cash property. We had checked him and we did not find any such money from him. Even if he had possessed any such money, it amounts to illegal possession of money under Rule 298(h) of Madras Prison Manual..... We have not taken any money from him

29. Asked to state whether he himself made any effort to persuade Shri Anbarasu to go out of the jail, Shri Challadurai replied: "Yes, I made efforts through many sources. I had conducted there meetings in my office. I had called all the leaders between 11th and 15th and requested them to ask him to go on release, but they were not able to convince him."

30. Shri Chelladurai, however, expressed his regrets for the incident which took place in the Central Jail, Madras, on 15 March, 1990.

IV. Conclusions

31. The Committee considered the following points which arose out of the matter for the purpose of arriving at their conclusions:—

- (i) whether Shri Era Anbarasu was deliberately kept in the Central Jail, Madras to prevent him from coming to the House;
- (ii) whether there was a breach of privilege involved; and
- (iii) the effect of the apology or regret expressed by the Superintendent, Central Jail, Madras.

32. After a careful analysis of the evidence, both written and oral, especially the submissions made by Shri Era Anbarasu, Shri-mati M. Chandrasekhar, MPs, and Shri G. Lakshmanan, ex-MP, who were also lodged in the jail at the relevant time and Shri K. Chelladurai, Superintendent, Central Jail, Madras, the well established precedents and the rulings of the Presiding Officers in both the Houses on cases of a similar nature, the Committee have arrived at the following conclusions.

33. So far as the allegation made by Shri Era Anbarasu that he was deliberately kept in jail to prevent him from coming to the House is concerned, the Committee note from the evidence on record that on 11 March, 1990, he was requested by the Superintendent, Central Jail, Madras, to go out of the jail as his release order had been received from the competent authority, but he insisted on remaining in jail till all the agitators were released and until 15 March, 1990, he did not go out. The Committee are of the opinion that in the present case, they cannot come to the conclusion that Shri Anbarasu was deliberately prevented from coming to the House particularly when he himself refused to come out of the jail.

34. As regards the second point, the Committee note that it is well established that it is a breach of privilege and contempt of the House to obstruct or molest a member while in the execution of his duties, that is while he is attending the House or when he is coming to, or going from the House. In the instant case, Shri Anbarasu has admitted that he participated in the agitation while he was 'under summons from the President of India to attend the Parliament session' and he refused to go out of jail even when his release order was received by the jail Superintendent and he was duly informed about it. It is, therefore, clearly established that he wanted to remain in prison with other agitators and was not interested in being released for attending the session unless his co-agitators were also released with him. The Committee are, therefore, of the opinion that no question of breach of privilege is involved in this case as Shri Era Anbarasu was not performing his duties as a member of Parliament while taking part in the Rail Roko agitation on 10 March, 1990.

35. In view of the regrets expressed by Shri K. Chelladurai, Superintendent, Central Jail, Madras, for the incident which took place on 15 March, 1990, the Committee are of the view that the dignity of the House would be best served by taking no further action in the matter.

36. The Committee, however, note that of late there have been several cases of assault on members of Parliament by police and other authorities and in the instant case, a member of Parliament was assaulted by person or persons who have not been identified, within the precincts of the Central Jail, Madras, which is highly reprehensible. The Committee are not satisfied with the evidence given by the Superintendent whose duty was to see that no such incident took place and as such there was dereliction of duty on the part of jail authorities. The Committee are constrained to express

their distress and unhappiness over such repeated incidents of assault on the elected representatives of the people.

37. The Committee would like the Ministry of Home Affairs to take appropriate steps immediately to curb the growing tendency on the part of law enforcing authorities of assaulting and illtreating members of Parliament and other elected representatives of the people. The Committee desire in particular that the Ministry of Home Affairs issue necessary instructions to all the authorities concerned to ensure that such incidents may not recur and members of Parliament are shown due respect and regard while dealing with them. If any Government officer acts in a manner unbecoming of his position and status, serious action should be taken against him.

38. The Committee hope that the Ministry of Home Affairs would keep a constant watch to ensure that the above recommendation made by the Committee is observed by the authorities concerned in letter and spirit.

V. Recommendation of the Committee

39. The Committee recommend that in view of their findings mentioned above, no further action need be taken by the House in the matter and it may be dropped.

NEW DELHI;
March 6, 1991

Phalguna 15, 1913 (Saka)

SOMNATH CHATTERJEE,
Chairman,
Committee of Privileges.

MINUTES

MINUTES

I

FIRST SITTING

New Delhi, Wednesday, 11 April, 1990

The Committee sat from 15.30 to 16.30 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Ajay Singh
3. Shri A. R. Antulay
4. Shri Arif Baig
5. Shri Harmohan Dhawan
6. Shri Eduardo Faleiro
7. Shri Santosh Kumar Gangwar
8. Shri Mallikarjun
9. Shri Ajit Kumar Panja
10. Dr. Shakeelur Rehman
11. Shri K. Ramamurthy
12. Shri R. Gundu Rao
13. Shri Mandhata Singh

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S. Ahluwalia—*Deputy Secretary.*

2. At the outset, the Chairman welcomed the members of the new Committee and explained in brief the working of the Committee of Privileges. Members exchanged general views about the functioning of the Committee of Privileges.

3. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M. P., in Central Jail, Madras.

4. The Committee decided that in the first instance Shri Anbarasu, M.P., might be requested to appear before the Committee of Privileges for oral examination at their next sitting.

5. The Committee further decided that the following members who had given notices of question of privilege might also be requested to appear before the Committee for oral examination at their next sitting, if they so desired :—

1. Shri P. R. Kumaramangalam
2. Shri Ajit Kumar Panja
3. Shri T. Basheer
4. Shri D. Pandian
5. Shri Piyare Lal Handoo
6. Shri Dileep Singh Bhuria
7. Shri Dinesh Singh
8. Shri Sontosh Mohan Dev
9. Dr. K. Kalimuthu
10. Prof. N. G. Ranga
11. Shri Harish Rawat

6. The Committee also decided that the Ministry of Home Affairs might be asked to furnish a detailed report on the incident of alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras on 15th March, 1990, alongwith a copy of the First Information Report, if any, lodged by Shri Era Anbarasu regarding the said incident.

7. The Committee decided to hold their next sitting on Thursday, 3rd May, 1990.

The Committee then adjourned.

II

SECOND SITTING

New Delhi, Thursday, 3, May, 1990

The Committee sat from 15.30 to 17.00 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Arif Baig ..
3. Shri Eduardo Faleiro
4. Shri Sontosh Kumar Gangwar
5. Shri Bhogendra Jha
6. Shri Ajit Kumar Panja
7. Dr. Shakeelur Rehman
8. Shri R. Gundu Rao
9. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri T. S. Ahluwalia—*Deputy Secretary*

Witness

Shri P. R. Kumaramangalam, M.P.

2. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

3. The Chairman informed the members that Shri Era Anbarasu, M.P., who had been requested to appear before the Committee for evidence, had sent a letter expressing his inability to do so on account of personal reasons and requesting that some other date be fixed for his evidence.

The Committee agreed to Shri Anbarasu's request and decided to call him later for evidence.

4. The Chairman also informed the members that the Ministry of Home Affairs who had been asked to furnish a detailed report on the alleged incident of assault on Shri Era Anbarasu in Central Jail, Madras on 15th March, 1990, had requested for grant of time as the detailed report had not been received by them from the Government of Tamil Nadu.

The Committee decided to give the Ministry of Home Affairs time till 14 May, 1990 to obtain the detailed report from the Government of Tamil Nadu and furnish the same to the Committee.

5. Shri P. R. Kumaramangalam M.P., was then called in and examined by the Committee on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

6. The Committee decided that the Ministry of Home Affairs be asked to furnish a copy of the order of the Madras High Court — referred to in his evidence by Shri P. R. Kumaramangalam, M. P. — wherein the High Court was stated to have held that the detention as remand prisoners of those who had participated in the agitation was illegal.

7. Shri Ajit Kumar Panja, M.P., wanted to know from the Chairman whether any member of the Committee had any objection to his participation in the meetings of the Committee since he was one of the members who had given notices of question of privilege regarding the alleged incident of assault on Shri Era Anbarasu in Central Jail, Madras.

Chairman observed that there could be no objection to Shri Panja's participation as he had no personal interest in the matter.

8. — 12. ** ** ** **

13. The Committee decided that Shri Era Anbarasu M.P., be called to appear before the Committee for giving evidence on 16th May, 1990. at 3.30 p.m.

14. ** ** ** **

The Committee then adjourned.

III

Third Sitting

New Delhi, Wednesday, 16 May, 1990

The Committee sat from 15.30 to 16.15 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay

*Paras 8—12 and 14 relate to another case and have accordingly been omitted.

3. Shri Arif Baig
4. Ch. Jagdeep Dhankhar
5. Shri Harmohan Dhawan
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha
8. Shri Ajit Kumar Panja
9. Shri Mandhata Singh

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

2. At the outset, the Chairman, Committee of Privileges welcomed Ch. Jagdeep Dhankhar, Deputy Minister in the Ministry of Parliamentary Affairs, nominated to the Committee on 14th May, 1990 vice Shri Ajay Singh, MP, who had resigned from the Committee with effect from 1st May, 1990.

3. The Committee then took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras.

4. The Chairman, Committee of Privileges, read out a letter dated 15th May, 1990, received from Shri Era Anbarasu, MP, wherein he had stated that he was ready to appear before the Committee for evidence but the Congress (I) Party had unexpectedly decided to hold election to the post of Secretary, Congress (I) Party in Parliament on 16th May, 1990. As he was one of the candidates for the post, Shri Anbarasu stated, he was busy in election campaign and found it extremely difficult to appear before the Committee on that day. The Chairman also informed the members that Shri Anbarasu had requested that some other date be fixed for his evidence.

The Committee agreed to Shri Anbarasu's request and decided to call him before the Committee for evidence at 3.30 p.m. on 24th May, 1990.

5. The Chairman further informed the members that a letter had been received from Shrimati M. Chandrasekhar, MP, expressing her desire to give evidence before the Committee in connection with the question of privilege regarding alleged assault on Shri

Era Anbarasu, MP, in Central Jail, Madras, because she was also lodged in the said jail at the relevant time. Efforts were made to contact Smt. M. Chandrashekhar to find out if she could appear before the Committee on 16th May, 1990, but it was learnt that she was out of station.

The Committee decided to call Smt. M. Chandrashekhar, MP, to give evidence before the Committee at 4 p.m. on 24th May, 1990. 6 to 9. * * * *

The Committee then adjourned

IV

Fourth Sitting

New Delhi, Thursday, 24 May, 1990.

The Committee sat from 15.30 to 17.30 hours.

PRESENT

Shri Somnath Chatterjee — *Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Ch. Jagdeep Dhankhar
4. Shri Harmohan Dhawan
5. Shri Santosh Kumar Gangwar
6. Shri Bhogendra Jha
7. Shri Ajit Kumar Panja
8. Dr. Shakeelur Rehman
9. Shri Mandhata Singh
10. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi — *Joint Secretary*

WITNESSES

(1) Shri Era Anbarasu, M.P.

(2) ** ** ** **

2. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

**Paras and Serial No. (2) 6—9 do not relate to this case and have accordingly been omitted

3. Shri Era Anbarasu, M. P., was called in and examined by the Committee on oath.

4. Shri Era Anbarasu handed over the following documents to the Committee:—

- (i) Copy of First Information Report (in Tamil) filed in the Court of Additional Chief Metropolitan Magistrate, Egmore, Madras, by Sub-Inspector of Police, Central Crime Branch, Egmore, Madras on 10th March, 1990;
- (ii) Copy of Order dated 16th March, 1990, of the Madras High Court in Writ Petition No. 2359 of 1990 'G.K. Moopnar, MLA & others vs. State of Tamil Nadu';
- (iii) Medical Certificate (Discharge summary) of Shri Era Anbarasu, M.P., issued by Devaki Hospital, Madras;
- (iv) News report published in *Hindu* dated 16th March, 1990, under the caption "Congress(I) MP beaten up, 'thrown out' of jail";
- (v) News report published in "Dinathanthi" (in Tamil) dated 13th April, 1990, under the caption "The woman who came with me during the Rail Roko Agitation was not an actress";
- (vi) A photograph showing Shri Era Anbarasu in bandages.

5. The evidence of Shri Anbarasu was not concluded and the Committee decided to call him on some later date.

(Verbatim record of evidence was kept)

(The witness then withdrew)

6.7 ** ** ** ** **

8. The Committee decided to meet again on 5th, 6th, 7th and 8th June, 1990.

The Committee then adjourned.

**Paras 6-7 relate to another case and have accordingly been omitted.

Fifth Sitting*New Delhi, Tuesday, 5, June, 1990*

The Committee sat from 15.00 to 17.35 hours.

PRESENTShri Somnath Chatterjee — *Chairman***MEMBERS**

2. Shri A. R. Antulay
3. Ch. Jagdeep Dhankhar
4. Shri Eduardo Faleiro
5. Shri Santosh Kumar Gangwar
6. Shri K. Ramamurthy
7. Shri Mandhata Singh

SECRETARIATShri K. C. Rastogi — *Joint Secretary*Shri T. S. Ahluwalia — *Deputy Secretary*Shri A. N. Gupta — *Assistant Director***WITNESS**

Shri Era Anbarasu, M.P.

2. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

3. Shri Era Anbarasu, MP, was called in and examined by the Committee on oath.

*(Verbatim record of evidence was kept)**(The witness then withdrew)*

4. The Chairman, Committee of Privileges then informed the members that as per the decision of the Committee, the Superintendent, Central Jail, Madras had been asked to appear before the Committee for oral evidence. The Superintendent, Central Jail, Madras, had, however, neither come in person for tendering his evidence nor any intimation had been received by the Secretariat explaining the reasons as to why he could not appear before the Committee as directed.

The Chairman also informed the members that the former Inspector General of Prisons, Tamil Nadu (Shri S. Sripal) and the Deputy Inspector General of Prisons, Tamil Nadu (Shri A. Perumal) had, however, come in place of Superintendent, Central Jail, Madras and they might be able to explain about his absence. The Chairman elicited members' views on the point whether the two officers of Tamil Nadu Government who had come without being called by the Committee, ought to be heard and examined by the Committee.

5. After some discussion, the Committee decided not to examine the former Inspector General, Prisons and Deputy Inspector General, Prisons, Tamil Nadu as they had not been asked by the Committee to appear before them.

6. The Committee took serious note of the fact that the Superintendent, Central Jail, Madras, had failed to appear before the Committee without giving any prior and proper intimation to that effect. The Committee decided that the Superintendent, Central Jail, Madras be asked to explain as to why he did not appear before the Committee as directed.

7. The Committee also decided that the Superintendent, Central Jail, Madras, might be given another opportunity and asked to appear for oral evidence at 3.00 p.m. on 22nd June, 1990.

The Committee then adjourned.

VI

Sixth Sitting

New Delhi, Wednesday, 6 June, 1990

The Committee sat from 10.30 to 13.00 and 15.30 to 18.15 hours

PRESENT

Shri Somnath Chatterjee — *Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Ch. Jagdeep Dhankhar
4. Shri Eduardo Faleiro
5. Shri Bhogendra Jha
6. Shri Ajit Kumar Panja

7. Shri Mandhata Singh
8. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*
Shri T. S. Ahluwalia—*Deputy Secretary*
Shri A. N. Gupta—*Assistant Director*

2-3 ** ** ** **

4. The Chairman, Committee of Privileges reminded the members that on 5th June, 1990, in the course of consideration of question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras, the Committee had taken a very serious note of the fact that the Superintendent, Central Jail, Madras, who had been asked to appear before the Committee on 5th June, 1990, for oral evidence, had failed to do so without giving any prior and proper intimation to that effect. The Chairman informed the members that a communication had, in fact been received from the Ministry of Home Affairs in the office of the Joint Secretary of the Lok Sabha Secretariat on 5th June, 1990 at 3.30 p.m., i.e., when the sitting of the Committee was in progress. However, since the Joint Secretary concerned was attending the sitting of the Committee at the time the communication was delivered in his office, and his P.A. was on leave, the communication could not be placed before the Committee immediately. The Chairman read out the said communication received from the Ministry of Home Affairs intimating that the Government of Tamil Nadu had informed that the Superintendent, Central Jail, Madras was on medical leave undergoing treatment for his fractured hand and that the then Inspector General of Prisons, Tamil Nadu, who was fully conversant with the facts of the case, had been deputed to appear before the Committee on 5th June, 1990.

The Chairman observed that he had brought these facts to the notice of the Committee since the Committee had taken a very serious note of the absence of the Superintendent, Central Jail, Madras on 5th June, 1990, on the assumption that no intimation had been received in that regard. The Committee expressed their unhappiness over the remissness on the part of the Ministry of Home Affairs in not sending the said communication in time.

5-10 ** ** ** **

The Committee then adjourned.

**Paras 2-3 and 5-10 relate to other cases and have accordingly been omitted.

VII

SEVENTH SITTING

New Delhi, Friday, 8th June, 1990

The Committee sat from 10.30 to 13.30 and 15.30 to 18.40 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Ch. Jagdeep Dhankhar
5. Shri Eduardo Faleiro
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha
8. Shri R. Gundu Rao
9. Shri Mandhata Singh
10. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri T. S. Ahluwalia—*Deputy Secretary*

Shri A. N. Gupta—*Assistant Director*

WITNESSES

- | | | | | |
|---------------------------------|----|----|----|----|
| (1) & (2) | ** | ** | ** | ** |
| (3) Smt. M. Chandrasekhar, M.P. | | | | |
| 2—7. | ** | ** | ** | ** |

8. The Committee then took up consideration of the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

9. Smt. M. Chandrasekhar, MP, was called in and examined by the Committee on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

10. The Committee decided to call Shri G. Lakshmanan, ex-M.P., to give evidence before the Committee on 22nd June, 1990.

The Committee then adjourned.

**Serial (1) & (2) and paras 2-7 relate to another case and have accordingly been omitted.

VIII

EIGHTH SITTING

New Delhi, Friday 22 June, 1990.

The Committee sat from 15.00 to 18.05 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Ch. Jagdeep Dhankhar
5. Shri Eduardo Faleiro
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha
8. Shri Ajit Kumar Panja
9. Dr. Shakeelur Rehman
10. Shri K. Ramamurthy
11. Shri R. Gundu Rao
12. Shri Mandhata Singh

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*
 Shri T. S. Ahluwalia—*Deputy Secretary*
 Shri A. N. Gupta—*Assistant Director*

WITNESSES

- (1) Shri K. Chelladurai—*Superintendent, Central Jail, Madras*
- (2) Shri G. Lakshmanan, ex-M.P.

2. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

3. Shri K. Chelladurai, Superintendent, Central Jail, Madras, was called in and examined by the Committee on oath.

WITNESS

Shri K. Chelladurai—*Superintendent, Central Jail, Madras.*

2. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

3. Shri K. Chelladurai, Superintendent, Central Jail, Madras, was called in. Since he was already under oath, the Committee proceeded with his examination.

4. Shri Chelladurai, who had been asked during the course of his evidence before the Committee on 22nd June, 1990, to produce Rule 89 of the Madras Prisons Reformatory Manual regarding reports about a prisoner to be accompanied by Nominal Roll, handed over a copy of the English version of the said Rule together with a blank form No. 52, to the Committee.

Shri Chelladurai expressed his regrets for the incident which happened in the Central Jail, Madras, on the 15th March, 1990.

(Verbatim record of evidence was kept)

(The witness then withdrew)

The Committee then deliberated on the following points:—

- (i) whether Shri Era Anbarasu was deliberately kept in jail to stop him from attending the Parliament;
- (ii) whether there was an apparent breach of privilege involved; and
- (iii) the effect of the apology or regret expressed by the Superintendent, Central Jail, Madras.

The members expressed their views at length. As several members were not present, the Committee decided to resume their deliberations on the case at a subsequent sitting.

5. The Committee decided to cancel their sitting to be held at 15.30 hours on that day which was fixed for further consideration of Shri Anbarasu's case.

The Committee then adjourned.

TENTH SITTING

New Delhi, Monday, 19 November, 1990.

The Committee sat from 15.00 to 16.20 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Shrimati M. Chandrasekhar
5. Ch. Jagdeep Dhankhar
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha
8. Dr. Shakeelur Rehman
9. Shri B. Shankaranand
10. Shri Mandhata Singh

SECRETARIAT

Shri C. K. Jain—*Additional Secretary*

Shri T. S. Ahluwalia—*Deputy Secretary*

Shri K. M. Kamboj—*Under Secretary*

2. The Committee, took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P. in Central Jail, Madras, and resumed their deliberations on the case.

3. The Chairman requested the members to give their views on the matter. A member (Shri A. R. Antulay) submitted that before proceeding further in the matter, the Committee ought to (i) visit the place where the incident was said to have occurred, (ii) record evidence of one more witness viz., Shri Mooponar and (iii) examine the statement said to have been made by the Chief Minister of Tamil Nadu in the Tamil Nadu Legislative Assembly in connection with the matter of alleged assault on Shri Anbarasu.

4. The Chairman then asked the members to express their views on the points raised by Shri A. R. Antulay.

5. The Chairman, after hearing the views expressed by members, observed that since important points were involved in the submissions made by Shri Antulay, further deliberation on the matter be postponed to some other date.

6. ** ** ** **

7. The Committee decided to hold their sittings on 5, 6 and 7 December, 1990.

The Committee then adjourned.

XI

ELEVENTH SITTING

New Delhi, Wednesday 28 December, 1990.

The Committee sat from 15.30 to 16.20 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Shri Harmohan Dhawan
5. Shri Santosh Kumar Gangwar
6. Shri Bhogendra Jha
7. Shri R. Gundu Rao
8. Dr. Shakeelur Rehman

SECRETARIAT

Shri C. K. Jain—*Additional Secretary*

Shri T. S. Ahluwalia—*Director*

Shri K. M. Kamboj—*Under Secretary*

2. At the outset, the Chairman congratulated two members of the Committee, viz. Shri Harmohan Dhawan and Dr. Shakeelur Rehman, who had since become Ministers.

**Para 6 does not relate to this case and has accordingly been omitted.

3. The Committee took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras.

4. The Chairman informed the Committee that at the last sitting of the Committee, when Shri Era Anbarasu's case was considered, a member (Shri A. R. Antulay) had submitted that before proceeding further in the matter the Committee ought to (i) visit the place in Madras where the incident was said to have occurred, (ii) record evidence of one more witness, viz., Shri G. K. Moopanar and (iii) examine the statement said to have been made by the Chief Minister of Tamil Nadu in the Tamil Nadu Legislative Assembly in connection with the matter of alleged assault on Shri Era Anbarasu. The Chairman also informed that further deliberation on the matter was then postponed as some members wanted time to study the papers before expressing their opinion on the submissions of Shri Antulay. The Chairman requested the members to express their views.

Members expressed their views.

5. The Committee decided that a copy of the statement said to have been made by the Chief Minister of Tamil Nadu in the Tamil Nadu Legislative Assembly in connection with the matter of alleged assault on Shri Era Anbarasu be obtained for the perusal of the Committee. The Committee also decided that the decision on the other two points raised by Shri Antulay might be taken after the Committee had had an opportunity of going through the said remarks of the Chief Minister of Tamil Nadu.

6. Some members suggested that sittings of the Committee should not be held, as far as possible, during short sessions of the House. The Chairman, after obtaining the views of the members, agreed to the suggestion.

7. The Committee decided to meet again on 28, 29 and 30 January, 1991.

The Committee then adjourned.

XII

TWELFTH SITTING

New Delhi, Tuesday, 29 January, 1991

The Committee sat from 12.00 to 13.05 and 16.00 to 17.25 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Shri Santosh Kumar Gangwar
5. Shri R. Gundu Rao
6. Shri Mandhata Singh
7. Shri R. L. P. Verma

SECRETARIAT

Shri C. K. Jain—*Additional Secretary*

Shri T. S. Ahluwalia—*Director*

Shri K. M. Kamboj—*Under Secretary*

2-11 ** ** ** **

12. The Committee then took up consideration of question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras.

13. As some Members wanted more time to discuss the matter, the Committee decided to resume their deliberations on the matter at a subsequent sitting.

14—19. ** ** ** **

The Committee then adjourned

XIII

Thirteenth Sitting

New Delhi, Monday 11 February, 1991

The Committee sat from 11.00 to 11.40 and 15.30 to 17.30 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

**Paras 2 to 11 and 14-19 relate to other cases and have accordingly been omitted.

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
- *4. Shrimati M. Chandrasekhar
5. Ch. Jagdeep Dhankhar
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha

SECRETARIAT

Shri C. K. Jain—*Additional Secretary*
 Shri K. M. Kamboj—*Under Secretary*
 Shri S. C. Rastogi—*Assistant Director*

2.12 ** ** ** **

13. The Committee then took up for consideration the question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras, on 15 March 1990. The Committee felt that in view of the regrets expressed by Shri K. Chelladurai, Superintendent, Central Jail, Madras, for the above mentioned incident which the Committee viewed with concern, the dignity of the House would be best served by taking no further action in the matter. The Committee accordingly decided to recommend to the House that no further action need be taken in the matter and it might be dropped.

14. The Committee, however, noted that of late there had been several cases of assault on members of Parliament by police authorities. The Committee were constrained to express their distress and unhappiness over such repeated incidents of assault on the elected representatives of the people by police personnel.

15. The Committee decided to recommend that the Ministry of Home Affairs should take appropriate steps to curb the growing tendency on the part of law enforcing authorities of assaulting and ill-treating members of Parliament and other elected representatives of the people. The Committee desired that the Ministry of Home Affairs be asked to issue necessary instructions to all the authorities concerned to ensure that such incidents might not recur and, if any officer acts in that manner, serious action should be taken against him.

*Shrimati M. Chandrasekhar retired when the Committee deliberated on the question of privilege re. alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras.

16. The Committee hoped that the Ministry of Home Affairs would keep a constant watch to ensure that the recommendation made by the Committee was observed by authorities concerned in letter and spirit. . . .

17. The Committee decided that the draft report on the matter might be prepared and circulated to the members of the Committee for consideration.

18. ** ** ** **

The Committee then adjourned to meet again on Tuesday, 12 February, 1991 at 11.00 hours.

XIV

FOURTEENTH SITTING

New Delhi, Wednesday, 6 March, 1991

The Committee sat from 15-30 to 15-50 hours.

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Shrimati M. Chandrasekhar
5. Shri Santosh Kumar Gangwar
6. Shri Mandhata Singh
7. Shri R. L. P. Verma ..

SECRETARIAT

Shri C. K. Jain—*Additional Secretary*

Shri K. M. Kamboj—*Under Secretary*

Shri S. C. Rastogi—*Assistant Director*

2. The Committee considered their draft First Report on the question of privilege regarding alleged assault on Shri Era Anbarasu, MP, in Central Jail, Madras.

*Para 2-12 and 18 relate to other case and have accordingly been omitted.

3. The Committee adopted the draft First Report with the following modification:—

“For the following sentence in paragraph 36 of the draft Report,—

‘The Committee are not satisfied with the evidence given by the Superintendent whose duty was to see that no such incident took place.’

the following sentence may be *substituted*,—

‘The Committee are not satisfied with the evidence given by the Superintendent whose duty was to see that no such incident took place and as such there was dereliction of duty on the part of jail authorities.’”

4. The Committee decided that the evidence taken before the Committee be appended to the Report of the Committee.

5. The Committee authorised the Chairman and in his absence Shri Mandhata Singh, MP, to present their First Report to the House on 12 March, 1991.*

6. * * * * *

The Committee then adjourned.

*The First Report was presented to the House on 11 March, 1991.

**Paras 6-8 relate to other cases and has accordingly been omitted.

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MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE
OF PRIVILEGES

Thursday 3, May, 1990

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Arif Baig
3. Shri Eduardo Faleira
4. Shri Santosh Kumar Gangwar
5. Shri Bhogendra Jha
6. Shri Ajit Kumar Panja
7. Dr. Shakeelur Rehman
8. Shri R. Gundu Rao
9. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri T. S. Ahluwalia—*Deputy Secretary*

WITNESS

Shri P. R. Kumaramangalam, M.P.

(The Committee met at 15.30 hours)

Evidence of Shri P. R. Kumaramangalam, M.P.

MR. CHAIRMAN: Shri P. R. Kumaramangalam, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

I hope that you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or affirmation as you like.

SHRI P. R. KUMARAMANGALAM : I, P. R. Kumaramangalam, solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

MR. CHAIRMAN : You raised a question of privilege in regard to the incident that took place in Central Jail, Madras. You sent a letter in this regard to the hon. Speaker. Then you also signed another letter on the same day along with some MPs. It was also sent to the hon. Speaker asking him to take up this matter.

SHRI P. R. KUMARAMANGALAM : It is a fact. A peaceful agitation took place in Tamil Nadu about Kamaraj Nagar Railway Station. In this agitation, a number of MPs had participated. None of them had violated any law. However, many of them were arrested. Mr. Era Anbarasu was arrested and remanded to judicial custody. The reason was not known about it. This issue also came up before the High Court of Madras. My submission is that the arrest and the detention of Mr. Era Anbarasu in this matter was illegal. It was done to prevent him from attending the Parliament Session. The date on which he was arrested and the period for his detention indicate that he was not able to attend the Parliament Session. I received a call from him in this regard. He told me that at about 7.20 P.M., when he was discussing issues that had to be raised in Parliament with his voters and colleagues in the Madras Jail—he had to be released to come to Delhi. At that time the lights were switched off and about ten convicts on the direction of jail authorities assaulted him. In fact they beat him on the neck, on the shoulders and on the back.

MR. CHAIRMAN : Is this what you have heard?

SHRI P. R. KUMARAMANGALAM : I am only quoting him. I am saying what he had telephonically informed me. He got bleeding injuries. Thereafter, according to him, instead of taking him to the hospital for medical treatment, he was further assaulted by

the Jail Superintendent, who caught his shirt; brought to another jail premises and ultimately he was thrown out. On the next day morning, i.e. 16th morning I raised this issue in the House. If this was true, then in my personal opinion, it definitely constitutes the privilege. After all a Member has to consult his voters, especially after receiving a summon for attending the session, he has to sort out the issues which he has to raise in the Parliament. The major issue for which he was arrested and put in jail was a matter dealing with the Railway Ministry and the Railway Budget. I did confirm this matter when he came to Delhi. He had also moved a Privilege Motion. And thereafter how it got referred to the Privilege Committee it was on record.

MR. CHAIRMAN: You have referred to the assault in your notice. The matter of arrest was not mentioned in the notice.

SHRI P. R. KUMARAMANGALAM: May be at that time it was not mentioned. That was possible. Definitely that was clearly a case of privilege and I think it should be brought to the notice of the Committee. It is a part of continuing phenomenon. Firstly it was illegal detention of a Member and then he was assaulted when he was consulting with the voters of his constituency and members of his Party. So, in every way he was hampered from doing his duty as a Member of Parliament.

I was also illegally detained in that fashion. But I did not move any motion on individual cases. In this particular case in addition to illegal detention he was restrained from meeting his own members of the Party.

MR. CHAIRMAN: Do you want to say anything more?

SHRI P. R. KUMARAMANGALAM: I would like to point out that 17 Members of Parliament were detained similarly in Tamil Nadu, who underwent this illegal detention. If the Committee requires, I can supply later the Writ Petition number and the judgement.

