

COMMITTEE OF PRIVILEGES

(FIFTH LOK SABHA)

TENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1973-74)

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri Frank Anthony
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Darbara Singh
6. Shri H. R. Gokhale
7. Shri Nihar Laskar
8. Shri B. P. Maurya
9. Shri H. N. Mukerjee
10. Shri K. Raghuramaiah
11. Shri Vasant Sathe
12. Dr. Shankar Dayal Sharma
13. Shri Maddi Sudarsanam
14. Shri R. P. Ulaganambi
15. Shri Atal Bihari Vajpayee

SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

TENTH REPORT OF THE COMMITTEE OF PRIVILEGES (FIFTH LOK SABHA)

I. Introduction and procedure

I, the Chairman of the Committee of Privileges, having been authorised to submit the Report on their behalf, present this their Tenth Report to the House on the question of privilege referred¹ to the Committee by the Deputy Speaker on the 22nd December, 1973, regarding the alleged arrest and detention of Shri Krishna Chandra Halder, M. P., on the 14th November, 1973, at Burdwan (West Bengal) and non-intimation thereof to the Speaker, Lok Sabha.

2. The Committee held four sittings. The relevant minutes of these sittings form part of the report and are appended thereto.

3. At the first sitting held on the 25th January, 1974, the Committee decided to hear Shri Krishna Chandra Halder, M. P., in the first instance.

4. At the second sitting held on the 18th April, 1974, the Committee examined Shri Krishna Chandra Halder, M. P. The Committee also decided to examine in person the two Police Officers who were concerned with the incident involving Shri Krishna Chandra Halder, M. P., at Burdwan on the 14th November, 1973.

5. At the third sitting held on the 17th May, 1974, the Committee examined in person Sarvashri Abdul Mannan Khan, Deputy Superintendent of Police (Commandant) Burdwan, and Mihir Ranjan Dutta, Sub-Inspector of Police, Burdwan, who were the Police Officers concerned with the incident. The Committee also deliberated on the matter and arrived at their conclusions.

6. At the fourth sitting held on the 31st May, 1974, the Committee considered their draft Report and adopted it.

II. Facts of the case

7. On the 20th November, 1973, Shri Krishna Chandra Halder, M. P., sought to raise² a question of privilege regarding his alleged arrest and detention on the 14th November, 1973, at Burdwan (West

1 L. S. Deb. dt. 22-12-1973, c. 167.

2 Ibid, dt. 20-11-1973, cc. 242-43.

Bengal) and non-intimation thereof to the Speaker, Lok Sabha. While raising the matter, Shri Halder stated as follows:—

“On November 14, 1973, I participated in the Civil Disobedience Movement at Burdwan in pursuance of the call given by the nine Leftist parties. While participating in a demonstration inside the Court Compound, I was arrested by the police at about 12 noon and was taken inside a police prison van along with a number of volunteers who were also arrested. Subsequently, along with the arrested volunteers, I was taken in the van to Galsi, about 15 miles away from the town of Burdwan and after reaching beyond Galsi, I was asked to get down from the van as also the other arrested persons. No arrangement was made by the police to take us back to Burdwan and I had to return to Burdwan with considerable difficulty. I understand no intimation has been given to you by the police or the District Administration about my arrest which, I submit, amounts to a gross breach of privilege. I participated in the movement in the discharge of my function as a Member of this august House..... as it is my duty, as the elected representative of the people, to bring to the notice of the authorities the great problems and acute distress experienced by the people in the present critical economic situation in the country. I say that in any event, I was unlawfully detained by the police against my wishes and as I was discharging my duties and functions as a Member of Parliament, it also amounts to breach of privilege. In the circumstances, I request you to refer the matter to the Committee of Privileges so that adequate steps against the deliberate and gross breach of privilege of this hon. House on the part of the authorities concerned may be taken.”

8. The Speaker observed³ as follows:—

“So far as the case of his arrest is concerned, I will get full information. As for the later part, you are discharging the duties of the House when the House is sitting in Delhi. He says, he was discharging his duties in West Bengal.....I do not accept that.”

9. On the 22nd December, 1973, the Minister of State in the Ministry of Home Affairs (Shri Ram Niwas Mirdha) made the following statement⁴ in the House:—

“According to the information received from the State Government, on 14th November, 1973, around 12.00 hours,

³ Ibid c. 243.

⁴ Ibid 22-12-1973 cc. 164-65.

about a hundred followers of CPI(M) led by Shri Krishna Chandra Halder, M.P., came to Burdwan court compound as a part of the Civil Disobedience Movement in pursuance of the call given by a few political parties in West Bengal. The procession was intercepted by the police at the entry of the court compound as prohibitory orders under section 144 Cr. P. C. were in force in the whole of the Burdwan Municipal area except Ward No. IV. Most of the demonstrators dispersed peacefully but the remaining categorically told the police that they had assembled there with an intention to disobey the prohibitory orders. As a result, 20 demonstrators were arrested and taken to Burdwan police station and a case No. 26 dated 14-11-1973 was registered in Burdwan P.S. under section 188 I. P. C.

Shri K. C. Halder, M. P., who was present nearby was repeatedly requested by the police to come to the office chamber of District Magistrate, Burdwan, to place his grievances. A vehicle was kept there to bring him to the office of the District Magistrate. Shri Halder, however, refused to go to the office of the District Magistrate and forcibly entered into a Police van standing nearby, along with his followers. It was very politely pointed out to him that he had not been arrested and that he should come out of the police van but he refused to come down from the van. With a view to dispersing the crowd and to avoiding untoward situation, the demonstrators, who had already boarded the police van, were taken out of the municipal area of Burdwan. Shri Halder remained in the same vehicle voluntarily. A jeep which was kept for the M. P. also followed. After reaching Galsi Bazar, 13 miles away from court compound, all the demonstrators got down the police van. The S. I. in-charge of the police party again requested Shri Halder to come in the jeep so that he might go back to his residence or wherever he intended to go. Shri Halder replied that he would prefer to remain with his followers rather than going back in a police jeep.

Since Shri Halder was not arrested or detained by the Police no intimation regarding the incident was sent to the Speaker, Lok Sabha."

10. After a brief discussion, the Deputy Speaker, who was then in the Chair, observed⁵ *inter alia* as follows:—

⁵ *Ibid* c. 167.

"I cannot just discount what the Member has said, and on the other hand I cannot also say that what the West Bengal Government has said is not true. There is no way of knowing what the truth is. Therefore, under these circumstances, I refer this case to the Privileges Committee."

III. Findings of the Committee

11. Shri Krishna Chandra Halder, M. P., during his evidence before the Committee, repeated substantially what he had stated in the House on the 20th November, 1973. He categorically stated that he was not told that he was not arrested and that he was kept in the Police van along with others from about 12 noon to about 3 P.M., when all of them were taken from the Burdwan Court Compound to Galsi, a place about 15 miles away, where they were all asked to get down from the Police van.

12. Shri Abdul Mannan Khan, Deputy Superintendent of Police, Burdwan, in his evidence before the Committee, stated that on the 14th November, 1973, at about 12 noon a procession of about 100 persons led by Shri Krishna Chandra Halder, M. P., came to the Burdwan Court Compound. As soon as the procession entered the Court Compound, it was intercepted by the police as prohibitory orders under Section 144, Criminal Procedure Code, were in force. Some 20 persons were arrested and taken to Police Station in a separate van. About 30 to 40 other persons were put in another Police van to be taken out of the Burdwan Municipal limits. Shri Halder also entered that van and did not come out of it even though he was requested repeatedly to do so and was also told that he was not arrested. This van was ultimately taken to Galsi where all the persons, including Shri Krishna Chandra Halder, M. P., were asked to get down the van and were let off. Shri Abdul Mannan Khan admitted that inconvenience had been caused to Shri Krishna Chandra Halder, M. P., on that occasion and said: "I am sorry for that". When asked why intimation regarding the restraint on the movements of Shri Krishna Chandra Halder for about three hours in the police van was not sent to the Speaker, Shri Abdul Mannan Khan stated that as Shri Krishna Chandra Halder was not arrested, he did not consider it necessary to send the intimation and added:—

"I was under the impression that only information was to be sent in case of arrest. But now I feel that.....we should have informed the hon. Speaker.....I sincerely regret it. In future I will be careful about it. I offer my unconditional apology and hope the hon. Committee will accept it."

13. Shri Mihir Ranjan Dutta, Sub-Inspector of Police, Burdwan, who had accompanied the Police van from the Burdwan Court Com-

pound to Galsi on the 14th November, 1973 stated before the Committee:—

“I also make unconditional apology and ask for mercy.”

14. On the basis of the evidence before the Committee the Committee are of the view that while Shri Krishna Chandra Halder, M. P., may or may not have been formally “arrested” on the 14th November, 1973, he was certainly put under restraint or detention for about three hours in the Police van at the end of which he was let off at Galsi. The Committee are, therefore, of the opinion that intimation regarding the restraint or detention of Shri Krishna Chandra Halder, M. P., on that occasion should have been sent to the Speaker, Lok Sabha, and failure to do so did constitute a breach of privilege.

15. However, in view of the unconditional and unqualified apologies tendered both by Shri Abdul Mannan Khan, Deputy Superintendent of Police, and Shri Mihir Ranjan Dutta, Sub-Inspector of Police, the Committee feel that no further action need be taken in the matter and it may be dropped.

IV. Recommendation of the Committee

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

NEW DELHI;
The 31st May, 1974.

HENRY AUSTIN,
Chairman,
Committee of Privileges.

MINUTES

I

First Sitting

New Delhi, Friday, the 25th January, 1974

The Committee sat from 11.00 to 13.00 hours.

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Nihar Laskar
5. Shri H. N. Mukerjee
6. Shri Vasant Sathe
7. Dr. Shankar Dayal Sharma
8. Shri Maddi Sudarsanam
9. Shri Atal Bihari Vajpayee.

SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

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5. The Committee then took up consideration of the question of privilege raised by Shri Krishna Chandra Halder, M.P., regarding his alleged arrest and detention on the 14th November, 1973, at Burdwan (West Bengal) and non-intimation thereof to the Speaker, Lok Sabha. The Committee decided to hear Shri Halder, in the first instance.

The Committee then adjourned.

*Paras 2 to 4 relate to other cases and have accordingly been omitted.

