

# COMMITTEE OF PRIVILEGES

(FIFTH LOK SABHA)

FIFTEENTH REPORT

*(Presented on the 9th May, 1975)*



सत्यमेव जयते

LOK SABHA SECRETARIAT  
NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(1974-75)

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri K. G. Deshmukh
- \*5. Shri Devinder Singh Garcha
6. Shri H. R. Gokhale
- \*7. Shri Popatlal M. Joshi
8. Shri Shyamnandan Mishra
9. Shri H. N. Mukerjee
10. Shri Chintamani Panigrahi.
11. Shri K. Raghu Ramaiah
12. Shri B. R. Shukla
13. Shri Maddi Sudarsanam
14. Shri Atal Bihari Vajpayee
15. Shri G. Viswanathan.

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

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\*Appointed with effect from 27th November, 1974, *vice* Sardar Buta Singh and Dr. Shankar Dayal Sharma resigned from the Committee of Privileges.

**FIFTEENTH REPORT OF THE COMMITTEE OF PRIVILEGES  
(FIFTH LOK SABHA)**

**I. Introduction and procedure**

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Fifteenth Report to the House on the question of privilege raised by Shri Gadadhar Saha, M. P., regarding his detention at Nalhati Police Station (West Bengal ) by the Officer-in-charge of the Police Station on the 3rd May, 1974, and referred<sup>1</sup> to the Committee by the House on the 10th May, 1974.

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

3. At the first sitting held on the 16th May, 1974, the Committee decided to call for a factual report on the matter together with the explanations of the concerned Police Officers, from the Government of West Bengal, through the Ministry of Home Affairs.

4. At the second sitting held on the 30th July, 1974, the Committee decided to examine in person Shri Gadadhar Saha, M.P.

5. At the third sitting held on the 30th September, 1974, the Committee examined in person Shri Gadadhar Saha, M.P. The Committee then decided to examine in person the following two Police Officers, who were present at the Nalhati Police Station on the day of the incident involving Shri Gadadhar Saha, M.P. :—

- (i) Shri Subhas Chandra Maitra, Officer-in-charge, Nalhati Police Station.
- (ii) Shri Promode Ranjan Majumdar, Sub-Inspector of Police, Nalhati Police Station.

6. At the fourth sitting held on the 5th November, 1974, the Committee examined in person Shri Subhas Chandra Maitra, Officer -in-Charge, Nalhati Police Station, and Shri Promode Ranjan Majumdar, Sub-Inspector of Police, Nalhati Police Station.

The Committee then decided to examine in person Shri Pran Gopal Goswami, Assistant Sub-Inspector of Police, who was the Duty Officer at the Nalhati Police Station on the day of the incident involving Shri Gadadhar Saha, M.P.

7. At the fifth sitting held on the 29th January, 1975, the Committee examined in person Shri Pran Gopal Goswami, Assistant Sub-Inspector of Police, Nalhati.

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<sup>1</sup> L.S. Deb. dt. 10-5-1974 cc. 264—73.

8. At the sixth sitting held on the 8th May, 1975, the Committee deliberated on the matter. The Committee also considered their draft Report on the matter and adopted it.

## II. Facts of the Case

9. On the 10th May, 1974, Shri Gadadhar Saha, M.P., raised<sup>a</sup> a question of privilege in the House regarding his detention at Nalhati Police Station by the Officer-in-charge of the Police Station on the 3rd May, 1974.

While raising the question of privilege, Shri Gadadhar Saha stated *inter alia* as follows :—

“On 4-5-74, you read out the following wireless message dated 3-5-74 from the Superintendent of Police, Birbhum (West Bengal) :—

“In the early hours ( at about 03.00 hours) of 3rd May, 1974, the Officer-in-charge, Nalhati Police Station went to a place in Nalhati Police Station area for arresting some persons under Section 151 Cr. P. C. Seven persons were found at that place. A few of these persons did not disclose their identity at that time. Therefore, all of them were brought to Nalhati Police Station for interrogation and for establishing their identity. At Nalhati Police Station, it was discovered that one of the persons was Shri Gadadhar Saha, Member, Lok Sabha. Shri Saha was released on personal recognition at 07.00 hours on 3rd May, 1974’.

This is the [message from the Superintendent of Police, Birbhum, to you

Rule 229 makes it absolutely]mandatory for the following :—

Intimation to Speaker by Magistrate of arrest, detention, etc. of a member. Rule 229 reads :—

‘When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.’

You will see that he had not at all complied with the requirements of rules.

Furthermore, what is even more serious is that I was arrested in the early morning at 0.30 hours on 3rd May, 1974, by the Officer-in-Charge of Nalhati Police Station, while I was proceeding to Delhi to attend the Lok Sabha. I was taken to the Nalhati Police Station in a police van along with several persons for interrogation. In spite of the fact that I had showed my identity card then and there they did not take any notice of it. On the contrary they seized my identity card, Lok Sabha diary, the other important Parliamentary

<sup>a</sup>*Ibid.*

documents and my other belongings like watch, pen etc. They detained me in the police lock-up for hours together. After keeping me in illegal detention they released me at 12.30 hours on 3rd May, 1974. I should say that there was no warrant against me, no injunction under section 144. I appeal to you and through you to all the hon. members of this House to consider whether it was reasonable on their part to have detained a member like this seizing his identity card and other belongings. I appeal to you, Sir, to send the matter to the Privileges Committee.”

10. After some discussion in the House, the Speaker observed<sup>3</sup> *inter alia* as follows:—

“I believe what the hon. Member says. I want to make it clear again that I am not going into the rights or wrongs of the matter. I am directly sending it to the Committee of Privileges. As to the point about the reasonable time within which intimations should be sent to the Speaker, what should be the contents, what are the precedents, I am going to examine these points myself. The earlier part raised by Mr. Saha will go to the Privileges Committee.”

### III. Findings of the Committee

11. In the factual report on the incident submitted by Shri Subhas Chandra Maitra, Officer-in-charge, Nalhati Police Station, and furnished by the Government of West Bengal, through the Ministry of Home Affairs, it has been stated *inter alia* as follows:—

“.....Nine Left Parties headed by CPI-M and CPI decided to organise a mass civil disobedience movement on 3-5-74 in protest against prevalent high prices of food and other essential commodities, alleged inefficiency of the administration and increasing unemployment, etc. Orders under section 144 Cr.P.C. were promulgated around the S.D.O's and S.D.J.M's court compound since 2-5-74 at Rampurhat. Prior information at hand indicated that about five hundred demonstrators would assemble in the Rampurhat court compound on 3-5-74 and during the demonstration a large number of rowdy and anti-social elements may forcibly enter the office chamber of S.D.O. and S.D.J.M. Rampurhat, with an intention to damage official records and furniture, shout slogans and thereby create a general chaos. In order to avert a situation like that I had instructions from my superior and senior officers to make preventive arrest of some anti-social elements and trouble-shooters in the night of 2/3-5-74 within the jurisdiction of Nalhati Police Station.

Accordingly, on 2-5-74 at 21.50 hours, I along with some officers and force left Nalhati Police Station to make some preventive arrests. This refers to Nalhati P.S.G.D. Entry No. 58 dated 2-5-74. I searched the possible places of haunts of the rowdies at Nalhati Town and at about 02.30 hours I had information that a group of rowdies and trouble-shooters likely to take part in the

<sup>3</sup>L.S. Deb. dt. 10-5-1974. c. 272.

proposed demonstration at Rampurhat Court were taking shelter at the Railway platform of Nalhati Railway Station to avail of the first train to Rampurhat. I alongwith my force immediately rushed to the Nalhati Railway Station. On arrival there I found a group of about 50 persons sitting/lying on the platform. At the sight of the Police a large number of them fled away which roused a strong suspicion. I pursued them and ultimately succeeded in arresting eight of them under Section 151 Cr. P. C. and sent them to Nalhati P.S. in custody. On preliminary interrogation their identities were not established on the spot excepting two of them namely Shri Subhas Sarkar and Shri Shitish Sinha, both of Nalhati who were known by face only and they disclosed that they were going to participate in the proposed C.D. movement at Rampurhat on 3-5-74. All the arrested persons were sent to Nalhati P.S. with instructions to keep them in custody till I returned to P.S. for verification of their identity to my satisfaction. I alongwith my officers and force continued further raids at Nalhati Town.

The arrested persons were received at the P.S. at 03.15 hours on 3-5-74 where the duty officer ASI Pran Gopal Goswami conducted a formal search of the person of the eight arrested persons, found nothing incriminating, entered their names in the General Diary and had to keep them in thana lock-up for safe custody as there was no other member of force then available at the Police Station, barring the lone sentry constable on duty. During interrogation by the duty officer neither Shri Gadadhar Saha disclosed that he was an M.P. nor the persons who were arrested with him made a disclosure to that effect. Shri Saha probably in order to suppress facts gave out that he was a resident of Nalhati although he actually belonged to a place under Nanoor P.S. about 80 miles from Nalhati P.S. It may be mentioned here that Shri Saha made over his portfolio bag to the duty officer before going into the thana lock-up without giving any indication that it contained his identity card along with other personal effects. The duty officer, therefore, kept the bag in a safe place at the thana pending my return to Police Station. This refers to Nalhati P.S. General Diary Entry No. 63 dated 3-5-74.

At 05.10 hours on 3-5-74, S.I. Promode Ranjan Majumdar of Nalhati P.S. arrived at the P.S. and finding some persons in thana lock-up started interrogating when Shri Gadadhar Saha gave out that he happened to be a Member of the Parliament and that his identity card among other things, was inside his portfolio bag which he had earlier kept in the personal custody of the duty officer. The S.I., P.R. Majumdar had the portfolio bag brought in front of the lock-up and on search in presence of Shri Saha came across the identity card in question inside the bag. Instantaneously Shri Saha was taken out of the lock-up and offered a chair with due courtesy at thana office by the said officer. The S.I. also contacted me over phone for necessary instructions. This refers to Nalhati P.S. General Diary Entry No. 65 dated 3-5-74.

I consulted my superior officers over phone and at 05.25 hours, on the same day I asked S.I., P.R. Majumdar to release the Hon'ble

M.P. from custody on P.R. Accordingly, when the officer proposed to release him, the M.P. refused to furnish P.R. bond then and there. He took the plea that he would not furnish any such bond unless the remaining 7 arrested persons who were still in thana lock-up were simultaneously released on P.R. As this was a peculiar demand the duty officer sought for further instructions from me over phone. This refers to Nalhati P.S. General Diary Entry No. 66 dated 3-5-74.

I again contacted my superior authorities who advised me to release all the arrested persons including the Hon'ble M.P. on P.R. Accordingly, I passed on the instruction to the duty officer at Nalhati P.S. over phone and Shri Saha along with the seven arrested persons were released on P.R. at 07.00 hours on 3-5-74 and all of them left the P.S. This fact was duly entered in G.D. *vide* Nalhati P.S. General Diary Entry No. 68 dated 3-5-74.

About 07.45 hours, on the same day, the Hon'ble M.P. reappeared at Nalhati P.S. and expressed his desire to have talks with me, but as I was still then out on duty, Shri Saha along with his companions waited at the P.S. when he was shown all necessary courtesy. This refers to General Diary Entry No. 73 dated 3-5-74 of Nalhati P.S.

I, however, returned to P.S. at 11.45 hours on 3-5-74, where Shri Saha was still waiting for me. I paid my respect to him and also offered my apology to him for any inconvenience caused to him. I also regretted for my inability to recognise him at the time of the arrest in the early hours of the day. I also pointed out to him in all politeness that all such inconveniences could have been avoided had he disclosed his own identity to me at the first instance. This refers to Nalhati P.S. General Diary Entry No. 77 dated 3-5-74."

12. In his separate personal explanation, Shri Subhas Chandra Maitra, Officer-in-charge, Nalhati Police Station, has stated *inter alia* as follows :—

"I arrested 8 persons u/s 151 Cr. P.C. including Shri Gadadhar Saha at about 03.00 hours from the Railway platform of Nalhati P.S. and sent all of them in custody to Nalhati P.S. At the time of the arrest Shri Saha did not disclose his identity that he happened to be an M.P. Shri Saha alongwith five other arrested persons were not known to me. Hence, they had to be kept at the thana lock-up pending verification of their identities.

Subsequently, having come to learn that Shri Saha happened to be an M.P., I arranged to release the Hon'ble M.P. alongwith other persons arrested with him on P.R. at 07.00 hours on the same date.



Although I was away from the Police Station on duty the other officers present at the P.S. took Shri Saha out of the lock-up and extended necessary courtesy to him as soon as his identity as a Member of the Parliament was established.

At about 07.45 hours, the Hon'ble M.P. reappeared at the P.S. with his companions and desired to talk to me. As I was then preoccupied at Nalhati Town, the M.P. waited at the P.S. for me. I returned to P.S. at 11.45 hours and paid due respect to him. I also offered my sincere regret for any inconvenience caused to him and at the same time politely explained to him that the restraint caused to him could have been avoided if he had disclosed his identity to me at the time of arrest.

I hereby unequivocally surrender myself and tender my apology for my inability to recognise the Hon'ble Member of the Parliament and if any inconvenience/restraint was caused to him in course of my normal duty, I may kindly be excused for this time."

13. Shri Gadadhar Saha, M.P., has alleged that he was arrested at the Nalhati Railway Station on the 3rd May, 1974, at midnight, at about 0.30 hours, by the Officer-in-charge of the Nalhati Police Station, when he was proceeding to Delhi to attend the Lok Sabha Session, without any warrant of arrest against him. From the Nalhati Railway Station, he was taken, along with several other persons, to the Nalhati Police Station in a Police van. He has also stated in his evidence before the Committee that before entering the Police van, he showed his Lok Sabha Identity Card to the concerned Police Officer, but it was ignored; and that when he reached the Nalhati Police Station, his Lok Sabha Identity Card, Lok Sabha Diary and other important Parliamentary papers, along with his other belongings, were seized from him. Thereafter, he was kept in illegal custody and he was released at 12.30 hours on the 3rd May, 1974.

14. During the course of his oral evidence before the Committee, Shri Gadadhar Saha, M.P., also stated that before he entered the Police van at the Nalhati Railway Station, and when the Police Officer was going through the contents of Lok Sabha Identity Card, one of the several persons who were there on the spot, namely, Shri K.C. Sinha, said that he (Shri Gadadhar Saha) was a Member of Parliament. Shri Saha added that he had shown his Lok Sabha Identity Card for the second time at the Nalhati Police Station.

In reply to a question whether the Officer-in-charge of the Nalhati Police Station apologised to him at the time of his release on the 3rd May, 1974, Shri Gadadhar Saha, M.P., has stated in his evidence as follows :—

"He said it is unfortunate that you were put in the lock-up. I told him without any warrant of arrest I was put in the lock-up and kept there for hours together in a very nasty place. I remained standing all the night. He said it is unfortunate you were

there in the police lock-up. He further said the normal rule is any body arrested at night should be kept in the lock-up. He said it is unfortunate but he did not apologise."

15. Shri Subhash Chandra Maitra, Officer-in-charge, Nalhati Police Station, in his oral evidence before the Committee, stated *inter alia* that on the 3rd May, 1974, he went to the Nalhati Railway Station with some Officers and constables at about 2.30 A.M. (midnight) where he arrested eight persons under Section 151 Cr. P.C. Those persons, when asked stated that they were proceeding to Rampurhat to participate in a civil disobedience movement. He then sent those eight persons along with one officer to the Nalhati Police Station. He himself continued to be in the town and returned to the Nalhati Police Station at about 11.45 A.M. on the 3rd May, 1974, after attending to the law and order duty there. Meanwhile, at about 5.30 A.M., on the 3rd May, 1974, Shri Pran Gopal Goswami, the Duty Officer at the Nalhati Police Station, informed him on telephone that during the course of interrogation by the Sub-Inspector of Police at the Nalhati Police Station, one of the eight arrested persons had disclosed that he (Shri Gadadhar Saha) was a Member of Parliament. Then "I ran at once to my superiors and requested them to release the hon. M.P. After a few minutes, the Duty Officer had stated that the M.P. had said that he would not go alone. He wanted the release of the companions. Therefore, I communicated this fact to the S.P. He asked me to release all the 8 persons. I then instructed the Duty Officer to do accordingly. The M.P. was then released on a P.R. bond at 7 A.M. and a signal was given to all superiors." When the Committee enquired from Shri Subhash Chandra Maitra whether Shri Gadadhar Saha had told him as soon as he was arrested that he was a Member of Parliament and whether he showed his Lok Sabha Identity Card to him (Shri Maitra) he replied in the negative. He added that "had he shown his Identity Card, I would not have arrested him. I know about the privileges of Members of Parliament. . . Had I known that he was an hon. M.P., I would not have arrested him without the orders of the superior officers or the State . . . I am sorry for the inconvenience. Had he disclosed it at the Police Station itself, these things would not have happened." As to the question how the identity of Shri Gadadhar Saha as a Member of Parliament came to be known and the talk that he had with him thereafter, Shri Subhash Chandra Maitra stated :—

"... probably Shri Gadadhar Saha himself disclosed it. I cannot say definitely, because I was not at the Police Station. As soon as the identity was established, he was shown all courtesies . . . He told me that he was harassed unnecessarily. I then told him : 'Sir, this could have been avoided if you had told me that you were an M.P., at the Police Station, at the time of arrest. I am extremely sorry for the inconvenience caused.'"

16. Shri Subhash Chandra Maitra, Officer-in-charge, Nalhati Police Station also produced before the Committee the General Diary of the Nalhati Police Station for perusal of the Committee. Relevant extracts of General Diary Entries of Nalhati Police Station relating to this case are given in the Appendix.

17. Shri Promode Ranjan Majumdar, Sub-Inspector of Police, Nalhati Police Station, stated in his evidence :

“At 05.10 hours on the morning of 3-5-74, when I turned up at the Police Station, I asked the Duty Officer, after receiving the charge of the Police Station, how many persons were in custody. He said that about 19 persons were there. I talked to the persons who were locked up. One of them, Shri Gadadhar Saha, disclosed that he was a Member of Parliament, Birbhum District... I had consulted the Duty Officer to know who had been brought to the Police Station and under what circumstances they were brought. The Duty Officer had stated that all those persons were forwarded by O.C. at dead of night. Then Mr. Saha stated that he was an M. P. Then I Offered him chair and extended to him other facilities.”