I do not have anything more to add. I will answer to the questions of the Committee.

SHRI BHOGENDRA JHA: On what basis did you conclude that the custody itself was illegal? Secondly, the matter of assault came up in the House itself.

SHRI P. R. KUMARAMANGALAM: The agitation was only for 10th because, it was one point agitation and it was not meant to

continue any further. Actually none of the offences under preventive detention would have been made out of it. We said: How can you order judicial custody for 15 days unless you had reason to say that the evidence would be tempered with." But they gave no reason whatsoever. They just plainly said that they want 15 days detention. This went upto the court. where the Madras High Court held that this was wrong.

SHRI BHOGENDRA JHA: Can you produce the custody warrant?

SHRI P. R. KUMARAMANGALAM: That will have to be summoned from the court room.

SHRI AJIT PANJA: You said that 17 MPs were also arrested on 10th of March, 90. Could you tell the names of some of them?

SHRI P. R. KUMARAMANGALAM: Shri Era Anbarasu, Shri P. Chidambaram, Shri L. Balaraman, Shri A. J. Mohan, Shri R. Prabhu, Shri Ramamurthy, myself, Shri Raju.

SHRI AJIT PANJA: What was the real issue for this movement which was started on 10th March, 1990?

SHRI P. R. KUMARAMANGALAM: A new railway station was opened in 1988 when the AICC session was to take place at Maramalai Nagar. Originally that station was opened in the presence of the Railway Minister by the then Prime Minister and it was named Kamaraj Nagar Railway Station. Very recently, it was re-named as Maramalai Nagar Railway Station.

SHRI AJIT PANJA: You were objecting to the re-naming of the Railway Station?

SHRI P. R. KUMARAMANGALAM: Yes.

SHRI AJIT PANJA: Were you arrested along with Mr. Era Anbarasu?

SHRI P. R. KUMARAMANGALAM: No, I was arrested at Salem.

SHRI AJIT PANJA: Was there any other Member of Parliament or any other person along with Mr. Era Anbarasu?

SHRI P. R. KUMARAMANGALAM: Mrs. M. Chandrasekhar was also arrested with Mr. Anbarasu. But all the detenus were released on the order of the High Court.

SHRI AJIT PANJA: When was that order made?

SHRI P. R. KUMARAMANGALAM: Exact date I do not remember. But, I think it was a week later, around 18th or 19th.

SHRI AJIT PANJA: That means between 10th and 18th all MPs except Shri Kumaramangalam remained in Jail.

SHRI P. R. KUMARAMANGALAM: Not all the MPs. What really happened was that some of us were released on 11th and some of us were released on 12th. Some of us namely Shri L. Balaraman and two other MPs were rearrested and again released later. Then, some were released finally I think finally two MPs were released between 10th to 15th along with Shri Era Anbarasu.

SHRI AJIT PANJA: Was there anybody or any other Member of Parliament also involved?

SHRI P. R. KUMARAMANGALAM: Shrimati M. Chandrasekhar was also there.

SHRI AJIT PANJA : Was she imprisoned even after 15th?

SHRI P. R. KUMARAMANGALAM: Yes.

SHRI EDUARDO FALEIRO: Mr. Chairman, I think that there was an order or a judgement of the High Court to the fact that detention was illegal.

SHRI P. R. KUMARAMANGALAM: Yes.

SHRI EDUARDO FALEIRO: Mr. Chairman, I would like to request you to obtain this order from the High Court because it is very important. This is the case of breach of privilege. We have to find out who have committed the breach of privilege. Can you tell us who have committed the breach of privilege?

SHRI P. R. KUMARAMANGALAM: Do you want an individual named or that of the authority?

SHRI EDUARDO FALEIRO: You can give whatever the answer you want to give to my question.

SHRI P. R. KUMARAMANGALAM: Shri Era Anbarasu has identified the Jail Superintendent and nobody else by name who is connected to have been involved in this exercise. I think it is only Era Anbarasu who can give the individual details regarding the detention. One thing is very clear that it was done under general

श्री संतोष कुमार गंगवार : मैं सवाल हिन्दी में पूछूंगा आपको अनुविधा तो नहीं होगी ?

श्री पी० आर० कुमारमंगलम : लेकिन मैं आपके प्रश्न का जवाब अंग्रेजी में दूंगा ।

श्री संतोष कुमार गंगवार : जैसाकि यह जानकारी मैं आया कि आप लोगों ने यानि कांग्रेस पार्टी ने इस संदर्भ में पूरे प्रदेश तमिलनाडु में आन्दोलन किया था और उसमें कई हजार लोगों को गिरफ्तारियां भी हुई । सामान्यतया ऐसा होता है कि इसमें हम लोग आन्दोलन गिरफ्तारी के लिए ही करते हैं कि हमारी गिरफ्तारियां हों और अगले दिन अखबार में छप जाये । इस प्रकार की जानकारी होने के बाद कि 12 मार्च को लोक सभा का सत्र है और आपने आन्दोलन किया । क्या आपके विभाग में यह विचार था कि हमारी गिरफ्तारी होगी ?

श्री पी० आर० कुमारमंगलम : जी नहीं ।

It is not so because we were not planning or we did not violate any norms.

श्री संतोष कुमार गंगवार : फिर अगर ऐसी बात थी तो 10 तारीख को जो 17 एम० पी० की गिरफ्तारियां हुईं तो उसकी जानकारी प्रिव्लेज कमेटी को अन्याया क्यों नहीं दी गयी या अध्यक्ष लोक सभा को इसकी जानकारी भिजवायी गयी ?

श्री पी० आ० कुमारमंगलम : जहां तक मेरी व्यक्तिगत जानकारी है, मुझे इस बात का भौका नहीं मिला कि यह जानकारी भिजवायी जाती लेकिन जब जेल सुपरिटेण्डेंट से पूछा तो हमें बताया गया कि लोक सभा स्पीकर को इसकी इंटिमेशन कर दी गयी है कि आप लोगों को जेल में रखा है और यह इल्लोगल नहीं है ।

श्री संतोष कुमार गंगवार : दूसरी बात जो उठायी गयी है कि 17 सांसदों की गिरफ्तारियां हुई हैं, यह अलग प्रकरण है और श्री इरा इन्बारासु के साथ दुर्व्यवहार हुआ, यह दूसरा प्रकरण है । आप चाहते हैं कि इन दोनों बातों पर चर्चा हो लेकिन संदर्भ तो श्री इरा इन्बारासु का है और आप बार-बार कह रहे हैं कि 17 लोगों की गिरफ्तारियां हुई ।

श्री पी० आर० कुमारमंगलम : मैं तो उदाहरण के लिए कहा है । गिरफ्तारी एक हो या 17 लोगों की हों, इसमें कोई फर्क नहीं है ।

श्री संतोष कुमार गंगवार : हमारे पास जानकारी है कि श्री इरा इन्बारासु को छोड़ दिया और उनसे बार-बार कहा भी गया था जिसे उन्होंने स्वीकार किया । क्या यह तथ्य आपकी जानकारी में है ? आपने जो सारा विवरण दिया है, वह अखबारों के आधार पर या उनसे पूछ कर या अपनी व्यक्तिगत जानकारी के आधार पर दिया है ?

श्री पी० आर० कुमारमंगलम : मैंने पहले ही कहा है कि उनसे टेलीफोन पर बात होने पर यह खबर मिली थी जिसके आधार पर यह प्रिव्लेज मोशन रखा था । यह बात उनसे एक प्रकार से व्यक्तिगत रूप से मालूम हुई थी ।

MR. CHAIRMAN: Do you want to ask any other question?

SHRI SANTOSH KUMAR GANGWAR: No, Sir.

MR. CHAIRMAN: So, thank you, Mr. Kumaramangalam.

SHRI P. R. KUMARAMANGALAM: I will like to make only one request to the Chairman that Mr. Anbarasu must be heard. He will be able to explain in more detail.

(SHRI P. R. KUMARAMANGALAM then withdraw)

Thursday, 24 May, 1990

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Ch. Jagdeep Dhankhar
4. Shri Harmohan Dhawan
5. Shri Santosh Kumar Gangwar
6. Shri Bhogendra Jha
7. Shri Ajit Kumar Panja
8. Dr. Shakeelur Rehman
9. Shri Mandhata Singh
10. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

WITNESS

Shri Era Anbarasu, M.P.

(*The Committee met at 15.30 hours*)

Evidence of Shri Era Anbarasu, M.P.

MR. CHAIRMAN: Shri Era Anbarasu, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged assault on you in Central Jail, Madras.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as

confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now, you may please take oath or make affirmattion as you like.

SHRI ERA ANBARASU: I, Era Anbarasu, swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of evidence shall be false.

MR. CHAIRMAN: Mr. Era Anbarasu, on the 19th March 1990 you wrote to the Secretary-General, Lok Sabha with regard to certain alleged incidents that had taken place in the Central Jail, Madras on 15th March 1990. Some hon. Members of Parliament also wrote to the hon. Speaker on the 16th March 1990, about the incident. You may please tell the Committee in your own way, whatever you wish to say with regard to that incident.

SHRI ERA ANBARASU: I was arrested on 10th March 1990 at Madras Egmore railway station while I was participating in a Rail Roko agitation, on public demand and for a public cause. While we were going near the rail track, we were all arrested; and we were remanded and put in the Central Jail, Madras. We were arrested on the 10th March, and we were imprisoned. The Magistrate told us that we were remanded upto 12th March.

MR. CHAIRMAN: When was the remand order given?

SHRI ERA ANBARASU: I have got a copy of the order of remand also; 10th March was the date of arrest and remand, and they remanded us upto 12th. Actually, I was under the impression, because I was on summons to attend the Parliament Session, that after taking me to the police station, I would be released. That was my presumption, but unfortunately, they remanded me along with merely 4,000 workers. We were remanded by the Magistrate till the 12th.

SHRI A. R. ANTULAY: At the instance of the Government?

SHRI ERA ANBARASU: At the request of the Assistant Public Prosecutor. On 12th March, the Superintendent of Central Jail came and told me that he had received some telephone orders for the release of MPs and MLAs. When I insisted on his producing

the order, he said it was only an oral communication through telephone. Therefore, he could not produce it. He said: 'You are an MP; you can go'. Then I told him that the offence committed was one and the same—by the MPs, MLAs and the workers. Therefore, I said that before the eyes of the law, all should be treated as equals and that all of them should be released. But the Jail Superintendent said: 'That release order has not been issued for all of them; and, therefore, we cannot release them.' I was there along with the prisoners. Every day, we used to conduct political camps, and I wanted to collect some materials from the workers, to enable me to take part in the discussions on the Railway Budget, i.e. regarding certain problems in Tamil Nadu's railway track, and in respect of the Madras Central railway station also. So, every day, at the Central Jail we used to have some discussions.

What were the important requirements of the public? Some people were urging me that I should take up the construction of a foot overbridge in the Madras Central Railway Station. If this is done, this bridge would connect all the 14 platforms. Like this, so many subjects we used to discuss. Then on the 15th, at about 6 O'clock, we assembled in the open ground and set on a raised platform. It was a sort of dais. There we were discussing about the problems of the railway. During the course of discussion, to discharge my duty as a Member of Parliament, I was collecting information from the workers. At about 7.20 P.M., suddenly all the lights were switched off. At that time, about ten prisoners surrounded us. I heard hue and cry. People were shouting that they were being beaten up; they were being lathi-charged. When I heard their cries, I told them not to beat them. What harm did they do? Meanwhile, those prisoners who had surrounded me, they started beating me. My friends were thrown out. They had to cross three gates from the place where I was sitting. When they crossed the second gate, some people in plain clothes were there. I presume that they all belonged to DMK. I do not know their names.

They said, "You rascal, how can you say that DMK rule should go, etc.?" They gave me blows and I was dragged to the

last gate. There the Jail Superintendent caught hold of my shirt and called me rascal and asked me to get out. There is a small door through which only one or two persons can go out. He pushed me out. When I came out, he caught hold of my hands and wanted me to sit in a police jeep. I said, "Why do you want me to sit in a police van?" Meanwhile, DMK Congress people were standing there; they were supplying breads and biscuits. At that time, one Mr. Salam came and caught hold of my hands. He said, "Don't take him to the police station." Then a driver of the TNCC brought a jeep. Even that driver was pulled down and beaten up by the police. I got into the jeep given by the TNCC and went to the office. From there, I rang up to a private hospital for treatment because I sustained injuries. I have got photographs of my injuries. My last left finger was injured. I went to a private hospital for treatment because I thought—since DMK Party was in power—that they would not treat me properly. I was discharged on 17th. Immediately, I came to Delhi to attend the session. My point is that I was illegally detained and they manhandled me. They used all sorts of third degree methods on me. And while I was discussing certain steps to be taken in connection with the Railway Budget, in the course of my duty, as a Member of Parliament, they had switched off the light, they had detained me and they prevented me from attending the session also. If their intention was actually to release me, they should have allowed me to go out. Instead of that, they attempted to take me in the Police Van. The detention is illegal and definitely it amounts to a breach of privilege of a Member of Parliament and therefore, I request that this Committee should ensure that in future MPs should not be treated like this.

I would like to leave the copy of remand report, photographs and some other papers including the copy of the Judgement in the petition filed on by the hon. Mr. Chidambaram wherein it was mentioned that the detention was illegal.

They detained me up to 12th, but as you know very well, the remand time was extended. They did not produce me before the

Magistrate on the 12th. They said that the remand period was extended up to the 25th. Extending the remand period is also illegal. I was informed that the Magistrate came near the Sub-Jail and he just took the names of the persons who were in the prison and he ordered the extension of the remand period. That itself amounts to an illegal order and illegal detention. I would like to leave a copy of that order also here.

The IG of Prisons, Shri Sripal had issued a statement which was published in *The Hindu* to the effect that no such incident had taken place as alleged by me and I was released as per the court order. This is the statement of the IG of Prisons, which I have got with me. If his versions were to be true, I would like to bring to your kind attention the reply you got from the Ministry of Home Affairs. In their letter of 30th March 1990 it was stated that "he was informed that by the order of the Magistrate, it was decided to release me from the prison on the 11th of March." They have not informed me on the 11th. They said, "He refused to go out of the prison in spite of the repeated requests of the jail authorities. Shri Anbarasu was neither assaulted nor thrown out of the prison. The confusion had arisen due to the breakdown of power supply at 7.25 p.m. on the 15th March 1990, and when Shri Anbarasu was about to be sent out there was a melee in the prison which resulted in some minor injuries." I do not accept this statement because there was no melee, no agitation and nothing was there. They are trying to build up a case as if there was a faction fight between Mr. Ramamurthy followers and Mr. Moopanar followers. This is a concocted story. No such incident took place. There is some ill-feeling amongst the party workers. In every Party, we have some groups. Taking advantage of this, the Government of Tamil Nadu is trying to build up such a case as if I was assaulted by the other group who belong to some other faction of the Congress Party. I totally deny such incident. No such incident took place. It was only jail authorities, police and the DMK, I presume,—may be DMK or may be its sympathisers—assaulted me, manhandled me. It definitely amounted to a breach of privilege.

I would like to point out another fact. The Chief Minister of Tamil Nadu has said in the Assembly that Mr. Anbarasu made a statement that only Mr. Moopanar men had beaten him. I have never issued any such statement. Immediately, I issued a rejoinder denying the statement of the Chief Minister. I am having a copy

of the same. It is in Tamil, I just translate it in English. The Chief Minister said that he was beaten by men belonging to Moopanar and he has issued a statement in all the papers. I have not issued any statement. It is only the paper which supports DMK Party gave this information. All the other Tamil papers or English papers do not carry such news. If there is any news item, then it is a manipulation manipulated by the Government of Tamil Nadu to defeat my interest. Therefore, I had issued a statement denying the statement of the Chief Minister. I would also like to place it before the Committee.

I had taken treatment in Devaki hospital. I would like to submit a copy of the injury and wounds certificate to the Committee.

MR. CHAIRMAN: You have already sent a copy of that.

SHRI ERA ANBARASU: I am keeping with me the bloodstained clothes and I will produce the same on next hearing date.

MR. CHAIRMAN: If necessary, we shall ask you.

SHRI ERA ANBARASU: Further, I would like to request the Chairman to examine some other important persons who were arrested—Shrimati M. Chandrasekhar; Shri G. Lakshmanan, former Deputy-Speaker, Lok Sabha; Mr. Salam, Joint Secretary of the Tamil Nadu Congress Committee.

MR. CHAIRMAN: We are concerned with what had happened in the prison.

SHRI ERA ANBARASU: Some other people were also injured in the lathi-charge. I wanted you to examine these people because they were present when I was dragged by the Jail Superintendent to put me in the Police Van, even after throwing me out of the jail.

MR. CHAIRMAN: May I seek one or two clarifications? Who assaulted you? Let us be very clear about it.

SHRI ERA ANBARASU: Convicts.

MR. CHAIRMAN: Do you know their names?

SHRI ERA ANBARASU: I do not know the names. But I can identify them. They are all life convicts in the jail.

MR. CHAIRMAN: Is there anybody other than convicts?

SHRI ERA ANBARASU: Police people.

MR. CHAIRMAN: Can you name anybody or give their designations?

SHRI ERA ANBARASU: Inspector of Police connected with that area — name I do not know. The Assistant Commissioner of Police. Of course, he was standing there. The DMK men in plain clothes.

MR. CHAIRMAN: In your letter to the Secretary-General you have said:

“Nearly 10 convict prisoners surrounded me and suddenly beat me on my neck, back and left-hand shoulder with lathis. I sustained injuries on my back, on my left shoulder and had bleeding injury on my last toe of my left foot. The Jail Superintendent also, caught hold of my shirt and necked me out. Some unknown goondas supposed to be from the DMK Party have also beaten me...”

You have not mentioned any police officer here.

SHRI ERA ANBARASU: I made it a shoot one. That is why, the names of these persons I have not mentioned.

MR. CHAIRMAN: Can you give the names of the police officers later on?

SHRI ERA ANBARASU: Yes.

MR. CHAIRMAN: What is the name of the Jail Superintendent?

SHRI ERA ANBARASU: I have forgotten his name.

SHRI HARMOHAN DHAWAN: You said that when the convicts beat you with lathis, there was no light. If that is so, how could you identify the people in darkness?

SHRI ERA ANBARASU: When I was sitting and discussing with the workers around 6'O clock, these convicts were taking their positions slowly. I was able to see them. After the lights were off, they rushed and beat me. I was in prison for five, six days. Therefore, I am familiar with them. I can identify them.

SHRI AJIT KUMAR PANJA: When did you receive summons from Parliament for attending the session?

SHRI ERA ANBARASU: I do not remember, I should have received it by 1st of February.

SHRI AJIT KUMAR PANJA: You said that you went to jail. Were there any belongings with you at that time?

SHRI ERA ANBARASU: I had one suitcase with me. My identity card was also there. There was Rs. 1000/-, some parliamentary papers, rules book and some clothes. I was thrown out. When I made a police complaint, they neither tried to enquire nor made efforts to recover those things. I had also lost Rs. 4000/- kept in my pocket besides Rs. 1000 in the suitcase. I also lost my specs which was there in my pocket.

SHRI AJIT KUMAR PANJA: What is the number of your Identity Card?

SHRI ERA ANBARASU: 364

SHRI AJIT KUMAR PANJA: What was the occasion for you to make this agitation?

SHRI ERA ANBARASU: The place called Maramalai Nagar was named as Kamraj Nagar by the former Prime Minister, Shri Rajiv Gandhi and thereafter the Railway Station was called as Kamraj Nagar. All of a sudden, after the Assembly Election when the DMK Party came to power, without any information, the name plate at the Railway Station was changed. They put up the name plate showing Maramalai Nagar Railway Station. So, the local people got agitated and nearly 500 people erased the name with tar and in that place they wrote Kamraj Nagar and there was agitation in that area. So, on public demand, the agitation has been carried out by the Tamil Nadu Congressmen.

SHRI AJIT KUMAR PANJA: Just now you said that the name was changed from the Kamraj Nagar Railway Station to Maramalai Nagar Railway Station. Who did that, the Railway authorities or some other people?

SHRI ERA ANBARASU: May be the Railway authorities, but under the instructions of the State Government. What I mean to say is the writing of name plate perhaps must be under the control of the PWD Department or some other department, which is under the control of the State Government. Therefore the change in the name has been done by the State Government may be with the consent of the Central Government.

SHRI AJIT KUMAR PANJA: Was the changed name written was as usual as you find in other Railway Stations?

SHRI ERA ANBARASU: I did not go and see.

SHRI AJIT KUMAR PANJA: When did you came to know about it?

SHRI ERA ANBARASU: The local people represented and wrote a letter to the President of the Congress (I) Committee that the name has been changed. Thereafter, he made some appeals to the Chief Minister of Tamil Nadu.

SHRI AJIT KUMAR PANJA: 'He' means who?

SHRI ERA ANBARASU: The President of the Tamil Nadu Congress (I) Committee Mr. Ramamurthy, who is Member of Parliament now. Therefore, we were forced to launch an agitation of this nature.

SHRI AJIT KUMAR PANJA: You have already said that on 10th of March you were arrested. If at all you were produced in the court, what was the time then?

SHRI ERA ANBARASU: I think it was about 9 o'clock when we were arrested. We were not at all produced before the court. We were taken to the Central prison and the Magistrate came near the Central prison. Perhaps they would have conducted the court their itself because of the large number of arrests. So he called us, remanded us and we were then sent to the jail.

SHRI AJIT KUMAR PANJA: The incident, you said, occurred on the 15th. Did the light go off between 10th and 15th.

SHRI ERA ANBARASU: On the previous day at the very same time, the light went off. Then I came to know that they had some trial on 14th. Perhaps they succeeded in that trial and next day they executed it by doing the same thing.

MR. CHAIRMAN: From whom did you come to know this?

SHRI ERA ANBARASU: Later on I came to know about this from some of the Jail authorities.

MR. CHAIRMAN: Later on means when?

SHRI ERA ANBARASU: May be after about a week.

MR. CHAIRMAN: From whom did you come to know?

SHRI ERA ANBARASU: From some of my friends in the prison.

MR. CHAIRMAN: What are their names?

SHRI ERA ANBARASU: If you go and ask him, perhaps he will contradict it.

SHRI AJIT KUMAR PANJA: But you give the name.

SHRI ERA ANBARASU: The Jailor told me, because he is from my native place. He only said that even on the previous day also they had switched off the lights and they had made a trial.

SHRI AJIT KUMAR PANJA: What is the name of the Jailor?

SHRI ERA ANBARASU: That I do not know.

SHRI AJIT KUMAR PANJA: On the first occasion when the light went off, was the entire area put under darkness or only the area of the jail was put under darkness?

SHRI ERA ANBARASU: The entire jail area was put under darkness, but not the area outside the jail.

SHRI AJIT KUMAR PANJA: How do you know that?

SHRI ERA ANBARASU: Unless you go there and personally see it, you cannot perhaps understand properly and I cannot perhaps explain it properly.

SHRI AJIT KUMAR PANJA: Have you received a copy of the letter dated 3rd May, 1990, giving details of the alleged incident, on behalf of the Government?

MR. CHAIRMAN: That is not circulated.

SHRI AJIT KUMAR PANJA: The letter is dated 3rd May, 1990, written by Mr. R. Nagaraja, IAS, Secretary to the Government, but at the end it is signed by Mr. R. Keriappa.

SHRI ERA ANBARASU: No, Sir, I have not received any such letter.

MR. CHAIRMAN: Somebody has signed it for Secretary.

SHRI AJIT KUMAR PANJA: It has been alleged that on 12-3-90 at 11.30 AM when the Chief Metropolitan Magistrate, Madras, came to the Prison to enquire about the agitation of prisoners

on the report sent by the Superintendent, Central Prison, Madras, you prevented the agitating prisoners from being produced before the Chief Metropolitan Magistrate.

SHRI ERA ANBARASU: No, Sir. It is not at all correct. I was sitting in the prison very calmly. I am not aware of any such thing.

SHRI AJIT KUMAR PANJA: On 11-3-90, when a remand prisoner Ravichandran was distributing water to all prison inmates, it is alleged that you and a few of your followers pushed Shri Ravichandran into the water tank and assaulted him.

SHRI ERA ANBARASU: It is utterly false, Sir.

SHRI AJIT KUMAR PANJA: Do you know Shri Ravichandran?

SHRI ERA ANBARASU: No, Sir.

SHRI AJIT KUMAR PANJA: Was there any other incident or agitation that took place in the prison?

SHRI ERA ANBARASU: Yes, Sir. There was some commotion on the first day and on the second day when the food supplied to us was not good and drinking water was not available. We could not even go to the toilet. So, there was some commotion in the prison. I requested the Superintendent, Central Prison, to supply us better food in time and also to supply us drinking water as and when we require.

SHRI AJIT KUMAR PANJA: It was further alleged that you instigated the other prisoners to agitate as a result of which remand prisoner Ravichandran was beaten up.

SHRI ERA ANBARASU: In fact, when the Jail Superintendent told me one day that I can go out of the prison, one prisoner climbed on the prison building and announced that Shri Era Anbarasu should not be released and he should not go out of the prison and if he goes out of the prison, he would jump from the prison building. I was afraid that if I went out of the prison, there will be a danger to his life and I did not want to be released even if I had to lose my life.

SHRI AJIT KUMAR PANJA: Therefore, I think you were not allowed to go out of the prison. Did you go out of the prison as did you not go out of the prison?

SHRI ERA ANBARASU: I said that as per law everybody should be treated alike. I said "You release all of us". That was my demand.

SHRI AJIT KUMAR PANJA: It is further stated in the letter of 15th March, 1990 that there was sudden break-down of power supply plunging the entire prison into darkness. This was quite unexpected. Following this power failure, there was a melee in the prison in which four prisoners, namely, Shri G. Lakshmanan, Shri Krishnan, Shri Balasubramanian and Shri Ranganathan, sustained minor injuries.

SHRI ERA ANBARASU: In the letter which you have received from the Ministry of Home Affairs, Government of India, they have admitted that there was some melee among the agitating prisoners during which some minor injuries were sustained by me. In their reply, they have admitted that. Whereas in this final letter, they say that I have not received any injury. Therefore, Sir, this statement is not correct.

SHRI ERA ANBARASU: Mr. Lakshmanan was also beaten. He was also sitting by my side.

SHRI AJIT KUMAR PANJA: It has further been stated that he was bent upon creating disturbance day in and day out inside.

SHRI ERA ANBARASU: Not at all. I completely deny the report.

SHRI AJIT KUMAR PANJA: It is further stated that on 10th March, 1990 you disguised yourself as a Muslim with a cap etc. so that no police officer or anybody could recognise you.

SHRI ERA ANBARASU: I admit this. There were number of preventive arrests. Before the agitation they started arresting so many people. So, my idea was that I should take part in the agitation. Therefore, I went underground two days before and disguised myself as a Muslim and I asked one of the party workers to dress up as a Muslim lady. So, as wife and husband we were moving. I disguised myself so much that even the Assistant Commissioner, Mr. Manikam, was asking me, 'Sir, would you kindly tell me where Anbarasu is?' For this, in the Legislative Assembly, they criticised me stating that I took one actress.

MR. CHAIRMAN: What happened in the Madras Assembly is not relevant here. So, you restrict yourself to this privilege issue.

SHRI AJIT KUMAR PANJA: After coming, you started wearing the dress of the convicts so that you could not be recognised. Is it correct?

SHRI ERA ANBARASU: No. I was in banyan and dhoti. It is totally false.

SHRI AJIT KUMAR PANJA: Did you issue any press statement on the 16th March, 1990 stating that the supporters of Mr. Moopanar and Mr. Ranganathanan and Mr. Vetrival exerted pressure on the authorities to remove you forcibly from the prison, or else they would lift you physically and throw you out of the prison?

SHRI ERA ANBARASU: What I said was that the men belonging to Moopanar group, it appears, went and told the Jail Superintendent to remove Anbarasu. This was conveyed to me by the Jail Superintendent. The Jail Superintendent came and told me: 'that, Mr. Moopanar's men were asking him to throw me out.' Then I told him, 'Your remark is false.' Then I brought them and they said, they did not say so. It is only a concocted story. The Government of Tamil Nadu is building up a case as if I was hauled up by Moopanar's men. I swear about it on my mother that the report of the Govt. is totally false.

SHRI AJIT KUMAR PANJA: It is stated in the report given by the Government that you have got published in the newspapers a photograph of yours as if you were isolated inside the prison so that you get sympathy and publicity among the public and make a political capital out of it. Is that correct?

SHRI ERA ANBARASU: I did give a press statement and it has appeared in *The Hindu* paper also. It was not for making political capital out of it, but it was only to expose the excesses committed by the police officials and the Jail Superintendent and not for any other political gain. It was only to tell the people that how I was ill-treated in the prison. They are here. If you want, I will give you.

SHRI AJIT KUMAR PANJA: With the permission of the Chairman, you can give all the papers. It is further stated in the report of the Secretary to the Government of Tamil Nadu that you had falsely alleged that there was an amount of Rs. 4,000 in your shirt pocket and an amount of Rs. 1,000 was there in your suitcase. What do you say about this?

SHRI ERA ANBARASU: I did not get my suitcase; even my watch was broken. Then, the next day, they have sent this watch also through somebody.

SHRI AJIT KUMAR PANJA: They said that they had found only some clothes, paste, diary in your suitcase and nothing else.

SHRI ERA ANBARASU: That means, the suitcase is still under their custody at that time.

MR. CHAIRMAN: Do you have your Identity Card?

SHRI ERA ANBARASU: No, I do not have my Identity Card.

SHRI AJIT KUMAR PANJA: According to their report, your statement to the Press that you were beaten up inside the prison is totally false, concocted and contrary to facts. What do you say for that?

SHRI ERA ANBARASU: I totally deny the statement of the Government. They say this only to escape from the excesses committed by them.

SHRI AJIT KUMAR PANJA: In the report it is said that:

“with a view to bring discredit to the Prison Administration and with ulterior motives, he had appeared in Parliament in torn clothes and with bandages on his body provided in a private hospital in Madras.”

What do you say for this?

SHRI ERA ANBARASU: That is false. Nearly 80 to 90 persons were also injured in the prison and they were treated in the Prison hospital itself. But, wantonly they have recorded in the register that they had fallen down. This is also false.

MR. CHAIRMAN: We are concerned with your case only.

SHRI ERA ANBARASU: If you visit Madras and see some of the injured persons, you will come to know all the facts.

SHRI AJIT KUMAR PANJA: You told this committee that you were discussing certain matters inside the prison regarding some railway bridge. What was the matter?

SHRI ERA ANBARASU: There is a long pending demand by the public of Madras regarding a railway bridge. So, I was discussing about this matter.

SHRI AJIT KUMAR PANJA: When did this discussion take place?

SHRI ERA ANBARASU: On 15th March, we discussed this matter both in the morning and in the evening. The Central Prison is situated in my constituency. I used to get some information from the public regarding their demands. So, I thought that I can collect some information from the public so that I can submit the same to the Minister here to take some action in this regard. So, in the course of performing my duty as a Member of Parliament, I was assaulted.

SHRI AJIT KUMAR PANJA: On the 15th of March, at the time of alleged beating, what were you doing?

