

COMMITTEE OF PRIVILEGES

(FIFTH LOK SABHA)

THIRD REPORT

(Presented on the 1st September, 1972)



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1971-72)**

Shri R. D. Bhandare—Chairman

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri H. R. Gokhale
6. Shri Jagannathrao Joshi
7. Shri H. N. Mukerjee
8. Shri M. Muthuswamy
9. Shri Chintamani Panigrahi
10. Shri Raj Bahadur
11. Shri A. K. Sen
12. Dr. Shankar Dayal Sharma
13. Shri Satyendra Narayan Sinha
14. Shri P. Venkatasubbaiah
15. Shri Chandrajeet Yadav.

SECRETARIAT

Shri P. K. Patnaik—Joint Secretary

Shri B. K. Mukherjee—Deputy Secretary

Shri J. R. Kapur—Under Secretary

**PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1972-73)**

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Darbara Singh
6. Shri H. R. Gokhale
7. Shri Dinesh Chandra Goswami
8. Shri Jagannathrao Joshi
9. Shri Nihar Laskar
10. Shri H. N. Mukerjee
11. Shri Raj Bahadur
12. Shri Vasant Sathe
13. Dr. Shankar Dayal Sharma
14. Shri Satyendra Narayan Sinha
15. Shri R. P. Ulagannambi.

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

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

I. Introduction and Procedure

1. The Chairman of the Committee of Privileges, having been authorised to submit the Report on their behalf, present this their Third Report to the House on the question of privilege, raised¹ by Shri Krishna Chandra Halder, M.P., on the 22nd July, 1971, and referred² to the Committee by the House on the 28th July, 1971, against certain police officers of Durgapur (West Bengal) for their alleged misbehaviour with him.

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

3. At the third sitting held on the 13th October, 1971, the Committee decided that Shri Atin Mukherjee, the concerned Assistant Sub-Inspector of Police, might be called to appear in person before the Committee for examination.

4. At the fourth sitting held on the 10th November, 1971, the Committee examined Shri Atin Mukherjee, Assistant Sub-Inspector of Police. The Committee also decided that Shri Krishna Chandra Halder, M.P., might be given an opportunity to appear before the Committee to have his say, if he so desired and that the officer-in-charge of the M.A.M.C. Investigation Centre, Police Station Durgapur, on the date of the incident, might be called to appear before the Committee for examination.

5. At the sixth Sitting held on the 15th January, 1972, the Committee heard Sarvashri Krishna Chandra Halder, M.P., and Rajendra Prasad Bhattacharya, Sub-Inspector of Police, M.A.M.C. Investigation Centre, Police Station Durgapur (West Bengal).

6. At the ninth sitting held on the 21st July, 1972, the Committee deliberated on the matter and arrived at their conclusions.

7. At the tenth sitting held on the 22nd August, 1972, the Committee considered their draft report and adopted it.

¹L. S. Deb., dt. 22-7-1971, cc. 157—172.

²L. S. Deb., dt. 28-7-1971, cc. 273—278.

II. Facts of the case

8. On the 22nd July, 1971, Shri Krishna Chandra Halder, M.P., while raising³ a question of privilege in the House about his alleged arrest and misbehaviour with him by the police officers of Durgapur (West Bengal), stated *inter alia* as follows:—

“The incident which I am narrating happened on the 15th July, 1971, in Durgapur, which is a part of my constituency. On that day, I went to the workers’ colony of the AVB factory of Durgapur, in order to make some enquiries regarding retrenchment and police atrocities... I went to the colony at about 5.30 in the evening and at approximately 7.30 p.m., I left that place. I was travelling in a car with four companions, the driver and his assistant... My car was stopped near the Apprentice Hostel of the AVB, by the police and CRP led by the same Atin Mukherjee (A.S.I.), about whom I was told so much by the people of the workers’ colony. The police officer who was in plain dress ordered me to get out of the car and to go with them. I then showed my card of the Parliament to him, but that infuriated him. He started shouting at me, saying that the fact that I was an MP made absolutely no difference, as far as he was concerned, and again ordered me to leave the car. His behaviour was very insulting, rude and uncivilised, and he was all the time shouting and using filthy language. He then brought me out of the car by force and did the same in a much more insulting way to my companion... I was then forced to go to the police station, in spite of my repeated insistence that it was improper and that it was infringing my rights and privileges as a Member of the Parliament... After being taken to the MAMC Investigation Centre, I was interrogated by the Sub-Inspector Incharge of that Centre, and it was not before one hour passed that I was released... The officer who interrogated us expressed regret for the whole incident. Subsequently, I saw a press report which stated that the SDPO had said that one dagger

³L. S. Deb., dt. 22-7-1971, cc. 157—172.

was found in my car. Let me state this categorically and with full responsibility that this was a big lie and this story was given to the press in order to justify our detention. Nothing was found or seized by the police from my car. This story was given in order to tarnish my image as a public figure... I was detained and interrogated for more than one hour, but this matter was not reported to the hon. Speaker. I consider this as a matter of privilege, and the persons responsible for my arrest and detention are *prima facie* guilty of breach of privilege... my complaints against Shri Atin Mukherjee, the ASI, are as follows:—

- (1) He filthily abused me, along with the CRP personnel, although I showed him my Identity Card;
- (2) He threatened me while arresting me, and forced me out of the car;
- (3) He unlawfully restrained my movement and compelled me to go to the investigation centre, and detained me there against my wishes; and
- (4) All these amounted to molestation on his part.

I also accuse the sub-Inspector in charge of the investigation Centre and the SDPO of Durgapur for being a party to this molestation, and particularly the latter for giving out a fabricated story to the press.”

9. After some discussion in the House, the Speaker observed⁴ as follows:—

“... If he was arrested, the communication should have been immediately sent to me either by express letter or telegram. I have ascertained from my office that it has not been received. So I am sending this to the Home Minister to verify the facts as to what is the version from his side. When it comes, I will lay it before the House... I am not going to send (to the Ministry of Home Affairs) and thing else except about the fact of arrest. As far as other points such as disrespect having been shown to the Member are concerned, I am one with him. It should not have been done... So far as disrespect and other matters are concerned, I have said, I am one with the members. But

⁴L. S. Deb., dt. 22-7-71, cc. 161— 172.

so far as the factum of arrest is concerned, I was asking the Minister why it was not communicated. Let me know the reasons and along with that, I wanted to send it to the privileges Committee."

10. On the 28th July, 1971, the Minister of State in the Ministry of Home Affairs (Shri K. C. Pant) made the following statement⁵ in the House:—

"We have received the following information from the Government of West Bengal. One car coming from Calcutta side was searched by the police at Durgapur on 15th July, 1971, and a dagger with a nine inch long blade was recovered from one of the inmates of the car who gave his name as Shri Kalachand Bhattacharji. In that car there were three or four other occupants including Shri K. C. Halder, Member of the Lok Sabha. On being questioned, Shri Kalachand Bhattacharji offered the explanation that the dagger was being carried for the security of the M.P. He was taken by police jeep to the Durgapur police station. Shri Halder followed the police jeep in his car entirely on his own. In regard to the recovery of the dagger from Shri Bhattacharji, an entry was made in the General Diary in the police station. No one was put under arrest. After the entry had been made in the General Diary, the party resumed their journey."

11. After some discussion in the House, the Speaker observed⁶ as follows:—

"The old decision was that in the case of misbehaviour or disrespect shown, the House might decide it... Now also a motion is moved that this matter, so far as misbehaviour and disrespect are concerned, should be referred to the Committee of Privileges... So far as the fact of arrest is concerned, if it is unlawful restraint or anything of that nature, something which is not arrest, the legality of the arrest cannot be gone into by the Privileges Committee. This was discussed in very much detail and though it was disputed it has been decided that the Privileges Committee cannot go into the legality of it. Shri Madhu Limaye went to the Court on the question of the legality of arrest... the motion before the House is that the matter be referred to the Committee of Privileges. I take

⁵L. S. Deb., dt. 28-7-71, c. 273.

⁶L. S. Deb., dt. 28-7-71, cc. 275—277.

it that the House approves of it... I did not want to say, so far as the legality of arrest is concerned, whether it is an unlawful restraint or restriction and all that in this House. In all these matters, Members have been going to the Courts. Suppose you hold something as 'arrest' and they go to the Court and the Court holds that it is not, then it is a delicate matter... it is misbehaviour, misconduct and disrespect shown that is going to be examined."

12. Thereafter, the following motion moved by Shri Atal Bihari Vajpayee, M.P., was adopted by the House:—

"That this matter be referred to the Committee of Privileges."

III. Findings of the Committee

13. The Committee considered the question whether Shri Krishna Chandra Halder, M.P., had been ill-treated and abused, and forcibly taken to the M.A.M.C. Investigation Centre, Police Station Durgapur, for interrogation, by Shri Atin Mukherjee, Assistant Sub-Inspector of Police, as alleged by Shri Krishna Chandra Halder, M.P. In order to find out the correct position, the Committee examined on oath Sarvshri Atin Mukherjee, Assistant Sub-Inspector of Police, Durgapur (West Bengal) and Rajendra Prasad Bhattacharya, Sub-Inspector of Police and officer-in-charge of M.A.M.C. Investigation Centre, Durgapur (West Bengal). The Committee also examined Shri Krishna Chandra Halder, M.P.

14. Shri Krishna Chandra Halder, M.P., in his evidence^a before the Committee on the 15th January, 1972, deposed that Shri Atin Mukherjee, Assistant Sub-Inspector of Police, had ill-treated him and used filthy language against him. He had added that he was also arrested and taken to the police station by Shri Atin Mukherjee.

15. Shri Atin Mukherjee, Assistant Sub-Inspector of Police, in his evidence^b before the Committee on the 10th November, 1971, however, denied the above allegations and said that he had neither ill-treated Shri Krishna Chandra Halder, M.P., nor arrested him. On the contrary, he had shown due respect and courtesies to him.

^aIbid, c. 277.

^bSee Minutes of Evidence.

^cIbid.

16. Shri Rajendra Prasad Bhattacharya, Sub-Inspector of Police and Officer in charge of M.A.M.C. Investigation Centre, Police Station Durgapur, in his evidence¹⁰ before the Committee on the 15th January, 1972, deposed that Shri Krishna Chandra Halder, M.P., had not been arrested by Shri Atin Mukherjee. He further said that Shri Halder did not complain against the misbehaviour of Shri Atin Mukherjee when he came to the police station on the day of incident.

Shri Rajendra Prasad Bhattacharya also submitted to the Committee that he had shown due respect to Shri K. C. Halder. He also expressed his regret to the Committee for the inconvenience caused to Shri K. C. Halder in the incident, in the following terms:—

“I have shown and given proper respect to learned M.P. and if he still feels anything in my dealings then I am sorry for that. I am sorry if any inconvenience has been caused to Shri Halder in this incident.”