Questioned about the search of the person and property of the arrested persons, including Shri Gadadhar Saha, M. P., Shri Promode Ranjan Majumdar *inter alia* stated:—

“If a person is accused of a crime and he is brought to the police station, he is searched thoroughly. Normally, political prisoners are not searched like that... They may or may not be searched. I did not search them. There was no time for me to ask if they had been searched and who had searched them. I asked the Duty Officer to open them and while I talked to them, Shri Saha disclosed his identity... Shri Saha told me that his bag had been taken by the Duty Officer... I asked the Duty Officer to show me if there was any identity Card of Shri Saha in the bag and he showed me the same... I took the bag from the Duty Officer and found that the Identity Card of Shri Saha was there.”

When Shri Majumdar was asked a specific question whether the Identity Card of Shri Gadadhar Saha was in his pocket or in his portfolio, he replied that “it was in the portfolio” and that “the Duty Officer opened the portfolio”.

18. Shri Pran Gopal Goswami, the concerned Duty Officer, at the Nalhati Police Station, at the time of the incident involving Shri Gadadhar Saha, M.P., stated in his oral evidence before the Committee that on the 3rd May, 1974, when the eight arrested persons were brought to the Police Station at about 3.15 A.M., he made a search on their persons and belongings before putting them in the lock-up, to see if they possessed any offensive weapons like pistol, bomb etc. This was done in the case of Shri Gadadhar Saha, M.P. also. Shri Saha disclosed himself to be only “Gadadhar Saha” and his address to be “Nalhati”. He did not say that he was a Member of Parliament. As usual, the personal property of Shri Gadadhar Saha, a portfolio bag, was searched in his presence. In fact, the search was only for offensive weapons, if any. In reply to a question, Shri Goswami stated that he “did not see that there was a Lok Sabha Diary in the portfolio bag... There were papers but I did not look into them. If I had known that he was an M.P., I would have looked into them.” In reply to another question, Shri Goswami stated Shri Gadadhar Saha disclosed himself to be a Member of Parliament only at about 5.10 A.M. to the ‘Second Officer’, Shri Promode Ranjan Majumdar, who took charge of the Police Station from him. Shri Goswami also stated that “I had not searched the bag the second time; but the ‘Second Officer’ did it when the hon. Member of Parliament disclosed his identity and said ‘look into those

papers, there is my Identity Card'. Then the 'Second Officer' took the bag, opened it and took out the Identity Card. It was underneath many papers. Then I saw it. Then I apologised to the hon. Member of Parliament and he pardoned me." At the end of his evidence before the Committee, Shri Pran Gopal Goswami also stated :—

"I have said what I have done. When the M.P. came to me, I told him: 'If you had told me earlier, this would not have happened' I tender apology. What I have done, I have said. Please excuse me for what I have done."

19. From the material placed before the Committee and the oral evidence given before them, the Committee find that Shri Gadadhar Saha M.P., was arrested on the midnight of 2nd/3rd May, 1974 and released on the 3rd May, 1974. Due intimation thereof was sent to the Speaker, Lok Sabha, which was read out to the House on the 4th May, 1974. However, there are two different versions regarding the point of time when Shri Gadadhar Saha disclosed his Identity as a Member of Parliament to the police authorities. While Shri Gadadhar Saha, M.P., has stated that he disclosed his identity as a Member of Parliament to the concerned Police Officers twice, once at the time of his arrest at the Nalhati Railway Station and again at the Nalhati Police Station where they were taken in a Police van, the concerned Police Officers have maintained that they came to know that Shri Gadadhar Saha was a Member of Parliament only at about 05.10 hours on the 3rd May, 1974, whereafter they took necessary steps to release Shri Gadadhar Saha, M.P.

20. However, from the circumstances of the case, the Committee feel that had the concerned Police Officers shown greater consideration towards the arrested persons and had been fully conscious of their duty, the unfortunate situation in which Shri Gadadhar Saha, M.P., was placed, could have been avoided.

21. The Committee are of the opinion that although no breach of privilege or contempt of the House may have been involved in the matter they are not happy about the manner in which Shri Gadadhar Saha, M.P., was arrested and kept in police lock-up without taking adequate steps to make sure about his identity and without properly determining whether it was necessary to detain him in the police lock-up. The Committee deprecate this kind of indiscrete action of the Police and would like to emphasise that the Police should exercise utmost discretion and restraint when their action results in the deprivation of personal liberty of a citizen, particularly Member of Parliament, even for a short period.

22. However, in view of the apology tendered by the concerned Police Officers before the Committee, the Committee feel that no further action need be taken in the matter by the House and it may be dropped.

#### IV. Recommendation of the Committee

23. The Committee recommend that no further action be taken by the House in the matter and it may be dropped.

NEW DELHI;  
The 8th May, 1975.

HENRY AUSTIN,  
Chairman,  
Committee of Privileges.

# MINUTES

## I

### First Sitting

*New Delhi, Thursday, the 16th May, 1974*

The Committee sat from 15.00 to 17.20 hours.

### PRESENT

Dr. Henry Austin—*Chairman*

### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Darbara Singh
4. Shri Nihar Laskar
5. Shri H. N. Mukherjee
6. Shri Vasant Sathe
7. Dr. Shankar Dayal Sharma
8. Shri R. P. Ulaganambi
9. Shri Atal Bihari Vajpayee.

### SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

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4. The Committee then considered the question of privilege raised by Shri Gadadhar Saha, M.P., regarding his detention at Nalhati Police Station by the Officer-in-charge of the Police Station on the 3rd May, 1974. The Committee decided that, in the first instance, a factual report on the matter together with the explanations of the concerned Police Officers might be called for from the Government of West Bengal, through the Ministry of Home Affairs, for the consideration of the Committee.

*The Committee then adjourned.*

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\*\*\*Paras 2 & 3 relate to other cases and have accordingly been omitted.

## II

**Second Sitting***New Delhi, Thursday, the 30th July, 1974*


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The Committee sat from 15.00 to 15.45 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Sardar Buta Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Shri H. R. Gokhale
6. Shri Shyamnandan Mishra
7. Shri K. Raghu Ramaiah
8. Dr. Shankar Dayal Sharma
9. Shri G. Viswanathan.

## SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

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3. The Committee then took up further consideration of the question of privilege raised by Shri Gadadhar Saha, M.P., regarding his detention at Nalhati Police Station by the Officer-in-charge of the Police Station on the 3rd May, 1974.

The Committee perused the factual report and the explanation of the Officer-in-charge, Nalhati Police Station received from the Government of West Bengal through the Ministry of Home Affairs and decided to examine in person Shri Gadadhar Saha, M.P.

*The Committee then adjourned.*


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\*\*\*Para 2 relates to another case and have accordingly been omitted.

## III

## Third Sitting

*New Delhi, Monday, the 30th September, 1974*

The Committee sat from 11.00 to 13.30 hours

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Sardar Buta Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Dr. Shankar Dayal Sharma

## SECRETARIAT

Shri J. R. Kapur—*Under Secretary*

## WITNESS

Shri Gadadhar Saha, M.P.

2. The Committee took up further consideration of the question of privilege raised by Shri Gadadhar Saha, M.P., regarding his detention at Nalhati Police Station by the Officer-in-Charge of the Police Station on the 3rd May, 1974.

3. Shri Gadadhar Saha, M.P., was called in and examined by the Committee.

*(Verbatim record was kept).*

*(The witness then withdrew).*

4. The Committee then deliberated on the matter and decided to take oral evidence of the following two concerned Police Officers :—

(i) Shri Subhas Chandra Maitra,  
Officer-in-Charge,  
Nalhati Police Station.

(ii) Shri Promode Ranjan Majumdar,  
Sub-Inspector of Police,  
Nalhati Police Station.

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*The Committee then adjourned to meet again on the 1st October, 1974 at 11.00 hours.*

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\*\*\*Paras 5 to 7 relate to other cases and have accordingly been omitted.

## IV

## Fourth Sitting

New Delhi, Tuesday, the 5th November, 1974.

The Committee sat from 11:00 to 13:00 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri M. C. Daga
3. Shri K. G. Deshmukh
4. Shri Chintamani Panigrahi
5. Shri Maddi Sudarsanam
6. Shri G. Viswanathan.

## SECRETARIAT

Shri Y. Sahai—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

## WITNESSES

1. Shri Subhash Chandra Maitra, *Officer-in-Charge, Nalhati Police Station.*
2. Shri Promode Ranjan Majumdar, *Sub-Inspector of Police, Nalhati Police Station.*

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4. The Committee then took up further consideration of the question of privilege raised by Shri Gadadhar Saha, M.P., regarding his detention at Nalhati Police Station by the Officer-in-Charge of the Police Station on the 3rd May, 1974.

Shri Subhash Chandra Maitra, Officer-in-Charge, Nalhati Police Station, was then called in and examined by the Committee on oath. The witness also produced the General Diary of the Police Station and read out relevant entries therein relating to this case. The Committee directed him to furnish certified copies of those entries.

*(Verbatim record was kept).*

*(The witness then withdrew).*

5. Shri Promode Ranjan Majumdar, Sub-Inspector of Police, Nalhati Police Station, was then called in and examined by the Committee on oath.

*(Verbatim record was kept).*

*(The witness then withdrew).*

6. The Committee decided that the concerned Duty Officer at the Nalhati Police Station on the day of the incident might also be called to appear before the Committee on a date to be decided later.

7. The Committee then adjourned to meet again on the 6th November, 1974.

\*\*\*Paras 2 & 3 relate to other cases and have accordingly been omitted\*



**Fifth Sitting**

*New Delhi, Wednesday the 29th January, 1975 (Afternoon).*

The Committee sat from 15.00 to 17.30 hours.

**PRESENT**

Dr. Henry Austin—*Chairman*

**MEMBERS**

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri Popatlal M. Joshi
5. Shri Shyamnandan Mishra
6. Shri H. N. Mukerjee
7. Shri Chintamani Panigrahi
8. Shri B. R. Shukla.

**SECRETARIAT**

1. Shri Y. Sahai—*Chief Legislative Committee Officer.*
2. Shri J. R. Kapur—*Senior Legislative Committee Officer.*

**WITNESS**

Shri Pran Gopal Goswami—*Assistant Sub-Inspector of Police, Nalhati.*

2. The Committee took up further consideration of the question of privilege raised by Shri Gadadhar Saha, M.P., regarding his detention at Nalhati Police Station by the Officer-in-charge of the Police Station on the 3rd May, 1974.

3. Shri Pran Gopal Goswami, Assistant Sub-Inspector of Police, Nalhati, was then called in and examined by the Committee on oath.

*(Verbatim record was kept).*

*(The Witness then withdrew).*

4. The Committee deliberated on the matter and directed that verbatim record of all the evidence taken in this case might be circulated to all the members of the Committee for further deliberation at a subsequent sitting.

*The Committee then adjourned.*

## VI

**Sixth Sitting**

*New Delhi, Thursday, the 8th May, 1975.*

The Committee sat from 16.00 to 17.15 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri K. G. Deshmukh
5. Shri Popatlal M. Joshi
6. Shri H. N. Mukherjee
7. Shri B. R. Shukla
8. Shri Maddi Sudarsanam

## SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

2. The Committee considered their draft Fifteenth Report on the question of privilege raised by Shri Gadadhar Saha, MP, regarding his detention at Nalhati Police Station by the Officer-in-charge of the Police Station on the 3rd May, 1974, and adopted it.

3. The Committee authorised the Chairman and, in his absence Shri Somnath Chatterjee to present their Fifteenth Report to the House on the 9th May, 1975.

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6. The Committee decided to hold their next sittings on the 19th and 20th May, 1975, to consider the cases pending before them.

*The Committee then adjourned.*

# MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF PRIVILEGES

The 30th September, 1974

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Sardar Buta Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Dr. Shankar Dayal Sharma.

SECRETARIAT

Shri J. R. Kapur—*Under Secretary*

WITNESS

Shri Gadadhar Saha, M.P.

(*The Committee met at 11.00 hours*)

## Evidence of Shri Gadadhar Saha, M.P.

**Mr. Chairman :** Mr. Saha, we would like to hear from you, with reference to the question of privilege raised by you, as to what had happened on the 3rd May.

**Shri Gadadhar Saha :** I have nothing to add to the statement made in the Lok Sabha on the question of privilege.

**Shri Somnath Chatterjee:** Our procedure is that we ask the hon. Member to reiterate his position. If you have nothing to add, we will proceed on the basis of your earlier statement.

**Mr. Chairman :** This is a very important procedure; otherwise, we will have to cross-examine you.

**Shri Gadadhar Saha :** I have nothing to add.

**Shri Somnath Chatterjee :** Was this Memo. No. 35 which contains the letter of the Officer-in-charge of the police station given to Mr. Saha ?

**Mr. Chairman :** No, it is meant for the Committee.

**Shri M. C. Daga :** Was there any C.P.M. movement in the Court compound on 3rd May, 1974 between 8 and 11 hours wherein the CPM-led 9-party demonstration took place?

**Shri Gadadhar Saha :** It was there in the Birbhum district.

**Shri M. C. Daga :** Was it published in the papers also ?

**Shri Gadadhar Saha :** I do not know ; I know that there was a demonstration on the 3rd May.

**Shri M. C. Daga :** Who were the 7 persons who were with you at the station at Nalhati ?

**Shri Gadadhar Saha :** One person was with me ; and it was at the railway station.

**Shri M. C. Daga :** What about others ?

**Shri Gadadhar Saha :** One person went with me to the railway station to see me off.

**Shri M. C. Daga :** You have not mentioned this fact in the statement which you gave in writing.

**Shri Gadadhar Saha :** 7 persons were taken along with me, to the police station and they were kept in the police lock-up.

**Shri M. C. Daga :** How many persons in all ?

**Shri Gadadhar Saha :** I remember that 21 persons were kept in the police lock-up.

**Shri M. C. Daga :** You were taken from the Nalhati railway station ; how many persons were taken ?

**Shri Gadadhar Saha :** More than 7 were taken in the police van.

**Shri M. C. Daga :** Were you having the identity card in your portfolio ?

**Shri Gadadhar Saha :** Yes ; I had the identity card, the Lok Sabha diary and other things in my bag. The identity card was in my pocket.

**Shri M. C. Daga :** When were they given back to you ?

**Shri Gadadhar Saha :** On my release, they were given back to me at 12.30 p. m. on 3rd May.

**Shri M. C. Daga :** Were they in the same condition as when they were taken from you ?

**Shri Gadadhar Saha :** Yes, Sir.

**Shri M. C. Daga :** Did you have a talk at the railway station with the police officer who took you into custody ?

**Shri Gadadhar Saha :** There was no talk. The officer asked me to follow him to outside the railway station where the van was standing. When the police officer asked me to get into the police van, I asked him whether all of us will be taken to the police station ; and on what grounds. I told him that I was a Member of Parliament. I showed him the identity card then and there.

**Shri M. C. Daga :** You opened your portfolio. Was the identity card in your portfolio ?

**Shri Gadadhar Saha :** It was in my pocket.

**Shri M. C. Daga :** You have not mentioned earlier that the identity card was in your pocket.

**Shri Gadadhar Saha :** I think, in the original statement that was there.

**Shri M. C. Daga :** Did the police officer, who took the identity card from you, read it ?

**Shri Gadadhar Saha :** He took it and read it.

**Shri M. C. Daga :** You have not mentioned this fact in your statement.

**Shri Somnath Chatterjee :** It is written there " . . . . . I had showed my identity card . . . . . "

**Shri M. C. Daga :** What is mentioned is that 'he showed the identity card when he was taken to the police station'. Mr. Saha, you were at the railway station first, and then you were taken to the police station.

**Shri Gadadhar Saha :** The police van was standing at two or three minutes' walk from the railway station. Before entering the police van, I showed the identity card.

**Shri M. C. Daga :** You have said that the police officer read the identity card.

**Shri Gadadhar Saha :** Yes.

**Shri M. C. Daga :** When the police officer was reading the identity card, who were the persons present with you ?

**Shri Gadadhar Saha :** This happened before the police van. Several persons were present with me. One of them, whom I can name just now, is Mr. K. C. Sinha, Assistant Teacher of Nalhati Higher Secondary School.

**Shri M. C. Daga :** He went through the identity card in the presence of those people.

**Shri Somnath Chatterjee :** He has said that there were a number of people and he could name only one.

**Shri M. C. Daga :** Who were the persons who were with you at that time when the police officer went through your identity card ?

**Shri Gadadhar Saha :** Several persons were there, out of which I could name only one person Shri K. C. Sinha, Assistant Teacher of Higher Secondary School. He was one of the arrested people.

**Shri M. C. Daga :** When the police officer was going through the card, did any person speak anything ?

**Shri Gadadhar Saha :** Shri K. C. Sinha said that I was a Member of Parliament. I also said that I was an M. P.

**Shri M. C. Daga :** Did Shri Sinha only speak these words that you were an MP and nothing else ?

**Shri Gadadhar Saha :** Yes.

**Shri M. C. Daga :** No other persons spoke anything ?

**Shri Gadadhar Saha :** Yes.

**Shri M. C. Daga :** You have not mentioned that in your statement given to the Parliament, i.e. about the presence of several persons and the police officer having read your identity card.

**Shri Gadadhar Saha :** I said that several persons were present along with me.

**Shri M. C. Daga :** What you have stated in your statement is :

“..... I was arrested...while I was proceeding to Delhi to attend the Lok Sabha. I was taken to the Nalhati Police Station in a police van along with several persons for interrogation. In spite of the fact that I had shown my identity card then and there they did not take notice of it. On the contrary they seized my identity card, Lok Sabha diary, the other important Parliamentary documents and my other belongings..  
.....”

