

COMMITTEE OF PRIVILEGES

(SEVENTH LOK SABHA)

SEVENTH REPORT

(Presented on 20 December, 1983)



LOK SABHA SECRETARIAT
NEW DELHI

December, 1983/Agrahayana, 1905 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*
(1983-84)

Shri R. R. Bhole—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Buta Singh
4. Shri Chandulal Chandrakar
5. Shri Somnath Chatterjee
6. Shri George Fernandes
7. Shri Indrajit Gupta
8. Shri Ram Jethmalani
9. Shri Jaipal Singh Kashyap
10. Shri Jagan Nath Kaushal
11. Shri Y. S. Mahajan
12. Shri K. Ramamurthy
13. Shri Ramayan Rai
14. Shri P. Shiv Shankar
15. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

Shri T. S. Ahluwalia—*Senior Table Officer*

*The Committee of Privileges was nominated by the Speaker on 1 June, 1983.

SEVENTH REPORT OF THE COMMITTEE OF PRIVILEGES (SEVENTH LOK SABHA)

I. Introduction and Procedure

1. The Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Seventh Report to the House on the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, M.P., by some people at Malda and inaction on the part of police authorities on 8 October, 1982, and referred¹ to the Committee by the House on 5 November, 1982.

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

3. At their first sitting held on 5 November, 1982, the Committee considered the matter.

4. At their second sitting held on 17 November, 1982, the Committee decided that, in the first instance, Dr. Golam Yazdani, M.P., be requested to appear before the Committee for oral examination.

5. At their third sitting held on 21 December, 1982, the Committee examined on oath, Dr. Golam Yazdani, M.P.

6. At their fourth sitting held on 24 January, 1983, the Committee perused the factual report² on the matter received from the Government of West Bengal through the Ministry of Home Affairs, Government of India.

The Committee directed that the Ministry of Home Affairs be asked to ascertain from the Government of West Bengal and intimate to the Committee the final outcome of the investigations made by them in the three criminal cases regarding assault on Dr. Golam Yazdani, M.P., mentioned in their factual report.

7. At their fifth sitting held on 8 July, 1983, the Committee decided to look into the precedents, if any, where the Committee of Privileges had postponed consideration of a matter, when a court case was pending relating to that matter.

8. At their sixth sitting held on 3 August, 1983, the Committee looked into the precedents and decided to consider the matter on its merits without waiting for any decision of any Court.

¹ L.S. Deb., dt. 5-11-1982, cc. 356-57.

² See Appendix.

9. At their seventh sitting held on 3 October, 1983, the Committee deliberated on the matter and arrived at their conclusions.

10. At their eighth sitting held on 9 November, 1983, the Committee considered their draft Report and adopted it.

II. Facts of the Case

11. On 5 November, 1982, Dr. Golam Yazdani, M.P., made the following statement³ under rule 377 regarding his alleged manhandling by some people at Malda and inaction on the part of police authorities on 8 October, 1982 :—

“I miraculously escaped from an attempt on my life at about 9.15 p.m. on the 8th October, 1982. On that night, I was coming from the northern side of Chanchal P.S. of Malda district in West Bengal by a motor cycle, after some party work. Another person was driving it. As we reached Chanchal proper and were entering the bazar, I saw an assembly of many people at the ‘Sukanto Mor’, a notorious spot with many shops belonging to the ruling party men. The motor cycle was stopped by a man. I got down, and saw a crowd with lathis, etc. advancing towards me. Some people warned me that there was a great danger in my staying there and that I must not go forward. While I was running across the field, I could hear some people shouting ‘there goes the doctor; catch hold of him’. I ran and approached a house on the southern side of the field, where two persons were standing in front of the door. I begged them for giving me shelter, and they took me inside through the front door and closed it. After a few minutes, one man entered again and told me that the police was informed and also told me that he was a ruling party man, and he searched my pockets and bag; and finding that I was not having any arms whatsoever, he went out and closed the door again. Then, again after some time, one of the two men who gave me shelter entered the room, and said that his house was gheraoed by my followers, and he was facing great danger; and he, therefore, asked me to go away. He physically dragged me towards another door which was on the road side, and where the miscreants were on the look out for me. He pushed me out of the door and closed it. Immediately, the door through which I was thrown out opened and a ruling party man with a lathi came near