17. The Committee are of the view that, considering all the circumstances of the case, the above unqualified apology, offered by Shri Rajendra Prasad Bhattacharya, Sub-Inspector of Police and incharge of the M.A.M.C. Investigation Centre, Durgapur, should be construed to be an apology on behalf of his subordinate Shri Atin Mukherjee, the concerned Assistant Sub-Inspector of Police, also, as he had expressed his regret for the inconvenience caused to Shri Krishna Chandra Halder, M.P. “in this incident”. The Committee also note that when Shri K. C. Halder had raised the question of privilege in the House on the 22nd July, 1971, he had *inter alia* stated that “the Officer who interrogated us expressed regret for the whole incident”.

18. In view of the unqualified apology tendered by Shri Rajendra Prasad Bhattacharya, Sub-Inspector of Police, for the whole incident, the Committee are of the opinion that the matter may be dropped.

IV. Recommendation of the Committee

19. The Committee recommend that no further action be taken by the House in the matter.

R. D. BHANDARE,

NEW DELHI;
The 22nd August, 1972.

Chairman,
Committee of Privileges.

¹⁰See Minutes of Evidence.

MINUTES

I

First Sitting

New Delhi, Wednesday, the 11th August, 1971

The Committee sat from 14.30 to 15.45 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri M. Muthuswamy
8. Shri Chintamani Panigrahi
9. Shri Raj Bahadur
10. Dr. Shankar Dayal Sharma
11. Shri P. Venkatasubbaiah

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

* * * * *

3. The Committee considered the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P. by the Police at Durgapur (West Bengal) on the 15th July, 1971. After considering various aspects of the matter, the Committee decided that the privilege law and precedents bearing on the case—particularly, whether showing disrespect or misbehaviour towards a Member of Parliament or his detention

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

for interrogation amount to arrest of the Member or involves any breach of privilege be compiled and circulated to consider the matter further at their sitting to be held on the 8th September, 1971.

4. The Committee then adjourned to meet again on Tuesday, the 7th September, 1971, at 11.00 hours.

II

Second Sitting

New Delhi, Tuesday, the 7th September, 1971

The Committee sat from 15.30 to 17.30 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri M. Muthuswamy
8. Shri Chintamani Panigrahi
9. Shri Satyendra N. Sinha
10. Shri P. Venkatasubbaiah

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

* * * * *

6. The Committee then considered the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the Police at Durgapur (West Bengal) on the 15th July, 1971. The Committee decided to consider the matter further at their next sitting.

7. The Committee decided that the sitting fixed for the 8th September, 1971, be cancelled.

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

8. The Committee then adjourned to meet again on Wednesday, the 13th October, 1971, at 15.00 hours.

III

Third Sitting

New Delhi, Wednesday, the 13th October, 1971.

The Committee sat from 15.00 to 15.20 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri M. Muthuswamy
8. Shri Raj Bahadur
9. Dr. Shankar Dayal Sharma
10. Shri Satyendra N. Sinha
11. Shri P. Venkatasubbaiah
12. Shri Chandarjeet Yadav

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

* * * * *

4. The Committee then considered the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M. P., by the police at Durgapur (West Bengal) on the 15th July, 1971. The Committee decided that Shri Atin Mukherjee, the concerned Sub-Inspector of Police, be called to appear before the Committee on the 10th November, 1971.

5. The Committee then adjourned to meet again on Wednesday, the 10th November, 1971, at 11.00 hours.

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

IV

Fourth Sitting

New Delhi, Wednesday, the 10th November, 1971.

The Committee sat from 11.00 to 13.10 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri M. Muthuswamy
7. Shri Chintamani Panigrahi
8. Shri Raj Bhadur
9. Shri A. K. Sen
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra N. Sinha

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri J. R. Kapur—*Under Secretary.*

WITNESSES

* * * * *

Shri Atin Mukherjee, *Asst. Sub-Inspector of Police, (West Bengal).*

* * * * *

5. The Committee then took up consideration of the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the Police at Durgapur (West Bengal) on the 15th July, 1971.

6. Shri Atin Mukherjee Assistant Sub-Inspector of Police Durgapur, was called in and examined on oath. (*Verbatim record was kept*).

*Paras 2, 3, 4 8 and 9 relate to other cases and have accordingly been omitted.

7. The Committee decided that Shri Krishna Chandra Halder, M.P., might be given an opportunity to appear before the Committee to have his say, if he so wished. The Committee also decided that the officer in charge of the M.A.M.C. Investigation Centre, Police Station, Durgapur, on the date of the incident be called to appear before the Committee.

* * * * *

10. The Committee authorised the Chairman to fix the date of the next sitting of the Committee.

The Committee then adjourned.

V

Fifth Sitting

New Delhi, Thursday, the 9th December, 1971.

The Committee sat from 12.00 to 12.15 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Darbara Singh
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri Raj Bahadur
7. Dr. Shankar Dayal Sharma
8. Shri Satyendra N. Sinha
9. Shri Chandrajeet Yadav

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary.*

* * * * *

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

4. The Chairman informed the Committee that Shri Krishan Chandra Halder, M.P., had requested for time being given to him some time in the middle of January 1972 for his appearance before the Committee in connection with the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to him by the Police at Durgapur (West Bengal) on the 15th July, 1971. The Committee decided to accede to his request and fixed 15th January, 1972, for appearance of Shri Krishna Chandra Halder, M.P., and the Officer Incharge of the M.A.M.C. Investigation Centre Police Station, Durgapur, before the Committee.

6. The Committee decided to meet again on Saturday, the 15th January, 1972, at 11.30 hours.

The Committee then adjourned.

VI

Sixth Sitting

New Delhi, Saturday, the 15th January, 1972.

The Committee sat from 11.30 to 12.50 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri M. Muthuswamy
7. Shri Chintamani Panigrahi
8. Shri Raj Bahadur
9. Shri Satyendra N. Sinha
10. Shri P. Venkatasubbaiah

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

WITNESSES

1. Shri Krishna Chandra Halder, M.P.
2. Shri Rajendra Prasad Bhattacharya, *Sub-Inspector, MAMC Investigation Centre, Police Station, Durgapur (West Bengal)*.

2. The Committee took up consideration of the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the Police at Durgapur (West Bengal) on the 15th July, 1971.

3. Shri Krishna Chandra Halder, M.P., was examined by the Committee. (*Verbatim record was kept.*)

(The witness then withdrew)

4. Shri Rajendra Prasad Bhattacharya, Sub-Inspector, MAMC Investigation Centre, Police Station, Durgapur, (West Bengal) was called in and examined on oath. (*Verbatim record was kept.*)

(The witness then withdrew)

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The Committee authorised the Chairman to fix the date of the next sitting of the Committee after the commencement of the forthcoming session of Lok Sabha.

The Committee then adjourned.

VII
Seventh Sitting

New Delhi, Tuesday, the 9th May, 1972

The Committee sat from 15.00 to 15.50 hours.

PRESENT

SHRI R. D. Bhandare—Chairman.

*Paras 5 relate to another case and has accordingly been omitted.

MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri H. R. Gokhale
5. Shri Jagannathrao Joshi
6. Shri Raj Bahadur
7. Shri Satyendra Narayan Sinha.

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

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3. The Committee deliberated on the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the police at Durgapur (West Bengal) on the 15th July, 1971. The deliberation was not concluded.

The Committee decided to consider the matter further at a subsequent sitting to be held during the ensuing inter-Session period.

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5. The Committee then adjourned to meet again on Friday, the 19th May, 1972, at 15.00 hours.

VIII**Eighth Sitting**

New Delhi, Thursday, the 20th July, 1972.

The Committee sat from 15.00 to 16.30 hours.

PRESENT

SHRI R. D. Bhandare—Chairman.

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

MEMBERS

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Dinesh Chandra Goswami
6. Shri Jagannathrao Joshi
7. Shri Nihar Laskar
8. Shri Raj Bahadur
9. Shri Vasant Sathe
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra Narayan Sinha.

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

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3. The Committee then took up further consideration of the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the police at Durgapur (West Bengal) on the 15th July, 1971. After considering various aspects of the matter, the Committee decided to continue further consideration of the matter at their sitting to be held on the 21st July, 1972, at 13.00 hours.

The Committee then adjourned.

IX
Ninth Sitting

New Delhi, Friday, the 21st July, 1972.

The Committee sat from 13.00 to 13.45 hours.

PRESENT

SHRI R. D. Bhandare—Chairman.

*Para 2 relates to another case and was accordingly omitted.

MEMBERS

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Darbara Singh
6. Shri Dinesh Chandra Goswami
7. Shri Jagannathrao Joshi
8. Shri Raj Bahadur
9. Shri Vasant Sathe
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra Narayan Sinha.

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

2. The Committee deliberated on the question of privileges regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the police at Durgapur (West Bengal) on the 15th July, 1971.

The Committee noted that Shri Rajendra Prasad Bhattacharya, Sub-Inspector of Police and Officer-in-charge of M.A.M.C. Investigation Centre, Durgapur (West Bengal) had tendered the following apology when he appeared before the Committee at their sitting held on the 15th January, 1972:—

“Lastly, my submission is that I have shown and given proper respect to learned M.P. and if he still feels anything in my dealings then I am sorry for that. I am sorry if any inconvenience has been caused to Shri Halder in this incident.”

3. The Committee were of the view that the above unqualified apology, offered by Shri Rajendra Prasad Bhattacharya, the Sub-Inspector Incharge of the Investigation Centre, should be construed to be an apology on behalf of his subordinate Shri Atin Mukherjee, the concerned Assistant Sub-Inspector of Police, also, as he had expressed his regret for the inconvenience caused to Shri Halder “in this incident”. The Committee, therefore, decide to accept the apology and to recommend to House that the matter be dropped.

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The Committee then adjourned.

*Para 4 relates to another case and has accordingly been omitted.

X**Tenth Sitting**

New Delhi, Tuesday, the 22nd August, 1972.

The Committee sat from 15.00 to 15.50 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Darbara Singh
4. Shri Dinesh Chandra Goswami
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukherjee
7. Shri Raj Bahadur
8. Shri Vasant Sathe
9. Shri Satyendra Narayan Sinha.

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

2. The Committee took up consideration of their draft Third Report on the question of privilege regarding the alleged misbehaviour, misconduct and disrespect shown to Shri Krishna Chandra Halder, M.P., by the Police at Durgapur (West Bengal) on the 15th July, 1971.

3. In this connection, the Chairman mentioned that Shri Somnath Chatterjee, a member of the Committee, in a letter dated the 18th August, 1972, had suggested that

* * * * *

- (i) it might be recorded in the Third Report of the Committee that the Committee had accepted the unqualified apology tendered for the whole incident and in the circumstances, were of the opinion that the matter may be dropped; and

- (ii) the finding of the Committee might be communicated to the concerned Sub-Inspector of Police and Assistant Sub-Inspector of Police.

4. The Committee felt that the first point of Shri Somnath Chatterjee was covered in para 18 of the draft Report. As regards Shri Chatterjee's second point, the Committee decided that it was not necessary to communicate any thing to the concerned police officers. The Report of the Committee, after presentation to the House, would become a public document and any one could then have a copy of it.