II

Second Sitting

New Delhi, Thursday, the 18th April, 1974.

The Committee sat from 14.30 to 15.55 hours.

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri H. N. Mukerjee
4. Shri Vasant Sathe
5. Shri Maddi Sudarsanam
6. Shri Atal Bihari Vajpayee

SECRETARIAT

Shri J. R. Kapur—*Under Secretary*

WITNESS

Shri Krishna Chandra Halder, M.P.

2. The Committee took up consideration of the question of privilege raised by Shri Krishna Chandra Halder, M.P., regarding his alleged arrest and detention on the 14th November, 1973, at Burdwan (West Bengal) and non-intimation thereof to the Speaker, Lok Sabha.

3. Shri Krishna Chandra Halder, 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 police officers:—

- (i) The officer-in-charge of the police party which arrested the demonstrators on their entry into the Burdwan Court Compound on the 14th November, 1973; and
- (ii) The officer-in-charge of the police party who accompanied the police vans carrying the demonstrators, including Shri K. C. Halder, M.P., from the Burdwan Court Compound to Galsi Bazar on the 14th November, 1973.

* * * * *

The Committee then adjourned.

*Paras 5 and 6 relate to other cases and have accordingly been omitted.

III

Third Sitting

New Delhi, Friday, the 17th May, 1974.

The Committee sat from 11.00 to 14.35 hours.

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

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

SECRETARIAT

Shri J. R. Kapur—*Under Secretary*

WITNESSES

1. Shri Abdul Mannan Khan, Deputy Superintendent of Police (Commandant) Burdwan (now Sub-Divisional Police Officer, Durgapur, District Burdwan).
2. Shri Mihir Ranjan Dutta, Sub-Inspector of Police, Burdwan Police Station (now officer in charge Purbasthali Police Station, District Burdwan).

* * * * *

3. The Committee took up consideration of the question of privilege raised by Shri Krishna Chandra Halder, M.P., regarding his alleged arrest and detention on the 14th November, 1973, at Burdwan (West Bengal), and non-intimation thereof to the Speaker, Lok Sabha.

4. Shri Abdul Mannan Khan, Deputy Superintendent of Police (Commandant) Burdwan (now Sub-Divisional Police Officer, Durgapur, District Burdwan), who was the officer-in-Charge of the Police

*Paras 2 and 7 to 9 relate to other cases and have accordingly been omitted.

party at Burdwan Court Compound on the date of the incident, was called in and examined by the Committee on oath.

(Verbatim record was kept)
(The witness then withdrew)

5. Shri Mihir Ranjan Dutta, Sub-Inspector of Police, Burdwan Police Station (now officer-in-charge, Purbasthali Police Station, District Burdwan), who was the Officer-in-Charge of the Police party which accompanied the police van carrying the demonstrators on the date of the incident, was called in and examined by the Committee on oath.

(Verbatim record was kept)
(The witness then withdrew)

6. The Committee deliberated on the matter and decided that in view of the unconditional and unqualified apologies tendered both by Sarvashri Abdul Mannan Khan and Mihir Ranjan Dutta, for the harassment and inconvenience caused to Shri Krishna Chandra Halder, M.P., and for not sending the required intimation of the incident to the Speaker, Lok Sabha, the matter did not call for any further action and it might be dropped.

* * * * *

10. The Committee decided to hold their next sitting on Friday, the 31st May, 1974, to consider the matters pending before them.

The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Friday, the 31st May, 1974.

The Committee sat from 11.00 to 13.05 hours.

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Nihar Laskar

6. Shri H. N. Mukerjee
7. Shri Vasant Sathe
8. Dr. Shankar Dayal Sharma
9. Shri Maddi Sudarsanam
10. Shri Atal Bihari Vajpayee

SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

2. The Committee considered their draft Tenth Report on the question of privilege raised by Shri Krishna Chandra Halder, M.P. regarding his alleged arrest and detention on the 14th November, 1973, at Burdwan (West Bengal), and non-intimation thereof to the Speaker, Lok Sabha, and adopted it with certain verbal changes in paragraphs 12 and 14 thereof.

* * * * *

The Committee then adjourned.

***Paras 3 to 9 relate to other cases and have accordingly been omitted.

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE
OF PRIVILEGES

New Delhi, Thursday, the 18th April, 1974

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri H. N. Mukerjee
4. Shri Vasant Sathe
5. Shri Maddi Sudarsanam
6. Shri Atal Bihari Vajpayee

SECRETARIAT

Shri J. R. Kapur—*Under Secretary*

WITNESS

Shri Krishna Chandra Halder, M.P.

The Committee met at 14.30 hours.

EVIDENCE OF SHRI KRISHNA CHANDRA HALDER, M.P.

MR. CHAIRMAN: To begin with, I will read out the extracts from the Minister's statement made in the House:

“Shri K. C. Halder, M.P. who was present nearby was repeatedly requested by the police to come to the office-chamber of District Magistrate, Burdwan to place his grievances. A vehicle was kept there to bring him to the office of the District Magistrate. Shri Halder, however, refused to go to the office of the District Magistrate and forcibly entered into a police van, standing nearby, along with his followers. It was very politely pointed out to him that he had not been arrested and that he should come out of the police van but he refused to come down from the van.....”

Mr. Halder, I am just reading the statement. You may give your own version subsequently. I would not continue:

"...With a view to dispersing the crowd and to avoiding untoward situation, the demonstrators who had already boarded the police van, were taken out of the municipal area of Burdwan. Shri Halder remained in the same vehicle voluntarily. A jeep which was kept for the M.P. also followed. After reaching Galsi Bazar, 13 miles away from court compound, all the demonstrators got down the police van. The S.I. in-charge of the police party again requested Shri Halder to come in the jeep so that he might go back to his residence or wherever he intended to go. Shri Halder replied that he would prefer to remain with his followers rather than going back in a police jeep."

This is the statement made by the Minister of State of Home Affairs, Shir Mirdha on 22nd December.

SHRI VASANT SATHE: I feel that in view of the contradictory statements made by Shri Halder and the West Bengal Government, the only course open for this Committee is that we cannot *prima facie* come to any conclusion. Today, we can hear Shri Halder if he has to say anything in the light of the statements given by the West Bengal Government and Magistrate and others. Then, I think, we will call the West Bengal officials' concerned and only then we can come to the conclusion finally. This is my submission.

MR. CHAIRMAN: The Government was of the view that there was no arrest at all and so there was no question of informing the Speaker. On 22nd December, the matter was again raised by Shri Halder and the Government came forward with the statement. The same kind of situation arose on 24-2-1974 when Mr. Saroj Mukerjee raised a privilege issue in the House. The Government said that because there was no arrest, the Speaker was not informed. And the Speaker ruled out the privilege issue.

SHRI VASANT SATHE: But that stage has passed. Therefore, we have to do full justice.

MR. CHAIRMAN: That is why, we will hear him.

SHRI VASANT SATHE: Let him first make a primary observation.

MR. CHAIRMAN: Do you want to say anything more than what you said in the House earlier?

SHRI KRISHNA CHANDRA HALDER: Mr. Chairman, I wanted to raise the privilege issue on 20th November. As my Privilege Motion was a short one, I have to say something in detail now. On 14th November, I took part in the civil disobedience movement

in pursuance of the call given by the 9 Leftists Parties in West Bengal. Before that district authorities promulgated 144 in Burdwan Town. 300 volunteers and myself went on a procession from Ramganj Bazar and proceeded to Court compound. As soon as we entered in the Court compound, the Police stopped our procession. It was just at the left side of the District authorities motor vehicle garage where the Police stopped the procession. Then I addressed the gathering for some time and after that the Police cordoned us off. Then the Police Officers said that since we were all arrested, we should get in the police prison vans quickly. The Police prison van in which I was arrested along with other volunteers, proceeded and passed in front of the G.P.O. and through Kalna Road and it returned inside the Court compound. It stopped just west of the Superintendent of Police Office. It remained there for twelve to fifteen minutes.

That means, after our arrest, after 4 or 5 minutes the van came to the Court compound. It stopped just west of the office of the Superintendent of Police and remained there for twelve to fifteen minutes. At that time, no police officer came to the police van. Nobody told me that you were not arrested and that you were free to go wherever you liked. Nobody told that to me.

Then again, the police van started moving. The time of arrest would be approximately 12 Noon. Then it again proceeded beyond Burdwan station. Then it came to Galsi. After reaching Galsi which was 15 miles from Burdwan, the police officers told all of us to get down. Nobody told me that there was a police jeep and I can go in that police van. Nobody told that to me.

The statement is absolutely false; fabricated; I might say it is untrue. You can remember, Sir, that the incident took place on the 14th November and I raised it on the 20th November. On the 22nd December, that was the last day of the last Session, I was compelled to raise the matter. Then, the Hon. Deputy Speaker who was on the chair advised the Government to proceed in the matter.

Galsi is on the Grand Trunk Road and the railway station is approximately 1-1/2 miles from Galsi. There, only the buses ply and I could reach Burdwan with great difficulty because there was heavy rush in every bus.

This is what occurred in that incident. So it is an un-truth to say that the police officer told me, "You can come to the D.M.'s office". When I was addressing the gathering of 300 volunteers, 2000 to 3000 people gathered there. At that time they arrested us.

Do you believe I was voluntarily taken because there was Sec. 144 having been imposed. There was shortage of food. I wanted to

highlight the problems of the people. Sec. 144 was imposed to restrict our fundamental right to speech and against holding of any procession, etc.

MR. CHAIRMAN: Sorry to interrupt. The position is that when you were informed that you were not arrested and that a jeep was provided for you to go to your house or wherever you wanted to go. You said, "I do not like this. I prefer to deal with my colleagues who are under arrest".

SHRI KRISHNA CHANDRA HALDER: I agree that there was no conservation with the police. The police officer told: "You are all arrested. Quickly get into the police van".

SHRI VASANT SATHE: My first question is, "Do you agree that you were arrested for violating Sec. 144 and you had gone there with your colleagues with the specific intention of violating that Order because you wanted to demonstrate your anger or resentment whatever you had." Is it true that before you went there, you had gone with the clear intention of courting arrest and for violating Sec. 144 order so as to fulfil your desire for demonstration and intention to show resentment. Will that be a correct thing to say?

SHRI KRISHNA CHANDRA HALDER: What I want to say is, "Yes, we violated because they had promulgated Sec. 144".