My question is that nothing has been said about the presence of the teacher and the card having been read by the Police Officer.

**Shri Gadadhar Saha :** Several persons were present with me.

**Shri M. C. Daga :** These facts were not mentioned in your statement.

**Shri Gadadhar Saha :** One is that there were several persons. That means 'one and many'.

**Shri M. C. Daga :** You did not mention the name of the teacher.

**Shri Gadadhar Saha :** Yes.

**Shri M. C. Daga :** You have also not mentioned that he spoke and said that you were a Member of Parliament.

**Shri Gadhadhar Saha :** Yes.

**Shri M. C. Daga :** You have also not mentioned that the police officer read your identity card in your presence.

**Shri Gadhadhar Saha :** I simply mentioned that several persons were with me when I was taken to the police station in the police van.

**Shri M. C. Daga :** And then all these things were in your portfolio.

**Shri Gadhadhar Saha :** The identity card was in my pocket and all other belongings in my bag.

**Shri M. C. Daga :** The portfolio was taken into custody?

**Shri Gadhadhar Saha :** By portfolio I mean the bag which was in my hand.

**Shri M. C. Daga :** What were the contents ?

**Shri Gadhadhar Saha :** Lok Sabha Diary, Lok Sabha pad, shirt, dhoti and other things that were in my bag were taken and returned to me after they released me.

**Shri M. C. Daga :** Your statement says "On the contrary, they seized my identity card, Lok Sabha Diary, the other important Parliamentary documents and my other belongings like watch, pen etc." This happened in the Police Station ?

**Shri Gadhadhar Saha :** Yes, in the Police Station.

**Shri M. C. Daga :** Not before ?

**Shri Gadhadhar Saha :** Not before .

**Shri M. C. Daga :** What do you mean by 'seized' ? Were they taken forcefully from you ?

**Shri Gadhadhar Saha :** 'Seized' means, they were taken from me when they put me in the police lock-up. I then mentioned that I was a Member of the Lok Sabha and showed them my identity card. Before I entered the police van I showed it once.

**Shri M. C. Daga :** You showed it once before you entered the police van and for the second time you showed it at the police station ?

**Shri Gadhadhar Saha :** Yes.

**Shri M. C. Daga :** You have not mentioned in your statement that you showed the card when you entered the van also. Kindly look into the statement you have given. And you say that the identity card was read by the police officer ?

**Shri Gadadhar Saha :** Yes, at the police station.

**Shri M. C. Daga :** You have not mentioned that fact also in the statement.

**Shri Somnath Chatterjee :** With all respect, I would submit that this was only a statement made to the Lok Sabha ; it is not an FIR or a written statement submitted as such. Therefore, everything need not be mentioned in it ; if it were an FIR it would be different.

**Shri M. C. Daga :** The purpose of this Committee is to find out whether there was any breach of privilege. So first we have to find out whether he was taken into custody in spite of the fact that he revealed his identity to the Police Officer.

**Mr. Chairman :** That is all right, but when he raises the question of privilege in Parliament, he is not expected to say so many things ; it is only a general statement. You can question him about other things, but you can't ask him why he did not mention certain things in his statement. Why should he mentioned all these details ? You can bring it out in your cross-examination but he need not put it in the brief statement he made to Parliament.

**Shri Somnath Chatterjee :** Yes, this is only a statement made to Parliament.

**Shri M. C. Daga :** I would submit that we have to find out whether the police officer deliberately took him into custody knowing that he was a Member of Parliament. The second thing is whether, even after the witness told him that there was a Parliament session, he prevented him from performing his duties. I am question him on these two aspects. He said that several persons were assembled there.

Were you acquainted with them at the Railway Station ?

**Shri Gadadhar Saha :** No.

**Shri M. C. Daga :** When did you reach the station ? At what time ?

**Shri Gadadhar Saha :** Befere 10·30 P.M.

**Shri M. C. Daga :** At what time was the train leaving ?

**Shri Gadadhar Saha :** The train was late.

**Shri M. C. Daga :** Generally the train leaves the station at what time ?

**Shri Gadadhar Saha :** It was the Gaya Passenger.....

**Shri Somnath Chatterjee :** Do you remember the scheduled time ?

**Shri Gadadhar Saha :** I can tell you the scheduled time of the train with the help of the guide.



**Shri M. C. Daga :** What was the number of the train known as.

**Shri Gadadhar Saha :** It was the Gaya Passenger and the scheduled time of arrival at the station was 22·11 hrs. But that day it was late by more than two hours.

**Shri M. C. Daga :** At what time did the train come ?

**Shri Gadadhar Saha :** Before the train arrived I was taken by the police to the police van.

**Shri M. C. Daga :** So, before the train arrived, of the persons who were there, excepting one you did not know anybody ?

**Shri Gadadhar Saha :** One was with me, and he was Shri K. C. Sinha.

**Shri M. C. Daga:** What about the others? Who were those persons?

**Shri Gadadhar Saha:** In the police van?

**Shri M. C. Daga:** When you were at the station.

**Shri Gadadhar Saha:** We were not together. There were several persons, but Shri K. C. Sinha was with me.

**Shri M. C. Daga:** At the Railway station, where were you sitting? Were you sitting on a bench or in the Ist Class waiting room or some other place? What was the place at which you were sitting?

**Shri Gadadhar Saha:** At the railway platform.

**Shri M. C. Daga :** On the floor ?

**Shri Gadadhar Saha:** On a bench.

**Shri M. C. Daga:** Who else were sitting on that bench ?

**Shri Gadadhar Saha:** I know only one person.

**Shri M. C. Daga:** How many others were sitting?

**Shri Gadadhar Saha:** Three or four, may be.

**Shri M. C. Daga:** You don't know the names of those persons?

**Shri Gadadhar Saha:** I know only one person.

**Shri M. C. Daga:** When you were sitting on the bench, who was the person who came to you?

**Shri Gadadhar Saha:** You mean the police officer ?

**Shri M. C. Daga:** Yes.

**Shri Gadadhar Saha:** From Shri K. C. Sinha I came to know....

**Shri M. C. Daga:** I asked who was the person who came to you.

**Shri Somnath Chatterjee:** Let him finish what he has got to say.

**Shri Gadadhar Saha:** I personally do not know that police officer.

**Shri Somnath Chatterjee:** He has started saying something. He should be given chance to speak.

**Mr. Chairman:** Let him finish his talk.

**Shri Gadadhar Saha:** Nalhati is a part of my constituency. I do not know that police officer personally. I do not know the number of each and every police official but from Shri Kshitish Sinha I came to know that he was the police officer of Nalhati Police Station. His name was Shri Subash Chandra Maitra.

**Shri M. C. Daga:** Was he in his uniform?

**Shri Gadadhar Saha:** Yes.

**Shri M. C. Daga:** What was the number of the Police Officer?

**Shri Gadadhar Saha:** I did not notice the number on his uniform. But he was in his uniform and I came to know that he was the Officer Incharge of the Nalhati Police Station. There were some other Police Officials with him.

**Mr. Chairman:** In your statement you have mentioned that one of your main complaints is that without any warrant or arrest orders you were apprehended and were asked to go into the van and then taken to the Police Station. At that time you could have revealed your identity. If you had thought that this matter should be pursued further, perhaps you could have noted down his number or something like that. I know, many people have done like that. Normally one does like that.

**Shri Somnath Chatterjee:** Did you note down the number of the police officer?

**Shri Gadadhar Saha:** I did not note it down.

**Shri M. C. Daga:** When the Police Officer came to you, were you sitting or you stood up?

**Shri Gadadhar Saha:** I was sitting.

**Shri M. C. Daga:** When the Police Officer came to you, did you say anything to him?

**Shri Gadadhar Saha:** I said nothing to him.

**Shri M. C. Daga:** So, you said nothing to him.

**Shri Gadadhar Saha:** I have already told you that Shri Kshitish Sinha was talking to him.

**Shri M. C. Daga:** That means, Mr. Chairman, he had not said anything to the Police Officer.

**Shri Somnath Chatterjee:** He is telling about the arrest. Admittedly he was arrested. The question is whether the Police Officer had the knowledge of his identity or not. That is the point.

**Shri M. C. Daga:** The question is whether the SHO or the Police Officer Incharge knew Mr. Saha as a Member of Parliament and that he was proceeding to Delhi to attend Parliament which was in session. The second point is whether the arrest had been made knowingly.

**Shri Gadadhar Saha:** Shri Kshitish Sinha was known to the Police Officer. The Police Officer came to him and asked him to follow him. Then he also asked me to follow him and both of us were taken to Police van. This is what I wanted to say.

**Shri M. C. Daga:** How many police vans were there?

**Shri Gadadhar Saha:** There were three police vans.

**Shri M. C. Daga:** First Mr. Kshitish Sinha followed the Police Officer and then you also followed him. At that time did you say anything to him?

**Shri Gadadhar Saha:** When we reached the Policeman, I had asked the Police Officer why I should get into the van. The Police Officer said that he had arrested me along with other persons. But he did not tell me the reason why I was arrested. He told me that we should go to the Police Station in the first instance. This is what I have mentioned in my statement.

**Shri M.C. Daga:** Did you have a cordial talk with the police officer incharge, Shri Subhash Chandra Maitra?

**Shri Gadadhar Saha:** No cordial talk took place between me and the Police Officer Incharge before 12 O'clock in the night.

**Shri M. C. Daga:** So, you had not talked to the Police Officer.

**Shri Gadadhar Saha:** But when I was brought to the Police Station, for interrogation, the Police Officer Incharge was there.

**Shri M. C. Daga:** Which Police Officer Incharge was there?

**Shri Gadadhar Saha:** Shri Subhash Chandra Maitra was there.

**Mr. Chairman :** At what time he was there?

**Shri Gadadhar Saha:** When I was taken to Police Station, the Police Officer had already reached there, that is three or four minutes before our arrival.

**Mr. Chairman:** At what time did you reach the Police Station?

**Shri Gadadhar Saha:** Perhaps at 00.35 hrs. I reached the Police Station. At 00.30 hours I was at the Railway Station.

**Shri M. C. Daga:** Was Mr. Subhash Chandra Maitra in the van in which you travelled?

**Shri Gadadhar Saha:** He was not in the van and I also asked about him.

**Shri M. C. Daga:** So, you had not met him there.

**Shri Gadadhar Saha:** Shri Subhash Chandra Maitra met me only once and that was not before 12.30 A.M.

**Shri M. C. Daga:** At the Police Station, did you show your identity card to the Police Officer Incharge?

**Shri Gadadhar Saha:** The Officer Incharge of the Police Station was there at about 00.35 hours or 00.40 hours. And around this time my identity card was shown to him once. Then I was released but just before my release he was not present there. I tried to meet him and I also asked the sentry about him so that I could tell the Police Officer Incharge about the treatment that was given to me.

**Shri M. C. Daga:** When you were taken to the Police Station, at that time, did you have any talk with Mr. Subhash Chandra Maitra, OC or not? Did you also show your identity card at that time or not?

**Shri Gadadhar Saha:** Once between 00.35 to 00.40 hours.

**Shri M. C. Daga:** How many people were there when you showed your identity card to Mr. Maitra in the Police Station?

**Shri Gadadhar Saha:** More than nine or ten people were with me. But one of them was smuggler.

**Shri M. C. Daga:** Do you know those nine persons?

**Shri Gadadhar Saha:** No.

**Shri M. C. Daga:** Not all of them?

**Shri Gadadhar Saha:** No. Particularly, one person is known to me.

**Shri M. C. Daga:** You did not know the other eight persons?

**Shri Gadadhar Saha:** No.

**Shri M. C. Daga:** What did you say to Mr. Maitra at that time in the police station ?

**Shri Gadadhar Saha:** First, I showed my identity card and told him that I was a Member of Parliament. After that, I asked him on what ground, they had arrested me. After two-three minutes, he left that place. Then some other officers who were on duty, they had taken away all my belongings and put me in the police lock up.

**Shri M. C. Daga:]** When you told Mr. Maitra all these things, did he tell you anything.

**Shri Gadadhar Saha:** No.

**Shri M. C. Daga:** Did Mr. Maitra seize all these belongings from you ?

**Shri Gadadhar Saha:** No. Other officers on duty did it. Then my name and address was entered in some register along with my belongings.

**Shri M. C. Daga:** When you were released, was Mr. Maitra present in the police station.

**Shri Gadadhar Saha:** He was present. I have already stated this thing.

**Shri M. C. Daga:** When you were released, did you have any talk with him ?

**Shri Gadadhar Saha :** I told him that I was detained for a long time and how I spend the whole night. I also told him that I was put in a small room full of bad smell and urine.

**Shri M. C. Daga :** When you were telling all these things to him did he utter any sentence?

**Shri Gadadhar Saha :** He told me that it was unfortunate ; he did not know that I was a Member of Parliament. I told him that I was wondering how after my showing them my identity card and Lok Sabha diary, they had taken into their custody all my important papers and even then they did not know that I was a Member of Parliament. I expressed my great surprise to him.

**Shri M. C. Daga:** Did you not mention all these facts before him ?

**Mr. Chairman :** Mr. Daga, it is already one hour.

**Shri M. C. Daga :** How can I come to know whether the story narrated by him is true or not ?

**Mr. Chairman :** Let me tell you one thing. It is well-known that this Committee are not equipped with all kinds of facilities as are obtained in the normal courts. We do not have a lawyer.

**Shri M. C. Daga:** I am reading out to you from page 954 of the material. It says that after some discussions in the House, the Speaker observed *inter alia* as follows:—

“I believe what the hon. Member says. I want to make it clear again that I am not going into the rights or wrongs of the matter. I am directly sending it to the Committee of Privileges. As to the point about the reasonable time within which intimation should be sent to the Speaker, what should be the contents, what are the precedents, I am going to examine these points myself. The earlier part raised by Mr. Saha will go to the Privileges Committee.”

**Shri M. C. Daga:** Now, I will put three or four questions and I will finish. You said you were taken into custody at twelve in the night and you were released at twelve, the next day. During that period, I would like to know whether you had any talk with any police officer or not.

**Shri Gadadhar Saha:** There was no talk with any police officer.

**Shri M. C. Daga:** He was taken into custody at twelve in the night at the police station and he was released the next day at twelve noon. During this period, he did not have any talk with any police officer. When you were released, were all those nine persons released?

**Shri Gadadhar Saha :** Some persons who were arrested and taken to the Police Station in the same police van were also released.

**Shri M. C. Daga:** All were released?

**Shri Gadadhar Saha:** All those who were put in the police lock-up were not released. Twenty one, I think, so far as I remember, were kept in the police lock-up and some of them were released.

**Sardar Buta Singh:** Mr. Saha, you said that this Nalhati was part of your constituency. Do you normally entrain from Nalhati whenever you come to attend Parliament Session?

**Shri Gadadhar Saha:** Generally, I reserve my seat from Howrah and get into the train at Burdwan or Howrah.

**Sardar Buta Singh:** That means, normally, you do not entrain from Nalhati. On that particular day, was any reservation made for Delhi from Nalhati in your name?

**Shri Gadadhar Saha:** Yes. Intimation was given to the Howrah Reservation office that I intend to get into the train at Burdwan.

**Sardar Buta Singh:** Was any seat reserved for you from Nalhati station either for Howrah or for Delhi?

**Shri Gadadhar Saha:** Reservation from Burdwan.

**Sardar Buta Singh:** From Nalhati?

**Shri Gadadhar Saha:** Not from Nalhati.

**Sardar Buta Singh:** Was any seat reserved for you at Nalhati station on that particular day?

**Shri Gadadhar Saha:** Not from Nalhati.

**Sardar Buta Singh:** The second question is, was there any programme of your party to organise a demonstration the next day at the sub-divisional headquarters?

**Shri Gadadhar Saha:** Yes. There was a demonstration to be organised on 3rd May.

**Sardar Buta Singh:** What was your programme? Why did you go to Nalhati all the way?

**Shri Gadadhar Saha:** I went to Nalhati some days before 2nd May.

**Sardar Buta Singh:** For what purpose?

**Shri Gadadhar Saha:** I went to Nalhati . . . . .

**Sardar Buta Singh:** What was the purpose of your visit to Nalhati?

**Shri Gadadhar Saha:** Only to visit my constituency.

**Sardar Buta Singh:** Not to organise the demonstration?

**Shri Gadadhar Saha :** No. One thing I would like to say. So far as I know, the demonstration was to be held not at Nalhati, but, somewhere at Rampurhat.

**Sardar Buta Singh:** You said a little while ago that at the time of entering the police station, you disclosed your identity. Is it a fact?

**Shri Gadadhar Saha:** Yes.

**Sardar Buta Singh:** You disclosed your identity or some of your colleagues mentioned that you are a Member of Parliament?

**Shri Gadadhar Saha:** I disclosed my identity.

**Sardar Buta Singh:** To the officer who was taking you?

**Shri Gardahar Saha:** To the officer-in-charge.

**Sardar Buta Singh:** You showed your identity card to him?

**Shri Gadadhar Saha:** To him.

**Sardar Buta Singh** : Which he kept with him, or did he give it back to you?

**Shri Gadadhar Saha**: Yes. After reaching the police station, it was taken.

**Sardar Buta Singh** : At the time you showed the identity card...

**Shri Gadadhar Saha**: It was returned.

**Sardar Buta Singh**: It was given to you?

**Shri Gadadhar Saha**: Yes.

**Sardar Buta Singh**: Then, your hand bag was taken by the police officer who was the incharge of the police station?

**Shri Gadadhar Saha**: Just at the police station...

**Sardar Buta Singh**: And the bag was given to you?

**Shri Gadadhar Saha**: Yes.

**Sardar Buta Singh**: After searching in your presence?

**Shri Gadadhar Saha**: After I was released.

**Sardar Buta Singh**: Then the identity card was in the hand bag?

**Shri Gadadhar Saha**: I was taken into custody...

**Shri Somnath Chatterjee**: Kindly listen to the question and then answer.

**Sardar Buta Singh** : When the bag was searched in the police station you found your identity card in the bag?

**Shri Gadadhar Saha**: In my pocket. It was in my pocket...

**Sardar Buta Singh**: May we know whether the bag was searched in your presence?

**Shri Gadadhar Saha**: Yes, Sir. The bag was searched in my presence.

**Sardar Buta Singh** : How is it that when the incident took place on the 3rd whereas you reached Delhi on 10th? May I take it that you were released on the 3rd but you reached here on the 10th.