The Committee adopted their draft Third Report and authorised the Chairman and, in his absence, Shri H. N. Mukherjee, to present the Report to the House.

* * * * *

The Committee then adjourned.

**MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE
OF PRIVILEGES**

Wednesday, the 10th November, 1971.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri M. Muthuswamy
7. Shri Chintamani Panigrahi
8. Shri Raj Bahadur
9. Shri A. K. Sen
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra N. Sinha.

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri J. R. Kapur—*Under Secretary.*

WITNESSES

Shri Atin Mukherjee, *Asstt. Sub-Inspector of Police (West Bengal).*

(The Committee met at 11.00 hours.)

**Evidence of Shri Atin Mukerjee Assitt. Sub-Inspector of Police
(West Bengal)**

(The witness took the oath)

MR. CHAIRMAN: You know Shri Krishna Chandra Halder.

SHRI ATIN MUKHERJEE: Yes, Sir. I know his name, Sir.

SHRI RAJ BAHADUR: You know that he is a Member of Parliament. Mr. Halder has told the House solemnly that on the 15th July, 1971, in Durgapur which is a part of his constituency, while he was going to perform his duties of the Parliament, he was travelling in a car and he was stopped by you and you were in a plain dress. You ordered him to get out of the car and to go with you. He showed his card of the Parliament to you. But you get infuriated and then you started shouting at him. How far, it is correct, according to you?

श्री अतिथि मुकर्जी : 15 जुलाई, 1971 को मैं दुर्गापुर में ला एण्ड आर्डर इयटी पर था। हमको यह सीक्रेट इन्फारमेशन थी कि एक कार आयेगा और उसमें आर्मर्स् और एम्प्युनिशन रह सकता है। शाम को साढ़े सात बजे के करीब एक कार आया, स्पीड में था और उसमें सब आदमी बैठा था। उससे हमारे दिल में सस्पैशन हुआ था। उससे हमने वह कार रोका था और रोकने के बाद हमने उसमें सबसे बगल में एक आदमी बैठा था उसको उतारा और पूछा कि 'क्या नाम है तुम्हारा'। तो उसने बोला "हमारा नाम काला चन्द भट्टाचार्य है।" उसके बाद में उसको हमने सर्च किया और उसके पास से एक डैगर हमको सर्च करने पर मिला। (साक्षी ने डैगर (छुरा) कमेटी के सम्मुख दिखाया)।

इससे हमारा सन्देह और भी हो गया। सब आदमी का हमने तलाशी किया उस समय आनरेबल एम० पी० बीच में बैठे हुये थे। उनको कोई जानता नहीं था। उन्होंने आकर बोला—'हम एम० पी० हैं'। तो हमने एटेंशन करके उनको सलूट किया और हमने बोला कि हमारे पास कार के आने का इन्फारमेशन था इसलिये हमने कार को रोका। उन्होंने बोला—'छोड़ देने को। हम बोला—'हम तो हुक्म का चाकर हैं। आपका सम्मान हम हमेशा करेगा। इसलिये हम उनको थाने ले जाना मांगता हैं'। तो एम० पी० ने कहा—'हम लोगों का राज आयेगा तो तुम खत्म हो जायेगा*'। तुम इनको छोड़ दोगे। हम बोला—'हुजूर हम गरीब आदमी हैं, हम तो हुक्म की तामील करना जानता हैं।' तो उस टाइम हमने उनका बात नहीं माना और हम उनको थाने में ले गया।

सजापति महोदय : किस को ले गया थाने में ?

*When the transcribed proceedings were shown to the witness for confirmation, he corrected these to read as follows:—

तो क्या ये लोग आपको क्षमा करेगा ?

श्री अतिन मुकर्जी : कालाचन्द और (अन्य) पांच आदमियों को ले गया। उन से पूछताछ किया। ड्राइवर कार में ही रह गया। हम उनसे जा कर बड़े बाबू से आप बोल सकता है। वह जो कुछ कहेगा वह हम करेगा। जब वह बोला कि वह एम० पी० हैं तो हम उनसे सैल्यूट किया, और उनसे अच्छा व्यवहार किया।

थाना में जाने के बाद बड़े बाबू से बात हुआ। हमने जो डैंगर सीज किया था उसका साखी भी ले गया। उस टाइम O. C. ने थाना में 'सीजर लिस्ट बनाया, डायरी लिखा और उनको छोड़ दिया।

श्री राज बहादुर : आपने उनको कार में घसीट कर बाहर नहीं निकाला ?

श्री अतिन मुकर्जी : जी नहीं, हुआ।

MR. CHAIRMAN: Did you shout at him?

SHRI ATIN MUKHERJEE: No, Sir.

SHRI SOMNATH CHATTERJEE: You searched all the persons in the car.

SHRI ATIN MUKHERJEE: Yes, Sir.

श्री सोमनाथ चटर्जी : आपने बोला कि सबका सर्च किया ?

श्री अतिन मुकर्जी : उनका सर्च नहीं किया। जब वह बोला कि एम० पी० है तो हम नाम से जान लिया कि एम० पी० है। हम नाम जानता है।

श्री अशोक सेन : जो आप उधर गये थे पर कोई घटना हुई थी ?

श्री मुकर्जी : दो मर्डर हुये थे ए० बी० बी० कालोनी में।

श्री सत्येन्द्र एन० सिन्हा : हालदार साहब के जाने के पहले या बाद में ?

श्री मुकर्जी : एक इलेक्शन के समय हुआ और एक उसके बाद हुआ।

श्री राज बहादुर : श्री काला चन्द भट्टाचार्य किसी मर्डर केस में असाफी था ?

श्री मुकर्जी : जी हां, चार्जशीट में वह असाफी था। 302 का केस है। यह सर्टिफाइड कापी मेरे पास है।

श्री राज बहादुर : इसको आप पेश कर सकते हैं ?

श्री मुकर्जी : जी हां।

SHRI CHINTAMANI PANIGRAHI: That is not very relevant.

SHRI A. K. SEN: It is very much relevant.

SHRI SOMNATH CHATTERJEE: Was Kali Bhattacharjee put under arrest?

श्री होरेन मुकुर्जी : आपने काला चन्द भट्टाचार्य को गिरफ्तार किया कि नहीं ?

श्री मुकुर्जी : हम उसको थाने में ले गया और उसको बड़े बाबू के सामने पेश किया ।

SHRI SOMNATH CHATTERJEE: Please answer this simple question. Was he put under arrest or not if there was a murder case against him?

SHRI A. K. SEN: Under what charge?

SHRI SOMNATH CHATTERJEE: Under any charge.

MR. CHAIRMAN: Did you arrest him?

श्री मुकुर्जी : बी० एस० टी० प्रो० ऐक्ट में उसको इंटरोगेशन के लिये थाने में ले गया ।

श्री सत्येन्द्र एन० सिन्हा : मैं यह जानना चाहता हूँ कि 15 जुलाई, के पहले जो मर्डर हुआ था उसमें कालाचन्द भट्टाचार्य आसामी थे, उसके पीछे वारन्ट था ?

श्री मुकुर्जी : जी हाँ, वह आसामी थे । वारन्ट उनके पीछे था कि नहीं यह मैं नहीं कह सकता ।

श्री सत्येन्द्र एन० सिन्हा : 302 के केस में वह एक्यूज्ड था, पर क्या वह बेल पर था ?

श्री मुकुर्जी : जी हाँ ।

MR. CHAIRMAN: He was on bail. When he was found in the car along with the MP with a dagger, was he arrested? Or, you simply took him to the police station.

श्री मुकुर्जी : हमने उसको ले जाकर प्रोड्यूस किया, क्योंकि बी० एस० टी० प्रो० ऐक्ट में डिटेन करने का हमको अधिकार है ।

SHRI SOMNATH CHATTERJEE: Sir, here we are not investigating into the propriety. We are not investigating whether the apprehension or nonapprehension of Kali Bhattacharjee was proper or not.

MR. CHAIRMAN: Mr. Chatterjee, I asked him two questions. One is whether he arrested Kali Bhattacharjee or whether he was simply taken to the police station for interrogation. What is your answer?

SHRI RAJ BAHADUR: I think we have called the police officer here to explain how he behaved in respect of Mr. Halder. He stopped the car which was an offence so far as courtesy to the MP is concerned. He is trying to explain why he stopped the car. In the process, Kali Bhattacharjee's name caught up. The second question which is relevant is, whether he searched in the car all the occupants including Mr. Halder or not. That answer has not come. I want that to be clear on the record.

MR. CHAIRMAN: As a matter of procedure, let us ask questions one by one. Let us not discuss the merits of the matter in the presence of the witness. Let us first of all complete our examination of the witness.

सभापति महोदय : आपने जब कार रोक दी तो सब लोगों की तलाशी ली ?

श्री मुकर्जी : एम० पी० साहब को छोड़ कर सब की तलाशी ली । गाड़ी में भी हमने देखा था ।

SHRI CHINTAMANI PANIGRAHI: Was there any intimation that the MP is coming in the car?

सभापति महोदय : आपको इसका पता था कि एम० पी० उस गाड़ी में थे ?

श्री मुकर्जी : मुझे पता नहीं था ।

सभापति महोदय : आप एम० पी० साहब को पहचानते हैं ?

श्री मुकर्जी : एम० पी० साहब को नहीं पहचानता हूँ, लेकिन उनका नाम जानता हूँ ।

सभापति महोदय : नाम कैसे पता चला ?

श्री मुकर्जी : बंगाल के सब एम० पी० का नाम हम लोग जानते हैं ।

MR. CHAIRMAN: Who told you that he is an MP?

SHRI MUKHERJEE: He himself told me.

सभापति महोदय : जब गाड़ी आपने रोक दी तब वह कुछ बोले ?

श्री मुकर्जी : जी नहीं । दो तीन आदमियों की सर्च करने के बाद । कालाचन्द भट्टाचार्य से डीगर मिल गया तो हाथ पकड़कर ले गये । तब उन्होंने कहा कि मिस्टर मुकर्जी आप जानते हैं कि मैं एम० पी० हूँ ।

सभापति महोदय : इसलिये आपने उनकी सर्च नहीं ली ?

श्री मुकर्जी : जी हाँ, । श्रीर उसी वक्त एटेंशन हो कर उनको सैल्यूट किया ।

श्री जगन्नाथ राव जोशी : जो सूचना आपको मिली थी वह किस रूप की थी ? जसे ही उनकी गाड़ी को रोका, सबसे पहले भ्रादमी को जब आपने उतारा और नाम पूछा तो उनका नाम था कालाचन्द भट्टाचार्य । यह आपको मालूम था कि मर्डर केस में इनवाल्ड हैं इसलिये उनका सर्च किया या मालूम न होते हुए भी सर्च किया ?

श्री मुकर्जी : हम वैसे भी कार सर्च करते ?

श्री जगन्नाथ राव जोशी : आप एक एक करके सर्च करते रहे । सर्च करने के पहले बताया या बाद में बताया कि हम एम० पी० हैं ?