SHRI ERA ANBARASU: I was discussing about the change of the name of the Rly. Station for which we started the agitation, from Maraimalai Adigal to Kamaraj Nagar. I was also discussing about MRTP railway line in Madras city. I was thinking of taking part in the railway debate to insist for allocation of more funds to MRTP. I had even noted down in my dairy.

SHRI BHOGENDRA JHA: For the change of name of railway platform, the agitation was going on. Under which section you were taken into custody?

SHRI ERA ANBARASU: The remark report is there. With the permission of the Chairman, I will give the report. It is in Tamil.

SHRI BHOGENDRA JHA: I would like to know whether each one of you was taken to the judicial magistrate personally?

SHRI ERA ANBARASU: The magistrate was sitting just in front of the jail gate and the names were read out. We were not paraded.

SHRI BHOGENDRA JHA: Had you refused to be released because your colleagues were not released? Was that your stand?

SHRI ERA ANBARASU: I only said, it is judicious that all of us should be released. Then, they said, "if you want to go, you can go". I just kept quiet.

SHRI BHOGENDRA JHA: Had you been served release order?

SHRI ERA ANBARASU: No. He did not serve. In fact, I insisted for that.

SHRI BHOGENDRA JHA: You said, there was police beating. I would like to know whether it was done by jail staff or the police guards posted inside the jail or outside policemen.

SHRI ERA ANBARASU: I meant jail police. Convict also who were in white dress attacked us.

SHRI BHOGENDRRA JHA: Have you got the statement of the Inspector General of Prisons that you were not assaulted?

SHRI ERA ANBARASU: He has issued a press statement. I place it on the Table of the House. I brought the English version.

SHRI BHOGENDRRA JHA: Have you filed the case in court after the assault?

SHRI ERA ANBARASU: I filed a complaint with the local Police. I have got the copy. That is in Tamil.

SHRI BHOGENDRRA JHA: You give me that copy also.

SHRI ERA ANBARASU: I mentioned in it about money and brief case.

MR. CHAIRMAN: The statement was made on 7th April. It is not relevant for us. We have to look into the basic things.

SHRI BHOGENDRRA JHA: As far as I could understand, you recognised the Superintendent but you do not know his name.

SHRI ERA ANBARASU: I know his name. I saw his badge. His name is Shri Chelladurai. The Deputy Superintendent came and protected me. Otherwise, the beating would have been on my head. When the beating was made, the Deputy Superintendent came and protected me.

SHRI BHOGENDRRA JHA: The Deputy Superintendent tried to save you, but not the Superintendent.

SHRI ERA ANBARASU: There was one Inspector. He may be in that area.

SHRI BHOGENDRRA JHA: Is he Inspector (Intelligence)?

SHRI ERA ANBARASU: He is the Inspector in the local police station. He was brought there.

MR. CHAIRMAN: Now Mr. Chandrasekhar is in a hurry. He wants to go somewhere. So, let Mr. Chandrasekhar give his evidence now. You can give your evidence later.

The witness then withdrew.

Tuesday, 5 June, 1990

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Ch. Jagdeep Dhankar
4. Shri Eduardo Faleiro
5. Shri Santosh Kumar Gangwar,
6. Shri K. Ramamurthy
7. Shri Mandhata Singh

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri T. S. Ahluwalia—*Deputy Secretary*

Shri A. N. Gupta—*Assistant Director*

WITNESS

Shri Era Anbarasu, M.P.

(The Committee met at 15.00 hours)

Evidence of Shri Era Anbarasu, M.P.

MR. CHAIRMAN: Shri Bhogendra Jha was to examine Shri Anbarasu. If Mr. Ramamurthy wants to put any questions he can do so.

SHRI K. RAMAMURTHY: Mr. Anbarasu, in the Tamil Nadu Government's report it is mentioned that you were instrumental for the assault on two remanded prisoners by name Shri Ravi Chandran and Shri Murthy while they were distributing drinking water to the prisoners. The Government has also sent us some photostat copies of the papers relating to your treatment and other things in the Madras Central Hospital. In that connection I would like to ask you as to when the hon. member Mr. Chidambaram was let off from jail after his arrest on the 10th.

SHRI ERA ANBARASU: I think he was sent to the court for *arguing the Writ Petition on the 11th, by about 9 A.M.*

SHRI K. RAMAMURTHY: After that, did he not come back?

SHRI ERA ANBARASU: No. He did not come back.

SHRI K. RAMAMURTHY: He went out to argue some case in the Madras High Court and from there he did not come back. Do you mean to say that he just left like that and did not come back?

SHRI ERA ANABARASU: The jail authorities sent him to argue the case. But later on he did not come back. He wanted to come back inside the prison to conduct some investigation. But the authorities refused to let him in.

SHRI K. RAMAMURTHY: It is not that they had released him. The jail authorities did not allow him to come inside.

SHRI ERA ANBARASU: I said that, the authorities told us that they were released.

SHRI K. RAMAMURTHY: In the report of the Government of Tamil Nadu it is mentioned that you instigated some people.

SHRI ERA ANBARASU: That report is not correct; it is baseless. I never instigated anybody. First of all, the supplies of food and drinking water were not adequate and therefore, they were complaining and I took up the matter with the jail authorities to ensure sufficient supply of water and food. I never instigated anybody.

SHRI K. RAMAMURTHY: In the report of the Government of Tamil Nadu it is said that there was a sudden breakdown of power supply at about 7.25 p.m. When was it restored? Have you got any idea about it?

SHRI ERA ANBARASU: Sir, I do not know about it. It was not a sudden breakdown. It was a pre-planned one. They have done it want only.

SHRI K. RAMAMURTHY: They had also mentioned that in order to avoid your release, you worn the convicts' dress and disappeared among the other prisoners. You had also disguised yourself to avoid your release.

SHRI ERA ANBARASU: No Sir. It is completely false. I was with my dhoti and jibbah. During night time. I was wearing banian and lungi.

SHRI K. RAMAMURTHY: Can you get the convict dress there?

SHRI ERA ANBARASU: I cannot get.

SHRI K. RAMAMURTHY: You had left your suitcase and other articles, personal belongings. It is said in their report that they had subsequently given the suitcase back to Mr. Rajavelu. In the suitcase it was found some file, paste, diary and papers only. You cannot take suitcase, etc. inside the jail when you were on remand. How do you take it?

SHRI ERA ANBARASU: When we were taken inside the jail, they had not checked anything and they allowed to carry brief-case. Persons were carrying brief-case. I do not know how they had allowed it.

SHRI K. RAMAMURTHY: In this connection, they had produced a hand written statement of the person who received your suitcase. Have they returned back to you your brief-case?

SHRI ERA ANBARASU: So far, they have not returned it to me.

SHRI K. RAMAMURTHY: What happened to your complaint to the local police about missing articles?

SHRI ERA ANBARASU: They did not make any enquiry. In fact, I rang up to the Inspector of Police. He said that it is at the Government level. Therefore, they cannot conduct any investigation.

SHRI K. RAMAMURTHY: In their report it is mentioned that one Mr. V. K. Rajavelu, residing at 4/12 Sathia Nagar, Madras-89 had received your brief-case and other connected things under proper acknowledgement. The name of the witness is Mr. P. Dakshinamurthy. Mr. Rajavelu had given an acknowledgement that he had received the number lock suitcase of Shri Era Anbarasu, Member of Parliament along with articles contained in it under his responsibility. Have you authorise this person to receive it?

SHRI ERA ANBARASU: No Sir. I did not authorise him to receive it. In fact, nobody can open my number lock suitcase. It has got a secret number.

SHRI K. RAMAMURTHY: So, you allege that it had been broken.

SHRI ERA ANBARASU: May be. I did not get my suitcase.

MR. CHAIRMAN: Mr. Ramamurthy, we are concerned with 15th.

SHRI K. RAMAMURTHY: Since these things are given in the report of the Government of Tamil Nadu, I am entitled to ask these questions.

MR. CHAIRMAN: We are not stopping you. But we are only reminding you that we are concerned with 15th. That is the case which has been referred to us.

SHRI K. RAMAMURTHY: You had said that along with you Shri Lakshmanan, former Deputy Speaker, was also assaulted. What do you say about it? Have they given treatment to him in the prison?

SHRI ERA ANBARASU: Soon after the incident, I was dragged outside. Therefore, I do not know whether all of them were given treatment in the prison. Later, the former Deputy Speaker Shri Lakshmanan informed me that they were all treated inside the prison. They had recorded in their register 'injuries sustained due to fall'. They did not mention about lathi-charge. This is what he told me.

SHRI K. RAMAMURTHY: Mr. Chairman, they had produced two medical receipts of the Madras Government Hospital, which is very near to the prison. The remanded prisoners were assaulted. They had mentioned that there was some melee in the prison.

MR. CHAIRMAN: We discuss that later after the evidence the over. Shri Mandhata Singh, you can ask questions.

SHRI MANDHATA SINGH: Mr. Anbarasu, the other day you had talked about DMK Congress a couple of times.

SHRI ERA ANBARASU: It was not recorded correctly. It is TNCC Congress.

MR. CHAIRMAN: He corrected it.

SHRI MANDHATA SINGH: As per the Government report, your release was ordered on the 11th. You have said that the Superintendent and the Jail authorities informed you about your release on the 12th. You have also said that the remand was extended till 25th. If it was extended till 25th, how can they throw you out of the prison on the 15th night? Can you throw some light on this so that we can appreciate the reality of the situation?

SHRI ERA ANBARASU: Sir, on the 11th they did not inform me about my release order. Mr. Chidambaram, Mr. Kuppusamy, Mr. Arunachalam, Mr. Balasubramaniam and Mr. Tindivanam Ramamurthy have signed in the writ petition. In this connection, the jail authorities came and took them to the court. They did not even tell them that they were being released. They took them to the court. Afterwards, when they wanted to come back to the jail, it appears that they informed them that they cannot come inside the prison as they were all released. On 12th, the Jail Superintendent called me and said 'I received a message that all MPs and MLAs are released. You can go.' Then, I asked him, why not others as they were also arrested on the same offence.

SHRI MANDHATA SINGH: Who gave the information that the remand was extended till 25th?

SHRI ERA ANBARASU: The Jail Superintendent himself told me this I was taken outside the prison for remand. But, it was told that the Magistrate was sitting outside the the gate of the Jail and he was extending the remand period from 12 to 14th March.

MR. CHAIRMAN: Did it happen in your case also?

SHRI ERA ANBARASU: Yes.

SHRI MANDHATA SINGH: When were you told that you were going to be released?

SHRI ERA ANBARASU: On 12th March between 9-00 AM—10-00 A.M. the Jail Superintendent told me that an order for releasing all MPs and MLAs had come.

SHRI MANDHATA SINGH: When were lights switched off?

SHRI ERA ANBARASU: That happened on the 15th March.

SHRI MANDHATA SINGH: Did you refuse to come out of the prison on the 12th?

SHRI ERA ANBARASU: I insisted that all those people who were inside the prison should be let out along with me. The Jail Superintendent threatened me that he would allow DMK people inside. That is how he was terrorising us.

SHRI MANDHATA SINGH: Were some DMK people coming inside the Jail?

SHRI ERA ANBARASU: Yes, they used to come inside the Jail.

SHRI MANDHATA SINGH: Did they come on that day also?

Shri ERA ANBARASU: Yes, may be 10 or 15 persons came.

SHRI MANDHATA SINGH: You mentioned about Congress people and some people of Moopanar faction. Were there any people from Ramamurthy faction also?

SHRI ERA ANBARASU: They were not assaulted in my presence. They were criticising by saying that he should also have gone. They took this opportunity to create an impression as if I have not been assaulted.

SHRI MANDHATA SINGH: Do you belong to the Ramamurthy faction?

SHRI ERA ANBARASU: Yes, I support the PCC whether Ramamurthy or anybody else.

SHRI MANDHATA SINGH: Do you suspect that Moopanar people might have assaulted you?

SHRI ERA ANBARASU: No, there is no room for suspicion.

SHRI MANDHATA SINGH: Was Mr. Moopanar also there inside the Jail along with Mr. Ramamurthy?

SHRI ERA ANBARASU: Mr. Moopanar was there in the Jail. Mr. Ramamurthy was not there. He was in Salem Jail.

SHRI MANDHATA SINGH: You sent the message to the Lok Sabha after the 15th. Why did you not send it earlier?

SHRI ERA ANBARASU: On 15th night or on 16th March I talked to Mr. Rangarajan. I did not send it. I was in the hospital for two days. Then, I sent letters to the Secretary-General and the Speaker, Lok Sabha.

SHRI MANDHATA SINGH: Why did you not think it proper to inform the Lok Sabha Secretariat from the hospital?

SHRI ERA ANBARASU: I thought I could go personally and I also thought that it would be better to personally take up the matter before the House.

SHRI MANDHATA SINGH: Was it taken up earlier?

SHRI ERA ANBARASU: Mr. Rangarajan might have taken it up earlier.

SHRI MANDHATA SINGH: Were you the single person, but what about other people?

SHRI ERA ANBARASU: Some people went to Government general hospital. They did not say that there was assault. But, they sustained injuries due to fall. They were forced to tell like for giving this treatment. I request that one sitting of the Committee may be held in Madras. Many people will come there to give evidence.

SHRI MANDHATA SINGH: What was the reason why did you not care to inform the Lok Sabha Secretariat or the Speaker about the happenings? When you were in the private hospital you could talk over telephone to other members of your party. Why did you not talk to the Speaker?

SHRI ERA ANBARASU: I thought he is holding high office and I should not talk over telephone. I thought of personally coming and discussing with him.

SHRI MANDHATA SINGH: You did not care to inform or even send a telegram or telephonic message to the hon. Speaker or the Secretary-General.

SHRI ERA ANBARASU: I did not want to show disrespect to the hon. Speaker by informing him about the whole incident, over telephone. I have a great respect for the hon. Speaker. Therefore I thought that I could narrate the whole incident in person in a most humble and respectable way. That is why I did not contact him over telephone.

SHRI MANDHATA SINGH: But you chose to speak to your friends there on telephone and at the same time you did not inform the Secretariat about the sad state of affairs prevailing in the jail there. What was the reason for not informing the Secretariat?

SHRI ERA ANBARASU: There was no reason at all. I felt that I should personally come and meet the hon. Speaker, whom I hold in high esteem and I thought that I should not talk to him on telephone about this incident. I considered that it would be a proper thing to come here in person and tell the hon. Speaker the whole incident personally. I have a great respect for the hon. Speaker. I also thought that perhaps he might tell me "why can't

you write to be about this matter?" Therefore I thought it proper and fit to meet him personally. I did not inform him for two days. Then I came to Delhi and informed him.

SHRI MANDHATA SINGH: You have said in your evidence that you were dragged by the Superintendent of Police to put you in the Police Van, even after throwing you out of the jail. Is it a normal practice?

SHRI ERA ANBARASU: I do not know, Sir.

SHRI MANDHATA SINGH: They have thrown you out of the gate after bringing you in the Police Van. Now, why was this special treatment offered to you?

SHRI ERA ANBARASU: Perhaps I presumed that he had the intention to prevent me from going to Delhi and attending the Session. Then I was joined by the Tamil Nadu Congress Committee Joint Secretary, Shri Salam and others. They caught hold of my hands and there were some exchange of words and then they took me to the Tamil Nadu Congress Committee Office. In fact, he went to the extent of saying "I will see how he will go to Delhi and attend Parliament session".

SHRI MANDHATA SINGH: In your previous evidence you have mentioned that you were dragged by the Superintendent of Police. Is it correct?

SHRI ERA ANBARASU: I am talking about the Superintendent of Jail.

SHRI MANDHATA SINGH: Here you have said "when I was dragged by the Superintendent of Police..."

SHRI ERA ANBARASU: If I have said so, it is a mistake.

SHRI MANDHATA SINGH: In order to put the record straight, you mean to say that the Superintendent of Jail threw you out of jail and the Superintendent of Police picked you up, and put you in his van.

SHRI ERA ANBARASU: No, no. Some Police officials were there.

SHRI MANDHATA SINGH: Kindly look into page 9, last line.

SHRI ERA ANBARASU: No, Sir. It is wrongly put. It is only the Superintendent of Jail.

SHRI MANDHATA SINGH: Then, you should have corrected the copy of the evidence given to you.

MR. CHAIRMAN: Mr. Anabarasu, your present evidence is recorded. According to that, it should be 'Superintendent of Jail'.

SHRI MANDHATA SINGH: The other day the Chairman of the Committee asked you some questions. May I now seek some clarifications on that? Now, you have mentioned about 'convicts'. Do you know their names? This is what the Chairman had asked you. You have replied: "I do not know their names. But I can identify them. They are all life convicts in the jail". If all these people are convicts, then where is the question of Moopanar and DMK people coming in the picture? Then do we take that all these convicts in the jail are the DMK people?

SHRI ERA ANBARASU: During the course of my evidence, I have also said that some of the DMK men convicts and the jail authorities had assaulted me. It is mentioned in the other page.

SHRI MANHDATA SINGH: It is said "DMK men who are convicts".

SHRI ERA ANBARASU: I have said, "some DMK men and other people who were in plain clothes". You please see the next line below the question put by the Chairman.

SHRI MANDHATA SINGH: You have said "I do not know the name, but I can identify them". "They are all life convicts in the jail". Then the Chairman had asked "Is there anybody other than the convicts?". Then you said "Police people". Then the Chairman asked you "Can you name anybody or give their designation?" You replied "Inspector of Police connected with that area—name I do not know. The Assistant Commissioner of Police. Of course, he was standing there. The DMK men in plain clothes." It is not clear whether the DMK men were standing outside the jail or inside the main gate of the jail?

SHRI ERA ANBARASU: They were inside the main gate. I make it clear here that they were inside the main gate. And in my letter also addressed to the Secretary General I had stated this.

SHRI MANDHATA SINGH: In your letter you said, "Some unknown goondas supposed to be from the D.M.K. Party have also beaten me." How can you say this?

SHRI ERA ANBARASU: Why I said that was, time and again the Jail Superintendent was telling that he would be sending some DMK people. So, definitely they would be from the DMK party.

SHRI MANDHATA SINGH: In the opening sentence you said that they were 10 number out of whom one is the Jail Superintendent and the other is the Police Inspector. And out of 10 people, two are officials. So, out of these 10, eight are supposed to be DMK goondas.

SHRI ERA ANBARASU: No Sir. The convicts who surrounded me were about 10 at the beginning. From there I was dragged on. Then the police authorities also joined and after crossing the second gate of the Jail, only the supposed DMK people were seen there. They had beaten me there. So, at the beginning there were 10 people who started dragging me, and later on the police authorities and those supposed to be DMK people also joined.

SHRI MANDHATA SINGH: Below this, the Chairman said: "You have not mentioned any police officer here." Then you answered, I made it a short one. That is why the names of these persons I have not mentioned." Mr. Chairman asked: "Can you give the names of the police officers later on?" You said, "Yes".

Now is the time for you to answer that 'yes'. You can give the names of police officers.

SHRI ERA ANBARASU: The Inspector's name is not known. The Jail Superintendent's name is Mr. Chella Durai. I was informed that one Mr. Ashok who is a life convict was the main person who was beating me. Only day before yesterday I made these inquiries.

MR. CHAIRMAN: Who told you?

SHRI ERA ANBARASU: The co-prisoners who were with me, the Congress people.

MR. CHAIRMAN: You have no personal knowledge about it. You have been told only day before yesterday. Is it not?

SHRI ERA ANBARASU: About the names, I only asked him who was that man. But if an identification parade is conducted, I can definitely identify the person.

SHRI MANDHATA SINGH: The other day Mr. Panja put a straight question when you said that the name was changed from the Kamraj Nagar Railway Station to Maramalai Nagar Railway station. Mr. Panja asked you: "Was the changed name

written was as usual as you find in other Railway Stations?" You replied: "I did not go and see". Then Mr. Panja asked: "When did you come to know about it?" You answered: "The local people came and wrote a letter to the President of the Congress (I) that this name has been changed. Thereafter, he made some appeals to the Chief Minister of Namil Nadu." Then Mr. Panja asked: "He means who?" You said: "The President of the Tamil Nadu Congress (I), who is a Member of Parliament now. Therefore, we were forced to launch an agitation of this nature."

It means about the agitation that you are leading, you decided to lead the agitation even without verifying by going to the Legislature and having a look at the name that was supposed to have been changed.

SHRI ERA ANBARASU: Though I did not see, the local public saw. The local Congress people only started agitating when the names were changed. Nearly 200 to 300 people were arrested there. Then it has become a public cause. Therefore, they came and met the President of the Tamil Nadu Congress Party. There they made appeals to the Chief Minister.

SHRI MANDHATA SINGH: How far is that Railway Station? How many kilometres away?

SHRI ERA ANBARASU: From Madras it may be about 25 to 30 kilometres.

SHRI MANDHATA SINGH: Was there any agitation there?

SHRI ERA ANBARASU: First it was taken by the local people because they were the persons who witnessed the change of the name.

SHRI MANDHATA SINGH: When did you jump into the agitation?

SHRI ERA ANBARASU: When the news came. They all came to the Tamil Nadu Congress Committee office and told about the atrocities by the police people by arresting the peaceful people. They reported the matter to the Tamil Nadu Congress President. Then only I came into the picture. Until that time I did not know anything. I took part in the agitation at the Egmore Railway station.

SHRI K. RAMAMURTHY: The hon. Member of the Committee asked how Mr. Anbarasu was involved in the agitation. Mr. Anbarasu, do you know when the agitation was called by the Tamil Nadu Congress Committee at two stages?

SHRI ERA ANBARASU: Only on the appeal of the Tamil Nadu Congress Committee I entered on the scene.

SHRI K. RAMAMURTHY: I am asking you: Do you know that this agitation was called by a Resolution of the Tamil Nadu Congress Committee? They have called for two stages of the agitation — one was throughout Tamil Nadu and another was, if the Government was not going to concede the change of the name, they would go in for the 'rail roko' agitation on April 19.

SHRI ERA ANBARASU: Yes, I know it.

SHRI K. RAMAMURTHY: There is another point. Could you kindly explain, at how many gates in the jail this incident took place? You kindly explain this to the Committee.

SHRI ERA ANBARASU: Inside the prison there is an open ground. In that ground there is a raised platform where in the morning usually visitors are there and where one of the jail officials will stand on the dias and read out something. There only I was speaking on that particular day, on the day of the incident. That is the first stage. From there I was dragged by the convicts through the first gate. There I was beaten by the convicts. After crossing the gate, the supposed DMK people joined and they had beaten me there. They asked me: 'Are you planning to become another Bhagat Singh in the prison? So saying, they were beating me. They also asked: "Why did you demand the resignation of Mr. Karunanidhi? Why did you say that his rule should end" or something like this? Then the jail authorities also had beaten me and that was at the second gate. Then, at the third gate, I mean, near the third gate, the Jail Superintendent came and caught hold of me there and dragged me outside the gate. So there were three gates which we had to cross. Unless you go and see it properly there, it cannot be explained. And after coming out, again the Jail Superintendent caught hold of me and dragged me and asked me to come into the van. The police officials were standing outside the prison and I was about to be put inside the police van. At that time only, the Tamil Nadu Congress Committee Secretary Mr. Salam, Mr. Kuppuswamy and the T.N.C.C. jeep driver Mr. Palani came to take me. The jeep

driver was also beaten up by the police. This had happened outside the prison. Then, they dragged me and put me in the TNCC jeep.

Sir, I submit that there may be some contradictions here and there. I was also an advocate kindly bear with me. The manner in which I am interrogated here makes me feel very much. Please do not think that I am telling lies here.

MR. CHAIRMAN: No; it is not like that. You are an hon. Member of Parliament.

SHRI SANTOSH KUMAR GANGWAR: Six other hon. Members were also arrested with you and five of them were released. I think only you had refused to be released.

SHRI ERA ANBARASU: Along with me, Smt. Maragatham Chandrasekhar also stayed inside the prison. All the other persons were taken under the pretext that they have not signed in the Writ Petition and their presence was required in the Court. By telling this, Mr. Moopanar, Mr. Arunachalam, Mr. Chidambaram, Mr. Kuppuswamy and an MLA Mr. Balasubramaniam were taken. I have argued with Mr. Chidambaram asking him not to go apprehending that they may play some dirty tricks.

SHRI SANTOSH KUMAR GANGWAR: Mr. Anbarasu, you had never told that the Jail officials or the police officials have beaten you. You had only told that some *goondas* and convicts have beaten you.

SHRI ERA ANBARASU: The Jail Superintendent, the convicts and the DMK people have beaten me.

SHRI SANTOSH KUMAR GANGWAR: In the Devaki Hospital report, there is no mention about the injury in your finger.

SHRI ERA ANBARASU: There was a bleeding injury in the last finger. I think there is a mention about the same in the report also.

SHRI SANTOSH KUMAR GANGWAR: The incident happened on 15th. But you and other Members of your party complained in the Lok Sabha only on 19th. Why did not you complain earlier?

SHRI ERA ANBARASU: I was admitted in the hospital on 15th night. I came here on Monday, the 19th March and raised this matter. So, I stayed there only for three days from 16th to 18th and in those three days, 17th and 18th were Saturday and Sunday. In the meantime, I spoke to Mr. Rangarajan to take up the matter.

SHRI SANTOSH KUMAR GANGWAR: In your evidence you had said that you always pleaded with the Jail authorities for better facilities to the convicts. Have you ever made any specific complaint to the State Government in this regard?

SHRI ERA ANBARASU: They have nominated five representatives and said that we could go and tell them if there were any complaint. So, I did not write any complaint. I used to go to the Jail Superintendent and report the complaints orally.

SHRI SANTOSH KUMAR GANGWAR: In my opinion, this incident had happened only due to the rift in your party.

SHRI ERA ANBARASU: I totally deny that. That is how the Government of Tamil Nadu is building up the case.

श्री सन्तोष कुमार गंगवार : अगर आपको ऐसा लगता है कि सरकार को लिखकर इसकी सूचना देनी चाहिए थी, आपने जेल अधिकारियों, पुलिस प्रशासन या प्रदेश सरकार के सम्बन्ध में कोई शिकायत की थी या नहीं ?

SHRI EDUARDO FALEIRO: Mr. Chairman, Sir, the Member should be allowed to speak in Hindi if he wants to speak in Hindi.

MR. CHAIRMAN: Then will you permit Mr. Dhankar to translate it?

SHRI EDUARDO FALEIRO: Yes.

श्री सन्तोष कुमार गंगवार : मेरा कहना यह है कि आपकी सरकार से कोई लड़ाई नहीं थी। यदि सरकार से आपकी लड़ाई होती तो सरकार को, पार्टी आफ्फिशियल्स को कोई रिटन कम्प्लेंट लिखकर देते, लेकिन आपने ऐसा नहीं किया : जेल में जो व्यवहार रहा, महसूस हुआ कि हम शिकायत कर रहे हैं, सुनवाई नहीं हो रही है और हमारी सुविधा की उपेक्षा हो रही है, डी०एम०के० के लोग घूम रहे हैं और ऐसा लगता है कि ऐसा व्यवहार हो सकता है क्योंकि अपने दर्शन में आपने कहा कि डी०एम०के० के लोग सादे वेश में वहां पर मौजूद थे।

SHRI ERA ANBARASU: The inmates came and told me about the shortage of food, water supply and all these things. I

I used to lodge oral complaints about these things to the Jail Superintendent. After my assault and the assault of the other inmates, I made a Police complaint, a copy of which I think I have already given to you.

SHRI EDUARDO FALEIRO: Have you given the copy?

SHRI ERA ANBARASU: I have not given, I think, I might have given the remand report.

MR. CHAIRMAN: To which document are you referring?

SHRI ERA ANBARASU: I have given Police complaint soon after my admission to the hospital. I have given a Police complaint to the local police.

MR. CHAIRMAN: That means FIR. Yes, you have given a copy of this.

SHRI ERA ANBARASU: It is in the letter pad of the hospital.

(SHRI SANTOSH KUMAR GANGWAR: I think that the entire episode was played only on account of factionalism in the Congress party.

SHRI ERA ANBARASU: It is not at all true. I deny the suggestion and if you are able to prove one Congressman who belongs to either Rama Murty group or Moopanar group can say that we have done it on appearing before the Committee, I am ready to withdraw the entire case. I say it as a challenge.

SHRI MANDHATA SINGH: Please see p. 18. It is stated there that on 12th one jailer climbed the prison building and threatened that he would jump from the building, if you go out of the prison. You have stated "I was afraid that if I went out of the prison, there will be a danger to his life and I did not want to be released even if I had to lose my life." Can you give the name of that prisoner who climbed the roof?

SHRI ERA ANBARASU: One Shri Kurubani climbed the building and he was threatening the jail authorities that he would touch live wire that was passing across the building if they forcibly remove me from prison. I do not know this. Then the Jail Superintendent rushed to me. I was in the last corner of the prison. It was a big building. What was happening in one place could not be known by the others. It was so big. He rushed to me and requested me "Mr. Anbarasu, one prisoner is threatening.

Please, you come. Otherwise, I am afraid he may touch the live wire. Then there will be trouble." When I went there, he was standing on the building. I said I am not going. "Do not do anything. Please come down." Then he got down.

SHRI MANDHATA SINGH: There is a contradiction. The other day he was saying that he would jump from the building. Again, there is the statement that he would catch hold of live wire. Jumping from the building and sacrificing his life is one thing and catching the live wire and getting burnt in jail is another thing. Which of the statement should be treated by the Committee as authentic?

SHRI ERA ANBARASU: He was saying both things. He was saying that he would touch the wire and he was also saying that he would jump down from the building.

SHRI MANDHATA SINGH: Is it a fact that you issued a statement?

SHRI ERA ANBARASU: I have issued a statement wherein I have stated that the Jail Superintendent came and told me that he was being requested by some people belonging to Moopanar group to send me out of the prison. I never stated that they were rather planning to throw me out. I only stated what the Jail Superintendent narrated to me.

SHRI MANDHATA SINGH: It is stated here that 80 to 90 people were injured. But the other day in response to the question of Shri Ajit Panja, you said that nearly 18 to 19 people were injured.

SHRI ERA ANBARASU: That is Stenographer's mistake. I said only 80 to 90. I have corrected it in my manuscript.

SHRI A. R. ANTULAY: You are saying something about Chief Minister having said something about this incident in the House. What exactly did he say?

SHRI ERA ANBARASU: I do not have the record but I read it in the paper that I am expert in acting and I played some drama. No incident has taken place as was alleged and further he said that I have issued a statement. Immediately I gave a rebuttal. I said I never issued any statement. If at all any newspaper

carried any such statement, it should be by the DMK-owned newspaper or by the supporters of DMK Party in any periodical or daily magazine or newspaper to suit their convenience.

SHRI A. R. ANTULAY: When did the Chief Minister make a statement about it on the floor of the House?

SHRI ERA ANBARASU: I have given an english version of it. He made a statement during the last Assembly session.

SHRI A. R. ANTULAY: How many weeks after this incident?

SHRI ERA ANBARASU: Mr. Chairman, can I have those copies of the document which I have filed?

MR. CHAIRMAN: Surely.

SHRI ERA ANBARASU: It is may be on the 10th or 11th of April. And our own Assembly Members replied that that was not so.

SHRI A. R. ANTULAY: Was it about a month later of this incident?

SHRI ERA ANBARASU: Yes, Sir.

SHRI A. R. ANTULAY: What exactly did he say? Could you elaborate it a little?