**Shri Gadadhar Saha**: I reached here before 10th, but on the 9th, I raised this matter.

**Mr. Chairman**: After your release on what date you reached Delhi?

**Shri Gadadhar Saha**: I think that it was on the 8th May that I tried to raise this. Also on the 9th May I raised this issue in the House.



**Mr. Chairman :** On what date did you attend the Parliament after you were released on the 3rd ?

**Shri Gadadhar Saha :** On the 5th May I started for Delhi.

**Mr. Chairman :** That may be so. On what date did you attend the Parliament? Afterwards you may say all these things.

**Shri Gadadhar Saha :** I attended the Parliament on the 9th May and I tried to raise this Motion.

**Mr. Chairman :** Whatever it may be, what was the day that you attended the Parliament after your release on the 3rd ?

**Shri Gadadhar Saha :** So far as I remember, I attended the Parliament on the 7th May.

**Sardar Buta Singh :** You raised this question on the 10th May.

**Shri Gadadhar Saha :** I raised this question on the 9th May.

**Mr. Chairman :** Now may I put this question to you whether 7th May was a working day ? From the calendar it seems that it was Tuesday—a working day. Why did you not raise this matter on the 7th May when you reached Delhi sufficiently in time to attend the meeting ?

**Shri Gadadhar Saha :** On the 8th I tried to raise it. I raised it on the 9th also.

**Mr. Chairman :** Did you make an effort to raise it on the 7th when you reached Delhi sufficiently early to attend the Parliament session ?

**Shri Gadadhar Saha :** I came to know that the intimation to the Speaker was sent by the superintendent of police . . .

**Mr. Chairman :** That apart, had you taken steps to intimate the Speaker or to raise the matter on the 7th May when you reached Delhi ?

**Shri Gadadhar Saha :** For two or three days, I raised this.

**Mr. Chairman :** That is a difficulty. Tell me whether you raised this matter in Parliament on the 7th ? What steps had you taken to intimate the Speaker for raising this matter in Parliament ? Say 'Yes' or 'No'.

**Shri Gadadhar Saha :** Not on the 7th.

**Mr. Chairman :** All right. Did you raise it on the 8th ?

**Shri Gadadhar Saha :** On the 8th I did not raise it.

**Mr. Chairman :** So, you did not take any steps on the 8th also. Was any intimation given to the Speaker to raise the matter in Parliament accordingly ?

**Shri Gadadhar Saha** : No, Sir.

**Mr. Chairman** : So, you raised this matter on the 9th.

**Shri Gadadhar Saha** : Yes, Sir.

**Mr. Chairman** : Was any intimation given to raise this matter ?

**Shri Gadadhar Saha** : Yes, and I tried to raise the matter but it was not permitted.

**Mr. Chairman** : You tried to raise the matter on the 9th but you were not permitted. When did you then raise the matter ?

**Shri Gadadhar Saha** : On the 10th.

**Sardar Buta Singh** : I want to know one thing from Mr. Saha. When you were being taken to the police Station, were there any office-bearers of your party along with you there ?

**Shri Gadadhar Saha** : Shri K. C. Sinha was there.

**Sardar Buta Singh** : Is he the office-bearer of your party ?

**Shri Gadadhar Saha** : He was not an office-bearer. He was a teacher as well as a Member.

**Sardar Buta Singh** : Was he an office-bearer of the Trade Union ?

**Shri Gadadhar Saha** : I am not aware of that. He was a member of the A. B. T. A.—All Bengal Teachers' Association.

**Sardar Buta Singh** : Are you heading the organisation or have you anything to do with that organisation ?

**Shri Gadadhar Saha** : I am only a member of the All Bengal Teachers' Association.

**Sardar Buta Singh** : Did that association take part in the demonstration the next day ?

**Shri Gadadhar Saha** : This is a democratic association and it took part in many democratic movements and demonstrations.

**Mr. Chairman** : You do not have to say all this. First answer whether this organisation took part in the demonstration or did any office-bearer take part in that demonstration ?

**Shri Gadadhar Saha** : I do not know about that. I was not there in that demonstration.

**Mr. Chairman** : Thank you.

**Mr. Chairman** : Mr. Chatterjee, would you now like to put questions ?

**Shri Somnath Chatterjee** : No, Sir.

**Mr. Chairman** : Mr. Saha did your party along with other parties give a call for some kind of a demonstration at Rampurhat on the 3rd ?

**Shri Gadadhar Saha** : Yes, Sir. I have already said that.

**Mr. Chairman** : You may have told. But, I have to ask you. Did your party give a call for a demonstration ?

**Shri Gadadhar Saha** : Yes, Sir.

**Mr. Chairman** : Did you have any particular duty to discharge in Parliament on the 3rd ? Was anything listed for performing any duty on the 3rd ?

**Shri Gadadhar Saha** : I was returning by Gaya passenger train.

**Mr. Chairman** : Were you expected to be in Parliament for any work on the 3rd ? Was your presence in Parliament—in Lok Sabha—on 3rd necessary for discharging any duty as a Member of Parliament ? Tell me whether it was necessary for you to attend the Parliament on the 3rd ?

**Shri Gadadhar Saha** : On 4th May I had.

**Mr. Chairman** : I am asking you about the 3rd May.

**Shri Gadadhar Saha** : My reservation was for 4th May from Burdwan.

**Mr. Chairman** : You are an MP. Did you have any work or anything connected with the Lok Sabha on the 3rd here in Delhi.

**Shri Gadadhar Saha** : There was no Motion in my name.

**Mr. Chairman** : Or was your personal presence needed in any way here on that day ?

**Shri Gadadhar Saha** : There was no Motion in my name, but I was to . . .

**Mr. Chairman** : That is a different matter.

Just now you said that your reservation was on the 4th from Burdwan to Delhi.

**Shri Gadadhar Saha** : Yes.

**Mr. Chairman** : Is Rampurhat in your constituency ?

**Shri Gadadhar Saha** : It is part of my constituency.

**Mr. Chairman** : When your party came in a big way along with all parties including the CPI for a big demonstration at Rampurhat, was it not your responsibility as an MP representing that constituency to be on the field in a big way to lead the movement or something like that ?

**Shri Gadadhar Saha** : There was no special programme for me.

**Mr. Chairman** : That is a different matter. Was it not your duty as a party member holding a responsible position in various functional organisations, Teachers' Association and all that to come out in a big way on that day ?

**Shri Gadadhar Saha** : No duty was assigned to me on that occasion.

**Mr. Chairman** : Was it not your duty as a leading member of your party and MP to be there ?

**Shri Gadadhar Saha** : Yes, we organised a demonstration and we had a special programme, but there was no specific programme for me.

**Mr. Chairman** : You say yes or no. In your personal responsibility as an MP, do you not think it was your duty to involve yourself in the movement like that.

**Shri Gadadhar Saha** : Yes, I feel it.

**Mr. Chairman** : You went there by train. How many miles is it from Nalhati to Rampurhat. ? You were arrested at Nalhati. From Nalhati railway station to Rampurhat what is the distance ?

**Shri Gadadhar Saha** : 15 Kilo metres.

**Mr. Chairman** : Which train were you planning to take ?

**Shri Gadadhar Saha** : Gaya Passenger.

**Mr. Chairman** : When was it to leave Nalhati ?

**Shri Gadadhar Saha** : 22·16 hrs.

**Mr. Chairman** : You were at the railway station at Nalhati. What was the train you were planning to take ?

**Shri Gadadhar Saha** : Gaya Passenger. It was to arrive at 22·11 hrs.

**Mr. Chairman** : What was the time of departure of that train ?

**Shri Gadadhar Saha** : Arrival time 22·11 hours and departure time 22·16 hrs.

**Mr. Chairman** : What was the train you were planning to take ?

**Shri Gadadhar Saha** : Gaya passenger. It was late on that day by more than two hours.

**Sardar Buta Singh** : Is this Rampurhat on the way to Burdwan from Nalhati ?

**Shri Gadadhar Saha** : Yes, on the way to Burdwan from Nalhati ?

**Mr. Chairman :** Did you have any reservation made from Nalhati to any other place on the 3rd ?

**Shri Gadadhar Saha :** No. The Gaya passenger reached Howrah and from Howrah...

**Mr. Chairman :** You may go to any place. But on the 3rd or 2nd night did you have any reservation made in any train from Nalhati to any other place?

**Shri Gadadhar Saha :** No.

**Mr. Chairman :** Did you know the police officers of that place before ?

**Shri Gadadhar Saha :** No.

**Mr. Chairman :** Did the police officers have any animus or ill-will against you because of your belonging to that party or being an MP ? -

**Shri Gadadhar Saha :** They maltreated me.

**Mr. Chairman :** I am not touching on the arrest. You said you did not know them before. Did you have any reason to believe that these officers had any ill-will against you or was there any confrontation in the past between you and they ?

**Shri Gadadhar Saha :** There was no confrontation between me and the police.

**Mr. Chairman :** How is it that you could say that they had obstructed you in the discharge of your parliamentary work the next day or any other day ?

**Shri Gadadhar Saha :** Without any warrant of arrest or prohibitory order in that area, I was detained for hours together.

**Mr. Chairman :** Did you know that there was a demonstration on 3-5-74 between 8 and 11 hours at the Rampurhat court compound. As an MP representing that area, you should know.

**Shri Gadadhar Saha :** Yes, I was told there was a demonstration.

**Mr. Chairman :** When did you know it ? Did get any report ?

**Shri Gadadhar Saha :** After my release, I travelled by the train.

**Mr. Chairman :** When did you know.

**Shri Gadadhar Saha :** On 3rd May after my release.

**Mr. Chairman** : What time did you know that ?

**Shri Gadadhar Saha** : 2.30 P. M.

**Mr. Chairman** : At what place did you know that ?

**Shri Gadadharsaha** : At Rampurhat railway station when I was returning.

**Mr. Chairman** : What time did you reach the Rampurhat railway station ?

**Shri Gadadhar Saha** : At 2.30 by bus.

**Mr. Chairman** : By bus ? You just now said you went by train.

**Shri Gadadhar Saha** : I reached Rampurhat from Nalhati by bus.

**Mr. Chairman** : What was the nature of your information as to what kind of demonstration was it ?

**Shri Gadadhar Saha** : The report I got was that there was lathi-charge against the peaceful demonstrators and they were injured and sent to hospital for treatment.

**Mr. Chairman** : Did you receive any report that the police had to fire one round of tear-gas ?

**Shri Gadadhar Saha** : I received the news that there was lathi-charge.

**Mr. Chairman** : From which station you were coming to Nalhati ?

**Shri Gadadhar Saha** : From my usual place, that is, Daskalgram railway station to Nalhati.

**Mr. Chairman** : Were you asked to make a statement about yourself by the police ?

**Shri Gadadhar Saha** : I said my usual place of residence is Palsa, P.O. Nanur, District Birbhum.

**Mr. Chairman** : You know that factum of arrest had been intimated to the Speaker in accordance with the rules.

**Shri Gadadhar Saha** : On coming to Parliament I come to know that Superintendent of police has sent intimation.

**Mr. Chairman** : When you were examined by the police did you say you were going to Delhi.

**Shri Gadadhar Saha** : Yes.

**Mr. Chairman** : Actually your reservation was for the 4th.

**Shri Gadadhar Saha** : Yes.

**Mr. Chairman :** When police arrests a person and takes to a lock-up normally they examine the personal effects. Did they do so in your case ?

**Shri Gadadhar Saha :** Yes. A list was prepared.

**Mr. Chairman :** Did you see it and sign ?

**Shri Gadadhar Saha :** I saw it but no signature is wanted.

**Mr. Chairman :** At the railway station when the police officer first met you were you alone or with somebody else ?

**Shri Gadadhar Saha :** With Mr. K. C. Sinha.

**Mr. Chairman :** Did your party or those parties who were in charge of this organisation give a call to the people to reach Rampurhat by trains, buses, etc. ?

**Shri Gadadhar Saha :** Yes.

**Mr. Chairman :** As you are a Member of Parliament and close to that area did you check whether your party workers have come or not ?

**Shri Gadadhar Saha :** Persons did not assemble there.

**Mr. Chairman :** Did you make any enquiry to this effect ?

**Shri Gadadhar Saha :** No. I did not make any enquiry. Rampurhat is only 30 minutes travel from there and many buses ply.

**Mr. Chairman :** Was your identity as Member of Parliament revealed to the police officer at the railway station ?

**Shri Gadadhar Saha :** It is unfortunate they did not take any notice of it.

**Mr. Chairman :** What time were you released by the police ?

**Shri Gadadhar Saha :** 12.30 P. M.

**Mr. Chairman :** At that time did the officer-in-charge of the police station there apologise to you for the inconvenience caused to you ?

**Shri Gadadhar Saha :** He said it is unfortunate that you were put in the lock-up. I told him without any warrant of arrest I was put in the lock-up and kept there for hours together in a very nasty place which is full of urine and bad smell with 21 persons. I remained standing all the night. He said it is unfortunate you were there in the police lock-up. He further said the normal rule is anybody arrested at night should be kept in the lock-up. He said it is unfortunate but he did not apologise.

**Mr. Chairman :** Thank you very much, Mr. Saha.

*(The witness then withdrew)*

TUESDAY, THE 5TH NOVEMBER, 1974

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri M. C. Daga
3. Shri K. G. Deshmukh
4. Shri Chintamani Panigrahi
5. Shri Maddi Sudarsanam
6. Shri G. Viswanathan

SECRETARIAT

Shri Y. Sahai—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

WITNESSES

1. Shri Subhash Chandra Maitra,  
*Officer-in-Charge,  
Nalhati police station.*
2. Shri Promode Ranjan Majumdar,  
*Sub-Inspector of police, Nalhati police station.*

*(The committee met at 11.00 hours)*

**(i) Evidence of Shri Subhash Chandra Maitra, Officer-in-Charge Nalhati police station**

*(The witness took the Oath)*

**Shri M. C. Daga** : You are aware of the incident on the 3rd night ?

**Shri S. C. Maitra** : Yes, Sir.

**Shri M. C. Daga** : Were you alone or was somebody else accompanying you ?

**Shri S. C. Maitra** : Myself and several constables and officers were going to the railway station.

**Shri M. C. Daga** : Who were the officers who were with you ?

**Shri S. C. Maitra** : S. I. Shri Sukumar Chatterjee, ASI Shri K. Ray and ASI Shri Sudhir Kumar and many other constables were with me.

**Shri M. C. Daga** : When you had gone to the Nalhati Railway Station platform, how many persons were there ?



**Shri S. C. Maitra** : I think it would be about 50 persons.

**Shri M. C. Daga** : Who gave you the information that those persons were leaving for Rampurhat ?

**Shri S. C. Maitra** : DIG sent the information to me and then I went to the railway station.

**Shri M. C. Daga** : Was it in writing that you were informed ?

**Shri S. C. Maitra** : No, Sir. It was oral.

**Shri M. C. Daga** : After reaching the platform what did you do there ?

**Shri S. C. Maitra** : On arrival with my force, I noted that about 50 persons fled away but we could hold up some 8 persons.

**Shri M. C. Daga** : You have said that there were about 50 persons. At that time could you count them ?

**Shri S. C. Maitra** : I did not count them. It was approximate.

**Shri M. C. Daga** : So, you could hold up only 8 persons when all others were running.

**Shri S. C. Maitra** : All were running.

**Shri M. C. Daga** : When all were running how could you manage to hold up these 8 persons ?

**Shri S. C. Maitra** : We were about 8 persons and each one of us could catch one each.

**Shri M. C. Daga** : Therefore, you were 8 in all.

**Shri S. C. Maitra** : We were 8 or 10 in all.

**Shri M. C. Daga** : After catching these 8 people, what did you do then ?

**Shri S. C. Maitra** : We arrested them at the platform.

**Shri M. C. Daga** : At that time did you have any talks with those persons ?

**Shri S. C. Maitra** : Yes, Sir.

**Shri M. C. Daga** : What was the talk about ?

**Shri S. C. Maitra** : I examined them and asked why they were at the platform. They replied that they were proceeding to Rampurhat to participate....

**Shri M. C. Daga** : While holding up those persons, who started putting questions to those arrested ?

**Shri S. C. Maitra** : I put the questions.

**Shri M. C. Daga** : Did you take down their statements ?

**Shri S. C. Maitra** : I examined them orally.

**Shri M. C. Daga** : Who told that they were going to Rampurhat ?

**Shri S. C. Maitra** : All the 8 persons told me.

**Shri M. C. Daga** : Did you know Mr. Saha at that time ?

**Shri S. C. Maitra** : Sir, I did not see him before.

**Shri M. C. Daga** : Now, you know him.

**Shri S. C. Maitra** : Yes, Sir.

**Shri M. C. Daga** : Was Mr. Saha, MP, also running at that time ? Or he was sitting on a bench ?

**Shri S. C. Maitra** : Sir, they had all started running so far as I remember do not exactly remember whether he was running at that time.

**Shri M. C. Daga** :—When you went to the railway station along with seven Constables and Officers were all these people, as you say that their number is approximately 50, running or sitting on the platform ? Was Shri Gadadhar Saha MP, sitting on the floor of the platform ?

**Shri S. C. Maitra** : All were moving.

**Shri M. C. Daga** : Did you enquire anything from him at that time ?

**Shri S. C. Maitra** : I examined each of the arrested persons.

**Shri M. C. Daga** : Did you ask any question from Shri Saha ?

**Shri S. C. Maitra** : I asked them why were they all there ? He said that he was proceeding to Rampurhat to participate in the movement.

**Shri M. C. Daga** : Was he having anything with him ?

**Shri S. C. Maitra** : I don't remember.

**Shri M. C. Daga** : Who put them in the police lock-up ?

**Shri S. C. Maitra** : I sent them along with one officer. I continued to remain there in the town. Mr. Goswami made the entries of these persons in the general diary.