श्री मुकर्जी : एक, दो भ्रादमी सर्च करने के बाद ही हमको बताया कि मैं एम० पी० हूँ । डैगर निकलने के बाद बताया ।

श्री जगन्नाथ राव जोशी : औरों के पास कुछ नहीं मिला, कार में भी कुछ नहीं मिला ?

श्री मुकर्जी : जी हाँ ।

श्री जगन्नाथराव जोशी : एम० पी० साहब को छोड़ कर आप सबको ले गये ? वे कहां के भ्रादमी थे ?

श्री मुकर्जी : वह कालोनी के भ्रादमी नहीं थे, बाहर के भ्रादमी थे । सारा ऐंटी सोशल ऐलीमेंट था ।

श्री जगन्नाथ राव जोशी : जब एम०पी० साहब ने बताया और कहा कि इनको छोड़ दीजिये, तब भी आप उनको ले गये ? क्या आपने एम० पी० को बताया कि खाने में चलिये बड़े साहब को बता दीजिये ।

श्री मुकर्जी : एम० पी० को तो हम सलाम करते हैं । लेकिन यदि उनके साथ कोई चोर, गूंडा जायेगा तो हम सेवा करने के लिये तैयार नहीं हैं ।

श्री जगन्नाथ राव जोशी : जब उन्होंने कहा कि मैं एम० पी० हूँ इनको छोड़ दीजिये तब क्या आपने उनको बताया कि इनके बारे में हमको शक है ।

श्री अशोक सेन : इसका जवाब दिया जा चुका है कि उन्होंने कहा कि बड़े साहब के पास चलिये।

श्री जगन्नाथ राव जोशी : क्या आपने एम० पी० को बताया कि इन को तो मैं ले जा रहा हूँ, आप भी चाहें तो हमारे साथ चलिये, बड़े साहब को बता दीजिये । हमको सूचना मिली थी, हम इनको ले जा रहे हैं ? यह आपने एम० पी० साहब को बताया ?

श्री मुकर्जी : जी हाँ बताया था ?

श्री जगन्नाथ राव जोशी : वह भ्रादमी आपको सस्पीशस कैरेक्टर का मालूम होता था, लेकिन जब एम० पी० ने कहा कि छोड़ दीजिये तो क्या आपने एम० पी० साहब से कहा कि यह हमारी ब्यूटी है इसलिये हम इनको पकड़ रहे हैं । और क्या आपने एम० पी० साहब को भी पुलिस स्टेशन चलने को कहा था ?

श्री मुकर्जी : एम० पी० साहब अपनी खुशी से थाने गये थे ।

SHRI A. K. SEN: Under what condition of law you took him to the Police Station?

SHRI ATIN MUKHERJEE: Under Bengal Act XII of 1932, B.S.T.D. Act, we took him.

SHRI A. K. SEN: What Section provides for interogation?

SHRI ATIN MUKHERJEE: Under Section 3 of the above Act, we have power to detain and question persons behaving suspiciously.

श्री सत्येन्द्र नारायण सिन्हा : आपने जब सर्च किया तो क्या आप कालाचन्द भट्टाचार्य का नाम पहले से जानते थे ? उसको पहचानते नहीं थे ?

श्री मुकर्जी : उसने अपने आप नाम बताया कि मेरा नाम कालाचन्द भट्टाचार्य है । दो नाम हैं । एलियस कालाचन्द भट्टाचार्य है । वह पैक्यूलियर टाइप का आदमी है ।

श्री राज बहादुर : नाम आपने पूछा कि अपने आप बताया '

श्री मुकर्जी : हम ने पूछा । पहले तो दूसरा नाम बताया । जब हमने कहा तुम्हारा नाम यह नहीं है तब दूसरा नाम बताया ।

श्री सत्येन्द्र एन० सिन्हा : एक आदमी के पास डैगर मिला, तीन के पास नहीं, और उसने यह कहा कि यह डैगर हम एम० पी० की रखवाली के लिये लिये जा रहे हैं ।

श्री मुकर्जी : एम० पी० साहब ने बोला कि हमारी रक्षा के लिए इसको रखा यह तो जनरल डायरी में पुलिस स्टेशन में लिखा है ।

श्री सत्येन्द्र एन० सिन्हा : हालदार साहब ने कहा कि हम एम० पी० हैं, उस के बाद भी आप ने एम० पी० साहब को तो छोड़ दिया लेकिन औरों को ले गये ? क्या एम० पी० साहब को आपने चलने के लिये नहीं कहा ?

श्री मुकर्जी : वह तो हमारे पीछे पीछे स्वः गये । हमने उनसे पूछा भी कि अगर आप दुर्गापुर स्टेशन जाना चाहें तो हम आप को एसकोर्ट कर देंगे । इस पर उन्होंने कहा कि हमें आप की सहायता नहीं चाहिये । आप इन लोगों को छोड़ दीजिए लेकिन हम ने उन को नहीं छोड़ा ।

श्री सत्येन्द्र एन० सिन्हा : यह जानते हुए कि यह श्री हालदार की प्रोटेक्शन के लिये हैं ?

श्री मुकर्जी : उस समय प्रोटेक्शन का कोई सबाल नहीं था ।

SHRI A. K. SEN: He says that he went to the O.C. and he has kept him there.

MR. CHAIRMAN: Kindly keep everything in your mind. You simply put questions to him and later on among the Members we will discuss this question.

श्री सत्येन्द्र एन० सिन्हा : हाल्दार साहब ने कहा कि इन को छोड़ दीजिये । तो आप ने कहा कि इनको नहीं छोड़ेंगे इनको मैं ले जाता हूँ । श्री हाल्दार साहब को छोड़ दिया, उन को आपने कुछ नहीं कहा । हाल्दार साहब ने जो कहा कि आप ने गाली-ग्लोज किया, वह ठीक है ?

श्री अतिन मुकर्जी : हम एम० पी० का नाम सुन कर गाली देंगे, यह आप विश्वास करते हैं ?

MR. CHAIRMAN: By rotation, you can ask questions. But Mr. Sen, he says that these persons are for my protection. The statement was made at the Police Station later on and not at that time.

SHRI SOMNATH CHATTERJEE: How many persons did you take to the Police Station for interrogation?

SHRI ATIN MUKHERJEE: (1) Shri Krishna Chandra Ghosh; (2) Shri Kala Chand Bhattacharji; (3) Tulshi Kurni; (4) Shri Amal Kumar Chatterjee; (5) Shri Nimai Roy; and (6) Shri Tushar Kanti Roy.

SHRI SOMNATH CHATTERJEE: They were taken in the police van. You took all these six persons to the Thana. Please say yes or no.

श्री अतिन मुकर्जी : ड्राइवर एम० पी० साहब के साथ गया । बाकी जितने आदमी थे उन को पुलिस वेन में ले गये ।

SHRI SOMNATH CHATTERJEE: You wanted to take the driver also to the Police Station or not. I cannot understand why there are interruptions. He is making comments upon others.

श्री अतिन मुकर्जी : ड्राइवर एम० पी० के साथ गया ।

SHRI SOMNATH CHATTERJEE: At the present moment, I hope, everybody has an open mind. We are trying to ascertain the facts. Then, every time, I find interruptions and even comments about my questions.

SHRI A. K. SEN: If an MP has been insulted in the discharge of his duties, whether he is a Congress MP or a non-Congress MP, it is same to us.

SHRI SOMNATH CHATTERJEE: This is the third time that I have put a question and he is not answering it. Let him say yes or no.

***SHRI ATIN MUKHERJEE:** When the driver was taking the MP to the Police Station, I was about to take the driver to the Police Station also. But, since he was accompanying the MP, I allowed him to accompany with him. When some offensive weapon was found in a car, everybody in the car is liable to be taken to the Police Station. But, since an MP was there in the car and the car was being driven by somebody else, I said, if it was necessary, the driver may also come to the Police Station.

SHRI SOMNATH CHATTERJEE: Therefore, it was agreed and it was your duty to take the driver to the Police Station also.

SHRI ATIN MUKHERJEE: Since the driver of the MP was driving the car, I said, if it was necessary, he may also come.

SHRI SOMNATH CHATTERJEE: Therefore, you left it to the driver to decide.

***SHRI ATIN MUKHERJEE:** I did not take the driver in my van since he was driving an MP car. I told the MP if it was necessary he could also come. I could not take the MP in the prison van.

SHRI SOMNATH CHATTERJEE: You left it to the good office of the M.P. and the driver, whether the driver should go to the police station or not.

SHRI ATIN MUKHERJEE: The M.P. said that he was bound to come for his people to the police station. That is why I said that.

SHRI SOMNATH CHATTERJEE: Why did you say that if it was necessary, he may come to the police station.

SHRI ATIN MUKHERJEE: The M.P. said that he could not leave them. He would only go after having them released.

SHRI SOMNATH CHATTERJEE: According to you, five persons were taken to the police station for interrogation including the driver. Do you know that Shri K. C. Pant, Minister of State in the Ministry of Home Affairs made a statement in Parliament that only one person was taken to the police station.

MR. CHAIRMAN: Mr. Chatterjee, he is not supposed to know this. Kindly bear with me for a minute. You put him your next question.

SHRI SOMNATH CHATTERJEE: You said before this Comm-
tee that Shri Halder threatened you.

*English version of Bengali.

SHRI A. K. SEN: He did not say so; I want to object to this question.

MR. CHAIRMAN: Let the witness reply.

SHRI ATIN MUKHERJEE: There is no question of threatening, he only said that 'if you do not release them, don't you realise that these boys will not forgive you when our raj will come.

SHRI SOMNATH CHATTERJEE: Did he mention that you will lose your job when his raj will come?

SHRI ATIN MUKHERJEE: No, Sir.

SHRI SOMNATH CHATTERJEE: Whatever he said, was it going to interrupt your duties?

SHRI ATIN MUKHERJEE: I do not know. I heard him say these words. Whether it means interference or not, I do not know.

SHRI SOMNATH CHATTERJEE: As a police officer, you do not know that nobody can interfere in the discharge of functions by a police officer?

SHRI ATIN MUKHERJEE: Yes, that is true.

SHRI SOMNATH CHATTERJEE: If anybody says to you that if you do something you will face the consequences and the people will not let you free, was it not an interference in your duties?

SHRI A. K. SEN: You are asking his opinion.

MR. CHAIRMAN: You please ask the next question. Leave the matter as it is.

SHRI SOMNATH CHATTERJEE: Did you make any report to the superior officer as to what Mr. Halder is supposed to have told you?

SHRI ATIN MUKHERJEE: I said everything to my superior officer.

SHRI SOMNATH CHATTERJEE: Did you make any record anywhere.

SHRI ATIN MUKHERJEE: The O. C. did not record it. He was incharge of the police station.

SHRI SOMNATH CHATTERJEE: Don't you have to keep a record when you apprehend some person?

SHRI ATIN MUKHERJEE: There is the personal diary.

SHRI SOMNATH CHATTERJEE: In that, you did not mention that Shri Halder has said these things.