SHRI ERA ANBARASU: He criticised me as a disguised man in the Muslim dress. I had taken part in the agitation. I had dressed myself as a Muslim. There were preventive arrests. So many MPs, prominent Congress Party leaders were arrested. It was said that those who indulged in unlawful activities would be arrested. Normally, prominent leaders are not arrested if it is a preventive arrest. They were also in search of me. I wanted to take part in the agitation. I had gone underground for two or three days. They could not trace me out. Then I dressed myself as a Muslim and I took another Congress Party lady worker and asked here to dress like a Muslim lady. Then we both as husband and wife came out and boarded the train. The moment whistle was on and the guard flagged off the train, we got down from the train. I was about to jump out of the train and stand before the train. Meanwhile they came and arrested us. For this, the Chief Minister criticised us and called me an actor disguised as Muslim. He criticised the lady worker as an actress hired for some purpose. He criticised me something like that.

SHRI A. R. ANTULAY: You justly believe that the report that is sent by the officials of the Government of Tamil Nadu through the Government of India which is dated 3rd May, is in keeping with the statement made by the Chief Minister on the floor of the House. Is it correct?

SHRI ERA ANBARASU: Yes, Sir. Definitely. All these reports were prepared under the instructions of the Chief Minister.

SHRI A. R. ANTULAY: According to you, the entire incident which is reprehensible and which is the subject matter of the breach of privilege, contempt of the House—that is why, the hon. Speaker has *prima facie* thought it fit to refer it to this Committee—was tried to be hushed up and tried to be pushed under the carpet by the Government of Tamil Nadu right from the Chief Minister to the officer concerned who wrote the communication to the Government of India. Is that what you mean?

SHRI ERA ANBARASU: Yes, Sir. I would like to bring to your notice one more thing. This agitation was launched by the Tamil Nadu Congress Committee. For this, a case of misappropriation of funds was also filed against the President of the Tamil Nadu Congress Party Mr. Ramamurthy and one day before the agitation he was arrested. That was the DMK Government's vindictive attitude to suppress our democratic rights.

SHRI A. R. ANTULAY: Do you also believe that since you came to give evidence before this Committee at the request of the Committee, through the Chairman and you did give evidence impartially which fortunately or unfortunately went against the interest of the Government of Tamil Nadu, that they could not withstand it and tried to evict you from your room which you were occupying, when you came to discharge your parliamentary duty to give evidence before this Committee today?

SHRI ERA ANBARASU: Yes, Sir.

SHRI A. R. ANTULAY: May I know the relevant part with regard to the shabby manner in which you were treated by the Government of Tamil Nadu in regard to your eviction from the room in the Tamil Nadu Bhavan?

SHRI ERA ANBARASU: Some of my papers are still lying in the room. I have searched the papers about the complaints. They are not here. I had written the complaint on the Devaki Hospital's letter pad. That is not here. That is lying in Room

No. 209, Tamil Nadu House. Yesterday when I came here, they refused to give me the key of my room. They said: "Tamil Nadu Government has changed the rules and you cannot be accommodated here." Then I was asked to vacate the room. When I requested them to give me the key of my room, they refused to give it. They asked me to talk to Mr. Sampat, Joint Commissioner of Tamil Nadu House. He said: We are sorry. We cannot give you the key. If you want, you can collect your things or I will send your things. I am afraid that my things will be tampered with. I told them that I would take up this matter with the Privileges Committee. Then I met the Secretary-General. I asked him to send some officials from the Lok Sabha Secretariat to take inventory of my belongings in Room No. 209, Tamil Nadu House. It appears, on 29th, the Government of Tamil Nadu has changed the rules stating that MPs and MLAs are not eligible to stay in the VIP rooms during the inter-session period. So, they have obstructed me from even discharging my duty as a Member of Parliament.

SHRI A. R. ANTULAY: Did they bother to find that you have come for a parliamentary duty?

SHRI ERA ANBARASU: They did not ask me. I explained to them about it. I gave it in writing to Mr. Sampat. In spite of that, he refused to give the key. Around 11.00 to 12.00 hours they contacted my friend to convey me that they would provide some other room in the Tamil Nadu House and asked me not to take up the matter with the Privileges Committee. I said: Now that you want me to compromise, I am sorry, I will not do it.

SHRI K. RAMAMURTHY: Mr. Era Anbarasu, have you been allotted accommodation by the Parliament as a Member of Parliament?

SHRI ERA ANBARASU: They allotted a house for me on the 30th. But it is only on paper as somebody else is living in the house which is allotted to me. And so, I have not occupied it as yet.

SHRI K. RAMAMURTHY: For how long have you been in the Tamil Nadu House?

SHRI ERA ANBARASU: For the last three months I am staying there. Under the instructions given by the Lok Sabha Secretariat and also the Government of India, I have been given Room No. 209.

SHRI K. RAMAMURTHY: I am asking as to whether this has been allotted by the Parliament House Secretariat or not.

SHRI ERA ANBARASU: Yes. This has been allotted to me by the Parliament House Secretariat.

SHRI K. RAMAMURTHY: May I know whether other DMK Members were also present there or not?

SHRI ERA ANBARASU: They were occupying rooms previously. They were there. They want to create a difference between my room and other rooms. Even now, they have not served any order in regard to my eviction nor any prior notice was given in this regard.

SHRI A. R. ANTULAY: Is it that the Lok Sabha Secretariat had informed the Tamil Nadu Government that a room should be given to you till the House Committee clears the position and makes the premises ready for occupation?

SHRI ERA ANBARASU: Yes;

SHRI A. R. ANTULAY: And thereafter, the Tamil Nadu Government informed you that you have been allotted this specific room, namely, Room No. 209. Have you been occupying this room ever since you became an MP?

SHRI ERA ANBARASU: I have been occupying this room only during the last session. Previously, I was given some other room. Only during the last session, they gave me this Room No. 209.

SHRI A. R. ANTULAY: Did they inform you that they want to terminate you from occupation? And did they tell you that if you would like to take the things, you can do so?

SHRI ERA ANBARASU: No.

SHRI A. R. ANTULAY: When you came back in a routine manner to occupy your room, which you were occupying so far, did they prevent you from occupying your room? In spite of telling them that you have come for the purpose of attending this Committee or to give evidence before this Committee, by a specific request conveyed to you by the Chairman of the Committee, did they prevent you from occupying the room?

SHRI ERA ANBARASU: Yes Sir. I could not even collect the papers which are important and also the blood-stained clothes and lect all these things but he refused to give the key of the room. torn shirts. I specifically requested them that I would like to collect all these things but he refused to give the key of of the room.

SHRI A. R. ANTULAY: According to you, the Government is so vindictive as to not to allow you to collect your things when you have come to Delhi specially for the purpose of giving evidence before this Committee, at a specific request made by the Lok Sabha

Secretariat. Do you think that whatever version that the Government has officially given to the Government of India about the incident, which in turn has been forwarded to this Committee, is a tissue of lies?

SHRI ERA ANBARASU: Definitely: Sir. They were not willing to accommodate me. When they were bent upon to reply me that they will not accommodate in that room, what they have said is utterly false.

SHRI A. R. ANTULAY: Everyone concerned with the Government of Tamil Nadu, even the Secretary, Mr. Natarajan, took a hint from what the Chief Minister said on the Floor of the Assembly in regard to this incident that this was a bogus incident.

SHRI ERA ANBARASU: Definitely Sir. They act according to the whims and fancies of the Chief Minister of Tamil Nadu.

SHRI A. R. ANTULAY: You said in the beginning that you were arrested on the 10th and remanded. At that time, you were already under summons to attend Parliament. Did they know that you were under summons to attend Parliament?

SHRI ERA ANBARASU: Sir, I was also under the impression that as we are all MPs, they will just arrest and then release and then we can attend Parliament.

SHRI A. R. ANTULAY: Is it that this incident took place some ten or fifteen days before the commencement of the Session and you are treated from the hospital and discharged on the 17th-

SHRI ERA ANBARASU: Yes.

SHRI A. R. ANTULAY: Were you treated when you were still in jail?

SHRI ERA ANBARASU: When I was in jail, I went to the hospital for some gastric trouble.

SHRI A. R. ANTULAY: You went from the jail, got treated and then came back to jail and then you were discharged. Is that so?

SHRI ERA ANBARASU: The hospital is inside the jail itself. There is a small cell in the jail. This is not a private hospital. After the incident, I went outside and got treated myself.

SHRI A. R. ANTULAY: I am talking of a particular incident and you are narrating some other incident. You were treated and discharged on the 17th. Before you were discharged, were you treated by the jail authorities?

SHRI ERA ANBARASU: They have not treated me for the injuries. I went to the doctor in the prison and got treatment for my

gastric trouble. It has nothing to do with the injuries. And after the incident, I came straight to the private hospital and got treated myself. I was thrown out on 15th itself. Then I got myself admitted in a private clinic and got discharged on the 17th and then came to Delhi.

SHRI A. R. ANTULAY: Now it fits in. Will you please tell us whether the statement by IG (Prisons) that nothing of this sort, as alleged by you, had happened is also in furtherance of the decision taken by the Chief Minister to show to the world that nothing has happened?

SHRI ERA ANBARASU: He has issued a clear statement that no incident took place in the prison as alleged by Era Anbarasu and that in fact, he was released on the court orders. The people in the prison failed him.

SHRI A. R. ANTULAY: What you are saying is that the IG (Prisons) had only echoed what the Chief Minister spoke on the Floor of the House.

SHRI ERA ANBARASU: Yes. The statement which he gave to the Press and the statement which is sent to you by the Home Ministry are contradictory.

He might have issued such a statement on the basis of the instructions given by the Chief Minister.

SHRI A. R. ANTULAY: I think it is because the Chief Minister had already said on the Floor of the House that it is absolutely false.

SHRI K. RAMAMURTHY: I have got the copy of the newspaper Report. The IG (Prisons) had mentioned in the newspaper Report very categorically that "nothing has taken place in the Central Prison of Madras. Shri Anbarasu had never been beaten up or no lathi charge had been ordered but on the contrary, he was released at 7.25 P.M. and his supporters had also shouted slogans and hailed him.

SHRI ERA ANBARASU: He had also said that there was no injury.

SHRI A. R. ANTULAY: You had said in the very initial stage of the evidence that at the insistence of the hon. Chairman that you were not assaulted by anyone belonging to Shri Moopanar group.

SHRI ERA ANBARASU: No. We do not have any such bitterness with anybody.

SHRI A. R. ANTULAY: But you have been saying it from the beginning.

SHRI ERA ANBARASU: No.

A. R. ANTULAY: You also threw a challenge that at the insistence of some of the suspected Congressmen, this was done.

SHRI ERA ANBARASU: If anybody appears before this Committee and categorically admit that they were beaten by the Congressmen belonging to Moopnar Group, then I am willing to withdraw my privilege issue.

SHRI A. R. ANTULAY: It is only the DMK men and the convicts combined together who tried to enact a drama there and the Chief Minister was pleased to say that what you said or did was a drama.

SHRI ERA ANBARASU: Definitely, this is what he had said.

SHRI A. R. ANTULAY: You said that you can identify the convicts who assaulted you and the Jail Superintendent, the Inspector General of Police and the Assistant Commissioner. Only for clarification sake, I want to ask you this. Although, you are able to identify the Jail Superintendent but you did not mention his name.

SHRI ERA ANBARASU : Shri Chelladurai.

SHRI A. R. ANTULAY: I want to ask you, in the assault which took place, whether these persons—the convicts and the DMK men—were a party to it or any one of them was involved.

SHRI ERA ANBARASU: One Inspector was there. The Assistant Commissioner was standing outside the gate. But inside there was only the Inspector whose name I still could not get it. He might be perhaps the Jail Superintendent or the Inspector belonging to that local area.

SHRI A. R. ANTULAY: One thing is very clear from what you had said in the initial stages of your evidence. I may be wrong in understanding you properly. When the assault took place, these officers were there. This assault took place right within the sight of these highly placed officials belonging to the Police Department and they did not prevent them from assaulting you — either the convicts or the DMK men or some of the policemen.

SHRI ERA ANBARASU: Only the Deputy Superintendent of the Jail came. He tried to prevent me from getting the blow or lathi on my head. Otherwise, I would have been beaten still more seriously on my head also. He pushed me.

SHRI A.R. ANTULAY: So, you are fair enough to admit that somebody prevented you from assaulting you or getting hurt. When the others did not come forward to help you are you frank enough also to say that they were only standbye spectators?

SHRI ERA ANBARASU: Even the Jailor also did not touch me though he was present because he was a little afraid of touching me. One Mr. Agram Narayanan was told by the Jail Superintendent to hit me and throw me out. He spoke to me later. I got the message through somebody that Mr. Agram Narayanan, who is still in the prison, was asked to bring me up and throw me out. He is still there in the prison.

SHRI A. R. ANTULAY: From the evidence, we understand that the DMK men, the Police officer or officers and the convicts, jointly assaulted you. And the highly placed officials, belonging to Police, were witnesses to this incident and were helpless spectators either in preventing them from assaulting you or preventing you from getting hurt, except one Deputy Superintendent of the Jail. This incident took place when the lights were switched off, isn't it?

SHRI ERA ANBARASU: Even on the day of the assault, the lights were switched off. The previous day also, i.e. on 14th, I was under the impression that, it was a normal or routine break down.

SHRI A. R. ANTULAY: When the lights were switched off, nothing took place. And the next day, when you were complacent enough to think that it is like yesterday the lights must have gone and therefore, you were taken unaware. Am I right?

SHRI ERA ANBARASU: I never expected that such thing will happen. Suddenly some people came and surrounded me.

SHRI A. R. ANTULAY: How did the DMK men manage to enter the Jail in a sense that they were convicts and as you rightly said nor did they come there at your invitation? How did they come to the Jail when they were convicts?

SHRI ERA ANBARASU: I have put the same question to the Jail Superintendent. He said: "Everyday, if you create some commotion they will do that." Then I asked: "How could you send the DMK goondas?" I also said: "Don't do all these things. It is unbecoming of an officer to speak like this." So, everyday, he is treating the inmates of the Jail that he will send the DMK goondas to the Jail,

SHRI A. R. ANTULAY: Do you say that he said he would send DMK men?

SHRI ERA ANBARASU: The entire inmates knew how he threatened us.

SHRI A. R. ANTULAY: It is very serious, and I am sure you appreciate the gravity and the implications of what you are saying. I am conscious of it. If the Police official threatens that the ruling-party men would be used to beat those who have undertaken political activity, as you did, and technically committed the offence, then we may have to call those who heard this, besides you, to come to the witness box here and give evidence because the Committee cannot take things lying down.

SHRI ERA ANBARASU: That is why I did not want to implicate innocent officers.

SHRI A. R. ANTULAY: The implications of what you are saying before this Committee is that the Police machinery was hand in glove with the ruling-party men, in not only stalling politically your agitation to which they are entitled—peacefully—but also to beat you. And you were being threatened, you and your colleagues were being threatened by the Police officers who are supposed to be the custodians of law and order; they said: 'We shall let loose on you the DMK men to take political revenge'. And it did happen, as you say. So, if the threat was accompanied by the execution of the execution of the threat, by those who are supposed to execute it, in terms of what the Police officer said, then this Committee at least cannot allow such a blatant thing to go unnoticed and unpunished, if I may say so. We may have to invite others who have also heard this, besides you. So, who, according to you, have heard such a threat being given to you? Please name them.

SHRI ERA ANBARASU: If you go to Madras and have a hearing there, it will be good.

SHRI A. R. ANTULAY: It is a different matter; please give the names.

SHRI ERA ANBARASU: The names are: S. M. Krishnan; T.C. Srinivasan, Ranganathan, Vijayan, Budur Venugopal, ~~Balaraman~~ and Lakshmanan.

SHRI A. R. ANTULAY: We cannot call all. They may be 100 or 200. But you say that these are the persons who can say that they heard it, and that they will bear with you. They were within the sight of that officer. Who was the officer?

SHRI ERA ANBARASU: Chella Durai, the Superintendent of the Central Jail.

SHRI A.R. ANTULAY: He is supposed to be the chief.

SHRI ERA ANBARASU: Chief of the prison.

SHRI MANDHATA SINGH: What is the name of the Deputy Superintendent?

SHRI ERA ANBARASU: His name is Balachander.

SHRI A. R. ANTULAY: Have you received back your material and money?

SHRI ERA ANBARASU: No; I have not. I was surprised to hear from one hon. Member that it has been handed over to somebody. Nobody has told that to me so far. Tomorrow, I will go and contact that man. If he has given it in writing, I do not think he will do it without taking possession of my brief case.

SHRI A. R. ANTULAY: Nor did you authorise anybody to collect it.

SHRI ERA ANBARASU: Neither did the jail authorities inform me, nor did the person to whom it is supposed to have been handed over.

SHRI A.R. ANTULAY: Does it include the identity card?

SHRI ERA ANBARASU: Yes.

SHRI A.R. ANTULAY: So, the material has not been given back to you, nor, till this moment, the possession of the material lying in Room No. 209.

SHRI ERA ANBARASU: These are all connected matters.

SHRI A. R. ANTULAY: You spoke about the name-plate of Kamaraj. You had also asked whether the Central Government did it, or the local Government did it. I bow to Kamaraj's name.

SHRI ERA ANBARASU: This has been done only by the Karunanidhi Government, and not by the Central Government.

SHRI A.R. ANTULAY: I did not ask that question. You did not agitate because Government of India did it and it was removed; or Railways did it and it was removed; or the Karunanidhi Government did it and it was removed. You did agitate because of your affection, respect and reverence for the name of Kamaraj, and because that name-plate was removed.

SHRI ERA ANBARASU: That is the right spirit. Unnecessarily they have removed the name of the great leader Kamaraj.

SHRI A.R. ANTULAY: So, irrespective of whether it was there authorizedly or unauthorizedly, you felt bad when it was removed.

SHRI ERA ANBARASU: We have come to know that the State Government was behind putting down this agitation, and even behind the removal of the board. I do not know whether he had got the concurrence of the Central Government or not; but directly under Karunanidhi's instructions, these things have been done.

SHRI A. R. ANTULAY: It explains many points. I thought some hooligans had done it. It means that you are in possession of the information that the State Government was instrumental in the removal of the name-plate, which led to the agitation by the Congress (I) which hit back. Am I correct?

SHRI ERA ANBARASU: Definitely.

SHRI A.R. ANTULAY: So, because the name-plate was removed by the Government, as you believe, when the agitation was carried on against its removal and for the reinstallation of it, the Government which was instrumental in its removal tried to beat you through some party-men of theirs, and the officials and the convicts who were under their control—not only because you were a Congressman but also because, besides being a Congressman, you were trying to have the name-plate which they had removed, re-installed.

SHRI ERA ANBARASU: Yes, Mr. Karunanidhi wanted to curry favour of the Central Government. His name was changed by my leader, Shri Rajiv Gandhi, the Prime Minister. When he changed the name, Mr. Karunanidhi did not agitate about it. When Shri Rajiv Gandhi went out of power, then again to curry favour of the Central Government, Mr. Karunanidhi took it up very seriously.

SHRI A. R. ANTULAY: Do you want to say that unless the Committee visits that place, enough justice cannot be done?

SHRI ERA ANBARASU: That is my strong opinion.

SHRI A. R. ANTULAY: Did you think — after the hon. Speaker referred the matter to the Committee — that in order to appreciate facts of the case in their proper perspective, the Committee should visit that place, talk to the local people over there and then come to a conclusion?

SHRI ERA ANBARASU: Yes. I thought that the Committee had got full power to visit that place so as to get full facts of the case.

SHRI A. R. ANTULAY: Do you want that the Superintendent of the Jail has to be examined along with those who had been troubled?

SHRI ERA ANBARASU: Yes. Those who had sustained leg fracture and other fractures, if they are called, they will be able to tell you more facts about it.

SHRI A. R. ANTULAY: Do you know their names?

SHRI ERA ANBARASU: No.

SHRI A. R. ANTULAY: Then how can we call them?

SHRI ERA ANBARASU: I shall write a letter about it to the Chairman of the Committee.

SHRI A. R. ANTULAY: You said that it was necessary to visit that place in order to know how exactly the lights were switched off.

SHRI ERA ANBARASU: Unless you visit that place, how you would be able to know how the lights were switched off. Even now I suspect that they might have manipulated it in the record. So, in the interest of justice, I humbly request you to visit that place. You would be able to know how the breakdown took place and all that.

SHRI EDUARDO FALEIRO: The proceedings of the Committee should be conducted with solemnity and dignity. The Committee must act judiciously. You know about the criminal proceedings. Secondly, would it not be better if the concerned party is represented by a lawyer? As far as cross-examination is concerned, it is

done in a court where a judge has to decide about a case. This sort of judicial behaviour should not apply here. The proceedings in Parliament and in the Committees should not be conducted in a way so that it should be looked as if we are doing something which is not proper. The proceedings are coupled with many other things also. They do not contribute to that image of Parliament which all of us would like to build. So, is it not more appropriate if an opportunity is given to the party concerned to engage a lawyer? I think that would be much better.

MR. CHAIRMAN: I fully agree with you because there have been precedents about it. So far as this Committee is concerned, there have been precedents about the engagement of lawyers. This matter came up in the case of Mr. Kamal Nath which we decided last time. I think if we have any doubt, we should seek clarifications and not cross examine as such.

SHRI EDUARDO FALEIRO: Sometimes the other man is not present. If the other man is present, then our colleague is not present.

MR. CHAIRMAN: We will discuss about it.

SHRI EDUARDO FALEIRO: Were you not allowed to go into the room?

SHRI ERA ANABARASU: I have already given it in writing to the Chairman. I have also given it in writing to the Secretary-General. The Secretary-General has assured me that he will find out about it and then negotiate for an amicable settlement. I insisted that I should be allowed to go back to the same room. I also said, if this is not done, I will write to the Chairman of the Committee of Privileges. Then the Secretary-General asked our Joint Secretary, Shri Rastogi to take up the matter. I do not know what has happened. Mr. Rastogi is here.

SHRI EDUARDO FALEIRO: I am very happy. My suggestion was that pettiness should not come in the way of anybody. My suggestion is, as it has come to the notice of the Committee, the Chairman may pass it on to the Hon. Speaker. This is the information we got. First of all, who has committed the breach of privilege in this case? As I understand it, it is the Jail Superintendent of Police. Anybody else?

SHRI ERA ANBARASU: One Inspector and the Assistant Commissioner of Police.

SHRI EDUARDO FALEIRO: You mentioned that in your letter.

SHRI ERA ANBARASU: In his presence only this incident occurred when they obstructed me.

SHRI EDUARDO FALEIRO: That means, in your view, they committed a breach of privilege.

MR. CHAIRMAN: The Superintendent of Police, the Inspector of Police and the Assistant Commissioner of Police had not intervened when the incident occurred. But the actual assault was by the Superintendent?

SHRI ERA ANBARASU: He assaulted me personally.

MR. CHAIRMAN: The other two officers were standing there. They did not prevent the Superintendent?

SHRI ERA ANBARASU: When the Superintendent was telling them to take me in the Police van, he did not mention that he could not take a Member of Parliament, in a Police van. Therefore he was a party to it.

SHRI EDUARDO FALEIRO: Did you inform the Police about the other gentleman?

SHRI ERA ANBARASU: No. I mentioned when I came into contact with them.

SHRI EDUARDO FALEIRO: When were you allotted this room No. 209?

SHRI ERA ANBARASU: The Lok Sabha Secretariat directed them to provide a room, and the Tamil Nadu Government allotted this room.

SHRI EDUARDO FALEIRO: How many more such VIP rooms are there?

SHRI ERA ANBARASU: I do not know.

SHRI EDUARDO FALEIRO: You mentioned that you were not allowed to go in. Why?

SHRI ERA ANBARASU: I was not allowed to go inside the Tamil Nadu House. The receptionist, one Mr. Srikant told me that they had clear instructions that they should not give me accom-

modation there. I said that that I had not vacated the room and my belongings were there in the room still. He told me that the key was with Mr. Sampath, Joint Commissioner and I could go and take the key from him, if I wanted it.

SHRI EDUARDO FALEIRO: Then, what happened?

SHRI ERA ANBARASU: I said that I was going to Tamil Nadu for a couple of days. He asked me whether I was going to retain the accommodation. I said that I was retaining it for a few days till the meeting of this Committee and also that of the Estimates Committee were over. Some accommodation was allotted to me but it was not being vacated by the previous allottee. So, for a few days, I wanted to retain that accommodation. I wrote to the Joint Commissioner Mr. Sampath not to disturb me for some days, till the meetings of the committees were held. By that time the rule of the Tamil Nadu Government has been changed. It was on the 26th or 29th. He should have informed me earlier. So, it is a wanton, politically calculated move to obstruct me from attending the meetings of the Privileges Committee and to prevent me from collecting the things I had kept in my room. There is no doubt about it.

MR. CHAIRMAN: Mr. Anbarasu, do you wish to submit any other document before this Committee?

SHRI ERA ANBARASU: I would like to submit the copy of the report which I had given to the Police at about mid-night of 15th. That is there in my brief case which I kept in Tamil Nadu house. I have to collect it from there. If the Committee could make arrangements for me to collect it, I can produce the copy.

MR. CHAIRMAN: We can only try to see that you are able to produce.

SHRI EDUARDO FALEIRO: I agree with you. You can pass on this information to the authorities.

(The witness then withdrawn)

Friday, 8 June, 1990

PRESENT

Shri Somnath Chatterjee—Chairman

MEMBERS

2. Shri A. R. Antulay,

3. Shri Arif Baig
4. Ch. Jagdeep Dhankhar
5. Shri Eduardo Faleiro
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha
8. Shri R. Gundu Rao
9. Shri Mandhata Singh
10. Shri R. L. P. Verma

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri T. S. Ahluwalia—*Deputy Secretary*

Shri A. N. Gupta—*Assistant Director*

(The Committee met at 10.30 hours and again on 15.30 hours)

Evidence of Smt. M. Chandrasekhar, M.P.

MR. CHAIRMAN: Shrimati Chandrasekhar, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding the assault on Shri Era Anbarasu, Member of Parliament in the Central Jail, Madras. I may inform you that under Rule 276 of the Rules of Procedure & Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated as confidential till the report of the Committee and its proceedings are presented to the Lok Sabha. I may however inform you that the evidence that you may give may be made available to members before it is formally presented to the Lok Sabha. You may take an oath or make an affirmation.

SHRIMATI M. CHANDRASEKHAR: I, Shrimati M. Chandrasekhar, swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

MR. CHAIRMAN: Shri Era Anbarasu, hon. Member of Parliament has complained about what he calls a nassault on him inside the Central Jail, Madras on the 15th of March, 1990. Now, it appears that you were also in the Central Jail on that day. Can you please in your own words tell us as to what had happened on that day and about the complaint of Mr. Era Anbarasu?

SHRIMATI M. CHANDRASEKHAR: Before I tell you what happened on that day, I must tell you something what happened earlier, prior to that.

On the 14th, suddenly the lights went off. We were all women in one portion and the worst part of it was that the food used to be served by the convicts. They did not have any different type of clothing not even a cap, to identify them or to distinguish them from the other convicts. Even a woman who had recently committed a murder — or was involved in a murder case — was in the same jail along with us. Some of the women, apart from the other male convicts, that is some of the boys, used to bring water and food to our cell and they used to bring water regularly. They used to be very free. First, we had some problem in identifying them. Some times our fellow prisoners also were coming to see us. So many people used to come and we could not distinguish whether they were convicts or persons in jail along with us. That was the situation. And even women, they had just the same clothes as we had. There was no difference whatsoever.

So, when the lights went off on that day it was really confusing. I cannot explain actually. If the men misbehaved with the women nobody could say anything. The women were unhappy that the men were trying to take advantage of the darkness. They were still bringing food, water and coconut oil, etc. And they used to chummy with the women wardens and also the men. Some of our women were a little harsh with them, as they were apprehensive that somebody may take advantage of the darkness.

So, after some time, some of the officers came to see us. I asked them whether they did not have a better system or way to supply food to our cells. Because, really we could not believe that such things could happen in the Madras Jail, under the very nose of the Assembly and the Government. He just replied that all those things do happen. He talked in such a careless manner that I was surprised, as though it was a matter or something about which I should not be concerned. He said that those things do happen.

So, the next day when the lights went off, we saw that even women police were stationed outside and there was a huge noise of beating and men were crying and we knew that this has happened. Not only Shri Eri Anbarasu, the former Deputy Speaker (Lok Sabha), Shri G. Lakshmanan, but also nearly 50-60 persons were beaten and one of our very good Congress (I) workers was

also beaten. Some of us were taken to hospital and treated there. Some fell down and got injured in the beating at the hands of the convicts and others. On 16th March, we were released.

MR. CHAIRMAN: Do you wish to add anything more?

SHRIMATI M. CHANDRASEKHAR: I have seen. I have also heard the people said that women convicts, who were serving us, were entering the jail in the garb of service.

SHRI EDUARDO FALEIRO: Can you mention who has said it?

SHRIMATI M. CHANDRASEKHAR: It was the Jail Superintendent. He was very rude.

SHRI EDUARDO FALEIRO: The lights went off for two days. Can you assume the previous day was a trial?

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI EDUARDO FALEIRO: Why did not you go out?

SHRIMATI M. CHANDRASEKHAR: We did not go out because we did not want our followers to be kept in the jail.

SHRI EDUARDO FALEIRO: The privilege of our Member of Parliament, Shri Era Anbarasu, has been violated. Do you have to say anything about it precisely?

SHRIMATI M. CHANDRASEKHAR: He was beaten. I could hear his cry along with that of other men. He was all the time crying. He came to my room. "Ammma" I am afraid. He was living separately and not along with other prisoners. Out of fear he went with other people. I can also add that the Jail Superintendent was so cruel and inhuman that when some of our workers were taking the food, which had worms in the rice, and showed to the Jail Superintendent, he said, "nothing doing". Girls staged dharna and said: "Unless I.G. comes, we are not going to leave". Then, DIG came. We said, please see what type of food they are giving. After that DIG spoke to us and only after that the food was a little better. Even the food quality improved after the women went on strike.

MR. CHAIRMAN: How many were you in the prison?

SMT. M. CHANDRASEKHAR: There were 10—16 persons in the prison.

श्री संतोषकुमार गंगवार : क्या आपके साथ इस आंदोलन में 10 तारीख को और भी सांसद गिरफ्तार हुए थे ?

SHRIMATI M. CHANDRASEKHAR: On 10th March, there were three or four persons in the Central Jail. Apart from Shri Era Anbarasu, there was another MLA who was also there in the Jail. He was also carried away and thrown out.

श्री संतोषकुमार गंगवार : मेरी जानकारी में आया है कि 7 सांसद गिरफ्तार हुए थे। जिनमें से पांच छुटने पर बाहर आ गये लेकिन आपने बाहर जाने से मना कर दिया यह कह कर के सब के साथ बाहर जाएंगे। क्या यह सही है ?

SHRIMATI M. CHANDRASEKHAR: Some people followed us. Mr. Chidambaram was also there. The followers did not know for what reason they were arrested. I do not know what would have been the condition if I had not been there.

श्री संतोषकुमार गंगवार : आपकी बात ठीक है। आपके बाकी साथी चले गये आप दो सांसद रह गये।

SHRIMATI M. CHANDRASEKHAR: They also did not go. Shri P. Chidambaram and Shri C. K. Kuppusamy had a meeting in the morning. They said they were going to fight. After that they were allowed to go out. But, they were not allowed to come back.