**Shri M. C. Daga** : When did you go to the platform ?

**Shri S. C. Maitra** : It would be 2-30 A.M or 2.25 A.M.

**Shri M. C. Daga** : Then again at what time did you go to the Police Station ?

**Shri S. C. Maitra :** After completing the law and order duty on 3rd at 11.45 A. M.

**Shri M. C. Daga :** Did you remain absent from the Police Station from 2.30 A. M. till 11.30 A. M. ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri M. C. Daga :** Who released Mr. Saha ?

**Shri S. C. Maitra :** Mr. P. R. Majumdar, S. I.

**Shri M. C. Daga :** At the time of his release , were you present there ?

**Shri S. C. Maitra :** No, Sir.

**Shri M. C. Daga :** Who informed you that out of the arrested persons one person was MP ?

**Shri S. C. Maitra :** Duty Officer, Mr. P. G. Goswami.

**Shri M. C. Daga :** Were you present at that time ?

**Shri S. C. Maitra :** I was in the town. I gave my telephone No.

**Shri M. C. Daga :** What is that number ?

**Shri S. C. Maitra :** I do not remember it.

**Shri M. C. Daga :** How he came to know that you would be at such and such place.

**Shri S. C. Maitra :** I gave the telephone No. of one Cold Storage and that is on the high way. I gave the instructions that I would be available at that No.

**Shri M. C. Daga :** Did you attend that telephone which was given by Mr. Goswami.

**Shri S. C. Maitra :** Yes, Sir.

**Shri M. C. Daga :** What did he say on the phone ?

**Shri S. C. Maitra :** He said, " Sir, one of the persons arrested is MP". I told him that he should immediately take him out of the lock up. He said, "I had already taken him out of the lock up and communicated this fact to the superiors."

**Shri M. C. Daga :** What was the time ?

**Shri S. C. Maitra :** 5.30.

**Shri M. C. Daga :** Did he tell you that he had seen the identity Card of that M. P. ?

**Shri S. C. Maitra :** At that time, he said, "One of the arrested persons is MP". So, I gave him the instructions that he should immediately take him out of the lock up and offer him chair and all courtesy. He said "I had already taken him out of the lock up and given him chair and other facilities."

**Shri M. C. Daga :** All those eight persons whom you arrested on the platform, did you take them in the van ?

**Shri S. C. Maitra :** Yes, Sir. We had one police van which I took at the time of patrolling.

**Shri M. C. Daga :** Out of those eight persons whom you arrested, did anyone tell you that one of them was MP ?

**Shri S. C. Maitra :** No, Sir.

**Shri M. C. Daga :** Do you know that there was one teacher also ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri M. C. Daga :** Then there was Shri K. C. Sinha also.

**Shri S. C. Maitra :** He was there.

**Shri M. C. Daga :** Did you talk with him ?

**Shri S. C. Maitra :** All of them said that they were proceeding to Rampurhat; they further said, "please release us." Then I told them that they were arrested and that they could not violate Section 144.

**Shri M. C. Daga :** Did you come to know that they were going to commit any offence or thinking of committing any offence ?

**Shri S. C. Maitra :** They told us that they were going to participate in that movement.

**Shri G. Viswanathan :** You have mentioned that 8 persons were arrested and all that. It means all the arrested persons were searched at the Police Station. Is it true or not ?

**Shri S. C. Maitra :** It is true.

**Shri G. Viswanathan :** When you search an arrested person, you certainly search his body and belongings. Is it true or not ?

**Shri M. C. Daga :** Yes. This is the practice.

**Shri G. Viswanathan :** You have said that one of the persons handed over a bag and it was kept in the Police Station. Why was it not searched ?

**Shri S. C. Maitra :** Normally, when a person is arrested, we search for offensive weapons only.

**Shri G. Viswanathan :** He gave you the bag. It would have contained anything including a pistol. Why did you not search it ?

**Shri S. C. Maitra :** When I asked the duty Officer 'Why did you not search it thoroughly ; if you had searched the bag thoroughly, you could have detected the identity card of the hon. Member of Parliament and this would not have happened', he said ' I searched for the offensive weapons only, and as requested by him, I kept the bag in my personal custody'.

**Shri G. Viswanathan :** The identity card of the Member, his Lok Sabha diary and other documents were handed over to the police, to the officer in charge. But, your defence is, you did not see it.

**Shri S. C. Maitra :** Yes, Sir. I did not see anything because I was away from the police station. What the ASI told me was, he searched for the offensive weapons only and nothing else.

**Shri G. Viswanathan :** At the time of arrest, were you present ?

**Shri S. C. Maitra :** Yes, Sir, I was present.

**Shri G. Viswanathan :** What was your strength, at the time when you went to the station. How many constables were with you ?

**Shri S. C. Maitra :** At the time of arrest ?

**Shri G. Viswanathan :** Yes, at the time of arrest.

**Shri S. C. Maitra :** Most probably, ten, around ten.

**Shri G. Viswanathan :** It cannot be any number. It must be known to you. You are having them under your command.

**Shri S. C. Maitra :** It will be ten I think, constables and officers.

**Shri G. Viswanathan :** Including you ?

**Shri S. C. Maitra :** Including myself.

**Shri G. Viswanathan :** All the ten of you arrested the eight persons ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri G. Viswanathan :** You made the interrogation in the station itself ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri G. Viswanathan :** You interrogated all the eight persons ?

**Shri S. C. Maitra :** Yes. I interrogated all the eight persons.

**Shri G. Viswanathan :** You interrogated that particular gentleman also ?

**Shri S. C. Maitra :** I interrogated him also.

**Shri G. Viswanathan :** Did you ask him his name and to show his identity card ?

**Shri S. C. Maitra :** I asked the names of all the persons.

**Shri G. Viswanathan :** No, that particular gentleman.

**Shri S. C. Maitra :** I asked him. He told me that he was Gadadar Saha of Nalhati

**Shri G. Viswanathan :** Have you heard this name before ?

**Shri S. C. Maitra :** Never before.

**Shri G. Viswanathan :** Which is your native place ? Do you belong to West Bengal ?

**Shri S. C. Maitra :** Yes.

**Shri G. Viswanathan :** Have you heard at least the names of Members of Parliament from West Bengal ?

**Shri S. C. Maitra :** I Knew.

**Shri K. G. Deshmukh :** Mr. Maitra, it has been stated by Mr. Saha that he was on his way to Delhi while you went and arrested those persons. What do you say about it ? He says that he was coming to Delhi to attend the Session. Was there any train for Delhi at that time to come to Delhi from that place ?

**Shri S. C. Maitra :** There was no train at that time for Delhi. There was a train Darjeeling Mail, for Rampurhat.

**Shri K. G. Deshmukh :** You are sure about it ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri K. G. Deshmukh :** You do not agree that he was coming to Delhi for the Session ?

**Shri S. C. Maitra :** He was not coming to Delhi.

**Shri K. G. Deshmukh :** You say that you do not know him. Does he not belong to your place, Nalhati ?

**Shri S. C. Maitra :** He belongs to Nanu, which is about 80 miles from Nalhati.

**Shri K. G. Deshmukh :** Nalhati does not constitute a part of his constituency.

**Shri S. C. Maitra** : Perhaps no.

**Shri K. G. Deshmukh** : Nalhati police station from where you come does not constitute a part of the constituency of Mr. Saha ?

**Shri S. C. Maitra** : Perhaps no. I joined Nalhati police station just a month before.

**Shri K. G. Deshmukh** : Just a month before this incident ?

**Shri S. C. Maitra** : Yes, Sir.

**Shri K. G. Deshmukh** : Again Mr. Saha has said that he was detained up to 12·30 P.M. , in spite of his showing the identity card. According to him, as soon as you arrested him, he told you that he was a Member of Parliament.

**Shri S. C. Maitra** : No.

**Shri K. G. Deshmukh** : He has said that he showed you his identity card. What have you to say about it ?

**Shri S. C. Maitra** : Had he shown his identity card, I would not have arrested him. I know about the privileges of Members of Parliament.

**Shri K. G. Deshmukh** : It has been stated by him that he was detained up to 12·30 P.M. while you say that you released him at 7 A.M. What is the correct position ?

**Shri S. C. Maitra** : He was released at 7 A.M. Immediately, a signal was given to all superiors.

**Shri K. G. Deshmukh** : Is there any mention in your diary to the effect that he was released at 7. A.M. ?

**Shri S. C. Maitra** : Yes, Sir. There is a mention.

**Shri K. G. Deshmukh** : That is all right. Have you brought your diary here ?

**Shri S. C. Maitra** : I have brought it. It is in a bag. I have left it with one person at the gate.

**Shri K. G. Deshmukh** : This is very important. This will make the whole position clear whether he was released at 7 A.M. or he was detained up to 12·30 P.M. in spite of his showing his identity card. This is a very crucial point.

**Mr. Chairman** : Have you brought your diary ?

**Shri S. C. Maitra** : I have brought the diary? It is along with other things, in a bag. Thinking that I would not be allowed in with a bag I have kept it with one of my men at the main gate which I can produce.

**Shri M.C. Daga** : Is the entry written in English or Bengali ?

**Shri S. C. Maitra** : In English.

**Shri Chintamani Panigrahi :** Mr. Maitra, you got the report from the Intelligence that certain persons are congregating in the Nalhati Railway Station. What did that intelligence report say ?

**Shri S. C. Maitra :** It said that about 50 persons or more would leave for Rampurhat and have assembled at the railway Station.

**Shri Chintamani Panigrahi :** This is from the West Bengal Intelligence Service ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri Chintamani Panigrahi :** Do you mean to say that West Bengal Intelligence Service officials do not know the names of the Members of Parliament from West Bengal and the name of the CPI (M) Member ?

**Shri S. C. Maitra :** Sir, I cannot . . .

**Shri Chintamani Panigrahi :** You are a police officer.

**Shri S. C. Maitra :** They must be knowing. They should know the names of the hon. Members of Parliament, being members of the Intelligence Service.

**Shri Chintamani Panigrahi :** Do you mean to say that they did not report about the CPI (M) Member of Parliament ?

**Shri S. C. Maitra :** They did not report.

**Shri Chintamani Panigrahi :** They simply said that the people have congregated ?

**Shri S. C. Maitra :** They mentioned about one Kshitish Sinha.

**Shri Chintamani Panigrahi :** They knew Kshitish Sinha, but, they did not know the CPI (M) Member of Parliament ?

**Shri S. C. Maitra :** They did not say.

**Shri Chintamani Panigrahi :** Do you believe this ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri Chintamani Panigrahi :** Do you believe that the West Bengal Intelligence Service, knowing fully well that the CPI and CPI (M) have jointly launched this movement throughout the State on that day—this is the diary that you have—did not report that the CPI (M) Member of the Parliament was at the railway station but they had said that only 50 members had congregated ?

**Shri S. C. Maitra :** They did not say anything about the members. They told me that 50 people were leaving for Rampurhat. They told me only about Kshitish Sinha.



**Shri Chintamani Panigrahi :** You had also cross-examined him; didn't you ?

**Shri S. C. Maitra :** Yes, Sir.

**Shri Chintamani Panigrahi :** Kshitish Sinha had identified himself, but Gadadhar Saha did not say that he was an M.P.

**Shri S. C. Maitra :** No, Sir.

**Shri Chintamani Panigrahi :** In that case, what made him identify himself at the other place ?

**Shri S. C. Maitra :** I cannot say. But I am sorry for the inconvenience. Had he disclosed it at the police station itself, these things would not have happened.

**Shri Chintamani Panigrahi :** How did the duty officer come to know ?

**Shri S. C. Maitra :** He could not know it at the outset. When the Sub-Inspector interrogated all the persons, one of the arrested persons disclosed that one of the persons was an M.P.

**Shri Chintamani Panigrahi :** The disclosure was made by one of the persons, not by Gadadhar Saha. Is it so ?

**Shri S. C. Maitra :** Then probably Gadadhar Saha himself disclosed it. I cannot say definitely, because I was not at the police station. As soon as the identity was established, he was shown all courtesies, with the offer of sweets, tea etc., *i.e.* when we had learnt that he was an hon. Member of Parliament.

**Mr. Chairman :** At what time did you come to know that one of the arrested persons was Mr. Saha, M.P. ?

**Shri S. C. Maitra :** It was at about 5-30 in the morning, Sir,

**Mr. Chairman :** From whom did you get the information ?

**Shri S. C. Maitra :** From the duty Officer, Sir.

**Mr. Chairman :** What did you do then ?

**Shri S. C. Maitra :** I ran at once to my superiors and requested them to release the hon. M. P. After a few minutes, the Duty Officer had stated that the M. P. had said that he would not go alone. He wanted the release of the companions. Thereafter, I communicated this fact to the S.P. He asked me to release all the 8 persons. I then instructed the Duty Officer to do accordingly. The M. P. was then released.

**Mr. Chairman :** Did you ask him to produce any security or anything like it ? I mean, did you ask the M. P. or any others to execute a P.R. bond ?

**Shri S. C. Maitra :** Yes, a Personal Recognition Bond form, Sir.

**Mr. Chairman :** You did tell this to us, earlier.

**Shri S. C. Maitra :** I got instructions from the superiors that I should release the hon. M.P. on a PR bond. I at once gave instructions to the Duty Officer to release him.

**Mr. Chairman :** You now say that your instructions were that he should be released on a PR bond. Earlier, you had merely said that you had, on instructions from the superiors, decided that he should be released. Which of the statements is true ?

**Shri S.C. Maitra :** I had said that he should be released on a PR Bond.

**Mr. Chairman :** What was his reaction on your telling him about the PR bond ?

**Shri S. C. Maitra :** I got information from the Duty Officer that he could not tell him about it earlier.

**Mr. Chairman :** Is it a fact that you went to the station at 5 a.m. ?

**Shri S. C. Maitra :** No, Sir; I went there at 11.45 hrs.

**Mr. Chairman :** Was he released, or did he leave the station ? You had said that you had informed that he can be released even without the PR bond.

**Shri S. C. Maitra :** No, Sir, I got instructions from the superiors. He did not say that he would not give the PR bond. That point did not arise

**Mr. Chairman :** Did you check up at any time the PR bond was executed ? Did you check up from the Duty Officer whether he was released ?

**Shri S. C. Maitra :** He told me that they were released on PR bonds.

**Mr. Chairman :** You had checked it up and found that it was so. Is it ?

**Shri S. C. Maitra :** Yes, Sir.

**Mr. Chairman :** Did you make any further enquiry to find out whether Mr. Saha had left the police station ?

**Shri S. C. Maitra :** They had reported to me already that they had all been released and had left the police station.

**Mr. Chairman :** So, that was the end of the matter. Have you met Mr. Saha ?

**Shri S. C. Maitra:** I noted on arrival that the hon. M.P. was sitting at the police station, waiting to meet me.

**Mr. Chairman:** Does it mean that they were released, but they did not leave?

**Shri S. C. Maitra :** They again came to meet me. The hon. M.P. re-appeared there and was waiting to meet me.

**Mr. Chairman :** At what time did he come back? Did you enquire about it?

**Shri S. C. Maitra :** At 7.45 hrs. perhaps.

**Mr. Chairman :** At what time did he meet you?

**Shri S. C. Maitra :** at 11.45 hrs.

**Mr. Chairman :** What did he say?

**Shri S. C. Maitra :** He told me that he was harassed unnecessarily. I then told him: "Sir, this could have been avoided if you had told me that you were an M.P., at the police station, at the time of arrest. I am extremely sorry for the inconvenience caused."

**Shri Chintamani Panigrahi :** Mr. Maitra says that according to the records, the M.P. was released at 7.45 hrs.

**Mr. Chairman :** It was at 7 hrs. He re-appeared at 7.45 hrs.

**Shri Chintamani Panigrahi :** He waited up to 11.45 hrs.

**Shri M. C. Daga :** I would like to know from you whether M.Ps. and MLAs are exempted from Section 151 Cr. P.C.

**Shri S. C. Maitra :** They are exempted from the operation of all the criminal and other Acts so far as arrest by the police is concerned.

**Shri M. C. Daga :** Anybody can be prevented under Section 151.

**Shri S. C. Maitra :** As far as I know, the hon. M. Ps. have got the privilege. Had I know that he was an hon. M.P., I would not have arrested him without the orders of the superior officers of the State.

**Mr. Chairman :** You can withdraw for the time being. We will examine you a little later with your dairy.

*(The witness withdrew).*

**(ii) Evidence of Shri Promode Ranjan Majumdar, Sub-Inspector of Police, Nalhati Police Station.**

**Mr. Chairman :** Please take the oath.

*(The witness took the oath).*

**Shri G. Vishwanathan :** On the day of occurrence at what time did you leave the police station to search for these persons ?

**Shri P. R. Majumdar :** I have not followed the question, Sir.

**Shri G. Vishwanathan :** When did you reach the railway station ?

**Shri P.R. Majumdar :** I did not go to the railway station.

**Shri G. Vishwanathan :** What was your duty on that day ?

**Shri P. R. Majumdar :** I was in mofussil on that day for others work

**Shri G. Vishwanathan :** Some persons were arrested and brought to the police station. At what time did you see them ?

**Shri P. R. Majumdar :** At 05.10 hrs. on the morning of 3.5.74 When I turned up at the police station, I asked the duty officer, after receiving the charge of the police station, how many persons were in custody. He said that about 19 persons were there. I talked to the persons who were locked up. One of them, Shri Gadadhar Saha, disclosed that he was a Member of Parliament, Birbhum district.