SHRI VASANT SATHE: You knew it was promulgated.

SHRI KRISHNA CHANDRA HALDER: We demonstrated to highlight the problems. Incidentally, shall we say, if the Government had not wanted to arrest us, why arrest us? We wanted to participate in the civil disobedience movement but it was not that I voluntarily courted arrest or I voluntarily should get into the police van.

SHRI VASANT SATHE: I am not talking of the police van. You know what it is. There is a certain area where Sec. 144 is in force. You know the points in that area where Sec. 144 is operative. If you violate that order and enter there in more than 5 in number, you are likely to be arrested. With this knowledge, did you commit the violation of that order? Did you force your entry into that area with the knowledge that if you had forced your entry, you would be arrested?

SHRI KRISHNA CHANDRA HALDER: Sec. 144 was promulgated there, throughout the whole of Burdwan. The point where we started with our procession was also within that limit. We practically proceeded for more than 1/4th of a mile when we entered into the Court compound.

SHRI VASANT SATHE: The Police told you that if you had proceeded thereafter, you were likely to be arrested.

SHRI KRISHNA CHANDRA HALDER: They did not say so. Then I started to deliver my speech. After some time, there was the police cordon. The police officer told all of us, "You are arrested. Get into the police van".

SHRI VASANT SATHE: What was the total number when you went in a procession?

SHRI KRISHNA CHANDRA HALDER: About 300.

SHRI VASANT SATHE: How many of you were arrested?

SHRI KRISHNA CHANDRA HALDER: They took us in 3 police vans.

SHRI VASANT SATHE: About 100?

SHRI KRISHNA CHANDRA HALDER: They took in 3 police vans.

SHRI VASANT SATHE: What I wanted to know was: when they told you to disperse, some of them might have left. Others were determined to violate the order and remained with you. What was that number?

SHRI KRISHNA CHANDRA HALDER: I do not know whether some of them dispersed. The arrested persons were taken in 3 police vans.

SHRI VASANT SATHE: I hope you have understood my question. I want to know whether all the 300 people were arrested or only some of them were arrested?

SHRI KRISHNA CHANDRA HALDER: Naturally not all the 300 were. They took in 3 police vans. Can we know how many can come in 3 vans? It may be less than 300.

SHRI VASANT SATHE: Those who were determined to violate the order were arrested and you were one of them?

SHRI KRISHNA CHANDRA HALDER: I was arrested.

SHRI VASANT SATHE: The next question is whether you have filed any criminal case challenging the Sec. 144 order as well as your arrest?

SHRI KRISHNA CHANDRA HALDER: The question is whether I have filed any. I have not filed any because I raised the issue in the House.

SHRI VASANT SATHE: That is a different issue. I am talking of application of normal law. I am not on the point of privilege. I am on the point of application of law as you have said in your statement earlier that the imposition of Sec. 144 as well as your arrest were illegal.

I want to know whether under the criminal law did you challenge that Order in the ordinary court of law?

SHRI KRISHNA CHANDRA HALDER: I have not. Instead of going to the court, we wanted to exert our right by organising demonstration.

SHRI VASANT SATHE: It is every citizen's right to protest. But if there is order 144 and you violate that, it is your right to challenge your arrest.

When you courted arrest, was the Parliament in Session?

SHRI KRISHNA CHANDRA HALDER: Yes, at that time Parliament was in Session. I did not court arrest voluntarily.

SRI VASANT SATHE: Do not pre-judge my object. When you were courting arrest, were you on your way to attend the Parliament?

SHRI KRISHNA CHANDRA HALDER: Yes, I was on the way to attend Parliament.

SHRI VASANT SATHE: Where did you stay?

SHRI KRISHNA CHANDRA HALDER: At my residence in Burdwan.

SHRI VASANT SATHE: You are a resident of Burdwan itself and this demonstration was organised on 14th November. You knew that this demonstration is there and you also knew that there was 144 applicable in Burdwan Municipal Committee and that if you violate the Order 144 you are likely to be arrested. Did you have this knowledge or not?

SHRI KRISHNA CHANDRA HALDER: Yes.

SHRI VASANT SATHE: With this knowledge you courted arrest along with your other colleagues. Do you also agree that under the law of the land as it is if there is any violation of such an Order the persons are liable to be arrested?

SHRI KRISHNA CHANDRA HALDER: Yes. Therefore, they arrested me.

SHRI VASANT SATHE: Let us not at present talk about your privilege. Do you also agree that if any citizen doubts the validity or

challenges the validity of 144, his normal remedy is in the criminal law?

SHRI KRISHNA CHANDRA HALDER: I have not challenged it in the court. My point is though they arrested me and removed me to Galsi after arrest, they did not inform the House and the Speaker.

SHRI VASANT SATHE: That is a different point.

On which date did you want to come to the Parliament?

SHRI KRISHNA CHANDRA HALDER : On 14th or 15th.

SHRI VASANT SATHE: By which train?

SHRI KRISHNA CANDRA HALDER: Generally, I travel by Kalka Mail.

SHRI VASANT SATHE: When does it leave Burdwan? Which train did you have in mind by which you wanted to travel to come to Delhi?

SHRI KRISHNA CHANDRA HALDER: There are many trains—Kalka Mail, Rajdhani, etc.

SHRI ATAL BIHARI VAJPAYEE: He did not want to come to Delhi.

SHRI KRISHNA CHADRA HALDER: When Parliament is in Session, every member is eager to attend the Session.

SHRI VASANT SATHE: Members of Parliament, during the Session go to their constituency for some other work. I am asking, at that time what was more important to you, your civil disobedience movement and participation therein which was roganised on 14th November or your attendance in Parliament?

SHRI KRISHNA CHANDRA HALDER: I participated in demonstration on 14th November. There was a programme in the State on 13th to 15th to this effect. I reached there and participated on 14th. My intention was to come from there on 14th night, after participation in the movement.

The train leaves Burdwan at night.

SHRI VASANT SATHE: When did you court arrest?

SHRI KRISHNA CHANDRA HALDER: At about 12 noon.

SHRI VASANT SATHE : How far is Galsi?

SHRI KRISHNA CHANDRA HALDER: About 15 miles.

SHRI VASANT SATHE: At what time did you leave Galsi?

SHRI KRISHNA CHANDRA HALDER: At about 4.30 p.m.

Galsi was within my constituency. When I reached there I was agitated because they arrested me and my people were also agitated.

SHRI VASANT SATHE: You were at Galsi at 4.30 p.m. Could you not have returned to Burdwan and got night train for Delhi? If you wanted to catch the train, physically was it possible? When does the train leave Burdwan at night?

SHRI KRISHNA CHANDRA HALDER: At 10 p.m.

SHRI VASANT SATHE: You could have got that train, if you wanted to catch it. I am not talking about emotional involvement but I am talking about the physical aspect.

SHRI KRISHNA CHANDRA HALDER: You are a prominent lawyer. Of Course, you are an honourable Member of the House and a member of the Privilege Committee. I may mention here that when one is involved in an incident, one has disturbed mind. So, naturally, the people who had gathered in Galsi were very much perturbed.

SHRI ATAL BIHARI VAJPAYEE: Mr. Halder, you were taken along with other 'Satyagrahis' to Galsi which is about 15 miles away from the Court compound and at Galsi you were asked to disperse. Were you at any time, during this period, sent to jail?

SHRI KRISHNA CHANDRA HALDER: They had only kept me in the Police prison van.

MR. CHAIRMAN: I want to know whether you were taken to any Police Station or jail.

SHRI KRISHNA CHANDRA HALDER: After my arrest, they had only restricted my movement.

SHRI ATAL BIHARI VAJPAYEE: Were you asked to enter the Police van?

SHRI KRISHNA CHANDRA HALDER: Yes. The van reached the Court compound, that is just on the western side of the Police Superintendent's Office it had stopped for 12 or 15 minutes and then it proceeded to Galsi.

SHRI ATAL BIHARI VAJPAYEE: Then what happened in Galsi?

SHRI KRISHNA CHANDRA HALDER: After taking us to Galsi, the Police Officer told me that we could get down from the van and go as we liked. But I asked the Officer concerned if any transport arrangement had been made for our return to Burdwan for which the Police Officer did not answer. Then the Police van left the place.

SHRI ATAL BIHARI VAJPAYEE: Don't you think that the purpose of taking you to Galsi was to set you free because the Police administration did not want to detain you or take you to jail. They could have taken you to the Burdwan jail from the place of arrest or to the Police Station. That course was open to them. It is possible because you had defied the law knowingly by participating in civil disobedience movement and after having violated the law, you had offered yourself for arrest. Now, if the police wanted to arrest you, they could have done so.

SHRI KRISHNA CHANDRA HALDER: If they had wanted to take to police station and put us in jail they could have done so, but they took us to Galsi.

SHRI ATAL BIHARI VAJPAYEE: In order to release you there?

SHRI KRISHNA CHANDRA HALDER: Yes. After arrest, naturally they thought, instead of sending me to jail, they could restrain my freedom and, therefore, they took us to Galsi. Perhaps you are aware that at the time of such movements in which hundreds of people participate, generally the police people arrest those people and take them about 15 or 20 miles away and release them there. But I would like to stress my point that that period of detention in the Police Van would amount to restricting my movement.

SHRI ATAL BIHARI VAJPAYEE: Sometimes it does happen that Police people do not want to arrest prominent political workers but they only arrest the followers. But the political workers or the leaders insist that they would prefer to be arrested along with their followers so that they can also accompany their followers in the Police van. Here the impression we got from the letter written by the West Bengal Government is that perhaps you wanted to accompany your followers and that is why you insisted that you be taken in the Police van.

SHRI KRISHNA CHANDRA HALDER: It was not at all like that.

SHRI ATAL BIHARI VAJPAYEE: They say that you were not under arrest and they requested you to come out of the van but your reply was that you would prefer to go with the volunteers.

SHRI KRISHNA CHANDRA HALDER: In my opinion, because they failed to inform the Speaker, it is tantamount to alibi or something like that. Nobody told me that I was not arrested. I am surprised to know how they cooked up the story. It is not at all a fact that I voluntarily courted arrest. All of us were arrested and I never said that I wanted to go with the volunteers.

SHRI ATAL BIHARI VAJPAYEE: Had the Police people requested you not to join the movement launched by 'Satyagrahis' and come out of the van, would you have agreed to do so?