श्री संतोषकुमार गंगवार : यह 15 तारीख को जो मारपीट हुई, वह किस समय की घटना है ? शाम के पांच बजे की, छः बजे की या सात बजे की ?

SHRIMATI M. CHANDRASEKHAR: I do not remember the time. It may be around 6.00 P.M.

श्री संतोषकुमार गंगवार : क्या वहां जेल सुपरिन्टेन्डेन्ट के अलावा बाहर का कोई और पुलिस अधिकारी या डी० एम० के० का वर्कर भी कोई था ?

SHRIMATI M. CHANDRASEKHAR: I cannot say whether any worker came along with us.

श्री संतोषकुमार गंगवार : जेल सुपरिन्टेन्डेन्ट और क्विक्टस ये लोग ही मारपीट में शामिल हैं ?

SHRIMATI M. CHANDRASEKHAR: I do not think that anybody from outside came to beat.

श्री संतोष कुमार गंगवार : क्या आपकी जानकारी में यह भी है कि अम्बारसु साहब को उठा कर बाहर फेंका गया था ?

SHRIMATI M. CHANDRASEKHAR: He would have told you what had happened to him.

SHRI BHOGEN德拉 JHA: What is the distance between the Cell where you were lodged and the Cell where Shri Anbarasu was lodged?

SHRIMATI M. CHANDRASEKHAR: It was very near. It was about 4 to 5 ft. distance. Thousands of people were in the small Cells. The capacity of the Central Jail in Madras is about 1990 whereas we were nearly more than 4000 people. There was hardly, any place for people to move about freely. All the people were huddled together.

SHRI BHOGEN德拉 JHA: Are the rooms in the prison so small and the distance between the rooms was not much?

SHRIMATI M. CHANDRASEKHAR: They are all adjoining rooms.

SHRI BHOGEN德拉 JHA: When the light went off, did you hear the cry?

SHRIMATI M. CHANDRASEKHAR: Yes, I heard the cry. We also heard the sound of beating the people.

SHRI BHOGEN德拉 JHA: Who was the Sentry on duty in your room?

SHRIMATI M. CHANDRASEKHAR: I do not know the name. The wardens were there. They are male wardens.

SHRI BHOGEN德拉 JHA: At the time when the light went off and the beating was there, did you see the Superintendent of your ward there or did he leave your place?

SHRIMATI M. CHANDRASEKHAR: I do not know because it was pitch dark at that time.

SHRI BHOGEN德拉 JHA: When did you have the first opportunity to see those injured persons including Shri Anbarasu?

SHRIMATI M. CHANDRASEKHAR: Soon after the incident. I could not see Shri Anbarasu because he was thrown out. I could see one of the injured persons and all the women went on hunger strike. We told the Jail Superintendent not to prepare food for us. We did not want the food to be wasted. The next day they did not give us tea. The next day they said that we were all released at 4 O' Clock.

SHRI BHOGEN德拉 JHA: You could not see when Shri Anbarasu was beaten.

SHRIMATI M. CHANDRASEKHAR: The sound of beating and shouting of the people were heard by us.

SHRI BHOGEN德拉 JHA: You heard all these things. But you cannot see him when he was thrown out.

SHRIMATI M. CHANDRASEKHAR: Only after beating, he was thrown out. I do not know whether you have seen the blood-stained cloth which Mr. Anbarasu showed in the House.

SHRI BHOGEN德拉 JHA: You could hear the beating sound and the cry of the people. But you could not have the opportunity of seeing him.

SHRIMATI M. CHANDRASEKHAR: No, Sir.

SHRI BHOGEN德拉 JHA: After that event, could you get any opportunity to talk to those Jail Warden who might have participated in those beatings?

SHRIMATI M. CHANDRASEKHAR: That will not be fair on my part.

SHRI EDUARDO FALEIRO: You have mentioned about blood-stained cloth. What happened to that?

SHRIMATI M. CHANDRASEKHAR: I do not know whether you have asked Mr. G. Lakshmanan, the former Deputy-Speaker of Lok Sabha, who can also throw some light on this incident.

SHRI A. R. ANTULAY: I think the fellow convicts were there and they were bringing the food.

SHRIMATI M. CHANDRASEKHAR: They were bringing food packets and they were bringing water and other things. The food remained there for some time.

SHRI A. R. ANTULAY: Then those convicts were also in the jail or were they brought from outside?

SHRIMATI M. CHANDRASEKHAR: They were kept one above the other cell, that is, on the ground-floor, first floor, etc.

SHRI A. R. ANTULAY: You could not see anybody beating the persons inside because it was pitch dark and you only heard the sound and also of cry.

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI A. R. ANTULAY: Besides these convicts, there could also be other people who also could have taken part in beating them.

SHRIMATI M. CHANDRASEKHAR: From the experience we have had with the convicts, I can't say whether other people also took part in the beating. There might have been other people also.

SHRI A. R. ANTULAY: According to the version, the Jail Superintendent was rough and his behaviour was very bad.

SHRI M. CHANDRASEKHAR: He did not have the courtesy to say good-bye when I left the jail. In the jail we were treated worse than the convicts.

SHRI A. R. ANTULAY: But since it was quite dark, you could not see the persons who actually participated in the beating and therefore you would not be in a position to describe the incident of beating.

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI A. R. ANTULAY: And also you may not be able to say the role played by the Superintendent of Jail in regard to the beating incident inside the jail.

SHRIMATI M. CHANDRASEKHAR: I can tell you one thing. When they were releasing us, I don't think they noted down the particulars of our name, the number of people who were released and on what time and date, etc. You cannot find these particulars in their record.

SHRI A. R. ANTULAY: Neither when you got in nor when you were released.

SHRIMATI M. CHANDRASEKHAR: When we got in they took all the records, but they did not even check what we were carrying. The situation was that 2000 strong jail staff were going to hold more than 4000 people. There was no food that night. They knew we were arrested at 11 O'Clock in the forenoon. We were taken to various other places. All this took place till 10 O'Clock in the night. Till then no food was prepared for us. Even the next morning, tea or coffee did not arrive and we were all considered to be A class prisoners and they were expected to give coffee or tea.

SHRI A. R. ANTULAY: Were you treated only as if you are convicts?

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI A. R. ANTULAY: Did you see some non-convicts or non-Congress detenues having entered the jail like the DMK men?

SHRI M. CHANDRASEKHAR: I did not. So I can't say that. If you ask those people who got the beating, they may be able to tell you.

SHRI A. R. ANTULAY: Was it because it was pitch dark?

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI A. R. ANTULAY: On the earlier day when the lights were put off that time also was the same situation prevailing?

SHRIMATI M. CHANDRASEKHAR: Yes. It was pitch dark.

SHRI A. R. ANTULAY: For how much time the lights went off?

SHRIMATI M. CHANDRASEKHAR: They went off for about one hour. After the lights went off, a few minutes after that, we heard the beating.

SHRI A. R. ANTULAY: Till the time they were thrown out, the lights were still not on. Is it not?

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI A. R. ANTULAY: There was no power shut down or something. Is it not?

SHRIMATI M. CHANDRASEKHAR: No, no. We, Members of Parliament, should know that when they are keeping the lights on to see that the prisoners do not escape, how could they not take any measure to see that when the lights go off, there is another standby arrangement? It was not there. He took it so lightly. That means, he wanted to do it.

SHRI A. R. ANTULAY: That means you were 4000 people while the capacity of the jail is 1000.

SHRIMATI M. CHANDRASEKHAR: Its capacity is about 2000.

SHRI A. R. ANTULAY: How could they manage to keep so many people for these 4-5 days—these 4000 people plus the convicts who are there?

SHRIMATI M. CHANDRASEKHAR: If you ask me, women were sleeping like this, almost one over the other. They gave only one sheet for all of us on the floor. I was also along with them, and they gave me a broken cot with all the springs gone.

SHRI A. R. ANTULAY: Just now you told that the food was very bad and after the agitation the situation became better,

SHRIMATI M. CHANDRASEKHAR: Yes. He has told the women, "You will be coming to the jail very often as you are taking up the agitation, but we will not allow you, women, to come to the Central Jail."

SHRI A. R. ANTULAY: Who said that?

SHRIMATI M. CHANDRASEKHAR: The Jail Superintendent. It is the Jail Superintendent who is the culprit. This man was very cruel. There were times when there was no drinking water in the jail.

SHRI A. R. ANTULAY: It is inhuman.

SHRIMATI M. CHANDRASEKHAR: Fortunately I had taken a big jar of water with me because I do not take water outside. That was a saving feature for me.

SHRI JAGDEEP DHANKAR: Did they allow you to take the jar of water inside the jail.

SHRIMATI M. CHANDRASEKHAR: Yes, with their knowledge I took it.

SHRI R. GUNDU RAO: Their behaviour with the political prisoners is very cruel. Is it not?

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI R. GUNDU RAO: That is all. Thank you.

SHRI MANDHATA SINGH: I want to seek certain clarifications. You said that when the lights went off on the 14th, the lights again came to the barracks after about an hour. What is your experience about the timing on the 15th because Mr. Anbarasu was thrown out of jail and he could not answer our queries as to when the light was restored on the 15th night? You were released on the 16th.

SHRIMATI M. CHANDRASEKHAR: It was a little longer than this.

SHRI MANDHATA SINGH: Can you indicate some time or duration when the lights went off?

SHRIMATI M. CHANDRASEKHAR: Maybe my daughter can tell about this. She is not here. In fact she was making all the notes. She was also with me.

MR. CHAIRMAN: If you remember the time, you can tell us.

SHRIMATI M. CHANDRASEKHAR: I do not remember the time, but it was in the evening.

SHRI MANDHATA SINGH: What is the duration when the lights were off?

SHRIMATI M. CHANDRASEKHAR: Firstly it was more than an hour and the second time, it was a little longer.

SHRI MANDHATA SINGH: There was a controversy about the release orders. The Government version says, the Home Ministry's letter that has been received here is based on the information furnished to them by the Government in Madras. And they say that the release was ordered on the 11th. Mr. Anbarasu says that the Jail Superintendent asked him to go out of the jail as he had received the telephonic oral order that Mr. Anbarasu should be released on the 12th which he refused to obey or he did not prefer to go out. He did not want that your agitating workers should be left behind and only MPs. should go out. Were you also offered release on the 12th like Mr. Anbarasu?

SHRIMATI M. CHANDRASEKHAR: They were making a request to us to go out of the prison.

SHRI MANDHATA SINGH: Did they ask you to go out on 11th also?

SHRIMATI M. CHANDRASEKHAR: Yes, in fact they requested on 12th also. When we were in the prison, women did not sleep at all during night and they kept a watch because they thought that they could carry me with the cot. They said, 'if you all go out, we will be beaten.'

MR. CHAIRMAN: The lady workers who were arrested along with you said this. Is it not?

SHRIMATI M. CHANDRASEKHAR: Yes. I will tell you one more thing. There is a well inside the prison. One MLA was taking water from it and pouring it on his body. In the same condition, he was thrown out of the prison.

SHRI MANDHATA SINGH: Madam, both yourself and Mr. Anbarasu were asked by them to leave the prison on 11th as well as on 12th. Then, Mr. Anbarasu has also gone on record here that the remand was extended by the Magistrate till the 25th. What do you say about that?

SHRIMATI M. CHANDRASEKHAR: My group of people were arrested and we were taken to the Magistrate and 15 days remand was given. I asked them, when 15 days remand was there from the Magistrate, how can we be released? They said, it is only orders.

MR. CHAIRMAN: The remand was given initially for 15 days. Did you go to the Court?

SHRIMATI M. CHANDRASEKHAR: We were taken to the Poonamalle Magistrate Court and we were there for two to three hours.

SHRI MANDHATA SINGH: Mr. Anbarasu also said in so many clear words that he can still recognise the DMK workers who were imported inside the prison from outside and who had beaten him, but he cannot name them. What do you say about this?

SHRIMATI M. CHANDRASEKHAR: It is quite possible. But, I do not know.

SHRI MANDHATA SINGH: He alleged that the DMK workers were imported from outside.

SHRIMATI M. CHANDRASEKHAR: I cannot say that they were not imported. I could not see anything, because it was pitch dark. But I know that they have beaten him.

SHRI MANDHATA SINGH: Mr. Anbarasu also said that the Sub-Inspector of Police also had beaten him.

SHRIMATI M. CHANDRASEKHAR: I do not see any reason for him to tell a lie to the committee.

SHRI MANDHATA SINGH: How can police in uniform be brought inside the prison from outside?

SHRIMATI M. CHANDRASEKHAR: In my State, anything can happen. I will tell you one incident. In my constituency, in a village, a young girl of 16 or 17 years was raped by a boy. Then, it was reported to the police station and they filed a case, but the boy was left scot-free. The boy initially promised to marry that girl. I went to the BDO's office and talked to him. I talked to the SP, DGP etc. But nothing has happened. The boy married some other girl. Due to this incident, the elder sister of that girl committed suicide.

MR. CHAIRMAN: We are not concerned with this case.

SHRIMATI M. CHANDRASEKHAR: I am saying that this kind of incident also can happen in my State.

SHRI MANDHATA SINGH: An incident has been narrated here in this committee that an agitating worker who was put into the prison along with all of you was threatening to jump from the roof of the building, if Mr. Anbarasu goes out of the prison. Do you know this?

SHRIMATI M. CHANDRASEKHAR: No, I do not know anything about it.

SHRI MANDHATA SINGH: There is another story that he would touch the live wire and get himself burnt to death if all of you go out of the prison.

SHRIMATI M. CHANDRASEKHAR: I did not hear about it. It is something new to me.

SHRI MANDHATA SINGH: You said that the 4,000 people who got arrested with you were allowed to carry their luggages liberally by the prison authorities.

SHRIMATI M. CHANDRASEKHAR: They were all poor workers. They had only their second saree or second dhoti to wear and they had no luggages with them.

SHRI MANDHATA SINGH: Did you hear anything about the fact that Mr. Anbarasu had Rs. 4,000 in his shirt pocket and Rs. 1,000 in his bag which was taken away by the jail authorities and his Parliament briefcase is yet to be given back to him?

SHRIMATI M. CHANDRASEKHAR: It is quite possible I did not hear about it in the jail. But, I knew that a number of our people had lost their watches, chains, rings and even some of their clothes during the melee that followed the incident.

SHRI MANDHATA SINGH: So, in the normal course, you had been allowed to go with your luggages.

SHRIMATI M. CHANDRASEKHAR: All were not allowed; only the MPs and MLAs were allowed to go with their luggages.

SHRI MANDHATA SINGH: The "cruel and barbaric" behaviour of the Jail Superintendent has been brought to the notice of this committee. While he started beating up Mr. Anbarasu, it was told that the Deputy Superintendent of Jail tried to protect him so that he might not sustain any injury. What do you say about this?

SHRIMATI M. CHANDRASEKHAR: The Deputy Superintendent of the Jail was looking quite decent. He was saying that if we did not go out, then they would be punished.

SHRI MANDHATA SINGH: It has also been mentioned to this committee that even the Jailor was a passive spectator when the beating was going on. It has further been mentioned that the Deputy Superintendent tried to protect Mr. Anbarasu while the other one was passive, watching the whole affair without any objection.

SHRIMATI M. CHANDRASEKHAR: That is quite possible. He is the better judge.

SHRI BHOGEN德拉 JHA: As I could follow, it has been stated that the lady prisoners, before being sent to jail custody, were produced before the magistrate. Is it so?

SHRIMATI M. CHANDRASEKHAR: Yes.

SHRI BHOGEN德拉 JHA: At what time they were produced so?

SHRIMATI M. CHANDRASEKHAR: I told you that we were arrested at about 11 O'Clock.

SHRI BHOGEN德拉 JHA: At what time you went to the prison?

SHRIMATI M. CHANDRASEKHAR: Around 9 to 11 O'Clock in the night.

SHRI BHOGEN德拉 JHA: At what time you were produced before the Magistrate?

SHRIMATI M. CHANDRASEKHAR: It was in the afternoon. It was from 4 O'Clock to 6 O'Clock.

SHRI BHOGEN德拉 JHA: Was Mr. Anbarasu in that group?

SHRIMATI M. CHANDRASEKHAR: He was not there. They arrested us at various points according to the nearness of the place of Court. For example, I can cite the Central Station. Further, The Magistrate went there and gave them remand for two days and that remand was extended.

SHRI BHOGEN德拉 JHA: The point is that Mr. Anbarasu and others did not accompany you during your arrest or when you were in prison.

SHRIMATI M. CHANDRASEKHAR: The point is that in the same Jail we were all put. We gathered from various points.

SHRI BHOGENDRA JHA: The point is that you could not be present before the Magistrate along with Shri Anbarasu.

SHRIMATI M. CHANDRASEKHAR: I could not be.

SHRI BHOGENDRA JHA: Did you enter the jail gate along with Mr. Anabarasu?

SHRIMATI M. CHANDRASEKHAR: After the arrest, we were entering one batch after another. It was one batch after another batch. It was going on like that.

SHRI BHOGENDRA JHA: Did you see any Magistrate having gone to the jail gate?

SHRIMATI M. CHANDRASEKHAR: I did not see that.

SHRI BHOGENDRA JHA: Have you got any knowledge about the fact that among those arrested, there were two groups of prisoners?

SHRIMATI M. CHANDRASEKHAR: No. We were all Congress people. We all belonged to the Congress. There is no group in that. When we were fighting we were not fighting as separate groups.

SHRI BHOGENDRA JHA: Inside the jail, did you hear any quarrel?

SHRIMATI M. CHANDRASEKHAR: There was no quarrel.

SHRI EDUARDO FALEIRO: In this agitation, how many people of your Congress Party were taken into the jail? You can give a rough figure.

SHRIMATI M. CHANDRASEKHAR: More than 30000.

SHRI EDUARDO FALEIRO: Could you tell how many MPs. and MLAs. were there?

SHRIMATI M. CHANDRASEKHAR: Mr. Moopanar, Mr. Arunachalam, Mr. C. K. Kuppaswamy, myself, Mr. Anbarasu and Mr. Chidambaram were there.

SHRI EDUARDO FALEIRO: When the jail authorities asked the group to leave, I understand only MPs and MLAs were asked to leave. Could you enlighten us.

SHRIMATI M. CHANDRASEKHAR: Only MPs were asked to leave. On the following day, we had a meeting with the Jail Superintendent at his room. There, only Members of Parliament were asked to leave. I put the question as to what about Mr. Moopanar because he is the leader of the Legislature Party. I asked: "If you are going to say Members of Parliament only, then Shri Moopanar cannot be released. He is also holding equally an important position in the Legislature." The point is only MPs were asked to leave. Further, there was no written order. It was only a verbal order. I said: "When it came to me, on Principle, I could not leave behind my workers because I am the accused No. 1." Secondly, I said further that we were remanded for 15 days and unless the same Magistrate ordered that we were released before 13 days, there was no sanctity.

SHRI EDUARDO FALEIRO: I think that the reasons were that you had been remanded for 15 days and you were asked to leave within that period without any written order and you would not like to leave, leaving your workers behind because your workers could be harassed.

SHRIMATI M. CHANDRASEKHAR: That is the point.

CH. JAGDEEP DHANKHAR: Do I take it that this incident can dent on 15th in which Mr. Anbarasu suffered injuries, yet you are not in a position to say as to who assaulted him. Should we take it that way?

SHRIMATI M. CHANDRASEKHAR: I am not in a position to say that.

CH. JAGDEEP DHANKHAR: You have further stated that it was pitch dark and no other person could have identified the person who assaulted Mr. Anbarasu.

SHRIMATI M. CHANDRASEKHAR: I cannot say that. Even though the lights were not there, there might be some means by which they can identify by voice etc.

CH. JAGDEEP DHANKHAR: You say that it can be identified by voice. Pitch dark means only appearance part only.

SHRIMATI M. CHANDRASEKHAR: I do not know how dark it was in that area. Beating was going on. There might be some light from the street lights. There might not be room light. But the light from outside might give you some idea as to who assaulted him.

CH. JAGDEEP DHANKHAR : Since you were the witness, I think you are the better judge. Could you tell exactly as to what happened?

SHRIMATI M. CHANDRASEKHAR: Mr. Lakshmanan was there. If you call him, he will give you better information. He will be better judge. He must be called for giving evidence here. As a responsible person, who was a Member of Parliament and who was the Deputy Speaker, he can give you the exact information.

CH. JAGDEEP DHANKHAR: When the beating took place, distance-wise it seems to me, that you were also very close to the incident. Could you tell the physical aspect of the situation?

SHRIMATI M. CHANDRASEKHAR: Those people who were there, soon after this incident, came and told many things to us. I don't think it is proper for me to say that. There were very unpleasant things.

CH. JAGDEEP DHANKHAR: It was stated that in the intervening period, the Jail Superintendent had held out threats that he would smuggle DMK men to belabour Mr. Anbarasu. Did you across such an event?

SHRIMATI M. CHANDRASEKHAR: I don't have any good opinion about the Jail Superintendent. As I said earlier, the Dy. Superintendent was a decent officer, he was courteous enough.

CH. JAGDEEP DHANKHAR: Did Mr. Anbarasu or anybody else inform you that while being inside the jail, during the intervening period till 15th, the Jail Superintendent held out personal threats to Mr. Anbarasu that the Jail Superintendent would smuggle DMK people inside the jail premises to belabour Mr. Anbarasu? When a Member of Parliament was threatened by the Jail Superintendent, that too when you were there, certainly Mr. Anbarasu would have taken pains to inform you of the matter.

SHRIMATI M. CHANDRASEKHAR: When he came to know about it he was afraid of it. I told him that nothing would happen to him.

CH. JAGDEEP DHANKHAR: Did he convey anything to you?

SHRIMATI M. CHANDRASEKHAR: He did not.

CH. JAGDEEP DHANKHAR: Did Mr. Anbarasu inform you that the Jail Superintendent would smuggle DMK people inside the Jail?

SHRIMATI M. CHANDRASEKHAR: He did not have much time to come and tell me. I can narrate one more thing in this connection. Even my son and son-in-law were not allowed to see me. But some people met me in the jail and asked: "Why don't you come out?" I said: "I do not mind if others are also allowed to go out. It is a strange thing that how could these people enter the women's cell when my son and son-in-law were not allowed entry."

CH. JAGDEEP DHANKHAR: Do we take it that later you and Mr. Anbarasu, guided by the public involvement, had a solemn determination that you would not leave the jail premises till all the people who had been put in the jail were released?

SHRIMATI M. CHANDRASEKHAR: That is true.

CH. JAGDEEP DHANKHAR: Do I take it that this incident can be connected with any intention of Mr. Anbarasu not coming to Parliament?

SHRIMATI M. CHANDRASEKHAR: How can I say? On 10th we entered into this agitation and on 12th Parliament was to start. But no damage was done to any train.

CH. JAGDEEP DHANKHAR: Do we gather from your testimony that Mr. Anbarasu did not suffer any injury while he was on his way to Parliament?

MR. CHAIRMAN: You can draw your own conclusion. Thank you very much Mrs. Chandrasekhar. You have been very helpful to us. May I request you to kindly join us for tea.

(The witness then withdrew)

Friday, 22 June, 1990

PRESENT

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri A. R. Antulay
3. Shri Arif Baig
4. Ch. Jagdeep Dhankhar
5. Shri Eduardo Faleiro
6. Shri Santosh Kumar Gangwar
7. Shri Bhogendra Jha

8. Shri Ajit Kumar Panja
9. Dr. Shakeelur Rehman
10. Shri K. Ramamurthy
11. Shri R. Gundu Rao
12. Shri Mandhata Singh

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*
 Shri T. S. Ahluwalia—*Deputy Secretary*
 Shri A. N. Gupta—*Assistant Director*

WITNESSES

- (1) Shri K. Chelladurai, Superintendent,
Central Jail, Madras.
- (2) Shri G. Lakshmanan, ex-M.P.

(The Committee met at 15.00 hours)

(1) *Evidence of Shri Chelladurai, Superintendent, Central Jail, Madras.*

MR. CHAIRMAN: Your name, please.

WITNESS: K. Chelladurai.

MR. CHAIRMAN: You have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged assault on Shri Era Anbarasu, M.P., in Central Jail, Madras.

I hope that you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

SHRI K. CHELLADURAI: I, K. *Chelladurai*, swear in the name of God that the evidence which I shall give in this case shall be

true and I conceal nothing and that no part of my evidence shall be false.

MR. CHAIRMAN: What is your designation, Mr. Chelladurai?

SHRI K. CHELLADURAI: I am Superintendent, Central Prison, Madras from 27.11.89.

MR. CHAIRMAN: Do you know, Shri Anbarasu, M.P.?

SHRI K. CHELLADURAI: I know him in connection with the Rail Roko demonstration in Tamil Nadu. I saw him as an inmate in the prison on 10.3.90.

MR. CHAIRMAN: How did he come to be taken to the Central Prison, Madras on 10th March, 1990?

SHRI K. CHELLADURAI: He was brought there in connection with the Rail Roko demonstration. The Additional Metropolitan Magistrate remanded him along with other prisoners on 10.3.90.

MR. CHAIRMAN: What happened subsequently?

SHRI K. CHELLADURAI: I beg to submit to the kind notice of the Chairman and to all the hon. Members that on 10.3.90 he was brought to the Central Jail as a special class inmate. The M.P., M.L.A., the ex-M.P. or M.L.A. are treated as special class inmates. This is true with the courts as well as according to the rules of Jail. But he was admitted as special class inmate on 10.3.90 at 23.00 hours, it was also informed to the Speaker, Lok Sabha at Delhi. Then in the morning we received the release order for the hon. M.P., Shri Anbarasu and S|Shri Chidambaram, Arunachalam, Thangabalu, Maragatham Chandrashekhar, Kuppuswamy. We received release order for 6 M.Ps. and 4 M.L.As.

MR. CHAIRMAN: When did you get the release order?

SHRI K. CHELLADURAI: On 11th morning we received order from the Additional Metropolitan Magistrate to release all the M.Ps. and M.L.As. I told them that their release order has been received and that they can go out and perform their duties as representatives of the people. This is as per the orders of Court which says that the Superintendent of the Central Jail is hereby authorised to release Shri Anbarasu, M.P. forthwith from the custody of the jail if he is not wanted for any other matter.

MR. CHAIRMAN: On which date did you inform Shri Anbarasu of his release order?

SHRI K. CHELLADURAI: On 11th itself I informed him about it.

MR. CHAIRMAN: What happened then?

SHRI K. CHELLADURAI: He said that unless all the other M.Ps. are released, he will not go. He said he would prefer to stay inside the jail along with other M.Ps.

MR. CHAIRMAN: Was there any release order in writing issued by the proper authority of Magistrate?

SHRI K. CHELLADURAI: Yes, Sir, I have got the original order.

MR. CHAIRMAN: What happened to that written order? Was it ever served on any of the prisoner?

SHRI K. CHELLADURAI: Release Order is not a Bail Order which means that it is granted. It must be shown to the prisoners and they must sign on it and then the Superintendent is empowered to say that the particular prisoners are released.

MR. CHAIRMAN: Did you tell Mr. Anbarasu that you have received an oral communication through telephone and you cannot produce any release order?

SHRI K. CHELLADURAI: I personally told him that I have received his release order and he must go on release.

MR. CHAIRMAN: What happened then?

SHRI K. CHELLADURAI: I reported the fact to the Additional Metropolitan Magistrate and I told him that Shri Anbarasu do not want to go on release.

MR. CHAIRMAN: It has been stated that on the 15th of March, 1990, the lights in the Central Jail had gone off. It has been stated by Mr. Era Anbarasu that they were switched off on the night of 14th also. On the 15th, after the lights were switched off, there were disturbances. There was a lathi charge. Some convicts had surrounded Mr. Anbarasu. You had caught hold of Mr. Anbarasu's shirt and called him names and asked him to get out of the jail. You ordered him to go out of the prison. What do you say with regard to this?

SHRI K. CHELLADURAI: Shall I put some other facts along with this? I have put 24 years of service. I come from a most backward class in Tirunelveli district. I know the status of an MP.

Today, he may be an MP and tomorrow, he may become a Minister. So, I come from a very poor family. I have got a very big family. How can I catch hold of an MP's shirt or cloth? He had induced certain Congress (I) Agitators. I had also rescued one such person, namely Shri Ravichandran from the trouble. He is an ordinary Remand prisoner. On 13.3.1990, the Congress (I) agitators tried to break open the main gate. I had warned them not to resort to such methods. They wanted that other prisoners should also be released. On 14-3-1990 also, he had induced a habitual prisoner namely Shri Kurban Subramanian. He was instigated by the hon. Member to climb over the roof. This habitual prisoner threatened and shouted at me, the Additional Superintendent and the Jailor that he will commit suicide, if Shri Anbarasu is released from the prison. He came down immediately from the roof when the hon. Member told him to do so. I want to mention all these things because the truth has to be brought before the hon. Committee. Please excuse me for putting before you these facts.

There were two factions among the Congress (I) party in Tamil Nadu. I don't want to mention the name of leader of the group. As a Superintendent of the Central Prison, I have to conceal all these things. From 11th to 15th, he was only in illegal detention. I had received release orders. I had asked him to go on release. One faction also wanted him to go on release. The other faction did not want him to go on release. There was a riot. Mr. Munivelu saw the incident and he took the hon. Member from the group. So, I have never instigated anybody nor authorised anybody to do such things. I had never raised my little finger against anybody. When I met him near the gate, I had asked that why did you create such a problem being an M.P.? If he did not instigate the co-agitation prisoners to take part or create such a problem inside the prison such incident would not have happened at all. I had also seen that there was no injury on him. His shirt was intact. On 15th, at 7.25 P.M. my jailor and the Additional Superintendent released him from the main gate. I went along with Shri Era Anbarasu outside the gate because at late nights he will not be able to get any vehicle. There was a police jeep which was waiting outside. He said then that he don't want to go by that jeep. There was another Congress(I) jeep which was waiting outside for giving food to the Congress(I) agitators. It belonged to Tamil Nadu Congress. I asked him to go by that jeep. He asked me that I must allow one leader by the name Mr. Mani Verma also. So, the Congress(I) leader was also there in the jeep. I saw him that he was talking

to him. Then, he went to his home. Next day I saw in the newspaper that he was admitted in some private hospital. There it was mentioned that I had assaulted him. I had taken some money also from him. These are totally false allegations. This was done to politicise the situation. I am a poor Government servant and I do not want to become a scapegoat.

MR. CHAIRMAN: You have submitted certain documents to the Secretariat, through the Tamil Nadu Government. Do you wish to refer to any of these documents?

SHRI K. CHELLADURAI: I could not attend the first meeting because I met with an accident at my native village. I have got a certificate also.

First of all the hon. Member had complained that I had taken his Rs. 4000 from his pocket and also another Rs. 1000. He had published this in the newspaper. If a prisoner is arrested and put in the jail and if it is found after the search that he is possessing some money, then we used to keep it in prisoner's cash property. We had checked him and we do not find any such money from him. Even if he had possessed any such money, it amounts to illegal possession of money under Rule 298(h) of Madras Prison Volume (h).

MR. CHAIRMAN: Please identify the documents which you wish to rely on and which you had produced before the Committee.