**Shri G. Vishwanathan:** Have you seen him before?

**Shri P. R. Majumdar :** I have seen him once. There were so many other persons also in custody. I could not see him.

**Shri G. Vishwanathan :** In which Parliamentary constituency is situated your police station and who is the M.P. ?

**Shri P. R. Majumdar :** Shri Saha is the M.P.

**Shri G. Vishwanathan :** Since when ?

**Shri P. R. Majumdar :** I cannot say correctly, Sir.

**Shri G. Vishwanathan :** Did you search the bodies of all the person when they came to the police station ?

**Shri P. R. Majumdar :** I did not search them , as I was not present.

**Shri G. Viswanathan :** What do you do normally ?

**Shri P. R. Majumdar :** If a person is accused of a crime and he is brought to the police station, he is searched thoroughly. Normally, political prisoners are not searched like that.

**Shri G. Viswanathan :** Did you search them ?

**Shri P. R. Majumdar :** No, Sir.

**Shri G. Viswanathan :** You do not search political prisoners at all.

**Shri P. R. Majumdar :** May or may not be searched.

**Shri G. Viswanathan** : Did you enquire if these persons had been searched or not ?

**Shri P. R. Majumdar** : did not search them. There was no time for me to ask if they had been searched and who had searched them. I asked the Duty Officer to open them and while I talked to them, Shri Saha disclosed his identity.

**Shri G. Viswanathan** : Did you know that they were searched thoroughly before they were locked ?

**Shri P. R. Majumdar** : It was done at dead hour of night.

**Shri G. Viswanathan** : His bag was taken by the Duty Officer.

**Shri P. R. Majumdar** : Shri Saha told me that his bag had been taken by the Duty Officer.

**Shri G. Viswanathan** : Did you ask the Duty Officer, what was found in the bag ?

**Shri P. R. Majumdar** : I asked to him to show me if there was any identity card of Shri Saha in the bag and he showed me the same.

**Shri G. Viswanathan** : He took it from the bag and gave it to you.

**Shri P. R. Majumdar** : I took the bag from the Duty Officer and found that the identity card of Shri Saha was there.

**Shri G. Viswanathan** : You said just now that the Duty Officer showed you the identity card. You are not telling that you took it out from the bag given to you by the Duty Officer. Which statement is correct ?

**Shri P. R. Majumdar** : He showed me the identity card.

**Shri G. Viswanathan** : When was he released ?

**Shri P. R. Majumdar** : At about 7.15 in the morning.

**Shri G. Viswanathan** : Then what happened ? Did he go away or did he stay at the Police Station ?

**Shri P. R. Majumdar** : He went out of the Police Station but he turned up again at the Police Station with a view to consulting the O.C.

**Shri G. Viswanathan** : You mean your officer ?

**Shri P. R. Majumdar** : Yes. He returned at about 11.30 A. M.

**Shri G. Viswanathan** : So, Mr. Saha returned at about 11.30 A.M. after he was released . . . .

**Shri P. R. Majumdar** : Not Mr. Saha. Mr. Saha returned after just a little time.

**Shri G. Viswanathan :** You said he was released at 7·15 A.M. When did he come back to the Police Station ? It was your O.C. who came at 11·30 ?

**Shri P. R. Majumdar :** Yes. Mr. Saha came earlier.

**Shri G. Viswanathan :** Was he waiting there for about half an hour to see your O. C. ?

**Shri P. R. Majumdar :** For about two to three hours ; I cannot say the exact time. He left the Police Station and after some time he returned and stated that he will talk to the O. C.

**Shri G. Viswanathan :** And he was waiting for two to three hours ?

**Shri P. R. Majumdar :** Yes, Sir.

**Shri G. Viswanathan :** What was he doing in those two to three hours ?

**Shri P. R. Majumdar :** I talked with him about the general law and order and he overheard R.T. What was going on at Rampurhat.

**Shri G. Viswanathan :** Did you take any bond from him ?

**Shri P. R. Majumdar :** Yes, he gave me a PR bond.

**Shri G. Viswanathan :** And on that bond he was released ?

**Shri P. R. Majumdar :** He gave me a PR bond and left the Police Station.

**Shri G. Viswanathan :** Was he released on that bond ?

**Shri P. R. Majumdar :** I asked him to give me a PR under the instructions of the Superintendent.

**Shri K. G. Deshmukh :** You said you came to the Police Station at about 5·00 A.M. Did you interrogate Mr. Saha immediately you came there ?

**Shri P. R. Majumdar :** I couldn't follow.

**Shri K. G. Deshmukh :** When your superior officer arrested him and brought him and put him in the lock-up, what made you interrogate him as soon as you came ?

**Shri P. R. Majumdar :** I have to interrogate the persons under lock-up within 24 hours because they have to be forwarded to the court within 24 hours. So, as soon as I came, I asked how many persons were in the lock-up and also consulted with the persons who had brought them as instructed.

**Shri K. G. Deshmukh :** Who brought to your notice that this Mr. Saha was an M.P.

**Shri P. R. Majumdar** : While I talked with the persons who were in the lock-up. Mr. Saha told me that he was an M.P.

**Shri K. G. Deshmukh** : You released all the eight persons in the lock-up at about 7·00 A.M. and they went away from the Police Station.

**Shri P. R. Majumdar** : Yes, Sir.

**Shri K. G. Deshmukh** : In your report you have said that there was a big agitation at your place in Nalhati by the C. P. I. and C.P.M. on 3rd October. On the same day, you released these people? Is that a fact?

**Shri P. R. Majumdar** : They were supposed to go to Rampurhat with a view to violate law and order and released as instructed by S. P.

**Shri K. G. Deshmukh** : But these persons did not go to Rampurhati?

**Shri P. R. Majumdar** : After being released, these persons did not go to Rampurhat.

**Shri K. G. Deshmukh** : At what time was the agitation to take place at Rampurhat?

**Shri P. R. Majumdar** : At about 7 or 8 in the evening.

**Shri K. G. Deshmukh** : And they were released in the morning?

**Shri Chintamani Panigrahi** : When was Mr. Saha brought to the Police Station?

**Shri P. R. Majumdar** : I cannot say exactly.

**Shri Chintamani Panigrahi** : You came at 5 o' clock?

**Shri P. R. Majumdar** : Yes.

**Shri Chintamani Panigrahi** : They were brought from the Station to the Police Station and were kept under lock-up till you came to the Police Station?

**Shri P. R. Majumdar** : That may have happened.

**Shri Chintamani Panigrahi** : But is it a fact? When did you come to know that Mr. Saha was a Member of Parliament?

**Shri P. R. Majumdar** : When I visited the lock-up he told me that he was an M.P.

**Shri Chintamani Panigrahi** : So, till 5 o'clock neither the Duty Officer nor any body else told you that they had locked up an M.P.

**Shri P. R. Majumdar** : I cannot say whether he had disclosed his identity or not.

**Shri Chintamani Panigrahi:** So only when you came to the Police Station at 5 o'clock and went to the door of the lock-up Mr. Saha told you behind the bars that he was an M.P.?

**Shri M. C. Daga:** How many persons were there in the lock-up at that time?

**Shri P. R. Majumdar:** There were about 19 persons.

**Shri M. C. Daga:** Did you see his identity card?

**Shri P. R. Majumdar:** Yes, Sir.

**Shri M. C. Daga:** Whether it was in the pocket of Shri Saha or in the portfolio of Shri Saha?

**Shri P. R. Majumdar:** It was in the portfolio.

**Shri M. C. Daga:** Who opened the portfolio?

**Shri P. R. Majumdar:** The Duty Officer opened the portfolio.

**Shri M. C. Daga:** Is it correct that the Duty Officer got the identity card from the portfolio?

**Shri P. R. Majumdar:** The portfolio was kept in the custody of Duty Officer.

**Shri M. C. Daga:** When did the Duty Officer come there?

**Shri P. R. Majumdar:** As soon as I reached the Police Station, the Duty Officer also came there.

**Shri M. C. Daga:** When you came to know that Shri Saha was a Member of Parliament, you had asked him to come out of the room where he was locked up. But what did you do with all the other 8 persons who were kept under custody?

**Shri P. R. Majumdar:** I asked Mr. Saha how many persons were accompanying him who were taken into custody along with him. Mr. Saha said that 7 persons were accompanying him. Then I asked the Duty Officer to bring all the 8 persons to the P.S.

**Shri M. C. Daga:** Do you know that Cr.P.C. 151 exempts all M.Ps. and the M.L.As.?

**Shri P. R. Majumdar:** Yes, Sir.

**Shri M. C. Daga:** Under that rule, they are exempt?

**Shri P. R. Majumdar:** I do not know exactly because I have not gone through the Act thoroughly. I have seen it once.

**Shri M. C. Daga:** You had asked Mr. Saha to produce a bond or surety. For how much you wanted him to produce a bond?



**Shri P. R. Majumdar:** Bond without any condition, was to be produced. On personal bond he might appear before the Court.

**Shri M. C. Daga:** Now, have you seen the General Diary maintained at the Police Station?

**Shri P. R. Majumdar:** I have seen it.

**Shri M. C. Daga:** You have said that 8 persons were searched and they were taken into custody and then they were kept under police lock up. At the time of search, whether there were any other persons in whose presence the search was made.

**Shri P. R. Majumdar:** It was done by the ASI.

**Mr. Chairman:** Anybody who is taken into custody is brought to the Police Station and generally a search is made as to whether that person is carrying with him any material. At that time the police people prepare an inventory of the material brought by the person to the Police Station. Here, it was the duty officer who made the search. If the Duty Officer had really made an intensive search, then the identity card would have been seen. But now he says that the identity card was recovered from the portfolio which was under the custody of the Duty Officer.

**Shri M. C. Daga:** At 11.45 when Mr. Maitra came to the Police Station were you present at the police station?

**Shri P. R. Majumdar:** Yes, Sir.

**Mr. Chairman:** Who took care of the material and diary and other things at the Police Station? When Mr. Saha and others were brought to the police station, who took care of the things possessed by those people and the General Diary maintained in the P.S.?

**Shri P. R. Majumdar:** It was the A.S.I., P. G. Goswami who took care of these things.

**Mr. Chairman:** When you come to the PS and took charge at 5 o'clock did you ask the Duty Officer whether Mr. Saha was arrested and whether he had some documents with him? And did you ask him what were the materials deposited by those persons?

**Shri P. R. Majumdar:** On my arrival at the Police Station, I had consulted the Duty Officer to know who had been brought to the police station and under what circumstances they were brought. The Duty Officer had stated that all those persons were forwarded by O.C. at dead of night. Then Mr. Saha stated that he was an M.P. Then I offered him chair and extended him other facilities.

**Mr. Chairman:** When did you ask the Duty Officer to show this portfolio bag?

**Shri P. R. Majumdar:** On my arrival at the Police Station.

**Mr. Chairman:** Did he bring it as suggested by you ?

**Shri P. R. Majumdar:** Yes, Sir.

**Mr. Chairman:** Did you check it ?

**Shri P. R. Majumdar:** I do not remember it. But later on, he showed me the Identity Card. I had seen it.

**Mr. Chairman:** Did he show you this thing without your asking for it ?

**Shri P. R. Majumdar:** I had seen one Identity Card and a bag.

**Mr. Chairman:** When did you see Mr. Saha before you saw the Identity Card or after that ?

**Shri P. R. Majumdar:** When he told me that he was an M.P., I saw the bag while he was sitting before me.

**Shri Chintamani Panigrahi:** Before your arrival at the police station did the Duty Officer know that he was an M.P. ?

**Shri P. R. Majumdar:** I cannot say that.

**Mr. Chairman:** We see that this contradiction is already there. Now you may withdraw.

**The witness then withdrew**

**(Shri S. C. Maitra was called in again)**

**Mr. Chairman:** Mr. Maitra, you said that you would bring the general diary of the police station ?

**Shri S. C. Maitra:** Yes, Sir.

**Mr. Chairman:** Kindly read out the entry No. 63 dated 3-5-74.

**Shri S. C. Maitra:** I will read out the gist of this entry. It says:

“0315 hrs. on 3-5-74 by ASI P. G. Goswami. Gist of the entry ASI in with force and accused arrested under Section 151 Cr.P.C. ASI Sudhir Kundu and force returned to P.S. and made over the following accused arrested by OC....”.

**Mr. Chairman:** Leave it. You kindly send us the certified copies of entries Nos. 63, 65, 68 and any other entry related to this case.

**Shri S. C. Maitra:** Yes, Sir.

**Mr. Chairman:** Now, you may withdraw.

**(The witness then withdrew)**

*The Committee then adjourned.*

Wednesday, the 29th January, 1975.

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri Papatlal M. Joshi
5. Shri Shyamnandan Mishra
6. Shri H. N. Mukerjee
7. Shri Chintamani Panigrahi
8. Shri B. R. Shukla

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*

Shri J. R. Kapur—*Senior Legislative Committee Officer*

WITNESS

Shri Pran Gopal Goswami, *Assistant Sub-Inspector of Police, Nalhati*

(*The Committee met at 15.00 hours*)

*Evidence of Shri Pran Gopal Goswami, Assistant Sub-Inspector of Police, Nalhati.*

(**The witness took the Oath**)

**Mr. Chairman:** Mr. Goswami, you were the duty officer at the Nalhati Police Station on 3-5-1974.

**Shri P. G. Goswami:** Yes, Sir.

**Mr. Chairman:** From what time to what time ?

**Shri P. G. Goswami:** From 2nd May 9.50 p.m. to 3rd May, 1974 5.10 a.m. The second officer did not arrive, so I continued.

**Shri M. C. Daga:** Are you making a statement on the basis of the police diary ?

**Shri P. G. Goswami:** Yes, Sir.

**Shri M. C. Daga:** For how many hours were you on duty without any break ?

**Shri P. G. Goswami:** Eight hours.

**Shri M. C. Daga:** When all the 7 persons were put in the lock-up, were you present ?

**Shri P. G. Goswami:** Yes, Sir.

**Shri M. C. Daga:** Did you search the persons and if so, what did you recover ?

**Shri P. G. Goswami :** I made a search for offensive weapons. No articles were recovered except some personal property.

**Shri M. C. Daga:** Did you search Shri Saha, M.P. ?

**Shri P. G. Goswami:** I searched Mr. Saha, I did not know that he was an M.P.

**Shri M. C. Daga:** Did you find an identity card with him ?

**Shri P. G. Goswami:** No, Sir.

**Shri M. C. Daga:** Did he deposit any articles with you ?

**Shri P. G. Goswami:** One portfolio bag. I searched it in his presence; no identity card was there. He did not tell me that he was an M.P.

**Shri M. C. Daga:** What did the portfolio contain when you searched it ?

**Shri P. G. Goswami:** Some papers.

**Shri M. C. Daga:** Did you prepare a list of those ?

**Shri P. G. Goswami:** No, Sir. The portfolio bag was kept in Malakhana.

**श्री मूलचन्द डागा :** जब आपने तलाशी ली, तो उस समय जो आर्टिकल्स आपको मिले, क्या आपने उनकी लिस्ट बनाई थी ?

**श्री प्राण गोपाल गोस्वामी :** पोर्टफोलियो बैग में कागज पत्र आदि थे । उसमें कोई आई-डेन्टिटी कार्ड नहीं मिला ।

**श्री मूलचन्द डागा :** क्या उनसे आपको यह मा लूम हुआ कि वह एम० पी० हैं ?

**श्री प्राण गोपाल गोस्वामी :** उनके एम० पी० होने के बारे में कोई कागज नहीं मिला ।

**श्री मूलचन्द डागा :** क्या उनके पोर्टफोलियो पर उनका नाम नहीं लिखा हुआ था ।

श्री प्राण गोपाल गोस्वामी: मैंने नहीं देखा ।

श्री मूलचन्द डागा: क्या आपने उनसे बात की थी ?

श्री प्राण गोपाल गोस्वामी : की थी ।

श्री मूलचन्द डागा : क्या उन्होंने कहा था कि मेरा नाम गदाधर साहा, एम० पी० है ।

श्री प्राण गोपाल गोस्वामी : उन्होंने सिर्फ "गदाधर साहा" कहा था । मैंने समझा कि कोई पब्लिक का आदमी होगा । मैं नहीं जानता था कि वह ए० पी० है ।

श्री मूलचन्द डागा : आपने उन्हें कभी नहीं देखा था ?

श्री प्राण गोपाल गोस्वामी : मैंने कभी नहीं देखा था ।

श्री मूलचन्द डागा : कितने साल हो गये आपको उस जगह पर काम करते हुये ?

श्री प्राण गोपाल गोस्वामी : दो वर्ष हो गये ।

श्री मूलचन्द डागा : दो वर्ष में आप ने यह नहीं सुना कि आपके नलहाटी के ये एम० पी० हैं ?

श्री प्राण गोपाल गोस्वामी : सरदीश बाबू एम० पी० हैं, उनको हम चोन्हते हैं, इनको हमने नहीं देखा ।

श्री मूलचन्द डागा : जितने आदमियों को आपने अरेस्ट किया उसमें से किसी ने कहा कि ये एम० पी० हैं ।

श्री प्राण गोपाल गोस्वामी : जी नहीं ।

श्री मूलचन्द डागा : वह लिस्ट जो आपने बताई उनकी एंट्री की वह आप के पास है ? जो आपने एंटर किया है 7 और 1, आठ आदमियों को उनके नाम लिखे हैं ?

श्री प्राण गोपाल गोस्वामी : जी हां, मैंने लिखा है । उनके सब के नाम मैंने लिखे हैं, उनके फादर के नाम भी लिखे हैं ?

श्री मूलचन्द डागा : और एड्रेस भी लिखा है ?

श्री प्राण गोपाल गोस्वामी : एड्रेस वह नलहाटी बोले थे ।

श्री मूलचन्द डागा : वह एंट्री आप यहां पेश कर सकते हैं ? जो एंट्री की है वह पढ़ दीजिये ।

**Mr. Chairman:** After reading out the particulars from the Entry book, he can submit a certified copy of the same.

**Shri P. G. Goswami:** I will submit a certified copy of it.

**श्री मूलचन्द्र डागा :** आपने उस समय गदाधर साहा से यह कहा या नहीं कहा कि जब मैंने आपको कस्टडी में लिया था तब आपने क्यों नहीं बतलाया कि आप एम० पी० हैं ?