SHRI ATIN MUKHERJEE: It is not necessary to write these details.

SHRI SOMNATH CHATTERJEE: Why not?

SHRI ATIN MUKHERJEE: In a job as we do, so many people say so many things in conversation, we cannot record. Sometimes filthy language is used and we cannot put them on paper.

SHRI SOMNATH CHATTERJEE: According to you, you were on duty on that particular spot, you had information that some car would be coming with offensive weapons, in that case did you search the car?

SHRI ATIN MUKHERJEE: Yes:

SHRI SOMNATH CHATTERJEE: Did you search the entire car?

SHRI ATIN MUKHERJEE: Yes.

SHRI SOMNATH CHATTERJEE: According to you, you asked Mr. Halder that he along with the driver could go anywhere he liked.

SHRI A. K. SEN: He said to Mr. Halder that the driver may come if it is necessary but he did not take the driver in his van. That was the evidence he gave.

SHRI SOMNATH CHATTERJEE: You know that Mr. Halder has said that he was taken to the Police Station by you, do you know that?

SHRI ATIN MUKHERJEE: I do not know.

SHRI SOMNATH CHATTERJEE: You do not know what Mr. Halder had said in Parliament and what his grievances are, you do not know?

SHRI ATIN MUKHERJEE: No.

SHRI SOMNATH CHATTERJEE: Have you been given any paper?

SHRI ATIN MUKHERJEE: No, Sir.

SHRI SOMNATH CHATTERJEE: But who asked you to bring these papers which you have brought today?

SHRI ATIN MUKHERJEE: I thought it is my duty to bring this general diary also the Seizer list.

SHRI SOMNATH CHATTERJEE: You are giving evidence today. How you came to know this before?

SHRI ATIN MUKHERJEE: Some trouble had occurred with Mr. Halder and in regard to that I was asked to come.

SHRI SOMNATH CHATTERJEE: And that you never showed any curiosity as to what Mr. Halder said against you.

SHRI ATIN MUKERJEE: No, Sir. As I was not told, I did not make particular enquiries or showed particular interest in what he said against me.

SHRI CHINTAMANI PANIGRAHI: When the intimation came that some car is going on the road, how could you know this particular car?

SHRI ATIN MUKERJEE: It is our business to spot out the car. I could also have spotted other cars.

***SHRI ATIN MUKHERJEE:** I could have stopped other cars. This was the first car through which I went to the Thana.

SHRI CHINTAMANI PANIGRAHI: The total number of passengers were six or seven.

SHRI ATIN MUKHERJEE: Excluding MP six.

SHRI CHINTAMANI PANIGRAHI: What was his position? In which side he was sitting.

SHRI ATIN MUKHERJEE: First man on right side.

SHRI CHINTAMANI PANIGRAHI: And next to him was....

SHRI ATIN MUKHERJEE: The MP was sitting in the rear side.

SHRI CHINTAMANI PANIGRAHI: From which end you started search?

SHRI ATIN MUKHERJEE: First man on right side.

SHRI CHINTAMANI PANIGRAHI: You did not know him at that moment.

SHRI ATIN MUKHERJEE: I searched from the right hand side and the first man I got was Shri Kala Chand.

SHRI CHINTAMANI PANIGRAHI: And then you went on searching the second and the third person. You searched the first person; you did not search anybody else.

SHRI ATIN MUKHERJEE: First and second.

श्री अतितन मुकर्जी : थर्ड को हमने उतारा नहीं, खुद उतर गया और हमको बोला कि हम एम० पी० है, हमारा नाम कृष्णचन्द्र हलदार है। तो हम अटेंशन होकर सलूट किया। उनको बोला कि हमको तलाशी लेने दीजिए।

श्री शंकर बयाल शर्मा : गाड़ी लेफ्ट पर चल रहा था कि राइट ?

श्री अतितन मुकर्जी : बायें बीच रास्ता चल रहा था।

श्री शंकर बयाल शर्मा : जब बाईं तरफ गाड़ी चल रहा था तो आपने राइट से सर्च करना कैसे शुरू किया ?

श्री अतितन मुकर्जी : हम लोग सर्च करता है तो शील्टर ले कर सर्च करता है। दाहिनी तरफ वाल (दीवार) था।

श्री शंकर बयाल शर्मा : गाड़ी कहां को जा रहा था ?

श्री अतितन मुकर्जी : डाउन जी० टी० रोड की तरफ जा रहा था।

श्री शर्मा : आप किधर खड़े थे ?

श्री अतितन मुकर्जी : हम बायें तरफ खड़ा था और बायें तरफ गाड़ी भी था।

श्री हीरेन मुकर्जी : आपने गाड़ी को ठहराने के बाद में सबका सर्च किया ?

श्री अतितन मुकर्जी : एम० पी० को छोड़कर।

श्री हीरेन मुकर्जी : सर्च करने के बाद किस भ्रादमी के पास डैगर मिला ?

श्री अतितन मुकर्जी : पहला ही जो भ्रादमी सर्च किया उस भ्रादमी के पास डैगर मिला।

श्री हीरेन मुकर्जी : इसके बारे में आपने कोई मामला दर्ज किया ?

श्री अतितन मुकर्जी : वह भ्र० सी० के पास है। मामला किया या नहीं वह भ्र० सी० साहब जानता है।

श्री हीरेन मुकर्जी : आपके पास अब तक जो डैगर रखा हुआ है उसके बारे में आपको मालूम नहीं हैं ?

श्री अतितन मुकर्जी : मालूम नहीं है।

श्री हीरेन मुकर्जी : वहां का पुलिस वाले का काम का तरीका यही है ? जब डैगर मिल गया तो आपने कहा जाइये, मेरें साथ थाने पर जाना है ?

श्री अतितन मुकर्जी : एम० पी० को नहीं कहा।

श्री हीरेन मुकर्जी : हम जानना चाहिता है कि घटना क्या थी। आपका कर्तव्य था पुलिस आफिसर के नाते कि जब आपके मन में सन्देह हो गया कि सबको कहना कि चलिये मेरे साथ थाने चलिये, थाने जा कर बात होगी। आपने यह नहीं किया। झाइबर साहब को भी

श्री अतिन मुकर्जी : झाइबर साहिब का सर्च किया लेकिन एम० पी० को ले जाने का सवाल था, इसलिए उसको छोड़ दिया ।

श्री हीरेन मुकर्जी : एम० पी० थाने जाने को तैयार हो गये ?

श्री अतिन मुकर्जी : वह उन लोगों का पहले ही सेटल हो गया कि कौन जाना है ।

श्री हीरेन मुकर्जी : थाने में एम० पी० साहब आपके साथ गये तो थाने में क्या हुआ ?

श्री अतिन मुकर्जी : वह थाने चले और बाबू का कुर्सी पर बैठाया और बोला कि हम कृष्णचन्द्र हलदार हैं । वह लोग पहले ही जाकर बैठ गया कुर्सी पर ।

श्री हीरेन मुकर्जी : डैगर के बारे में कुछ हुआ कि नहीं हुआ ।

श्री अतिन मुकर्जी : हम नहीं जानते । इसके लिए प्रो० सी० रिस्पॉसिबल है कि इसके बारे में केस हुआ कि पेंडिंग इन्क्वायरी है वह प्रो० सी० कह सकता है ।

श्री हीरेन मुकर्जी : आपको कुछ मालूम नहीं है ? आप ऐविडेंस देने के लिए आ गया ?

श्री अतिन मुकर्जी : दुर्गापुर का हाल बहुत बुरा हालत है रोजाना 200, 300 चीज कंसे ख्याल में रहेगा ।

श्री हीरेन मुकर्जी : एम० पी० साहब ने कहा—‘कि हमारा राज प्राने के बाद तुम्हारे माफिक आदमी को खत्म किया जाएगा’, उसके बाद कहा—‘जो लड़के हैं वह आपको नहीं छोड़ देंगे ।’ इस तरह दो किस्म की बात आपने यहां कहीं । इसमें कौन सी बात सच है ?

श्री अतिन मुकर्जी : ‘हम लोगों का जब राज्य आयेगा तो यही लोग आप को क्षमा करेगा ।’

श्री हीरेन मुकर्जी : दोबारा बोलने का जब वक्त आया तब आप ने यह कहा ?

श्री अतिन मुकर्जी : जी नहीं ।

श्री हीरेन मुकर्जी : पहले आपने कहा ?

श्री अतिन मुकर्जी : जी नहीं ।

श्री हीरेन मुकर्जी : आपको सब के बारे में संदेह हुआ था, लेकिन एम० पी० के बारे में संदेह नहीं हुआ था ?

श्री अतिन मुकर्जी : जो आदमी इतने लोगों का प्रतिनिधि है उस के ऊपर कैसे संदेह हो सकता है ।

श्री हीरेन मुकर्जी : एक गाड़ी आयी, 6 आदमी उसमें थे, आपने पांच को सर्च किया और एक डैगर आपको मिल गया, लेकिन एम० पी० साहब को आपने सर्च नहीं किया, जब कि वह भी भारत का एक सामान्य नागरिक ही है और उसको कोई ज्यादा हक नहीं है । पुलिस वाले सबको पकड़ सकते हैं, एम० पी० के बारे में कोई अलग बन्दोबस्त नहीं है ?

श्री अतिव मुकर्जी : लेकिन हम जानते हैं कि एम० पी० का सम्मान करना है ।

श्री हीरेन मुकर्जी : आपने यह कहा कि एम० पी० साहब को तकलीफ नहीं दी । यह सवाल यहां नहीं है । सवाल यह है कि आपने अपनी इयूटी परफ़ॉर्म की कि नहीं ?

*SHRI ATIN MUKHERJEE: What I have done, I consider that I have done my duty properly and in good faith.

*SHRI HIREN MUKERJEE: It may be that what you are saying is just a story?

*SHRI ATIN MUKHERJEE: How can all this be a made-up story? Everything has been recorded.

SHRI A. K. SEN: What was the situation in Durgapur at that time?

श्री अशोक सेन : उस वक्त दुर्गापुर की स्थिति कैसी थी ?

श्री मुकर्जी : बहुत खराब परिस्थिति थी । यहां, वहां मर्डर होते हैं, कार स्टीचिंग की घटना होती है, रोबरी होती है, बैंक में डकैती होती है ।

SHRI A. K. SEN: In the AVB Colony, from which this gentleman was coming, was there any disturbance taking place at the time of this incident?

*SHRI ATIN MUKERJEE: Very near that spot, the Works Manager of a factory was murdered one day before the incident; at the spot where this car was stopped, a worker was pulled out and murdered.

SHRI A. K. SEN: How many days after this Mikhail Das murder?

MR. CHAIRMAN: You can refer to the record.

*SHRI ATIN MUKHERJEE: 15th of July, 1971.

SHRI A. K. SEN: What was the situation like near about this area and in Durgapur on or about 15th of July, 1971?

*SHRI ATIN MUKHERJEE: The situation was very bad at that time.

SHRI A. K. SEN: And was police keeping watch over people who might be moving around with weapons and to keep a watch about the recurrence of such instances and for the preservation of law and order?