CH. JAGDEEP DHANKAR: If you want the documents which you had got circulated through the Tamil Nadu Government to this Committee to be used in your favour, then you should please make a reference to those documents number-wise so that these documents can be considered part of the record and used. Otherwise, there is no use sending those documents. So, you can refer to those documents number-wise. We will take note of it and not otherwise.

MR. CHAIRMAN: What is the rule which you are quoting now?

SHRI K. CHELLADURAI: Rule No. 195 of M.P.M. "If any prisoner is admitted in the prison, we used to take the money, if it is found in his pocket. It will be put in his cash property." So, he would not come with any money, and we have not taken any money from him and kept it in as cash property.

MR. CHAIRMAN: Do you have any copy of that rule?

SHRI K. CHELLADURAI: Yes. The rule is there. If at all he has said that he had kept his money in his purse and pocket, it is an illegal possession of money, as per rule 298 (h). It is considered to be equal to alcohol etc. That money must be confiscated, as per rule 299. When rules are very clear, why should I go and take his Rs. 4,000 from his pocket and Rs. 1,000 from his purse? I have never done it as a Jail Superintendent.

MR. CHAIRMAN: What are the other documents you wish to rely on?

SHRI K. CHELLADURAI: I never assaulted him.

MR. CHAIRMAN: Do you wish to refer to any other document?

SHRI K. CHELLADURAI: I am only quoting the rule. I can show the news which have been published in Tamil newspapers.

MR. CHAIRMAN: Apart from the newspapers, what else?

SHRI K. CHELLADURAI: Most probably, I have sent all the documents which are relevant for this inquiry. I have sent them through Tamil Nadu Government.

MR. CHAIRMAN: Will you identify which are those documents?

SHRI K. CHELLADURAI: I will identify them: They are: the release order in respect of the M.P., the nominal roll relating to the admission of Mr. Anbarasu, son of Mr. Raju, then papers regarding Kurubani Subramanian—the previous history of his incarceration in prison.

SHRI A. R. ANTULAY: I do not think that we have heard of that name so far.

MR. CHAIRMAN: He has said that before.

SHRI A. R. ANTULAY: We are not supposed to take note of that at all. Secondly, the question is whether that person is relevant. So far, I have not heard his name.

MR. CHAIRMAN: We shall decide about the effect of his evidence; we shall decide about the admissibility.

SHRI A. R. ANTULAY: It is a very serious matter. But what he says is that a confirmed, habitual criminal and convict has been the agitator; and as a result, he has been detained along with them.

MR. CHAIRMAN: We shall ignore it. But when a witness produces documents, we can have them; we cannot ignore them.

SHRI A. R. ANTULAY: The person is not a document. He is mentioning something about some other person.

MR. CHAIRMAN: We will verify the documents. He is only identifying the documents.

SHRI A. R. ANTULAY: It has nothing to do with the person who is our M.P. This is about some other person, about whom he is now speaking. Who is that person? So far, he has not come before the Committee.

MR. CHAIRMAN: Should he come before the Committee or not—can be decided by us later on.

SHRI A. R. ANTULAY: The name has also not figured earlier. The Tamil Nadu Government wants that this should be put before the Committee. So, he has brought out his name.

MR. CHAIRMAN: We are not guided by anybody. We shall decide on our own. Mr. Chelladurai, identify only the documents.

SHRI K. CHELLADURAI: They are: the release order of Mr. Era Anbarasu dated 11th March sent by the Additional Metropolitan Magistrate; the Superintendent's report of refusal by Mr. Anbarasu to go on release, to the Chief Metropolitan Magistrate—which is dated 12-3-1990; there is the document regarding the role of co-prisoners Rajavelu and Dakshinamurthi regarding Mr. Anbarasu's box. I have enclosed that document also. Then about all the jail rules relating to the search of prisoners, regarding property and confiscation of money, etc.

MR. CHAIRMAN: That you have already said; what else?

SHRI K. CHELLADURAI: I want to show our daily newspaper 'Dina Thanthi'.

MR. CHAIRMAN: When, according to you, was Shri Anbarasu released from jail i.e. he went out of the jail?

SHRI K. CHELLADURAI: On 15th March at 7.25 p.m.

MR. CHAIRMAN: Although the release order, according to you, was dated 11th March.

SHRI K. CHELLADURAI: According to the document sent from the court.

MR. CHAIRMAN: Is there a record for that? Any record for the fact that he was released on 15th?

SHRI K. CHELLADURAI: Yes; we have informed the hon. Speaker of the Lok Sabha. It is a jail record; I have quoted the jail release order itself.

MR. CHAIRMAN: He was actually released from jail on 15th March 1990.

MR. CHAIRMAN: Is there any record?

SHRI K. CHELLADURAI: Yes, Sir. In the release order it is there. I have shown it, and mentioned, "Released on such and such a date." My Additional Superintendent has signed it. We do it in Tamil Nadu. Whenever one is taken into custody it is signed; if he is released it is signed, if he is taken to remand custody it is signed. If he is committed to prison, it is signed. We put the full signature.

MR. CHAIRMAN: On each and every document you have referred to, is it there?

SHRI K. CHELLADURAI: Yes, it is there.

SHRI JAGDEEP DHANKHAR: You have submitted a document which is at page 1, namely, "Nominal roll of male convicts". On page 2, there is a column entitled "Conduct in jail" and you have mentioned against it, "Not satisfactory." You look into the document. This is regarding the hon. MP's conduct.

SHRI K. CHELLADURAI: Yes, Sir. Since his character as inmate of the prison was not satisfactory, it has been recorded so.

SHRI JAGDEEP DHANKHAR: How was it not satisfactory? Please detail with material proof. What was his conduct, which you felt attracted this remark that you were not satisfied?

SHRI K. CHELLADURAI: On the 11th March he has induced some of the Congress agitators to assault, one remand prisoner, an under trial prisoner, Ravichandran, who was a Telugu speaking boy. He was incarcerated for a theft case. He was supplying drinking water in the prison. Our hon. M.P. was in the jail. That boy was deputed to collect water from the tap and give it to others. At some stage there was a big quarrel, and this hon. M.P. told some other inmates, "Why do talk to him? Crush him." Then somebody tried to catch this boy. Then, he said, "Throw him out". That boy was also provoked. He rushed from the tap. I caught that boy and drew him aside when he rushed towards the main gate. He resisted. For the first time our hon. M.P., Shri Arunachalam, M.P., Shri Chidambaram, Shri Ramamurty and others came out.

They were all ready to go. They were all chasing the boy. That boy told me that they were going to kill him. I took him and put him up in a room. I submitted a report and mentioned this. I mentioned these happenings in my diary.

SHRI EDUARDO FALEIRO: Mr. Chairman, I did not object to the questions in the first instance, but now I think these questions about the conduct of the complainant are not relevant to this at all. This witness speaking about the hon. Member's misbehaviour at a different point of time. We will have to end this here.

MR. CHAIRMAN: Yes, certainly. That is my humble opinion. Our concern is only with the incident of the 13th March. So many things have come in. We have to decide ultimately what is relevant and what is not. But since the hon. member has put the question I cannot stop him. I can only refer him to the proceedings of the 15th March. Let us also remember that the incident of the 15th is the only matter referred to us. And even then, whether it amounts to a breach of privilege or not is a matter we have to decide.

SHRI JAGDEEP DHANKHAR: We have to find out certain things from his testimony which are relevant to this case. We want to know, from his conduct as to how he had behaved in the jail and that is relevant here.

MR. CHAIRMAN: We shall discuss after the witness has withdrawn. We need not discuss in his presence.

Now, Mr. Chelladurai, you must identify these documents with respect to the incident of 15th.

SHRI K. CHELLADURAI: Yes.

SHRI JAGDEEP DHANKHAR: Can you recollect any person having come to meet him?

SHRI K. CHELLADURAI: I hope to identify him. He has only come in a group.

SHRI JAGDEEP DHANKHAR: I am asking you whether you prepared this list, or filled these forms for all the prisoners.

SHRI K. CHELLADURAI: No. We do not prepare for all the prisoners.

SHRI JAGDEEP DHANKHAR: I am asking you to see page 1. There is a document, "Nominal roll of male convicts." Am I clear? Now, you may see page 1. I hope you can hear me now.

See page 1 of the nominal roll of male convicts. These are the documents sent by you through the Tamil Nadu Government. Nominal roll of male convicts, sent by you. We have got it typed.

SHRI K. CHELLADURAI: Yes.

SHRI JAGDEEP DHANKHAR: You must done this with respect to thousands of prisoners.

SHRI K. CHELLADURAI: No. The reason I want to say 'No' is we prepared only for some people.

SHRI JAGDEEP DHANKHAR: For how many people have you prepared it? Say, three, 20 or 30 in how many cases have you prepared it? I am asking you a simple question. You can give a specific reply.

MR. CHAIRMAN: Please specify the number.

SHRI JAGDEEP DHANKHAR: I am not interested in your version. For how many persons you had drawn this document out of 1,000 prisoners? Specify the number.

SHRI K. CHELLADURAI: Whenever it is needed, we used to prepare it. Otherwise we do not prepare it.

SHRI JAGDEEP DHANKHAR: Now the incident was over. For how many prisoners you drew such a document.

SHRI K. CHELLADURAI: When the Court ask for the document, we used to prepare it.

SHRI JAGDEEP DHANKHAR: When did you prepare it?

SHRI K. CHELLADURAI: On 18th.

SHRI JAGDEEP DHANKHAR: Do you maintain any record as to when it is prepared?

SHRI K. CHELLADURAI: I did not maintain it.

SHRI JAGDEEP DHANKHAR: Why do you not prepare it immediately on 15th?

SHRI K. CHELLADURAI: These records were called for immediately.

SHRI JAGDEEP DHANKHAR: By whom?

SHRI K. CHELLADURAI: By the Privileges Committee.

SHRI JAGDEEP DHANKHAR: It was not called for on 18th. You had prepared this document so that it can be produced before

the Privileges Committee. You had prepared this document only for the honourable M.P. and not for anybody else.

SHRI K. CHELLADURAI: Because the Committee asked for this, I had prepared it. Whenever it is needed by court or somebody else, we used to prepare it. We are not actually preparing the Nominal Rolls. It is not necessary for us to prepare it. Since the prisoner was released and his original warrant was sent to the court, I had taken the extract of the warrant.

I had mentioned about his character since he had induced the other prisoners and he had violated the Prison Law.

SHRI JAGDEEP DHANKHAR: Are we clear that you had prepared this form only this M.P. and not for anybody else?

SHRI K. CHELLADURAI: Yes.

SHRI JAGDEEP DHANKHAR: When did you receive the Release Order?

SHRI K. CHELLADURAI: It was received in the morning.

SHRI JAGDEEP DHANKHAR: Do you enter in your register about the receipt of this Release Order?

SHRI K. CHELLADURAI: Yes Sir. It was received in the Fore Noon.

SHRI JAGDEEP DHANKHAR: How do you communicate the same to the prisoner?

SHRI K. CHELLADURAI: We informed this to the prisoner because it is an unconditional release order. Even in the case of Bil Order, we asked him to go after getting his signature. But in the case of Release Order, it is not necessary to get the signature in the Release Order. We have to get his signature only in the Remand Book.

SHRI JAGDEEP DHANKHAR: Did you personally inform the hon. M.P. in this case.

SHRI K. CHELLADURAI: Yes.

SHRI JAGDEEP DHANKHAR: In whose presence?

SHRI K. CHELLADURAI: In the presence of Additional Superintendent and other M.Ps.

SHRI JAGDEEP DHANKHAR: Can you name the Additional Superintendent?

SHRI K. CHELLADURAI: Mr. Balachandran. It is the duty of the Additional Superintendent and the Jailor to release the prisoner. It is not the duty of the Superintendent to release the prisoner. Since he had created some issue, I approached him personally and informed him. As a Superintendent, on receipt of the Release Order, I can ask my subordinate to release the prisoner. But in this case, I informed him in the presence of other MPs.

SHRI JAGDEEP DHANKHAR: Can you name the other MPs?

SHRI K. CHELLADURAI: Mr. Chidambaram, Mr. Aruna-chalam and others. They were all present near the main gate. He was standing near the main gate. He was kept in the special ward. Other MPs were kept there. Honourable Mr. Moopanar was kept in the Convict ward. All these people were waiting outside.

SHRI JAGDEEP DHANKHAR: It is mentioned that you had sent a communication to the Chief Metropolitan Magistrate in regard to his refusal to go out. Read the last three lines at page 5. It says:

“But he had refused to leave the prison premises and taken shelter with his followers more than 3,000 agitators with the intention to create problems inside the prison.”

I would like to know the basis for saying so.

SHRI K. CHELLADURAI: On 11th, after getting the Release Order, he induced the Congress agitators to assault one of the ordinary remand prisoners. I rescued him from there. I had also lodged a complaint about this incident to the Inspector, Chintradripet, Madras.

SHRI JAGDEEP DHANKHAR: When you took care to inform your superior officials about the refusal of the hon'ble M.P to leave the prison premises, did you send any report to the persons like Commissioner of Police, IG of Prison?

SHRI K. CHELLADURAI: Though I am not a party to it, I had sent this complaint to our I.G. and it was duly entered in the Register.

SHRI JAGDEEP DHANKHAR: So, you can produce the register in which you had made the entry of despatching this complaint.

MR. CHAIRMAN: It is about English translation of Mr. Ravi-chandran's statement.

SHRI K. CHELLADURAI: It was sent to our I.G. Due entry for that was made.

SHRI JAGDEEP DHANKHAR: What action did you take on this?

SHRI K. CHELLADURAI: I had lodged a complaint on this.

SHRI JAGDEEP DHANKHAR: Do you have a copy of that?

SHRI K. CHELLADURAI: Yes. I have got a FIR.

SHRI JAGDEEP DHANKHAR: When did you lodge this report?

SHRI K. CHELLADURAI: It was given on 14th. It was a charge sheet.

SHRI JAGDEEP DHANKHAR: This report was given on 14th. The incident took place on 11th. Can you give the reason for the delay?

SHRI K. CHELLADURAI: We were simply watching him. He had committed this mistake. He did not stop with that. He announced in the mike placed on the tower on 13th. He had openly said to the agitators, "Mr. Moopanar, M.L.A. had already left the prison. I am here to look after you all. I have also got release order from the Court. The Jail Superintendent and other authorities are pressing me to leave the prison" The other faction leaders namely Mr. Ranganathan and Mr. Vetrivel rushed to the main gate. As per Rule No. 659, the main gates cantries and the additional wardens posted between the main gates shall defend the main gates. If prisoners cannot be driven back by other means then by opening fire, firing shall be resorted to after due warning. The firing shall be stopped as soon as the prisoners are driven back.

CH. JAGDEEP DHANKHAR: Sir, he is telling about a different thing. He has to be relevant.

MR. CHAIRMAN: Please be brief.

CH. JAGDEEP DHANKHAR: I am asking from you that the first incident occurred on the 11th of March. But, why did you lodge the report on the 14th of March? You are a responsible officer. Did you not know that the report should be lodged promptly? You are a duty-bound officer. You committed a crime yourself. So, I am asking why did the delay of three days occurred in registering the case at your behest. Please confine to the cause of delay.

SHRI K. CHELLADURAI: Sir, you have asked me what was the reason for the delay. As a Superintendent I was closely watching the behaviour of a prisoner. As Shri Era Anbarasu is

an hon. Member I did not take immediate action. In fact, I persuaded him to go out of the prison. He remained in the prison from 11—15 March. On the 13th March he created some disturbances and on the 14th March he made one prisoner to climb on the roof of the prison.

SHRI EDUARDO FALEIRO: Sir, we are awaiting a reply from him.

MR. CHAIRMAN: After all, they are all laymen. They are not professional witnesses. I am requesting Shri Chilladurai to answer the point in brief. We cannot stop the answer.

SHRI K. CHELLADURAI: I was closely watching the activities of Shri Era Anbarasu. He had created many troubles inside the prison and he would have created some problems in the prison if he remained in the prison. So, I lodged a complaint on the 14th. I wrote to my I. G. about all the things that happened in the prison and a copy was marked to the Police Station and the Commissioner. That is all what I did. The delay for giving the report to the concerned officer was mainly due to my respect for an honourable Member.

CH. JAGDEEP DHANKHAR: Can you read out from the F.I.R. the offences for which he has been charged? Have you a copy of the F.I.R.?

SHRI K. CHELLADURAI: Yes, I have got a copy with me. This is given by the Police Station to me. I will read out the offences which were prepared by the Police Station and not by me.

CH. JAGDEEP DHANKHAR: You said a little while ago that you had the liberty to delay the matter because these were prison offences. Now, F.I.R. has been registered at your behest for Indian Penal Code offences. What have you to say?

SHRI K. CHELLADURAI: I have not registered the case. The police people have registered the case.

CH. JAGDEEP DHANKHAR: The Offences are under sections 147, 323 and 379. I hope the Jail Superintendent knows about all these sections. Section 147 relates to inducing the prisoners to break open the main gates of the prison, Section 323 relates to beating and Section 379 relates to theft.

SHRI K. CHELLADURAI: I had sent the message. They registered the case. I had not asked them to register the case. Police people know it.

SHRI AJIT KUMAR PANJA: Had you sent the message to the police?

SHRI K. CHELLADURAI: I had just informed them. I had not lodged a complaint.

SHRI AJIT KUMAR PANJA: Have you got a copy of the message which you sent to the police?

SHRI K. CHELLADURAI: Yes.

CH. JAGDEEP DHANKHAR: This report is by you. You say it is dated 14th but they give the date as 15th.

SHRI CHELLADURAI: It was registered on 15th.

CH. JAGDEEP DHANKHAR: F.I.R. is registered immediately it is received. I will request the Chairman to get a translated copy of this because as per this document serious criminal offences are there which Mr. Chelladurai is duty-bound to report without delay. Do I take it that if you had watched the conduct of the hon. M.P. and had found it very satisfactory, then you would not have sent this report on 14th or 15th?

SHRI CHELLADURAI: I watched it up from 11th.

CH. JAGDEEP DHANKHAR: So, you sent it because you did not approve of his conduct after 11th. Now, please refer to page 19 (internal page 4) last six lines. These are Superintendent's remarks, i.e., your remarks. The last six lines say: "The remand period was extended by the Metropolitan Magistrate by his attendance inside the prison and it is learnt that this was due to the inducement by Thiru Anbarasu, M.P. to create problems." What you have said is that the hon. M.P. induced somebody to extend the remand period.

SHRI CHELLADURAI: No, Sir. It may be a typographical mistake. It is not correct. I have not used any derogatory language against anybody. Sir. I have simply passed some remarks to be seen by our I.G. as to what happened in the prison.

CH. JAGDEEP DHANKHAR: Tell us what do you mean by it.

SHRI CHELLADURAI: It is a remark on what is reported in the Jailer's Report Book. Some incident took place in the prison. so, I have given my remarks on that.

CH. JAGDEEP DHANKHAR: Mr. Chairman, he is just not responding to my questions.

MR. CHAIRMAN: We can draw our own conclusions. We cannot force him to give a particular reply. Mr. Chelladurai, please listen to the question and answer briefly and directly.

CH. JAGDEEP DHANKHAR: Who has produced these documents?

SHRI CHELLADURAI: I have produced them.

CH. JAGDEEP DHANKHAR: Did anybody ask you to produce them?

SHRI CHELLADURAI: You have caused our Government to produce these documents.

CH. JAGDEEP DHANKHAR: Did your Government give you something in writing that we want you to call upon us with these documents?

SHRI CHELLADURAI: The Privileges Committee has asked the Government to send the documents on which the Superintendent wants to give answer.

CH. JAGDEEP DHANKHAR: So, these documents you produced before us on your own.

SHRI CHELLADURAI: Yes, Sir.

CH. JAGDEEP DHANKHAR: Please explain what do you mean by the words 'it is learnt' and also 'due to the inducement.'

SHRI CHELLADURAI: I will read out from the Jailor's Report Book.

CH. JAGDEEP DHANKHAR: We do not want you to read from the Jailor's Report Book. You simply reply to my question.

MR. CHAIRMAN: How do you know how he is going to answer? Mr. Chelladurai, why don't you try to understand the question and then answer?

SHRI CHELLADURAI: Sir, on 12th, some incident took place. The Additional Metropolitan Magistrate came to the prison to extend the remand period and to enquire about the case. So, at that time, one M.P., Shri K. Ramamurthy, who was sitting in front of the main gate, did not allow the Magistrate to come inside the prison to see the remand prisoners. He did not allow us also to send the remand prisoners out. I had a reliable information

on 13th that this thing also was induced by the hon. M.P., Shri Anbarasu and that he had sent a message through somebody to ask Mr. K. Ramamurthy to present himself in front of the main gate and prevent the coming of the Additional Metropolitan Magistrate inside the prison to hear the case of 996 prisoners on that day. Since I had in my mind that thing, so I had written this remark.

CH. JAGDEEP DHANKHAR: You are not replying to my question. My question is what do you mean by 'it is learnt'. From whom did you learn?

SHRI CHELLADURAI: I learnt it from my people.

CH. JAGDEEP DHANKHAR: Give their names.

SHRI CHELLADURAI: I learnt it from the Jailor, Thiru Muni-vel.

CH. JAGDEEP DHANKHAR: When did you learn that?

SHRI CHELLADURAI: On 13th morning.

CH. JAGDEEP DHANKHAR: What did you learn?

SHRI CHELLADURAI: I learnt that he had asked one M.P., Mr. K. Ramamurthy to present himself before the main gate and prevent the Additional Metropolitan Magistrate to enter the court to enquire about the case of 996 prisoners who were Congress agitators. He was sitting in front of the gate and was not allowing us to go out and also the Magistrate to come in.

CH. JAGDEEP DHANKHAR: But what you have written here has altogether a different meaning.

SHRI CHELLADURAI: I am sorry but I wrote it in that sense only.

CH. JAGDEEP DHANKHAR: But what anybody can understand by the translation which you have sent is very simple that the court order for extending the remand was procured by inducement by the hon. M.P.

SHRI CHELLADURAI: It is mistakably noted like this. I admit that, Sir.

CH. JAGDEEP DHANKHAR: Now, tell us the meaning of what you have written in Tamil

SHRI K. CHELLADURAI: "Their action is to be regretted for 996 agitating prisoners. Their remand period was extended by

the Metropolitan Magistrate by his attendance inside the prison and it was learnt that this was due to the inducement by Thiru Anbarasu, MP, to create problems. This was informed to the higher-ups. The Warden staff were also alerted."

CH. JAGDEEP DHANKHAR: You have levelled a very serious allegation against the hon. M.P. that he sabotaged the judicial system by getting the remand period extended by inducements.

SHRI K. CHELLADURAI: No, Sir.

CH. JAGDEEP DHANKHAR: This is what it says. What did you inform the higher-ups?

SHRI K. CHELLADURAI: It is clubbed here. The remand period was extended by the Metropolitan Magistrate.

CH. JAGDEEP DHANKHAR: You further read. "It was learnt that this was due to the inducement by Thiru Anbarasu, MP, to create problems."

SHRI K. CHELLADURAI: In the morning he has threatened to break open the gate. On that ground only I passed the remarks and keeping that in mind, I wrote like that. I wrote only one sentence.

CH. JAGDEEP DHANKHAR: But how could you level such an allegation against the M.P.?

SHRI K. CHELLADURAI: He had asked those prisoners to break open the gate. It was reported to me and this was noted here.

CH. JAGDEEP DHANKHAR: It is our solemn duty to see that justice is done. When an hon. Member has made a complaint, we certainly want to give full justice by hearing you. Now, what I say is that there is a very serious allegation which you have levelled against the hon. Member that he induced the Magistrate, if I understand correctly, to extend the remand period so that he can create problems. Secondly, you reported this matter to the higher-ups. Now, I have two questions to ask. What is your basis for making such a serious allegation against the M.P.? What is the communication you sent to the higher-ups in this behalf? Here is the document which is produced before us. You answer to those two points without digressing out confining to these two issues only.

SHRI K. CHELLADURAI: The Jailor report book used to be written only in Tamil. Only yesterday night I got it translated. I will circulate the extract of the report written in Tamil translated into English so that you can understand it.

CH. JAGDEEP DHANKHAR: You can read the Tamil version of the Report.

(SHRI K. CHELLADURAI read out the Report in Tamil)*

English translation —

13.3.90. Today morning, 2000 agitators inside the jail under the leadership of Shri Anbarasu, M.P., under his instigation proceeded from their respective places to the main gate, raising slogans, with a view to breaking it. The Superintendent, Deputy Superintendent, myself and other jail officials have made arrangements to guard the inner side of the jail and one the outer side policemen from police department were deployed to guard the jail.

After watching the situation, Shri Anbarasu alongwith others withdrew. Later, peace prevailed.

Superintendent's remarks

Shri Anbarasu refused to come before inquiry. A few leaders among them namely, Sarvashri Ranganathan, Vijayaam, Srinivasam Legal Advisor Krishna were produced before the Deputy Inspector General of Prisons. They accepted that what they had done was a mistake and assured that, in future, they would not assemble in such manner and try to break the gate. Their action is regrettable. Since the Additional Chief Metropolitan Magistrate came inside the prison and extended the remand, it is learnt that it was the instigation of Shri Anbarasu, who is a member of Parliament; among the persons who created confusion. This was reported to higher authorities. Police was also informed.

Sd/-
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MR. CHAIRMAN: Please translate and give a copy to us.

SHRI JAGDEEP DHANKHAR: The translation in English is signed by you. It carries a totally divergent meaning.

SHRI K. CHELLADURAI: There is a mistake and I admit the mistake.

SHRI JAGDEEP DHANKHAR: When there is electricity failure what alternative arrangements do you make?

SHRI K. CHELLADURAI: Very often electricity used to go off like that. Whenever there is electricity failure, we used to have hurricane lights and petromax lights.

SHRI JAGDEEP DHANKHAR: Did Mrs. Maragathan Chandrashekhar make a request to you to provide some lighting arrangements on 15th?

SHRI K. CHELLADURAI: No; on 15th at 6 o'clock I met her, but she had not asked anything like that.

SHRI MANDHATA SINGH: It has been stated here that the lights were put off on the 15th evening when Mr. Anbarasu was supposed to have been sent out of prison. Is it a fact that the lights went off on the 14th also? If so, how long did the power break down on 14th?

SHRI K. CHELLADURAI: Not on 14th. On 6th, 8th and on many occasions, the lights have gone off. But, I do not exactly remember.

SHRI MANDHATA SINGH: I am specifically asking about the break-down of power on 14th evening.

SHRI K. CHELLADURAI: Only on 15th, it had gone off for 15 minutes at about 7.15 p.m.

SHRI MANDHATA SINGH: Was it the same time when Mr. Anbarasu was taken out of the prison and seated in Party's jeep?

SHRI K. CHELLADURAI: Yes; it was the same time.

SHRI MANDHATA SINGH: In this statement, there is a loud reference about the factional fight amongst the agitators of different groups. I do not want to mention any name. How did you identify groups amongst the agitators who were lodged inside the jail?

SHRI K. CHELLADURAI: They used to come and tell me many times as to which group they belong to. The hon. Member of Parliament himself had given press reports in the Tamil dailies called, DINA THANTHI AND DINA MANI. If you want I will show you.

SHRI MANDHATA SINGH: As Jail Superintendent, how did you identify as to who, amongst the agitators, belong to which faction or group?

SHRI K. CHELLADURAI: They divided themselves into two groups and they used to tell me about that. I used to conduct special meetings with all leaders and the hon. Member Shri K. Ramamurthy came for interview, but he did not write his name to see Mr. Anbarasu. He did not come to the gate.

SHRI MANDHATA SINGH: It is on record also that seven hon. Members were behind the prison bars and four or five of them including Mr. P. Chidambaram went out of the prison on a certain day and did not come back to the prison. Did they go on the orders of release given by the Chief Metropolitan Magistrate?

SHRI K. CHELLADURAI: They have filed a *habeas corpus* case in the Madras High Court and that case was conducted in the residence of Justice Mr. P. S. Ramalingam on a Sunday, that is 11th March. All these MPs. went to attend the case except Mr. Anbarasu and Mrs. Chandrasekhar. They have signed the warrant. If the other MPs. also have signed the petition, I would have sent them out.

SHRI MANDHATA SINGH: Have you got positive information that the honourable High Court on its Sunday meeting ordered release of those MPs?

SHRI K. CHELLADURAI: Yes.

SHRI MANDHATA SINGH: As a following measure, the release order of Mr. Anbarasu also was handed over to you. Is not it?

SHRI K. CHELLADURAI: We have got the release orders for all the MPs. The five MPs. told me that they would go to the Court and they would come back to the prison and then only they would get released. They have been taken to the High Court by the police to attend the *habeas corpus* case.

SHRI MANDHATA SINGH: After the Court ordered the release one has to come back to the prison and sign your prison register and then leave the prison. Is not it?

SHRI K. CHELLADURAI: It is correct. They were persisting like that. So, I have used my knowledge in that sense. I have sent them to the Court and I have shown the release in the document. If necessary, I will produce that document also.

SHRI MANDHATA SINGH: Have you obtained the signature?

SHRI K. CHELLADURAI: I have not obtained the signature. I have released them. I have shown despatch and I have handed them over to the police to take them to the Court. I have not allowed them to enter the prison. But this hon. Member did not go out of the prison even after getting the release order.

MR. CHAIRMAN: Mr. Chelladurai, you may go today. But you will be called again and you will have to come. We shall inform you the exact date later. You may go now.

SHRI AJIT PANJA: Rule (8) 7 (9) Part I. Do you have that book?

MR. CHAIRMAN: Next time, you might bring that Rule (8) 7 (9) Part I MPRLA. Will you produce it when you come next?

SHRI K. CHELLADURAI: Yes. It is only an extract of a warrant.

MR. CHAIRMAN: You have produced a Form called nominal roll of male convicts. This is one of your bunch of documents. You find at the top a rule number is mentioned, Rule (8) 7 (9). Will you produce that rule next time?

SHRI K. CHELLADURAI: Yes.

MR. CHAIRMAN: You can now go.

SHRI K. CHELLADURAI: I have not assaulted him.

MR. CHAIRMAN: You need not volunteer anything now. We are going to call you again. Hon. Members will seek their clarifications and then we shall take a decision.

CH. JAGDEEP DHANKAR: The Committee has called you for reasons known to us.

The witness then withdrew.

(2) *Evidence of Shri G. Lakshmanan, Ex-M.P.*

MR. CHAIRMAN: (Direction 58 of the Speaker was read out.)

SHRI G. LAKSHMANAN: I, G. Lakshmanan, swear in the name of God that the evidence which I shall give in this case shall be true and that I will conceal nothing and that no part of my evidence shall be false.

MR. CHAIRMAN: We are very happy that you have taken the trouble of appearing before the Committee to assist it in deciding on a matter which has been referred by the Hon. Speaker to this

Committee regarding alleged assault on Shri Era Anbarasu in Central Jail, Madras. It has been contended by Shri Era Anbarasu that on the 15th March, 1990 inside the Central Jail, Madras after there was a load-shedding, lights had gone off and at that stage, there was a melee and assaults. There had been assaults and he was assaulted by some convicts as well as by the Superintendent, Central Jail, Madras. On these questions or aspects, if you have got anything to say, you may please tell us.