**श्री प्राण गोपाल गोस्वामी :** हां, मैं यह बोला था कि क्यों नहीं बतलाया ?

**श्री मूलचन्द्र डागा :** आपने अभी कहा कि हमें पोर्टफोलियो में यह नहीं दिखा तो बाद में यह उसमें कैसे आ गया ?

**श्री प्राण गोपाल गोस्वामी :** कागजों में कैसे-कैसे था यह हमारे देखने में नहीं आया । यह तो उनको बोलना था ।

**श्री मूलचन्द्र डागा :** आप के दो स्टेटमेंट हो गये । आपने कहा कि पोर्टफोलियो संच किया और उसमें आपको आईडेंटिटी कार्ड नहीं मिला । आज आप कह रहे हैं कि वह आप की कस्टडी में था । जब आपने पहला संच किया तो क्या वहां कोई रेस्पेक्टेबिल वित्नेसिज थे ।

**श्री प्राण गोपाल गोस्वामी :** वहां एक्यूज्ड थे ।

**श्री मूलचन्द्र डागा :** कोई दूसरा आदमी नहीं था वहां की लोकेलिटी का कोई रेस्पेक्टेबिल आदमी नहीं था ?

**श्री प्राण गोपाल गोस्वामी :** जो उनके साथ थे, वही लोग थे, जैसे मुन्नाय सरकार थे ।

**श्री मूलचन्द्र डागा :** अपनी संच लिस्ट में क्या आपने उनके दस्तख्त करवाये थे ?

**श्री प्राण गोपाल गोस्वामी :** यह सी०ओ०पी० का काम है, हम नहीं जानते, हम को भेजा गया इसलिये हमने संच कर दिया ।

**श्री मूलचन्द्र डागा :** जब आपने संच किया और संच-लिस्ट बनी, उसके बाद उनको लाक-अप में रखा ?

**श्री प्राण गोपाल गोस्वामी :** अरेस्ट किया । संच लिस्ट बनाई जाती है ।

**श्री मूलचन्द्र डागा :** जब संच लिस्ट बनी उस समय कोई रेस्पेक्टेबिल आदमी था या नहीं ? आप संच लिस्ट लाये हैं ।

**श्री प्राण गोपाल गोस्वामी :** मुझे जनरल डायरी लाने के लिये कहा गया था, वह मैं लाया हूँ । संच लिस्ट नहीं लाया हूँ ।

**श्री मूल चन्द्र डागा :** जिस समय उनको अन्दर किया, उस समय नलहाटी स्टेशन पर कितने कांस्टेबल थे ?

**श्री प्राण गोपाल गोस्वामी :** सी० ओ० सी० के साथ थे ।

**श्री मूल चन्द्र डागा :** कितने आदमी ड्यूटी पर थे ?

**श्री प्राण गोपाल गोस्वामी :** तीन चार आदमी थे, आफिसर भी थे ।

**श्री मूल चन्द्र डागा :** तीन चार आदमियों में कोई भी श्री साहा को नहीं जानता था ?

**श्री प्राण गोपाल गोस्वामी :** नहीं जानते थे ।

**श्री मूल चन्द्र डागा :** वे कितने साल से वहां काम करते थे, क्या कोई पांच-सात साल का कांस्टेबल वहां नहीं था?

**श्री प्राण गोपाल गोस्वामी :** सब नये थे, पुराना कोई नहीं था । कोई हावड़ा से आया था, कोई दूसरी जगह से आया था ।

**श्री मूल चन्द्र डागा :** आपने उनका नाम सुनते ही छोड़ दिया, उनके साथ वालों को भी छोड़ दिया ?

**श्री प्राण गोपाल गोस्वामी :** आर्डर मिलने पर छोड़ दिया ।

**श्री मूल चन्द्र डागा :** लेकिन आपके पास तो दफा 151 में पाबर्स हैं, फिर क्यों छोड़ दिया ?

**श्री प्राण गोपाल गोस्वामी :** हमारे सुपीरियर आफिसर के आर्डर थे, इसलिये छोड़ दिया । जब हम को उनका एम० पी० होने का परिचय मिल गया तो हमने अपने एस० पी० को फोन किया, उनके आर्डर से पी० आर० बांड पर रिलीज किया । लेकिन जब उन्होंने कहा कि सबको लेकर जायेंगे तो हमने फिर फोन किया कि एम० पी० साहब ऐसा कहते हैं । जब उन्होंने सबको छोड़ने का आर्डर दिया तो हमने सबको छोड़ दिया । सुपीरियर हम को जैसा आर्डर करते हैं, हम वैसा ही करते हैं । वे आई० पी० एस० आफिसर हैं, हमने उनके आर्डर के अनुसार काम किया ।

**श्री मूल चन्द्र डागा :** उसके बाद आप का एम० पी० साहब से समझौता हो गया ।

**श्री प्राण गोपाल गोस्वामी :** जो हां । हमने उनसे कहा कि हम को माफ कर दीजिये, हमसे भूल-चूक हुआ है ।

श्री मूलचन्द डागा : उन्होंने भी माफ कर दिया ?

श्री प्राण गोपाल गोस्वामी : जी हां ।

**Shri Chintamani Panigrahi:** You kindly see the statement of the Sub-Inspector. They have mentioned about the portfolio bag which they gave to the duty officer.

श्री प्राण गोपाल गोस्वामी : हमारे सुपीरियर ने जो आर्डर किया उसके मुताबिक हमने काम कर दिया ।

श्री मूल चन्द डागा : आपने एम० पी० साहब को चाय बगैरह पिलायी ?

श्री प्राण गोपाल गोस्वामी : जी हां । हमने कहा कि माफ कीजिये भूल बूक से ऐसा हो गया ।

श्री मूल चन्द डागा : उन्होंने भी माफ कर दिया ?

श्री प्राण गोपाल स्वामी : जी हां ।

**Shri Chintamani Panigrahi:** Your superior authority has submitted a statement. In that, he has said:

“It may be mentioned here that Shri Gadadhar Saha made over his portfolio bag to the duty officer before going into the Thana lock up without giving any indication that it contained his identity card along with other personal effects. The duty officer, therefore, kept the bag in a safe place at the Thana pending my return to the police station.”

So, this statement shows that the duty officer did not search the bag. I think you understand this. You have read the general diary.

**Shri P. G. Goswami:** I searched for the offensive weapons only.

**Shri Chintamani Panigrahi:** I have read out to you what your superior authority has stated.

श्री चिन्तामणि पाणिग्रही : आपने उसको सेफ में रख दिया ।

श्री प्राण गोपाल गोस्वामी : रखने से पहले पुलिस चैक करती है ।

श्री चिन्तामणि पाणिग्रही : इसमें तो नहीं लिखा हुआ है ।

श्री प्राण गोपाल गोस्वामी : हमने सर्च किया केवल आफेंसिव वैपन्स के लिये ।

श्री चिन्तामणि पाणिग्रही : तो ऐसा तो नहीं हो सकता कि आपने जब सर्च किया तो आइडेन्टिटी कार्ड चला गया और आप का जब अफसर आया तो आइडेन्टिटी कार्ड आ गया ।



**श्री प्राण गोपाल गोस्वामी :** अगर वह कह देते कि हम एम० पी० हैं तो हम जान लेते । हम उनको पहचानते नहीं थे । श्री सरदीश राय को हम पहचानते हैं और वह जब भी मिलते हैं तो हम उनको सैल्यूट करते हैं ।

**Shri Chintamani Panigrahi:** Now, the question is, he came at 3 O'clock in the night. What time it was ?

**Shri P. G. Goswami:** 03.15.

**Shri Chintamani Panigrahi:** And the officer-in-charge took over from you at 5.15 in the morning ?

**Shri P. G. Goswami:** Second officer. The officer-in-charge arrived at the P.S. at 5.45.

**Shri Chintamani Panigrahi:** The second officer took charge at....

**Shri P.G. Goswami:** 5.10.

**Shri Chintamani Panigrahi:** The question is, did you tell the Second Officer that you searched the bag ?

**Shri P. G. Goswami:** No.

**श्री चिन्तामणि पाणिग्रही :** सैकेन्ड अफसर जब आया तो उसने नहीं पूछा कि आपने बैग की तलाशी की कि नहीं ?

**श्री प्राण गोपाल गोस्वामी :** कुछ नहीं पूछा ।

**श्री चिन्तामणि पाणिग्रही :** तो फिर किस लिये तलाशी की ?

**श्री प्राण गोपाल गोस्वामी :** इंटै रोगेशन सैकेन्ड अफसर करने लगा । मैं ए० एस० आई० हूँ इसलिये इंटैरोगेट मैं नहीं कर सकता हूँ ।

ASI is not entitled to interrogate any person. Second Officer is entitled to interrogate all persons.

इंटैरोगेशन होने के बाद उन्होंने कहा कि हम एम० पी० हैं और हमारा आईडेन्टिटी कार्ड पोर्ट-फोलियों में है ?

**श्री चिन्तामणि पाणिग्रही :** आप को नहीं बोला कि एम० पी० हूँ ।

**श्री प्राण गोपाल गोस्वामी :** जी नहीं । उनको आफिसर इंचार्ज को बताना चाहिये हम तो उनको चीन्हते नहीं थे । जब हमने स्टेशन पर अरेस्ट किया तो बता देना चाहिये था । जब बाद में उन्होंने इंटैरोगेशन के बाद बताया कि मैं एम० पी० हूँ तो हमने उनसे कहा कि आप ने पहले क्यों नहीं बताया । ता उन्होंने कहा कि मैं टैस्ट कर रहा था कि आप हम को जानते हैं कि नहीं । दो साल हुये हम मिदनापुर से आये, लेकिन हमने उनको नहीं देखा ।

**Shri Chintamani Panigrahi:** You say you did not ask them anything. You simply searched the bag. You never put them any questions. You only searched the bag and you did not find the identity card. You only searched for the offensive weapons and you had no mind to see whether the identity card was there. Only to the second officer, Shri Gadadhar Saha declared that he is a Member of Parliament and that his identity card is there in the bag. When he searched, he found the identity card. When you searched, you did not find the identity card.

**श्री बी० आर० शुक्ल :** मतलब यह कि आप का यह कर्तव्य था कि जब कोई गिरफ्तार हो कर के आता है तो उसके शरीर की आप तलाशी करते हैं और अगर उसके साथ कोई सामान होता है तो सब देखने का मतलब यही होता है कि कोई ऑफेंसिव वैन तो नहीं है? आप ओबजैक्शनेबिल मैटर के लिये तलाशी करते हैं। इसलिये जब पोर्टफोलियों को देखा तो उसमें कोई ऑफेंसिव चीज आप को मिली नहीं इसलिये आपने उसको सेफ कस्टडी में रख दिया, और उन्होंने अपने को एम० पी० डिस्कलोज नहीं किया। आप ए० एस० आई० हैं और आपको इंटेरोगेशन का अधिकार नहीं है इसलिये आपने आर पूछताछ नहीं की। ए० एस० आई० आए। उन्होंने पूछताछ की। एम० पी० का पोर्टफोलियों मंगाया गया। एम० पी० साहब ने कहा कि मेरा आईडेंटिटी कार्ड उसमें है। उसको देखा गया। देखने के बाद मालूम पड़ा कि ये एम० पी० हैं। अगर आपको पहले से ही मालूम होता कि ये एम० पी० हैं तो उनको जो असुविधा हुई वह न हुई होती, क्या यह सही है?

**श्री प्राण गोपाल गोस्वामी :** जी हां।

**Shri Somnath Chatterjee:** I want to find out from you as to when you had first asked him.

**Shri P. G. Goswami:** (in Bengali)

**Shri Somnath Chatterjee:** The witness says that he had searched them as soon as they came. Now, Mr. Goswami, did you search the bag?

**Shri P. G. Goswami:** Against offensive weapons.

**Shri Somnath Chatterjee :** You had searched their body as well as the bag.

**Shri P. G. Goswami:** Yes.

**Shri Somnath Chatterjee :** Did anybody else carry any bag?

**Shri P. G. Goswami:** No, Sir.

**Shri Somnath Chatterjee:** You had believed that all those persons were rowdies. Is it so?

**Shri P. G. Goswami:** (in Bengali)

**Shri Somnath Chatterjee :** He says : "OC arrested them. I am undone if I do it. OC can arrest anybody. I had to keep them till the arrival of the OC".

**Shri P. G. Goswami:** (in Bengali);

**Shri Somnath Chatterjee :** He says that when the OC arrested them he thought they were all rowdies.

**Shri P. G. Goswami:** (in Bengali)

**Shri Somnath Chatterjee :** He says that if the MP had told that he had the identity card or even that he was an MP, the witness would have sent for the officer-in-charge and informed him about the persons whom they have arrested.

**Shri Somnath Chatterjee :** If you had believed him to be a rowdy why did you not search his bag thoroughly?

**Shri P.G. Goswami :** (in Bengali)

**Shri Somnath Chatterjee :** He says that he was looking for a bomb or an offensive weapon. He says that if the MP had told him that he was one such and that his identity card was in the bag, he would have found it out.

**Mr. Chairman :** It was an ordinary portfolio bag. I could not have taken a long time to search it.

**Shri Somnath Chatterjee :** When did you know for the first time that there was an identity card?

**Shri P. G. Goswami :** The second officer, on arrival, had commenced the interrogation. He disclosed himself before the second officer Mr. Mazumdar. (in Bengali).

**Shri Somnath Chatterjee :** He says: "I had not searched the bag the second time; but the second officer did it." Now, Mr. Goswami, do you know that Mr. Mazumdar has come here and has said that the identity card was shown by you to the officer? Anyway, I will show you the record so that you might be able to appreciate whether what he had said was wrong.

*(The witness is shown the record)*

**Shri P. G. Goswami :** The ASI took the folio bag in front of that place, according to his direction; and accordingly under my direction.

**Shri Somnath Chatterjee :** I am not going into it. Mr. Mazumdar in his evidence has said that the card was shown by you to him.

**Shri P. G. Goswami :** (in Bengali)

**Shri Somnath Chatterjee :** He says he is a brahmin; he cannot tell a lie.

**Shri P.G. Goswami :** (in Bengali)

**Shri Somnath Chatterjee:** He says that his version does not tally with Mr. Mazumdar's version.

**Shri Somnath Chatterjee:** Even if Mr. Saha had not told you that he was an M.P., if you had done your duty in searching the bag, as it was your duty to do it, you would have found out that there was an identity card.

**Shri P. G. Goswami:** I only searched for offensive weapons. There were papers, but I did not look into them. If I had known that he was an M.P., I would have looked into them.

**Shri Somnath Chatterjee :** There was a Lok Sabha Diary.

**Shri P. G. Goswami :** I did not see.

**Shri Somnath Chatterjee :** That is not a thin paper.

**Shri P. G. Goswami :** If I had seen the Lok Sabha Diary, I would have considered it. If he had told me that he was an M.P., there would have been no trouble.

**Shri Somnath Chatterjee :** His Diary was not found, his card was not found. According to Mr. Saha, he had also letter heads or stationery of the Lok Sabha. Could you not find anything there?

**Shri P. G. Goswami :** No sir. I searched only for weapons.

**Shri Somnath Chatterjee :** Were you ever asked by any of your superior officers to thoroughly search the bag?

**Shri P. G. Goswami :** No sir.

**Mr. Chairman :** Your Officer-in-charge, Mr. Subhash Chandra, in his statement dated 13-6-1974 has stated that you interrogated the arrested person. Is that true?

**Shri P. G. Goswami :** I did not interrogate.

**Mr. Chairman :** You were the officer on duty?

**Shri P. G. Goswami :** I was the officer on duty, but I am not entitled to interrogate. I have got no powers.

**Mr. Chairman :** But your officer-in-charge says that you, who were the duty officer at the time of the arrest, did so. I will read out that portion. It says :—

“The arrested persons were received at the PS at 3·15 hour on 3-5-74 where the duty officer, ASI Pran Gopal Goswami conducted a formal search of the person of the eight arrested persons and found nothing incriminating, entered their names in the General Diary, and had to keep them in the Thana lock up for safe custody as he was the only member of the force then available at the PS barring the lone sentry constable on duty. During interrogation by the duty officer neither Mr. Saha disclosed that he was a member nor the person arrested made a declaration.”

**Shri P. G. Goswami :** According to section 161 Cr. P.C. only an SI is entitled to interrogate.

**Mr. Chairman :** You are saying that according to the law you are not authorised to interrogate, but your officer-in-charge who should be knowing this says that you interrogated. How do you account for that?

**Shri P. G. Goswami :** He arrested them and he is entitled to interrogate them under section 161.

**Mr. Chairman :** But your officer-in-charge says you did. Is that true or not?

**Shri P. G. Goswami :** Interrogation is of a different type.

**Mr. Chairman :** What was the nature or type of interrogation you conducted?

**Shri P. G. Goswami :** I asked them to disclose their identity, whether they were respectable persons or not.

**Mr. Chairman :** That is what I asked you. Your interrogation was about their respectability, status etc. This kind of interrogation you have done.

**Shri M. C. Daga :** Are there any instructions to the police that persons should be questioned whether they are respectable? Is it necessary?

**Shri P. G. Goswami :** No sir.

**Shri B. R. Shukla :** It is done.

**Shri Chintamani Panigrahi :** When I first asked this question, he said he had not interrogated.

**Shri Somnath Chatterjee :** Your evidence is that at 3 O'clock Mr. Saha did not say that he was an M.P. He waited for two hours inside the lockup with the identity card with him to disclose that he was an M.P., although you had searched him.

**Mr. Chairman :** And interrogated him.

**Shri Somnath Chatterjee :** And searched his bag in the meantime. That is your case.

**Prof. H. N. Mukerjee :** Mr. Chairman, I would like you to tell the witness that he should remember that he is giving evidence on oath.