*SHRI ATIN MUKERJEE: Yes, Sir. In fact, there was a constant patrolling during the evenings and nights, otherwise people could not come up from their houses. That is why, strict watch was kept and patrolling was maintained in the whole town of Durgapur.

SHRI A. K. SEN: You said that after the second man was searched by you, Mr. Halder came down from the car and told you that he was an MP, and he mentioned his name. Did he show you any particular document to prove that he was an MP?

SHRI ATIN MUKERJEE: To tell you frankly, he held some papers in his hands, but I did not bother to look into the papers because I was so worried with the incident and very busy with it.

श्री शंकर बयाल शर्मा : वहां पर आरके साथ कितने पुलिस कर्मचारी थे और कहां के थे ?

श्री मुकर्जी : सी० आर० पी० के लोग थे ।

श्री शंकर बयाल शर्मा : वेस्ट बंगाल पुलिस का कोई आदमी नहीं था ?

श्री मुकर्जी : जी, नहीं ।

श्री शंकर बयाल शर्मा : एक सैक्शन में कितने आदमी होते हैं ?

श्री मुकर्जी : एक हैड कांस्टेबिल और 10 कांस्टेबिल होते हैं ।

श्री राज बहादुर : आप प्लेन ड्रेस में थे या वर्दी में थे ?

श्री मुकर्जी : वर्दी में थे ।

श्री राज बहादुर : आपने एम० पी० साहब को जबरदस्ती खींच कर गाड़ी से निकाला कि नहीं ?

श्री मुकर्जी : जी, नहीं, मैंने जबरदस्ती नहीं निकाला ।

श्री राज बहादुर : आप जबरदस्ती उनको पुलिस स्टेशन ले गये या अपने मन से वद्व गये ?

श्री मुकर्जी : मैंने कोई जबरदस्ती नहीं की, वह अपनी मर्जी से गये ।

श्री राज बहादुर : पुलिस स्टेशन पर आप की एम० पी० से कुछ बातचीत हुई ?

श्री मुकर्जी : ओ० सी० से बातचीत हुई । यह मुझे नहीं मालूम कि क्या बातचीत हुई ।

श्री राज बहादुर : कुल कितनी देर वह वहां रहे होंगे, ओ० सी० के पास ?

श्री मुकर्जी : 7, 8 मिनट ।

श्री राज बहादुर : अगर मैं यह कहूँ कि एक घंटा लगा तो सही होगा ?

श्री मुकुर्जी : जी, नहीं। 7, 8 मिनट के अन्दर सब कुछ हो गया। इसी बीच में इंचार्ज की एस० पी० से टेलीफोन पर भी बातचीत हुई।

श्री राज बहादुर : 7, 8 मिनट में यह सब कार्यवाही हो गयी ?

श्री मुकुर्जी : मेरे ख्याल से 5-7 मिनट से ज्यादा नहीं हुआ होगा।

श्री राज बहादुर : इस मामले की रिपोर्ट स्पीकर साहब को की ?

श्री मुकुर्जी : यह मैं क्या बता सकता हूँ, यह काम तो ग्रीर लोगों का था।

श्री राज बहादुर : जनरल डायरी में लिखा है कि इन पांचों आदमियों को गिरस्तार किया ग्रीर छोड़ा।

श्री मुकुर्जी : कहीं नहीं है।

श्री अशोक सेन : डायरी की कापी इनसे ले ली जाय।

श्री सत्येन्द्र एन० सिन्हा : आपने कहा कि 5, 7 मिनट के अन्दर सब काम खत्म हो गया, ओ० सी० के पास। ग्रीर इसी बीच में टेलीफोन से भी बातचीत हो गयी तथा इसी समय के अन्दर स्टेटमेंट वगैरह भी लिखा गया ?

श्री मुकुर्जी : चार्ज लेने के साथ साथ सब डायरी में लिख दिया। 10, 12 लाइन ही तो डायरी में लिखी हुई हैं। उस में ज्यादा समय नहीं लगेगा। टेलीफोन भी आटोमेटिक है इसलिये जल्दी ही बात भी हो गयी। 5, 7 मिनट में सब कुछ हो गया।

श्री जगन्नाथ राव जोशी : बाहर से आपको कैसे पता चला कि अन्दर क्या हो रहा है ?

श्री मुकुर्जी : पर्दा पड़ा हुआ है हम सब देख रहे थे।

श्री पाणिग्रही : सी० ग्यार० पी० के हेड कांस्टेबिल का क्या नाम था यह भी बता दीजिये।

श्री मुकुर्जी : नाम मुझे मालूम नहीं है।

SHRI CHINTAMANI PANIGRAHI: It is mentioned here that: Atin Mukherjee with one Section of the CRP . . .

ताज्जुब है कि आप को हेड कांस्टेबिल का नाम नहीं मालूम :

श्री मुकुर्जी : उन लोगों को गाड़ी से उतरने की कोई जरूरत ही नहीं है। हम बोलेंगे तभी उतरेंगे गाड़ी से तो नहीं उतरेंगे। हम जैसा हुक्म देंगे वैसा काम करेंगे।

श्री पाणिग्रही : सी० ग्यार० पी० किसलिये थी ?

श्री मुकुर्जी : सी० ग्यार० पी० मेरे प्रोटेक्शन के लिये थी।

MR. CHAIRMAN: You have brought the dagger with you. From where did you bring?

SHRI ATIN MUKHERJEE: From Malkhana.

MR. CHAIRMAN: You said that you do not know whether the case is registered against Kalachand and if registered at what stage it is.

SHRI ATIN MUKHERJEE: As far as I have heard, it is still pending enquiry.

MR. CHAIRMAN: You can go now.

(The witness then withdrew)

Saturday, the 15th January, 1972

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri M. Muthuswamy
7. Shri Chintamani Panigrahi
8. Shri Raj Bahadur
9. Shri Satyendra N. Sinha
10. Shri P. Venkatasubbaiah

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

WITNESSES

1. Shri Krishna Chandra Halder, M.P.
2. Shri Rajendra Prasad Bhattacharya, *Sub-Inspector of Police, M.A.M.C. Investigation Centre, Police Station, Durgapur (West Bengal).*

(The Committee met at 11.30 hours)

Evidence of Shri Krishna Chandra Halder, M.P.

MR. CHAIRMAN: If you want to say anything over and above the statement which you have already made in the House, kindly tell the Committee.

SHRI K. C. HALDER: On the 15th July I went to the AVB Colony at 5.30 P.M.—that is within my Constituency in Durgapur—by the A.S.I. Atin Mukherjee who was in plain dress. I then produced my identity card as Member of Parliament. He became furious and said “Whether you are a Member of Parliament or not regarding Police repression. (47 workers were detained and 8 were arrested). At about 7.30 P.M. I was coming out of the AVB Colony by car. Then, near the Apprentices Hostel, my car was stopped does not matter. हमने बहुत से पार्लियामेन्ट मॅम्बर्स को देख लिया है।

I said “What are you saying? I have been elected to the Lok Sabha from Durgapur”. He used filthy language against me. I told him I wanted to go to the station because the Parliament was in session and I was going to attend the Parliament. Again he blocked my way. And then he opened the door of my car and practically forced me out of the car, even he caught hold of my hand.

SHRI SOMNATH CHATTERJEE: He did not pay any respect.

SHRI K. C. HALDER: No. He rather used filthy language.

बहुत एम० पी० सापों को देख लिया ।

Then, my driver and his assistant and four of my colleagues—all of them—were dragged out and he beat Shri Kalachand Bhattacharji. He was wounded and then he ordered me to go to the Police Investigation Centre. Then I told him “how can I go, you have arrested my driver”. On this he ordered my driver to drive my car and he sat by my side and two C.R.P. men sat just on the left-hand side of the driver and then he ordered him to drive my car. The police van followed my car. In the Police van other six persons were kept.

SHRI SOMNATH CHATTERJEE: So, your colleagues were kept in that van.

SHRI K. C. HALDER: They were insulted also. I think that because he had arrested me, it amounts to molestation also and then he ordered me to go to the Police Investigation Centre. Then he produced all of us before the Sub-Inspector of Police who was in charge of that Investigation Centre and he interrogated me and

practically I was detained in the Police Station for about one hour. Then the Sub-Inspector of Police talked over telephone to S.D.P.O. Durgapur and I also took the opportunity of speaking to him over telephone. I told the S.D.P.O. that I had to go to Delhi to attend the Parliament which was in session and if I was detained here, I would miss my train. After one hour all of us were released and after release I came out to catch the train.

MR. CHAIRMAN: Including Kala Chand Bhattacharji?

SHRI K. C. HALDER: Yes. He was rather wounded. After one hour when all of us were released from detention, I found that the key of my car was taken away by the Police authority and again I went to the O.C. and reported to him that the key of my car had been removed by the Police. Then after some time, the key of my car was handed over to me and only then I could proceed.

First of all, as a Member of Parliament, elected from that Constituency, I went to that place to make some enquiry, that too when the Parliament was in session. I told the A.S.I. Shri Atin Mukerjee repeatedly and also S.D.P.O. that I had to go to Delhi to attend Parliament which was in Session. I was then released and was able to catch the train. After coming here I raised this issue under Section 222.

MR. CHAIRMAN: Who would like to start?

SHRI K. C. HALDER: I want to say that because Sub-Inspector of Police interrogated me and detained me, I must say that he behaved well and he expressed regret for the incident. Sub-Inspector of Police was in charge of the Investigation Centre but S.D.P.O. when I talked to him on telephone, did not immediately release me and he issued a false statement on the telephone though he was not present at the time of incident. And the statement, I think perhaps you all know. There was no fault on the part of Kalachand Bhattacharji.

SHRI RAJ BAHADUR: They say that they do not want to ask the questions.

MR. CHAIRMAN: It is not obligatory on the part of the Members to ask questions. If nobody wants to ask any question, then we can allow him to go.

SHRI RAJ BAHADUR: There are three points: (1) You did say to the police officer who checked you that you were going to the Parliament. Unfortunately, I do not find that particular part of statement in the House.

SHRI K. C. HALDER: It is not that statement.

SHRI RAJ BAHADUR: I would like to know one thing from you. Did the police officer declare or you know the difference between the arrest under law, detention and then invitation to go to Thana for interrogation? Anybody can be taken for interrogation. Then there is a question of detention and then there is arrest. Can you define the difference between the three? Since you said that you were arrested; you have used the word 'arrest', therefore, I thought must ask you what was there to plead that you were arrested.

SHRI K. C. HALDER: I showed my Identity Card. He did not invite me; he forced me; he pulled me out of the car. Why was I forced to go to the Thana? This is an arrest. I was detained there for more than one hour.

SHRI RAJ BAHADUR: He did not say that you were under his arrest.

SHRI K. C. HALDER: I am a Member of Parliament. He pulled me out of the car and he forced me to go to the Thana. I am not an ordinary man. Of course, outside the Parliament, I do not think myself as a privileged person. But, I have got every right to represent my constituency.