SHRI G. LAKSHMANAN: I was also in the prison along with Mr. Anbarasu. On the day of occurrence of this incident, I had met the Superintendent Mr. Chelladurai, who, I think, came just now. I told him that for the past six days things were going on in a bad way and Mr. Anbarasu was telling that he had been remanded to custody for 15 days and before that he should not be released. He further told that if he had to be freed, then the Jail authorities had to free all those people who came along with Mr. Anbarasu. This was the contention of Mr. Anbarasu. Mr. Anbarasu's contention was not accepted. They told that they had received some Government Order to release Members of Parliament. Again Mr. Anbarasu said: "I am not accepting it. I would go only along with my people." The point is that the Superintendent did not agree to this proposition. He was not also very helpful. The day prior to this day, there was some rehearsal. The lights were off. The rehearsal was as to how to hit and all that. I do not know who were doing it. Further, I do not know why the Superintendent was very particular that Mr. Anbarasu should be asked to go out, that too against his request. On that day, I went to him. What they did was that they had brought his wife.

MR. CHAIRMAN: Whose wife?

SHRI G. LAKSHMANAN: Mr. Anbarasu's wife. She was brought by the Jail authorities. She was staying with the Jail authorities. She was telling that somebody was sick and therefore Mr. Anbarasu should be released. But these things were made out by the police people. Then, I went and met her. I told her: "Mr. Anbarasu is in the prison and he wants to follow certain norms. He does not want to leave his own followers. Therefore, he does not want to be released. So, Madam, kindly help us." I told her that I would take the responsibility and she could go. But still she did not go. After that, I met the Superintendent who came just now. I said to him: "You are dealing with a Member of Parliament. I had been the Deputy-Speaker of Lok Sabha. I

know what repercussions this would have. Therefore, I suggest that you may kindly permit me to speak to Mr. Sripal, Inspector-General of Prison and also Mr. Durai, Director-General of Police." But this chap did not allow me. He said: "We are not going to allow you." I asked them what they had decided. He said: "You cannot question like this." I said: "It is very important and that is why I am asking what you have decided." He said: "You will know, Sir." I told him that we would also face it. Then I came and I was talking with Mr. Anbarasu. I told him all these things.

MR. CHAIRMAN: Which date you are talking of?

SHRI G. LAKSHMANAN: On the sixth day of our prison life. The point is on the seventh day we were released—the day in which this incident took place, evening at six O' Clock. I was talking with Mr. Anbarasu. Immediately, a big contingent consisting of one or two police personnel and also some fellows descended on the scene. I think they were convicts. I also came to know that certain goondas had been sent inside the prison and the preparation was going on for the past two to three days. They were also there. They hit Mr. Anbarasu. I have also got some hits in four or five places.

MR. CHAIRMAN: Have you got any injuries?

SHRI G. LAKSHMANAN: Yes. It had appeared in all the newspapers. One shirt of mine was completely drenched with blood. Then the door was locked. Immediately Mr. Anbarasu was beaten this side and that side. He was taken out by the time. I had to remain. They came up to the gate which was about 100 to 200 ft. They were going on hitting him very severely. They threw him out. Even at that time his wife was there. He was not given any treatment. So, he had to engage some car. He went direct to the party office and to the doctor. I was told that his wife was there. The police wanted to create a story that his wife wanted him and therefore they had released him. But Mr. Anbarasu was beaten very badly. This is not the kind of treatment that should be given to a Member of Parliament. After all, he has not committed any crime there. He has not said anything unparliamentary inside the prison. He has not disobeyed. 5000 people were there inside the prison. Among them, there were about 1000 ladies present at that time. Mrs. M. Chandrasekhar was there. She was in charge of all the ladies. The point is that these 5000 people were not provided with food. That Jail can accommodate 1250 people. No one took his food. No one was given any treatment. Water was not available. All the people

were sleeping in the open space. Therefore, what I think is that this kind of a treatment should not be given to the political prisoners. This act is quite unbecoming of a Government. Our lives are entrusted to them. Government must take care of our lives. But the same Government hit us. I think the Privileges Committee should take a serious note of this incident. Are we living in a civilised society or are we living in the stone age or something like that? Even in those days, there were some laws in our country. Therefore, this should be taken a very serious note of. In my opinion, without the interference of the Government, no officer would have done it of his own accord. This is nothing but a political vendetta that has been exhibited by the ruling party in Madras. I feel, this Committee must take a serious note of it. Hereafter, in our country, in any State, this should not repeat. You must take care of it. I know, this is a very important Committee. You are all here to look after the interest of the people of this country. If a Member of Parliament is imprisoned, has he not got the right to know of the crime he has committed?

As far as I am concerned, I was taken to the hospital and my shirt was torn off from three or four places. I had kept that shirt but that was also lost. I made it very clear to the doctor that I was the former Deputy Speaker of Lok Sabha and I had created a history by being hit by the police. And I told him to write my name. Not only me but 200 to 300 people were hit on the back.

MR. CHAIRMAN: Other Members also would like to have some clarifications from you.

CH. JAGDEEP DHANKHAR: I will seek only two clarifications. In the dignity of the Member of Parliament is reflected the dignity of the citizen. And personally, I am seriously amazed that the official did not utilise such a good opportunity as you offered to communicate with the superiors. The question of breach of privilege does have some constraint on all of us. Do we take that the hon. Member of Parliament wanted to remain inside the jail during the period of the remand which was fifteen days and that he was, as one could rightly conceive of, politically committed to come out of the jail premises only along with his followers? The obvious inference would be that when the incident took place, the hon. Member of Parliament had no intention to come to Parliament to participate in the proceedings. This is my question.

SHRI G. LAKSHMANAN: His argument was that he was remanded to custody by a magistrate only on the directive of the Government. They knew that Parliament session was starting. Having known this, how did the magistrate remand him for fifteen days custody? Immediately after his remand within two days, Parliament session started. The Government must have known this. One of your Members Shri Ramamurthy was also arrested knowingly that he was to attend the Parliament session. This is a mistake. Government should have been aware of the fact that Parliament session was going to be convened. Therefore, the Member of Parliament could have been arrested and later on released to attend the session. They could have done that. They did not do that and instead he was remanded to custody for fifteen days. If I am to be released for a crime, the same principle should apply to my followers also for the same crime committed by them. Why should there be a discriminatory treatment for a Member of Parliament? Shri Anbarasu wanted that there should not be any discrimination. He was insisting on them that if they were releasing him that day, they must release his followers also. Therefore, benefit of doubt should have been given to him. Our Chairman knows it very well. He is a very learned advocate.

CH. JAGDEEP DHANKHAR: I have not been able to put my question in a lucid manner. Rule of law is qualitatively distinct from the rule of justice. And all of us are bound by the rule of law. If on 11th the hon. Member of Parliament was ordered to be released, this could be a subject of debate. But why others who were similarly situated, had not been so dealt with? Do we take it that had he wanted to leave on 11th, he could have easily left the jail premises? With some legal background, I will explain by way of an example. When remand period is given, there is always a release order. After the remand for a period of fifteen days came, then there was this release order. After that release order, the hon. Member of Parliament could have left the jail.

SHRI G. LAKSHMANAN: First, Shri Anbarasu and myself were remanded to custody for two days only. Then they extend the custody for another fifteen days. We were remanded to custody for two or three days. When that period was over, they could have released us. But again they extended it for fifteen days.

CH. JAGDEEP DHANKHAR: I get your point. Suppose, I was the person in jail. In order to maintain high political morality, I chose to be with my people who were with me in the agitation. I am on a very sound footing and I, on my own violation, do not leave the jail premises and that makes it necessary that there is a

remand order. The question before us, as you said, is whether there was any restraint put on the hon. Member of Parliament inviting breach of privilege question and that has to be necessarily checked in regard to his intention, desire or purpose. What I try to find out is that there cannot be better source available than yourself. Do we take it that there are crimes more ignorable than the question of breach of privilege? Whatever treatment is meted out, it has to be dealt with separately under the rule of law. But for the limited purpose for which the Committee is there, can we have your assessment of the situation that hon. Member of Parliament wanted to come to Parliament to attend the proceedings and somebody intervened in the process? I am afraid, the sequence of the events is otherwise, that he wanted to remain inside the jail. The question of breach of privilege could possibly arise when somebody restrains. We wanted to know your assessment on this as to whether he had any intention at that moment when the incident happened to come to the Parliament.

SHRI G. LAKSHMANAN: Yes, he was waiting from the very beginning for that and I was completely with him. When they wanted him to be released, he made it very clear that he would come out only along with his followers because as a citizen of India he has been charged as his other followers have been charged. Therefore, he asked, when the same charge has been made against all, why he alone should be released and why not his followers be released. But they did not tell any reason.

Sir, have you ever gone to the prison?

CH. JAGDEEP DHANKHAR: Not so far.

MR. CHAIRMAN: Anything else?

SHRI MANDHATA SINGH: I want you to enlighten the Committee. The Committee wants to be benefited by your rich and ripe experience. You said, the Metropolitan Magistrate at the first instance ordered them to be remanded for two or three days and later on extended it for another 15 days. But, here is a proof that the Metropolitan Magistrate ordered release on the 11th itself. You were arrested on the 10th and the release order came to the jail authorities on the 11th itself. What do you say on this?

SHRI G. LAKSHMANAN: I was also remanded to custody for two or three days first and then they extended it to another 15 days. It is the same for all.

SHRI MANDHATA SINGH: But, all the legislators—MPs and MLAs— were ordered to be released on the 11th itself. But you say it is extended for 15 days. It is one point for clarification. But the main thing that we want to know is that whether a person is kept inside the jail at the orders of certain executive magistrate or at the sweet-will of the jail authorities. So, if the release order is given by the magistrate, does the law provide for the discretion of the jail authorities to retain the prisoners for as long a period as they desire to remain in jail? It is a very important question that is it provided for in any law that a prisoner can remain inside the jail premises according to his choice/convenience? We would like to know as to whether the jail authorities are bound by the orders of the metropolitan magistrate or not. What is your opinion on this ticklish problem?

SHRI G. LAKSHMANAN: The magistrate ordered them 15 days custody. But the Government releases them. They are not court orders. As you said, the MPs and MLAs were asked to be released by the Government. So, the magistrate remanded them for 15 days but the Government said that they should be released. Shrimati Maragatham Chandrasekhar, MP was also in the prison. The Government also intends to release only the section of MPs and MLAs, whereas the other followers could not be released. The court order also came on the 7th day.

SHRI MANDHATA SINGH: We concede to the political experience—the decision to remain inside the jail along with the followers, but the technical point is, are the jail authorities...

SHRI G. LAKSHMANAN: It is a political morality.

SHRI MANDHATA SINGH: All right. Let it be, it is a political morality also. But what is the legal point of the prisoners? And if the Magistrate orders release, is the Superintendent competent or the jail authorities competent?

MR. CHAIRMAN: That would be his opinion.

SHRI G. LAKSHMANAN: Mrs. M. Chandrasekhar, MP also said that she wants to attend the Session of Parliament. She was also forced to go. But she said what Shri Anbarasu had said.

SHRI AJIT PANJA: Were you arrested along with Shri Anbarasu?

SHRI G. LAKSHMANAN: Yes. I was arrested at Madras Beach Station and he was arrested at some other place.

SHRI AJIT PANJA: Were you also kept in the same place where he was kept?

SHRI G. LAKSHMANAN: Yes, but it is not a prison at all.

SHRI AJIT PANJA: Anyhow, you were also kept at the same place. It has been stated that Mr. Anbarasu had misbehaved with ex-convicts who were serving to the prisoners. Did you see anything like that?

SHRI G. LAKSHMANAN: Sir, I do not think so. I have not seen that at all and he would not have done so. He is known to everyone. He is a popular figure. If someone asked for more food, he was going and saying that we had come here on an important measure and we should not do like that. He is a very good person. And all the people who were inside the jail knew that Mr. Anbarasu is a perfect gentleman. So, he would never resort to such things.

SHRI AJIT PANJA: One Ravichandran has also alleged that on the 11th, Mr. Anbarasu, along with other Congress workers, was about to push Mr. Ravichandran in the tank, because there was some delay in serving drinking water. Thereafter thousands started running after Mr. Ravichandran, chased him. And that there was a hue and cry. Did you see any such incident on 11th or any other date?

SHRI G. LAKSHMANAN: As a matter of fact, Mr. Anbarasu was in my cell in which Shri G. K. Moopanar was also there and some other MLAs were also there. I only say the truth. Mr. Anbarasu never went out without me. Always we both went together. I can say very boldly that he never went out without me. Whenever he went out, he also took me along with him and we both went out. We were cordially talking with all friends there and everybody was talking with us cordially.

MR. CHAIRMAN: So, there was no such incident!

SHRI AJIT PANJA: While giving evidence, you said that you kept your blood-stained shirt and afterwards you lost the shirt. What do you mean by that?

SHRI G. LAKSHMANAN: I went to the hospital. One Mr. Dakshinamoorthy who is known to Mr. Arunachalam, former Minister, took me there. I remained there and removed my shirt because it was so bad, full of blood. And I used his shirt. Then, the Doctor told me that I have to remain there for the night also.

He gave me injection and other medicines. In the morning, I asked for my shirt. But it was not there; it was not seen.

MR. CHAIRMAN: Was it lost from the hospital?

SHRI G. LAKSHMANAN: Yes. Moreover, some one put his fingers on my pocket and removed my purse and my Ex-Member Pass. He gave me the pass next day but not the purse. Only pass came to me next morning through somebody.

SHRI AJIT KUMAR PANJA: The Superintendent of the jail has presented a report. The gist is: Mr. Anbarasu was not behaving well at all. He was breaking the jail rules. He was instigating ex-convicts and others to create problems, that is, when there was so much agitation, his behaviour was so bad. That is why it was thought that his character and conduct inside the jail was not satisfactory.

What do you say about that?

SHRI G. LAKSHMANAN: I have told you. I repeat the same thing. Mr. Anbarasu was not alone in the prison. He was always with me and we both went inside. When the Superintendent comes, you could ask.

At 6 o'clock, I met him and asked him to permit me to speak Mr. Sripal, who is Inspector-General, and Mr. Dorai, who is the Director-General of Police. I asked his permission. Why did he refuse permission to me?

This is a well-prepared conspiracy to punish Mr. Anbarasu and through him—if I am permitted to say—the Congress Party. In the history of Tamil Nadu, such an agitation has not been conducted so far. The total number of arrests during this agitation was 45,000 in the whole of Tamil Nadu. You ask for the report from the Jail Superintendent. In Madras alone, a thousand ladies were there. The ruling party never expected such an agitation. Therefore, they wanted to put an end to this agitation. They terrorised the prisoners so that they may not participate in the future struggle. These things were there to finish the party. Why did he not permit me to speak to Mr. Dorai and also Mr. Sripal? Even you can question him. You can call Mr. Sripal.

SHRI AJIT KUMAR PANJA: On the 15th—it has been further stated in the report of the Superintendent—there was a group clash between Vazhapadi's group and Moopanar's group. And that

is why there was some injury. Anbarasu or any of you were not beaten at all nor thrown out of the prison. What do you say?

SHRI G. LAKSHMANAN: How can he say? He has done some mistake and he wants to escape by stating all these things. Moopanarji was there inside and all his followers were there. After going there, Mr. Moopanar issued a statement which said that till all the followers were released, other should not come out.

MR. CHAIRMAN: You say, "The allegation is only 'baseless'."

SHRI G. LAKSHMANAN: Not only baseless, but also 'studip'. I think, it is a parliamentary word.

The greatest trouble in the history of our country is that whatever may be the mode of agitation, the Congress Party is building up in Tamil Nadu. I must not mention the name of the Chief Minister, Mr. Karunanidhi.

MR. CHAIRMAN: Do not bring it. We are not concerned. We are concerned with the limited issue. We want to talk about your being detained there.

SHRI G. LAKSHMANAN: It is a concocted story. You don't believe. Mr. Moopanar has himself issued a statement. Moopanar has only yesterday issued a statement. There is no difference. He must find out something to escape.

MR. CHAIRMAN: You say: "This has been concocted."

SHRI G. LAKSHMANAN: Yes, that is all.

SHRI BHOGENDRA JHA: I want to be clear. Did you mean to say that on 11th, a note—release order—for Mr. Anbarasu had gone from the court? But it was announced by the Government that he was to be released. Was it so?

SHRI G. LAKSHMANAN: It was announced by the Government that they should be released.

SHRI BHOGENDRA JHA: Court, which had remanded them to jail custody, had not issued the order for the release on 11th.

SHRI G. LAKSHMANAN: No.

SHRI BHOGENDRA JHA: Government order has to come through the court. Is it so?

SHRI G. LAKSHMANAN: Yes.

SHRI BHOGENDR JHA: The court's order formally came in the jail on 15th. Isn't it?

SHRI G. LAKSHMANAN: Yes.

SHRI BHOGENDR JHA: On that point, are you definite?

SHRI G. LAKSHMANAN: Yes.

SHRI BHOGENDR JHA: Can you help us to get a copy of the court's order of 15th? It may be of 14th.

SHRI G. LAKSHMANAN: There will be no problem.

MR. CHAIRMAN: Yes, if he can produce it, we shall be very happy. From whichever source you can, if you get it, please send it to us for the benefit of the Members.

SHRI BHOGENDR JHA: Because you were there, I would like to know at what point the lights went off. What was the area of the lights having gone off: only inside the prison, outside also, in the whole city or part of the city? We have read from the report—whether right or wrong—that there was a clash between the two groups of prisoners and in the meantime the lights went off. Do you remember at what point the lights went off?

SHRI G. LAKSHMANAN: The previous day, there was a rehearsal at 6 o'clock. The power cut was there. It might be due to power shortage. But actually the lights were off on that day. When I came after seeing the S.P., I was talking with Mr. Anbarasu. Therefore, these people were able to hit me and some of the people. Lights were off and the rehearsal was done the previous day. I am mentioning what I witnessed. I was there.

SHRI AJIT KUMAR PANJA: I would like to know whether or not lights were switched off on any other day.

SHRI G. LAKSHMANAN: On no other day were the lights switched off.

SHRI BHOGENDR JHA: Did the Magistrate go inside the jail on any other day, other than 14th and 15th, and if so, did he extend the custody of the prisoners at that point of time?

SHRI G. LAKSHMANAN: His office is outside the prison. He simply signs the orders.

SHRI BHOGENDR JHA: We have got it from the Superintendent that the Magistrate extended the jail custody of 990 prisoners at the insistence of Anbarasu's order.

MR. CHAIRMAN: The original has been read out.

SHRI BHOGENDR A JHA: When the Magistrate had come on that date, did he extend the custody of all the prisoners, I mean, including Mr. Anbarasu?

SHRI G. LAKSHMANAN: Those he remanded for two to three days previously were given custody for another fifteen days. I mean those prisoners with whom myself and Mr. Anbarasu were there. At the first instance, he had remanded them for two to three days and then extended their custody for another 15 days.

SHRI BHOGENDR A JHA: Was the first custody warrant on the 11th for 15 days?

SHRI G. LAKSHMANAN: For some people, it was for 15 days. For Mr. Anbarasu and other people, he gave three days custody. Then, we were told that it was extended for 15 days. Our signatures were not obtained. We were only told about it.

SHRI BHOGENDR A JHA: Should we understand from this that the custody of Mr. Anbarasu was also extended?

SHRI G. LAKSHMANAN: Yes. We were only told. We have not signed anywhere in this regard.

SHRI BHOGENDR A JHA: If you would like to help this Committee, you can get a certified copy of the court order.

SHRI G. LAKSHMANAN: You can get it from the Superintendent.

SHRI BHOGENDR A JHA: He does not come into the picture now. If you could provide a copy, it will help the Committee for the sake of truth. If you cannot, we have to try other avenues. This is to confirm that it was actually extended.

On the evening of the 15th, when you all came out, did Mr. Anbarasu come out on his own or was he pushed out?

SHRI G. LAKSHMANAN: Mr. Anbarasu was removed the previous day. We were released the next day. We did not have our food, not even water, on the next day. When Mr. Anbarasu was sent out, we were all inside the prison. I was in the hospital. Only Mr. Anbarasu was released on the 15th.

SHRI BHOGENDR A JSA: I want to know whether Mr. Anbarasu went out on his own or was he pushed out.

SHRI G. LAKSHMANAN: He was pushed out physically. He then, engaged his own car and went away on the 15th.

SHRI BHOGENDRA JHA: On which date did you come to know about order from the court for release?

SHRI G. LAKSHMANAN: We came to know on the next day, i. e., the 16th. Our names were read out division-wise and we were released. Even at that time, our signatures were not obtained.

SHRI BHOGENDRA JHA: Should we understand that the release order from the court for Mr. Anbarasu was received on the 15th and for the other people on the 16th?

SHRI G. LAKSHMANAN: We do not know that because our names were simply read out and we were asked to go out. Our signatures were not obtained.

SHRI A. R. ANTULAY: On the very first day, when you were produced before the Magistrate, was it to make any investigation regarding the serious allegation of 'Rail Roko'? The Government, through its prosecutor, asked for a remand and did not permit you to be released. Am I right?

SHRI G. LAKSHMANAN: Yes. Mr. Chidambaram argued before the Magistrate and he was hearing his argument. And afterwards, he give his own decision. Mr. Chidambaram was one of the arrested persons. He argued that the matter should not be postponed for so many days and all that. We were all sitting there. The police never argued. They were keeping quiet.

SHRI A. R. ANTULAY: For the first day, was the remand period for two days for some of you?

SHRI G. LAKSHMANAN: Yes. It was for some of us. Whoever was arrested in the Madras city, was remand for two days. Then, it was extended for another 15 days.

SHRI A. R. ANTULAY: After the expiry of two days, when were you produced before the Magistrate?

SHRI G. LAKSHMANAN: We were not produced. We were only told that the Magistrate had come and our custody was extended for another 15 days.

SHRI A. R. ANTULAY: If I understand correctly, instead of arresting and releasing, they put you all inside and remanded for two days and again extended the custody for another 15 days. Under these circumstances, when the order for release came at the instance of the Government, Mr. Anbarasu though that he should not accept the mercy of the Government. Am I right?

SHRI G. LAKSHMANAN: Yes. The Magistrate had decided that he must be under the custody for 15 more days.

SHRI A. R. ANTULAY: So, it was rather a case where the political prisoners did not want any obligation from the Government. It was the same Government which removed the name of Mr. Kamraj, gave all provocation and considered that the prisoners were criminals and they should be remanded for so many days, as if they need to be investigated for the heinous crime they had committed. Am I right?

SHRI G. LAKSHMANAN: Yes.

SHRI A. R. ANTULAY: The question of attending the Parliament or not attending the Parliament was not at that time uppermost in the mind of the hon. Member, Shri Era Anbarasu. What was uppermost in the mind was: Here is a Government which wants to play hide and seek, arrest us, remand us for two days and then for 15 days, and that we shall not accept the charity of release. Am I right?

SHRI G. LAKSHMANAN: Yes, Sir.

SHRI A. R. ANTULAY: Another point that was in the mind of Shri Era Anbarasu was that he would not, as no political leader would, jettison his followers and get himself released.

SHRI G. LAKSHMANAN: Yes, Sir.

SHRI A. R. ANTULAY: It was neither good politically speaking and no leader of some slat would tolerate that, nor one can afford to desert the followers and go for comforting himself, because that will be the death knell of his career. That is what you thought. Am I right?

SHRI G. LAKSHMANAN: Yes, Sir.

SHRI A. R. ANTULAY: What was present in the mind of the hon. Member was: The Parliament is there for three months. I will surely go back to Parliament but would not keep my followers in peril and would not accept the charity from the Government. Am I right?

SHRI G. LAKSHMANAN: Yes, Sir.

SHRI A. R. ANTULAY: Your fear of the followers being harshly treated by the police came to be true by the subsequent events. You felt that if you were released, your followers will be treated harshly.

SHRI G. LAKSHMANAN: That was the intention.

SHRI A. R. ANTULAY: You have adorned the Chair in the Lok Sabha, and that is indeed a very rare privilege that one can enjoy. If you see some of your colleagues in danger, you would rather give priority to removing their peril, rather than attending the Parliament. Am I right?

SHRI G. LAKSHMANAN: Yes, Sir.

SHRI R. GUNDU RAO: You said that the Magistrate remanded you first for two days and then for fifteen days. In the meantime, the Government came forward to release you, the M.Ps and MLAs. You said that you were also beaten.

SHRI G. LAKSHMANAN: Yes, very badly.

SHRI R. GUNDU RAO: Your identity card and the purpose were also taken. How much money was there?

SHRI G. LAKSHMANAN: About Rs. 200.

SHRI R. GUNDU RAO: You wanted to ring up IG, Jails and DG of Police about the incident, but you were refused that facility by the Superintendent of the Jail.

SHRI G. LAKSHMANAN: He refused to give me the telephone. I said, I would try to avoid this clash. But it seems, the clash had already been decided by the Jail Superintendent.

SHRI R. GUNDU RAO: For how many days were you in custody?

SHRI G. LAKSHMANAN: Seven days.

SHRI R. GUNDU RAO: Only for two days, the lights went off.

SHRI G. LAKSHMANAN: Yes, Sir.

SHRI R. GUNDU RAO: How was the general behaviour of the Superintendent with the political prisoners?

SHRI G. LAKSHMANAN: As a bureaucrat would do. In fact, he never expected that thousands of persons would be arrested. He was not able to cater to the needs of the prisoners.

SHRI R. GUNDU RAO: How was his behaviour?

SHRI G. LAKSHMANAN: Not at all helpful. Had he allowed me to talk to these people, the situation would have been different. In fact, there was some other force working.

SHRI R. GUNDU RAO: How was his behaviour with the political prisoners?

SHRI G. LAKSHMANAN: He was treating us like criminals.

SHRI R. GUNDU RAO: Which were the outside forces that influenced him?

SHRI G. LAKSHMANAN: Might be the Government.

SHRI R. GUNDU RAO: You said that you were always with Shri Era Anbarasu. Did you hear what the Jail Superintendent had told him?

SHRI G. LAKSHMANAN: He was telling him that some goondas were coming, and, therefore, he should go away.

श्री संतोष कुमार गंगवार : आपके साथ 10 तारीख को मद्रास में जेल में कितने सासद बंद हुए थे जब आपका यह आन्दोलन चल रहा था ?

SHRI G. LAKSHMANAN: Mrs. Margrathem Chandrashekhar, Shri Anbarasu, Shri Chidambaram, these were the three M.Ps.

SHRI SANTOSH KUMAR GANGWAR: If I am correct, in total seven M.Ps were there.

SHRI G. LAKSHMANAN: I am not an M.P. I am a former Deputy Speaker of Lok Sabha.

श्री संतोष कुमार गंगवार : मेरा कहना यह है कि आपके साथ जेल में श्री एन आरएस के अलावा और कितने एम० पी० बंद थे ?

Shri G. LAKSHMANAN: S/Shri Anbarasu, Chidambaram and Mrs. Margrathem Chandrashekhar

श्री संतोष कुमार गंगवार : मेरा कहना है कि आपके साथ दो से ज्यादा एम० पी० थे लेकिन मेरी जानकारी में आया है कि आपके साथ सात एम० पी० थे ।

There were seven M.Ps in the prison and five of them were released on 11th.

SHRI G. LAKSHMANAN: Along with M.Ps. there were M.L.As. also. Five prisoners who were released are inclusive of M.L.As.

श्री संतोष कुमार गंगवार : ऐसा क्यों हुआ ? यह बात आपके दिमाग में क्यों नहीं आई ? सब के दिमाग में था कि सरकार की दया से नहीं छूटेंगे अपने सभी साथियों के साथ छूटेंगे । तो सात एम० पी० तो उसमें थे पांच छूट गए 11 तारीख को और बाकी दो रह गए जिन्होंने कहा कि हम नहीं छूटेंगे, हम सभी के साथ छूटेंगे । क्या यह उस बात का प्रतीक है कि आपकी पार्टी में कुछ बिबाद था ?

SHRI G. LAKSHMANAN: The point is, one day Shri Chidambaram and other friends went to file a *habeas corpus* case. When they returned the Jail Superintendent did not allow them.

श्री संतोष कुमार गंगवार : मेरे कहने का मतलब यह है कि 15 तारीख को जो घटना हुई, वह आपके अन्दर की लड़ाई नहीं थी। यह प्रशासन चाहता था कि किसी प्रकार से आपको हिरास करे।

SHRI G. LAKSHMANAN: Tell me one party where there is no internal difference.

MR. CHAIRMAN: You please say yes or no.

SHRI G. LAKSHMANAN: There was no internal difference in our party. Our leader is Shri Rajiv Gandhi and we are all his followers.

श्री संतोष कुमार गंगवार : आपने बताया कि आप सात दिन जेल में रहे। 10 तारीख को आपको अरेस्ट किया गया, यह घटना 15 तारीख की थी या छठे दिन की थी तो आपने जो कुछ देर पहले बताया था कि मेरी जेल के सुपरिटेण्डेंट से छठे दिन बात हुई तो यह सातवां दिन हुआ या आपकी बात 5वें दिन हुई और यह घटना छठे दिन हुई ?

SHRI G. LAKSHMANAN: The point is I met before this incident took place. You can ask him when he comes. There may be some difference with the days or the time.

श्री संतोष कुमार गंगवार : मेरा लास्ट क्वेश्चन है। जेल सुपरिटेण्डेंट द्वारा आपके साथ मारपीट की गयी या नहीं ?

SHRI G. LAKSHMANAN: Who knows whether he was involved or not as lights were off. We could not recognise who was who. Otherwise, had they known me, the former Deputy Speaker would not have been beaten by them.

SHRI GUNDU RAO: Was there any attempt by any co-prisoner to commit suicide by climbing the pole?

SHRI G. LAKSHMANAN: No in fact there was a mad chap who was doing it every day.

MR. CHAIRMAN: More than once you said that you wanted to ring up the senior officers—Inspector General Prison and others—and that you wanted to have the facility of telephone as you wanted to talk to them to avoid clash. What was your apprehension?

SHRI G. LAKSHMANAN: My apprehension was that Shri Anbarasu's wife was asked to remain outside. Somehow or the other they wanted to take out Shri Anbarasu therefore, I felt that something was there. The previous day I saw the rehearsal. I knew

that something is going to happen that is why I rushed to him and requested him.

MR. CHAIRMAN: Do I take it that you reasonably apprehended that if Shri Anbarasu was forcibly taken out, there is likelihood of some conflict and clash?

SHRI G. LAKSHMANAN: Because these people were agitating.

MR. CHAIRMAN: Therefore, you wanted to speak to the higher authorities.

SHRI G. LAKSHMANAN: When you say conflict and clash.

MR. CHAIRMAN: You only used the word 'Clash'. You said that you wanted to avoid the clash.

SHRI G. LAKSHMANAN: It means that the workers were insisting that he should not be released leaving us there in the jail. They were insisting that if Shri Anbarasu is released there will definitely be some clash.

MR. CHAIRMAN: Then you Mr. Lakshmanan.

SHRI G. LAKSHMANAN: I have one request to the Committee. The committee will decide this or any other issue on its own merit. I am thankful to you for having called me here. My former Vice Chairman is my Chairman now. I would submit that some way should be found out to deal with the political prisoners and trade union workers. I think that the political prisoners should be given a different treatment and that they should not be treated as criminals. I am of the opinion that this Committee should give due consideration to this. These political prisoners and the trade union workers will be the future Chief Ministers or the Prime Minister of this country. So, they should not be treated like the criminals. This policy should be changed. You must give a lead in this direction. Thank you very much. Through you, I thank the Hon. Speaker also for having permitted this issue to appear in the Privileges Committee.