**श्री श्याम नन्दन मिश्र :** परिचय जो आपने पूछा तो उस परिचय में साहा जी के बारे में क्या आपको मालूम हुआ ? इनसे भी पूछा होगा ।

**श्री प्राण गोपाल गोस्वामी :** हाँ पूछा था ।

**श्री श्याम नन्दन मिश्र :** तो साहा जी ने क्या कहा ?

**श्री प्राण गोपाल गोस्वामी :** बोले कि यह हमारे पिता का नाम है, नलहाटी हमारा घर है ।

**श्री श्याम नन्दन मिश्र :** वही पुलिस स्टेशन है न ?

**श्री प्राण गोपाल गोस्वामी :** वह तो बहुत बड़ी जगह है ।

श्री श्याम नंदन मिश्र : नलहाटी पुलिस स्टेशन की जनसंख्या कितनी होगी ?

श्री प्राण गोपाल गोस्वामी : पापुलेशन बहुत है। दस बारह हजार या 25 हजार होगी।

श्री श्याम नंदन मिश्र : वहीं के वह रहने वाले हैं साहा जी ?

श्री प्राण गोपाल गोस्वामी : हां उस टाइम वह यहीं बोले थे।

श्री श्याम नंदन मिश्र : मगर वास्तव में कहां के रहने वाले हैं ? रहने वाले नलहाटी के हैं या दूसरी जगह के ?

श्री प्राण गोपाल गोस्वामी : पहले तो बोले थे नलहाटी। आखिर में जब एम०पी० से परिचय हो गया तो बताया नानूर पुलिस स्टेशन।

श्री श्याम नंदन मिश्र : वह कितनी दूर है वहां से ?

श्री प्राण गोपाल गोस्वामी : बहुत दूर है 70-80 किलोमीटर होगा।

श्री श्याम नंदन मिश्र : नलहाटी साहा जी के चुनाव क्षेत्र में है ? ये वहीं के एम०पी० हैं ?

श्री प्राण गोपाल गोस्वामी : एम०एल०ए० तो मोहिउद्दीन हैं।

श्री श्याम नंदन मिश्र : नलहाटी के लोक सभा के मेम्बर कौम हैं।

श्री प्राण गोपाल गोस्वामी : पहले नहीं जानते थे। लेकिन अब जानते हैं कि साहा जी हैं।

श्री श्याम नंदन मिश्र : आप कितने दिनों से वहां थे।

श्री प्राण गोपाल गोस्वामी : डेढ़ दो वर्ष से।

श्री श्याम नंदन मिश्र : इतने दिनों में आपको गदाधर साहा का नाम सुनने को नहीं मिला।

श्री प्राण गोपाल गोस्वामी : नहीं, सुनने को भी नहीं मिला और देखा भी नहीं। उस समय हम लोग नक्सली वर्ग रह में बहुत एन्गेज्ड थे।

श्री श्याम नंदन मिश्र : दो साल पहले नक्सली कहां थे ?

श्री प्राण गोपाल गोस्वामी : अभी तक उनका चल रहा है। बम वर्ग रह फायर होते

श्री श्याम नंदन मिश्र : तो आप ने साहा जी से जो परिचय पूछा तो उन्होंने बता दिया कि मेरा नाम यह है, मेरे पिता जी का नाम यह है और मैं नलहाटी का रहने वाला हूँ इतना ही बताया ? और आप बड़े सीधे सादे आदमी हैं आपने समझा कि वास्तव में यह कोई ऐसा ही है।

श्री प्राण गोपाल गोस्वामी : जी हां।

श्री श्याम नंदन मिश्र : उसके बाद जब आपने पोर्टफोलियो बंग अपने हाथ में लिया तो सब सामान साथ में लिया होगा। इन के पास जांच पड़ताल के लिये सिर्फ पोर्टफोलियो ही था या कोई और चीज थी। कोई बक्सा वर्ग रह और था ?

**श्री प्राण गोपाल गोस्वामी :** नहीं, कोई और चीज नहीं थी। केवल पोर्टफोलियो बैग था। कोई बक्सा वगैरह नहीं था।

**श्री श्याम नंदन मिश्र :** पोर्टफोलियो बैग की आपने जांच पड़ताल की तो उसमें कोई कागज वगैरह भी पड़ा ?

**श्री प्राण गोपाल गोस्वामी :** नहीं कागज नहीं पड़ा, सीधे बम वगैरह देखा कि कोई बम तो नहीं है।

**श्री श्याम नंदन मिश्र :** बम का नुस्खा रहे तो वह नहीं पढ़ेंगे ?

**श्री प्राण गोपाल गोस्वामी :** हम को पहले देखना होता है कि इम्प्लीडिएट एक्शन होने लायक कोई चीज तो नहीं है क्योंकि ऐसी कोई चीज हो और एकदम से बस्ट हो जाय तो क्या होगा ?

**श्री श्याम नंदन मिश्र :** उसी के बचाव के लिये ऐसा करते हैं ?

**श्री प्राण गोपाल गोस्वामी :** हम केवल आफेंसिव वेपन सर्च करते हैं।

**श्री श्याम नंदन मिश्र :** और उसमें आपका उद्देश्य यही होता है कि कहीं उसमें से विस्फोट न हो जाय ;समें कोई अफसर मर जाय ?

**श्री प्राण गोपाल गोस्वामी :** अफसर ही नहीं, उसमें तो असामी भी मर सकता है।

**श्री श्याम नंदन मिश्र :** तो असामी के बचाव के लिये और अपने बचाव के लिये इसी के लिये देखते है ? यह नहीं कि और कोई खतरनाक काम भी हो सकता है, उसको देखने के लिये नहीं होता है ?

**श्री प्राण गोपाल गोस्वामी :** वह उनके बोलने से नहीं करना पड़ता। वह बोलते कि हम एम० पी० हैं या उनकी पार्टी के भी आदमी थे वह भी नहीं बोले, वह भी बोल देते तो पता चल जाता।

**श्री श्याम नंदन मिश्र :** इन लोगों की आप ने जांच पड़ताल की तो आपको मालूम हो गया कि ये मार्क्सवादी कम्युनिस्ट पार्टी के सदस्य हैं ?

**श्री प्राण गोपाल गोस्वामी :** हम को यह कुछ नहीं मालूम हुआ। कोई आफेंसिव वेपन है या नहीं यह हमने देख लिया।

**श्री श्याम नंदन मिश्र :** उसमें और लोग जो थे उस पार्टी में उससे यह नहीं मालूम हुआ कि ये मार्क्सवादी पार्टी के आदमी हैं या बम वाले आदमी हैं यह सब आपको कुछ नहीं मालूम हुआ।

**श्री प्राण गोपाल गोस्वामी :** जी नहीं।

**श्री श्याम नंदन मिश्र :** आपके ऊपर के आफिसर जब आए तो उनसे आप क्या बोले ?

**श्री प्राण गोपाल गोस्वामी :** हम बोले कि ये ऐसे आदमी हैं, ओ० सी० भेज देते हैं, उनका आप इंटरोगेशन कीजिये।

**श्री श्याम नंदन मिश्र :** तो उस इंटरोगेशन के वक्त आप थे या चले गये थे ?

**श्री प्राण गोपाल गोस्वामी :** हम थे ।

**श्री श्याम नंदन मिश्र :** तो उसमें कुछ यह नहीं रिपोर्ट किया कि ये ऐसे आदमी हैं, इन्होंने अपना ऐसा परिचय दिया है ?

**श्री प्राण गोपाल गोस्वामी :** वह तो डायरी में है । उनके पास केस डायरी है, उसमें उन्होंने लिखना शुरू किया । हमारी ड्यूटी वहीं खत्म हो गई । हमने कह दिया कि यह श्री सी भोज देते हैं आप इंटरोगेट कीजिये ।

**श्री श्याम नंदन मिश्र :** उसके बाद जब आइडेंटिटी कार्ड का पता चला तो दूसरे आफिसर ने तो आइडेंटिटी कार्ड पहचाना आपने जब जांच पड़ताल, की तो आपने नहीं पहचाना ?

**श्री प्राण गोपाल गोस्वामी :** हमने नहीं देखा ।

**श्री श्याम नंदन मिश्र :** उसको बड़ा छिपा कर रखे हुये थे ?

**श्री प्राण गोपाल गोस्वामी :** बैग के अन्दर था कागज पत्रों के बीच में । जब एम० पी० साहब बोले कि हम एम० पी० हैं, उन कागजों के अन्दर देखो हमारा आइडेंटिटी कार्ड है तो उसको देखा । दूसरे आफिसर ने तब बैग लेकर देखा और उसको निकाला ।

**श्री श्याम नंदन मिश्र :** उस समय यह काम तो आप का था ?

**श्री प्राण गोपाल गोस्वामी :** हमने केवल आफेंसिव वेपन के लिये सर्च किया था । उनके बयान के बाद कि हम एम पी हैं, हमारा आइडेंटिटी कार्ड देखो तब वह निकाला ।

**श्री श्याम नंदन मिश्र :** तो आप ने ही खोज कर आइडेंटिटी कार्ड निकाला ? कार्ड आसानी से मिला या मुश्किल से ?

**श्री प्राण गोपाल गोस्वामी :** मैंने ही खोज कर निकाला । बड़ी मुश्किल से मिला, बहुत कागजों के नीचे था ।

**श्री श्याम नंदन मिश्र :** देखने में कैसे मालूम पड़ा कि यह आइडेंटिटी कार्ड है ?

**श्री प्राण गोपाल गोस्वामी :** सेकेन्ड अफसर ने देखा ।

**श्री श्याम नंदन मिश्र :** अगर सेकेन्ड अफसर की मदद नहीं होती तो आप उसको नहीं निकाल सकते थे ?

**श्री प्राण गोपाल गोस्वामी :** नहीं, बोलने से तो नहीं होता । श्री साहा ने दिखा दिया ।

**श्री श्याम नंदन मिश्र :** श्री साहा ने निकाल कर आई० कार्ड नहीं दिया ?

**श्री प्राण गोपाल गोस्वामी :** जी हां ।

**श्री श्याम नंदन मिश्र :** अगर सेकेन्ड अफसर नहीं होता तो आप पहचानते नहीं ?

**श्री प्राण गोपाल गोस्वामी :** उसमें लिखा होता है, जैसे हमारे आई० कार्ड में रहता है ।



श्री श्याम नंदन मिश्र : जो आई० कार्ड निकला तो पहले किसके हाथ पड़ा ?

श्री प्राण गोपाल गोस्वामी : सैकेन्ड अफसर के हाथ पहले पड़ा । सैकेन्ड अफसर ने कहा कि देखो यह आई० कार्ड है ।

**Mr. Chairman :** You are the officer who made the search for offensive weapons ?

**Shri P. G. Goswami :** Yes.

**Mr. Chairman :** According to us, if you had made a proper check or discharged your duties properly instead of confining your search to only offensive weapons and explosives and concentrating your attention on 'rowdies' and all that, perhaps the whole thing would have been avoided whereas it unnecessarily involved the obstruction of the duties of an hon. member of Parliament. Have you anything more to say ?

**Shri P. G. Goswami :** \*Before an arrest is made, the arresting party would search the person. I proceeded on that basis that before an arrest was made, he was searched because if there was a pistol or revolver, he could shoot. Now when they came to me, I only looked for offensive weapons.

I have said what I have done. When the MP came to me, I told him: "If you had told me earlier, this would not have happened". I tender apology.

श्री बी० आर० शुक्ला : आप कब भी अपोलोजाइज करते हैं रिग्रेट करते हैं ?

**Shri P. G. Goswami :** What I have done, I have said, Please excuse me for what I have done.

**Shri Shyamnandan Mishra :** If there has been any lapse on my part express my apology—That was what he said.

*The witness then withdrew.*

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\*Translation.

## APPENDIX

(See para 16 of the Report)

### EXTRACTS OF GENERAL DIARY ENTRIES OF NALHATI POLICE STATION.

Extract from Nalhati P.S. General Diary Entry dated 2-5-74.

58  
21—50  
O. C. and  
force out to  
organise raid.

Myself with S.I. S. K. Chatarji, ASI S. Kundu, ASI Kamal Roy and force left for Nalhati Bazar area to organise anti rowdy raid and to work out a secret information of arrival of some rowdy and antisocial elements in town to mobilise local rowdies to create trouble in C.D. Movement on 3-5-74 at Rampurhat.

Charge of the P. S. is left with ASI P.G. Goswami with all Government properties and keys of the Malkhana "accused in the lock up".

Sd/- S. Moitra,  
O. C. Nalhati P. S.

Extract from Nalhati P.S. General Diary Entries dated 3-5-74.

63  
03—15  
ASI in with  
force and  
accused  
arrested U/S  
151 Cr. P.C.

ASI Sudhir Kundu and force returned to P.S. and made over the following accused arrested by O/C Nalhati P.S. U/s 151 Cr. P. C. and sent to P.S. for further interrogation to ascertain their identity. I took the accused in my custody and searched their persons found nothing incriminating with them. Their personal properties are noted against each.

- (1) Gadadhar Saha, s/o Bhola Nath Saha of Nalhati—pp. one closed port folio bag.
- (2) Subhas Ch. Sarkar, s/o Khitish Ch. Sarkar of do.
- (3) Gangadhar Mandal, s/o L. Amulya Ratan Mandal of do
- (4) Madan Mohan Mandal, s/o L. Radha Ballav Mandal of do.
- (5) Rameswar Gupta s/o L. Mukuleswar Gupta of do.
- (6) Abdul Kayez, s/o Abdul Kashem of Madhura, P.S. Nalhati.
- (7) Jagannath Das, s/o L. Nitai Ch. Das of Kanishal P.S. of do.
- (8) Khitish Sinha, S/o L. Gopal Ch. Sinha of Nalhati.

I am alone at the P.S. other than thana sentries at the post. considering the security of the accused persons I put them at the

lockup after observing hazat rules. Warned the sentry constables...  
ASI S. Kundu and his force again left P.S. to meet O/C.

Sd/- P. G. Goswami,  
A.S.I.;

Extract from Nalhathi P.S. General Diary Entries dt. 3-5-74.

65

05-10

S.I. in and  
took charge  
and accused  
interrogated.

I./S.I./P. Majumdar came to P.S. from Qr. and took charge of the P.S. with *malkhana* keys and govt. properties 19 accused in the lock-up. Appraised of the arrest made by O/C. I talked with the accused persons of the lock-up. Accused Gadadhar Saha expressed to me in course of conversation and claimed himself as the elected M.P. of the district. He also stated that he had his identity card in his folio bag lying with the duty officer. Accordingly under my direction the A.S.I. took the folio bag in front of the lock-up gate and opened the same in presence of Shri Gadadhar Saha. The identity card was found out in the folio bag with other personal belongings. I contacted O/C over phone and appraised him about the matter. Meanwhile Shri Saha was taken out of the lock-up and requested to stay at the office room after offering him full courtesy. I also offered him chair at the office. ASI P.G. Goswami will write the G.D.

Sd/- P. R. Majumdar,  
S.I.

66

05-25

Direction of  
O/C to rele-  
ase the  
MP or P.R.

O/C Nalhathi P.S. informed over phone after consulting the matter of arrest of honourable M.P. with the superiors and directed to release Shri Saha immediately on P.R.S.I. P. Majumdar accordingly informed honourable M.P. but Shri Shaha refused to have his release without the release of 7 companions. S.I. P.R. Majumdar again contacted O/C over phone to solicit instructions from the superiors.

Sd/- P. G. Goswami,  
A.S.I.

68

07-00

O. C. release  
of accused  
on P.R.

O/C Nalhathi P.S. informed over phone after further consulting with superiors to release honourable MP. Shri Saha and his companions on P.R. Accordingly I informed Shri Saha who along with his seven companions furnished P.R. Bond for their release. They were allowed to go with their personal belonging. Shri Saha and his companion left P.S. T.M. sent to S.P. D.I.B. Birbhum for his perusal.

Sd/- P. G. Goswami.  
A.S.I.

73

07-45

Arrival of  
M.P. and  
note

Honourable M.P. Shri Gadadhar Saha came to P.S. with some of his men and expressed his desire to meet O/C. I informed him that O/C was still out on duty. He wanted to stay at the P.S. I offered him proper seat and courtsay.

Sd/- P. G. Goswami,  
A.S.I.

77

11-45

O. C. in with  
force and  
note

Myself along with S.I. S.K. Chatarji, ASI K. Ray, ASI S-Kundu and force returned to P.S. after organising raid as per direction of the superior office contained in R.T. message dt. 2-5-74.

At 02:30 hrs., on 3-5-74 while I was at Nalhati Bazar Organising raid I got an information of assembly of a large number of antisocial elements, rowdies and trouble shooters at Nalhati Railway Station on this information, I along with my officers and force rushed to Nalhati Railway Station; On arrival at the Railway Station platform I found 40/50 persons there who on seeing our approach tried to fly away quickly from there. I with my force succeeded in detaining 8 persons including Shri Khitish Sinha and Subhas Sarkar of Nalhati; On being questioned they refused to disclose their identity and expressed their determination to proceed to Rampurhat by the next available train to participate in the C.D. Movement scheduled on 3-5-74 there. Their attitude appeared to me suspicious as they were found determined to break law and orders in observance of the C.D. Movement at Rampurhat. Accordingly, for the interest of the peace and orders I took them in custody U/S. 151 Cr. P.C. and sent them to P.S. my Thana Van under escort of ASI Sudhir Kundu and force to detain them till my arrival and till their identity is established. I made several attempts in the locality and found that all the known roughs and rowdies are absent from their respective houses. It is learnt on enquiry that a large number of them had gone to Rampurhat to participate in the proposed C.D. Movement in the garb of the political supporters.

I paid respect to honourable M.P. Shri Saha who was so long waiting for me at the P.S. I answered the queries made by him regarding his arrest etc. I also apologised to him for the uncalled for inconveniences caused to him which could be avoided had he disclosed his identity to me at the initial stage of his arrest, Shri Saha and his men left the P.S. being satisfied with my answer. Noted for future references.

Took charge of the P.S. with all Govt. properties, keys of *malkhana* cash arms and ammunitions. No accused in the lock-up. ASI P.G. Goswami will write G.D. as before.

Sd/- S. Maitra,  
O.C.

Certified to be true copy.

Sd/- Subhas Ch. Maitra.  
O/C Nalhati P. S.  
Camp at New Delhi.  
5-11-74

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