SHRI KRISHNA CHANDRA HALDER: They did not say so.

SHRI ATAL BIHARI VAJPAYEE: Suppose they had said so?

SHRI KRISHNA CHANDRA HALDER: Now, I cannot say what was the answer at that time.

SHRI VASANT SATHE: You say that you went there. Did you go there with the specific object of participating in the Civil Disobedience Movement that was launched by so many parties together?

SHRI KRISHNA CHANDRA HALDER: Yes, Sir.

SHRI VASANT SATHE: What was the mode of Civil Disobedience Movement and how was it to be performed?

SHRI KRISHNA CHANDRA HALDER: It was to be performed in a peaceful manner in order to highlight the problems such as food and other things.

SHRI VASANT SATHE: Supposing out of 300 persons, they arrested some five persons and not you. Would you have continued the Civil Disobedience Movement or would you have just gone away? What was your intention?

SHRI KRISHNA CHANDRA HALDER: Naturally, at that time, if they did not arrest me, I would have gone away.

SHRI VASANT SATHE: I have participated in the movements and therefore I am asking you candidly. When the police say that under Section 144 if we do not disperse, they will arrest us. So, we say, all right, we are not going to move, you arrest us or the other alternative is that some of us decide that we are going to court-arrest and others go back. What was your object? Whether you wanted to go back on being told by the police that hereafter if you did not go away, they were going to arrest you?

SHRI KRISHNA CHANDRA HALDER: As soon as we entered the compound of the court, first of all, they did not arrest us. At that point, in front of the police cordon, I addressed the gathering. At that time, they stopped and told us that all of us were arrested.

SHRI VASANT SATHE: What did you tell in your address?

SHRI KRISHNA CHANDRA HALDER: I said so many things such as that we are not getting food and other things.

SHRI VASANT SATHE: Did you tell your audience that that Govt. had done such and such thing and therefore you were going as a part of the Civil Disobedience Movement to break their order

and went ahead? Did you implore them to do so? My point is that you wanted to pursue your object of completing the Civil Disobedience Movement by courting-arrest and not that you wanted to go away from that place and that you got your object fulfilled by their arresting and then putting all of you into the police van. Is that correct or not?

SHRI KRISHNA CHANDRA HALDER: Naturally, when we violated Section 144.

SHRI VASANT SATHE: Do not say naturally. Did you achieve your object or not?

SHRI KRISHNA CHANDRA HALDER: We achieved our object.

SHRI H. N. MUKERJEE: On 14th November, last year, you informed Parliament that you had participated in the Civil Disobedience Movement at Burdwan. We understand that you had your own reasons to do it. Now, Parliament had also been told that after your demonstration on that day, some 20 people were arrested and taken to Burdwan Police Station. Were you among those 20 people?

SHRI KRISHNA CHANDRA HALDER: I was not. They did not take me to the Police Station, but they brought me again in the compound of the court.

SHRI H. N. MUKERJEE: You were taken along with some of your comrades in a police van to the compound of the court which is near to the Police Station.

SHRI KRISHNA CHANDRA HALDER: More than 1/4 miles.

SHRI H. N. MUKERJEE: Were you ever told that you were being arrested?

SHRI KRISHNA CHANDRA HALDER: When they asked us to get into the police van and when we all got into it, then the police officer told me that I was also arrested.

SHRI H. N. MUKERJEE: You were told by the police officer that along with some of your comrades you were also arrested?

SHRI KRISHNA CHANDRA HALDER: Yes, Sir.

SHRI H. N. MUKERJEE: Were you taken to any Magistrate or a similar officer or any case was registered against you under IPC, as far as you know?

SHRI KRISHNA CHANDRA HALDER: I was not informed.

SHRI H. N. MUKERJEE: After you were taken to the compound of the court, from there you were all put back in the police van and taken to Galsi. Is that correct?

SHRI KRISHNA CHANDRA HALDER: When the police van brought us again to the compound of the court, at that time, I was in the police van.

SHRI H. N. MUKERJEE: You were not allowed to get out of that?

SHRI KRISHNA CHANDRA HALDER: No, Sir. At that time, no police officer told me that I was not arrested and I could go wherever I wanted to go.

SHRI H. N. MUKERJEE: Did any police officer tell you that you were under arrest?

SHRI KRISHNA CHANDRA HALDER: When the police officer told all the volunteers that they were arrested, at that time, they told that all of us were arrested.

SHRI H. N. MUKERJEE: When you were asked to get into the police van, were you given to understand that you were under arrest?

SHRI KRISHNA CHANDRA HALDER: Definitely, Sir.

SHRI H. N. MUKERJEE: Is it a fact that after spending some time in the Burdwan court compound, the same van took you 15 miles away?

SHRI KRISHNA CHANDRA HALDER: Yes, Sir.

SHRI H. N. MUKERJEE: Were you all asked to get down at Galsi Bazar?

SHRI KRISHNA CHANDRA HALDER: Yes, Sir.

SHRI H. N. MUKERJEE: Did any police officer tell you at Galsi Bazar that they were ready to provide a special transport to you, as an M.P.?

SHRI KRISHNA CHANDRA HALDER: No, Sir.

SHRI H. N. MUKERJEE: It means that you had to make your own arrangements for going back.

SHRI KRISHNA CHANDRA HALDER: Yes, Sir; with very great difficulty.

SHRI H. N. MUKERJEE: Between 12 noon and 4 p.m. you were in the custody of the police; is it so?

SHRI KRISHNA CHANDRA HALDER: Yes, Sir; till about 3 p.m.

SHRI H. N. MUKERJEE: The only point, however, is that there was no charge made against you—nothing that you know of, that you were being detained on such and such grounds.

SHRI KRISHNA CHANDRA HALDER: They did not inform me that any such case was being instituted against me. I do not know about it.

MR. CHAIRMAN: Were you told at any time, at Burdwan, by the police officers that in case you had any grievances, you could then very well go to the Magistrate's chamber and represent those grievances?

SHRI KRISHNA CHANDRA HALDER: No, Sir.

MR. CHAIRMAN: Were you at any time told that you were not under arrest?

SHRI KRISHNA CHANDRA HALDER: No, Sir. They had never told me so.

MR. CHAIRMAN: Were you told that you were not under arrest; and that you could go in a jeep supplied by the police?

SHRI KRISHNA CHANDRA HALDER: No; I never heard such a thing.

MR. CHAIRMAN: Were you told at any time that a case has been registered against you, or against your followers?

SHRI KRISHNA CHANDRA HALDER: After my arrest and detention in the van for a long time, I was not informed about any such thing.

MR. CHAIRMAN: What, according to you, were the reasons for their detaining the police van in front of the office of the District Magistrate?

SHRI KRISHNA CHANDRA HALDER: It was in front of the office of the Superintendent of Police. In my opinion, they had arrested me; but had not decided as to what should be done further. If, at that time, they did not intend to arrest me, they could have approached and told me that I was not under arrest.

MR. CHAIRMAN: Did you notice any of the police officer accompanying you in your van or in any other vehicle, or going to the District Magistrate's office or the court for the purpose of registering a case?

SHRI KRISHNA CHANDRA HALDER: I was in the police van, which was over-crowded; I did not notice it.

SHRI VASANT SATHE: When your van went to Galsi Bazar, did any officer accompany your van in a jeep or any other vehicle?

SHRI KRISHNA CHANDRA HALDER: After some time, one jeep followed the van. It may be for the purpose of keeping a watch on the arrested volunteers; i.e. to see whether they were trying to get out of it.

SHRI VASANT SATHE: Who was in that jeep? Was there any officer?

SHRI KRISHNA CHANDRA HALDER: I do not know his name. Maybe, he was the Inspector of Police. I do not remember his exact designation.

SHRI H. N. MUKERJEE: Before you and some of your comrades were asked to get into the police van, did any police or other officer request you to go to the District Magistrate's office to have a discussion about the grievances you had wanted to represent?

SHRI KRISHNA CHANDRA HALDER: Nobody came to me, Sir.

SHRI H. N. MUKERJEE: Nobody ever told you that you were not to get into the van, but on the contrary, you should go to the District Magistrate's office for a discussion. Is it so?

SHRI KRISHNA CHANDRA HALDER: Nobody told me so.

SHRI H. N. MUKERJEE: Nobody ever told you that you were getting into the police van against the wishes of the police officers. Is it so?

SHRI KRISHNA CHANDRA HALDER: If they had told me so, I would naturally not have entered the police van.

MR. CHAIRMAN: As a man in public life and as one fairly well known to the officers in Burdwan, did you enquire from them the reasons why you were being kept in the van and taken to the police station or the court or for remand?

SHRI KRISHNA CHANDRA HALDER: I did not enquire, Sir.

SHRI ATAL BIHARI VAJPAYEE: Was the District Superintendent of Police present at the time of your arrest?

SHRI KRISHNA CHANDRA HALDER: The District Superintendent of Police was not there.

SHRI ATAL BIHARI VAJPAYEE: Do you know any officer who was present there, by name?

SHRI KRISHNA CHANDRA HALDER: I do not know their names.

MR. CHAIRMAN: It is stated in the statement of the Minister made in Parliament that you were 'repeatedly requested by the police to come to the office chamber of District Magistrate, Burdwan' to place your grievances.

SHRI KRISHNA CHANDRA HALDER: This is untrue, false and fabricated. When this statement was placed on the floor of the House, I had protested, saying that it was untrue and false.

MR. CHAIRMAN: Suppose they had asked you as to whether you had any grievances to represent, or whether you would go to the District Magistrate; would you then have gone to that office?

SHRI KRISHNA CHANDRA HALDER: Yes; if they had told me so, why not?

MR. CHAIRMAN: I think we need not have any more discussion. I think we can close our discussion at this point.

(The witness then withdrew)

New Delhi, Friday, the 17th May 1974.

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

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

SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

WITNESSES

1. Shri Abdul Mannan Khan, Deputy Superintendent of Police (Commandant) Burdwan (now Sub-Divisional Police Officer, Durgapur, District Burdwan).
2. Shri Mihir Ranjan Dutta, Sub-Inspector of Police, Burdwan Police, Burdwan Police Station (now officer in charge, Purbasthali Police Station, District Burdwan).

(The Committee met at New Delhi 11.00 hours).