The witness then withdrew

Friday, 21 September, 1990

PRESENT

Shri Somnath Chatterjee—Chairman

MEMBERS

2. Shri Arif Baig
3. Ch. Jagdeep Dhankhar
4. Shri Santosh Kumar Gangwar
5. Shri Bhogendra Jha
6. Shri Mandhata Singh
7. Shri R. L. P. Verma

SECRETARIAT

Shri C. K. Jain—Additional Secretary

Shri T. S. Ahluwalia—Director

WITNESS

Shri K. Chelladurai

Superintendent,

Central Jail, Madras

(The Committee met at 11.00 hours)

*Evidence of Shri K. Chelladurai, Superintendent, Central Jail
Madras.*

MR. CHAIRMAN: Mr. Chelladurai, you gave evidence before this Committee on the 22nd June, 1990 and you were informed then that you would be called again because some honourable members might seek some clarifications. You also agreed to produce some documents and rules and release order etc. You have already taken oath and you are still under oath.

You were asked to produce a rule, Rule 879. Have you got that rule?

SHRI K. CHELLADURAI: Yes. It is in Tamil. I have translated it into English. It is Rule 879 of the Tamil Nadu Prison Reformatory Manual, Volume II about Correspondence of records. It deals with reports to be sent along with nominal rolls. Whenever prisoners are sent anywhere it has to be sent. Individual numbers must be indicated in the details of the prisoners. Form No. 52 has to be used. That also is in Tamil. I have translated it into English.

MR. CHAIRMAN: You give that book also, and mark that portion. We will return the book to you later on. You indicate the number of the rule. What is the rule? What does MPRLA mean?

SHRI K. CHELLADURAI: It is Madras Prisons Reformatory Manual, Volume II.

MR. CHAIRMAN: This refers to Nominal Roll for Male Convicts. Does it refer to Mr. Anbarasu? Is it there?

SHRI K. CHELLADURAI: Yes, it is there.

MR. CHAIRMAN: Have you produced the release order?

SHRI K. CHELLADURAI: I have already given a copy of it.

MR. CHAIRMAN: Yes, it is here. It is dated 11th of March 1990.

SHRI K. CHELLADURAI: Yes.

MR. CHAIRMAN: This is signed by the Magistrate.

SHRI K. CHELLADURAI: It is signed by the Chief Metropolitan Magistrate.

MR. CHAIRMAN: You have sent some documents. Do you wish to rely particularly on any of them?

SHRI K. CHELLADURAI: I have sent the documents relating to Mr. Anbarasu Era only because he has alone moved for privilege. I have sent documents connected with his case only.

MR. CHAIRMAN: I find that an FIR was lodged by you, against Mr. Anbarasu, Shrimati Chandrasekhar, Shri Ranganurthy, Shri Kuppuswamy and one Mr. Gurumani.

SHRI K. CHELLADURAI: More than two thousand agitators were there.

MR. CHAIRMAN: What happened to this, pursuant to the lodging of the FIR?

SHRI K. CHELLADURAI: They have taken up the case and they are going to file it in the court. They have started a case against me.

MR. CHAIRMAN: Has the case not started yet?

SHRI K. CHELLADURAI: No. It is going to start, against me.

MR. CHAIRMAN: There is an FIR by Mr. Anbarasu also. Are you also known as Chellappan?

SHRI K. CHELLADURAI: He has wrongly mentioned my name as 'Chellappan'. My name is Chelladurai.

M. CHAIRMAN: What has happened to this FIR?

SHRI K. CHELLADURAI: That is pending; investigation is going on. My subordinates have replied to it. They have called to the court.

MR. CHAIRMAN: Have you any information as to whether any case is pending?

SHRI K. CHELLADURAI: The FIR is pending. It says that a case is still pending. He has given me a copy. I have already produced the document. In that he has mentioned that I had assaulted him, I beat him and all that. He lodged the complaint with the Chintadripet Police Station. That is pending there. Police Inspector had come and enquired about me. He made some enquiries with me and also my subordinates. They have also submitted a reply to the Police Inspector. I have also submitted a report to him. That is mentioned in this list.

MR. CHAIRMAN: On the 15th March 1990 when the lights had gone out inside the jail there was some melee or some scuffle.

SHRI K. CHELLADURAI: Yes.

MR. CHAIRMAN: It was all dark. But some incident had taken place, and the hon. Member of Parliament says that he was injured.

SHRI K. CHELLADURAI: No.

MR. CHAIRMAN: What do you want to say in regard to that incident?

SHRI K. CHELLADURAI: On 15-3-1990 the hon. Member has been in prison. He had been inside the prison from the 11th to 15th, much against the release order. Not only this honourable Member of Parliament, but Shrimati Marragatam Chandrasekhar, also was adamantly refusing to go on release. I was not able to release them. I have written to the Additional Chief Metropolitan Magistrate on 12th March 1990. They had given no names. Shri Anbarasu had created a problem in the prison. I closely watched his activities and I lodged a complaint on the 14th March 1990 regarding his character. Then on the 15th, about 7.15 p.m. there was a general power failure. At that time there was a melee. There were two factions among them. In the Congress party in Tamil Nadu—I do not want to mention the leaders' names—Mr. Anbarasu belonged to one group and there were others belonging to the other faction. The other Members of Parliament, belonging to the other group were reluctant to accept the release order and they were thus refusing to be released from the jail. But these people refused to leave. Naturally the other faction thought that Shri

Anbarasu, MP did not want to leave in order to build his own image. This is what they told me many times. On 15-3-90 at 7.50 P.M. they had heated argument between each other. I was sitting in my office which was near the main gate. Shri Anbarasu, MP then had mingled himself in the crowd. Those people had a quarrel. They pushed down each other. So many things happened. Incidentally my Jailor was standing there at that time. He had removed Mr. Anbarasu from that crowd. And I saw him marching towards the main gate in the darkness. There was some light at the gate. I saw in the light that Mr. Anbarasu's shirt was intact. He had neither any blood stain nor any injury. Then I asked my subordinate to release him. I had not assaulted him. Nobody from the Jail Staff had assaulted him.

MR. CHAIRMAN: Do you wish to add anything?

SHRI K. CHELLADURAI: I had not done anything. I do not want to become a scapegoat. I had not done anything. I have put in 24 years of service. I will not become DG by beating an MP.

SHRI MANDHATA SINGH: Can you mention some of the names of the other faction who told you that Mr. Anbarasu wanted to build his own image?

SHRI K. CHELLADURAI: Mr. Ranganathan and Mr. Vattival. they were belonging to Moopananar's group.

SHRI MANDHATA SINGH: Are they office bearers of the Party?

SHRI K. CHELLADURAI: I do not know. They came to my office many times and they told this thing to me.

SHRI MANDHATA SINGH: When the release order was received by you on 11th, what did you do on 12th, 13th?

SHRI K. CHELLADURAI: I had written to the court that Mr. Anbarasu and Mrs. Chandrasekhar did not want to go on release. I informed my superior officer about that. They told me to persuade them to go on release. I was going on persuading them to go on release. He told me that it is common in politics.

SHRI MANDHATA SINGH: Do you mean to say that on 15th he had agreed to leave the jail campus on your persuasion?

SHRI K. CHELLADURAI: On 11th March, 1990, he had been told that he was going to be released in the evening itself. But in the evening I had asked him why he did not want to go. He told me that such things are common in politics.

SHRI MANDHATA SINGH: Mr. Chairman, I think it is proper to ask him to submit the copies of the letter he wrote to the Metropolitan Magistrate complaining about the same.

MR. CHAIRMAN: He has sent.

SHRI MANDHATA SINGH: On the 15th March, did he leave the Jail campus on his own?

SHRI K. CHELLADURAI: There was a quarrel in the Jail. The Jailor had removed him. He released him to save his life. That was the actual thing happened in the prison.

SHRI MANDHATA SINGH: Did the Magistrate write back to you that you should persuade him to leave the Jail?

SHRI K. CHELLADURAI: The Magistrate did not write to me anything.

SHRI MANDHATA SINGH: What about his allegations in respect of suitcase? He also alleged that money and other personal belongings were taken away by you or your staff members.

SHRI K. CHELLADURAI: I have already mentioned in my evidence about that. Only a key was there. One of his co-prisoners Shri A. K. Vetrivel mentioned it. A receipt was given for it.

MR. CHAIRMAN: Please tel us to whom have you handed over the key.

SHRI K. CHELLADURAI: I handed over the key to Shri G. Lakshmanan and Shri A. K. Vetrivel.

MR. CHAIRMAN: Did they have the authority to receive that?

SHRI K. CHELLADURAI: He told me to give to them.

MR. CHAIRMAN: Hon. Member asked you that he refused to leave on 11 to 14 March and on 15th March why did he suddenly agree to go.

SHRI K. CHELLADURAI: He did not suddenly agree to go. There was a quarrel in the Jail amongst the party people. At that time the Jailor removed him from the prison. He took him out of the prison.

श्री संतोष कुमार गंगवार : 14 और 15 मार्च के दिन शाम को 8 बजे या सुबह बिजली जाने की सूचना हम लोगों को मिली है, क्या उस की जानकारी आपको या जेल के रिकार्ड में है। क्या 14 तारीख की शाम को बिजली गयी थी, यदि हाँ, तो उसका क्या समय था और 15 तारीख को जब बिजली गयी तो क्या समय था और इसका क्या कारण था ?

SHRI K. CHELLADURAI: I shall not be able to remember. There was a general power failure in the Madras City. But, on the 15th March the incident took place in the darkness.

SHRI MANDHATA SINGH: Do you maintain any record of break-down of light in your jail records?

SHRI K. CHELLADURAI: No, we are not maintaining the record. We use hurricane-lamps whenever the light goes off.

श्री रीतलाल प्रसाद वर्मा : अधीक्षक महोदय, मैं आपसे यह जानना चाहूंगा कि अभी हमारे माननीय सदस्य श्री संतोष गंगवार ने पूछा है कि बिजली जाती है, इसका रिकार्ड आप रखते हैं लेकिन जब आप कनविक्ट्स को छोड़ते हैं या कहीं भले आदमी को साधन के लिए आप मार-पीट करते हैं या करवाते हैं तो इसका आप रिकार्ड रखते हैं? उस दिन श्री इरा अंबारासु के ऊपर लाठी चार्ज किया और कन-विक्ट्स ने भी उनको घेर कर मारपीट किया, क्या इसका कोई रिकार्ड है ?

SHRI K. CHELLADURAI: Some incident took place on the night of 15 March and between 6.00 P.M. and 8.00 P.M. there was power failure. But, we maintain record for releasing prisoners and if any person gets injured by other prisoners or by himself, there would be record in the hospital and we get a xerox copy. At that time somebody got injured. I got a xerox copy of the same. The hospital records are maintained by the prison Doctor. On 15 March, some injuries were caused to the hon. Member and I got a xerox copy of the incident.

श्री रीतलाल प्रसाद वर्मा : मैं यह जानना चाहता हूँ कि अंबारासु की सारी कमीज फट गई थी और साथ ही उन्हें चोट भी आई थी। यह सब आपके द्वारा छोड़े गए बंदी लोगों द्वारा किया गया था उन्हें घेरकर उनके साथ मार-पीट की गई थी।

SHRI K. CHELLADURAI: No, Sir. He went out happily. No injury was caused to him.

श्री रीतलाल प्रसाद वर्मा : एक और बात मैं यह जानना चाहूंगा कि आपने बताया कि इन लोगों में श्री अंबारासु और इनके साथ-साथ जितने लोग रेल रोको अभियान के दौरान में जल में बंद थे, उनमें आपस में ही झगड़ा हो गया और तब वह बाहर गए। पहले 11 तारीख को जब रिलीज आर्डर हो गया और उस समय आपको जब रिलीज आर्डर मिला तो आपने उन्हें रिलीज कर देना चाहिए था फिर भी आपने इतने समय तक उन्हें रखा--15 तारीख तक भी उन्हें नहीं छोड़ा और अंत में आप बताते हैं कि उन लोगों में आपस में ही मार-पीट हुई और झगड़ा हुआ। तब ही ये 15 तारीख को रिलीज हुए।

MR. CHAIRMAN: Let us not go into that. That is immaterial for us. The fact is that as per the records and according to his

evidence, he did not go. Mr. Anbarasu has also admitted that he did not go.

SHRI BHOGENDRA JHA: We are told that the release order for the M.P. reached your jail but he refused to go out of the jail. Then what efforts did you make to ensure that he goes out of the jail?

SHRI K. CHELLADURAI: I had written to the Chief Metropolitan Magistrate for further guidance but the Magistrate did not give me any guidance. Then I persuaded him many times to go on release. He is not an ordinary man to be removed physically. So, I and my subordinates were going on persuading him and requesting him to go on release, but he did not go on release. Then there was an *inter se* quarrel among his party people inside the jail. So, just to save his life, I released him. I had released even Mrs. M. Chandrasekhar the same night. I had not used my force to release her on the same night.

SHRI BHOGENDRA JHA: Please help us to understand the link between his refusal to go out despite your efforts, and the quarrel by the other group, leading to physical clashes. Is there any connection between these two events?

SHRI K. CHELLADURAI: I have explained that many times. Because one group's M.Ps. were released and these M.Ps. belonging to the other group did not want to be released, so, naturally the other group people got annoyed and picked up a quarrel.

SHRI BHOGENDRA JHA: Did you make any other effort through your prisoners who are doing your jail work and through other staff members to ensure that he went out?

SHRI K. CHELLADURAI: No, Sir. I had not issued any such orders. Nobody had even touched him.

SHRI BHOGENDRA JHA: Did you make any effort yourself to persuade him to go out?

SHRI K. CHELLADURAI: Yes, I made efforts through many sources. I had conducted three meetings in my office. I had called all the leaders between 11th and 15th and requested them to ask him to go on release, but they were not able to convince him.

SHRI BHOGENDRA JHA: So, the decision to go out was his own; it was not due to the decision by any group or party.

SHRI K. CHELLADURAI: That I do not know, Sir.

SHRI BHOGENDRA JHA: Between the period when you received his release order and the time when he actually went out, you must have been issuing ration cards for his meals.

SHRI K. CHELLADURAI: Yes, I had issued ration also. Though he was an unwanted guest in the prison, I had issued ration for him.

SHRI BHOGENDRA JHA: Since he was in the ward, your jail staff, including the warders, must have counted him as one of the prisoners who were locked up.

SHRI K. CHELLADURAI: There was no lock up, Sir. In addition to our ordinary criminals, these agitators numbered 1,891. So, more than three thousand people were there in the jail. I could not accommodate all of them in the prison, so I left them unlocked. They were sleeping in barracks and everywhere.

SHRI BHOGENDRA JHA: So, they were not locked inside the wards, they were locked inside the prison.

SHRI K. CHELLADURAI: No Sir, they were kept in the enclosure.

SHRI BHOGENDRA JHA: So, there number was also included in the number of inmates on all those days.

SHRI K. CHELLADURAI: Yes, Sir. In Tamil Nadu, agitators' register would be different. His name came under the Congress agitators. On 10-3-1990, I had received 3,304 Congress agitators. Subsequently, some of them went on release. Those who were arrested under Preventive Act were released by the court. So, on 15th, there were 1,890 Congress agitators inside the jail, apart from our ordinary criminals, who were about 1,300.

SHRI BHOGENDRA JHA: How many of your staff members, including the Jail Warders, Havaldars, etc., were deputed to look after them?

SHRI K. CHELLADURAI: I have got only 66 Warders working day and night.

SHRI BHOGENDRA JHA: In all, how many extra Warders you had deputed to look after the agitators?

SHRI K. CHELLADURAI: I had looked after them with the sanctioned strength of 66 Warders.

MR. CHAIRMAN: The hon. Member wants to know whether you deputed anybody out of them specifically to look after these people in principle?

SHRI K. CHELLADURAI: No

SHRI BHOGENDRA JHA: You have the system of deputing workers to specific wards. In this case, when the particular type of under-prisoners were sent to your prison in large numbers, have you deputed any officer or sub-officer or Assistant Jailor or Havaldar or Warden to look after them? If so, what is their number?

SHRI K. CHELLADURAI: The Guards are not particularly liked by them. They were left free in the enclosure. There is no need for me to send special workers to look after them. There is no Special Guard for them. I have only two Assistant Jailors from sub-jails to look after the crowd.

SHRI BHOGENDRA JHA: Have you deputed two or three workers specifically to look after them?

SHRI K. CHELLADURAI: I have got ten workers. I have not specifically deputed anybody to look after them.

SHRI BHOGENDRA JHA: What is their number?

SHRI K. CHELLADURAI: There are only two Assistant sub-jailors from the sub-jail to look after the entire crowd in this emergency situation. I have not specially deputed anybody.

SHRI BHOGENDRA JHA: You have deputed two Assistant Jailors and 10 to 13 workers to look after their food.

SHRI K. CHELLADURAI: I have deputed one Assistant Jailor to look after the kitchen and one sub-jailor to look after the internees. Apart from the sanctioned strength, I have got two Assistant Jailors and an extra strength of two sub-jailors.

SHRI BHOGENDRA JHA: I do not want to blame you for that. Have you got extra strength only for this purpose?

SHRI K. CHELLADURAI: Yes.

SHRI BHOGENDRA JHA: Two Assistant Jailors and 10 or 13 workers from other jailors were to look after these people.

SHRI K. CHELLADURAI: Along with sanctioned strength, they were also to look after the work.

SHRI BHOGENDRA JHA: Is there no responsibility allotted to wardens?

SHRI K. CHELLADURAI: I have got 60 workers working day and night in the jail. Along with these, 15 are also working. Somebody will be in charge of blocks.

SHRI BHOGEN德拉 JHA: They were under-trial prisoners.

SHRI K. CHELLADURAI: The prisoners who are convicted for long-terms and also those who are convicted for short-terms in Chingleput and Madras are transferred to places like Nellore because that prison has been dilapidated. There are only under-trial prisoners in Madras and Chingleput.

SHRI BHOGEN德拉 JHA: What is the total number of convicts in your prison?

SHRI K. CHELLADURAI: There are 200 convicts. I have got not more than 10 life convicts who had come there.

SHRI BHOGEN德拉 JHA: Others were about 200.

SHRI K. CHELLADURAI: They were convicted for small terms.

SHRI BHOGEN德拉 JHA: What is the total number of under-trial prisoners?

SHRI K. CHELLADURAI: The total number is more than 1,200.

SHRI BHOGEN德拉 JHA: Are there Congress-I under-trial prisoners in the jail?

SHRI K. CHELLADURAI: There are 1,891 Congress-I under-trial prisoners.

SHRI BHOGEN德拉 JHA: Apart from this, you have got about 1,000 under-trial prisoners.

SHRI K. CHELLADURAI: Out of 1,200 prisoners, 1,000 are under-trial and 200 convicted prisoners.

SHRI BHOGEN德拉 JHA: Have you deputed any of your staff to look after these lifers, specifically to look after the convicts, to look after the other under-trial prisoners?

SHRI K. CHELLADURAI: Yes. That was done.

SHRI BHOGEN德拉 JHA: Can you remember what was the total number to look after the other under-trial prisoners?

SHRI K. CHELLADURAI: There are convicts in two blocks and they will be looked after by one prisoner. The others are located in blocks. There are 12 blocks. There is set I and set II and closed prison. The blocks are allotted according to the strength of the prisoners and they are confined in the blocks. There is one Head Worker and one Second Grade Worker.

SHRI BHOGEN德拉 JHA: Have you got any prisoners to perform duty under your official staff?

MR. CHAIRMAN: Was there any prisoner deputed to look after this?

SHRI K. CHELLADURAI: Some prisoners are employed for kitchen work.

SHRI BHOGENDRA JHA: What is their total number?

SHRI K. CHELLADURAI: We are having more than 20 under-trial prisoners.

SHRI BHOGENDRA JHA: What is the total number of prisoners who look after the convicts and to keep them under discipline?

SHRI K. CHELLADURAI: Convicts are not looking after the convicts. Workers are looking after the convicts.

SHRI BHOGENDRA JHA: Have you got convicted prisoners also to look after their co-prisoners on your behalf?

SHRI K. CHELLADURAI: There is a specific rule. No life convict or no convict should look after the under trial prisoners or the remission prisoners. That is specifically mentioned. Convict cannot look after the under-trial prisoners. More than eight or 10 convicts are there to do para duty around the block inside the wall. They will do the para-duty in standing. They just not allow the prisoners to jump over.

SHRI BHOGENDRA JHA: They will guard over the prisoners.

SHRI K. CHELLADURAI: They are not allowed to come into the prison. They were allowed to stand away from the prison inside the wall. They will not come inside the blocks.

SHRI BHOGENDRA JHA: While moving around the prison walls, they guard the prisoners. Is this duty performed by the other prisoners?

SHRI K. CHELLADURAI: They are not prisoners. They are not convicts. They are not convicted workers. Such people are promoted.

SHRI BHOGENDRA JHA: For performance of that job, you remit their prison sentences also to some extent. Suppose one person had performed such duty satisfactorily then you remit the sentence to the extent of 25 per cent.

SHRI K. CHELLADURAI: Yes. Overseers will be given eight days remission. Ordinary convict will be given four days remission.

SHRI BHOGENDRA JHA: That is the usual course. Normally you keep such prisoners. When did you get the extra strength of prisoners of about 1,800?

SHRI K. CHELLADURAI: I have not got any extra strength of the prisoners from anywhere.

MR. CHAIRMAN: Considering the capacity of your prison, there are many other extra people there.

SHRI K. CHELLADURAI: No, I have not brought any extra people.

MR. CHAIRMAN: You have not brought them, but they were inside the jail.

SHRI K. CHELLADURAI: They are convict prisoners doing *pahra* duty around the wall.

SHRI BHOGENDRA JHA: When these agitators numbering 18,000 were in your jail, was that number exceeding the sanctioned capacity?

SHRI K. CHELLADURAI: Yes.

SHRI BHOGENDRA JHA: For the management of these people you would have deputed some of your staff including prisoner warders.

SHRI K. CHELLADURAI: We cannot allow prisoners to look after the prisoners because under-trial prisoners should not be looked after by prisoners. I can only keep warders to look after the prisoners.

SHRI BHOGENDRA JHA: Do you mean to say that these 1800 prisoners were free to go to any ward of the lifers or other convicts?

SHRI K. CHELLADURAI: No. Warders are there. Nobody can enter the blocks of the lifers and other convicts.

SHRI BHOGENDRA JHA: Were all these 1800 prisoners inside one enclosure?

SHRI K. CHELLADURAI: No.

SHRI BHOGENDRA JHA: I am talking of the special enclosure inside the jail where all these 1800 prisoners were kept. And no prisoner warders were allowed to enter into this enclosure. Is it not?

SHRI K. CHELLADURAI : Yes.

SHRI BHOGENDRA JHA : You have stated that all these Congress agitators were put in one enclosure. Do you mean to say that no prisoner other than the agitator was allowed inside this enclosure?

SHRI K. CHELLADURAI : The agitators were kept in one enclosure inside the prison. They were allowed to put their articles in one or two or three blocks. They were allowed to keep their articles almost everywhere. Somebody used to sleep even in the jailor's office.

SHRI BHOGENDRA JHA : They were free to roam inside the prison. Is it not?

SHRI K. CHELLADURAI : Yes.

SHRI BHOGENDRA JHA : But they were put inside the jail in one enclosure. Is it not?

SHRI K. CHELLADURAI : It was a big ward. Lifers were kept separately.

SHRI BHOGENDRA JHA : The Congress agitators were free inside the jail. So, is it that no prisoners ever went to serve food to them, serve water to them and do sanitation service?

SHRI K. CHELLADURAI : I have called 25 sweepers from the Municipality to sweep the area and also I have called sanitary workers and many other people to give medicines etc. to them. I have called many scavengers and sanitary workers from the 88th branch of the Corporation of the Madras city and they have performed their duties. Sometimes our undertrial prisoners were allotted some work and they used to do the work. In Madras prison we had no drinking water inside. We are collecting water from the water tap outside the gate.

SHRI BHOGENDRA JHA : No other prisoner was allowed to go inside that enclosure. Is it correct?

SHRI K. CHELLADURAI : At the time of collecting food the ordinary undertrial prisoners were allowed.

SHRI BHOGENDRA JHA : While serving food they were allowed to enter inside the enclosure of the Congress people. Is it not?

SHRI K. CHELLADURAI : Through the middle of the area where the enclosure is there, they have to go to collect water from the taps. For the purpose of collecting water, the undertrial prisoners go there.

SHRI BHOGEN德拉 JHA : After these people were imprisoned, have you remitted the sentences of some prisoners?

SHRI K. CHELLADURAI : I used to grant special remission invariably every week. Every week I used to conduct prisoners' inspection. If some of these prisoners were doing good work, then I was granting remission.

SHRI BHOGEN德拉 JHA: After these people went to prison, have you remitted the sentences of some prisoners? You have told about this. Then, can you tell us what is the approximate number of prisoners to whom you have granted remission?

SHRI K. CHELLADURAI : Every week I used to grant remission.

SHRI BHOGEN德拉 JHA : Can you tell me the approximate number of remissions during this intervening period?

SHRI K. CHELLADURAI : I have not granted remission from 11th to 15th.

SHRI BHOGEN德拉 JHA : After 15th only, I want to know the number.

SHRI K. CHELLADURAI : I have granted remission to many people, more than 60.

SHRI BHOGEN德拉 JHA : Have you got the list with you.

SHRI K. CHELLADURAI: No.

SHRI BHOGEN德拉 JHA : Have you got the list of the Assistant Jailors or warders who were deputed to look after the agitators?

SHRI K. CHELLADURAI : I am not having it with me here.

SHRI BHOGEN德拉 JHA : You must have got it there?

SHRI K. CHELLADURAI : Yes.

SHRI BHOGEN德拉 JHA : Did you ever seek the help of the officer, the Assistant Jailor or the warden or the prisoners, whosoever they may be, to ensure that Shri Anbarasu was released in accordance with the legal procedure and not to violate the law of the prison?

SHRI K. CHELLADURAI : I have not asked any. I have not tried to do it through them because they are subordinates. The leaders of the agitators were inside and I held a meeting in my office.

SHRI BHOGEN德拉 JHA : Can you let us know what made you release Shri Anbarasu after the 15th?

SHRI K. CHELLADURAI : He did not go away. The jailor has removed him.

SHRI BHOGEN德拉 JHA : Was it by force?

SHRI K. CHELLADURAI : No. It is only to save his life that he was removed.

SHRI BHOGEN德拉 JHA : Did he get out or was he removed?

SHRI K. CHELLADURAI : He was in the midst of the crowd of about 1800 prisoners and he was removed from the jail and I saw him walking towards the main gate.

SHRI BHOGEN德拉 JHA : In order to save him from the wrath of his co-prisoners you forcibly got him out of the prison. Is it not?

SHRI K. CHELLADURAI : Yes.

SHRI BHOGEN德拉 JHA : So by force he had to be pulled out. Is it not?

SHRI K. CHELLADURAI : We have not used force. We have made him go out.

SHRI K. CHELLADURAI : I had sent him through the Congress jeep only. Shri Manivel, Vice-President of the Congress Party had taken him. If I had beaten him, it would not have been possible for me to send him through the Congress jeep. I would have sent him through some other source.

SHRI BHOGEN德拉 JHA : Please let us know the facts. He was surrounded by his co-prisoners. In order to save him, your officers forcibly pulled him out of the crowd and he was taken to the prison gates and later on he went to the jeep. Am I correct?

SHRI K. CHELLADURAI : They had not used any force. They had removed him from the crowd.

SHRI BHOGEN德拉 JHA : Had he come out of his own or was he forced to leave?

SHRI K. CHELLADURAI : He was very happy for removing him from the crowd. He had told me. Further, he had asked me to hand over the pass and send it to him.

SHRI BHOGEN德拉 JHA : Was he pulled out from the crowd?

SHRI K. CHELLADURAI : He was removed. I cannot use that language which is derogatory. Somebody would have removed him from the crowd to save him.

SHRI BHOGENDRA JHA : The point is, finally he had to be pulled out.

SHRI K. CHELLADURAI : He was lifted off from the crowd to save his life.

SHRI BHOGENDRA JHA : The point is that he was physically lifted off from the crowd.

SHRI K. CHELLADURAI : Yes.

SHRI BHOGENDRA JHA : During that physical lift-off had nothing happened?

SHRI K. CHELLADURAI : I was not present. I saw him at the gate.

SHRI BHOGENDRA JHA : During that lifting, he might have got some blows, some injuries.

SHRI K. CHELLADURAI : There was nothing of that sort. I was not present. But I saw him at the gate. He did not complain. He was happily going out. He would have complained, had he got any blows etc. He had not complained.

SHRI BHOGENDRA JHA : When an effort was made to lift him off, that must have resulted in some blows. He did not go out of his own. Was it done by some of the prisoners whose sentences were remitted by you?

SHRI K. CHELLADURAI : There was nothing of that sort.

SHRI BHOGENDRA JHA : The point is they helped you in physically pushing him out.

SHRI K. CHELLADURAI : No, never. I grant remission only for doing the duty in the normal course.

SHRI BHOGENDRA JHA : As far as remission is concerned, was the number, during this period, much more than the usual number during such period earlier?

SHRI K. CHELLADURAI : It would not be like that. Every week I conduct inspection. Somebody will request me to grant him two days remission. Then, I will find out the family condition, his work in the prison. The Jailer will recommend that so and so convict wants to go to meet his family. There, I will consider their remission at that point of time.

SHRI BHOGENDRA JHA : After 15th, was the remission much more than the period earlier?

SHRI K. CHELLADURAI: It is not like that.

SHRI BHOGENDRA JHA : Was the number not more than any other similar period earlier?

SHRI K. CHELLADURAI: I cannot say correctly. It is not on that basis. I can assure you that it is not on that basis as you have inferred. I do not remember the figure correctly. I am not keeping any figures at my finger tips. I have not done anything.

SHRI JAGDEEP DHANKAR : When an incident like this happened in the Jail premises, don't you feel sorry for that? I am sure that you will agree with me that this is an unfortunate incident. Don't you feel sorry for that? Don't you express regrets when such an unfortunate incident takes place? This incident could have been avoided.

SHRI K. CHELLADURAI: We have not done anything against him. If the hon. Member feels hurt, I am ready to feel sorry for that.

SHRI BHOGENDRA JHA : Is it not your official job to maintain peace among the prisoners? Don't you ensure that they do not clash among themselves? Is it your responsibility to maintain that or not?

SHRI K. CHELLADURAI: It is also my responsibility. We had suppressed the struggle. They started the struggle. We had suppressed that. He was removed.

SHRI BHOGENDRA JHA : In this particular case, clearly there was a failure on your part to maintain order. There was a clash among themselves.

SHRI K. CHELLADURAI: They started the clash. We removed them.

MR. CHAIRMAN: Don't say that it is a failure. That question should not be there.

SHRI K. CHELLADURAI: There was a clash. We suppressed it. They had started to pick up a quarrel.

MR. CHAIRMAN: Do you regret for what had happened there?

SHRI K. CHELLADURAI: I am sorry for that, if he feels so.

MR. CHAIRMAN: All right. You may go.

(The witness then withdrew)

, The Committee then adjourned