MR. CHAIRMAN: You were taken to the Police Station knowing full well that you were a Member of Parliament which amounted to arrest.

SHRI K. C. HALDER: Mr. Chairman, I would like to submit that I was arrested and therefore I was taken to the Thana. He ordered many things.

MR. CHAIRMAN: You are right. The very fact that you were taken to the Police Station, you thought that it amounted to arrest.

SHRI K. C. HALDER: Because I was arrested, so I am talking like that.

MR. CHAIRMAN: My question is very specific. When you were taken to the Police Station, you thought that you were arrested.

SHRI K. C. HALDER: As I was arrested, so I was taken to the Thana.

SHRI RAJ BAHADUR: Will it be correct to say that the police officer took your companions to the Police Station and you followed them of your own free will?

SHRI K. C. HALDER: I was forced. However, Shri Mukherjee sat by my side and two others at the side of my driver and he ordered the driver and myself that you were arrested and just go to the Thana in a police van.

MR. CHAIRMAN: Any other question.

SHRI P. VENKATASUBBAIAH: The only point is about the misbehaviour of the Sub-Inspector of Police towards a Member of Parliament. In spite of the fact that he showed his Identity Card to him and he also said that he had come to his constituency and he was also attending the Parliament, there are other points that have been made out by the statement of Shri Halder. The thing that followed was that he was forced to go to the Police Station along with his other colleagues who were sitting by his side. Shri Halder says: "The mere fact that I was forced to go to the Police Station amounts to arrest." Here, the point is whether his arrest is actually an arrest as he understood it.

SHRI RAJ BAHADUR: That is a point for us to consider.

SHRI P. VENKATASUBBAIAH: Did the Sub-Inspector categorically tell him that he was under arrest under law or he simply dragged him along with his colleagues to the Police Station and you sermonized to be an arrest.

SHRI K. C. HALDER: Mr. Chairman, I would like to say that I was not allowed to go freely to the station or wherever I wanted to go. So, as he arrested me and took me to the Thana and from his statement in my presence, he interrogated me and ordered me many things and then detained me. Even the information of my arrest was not communicated to the Speaker. When I was detained, I told many times that I wanted to go to attend the Parliament Session.

SHRI P. VENKATASUBBAIAH: The police officer, in charge of that investigation centre and all that, what was his reaction?

MR. CHAIRMAN: His reaction, he won't be able to tell.

SHRI K. C. HALDER: When he released all of us.

SHRI H. N. MUKERJEE: Mr. Halder, it is your evidence that you were taken to the police station under police escort and you got an impression that you were under arrest. Is that so?

SHRI KRISHNA CHANDRA HALDER: Yes. Under police escort.

SHRI H. N. MUKERJEE: Some policemen sat by the side of you and some policemen sat by the side of your driver. That is you were under police escort and you were taken to the Thana and you got an impression that you were under arrest. Is that so?

SHRI KRISHNA CHANDRA HALDER: Not only impression, as I was arrested the police escorted me followed by a police van.

SHRI H. N. MUKERJEE: Did at any point of time, the policeman concerned explained to you that he was not arresting you but that he was only trying to interrogate either you or your friend. Did it happen or did it not?

SHRI KRISHNA CHANDRA HALDER: No, Sir.

SHRI H. N. MUKERJEE: That is to say, police officers and the other people accompanying him gave you the impression that you were under arrest. How long were you kept in the Thana?

SHRI KRISHNA CHANDRA HALDER: About one hour.

SHRI H. N. MUKERJEE: Whether your car was searched?

SHRI KRISHNA CHANDRA HALDER: No search.

SHRI H. N. MUKERJEE: In the Thana, they asked you any questions or not?

SHRI KRISHNA CHANDRA HALDER: They asked me why I went to the AVB Colony. I told them I went to enquire about the police repression and about the retrenchment of 47 workers etc.

SHRI H. N. MUKERJEE: That is to say, the police wanted to cross-examine you about what you were doing there in your own constituency to find out the facts about the situation prevailing there. Is that so?

SHRI KRISHNA CHANDRA HALDER: The situation is that at the time I went there, there was no question of arrest. Why they have arrested me and taken to Thana. That is my question.

SHRI H. N. MUKERJEE: That is to say there was nothing to suggest that police were trying to find out the details about any violation of the law but that the police were only interested in troubling you over your visit and asking you irrelevant questions about your trying to find out the situation in your own constituency.

SHRI KRISHNA CHANDRA HALDER: That is not the fact. Without any provocation, they arrested me and they took me to the Thana.

SHRI H. N. MUKERJEE: I am sorry you are not following me. I am only trying to get on record what you appeared to be telling us. If I am not clear, I am very sorry. What I have asked you was you were taken to the police station under police escort and you were not interrogated about any violation of the law by you or by any of your companions, but you were merely asked what you considered to be irrelevant questions because they asked you questions why you were there? You were there as a Member of Parliament getting reports from your constituency about the situation. Is that so?

SHRI KRISHNA CHANDRA HALDER: Yes.

SHRI SOMNATH CHATTERJEE: Was there any question about which they were making enquiries or they were asking you about your activities as a Member of Parliament?

SHRI KRISHNA CHANDRA HALDER: Yes. They asked me why I was there. I told them that I came to enquire all the facts.

SHRI SOMNATH CHATTERJEE: They were asking you about what you were doing?

SHRI KRISHNA CHANDRA HALDER: I told them there was no restrictions on my movement or anybody's movement and also I can go on.

SHRI SOMNATH CHATTERJEE: Did you refuse to follow the police to Thana?

SHRI KRISHNA CHANDRA HALDER: I told him why I should go to Thana. Then my car was stopped and he blocked my way. Then he opened the door and he forcibly did this. Then I asked him why he was doing this.

SHRI CHINTAMANI PANIGRAHI: Did they seize anything? I am asking these one or two questions. There were six persons in the car including the driver. Mr. Atin Mukherjee says there were seven. Now, secondly, I would like to know from Mr. Halder how many persons were searched in the Car?

SHRI KRISHNA CHANDRA HALDER: Car was not searched.

SHRI CHINTAMANI PANIGRAHI: Now, Mr. Chairman, Mr. Atin Mukherjee says he has searched two persons in the car the first and the second. Now, Mr. Halder says no one was searched in the car.

MR. CHAIRMAN: That is quite clear.

SHRI CHINTAMANI PANIGRAHI: The fact of difference is there.

MR. CHAIRMAN: Here is a witness who is an Hon'ble Member of Parliament. If there are any discrepancies and if there is a discrepancy in the statement made by him and the record, the Committee will consider.

SHRI CHINTAMANI PANIGRAHI: Only as a matter of fact, I wanted to know this thing. I am not going further beyond that. One more question I would like to know from Mr. Haldar, that when the car came on that position, was it the first to his knowledge?

SHRI KRISHNA CHANDRA HALDAR: I do not know, when I came that was the only car.

MR. CHIRMAN: Thank you Mr. Haldar for taking the trouble to come over here.

SHRI HALDAR: I thank you Mr. Chairman and all the Members who gave me this opportunity.

The witness then withdrew

Evidence of Shri Rajendra Prasad Bhattacharya, Sub-Inspector of Police, Officer Incharge of M.A.M.C., Investigation Centre, Durgapur (West Bengal).

(The witness took the Oath)

MR. CHAIRMAN: What is your name and how long you are incharge of the Police Station?

SHRI BHATTACHARYA: Sir, my name is Rajendra Prasad Bhattacharya and I am there since May, 1971.

MR. CHAIRMAN: Even today you continue there?

SHRI BHATTACHARYA: Yes, Sir.

MR. CHAIRMAN: Do you know the day when Mr. Haldar was taken to the Police Station. Did Mr. Haldar complain to you about the misbehaviour of the Assistant Sub-Inspector?

SHRI BHATTACHARYA: Mr. Haldar did not complain anything against the A.S.I., Sir.

MR. CHAIRMAN: Since, I have asked you the question, whether Mr. Haldar was taken to the Police Station. did he accompany the other persons or he was taken by the A.S.I. alone?

SHRI BHATTACHARYA: On the evening of 15th July, the A.S.I. entered the Police Station and told me that the learned M.P., Shri Krishna Haldar is entering the Police Station. I immediately stood up from my seat and showed him proper respect. He sat down and

told me that his boys were taken to the Police Station. I enquired about these boys and was told that a dagger having 9" length was found in the possession of one of the boys, named, Shri Kalachand Bhattacharya. The learned Member told me that he came in the colony to hold a meeting of his followers. Then he was going out of the colony and for his protection he took these boys. I contacted my Inspector incharge. He told me to release the boys immediately and the learned Member left the Police Station with the boys.

MR. CHAIRMAN: According to you Mr. Haldar accompanied those boys in the car.

SHRI BHATTACHARYA: Yes, S.r.

SHRI SINHA: When Mr. Haldar reached the Police Station, did you enquire from him as to why he had gone there?

SHRI BHATTACHARYA: Yes, Sir. He told me.

SHRI SINHA: Did Mr. Mukherjee tell you that they were taken there under custody for interrogation?

SHRI BHATTACHARYA: Mr. Mukherjee reported to me that these boys were found in the car with a dagger and he first reported me the fact of his bringing the boys to the Thana. At that time Mr. Haldar also told me that the boys were with him and they were proceeding with him for his protection.

MR. CHAIRMAN: Mr. Mukherjee did not tell you that he had arrested those boys because one of them was found in possession of a dagger!

SHRI BHATTACHARYA: Yes, Sir.

MR. CHAIRMAN: Mr. Haldar must have also been arrested because he was in the car!

SHRI BHATTACHARYA: No Sir, he was not arrested.

MR. CHAIRMAN: Except Mr. Haldar, everybody was arrested!

SHRI BHATTACHARYA: Yes, Sir.

MR. CHAIRMAN: Is that the statement made by you for the purposes of record that Mr. Haldar was not arrested?

SHRI BHATTACHARYA: Yes, Sir.

SHRI SINHA: Did not you ask Mr. Mukherjee that the person whom he had arrested with a dagger was accompanied by an M.P. and the M.P. should also be put under arrest as an associate of those people?

SHRI BHATTACHARYA: When I came to know that Shri Haldar is an M.P., I did not arrest him.

SHRI SINHA: That is what Mr. Mukherjee told him because he knew that he is an M.P. and Mr. Haldar followed them on his own in his car.

SHRI BHATTACHARYA: I cannot say, Sir, because it is inside the Police Station that I learnt that the learned M.P. is entering the Police Station.

MR. CHAIRMAN: The last portion of the answer may be repeated.

SHRI SINHA: Mr. Mukherjee informed you (Shri Bhattacharya) that Mr. Haldar, an M.P., was also coming.

SHRI BHATTACHARYA: Yes, Sir. Mr. Mukherjee told me that Mr. Haldar, M.P. was entering the Police Station and then he told me about the boys.

SHRI SINHA: Did you enquire from Mr. Mukherjee how these boys were brought?

SHRI BHATTACHARYA: Sir, he told me that the boys came in the police vehicle and he (Mr. Mukherjee) and Mr. Haldar came in his car along with the driver and other police officials.