³ L.S. Deb., dt. 5-11-1982, cc. 354-56. ■

me and hit me twice. I tried to defend myself but failed and I sustained severe injuries in both of my hands and head. In the meantime one well-wisher of mine came near the door and asked me to go inside. I went inside the same room. On entering the room I found a policeman standing at the entrance of the other door of the room. Police asked me to accompany him. When I was brought out in the field and asked by police to ride on the jeep I found other policemen there. Only at that time I saw my clothes were all wet with blood. I then got on the jeep. I was taken to the Chanchal Hospital where stitches were given to my head injury and other injuries were attended to. On 10-10-82 I was removed to District Hospital of Malda where stitches from my head were removed on 15-10-1982 and I was discharged on 16-10-82 with advice to take rest for three weeks. I went home but all along I had a feeling of insecurity and apprehending that I would be risking my life if I stay there, I decided to come back to Delhi and therefore I came to Delhi with my family on 20-10-82 and as per the advice of the C.G.H.S. Doctor of South Avenue, I was admitted to the Nursing Home of Dr. Ram Manohar Lohia Hospital where investigations are still being carried out and from where I have come with the permission of the doctor to make a statement today. This incident occurred by the ruling party men and with the knowledge of the police. So, I request you and through you the hon. Home Minister to make a thorough investigation into this particular case by the CBI. I also request you that the matter may kindly be referred to the Privileges Committee as I feel that I am unable to discharge my duties as MP from that area unless the situation improves. I, therefore, seek your protection as my life is in threat."

12. Thereafter, after taking the sense of the House, the Speaker referred⁴ the matter to the Committee of Privileges.

III. Findings of the Committee

13. The Government of West Bengal, in their factual report⁵ on the incident involving Dr. Golam Yazdani, M.P., furnished through the Ministry of Home Affairs, have *inter alia* stated as follows :—

"One Dabiruddin and his son, Sanaulah, both of the same village and known to be Congress(I) supporters, are suspected to

⁴ L.S. Deb., dt. 5-11-1982, cc. 356-57.

⁵ See Appendix.

have been involved in the murder and their names also figure amongst the eleven persons against whom Chanchal PS submitted charge sheet in the murder case. There has been a local feeling that Dr. Yazdani knew the criminals who had committed the murder. Since the murder of Manjoor Alam, his supporters and relatives have been at daggers drawn with Sanallah and his father, Dabiruddin. As a matter of fact, Dabiruddin could not go to his village, Habibnagar, and was residing at Chanchal.

On 8-10-82, at about 21.05 hrs., Dabiruddin had a hot exchange of words with some CPI(M) supporters over a minor incident in which Dabiruddin had had a brush at Chanchal Bazar with three persons known to be CPI(M) supporters. The altercation created tension amongst the supporters of the two groups. At this stage Dr. Golam Yazdani, M.P., with Sanallah (son of Dabiruddin and an accused in the murder case of Manjoor Alam) arrived at the spot riding on a motor cycle. Their presence resulted in additional excitement. Dr. Yazdani had been forewarned of the prevailing tension by some CPI(M) supporters when he arrived at 'Sukanto Mor' as they wanted to prevent him from getting involved in any situation. But as he had already arrived at the spot he was given shelter in the house of another CPI(M) supporter, Shri Ram Prasad Bhattacharjee, who could not however give him further protection for fear of onslaught by the mob which had formed outside his house. When Dr. Yazdani had taken shelter in the house of Shri Ram Prasad Bhattacharjee, the police was tackling the crowd at the market place.

When Shri Bhattacharjee's house, where Dr. Yazdani had taken shelter, was surrounded by the mob, some of whom were pounding at his door, he managed to send information to the police about the situation. He also showed Dr. Yazdani the way out through the back door so that he could leave in safety. The MP sustained some injuries during this time before the arrival of the police. The police arrived and dispersed the mob. The MP was also treated in a local Hospital for his injuries.

....The criminal case of assault on the M.P. is under investigation. During examination, Dr. Yazdani could not tell the names of the miscreants who had actually assaulted him."

The Government of West Bengal also stated in their factual report that two other cases were also registered with the police—(i) one by a CPI(M) leader against Dr. Golam Yazdani and his supporters for attacking some supporters of CPI(M) and (ii) another by Dr. Golam Yazdani for assault on him by some persons.

14. Dr. Golam Yazdani, M.P., in his evidence^a before the Committee deposed :

“On the 8th of October, I was at home, in my constituency. On that very day, I had a programme to start for Delhi to attend the Parliament session. I had my railway booking also at Malda Station to catch Tinsukia Mail on 9-10-82 at 4.21 early in the morning. . . . On that very day, in the afternoon, I went to the northern part of my constituency, because I was coming to Parliament and I wanted to find out the people's grievances, problems etc.—whatever they may be so that I might raise them in Parliament. So, I went in the afternoon on a motorcycle. I did not drive the motorcycle; it was driven by a man named Sanaullah. I went there and I returned to Chanchal at about 9 P.M., which is about 1 km. from my home. . . . Some people from there told me : ‘Doctor Sahib, CPM people have conspired to finish you. Don't proceed further. You run backward to save yourself’. So, I was confused and sensing danger I did not go forward. I started running backwards”.