EVIDENCE OF SHRI ABDUL MANNAN KHAN, DEPUTY SUPERINTENDENT OF POLICE (COMMANDANT) BURDWAN (NOW SUB-DIVISIONAL POLICE OFFICER, DURGAPUR, DISTRICT BURDWAN).

(The witness took the oath).

MR. CHAIRMAN: Were you DSP, Burdwan on 14.11.73?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Do you know in which case you have been asked to come and give your version or your evidence?

SHRI ABDUL MANNAN KHAN: Yes, Sir. It is about the incident on 14th November, 1973.

SHRI SOMNATH CHATTERJEE: What was the incident according to you?

SHRI ABDUL MANNAN KHAN: It is like this. On 14th November '73, around 12.00 noon, a procession of about 100 persons led by Shri K. C. Halder, hon. M.P. came to Burdwan court compound, as a part of the civil disobedience movement in support of the call given by some parties. As soon as the procession entered the court compound, it was intercepted by the police since prohibitory order under Sec. 144 Cr. P.C. was in force in whole of Burdwan except Ward No. IV. We told the processionists that prohibitory order was in force. After hearing this, some of the demonstrators peacefully dispersed. Some others categorically told us that they had assembled there with a view to violate the prohibitory orders. Since the crowd was unlawful, it was decided that the processionists would be removed to a place beyond the municipal town, where there was no prohibitory order. It was also decided that they were to be removed with minimum of force and without unnecessary harrassment. Accordingly a police van was placed there and we started taking some of the processionists inside the van with a view to removing them beyond the prohibitory order's ambit. Shri Halder, hon. M.P. was requested by me personally and very politely to come to the D.M.s chamber to place his grievances. I also placed a jeep WBG 470 for him. He refused to enter the jeep, instead he ran to the police van and forcibly entered into it. I went there and requested him very politely, after extending all courtesies, to come out of the van. I also told him that he was not arrested. Shri Halder, however, did not agree to my request. Since Shri Halder is an hon. M.P., the police officer there also could not take him down.

With a view to dispersing these demonstrators, we took the van beyond the municipal area. Shri Halder remained in the van vo-

luntarily. There was no prohibitory order beyond the municipal town. In the police van, Shri Halder remained voluntarily. I also sent the same jeep which was kept for Shri Halder to follow the van.

The second part of the incident has been learnt by me from the enquiry. I have not seen that personally.

SHRI SOMNATH CHATTERJEE: You need not tell us that. How long did this incident take?

SHRI ABDUL MANNAN KHAN: Actually the demonstrators assembled there at 12.00 noon. We told them that prohibitory orders were in force. I think, all this must have been between 12.00 and 13.00 hrs. Those processionists were there for about an hour. I cannot tell the exact time, but they were there for some time. We had to request Shri Halder. We took the processionists inside the van.

SHRI SOMNATH CHATTERJEE: How many persons were arrested.

SHRI ABDUL MANNAN KHAN: There was another van also. Some 20 persons were arrested in that.

SHRI SOMNATH CHATTERJEE: And these persons were taken in two vans. Was it like that?

SHRI ABDUL MANNAN KHAN: In one van we took some of the processionists. In another van we took some of them.

SHRI SOMNATH CHATTERJEE: How many were there in another van?

SHRI ABDUL MANNAN KHAN: There were about 30 or 40 persons.

SHRI SOMNATH CHATTERJEE: In one van there were 20 persons and in another van there were about 30 or 40 person. Now can you tell whether those 30 or 40 persons were also arrested?

SHRI ABDUL MANNAN KHAN: No, Sir. They were released and were asked to disperse.

SHRI SOMNATH CHATTERJEE: Can you tell whether those persons who were kept in the Police van were considered to be under arrest?

SHRI ABDUL MANNAN KHAN: Actually our intention was not to arrest them but it was only to disperse them.

SHRI SOMNATH CHATTERJEE: You were in charge of the Police authority and were posted there to intercept the proces-

sionists. You have said yourself. Now, do you know or do not know that you cannot detain a person without arrest or remove him against his wishes from a place?

SHRI ABDUL MANNAN KHAN: We wanted to disperse them. So we thought that that was the effective way of dispersing them, without any harassment or without any force.

SHRI SOMNATH CHATTERJEE: If you put somebody in Police van against his wishes and take him away without his knowledge, does it mean that he is arrested or not?

SHRI ABDUL MANNAN KHAN: Actually there was no resistance from anybody.

SHRI SOMNATH CHATTERJEE: Were they under arrest or not?

SHRI ABDUL MANNAN KHAN: It should be considered as an arrest but the intention was not like that.

SHRI SOMNATH CHATTERJEE: They were arrested. But you do not want to say that they were under arrest. Is that the position?

SHRI ABDUL MANNAN KHAN: The fact is like this, Sir. We took them in a Police van with a view to dispersing them beyond the limit of prohibitory orders. We had never thought of arresting them.

SHRI SOMNATH CHATTERJEE: According to you, 20 people were arrested.

SHRI ABDUL MANNAN KHAN: Yes. They were arrested and they were kept in a separate van.

SHRI SOMNATH CHATTERJEE: Now, did you put any mark on the van so that those who were arrested could be kept in that particular van?

SHRI ABDUL MANNAN KHAN: We made some requests in the beginning to disperse and they heeded to our request but again they jointed the procession.

SHRI SOMNATH CHATTERJEE: You took some people in one van and you took another group of people in another van. Now can you tell whether these two vans were taken to Galsi?

SHRI ABDUL MANNAN KHAN: One of them was taken to Galsi and another was taken to Police station.

SHRI SOMNATH CHATTERJEE: In this van there were about 30 or 40 persons apart from Mr. Halder. You say that these people were not arrested. But I want to know on what authority you can take persons in the van and leave them about 15 miles away without arranging for their return. Do you know any provisions of law under which you can forcibly take them away and leave them beyond 15 miles of the city limit without asking their views and opinion?

SHRI ABDUL MANNAN KHAN: I do not know much about the law but I do know a little about it.

SHRI SOMNATH CHATTERJEE: Did you tell them that they would be taken to Galsi for release?

SHRI ABDUL MANNAN KHAN: No, Sir. But we thought of taking them beyond the municipal town area.

SHRI SOMNATH CHATTERJEE: How far is it from the Court compound?

SHRI ABDUL MANNAN KHAN: The prohibitory area will be about 5 or 6 miles and not more than that.

SHRI SOMNATH CHATTERJEE: Even if that statement is true, why did you take them to Galsi?

SHRI ABDUL MANNAN KHAN: The intention was that they might not come back and again assemble and break the prohibitory order.

SHRI SOMNATH CHATTERJEE: Now, did you have any instructions from your superior officer in this regard?

SHRI ABDUL MANNAN KHAN: No, Sir.

SHRI SOMNATH CHATTERJEE: According to you, you had asked them to get into the Police van so that you could leave them beyond the municipal limit and they simply walked in.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: And what did you actually tell those people whom, according to you, you did not arrest?

SHRI ABDUL MANNAN KHAN: I told them that I would take and leave them beyond the municipal town limit.

SHRI SOMNATH CHATTERJEE: Now, there was a sort of meeting when you intercepted the procession.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: For how long did it take place?

SHRI ABDUL MANNAN KHAN: It was going on for 10 minutes.

SHRI SOMNATH CHATTERJEE: Now, Mr. Halder was participating in the Civil Disobedience Movement along with other persons. According to you, was he also violating the prohibitory order along with other persons?

SHRI ABDUL MANNAN KHAN: A platform was placed and he was standing a few yards away.

SHRI SOMNATH CHATTERJEE: Please answer my question. Was Mr. Halder also violating the prohibitory orders or not? Why do you take so much time?

SHRI ABDUL MANNAN KHAN: I did not arrest him.

SHRI SOMNATH CHATTERJEE: Please answer my question. You must have refreshed your memory by looking at police statements and all that. This is the fourth time that I am asking you this question. Was Mr. Halder also violating the prohibitory orders or not?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Therefore he was also liable to be arrested. Kindly answer my question in yes or no.

SHRI ABDUL MANNAN KHAN: Our intention was not to arrest him.

SHRI SOMNATH CHATTERJEE: According to you, he was not permitted to do that, but he was doing it and therefore he was liable to be arrested.

SHRI ABDUL MANNAN KHAN: Our intention was not to arrest him.

SHRI SOMNATH CHATTERJEE: We are not bothered so much about your intention. On the spot, you were the incharge of the police and just now you have said that he was violating the prohibitory orders. Therefore, I am asking you when he was violating the prohibitory orders, was he not liable to be arrested? Whether he was arrested or not, we shall come to that later on.

SHRI ABDUL MANNAN KHAN: In the case of violation of the prohibitory orders, he is liable to be arrested.

SHRI SOMNATH CHATTERJEE: According to you, when he entered into a police van, 30-40 people were already there. According to you, those people were not arrested. According to you, Mr. Halder was not arrested but he forcibly entered into a police van against your polite entreaty, as you tried to tell us. Why did you not tell him that since none of those people in that van were arrested, why was he entering into it?

SHRI ABDUL MANNAN KHAN: I thought I would take him to some other place where there was no trouble.

SHRI SOMNATH CHATTERJEE: You have not answered my question.

SHRI ABDUL MANNAN KHAN: I told him that he was not arrested.

SHRI SOMNATH CHATTERJEE: But others were arrested.

SHRI ABDUL MANNAN KHAN: I did not tell anything.

SHRI SOMNATH CHATTERJEE: Did you tell him that he was not arrested and therefore he should come out of the police van?

SHRI ABDUL MANNAN KHAN: I told him.

SHRI SOMNATH CHATTERJEE: That would mean the others in the van had been arrested.

SHRI ABDUL MANNAN KHAN: That may be the logic. But I did not tell him. I simply said that he was not arrested.

SHRI SOMNATH CHATTERJEE: Mr. Khan, how could anybody enter into a police van forcibly, especially Mr. Halder who is known to everybody?

SHRI ABDUL MANNAN KHAN: He is not only known but is respected by all of us. I have a great respect for him.

SHRI SOMNATH CHATTERJEE: You wanted to stop him.

SHRI ABDUL MANNAN KHAN: At the gate, we tried but he almost very forcibly entered into it.