SHRI SINHA: Did they allow the driver to go scot free? You just told me that all of them were liable to be arrested.

SHRI BHATTACHARYA: Sir, the driver was not arrested.

SHRI CHINTAMANI PANIGRAHI: Just now he said all of them were arrested but now he says all except Mr. Haldar were arrested.

SHRI RAJ BAHADUR: The driver and Haldar were not arrested.

SHRI SATYENDRA N. SINHA: I remember Mr. Mukherjee had said that the driver had also been arrested.

MR. CHAIRMAN: Whatever is on record, that is for our perusal and we may not say anything in that regard to the witness.

SHRI H. N. MUKERJEE: Could you produce thana record showing that Haldar and driver were not arrested and others were arrested and something was done in continuation of the process?

SHRI RAJENDRA PRASAD BHATTACHARYA: A.S.I., Mukherjee produced thana records before the Committee. So, I have no such record with me, as already this has been produced before the Committee.

SHRI H. N. MUKERJEE: Is no record kept in thana whenever any person is arrested? Is there any proof to show that such and such people were arrested so that that may correspond to the persons accompanying Mr. Haldar?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Certified copy was given to the Committee.

SHRI H. N. MUKERJEE: Will it show that Mr. Haldar had not been arrested and others were arrested?

SHRI RAJENDRA PRASAD BHATTACHARYYA: After discussing with my Inspector, I have only reported the facts in the diary the circumstances in which the persons were brought to the police station and according to the instructions I let them off immediately and they were not arrested.

SHRI H. N. MUKERJEE: Once you say that they were arrested and then you say they were not arrested.

SHRI RAJENDRA PRASAD BHATTACHARYYA: A.S.I., arrested them I said and they were brought to the police station and according to the direction of the Inspector they were not arrested at the police station. I have recorded the facts.

MR. CHIRMAN: Did you record the facts in the police station diary that they were arrested and Mr. Haldar came along with them?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Anybody who is being brought to the police station for any interrogation is presumed to be under arrest.

SHRI SOMNATH CHATTERJEE: You were away from the scene of occurrence. Did you make any enquiry?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Later on enquiry was made by the Inspector Incharge and not by me.

SHRI SOMNATH CHATTERJEE: You do not know whether any police personnel escorted Mr. Haldar.

SHRI RAJENDRA PRASAD BHATTACHARYYA: I do not know.

SHRI SOMNATH CHATTERJEE: Can you tell us why suddenly Mr. Mukherjee entered the police station and said that Mr. Haldar, M.P., is entering the police station?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Only to show proper respect.

SHRI SOMNATH CHATTERJEE: Was any seizer list prepared?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes.

SHRI SOMNATH CHATTERJEE: Is it signed by anybody?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Mr. Kala Chand Bhattacharjee refused to sign it. I prepared it.

When A.S.I., entered the police station the dagger was in the hands of A.S.I., who told us that this was found in the hands of Kala-Chand.

MR. CHAIRMAN: It seems he is quite frank about it.

SHRI H. N. MUKERJEE: Was Kala Chand Bhattacharjee searched in your presence?

SHRI RAJENDRA PRASAD BHATTACHARYYA: There was no necessity as the dagger was in possession of A.S.I.

SHRI H. N. MUKERJEE: Was the discovery of dagger made in your presence?

SHRI RAJENDRA PRASAD BHATTACHARYYA: This was made earlier.

SHRI H. N. MUKERJEE: Somebody else discovered the weapon and the matter was reported to you.

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes.

SHRI H. N. MUKERJEE: You have no direct personal knowledge of discovery of this.

SHRI RAJENDRA PRASAD BHATTACHARYYA: No.

MR. CHAIRMAN: Under whose possession was it?

SHRI RAJENDRA PRASAD BHATTACHARYYA: It was in possession of Kala Chand Bhattacharjee as told the A.S.I.

SHRI H. N. MUKERJEE: You never proceeded with the case in spite of the dagger being in possession of somebody else.

SHRI RAJENDRA PRASAD BHATTACHARYYA: I discussed this matter with my senior officer and it was said that there was a case under the Arms Act of a dagger 3" blade and subsequently that order was lapsed. No, no case could be started.

SHRI H. N. MUKERJEE: Is it your usual practice when you discover lethal weapon, you do not proceed with it?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes, Sir. It some times happens after taking permission of the senior.

SHRI H. N. MUKERJEE: You find people in possession of a dagger or whatever weapon it may be. That is brought on record of the thana and you do not proceed with the matter.

SHRI RAJENDRA PRASAD BHATTACHARYYA: We generally discuss the matter with our superior and proceed according to his or their instructions.

SHRI H. N. MUKERJEE: You did arrest a number of people temporarily. They were brought to the thana. What happened to Kala Chand Bhattacharjee and others.

SHRI RAJENDRA PRASAD BHATTACHARYYA: They were brought to the thana for arrest.

SHRI H. N. MUKERJEE: All the people in the car were brought under arrest to the thana.

SHRI RAJENDRA PRASAD BHATTACHARYYA: A. S. I. brought four or five of the people (I do not remember the exact number) to the thana under arrest.

SHRI H. N. MUKERJEE: They were all under arrest. Is there any reason for the M.P., not being under arrest when he was in the same car in which some other person was found in possession of a dagger?

SHRI RAJENDRA PRASAD BHATTACHARYYA: There was no such entry here against anybody showing that they had been arrested.

SHRI H. N. MUKERJEE: Is it not a fact that the arrest was recorded in the books of the Police Station?

SHRI RAJENDRA PRASAD BHATTACHARYYA: They were under arrest but it was not shown because the A.S.I. arrested them outside the Police Station.

SHRI H. N. MUKERJEE: Is it not a fact that the arrest was recorded in the book of the Police Station?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes, but it was written in this fashion—that they were brought to the Police Station for interrogation. That shows that they were arrested.

SHRI H. N. MUKERJEE: If the books of the Thana show that some people in the car were brought under arrest, can I take it that Mr. Haldar who was in the car was equally under arrest?

SHRI RAJENDRA PRASAD BHATTACHARYYA: No, Sir.

SHRI H. N. MUKERJEE: Is it your practice to exempt M.Ps. from arrest? M.Ps. are not superior human beings when under Criminal suspicion. Is this your practice in that part of the world.

SHRI RAJENDRA PRASAD BHATTACHARYYA: The fact is that there was nothing on the M.P. because the dagger was found in the possession of Kala Chand Bhattacharya.

SHRI H. N. MUKERJEE: So Bhattacharjee alone was arrested?

SHRI RAJENDRA PRASAD BHATTACHARYYA: The other people who were with him also, because there was a reasonable suspicion that they were local men and the suspicion was there that they had been to AVB Colony. For that reason they were arrested.

SHRI H. N. MUKERJEE: Then why was was the M.P. not arrested? When he came to the Thana, did he protest that he was arrested and harassed?

SHRI RAJENDRA PRASAD BHATTACHARYYA: No. He told me about those boys.

SHRI H. N. MUKERJEE: He did not tell you that it was wrong of the Police to have brought him to the Thana when he was busy in his Constituency?

SHRI RAJENDRA PRASAD BHATTACHARYYA: No, he did not.

SHRI JAGANNATHRAO JOSHI: When you were told by Shri Mukherjee that the M.P. was entering, and when he entered, did he say something to you or went to the superior officers?

SHRI RAJENDRA PRASAD BHATTACHARYYA: I was in my office when he entered the Thana and told me that the learned M.P. was coming.

SHRI JAGANNATHRAO JOSHI: How long did the learned M.P. stay in the Thanna?

SHRI RAJENDRA PRASAD BHATTACHARYYA: About 10 minutes.

SHRI RAJ BAHADUR: All of them, including Bhattacharya, were allowed to go away after interrogation.

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes.

SHRI RAJ BAHADUR: They were completely free?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes.

SHRI RAJ BAHADUR: May I know from you whether, apart from the fact that they were brought in the van by the A.S.I. (and

that alone led you to say here just now that those five persons were under arrest), there was any other evidence of arrest or any other formal action of arrest? Am I clear? You have said that you thought they were under arrest because they were brought in a van and produced before you for interrogation. But arrest is a formal action by the Police. You know the difference between 'arrest', 'detention' and anybody being brought for interrogation?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes.

SHRI RAJ BAHADUR: What is the difference—please tell me—between 'arrest', 'detention' and bringing a person for interrogation?

SHRI RAJENDRA PRASAD BHATTACHARYYA: He was brought for interrogation. I interrogated him and discussed the matter with the superiors.

SHRI RAJ BAHADUR: Then how do you say they were under arrest—because there is a difference between anybody being called for interrogation and arrest. About the others also, what is the reason for you to say that they were under arrest? If you have wrongly used the word, you can clarify; because, we have been practising in the Courts and we know that anybody can be taken to the Police Station for interrogation and that it will not be considered an arrest. You can take me to the Police Station for interrogation, but I would not be under arrest.

SHRI RAJENDRA PRASAD BHATTACHARYYA: But if anybody does not like to go (*Interrupted*).

SHRI RAJ BAHARUR: That does not matter. He has to cooperate with the Police. If you take me to the Police Station, I will be cooperating with you for the purpose of law and order. Will it amount to arrest? Nobody likes to go to the Police Station. I would not like to go, but if you ask me to go even against my will, will it be arrest?

MR. CHAIRMAN: Let us not dilate on that point.

SHRI RAJ BAHADUR: He has used the word 'arrest' and so I wanted a clarification.

Now, was the M.P. also introduced.

SHRI RAJENDRA PRASAD BHATTACHARYYA: The M.P. was not interrogated.

SHRI SOMNATH CHATTERJEE: Mr. Halder told you that he was to go to Delhi to attend Parliament?

SHRI RAJENDRA PRASAD BHATTACHARYYA: Yes.

SHRI SOMNATH CHATTERJEE: Did you say that he was not free to go to Parliament?

SHRI RAJENDRA PRASAD BHATTACHARYYA: No. He was pressing for those boys.

SHRI SOMNATH CHATTERJEE: You did not prevent him from going to Parliament?

SHRI RAJENDRA PRASAD BHATTACHARYYA: No.

MR. CHAIRMAN: He was pressing for the boys and therefore you apologised to the M.P. for the conduct of the Sub-Inspector, was it so?

SHRI RAJENDRA PRASAD BHATTACHARYYA: I could not follow you.

MR. CHAIRMAN: You have stated very clearly that Mr. Halder was free to go to any place. But you had expressed regret. Did you or did you not express regret to Mr. Halder for the incident.

SHRI RAJENDRA PRASAD BHATTACHARYYA: I cannot remember.

MR. CHAIRMAN: All right, thank you very much.

SHRI RAJENDRA PRASAD BHATTACHARYYA: Lastly, my submission is that I have shown and given proper respect to learned M.P. and if he still feels anything in my dealings then I am sorry for that. I am sorry if any inconvenience has been caused to Shri Halder in this incident.

(The witness then withdrew)