When Dr. Golam Yazdani was asked that “your grievances are against some members of a particular party. Will you kindly explain how and due to what reasons do you think that breach of privilege has occurred?”, he stated : “. . . they just did this injury to me fully knowing well that I had to come to Parliament”. To a specific question : “On that day were you on your way to Parliament”, Dr. Yazdani replied : “I had to come home which was 1 kilometre away and at that night I had to come to Malda Station to catch Tinsukia Mail.”

When Dr. Golam Yazdani was asked to identify and give names of persons who had allegedly assaulted him, he stated : “. . . the fellow who just assaulted me I can recognise him but I cannot tell you the name immediately”.

IV. Conclusions

15. The Committee find that cases relating to the alleged assault on Dr. Golam Yazdani are pending in Court of law. The Committee considered the precedents in which the Committee had postponed consideration

^a See Minutes of Evidence.

of a question of privilege when a case based on the same facts was pending in a Court of law. The Committee are, however, of the view that the jurisdiction of the Committee of Privileges and of the Courts of law are quite different even where the facts are the same; the issues to be decided by the Court are absolutely different from the issues that are to be decided by the Committee of Privileges. The Court cannot decide on privilege, and the right to privilege is not subject to fundamental right; and that the rule of *sub judice* does not apply to privilege matters. The Committee have, therefore, considered the matter on its merits without waiting for any decision of any Court.

16. The Committee note that Dr. Golam Yazdani, M.P., has not been able to mention the names of any of his assailants either in his statement in the House or during the course of his oral evidence before the Committee. The Committee, therefore, feel that it is not possible for them to proceed further in the matter.

The Committee are of the opinion that taking into account the facts and circumstances of the case, no question of breach of privilege or contempt of the House is involved in the matter.

17. The Committee, however, deprecate such incidents of assaults on the elected representatives of the people.

18. The Committee desire that as requested by Dr. Golam Yazdani, the Ministry of Home Affairs should arrange with the State Government of West Bengal to provide suitable protection to his life and property, who apprehends danger to his life.

V. Recommendation of the Committee

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

R. R. BHOLE,

Chairman,
Committee of Privileges.

NEW DELHI:

November 9, 1983

Kartika 18, 1905 (Saka)

MINUTES

MINUTES

I

FIRST SITTING

New Delhi, Friday, 5 November, 1983

The Committee sat from 16.00 to 16.30 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri George Fernandes
4. Shri Ram Jethmalani
5. Shri Y. S. Mahajan
6. Shri Dharam Bir Sinha
7. Shri P. Venkatasubbaiah
8. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

2. The Committee considered their future programme of sittings to consider the cases pending before them. The Committee decided to hold their sittings on 17 and 18 November, 1982.

3—5. ** ** **

6. The Chairman then informed the Committee that on 5 November, 1982, the Speaker after taking the sense of the House had referred the following matters to the Committee of Privileges :—

(i) Matter raised by Dr. Golam Yazdani, MP, on 5 November, 1982, under rule 377 regarding his alleged manhandling by some people at Malda and inaction on the part of police authorities on 8 October, 1982.

(ii) ** ** **

7. The Committee then adjourned to meet again on 17 and 18 November, 1982.

**Paras 3—5 and Serial No. (ii) relate to other cases and have accordingly been omitted

II

SECOND SITTING

New Delhi, Wednesday, 17 November, 1982

The Committee sat from 15.00 to 16.00 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri Chandulal Chandrakar
3. Shri Somnath Chatterjee
4. Shri George Fernandes
5. Shri Jagan Nath Kaushal
6. Shri Y. S. Mahajan
7. Shri Dharam Bir Sinha
8. Shri Krishna Prakash Tewari
9. Shri Vijay Kumar Yadav
10. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

2. The Committee considered the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, MP, by some people at Malda and inaction on the part of police authorities on 8 October, 1982.

The Committee decided that, in the first instance, Dr. Golam Yazdani, MP, be asked to appear before the Committee of Privileges for oral examination on 21 December, 1982.