MR. CHAIRMAN: : You say that Mr. Halder is well known and you have great respect for him and all that. Instead of taking him 30—40 miles away, you could have taken him one mile away and then tried to persuade him to come down from the van and all that. Did you make an effort to persuade him to come out of the van?

SHRI ABDUL MANNAN KHAN: I simply told him to come out because he was not arrested.

MR. CHAIRMAN: I can understand your apprehension. But did you make any efforts?

SHRI ABDUL MANNAN KHAN: We took them away because we thought that they might not come back again and break the order. We did not allow the other persons inside the van to come out.

SHRI SOMNATH CHATTERJEE: It was how far from the court compound?

SHRI ABDUL MANNAN KHAN: Within one mile.

SHRI SOMNATH CHATTERJEE: Or one furlong? Where is the boundary of Ward No. 4 of the court compound?

SHRI ABDUL MANNAN KHAN: It is on the right side of the railway station. It will be more than a furlong.

SHRI SOMNATH CHATTERJEE: And less than a mile?

SHRI ABDUL MANNAN KHAN: I can say within a mile.

SHRI SOMNATH CHATTERJEE: When the Civil Disobedience Movement was there and prohibitory order was there in the whole of Burdwan, why was there no prohibitory order in Ward No. 4?

SHRI ABDUL MANNAN KHAN: I cannot remember all the reasons.

SHRI SOMNATH CHATTERJEE: Or because there was some trouble going on in Ward No. 4?

SHRI ABDUL MANNAN KHAN: I cannot remember it. But there was no prohibitory order in Ward No. 4.

SHRI SOMNATH CHATTERJEE: Why was it so?

SHRI ABDUL MANNAN KHAN: Now I cannot remember it exactly.

SHRI SOMNATH CHATTERJEE: Why did you not leave them one mile away from Ward No. 4?

SHRI ABDUL MANNAN KHAN: Because we thought that they might come back again.

SHRI SOMNATH CHATTERJEE: Including Mr. Halder, who was the leader of that party and who was violating the law, according to you?

SHRI ABDUL MANNAN KHAN: I said and I am saying it again that I have a great regard for Mr. Halder.

SHRI SOMNATH CHATTERJEE: Therefore, you were eager to arrest and take away all his followers but not the leader who was the main person incharge of that moment on that day?

SHRI ABDUL MANNAN KHAN: I have said that our intention was not to arrest, but only to disperse.

SHRI SOMNATH CHATTERJEE: You said that you had politely asked him to go to the District Magistrate; and that you had also kept the vehicle ready. How far was his house from the court compound?

SHRI ABDUL MANNAN KHAN: One or two minutes by walk, Sir.

SHRI SOMNATH CHATTERJEE: You had kept a vehicle ready for him to travel a distance which would take only 1 or 2 minutes by walk; and you had invited him to get into the vehicle.

SHRI ABDUL MANNAN KHAN: I did it, Sir, after paying compliments.

SHRI SOMNATH CHATTERJEE: What compliments did you pay; and where was the occasion at that time to pay compliments to a person, even though he was an M.P., when he was violating the law, according to you?

SHRI ABDUL MANNAN KHAN: He is an honourable Member of Parliament, Sir.

SHRI SOMNATH CHATTERJEE: After Mr. Halder went in, that van stopped near the motor garage, according to you, and waited for 10 or 15 minutes.

SHRI ABDUL MANNAN KHAN: It waited for 5 or 6 minutes. We wanted to pick him up and some others in another vehicle. We also made a request to him to this effect.

SHRI SOMNATH CHATTERJEE: Has that been mentioned in the statement of the West Bengal Police?

SHRI ABDUL MANNAN KHAN: I do not know, Sir, word for word, as to what is mentioned in it.

SHRI SOMNATH CHATTERJEE: Have you not seen that statement?

SHRI ABDUL MANNAN KHAN: That is not my report, Sir.

SHRI SOMNATH CHATTERJEE: According to you, Mr. Halder remained in the van voluntarily; and you had asked him to get down from it at Galsi.

SHRI ABDUL MANNAN KHAN: There was another sub-inspector at that place, Sir.

SHRI SOMNATH CHATTERJEE: Who was in the jeep which accompanied that van up to Galsi?

SHRI ABDUL MANNAN KHAN: One sub-inspector was in it, Sir.

SHRI SOMNATH CHATTERJEE: Mr. Halder had said that there was no question of his entering into the van forcibly, but that he was arrested along with other persons and that all of them were taken up to Galsi and released there or that he was asked to get down from the van there. Do you know that such a statement has been made by Mr. Halder?

SHRI ABDUL MANNAN KHAN: I do not know that, Sir. It did not happen that way.

SHRI SOMNATH CHATTERJEE: Do you have records in regard to persons whom you arrest?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Do you have them in regard to those who were forcibly removed?

SHRI ABDUL MANNAN KHAN: No, Sir.

SHRI SOMNATH CHATTERJEE: In that case, you can remove any number of people from any place and drop them anywhere, without keeping any record.

SHRI ABDUL MANNAN KHAN: When it does not amount to arresting people, nothing is recorded in the police diary. As far as my information goes, it is not relevant.

SHRI SOMNATH CHATTERJEE: According to you, it does not matter at all if some persons are taken in a police van and dropped miles away.

SHRI ABDUL MANNAN KHAN: We feel that when there is a prohibitory order, dispersal of persons is necessary.

SHRI ABDUL MANNAN KHAN: The law says that the minimum to disperse them and also to arrest them.

SHRI ABDUL MANNAN KHAN: The law says that the minimum of force should be used.

SHRI SOMNATH CHATTERJEE: You disperse them and take them in a police van and drop them 13 or 20 miles away, where they

have no freedom of movement. Does it conform to your idea of minimum of force?

SHRI ABDUL MANNAN KHAN: I though that dispersal was our duty.

SHRI SOMNATH CHATTERJEE: You told us that some of the processionists dispersed peacefully; did you not?

SHRI ABDUL MANNAN KHAN: In the beginning, they did it, Sir.

SHRI SOMNATH CHATTERJEE: Some persons told you categorically that they would not disperse. Is it so?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: How many persons told you categorically that they would not disperse?

SHRI ABDUL MANNAN KHAN: I cannot give a definite number, Sir.

SHRI SOMNATH CHATTERJEE: Give us an approximate idea.

SHRI ABDUL MANNAN KHAN: It is difficult to do it, Sir; it may be about 30 or 40 persons.

SHRI SOMNATH CHATTERJEE: Out of them, 20 were arrested and taken to the police station, according to you?

SHRI ABDUL MANNAN KHAN: The processionists numbered about 100; of whom 30 or 40 were taken to the police station.

SHRI SOMNATH CHATTERJEE: How many persons told you that they would not listen to your request to disperse?

SHRI ABDUL MANNAN KHAN: I do not remember, Sir.

SHRI SOMNATH CHATTERJEE: You can give an approximate figure.

SHRI ABDUL MANNAN KHAN: The number may be round about 30 or 40, Sir.

SHRI SOMNATH CHATTERJEE: Was Mr. Halder, Member of Parliament, one among them?

SHRI ABDUL MANNAN KHAN: No, Sir. I do not think so.

SHRI SOMNATH CHATTERJEE: He did not disperse in spite of your request; is it not so?

SHRI ABDUL MANNAN KHAN: We requested him only to get down from the van, Sir.

SHRI SOMNATH CHATTERJEE: Surely, you did not ask everybody, individually, to disperse. You had made a public announcement and to the hearing of Mr. Halder. It must have been so.

SHRI ABDUL MANNAN KHAN: I cannot say whether he had heard it or not.

SHRI SOMNATH CHATTERJEE: After listening to your request, some of them left the place.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Others insisted on staying there.

SHRI ABDUL MANNAN KHAN: It may be that they assembled there only to disobey the prohibitory order.

SHRI SOMNATH CHATTERJEE: Did they reiterate their decision to violate the order under Section 144?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Mr. Halder was there among them. And he did not get down.

SHRI ABDUL MANNAN KHAN: He was also there. He continued to stay there.

SHRI SOMNATH CHATTERJEE: He had also addressed the gathering there. And then, you had said that you had arrested some people and took them to the police station; and that others got into the police van on your invitation. That is your evidence.

SHRI VASANT SATHE: Mr. Khan, how long have you been working as a police officer?

SHRI ABDUL MANNAN KHAN: For about 6 1/2 years now, Sir.

SHRI VASANT SATHE: What is your educational qualification?

SHRI ABDUL MANNAN KHAN: I am a graduate, Sir.

SHRI VASANT SATHE: What is your legal concept in regard to the arrests, under the Cr. P.C. as well as I.P.C., as a police officer?

SHRI ABDUL MANNAN KHAN: Arrest means confinement in police custody; in some cases, against the person's will.

SHRI VASANT SATHE: If the confinement is in a room or anywhere else, i.e. even in a corner or in the open against the wishes of the persons concerned and if police guards are there, legally speaking that would also mean arrest.

SHRI ABDUL MANNAN KHAN: It should be confinement against the will of the persons concerned.

SHRI VASANT SATHE: It is an arrest all right; is it not?

SHRI ABDUL MANNAN KHAN: Yes, Sir. In the case of confinement, it is not necessary that it should be against the will of the persons; but it is generally so.

SHRI VASANT SATHE: Provided the person concerned is not free to go away. And that is legally arrest. Therefore, these 30 to 40 persons whom you had asked to get into the van—at the moment we are not at the question of your intention or methodology of dispersal. We are purely at the point of confinement—the object is of sending them out beyond the reach of 20 miles. The moment you put them in the van legally they were under arrest. Would they or would they not be deemed to be under arrest the moment you put them in the van? We will come to Halder later. I am at present talking of the rest.

SHRI ABDUL MANNAN KHAN: Against their will taking them into police van means arrest.

SHRI VASANT SATHE: Therefore, these 30-40 persons other than Mr. Halder whom you requested not to get into the van were under arrest.

Now, we come to Mr. Halder. You told him as he is an hon. Member and you do not want to arrest him, therefore, he should not get into the van. You did that.

SHRI ABDUL MANNAN KHAN: He forcibly entered the van. Then I requested Mr. Halder that he is not under arrest and he should come out.

SHRI VASANT SATHE: Then what did he say?

SHRI ABDUL MANNAN KHAN: He said he would not come out.

SHRI VASANT SATHE : Were there any policemen at the gate of the van?

SHRI ABDUL MANNAN KHAN: Usually there are two or three policemen.

SHRI VASANT SATHE: Did these forty people get into the van under your order?

SHRI ABDUL MANNAN KHAN: I said this procession is unlawful. I can remove you beyond this municipal town as there is prohibitory orders.

SHRI VASANT SATHE: But you told them to get into the van.

SHRI ABDUL MANNAN KHAN: Yes.

SHRI VASANT SATHE: Then they started getting into the van one by one.

SHRI ABDUL MANNAN KHAN: Yes.

SHRI VASANT SATHE: In the presence of the policemen who were there.

SHRI ABDUL MANNAN KHAN: Yes.

SHRI VASANT SATHE: The moment Mr. Halder started getting in were you there?

SHRI ABDUL MANNAN KHAN: I was not there at the gate.

SHRI VASANT SATHE: When did Mr. Halder get into the van—first or at the end?

SHRI ABDUL MANNAN KHAN: Towards the end.

SHRI VASANT SATHE: When he was going towards the van to enter did you tell him not to enter?

SHRI ABDUL MANNAN KHAN: I had no time. Actually I was a bit away. When he had got into the van I came and requested him to come out.

SHRI VASANT SATHE: Before he entered did you tell Mr. Halder that he is not a required person and he need not enter the van? Or did you instruct your policemen accordingly?

SHRI ABDUL MANNAN KHAN: He actually forced his way into the van. In the beginning we did not brief anybody. After he entered I requested him personally.

SHRI VASANT SATHE: The policemen who were not instructed by you to stop anyone when Mr. Halder was entering they did not stop him.

SHRI ABDUL MANNAN KHAN: Yes.

SHRI VASANT SATHE: Therefore, there was no question of forcing himself into the van.

SHRI ABDUL MANNAN KHAN: From the distance I could see he was running.

SHRI VASANT SATHE: Shri Halder was in a hurry to get in. He, therefore, got into the van. You went to him and told him to come out. Is it correct?

SHRI ABDUL MANNAN KHAN: Yes.

SHRI VASANT SATHE: What did Halder reply?

SHRI ABDUL MANNAN KHAN: He told that he would not come out.

SHRI VASANT SATHE: You, therefore, closed the door.

SHRI ABDUL MANNAN KHAN: We kept the van for three or four minutes there and requested him to come out.

SHRI VASANT SATHE: You requested him ten times and he did not come out. You closed the door and went to Superintendent's Office.

SHRI ABDUL MANNAN KHAN: In the Court compound Superintendent's Office and other offices are there.

SHRI VASANT SATHE: Where did you take the van?

SHRI ABDUL MANNAN KHAN: Just at the distance of 20 yards.

SHRI VASANT SATHE: For what?

SHRI ABDUL MANNAN KHAN: We started arresting another set of people.

SHRI VASANT SATHE: In another van you arrested people and that was at the distance of 20 yards from this particular place and it was near D.M.'s office.

SHRI ABDUL MANNAN KHAN: It was under the tree in the court compound and in the nearby place.

SHRI VASANT SATHE: So the van in which Mr. Halder was there, had been there for five minutes.

SHRI ABDUL MANNAN KHAN: We had been requesting Mr. Haldar for five minutes.

SHRI VASANT SATHE: Therefore, along with Mr. Haldar you took the van away—20 miles.

SHRI ABDUL MANNAN KHAN: The van was taken at a distance of 13 or 14 miles.

SHRI VASANT SATHE: All of them were asked to get down.

SHRI ABDUL MANNAN KHAN: Yes.

SHRI VASANT SATHE: Except Mr. Halder others were arrested and taken 14 miles away.

SHRI ABDUL MANNAN KHAN: This is the legal implication.

SHRI VASANT SATHE: That was not your intention.

SHRI ABDUL MANNAN KHAN: Our intention was to disperse them.

SHRI VASANT SATHE: Your intention was not to take Mr. Halder along with others at the Distt. Magistrate's Office. Did you go and tell District Magistrate that Mr. Halder, a Member of Parliament is voluntarily there and inspite of your requests to come out of the van does not come out of it? Did you seek the guidance of D. M. in this regard? Or Did District Magistrate himself come and tell Mr. Halder to come out of the van?

SHRI ABDUL MANNAN KHAN: I did not do so.

SHRI VASANT SATHE: District Magistrate was there in his office.

SHRI ABDUL MANNAN KHAN: Yes.

SHRI DARBARA SINGH: Was any FIR recorded about the arrest of 20 persons when Mr. Halder pushed himself in?

SHRI ABDUL MANNAN KHAN: 20 persons were in another van and not in this van.

SHRI DARBARA SINGH: Twenty demonstrators were put in a van and you did not register any case when you wanted to remove them to another place, nor you did in the case of persons in the van 30 or 40 persons in which Mr. Halder was also there. What is the capacity of the van? Is it to carry 30 or 40 persons?

SHRI ABDUL MANNAN KHAN: Generally, we carry 30 persons. 30 persons can sit. The capacity is to carry between 30 and 40 persons.

SHRI DARBARA SINGH: Did you tell Mr. Haldar to place his grievances before the District Magistrate because he was not under arrest?

SHRI ABDUL MANNAN KHAN: I requested Mr. Halder in the beginning to place his grievances, before the District Magistrate.

SHRI DARBARA SINGH: He delivered a speech for ten minutes. He must have told his views to the public. What did he say in the meeting?

SHRI ABDUL MANNAN KHAN: I cannot remember exactly as to what was told by him.

I told him to go to the District Magistrate.

SHRI DARBARA SINGH: Did you persuade him to get out of the van and place his grievance before the District Magistrate.

SHRI ABDUL MANNAN KHAN: I requested him to get down.

SHRI DARBARA SINGH: Why did you not tell District Magistrate that Mr. Halder got forcibly in the van?

SHRI ABDUL MANNAN KHAN: It was not told.

SHRI DARBARA SINGH: You took the responsibility on yourself - he may be under arrest or not - he will be taken to the distant place.

SHRI ABDUL MANNAN KHAN: That was my judgement. I do not know much. This is what I know.

SHRI DARBARA SINGH: What was the intention of the police to take the jeep along with the van when he did not get down on your request?

SHRI ABDUL MANNAN KHAN: The intention was to take Mr. Halder in the Jeep, and to leave him wherever he wanted to go.

SHRI R. P. ULAGANAMBI: When there is Order 144, the persons violating the order are liable to be arrested.

SHRI ABDUL MANNAN KHAN: I have said arrest was not our intention.

SHRI R. P. ULAGANAMBI: I am asking about the law.

SHRI ABDUL MANNAN KHAN: They should be liable to arrest but this was not our intention. Our intention was their dispersal.

SHRI R. P. ULAGANAMBI: They are liable to arrest. Is it so?

SHRI ABDUL MANNAN KHAN: Yes.

SHRI R. P. ULAGANAMBI: When Mr. Halder participated in the civil disobedience movement, addressed the gathering etc., was he not liable to arrest?

SHRI ABDUL MANNAN KHAN: He was, but that was not our intention. He was not arrested.

SHRI R. P. ULAGANAMBI: If a person is confined within a particular area, room or van, does it not mean arrest? It may be for a short or long time.

SHRI ABDUL MANNAN KHAN: Arrest, of course, means confinement.

SHRI R. P. ULAGANAMBI: Mr. Halder was in the van from Burdwan to Galsi.

SHRI ABDUL MANNAN KHAN: I told him person aley before that, that he was not under arrest. He was told very politely. I also requested him to come out. He entered into the van voluntarily and remained there.

SHRI R. P. ULAGANAMBI: And you left him at Galsi.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI R. P. ULAGANAMBI: Did you offer the jeep to Shri Halder at Galsi.

SHRI ABDUL MANNAN KHAN: It was sent with van, so that Shri Halder could come back in it and he is not inconvenienced.

SHRI R. P. ULAGANAMBI: Was it offered to him?

SHRI ABDUL MANNAN KHAN: I did not go with the van. I had only given instructions.

SHRI R. P. ULAGANAMBI: You must have given the instructions to the Sub-Inspector. Did he come back and report to you?

SHRI ABDUL MANNAN KHAN: On return, he reported that he had requested Shri Halder personally to come to the police jeep. Shri Halder, however, refused to avail of this.

SHRI R. P. ULAGANAMBI: The Sub-Inspector acted on your instructions, and reported to you later.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: I believe, you keep record of the movement of the police vehicles.

SHRI ABDUL MANNAN KHAN: It is kept in the car diary.

SHRI SOMNATH CHATTERJEE: Would you also record, for what purpose, a jeep would be sent for another place?

SHRI ABDUL MANNAN KHAN: The system is to carry force in the police van. One officer went in the jeep.

SHRI SOMNATH CHATTERJEE: There would be record, whether the jeep was sent along with the van and for what purpose.

SHRI ABDUL MANNAN KHAN: This jeep went to Galsi. It is there on record. The purpose, however, is not mentioned.

SHRI SOMNATH CHATERJEE: If it was specifically sent to bring Shri Halder, it should have been mentioned there. This was not the police usual job it was an unusual job being assigned. That should have been mentioned in the record.

SHRI ABDUL MANNAN KHAN: The fact that the jeep went to Galsi is mentioned there.

SHRI SOMNATH CHATTERJEE: Can you produce or arrange to produce the record?

SHRI ABDUL MANNAN KHAN: Car diary there.

SHRI SOMNATH CHATTERJEE: Have you seen this?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Nothing else is written.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Who else, I mean ranking police officer, was there?

SHRI ABDUL MANNAN KHAN: Inspector, Shri N. R. Chatterjee was there.

SHRI SOMNATH CHATTERJEE: Who was incharge of the police party?

SHRI ABDUL MANNAN KHAN: I was the incharge, being the senior most officer.

SHRI SOMNATH CHATTERJEE: Shri N. R. Chatterjee was incharge of Burdwan police station. He is a responsible officer. He was also present side by side with you.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Who was directing the operation?

SHRI ABDUL MANNAN KHAN: The operation was directed by me.

SHRI SOMNATH CHATTERJEE: Where was the Superintendent of Police?

SHRI ABDUL MANNAN KHAN: He was suffering from heart trouble. He was sick.

SHRI SOMNATH CHATTERJEE: Who was next to him? :

SHRI ABDUL MANNAN KHAN: Shri M. K. Singh, Additional S. P. was next to him.

SHRI SOMNATH CHATTERJEE: Was he at the spot?

SHRI ABDUL MANNAN KHAN: No, Sir.

SHRI SOMNATH CHATTERJEE: Did you discuss with him that there would be this procession violating Sec. 144 Cr. P. C. and how you would tackle that?

SHRI ABDUL MANNAN KHAN: In the beginning, we had discussed, but when the incident occurred, I was there.

SHRI SOMNATH CHATTERJEE: Both of you had discussed that the people would be whisked away in the van?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Did you also know that the procession would be led by an M.P.?

SHRI ABDUL MANNAN KHAN: No, Sir. Our information was that people will come in two or three batches and suddenly would concentrate there.

SHRI SOMNATH CHATTERJEE: You did not know about Shri Halder. Was a decision taken not to arrest a Member of Parliament, if he was there?

SHRI ABDUL MANNAN KHAN: No, Sir.

SHRI SOMNATH CHATTERJEE: You said, Shri Halder forcibly entered the van. What force did he use and against whom?

SHRI ABDUL MANNAN KHAN: He was running through the procession and suddenly he entered the van.

SHRI SOMNATH CHATTERJEE: Mr. Khan, according to you, running through a procession and suddenly entering the van is 'forcibly entering the van'.

SHRI ABDUL MANNAN KHAN: He ran himself through procession and suddenly entered the van.

SHRI SOMNATH CHATTERJEE: According to you, running through a procession means using force and that was a place where he could run. Are you realising what you are saying?

SHRI ABDUL MANNAN KHAN: Sir, this was the thing that happend.

SHRI SOMNATH CHATTERJEE: Therefore, whatever you have said about 'forcibly entered the van' gives suspicion or it is your own assumption or guess.

SHRI ABDUL MANNAN KHAN: Sir, this was what happened.

SHRI SOMNATH CHATTERJEE: It is your guess because you were not at that place.

SHRI ABDUL MANNAN KHAN: There was two or three Police men and I was a little away from that place but I saw that he was running through the procession.

SHRI SOMNATH CHATTERJEE: So, you gathered that he must have used force. That is your statement.

SHRI ABDUL MANNAN KHAN: Yes, Sir.

SHRI SHANKAR DAYAL SHARMA: Mr. Khan, can you tell me the make of the van which was used to take these persons? Whether it was a 'Leyland' or 'Mercedez' or 'Bedford'?

SHRI ABDUL MANNAN KHAN: I do not know the make of the van. But I can tell that at least the van can accommodate about 30 persons.

SHRI SHANKAR DAYAL SHARMA: Do you have a log of the jeep? The driver must be maintaining a log-book for the van.

SHRI ABDUL MANNAN KHAN: Yes, there is a log-book for the van. In the log-book, it has been written by a police man as Galsi but the purpose was not mentioned.

SHRI SHANKAR DAYAL SHARMA: How did you reach that place?

SHRI ABDUL MANNAN KHAN: I did not go there. A sub-Inspector was sent along with him.

SHRI SHANKAR DAYAL SHARMA: When these people were arrested, were you not there?

SHRI ABDUL MANNAN KHAN: I was there, Sir.

SHRI SHANKAR DAYAL SHARMA: Then how did you reach the place?

SHRI ABDUL MANNAN KHAN: I reached that place in a jeep.

SHRI SHANKAR DAYAL SHARMA: Is it the same jeep in which you travelled to the spot, in which you wanted Mr. Halder to get in?

SHRI ABDUL MANNAN KHAN: In the Court compound I requested Mr. Halder to.....

SHRI SHANKAR DAYAL SHARMA: When the van proceeded to Galsi your jeep followed it but you remained there. Can you tell whether any officer was in the jeep at that time?

SHRI ABDUL MANNAN KHAN: One Police Inspector was there. Sir.

SHRI SHANKAR DAYAL SHARMA: And in the van?

SHRI ABDUL MANNAN KHAN: Some constables were in the van.

SHRI SHANKAR DAYAL SHARMA: Did you know then that there was a case of breach of privilege which was raised by Mr. Halder against the procedure followed by you.

SHRI ABDUL MANNAN KHAN: I do not know, Sir.

SHRI SHANKAR DAYAL SHARMA: There was already a case of breach of privilege raised by Mr. Halder last year. Do you know about that?

SHRI ABDUL MANNAN KHAN: It was not known to me, Sir.

SHRI SHANKAR DAYAL SHARMA: You said in your statement that Mr. Halder 'forcibly entered the van'. Do you mean to say that force was being used to enter the van or do you mean to say that he forced his way into the van. In what sense you used the word 'force'?

SHRI ABDUL MANNAN KHAN: He ran through the procession and entered the van.

SHRI SHANKAR DAYAL SHARMA: Mr. Chatterjee just now asked you about your contention of the words 'forcibly entered the van'. Does it mean that he hit somebody or pushed somebody? Or does it mean that he forced his way into the van?

SHRI ABDUL MANNAN KHAN: It was like this. He ran through the procession and suddenly he got into the van.

MR. CHAIRMAN: In English language, it is an expression that if you enter into your private room without any appointment, it is called 'forcible entry'.

SHRI ABDUL MANNAN KHAN: He was there in the procession and from there he ran into the police van.

MR. CHAIRMAN: When some political parties start some sort of Civil Disobedience Movement, do you (police officers) hold some

conference to take stock of the developments and did you hold a police conference for that movement also?

SHRI ABDUL MANNAN KHAN: At the beginning, there was a conference of the police officers to deal with this sort of situation.

MR. CHAIRMAN: Whether there was a conference of the police officers after this incident?

SHRI ABDUL MANNAN KHAN: There was no conference.

MR. CHAIRMAN: Did you report to your superiors that Mr. Halder forcibly entered into the police van?

SHRI ABDUL MANNAN KHAN: After the incident, I told the Additional S.P.

MR. CHAIRMAN: Did you also tell him that inspite of your repeated requests to Mr. Halder not to enter into it, he forcibly entered into it and then he along with other persons was taken away?

SHRI ABDUL MANNAN KHAN: Yes, Sir.

MR. CHAIRMAN: Did you also report to him that since an M.P. was taken away whether there were any formalities to be completed such as informing the Speaker or other persons concerned? Did you, as a police officer, think it fit to report all these things.

SHRI ABDUL MANNAN KHAN: I was under the impression that only information was to be sent in case of arrest. But now I feel that since this incident relates to one hon. Member, we should have informed the hon. Speaker.

MR. CHAIRMAN: Did you inform to your Additional District Superintendent of Police?

SHRI ABDUL MANNAN KHAN: I had informed him with full facts.

MR. CHAIRMAN: Did he say something to you? Did he tell you that since one M.P. was involved, you had to inform to the person concerned or make some entry in the police diary?

SHRI ABDUL MANNAN KHAN: Now I feel that we should have informed the person concerned.

MR. CHAIRMAN: At that time, it did not occur to you?

SHRI ABDUL MANNAN KHAN: It did not occur to me.

MR. CHAIRMAN: Have you got anything more to say besides what you have already said in your replies to the questions from the hon. Members?

SHRI ABDUL MANNAN KHAN: If any inconvenience was caused to the hon. Member, I sincerely regret it. In future, I will be careful about it. I offer my unconditional apology and hope the hon. Committee will accept it.

SHRI SOMNATH CHATTERJEE: But that is not unconditional. You admit that inconvenience had been caused to him.

SHRI ABDUL MANNAN KHAN: Yes, Sir. I am sorry for that.

SHRI SOMNATH CHATTERJEE: You agree that you had caused harassment and inconvenience to the hon. Member for which you are tendering an apology? You realise that?

SHRI ABDUL MANNAN KHAN: I feel that we should have informed the hon. Speaker of Parliament.

(The witness then withdrew)

EVIDENCE OF SHRI MIHAR RANJAN DUTTA, SUB-INSPECTOR OF POLICE BURDWAN POLICE STATION (NOW OFFICER-IN-CHARGE, PURBASTHALI POLICE STATION, DISTRICT BURDWAN)

(The witness took the oath)

MR. CHAIRMAN: On the 14th November, 1973, were you at the Burdwan Court Compound?

SHRI DUTTA: Yes, I was on duty.

MR. CHAIRMAN: What kind of duty were you entrusted with?

SHRI DUTTA: To assist Deputy Superintendent of Police, Shri Khan.

MR. CHAIRMAN: What specific duty did you do on that day?

SHRI DUTTA: On 14-11-1973 I assisted Shri Khan in arresting 20 persons for violation of Section 144 Cr. P. C. and also follow one police van in which there were about 30-40 law breakers including Shri Halder.

MR. CHAIRMAN: Which is the place you went?

SHRI DUTTA: About Galsi Bazar.

MR. CHAIRMAN: Where did you arrest those 30-40 persons?

SHRI DUTTA: Not arrested. They were taken to the police van with a view to disperse them.

SHRI VASANT SATHE: Were these 20 persons arrested before or after the 30-40 persons?

SHRI DUTTA: Before.

SHRI VASANT SATHE: After these 20 persons were arrested did you tell Mr. Halder and the rest that they should leave this place otherwise they also will be arrested?

SHRI DUTTA: This was told by Mr. Khan.

SHRI VASANT SATHE: And they did not leave the place.

SHRI DUTTA: Yes.

SHRI VASANT SATHE: Therefore, they were taken in another van.

SHRI DUTTA: Yes, Sir.

SHRI VASANT SATHE: Your idea in taking them in another van was not to arrest but to take them away and leave them somewhere else.

SHRI MIHIR RANJAN DUTTA: Yes.

SHRI VASANT SATHE: Therefore, you had told all the rest to get into another van.

SHRI MIHIR RANJAN DUTTA: Yes.

SHRI VASANT SATHE: Under the instructions of Mr. Khan, 40 persons got into another van.

SHRI MIHIR RANJAN DUTTA: Yes.

SHRI VASANT SATHE: Your Superintendent of Police Mr. Khan was examined by us and he accepted before this Committee that he was mistaken in not sending the report of arrest of Mr. Halder. He was under a wrong impression that it was not required to be given and now he realised that it was a mistake and he has tendered an unconditional apology. What have you to say?

SHRI MIHIR RANJAN DUTTA: I also make un-conditional apology and ask for mercy.

MR. CHAIRMAN: You can withdraw.

(The witness then withdrew)