3-4. ** ** **

5. The Committee then adjourned to meet again on 18 November, 1982.

**Paras 3-4 relate to other cases and have accordingly been omitted.

III

THIRD SITTING

New Delhi, Tuesday, 21 December, 1982

The Committee sat from 11.00 to 13.20 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
- 4 Shri Y. S. Mahajan
5. Shri Dharam Bir Sinha
6. Shri Vijay Kumar Yadav
7. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

WITNESSES

(1) Dr. Golam Yazdani, M.P.

(2) ** ** **

2. The Committee took up consideration of the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, MP, by some people at Malda and inaction on the part of police authorities on 8 October, 1982.

3. Dr. Golam Yazdani, MP, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4-5. ** ** **

The Committee then adjourned to meet again on 24 and 25 January, 1983.

**Serial No. (2) and paras 4-5 relate to another case and have accordingly been omitted.

IV

FOURTH SITTING

New Delhi, Monday, 24 January, 1983

The Committee sat from 15.00 to 16.30 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri Chandulal Chandrakar
3. Shri Somnath Chatterjee
4. Shri George Fernandes
5. Shri Jagan Nath Kaushal
6. Shri Y. S. Mahajan
7. Shri K. Ramamurthy
8. Shri Dharam Bir Sinha
9. Shri Krishna Prakash Tewari
10. Shri P. Venkatasubbiah
11. Shri Vijay Kumar Yadav
12. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

2.

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3. The Committee then took up further consideration of the question of privilege regarding alleged mishandling of Dr. Golam Yazdani, MP, by some people at Malda and inaction on the part of police authorities on 8 October, 1982. The Chairman informed the Committee that a factual report (see Appendix) had been received from the Government of West Bengal through the Ministry of Home Affairs only two days back, copies of which were made available to the members at the meeting.

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

After considering the matter at some length, the Committee directed that the Ministry of Home Affairs might be asked to ascertain from the Government of West Bengal and intimate to the Committee the final outcome of the investigations made by them in the three criminal cases regarding assault on Dr. Golam Yazdani, MP, as mentioned in their factual report.

4.

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The Committee then adjourned to meet again on 25 January, 1983.

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

FIFTH SITTING

New Delhi, Friday, 8 July, 1983

The Committee sat from 11.00 to 12.00 hours.

PRESENT

Shri R. R. Bhole—*Chairman*

MEMBERS

2. Shri Chandulal Chandrakar
3. Shri Somnath Chatterjee
4. Shri Jaipal Singh Kashyap
5. Shri Y. S. Mahajan
6. Shri K. Ramamurthy

SECRETARIAT

Shri K. K. Saxena—*Joint Secretary*

2—6. ** ** **

7. The Committee then took up consideration of the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, MP, by some people at Malda and inaction on the part of police authorities on 8 October, 1982, and decided that the precedents be seen, if any, when the Committee had postponed consideration of a matter when a Court case was pending relating to that matter.

8-9. ** ** **

The Committee then adjourned.

**Paras 2—6 and 8-9 relate to other cases and have accordingly been omitted.

VI

SIXTH SITTING

New Delhi, Wednesday, 3 August, 1983

The Committee sat from 15.30 to 16.15 hours.

PRESENT

Shri R. R. Bhole—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Indrajit Gupta
4. Shri Jagan Nath Kaushal
5. Shri Y. S. Mahajan
6. Shri Ramayan Rai
7. Shri P. Shiv Shankar
8. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

2. The Committee took up consideration of the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, MP, by some people at Maldā and inaction on the part of police authorities on 8 October, 1982. The Committee looked into the precedents in which the Committee had postponed consideration of a question of privilege when a case based on the same facts was pending in a Court of law. The Committee were, however, of the view that the jurisdiction of the Committee of Privileges and that of the Courts of law were quite different even where the facts were the same; the issues to be decided by the Court are absolutely different from the issues that are to be decided by the Committee of Privileges. The Court cannot decide on privilege, and the right to privilege is not

subject to fundamental right; and that the rule of *sub judice* did not apply to privilege matters. The Committee, therefore, decided to consider the matter on its merits at a subsequent sitting and not wait for any decision of any Court.

3—5.

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The Committee then adjourned.

VII

SEVENTH SITTING

New Delhi, Monday, 3 October, 1983

The Committee sat from 15.00 to 16.20 hours.

PRESENT

Shri R. R. Bhole—*Chairman*.

MEMBERS

2. Shri Indrajit Gupta
3. Shri Jaipal Singh Kashyap
4. Shri Jagan Nath Kaushal
5. Shri Ramayan Rai
6. Shri P. Shiv Shankar

SECRETARIAT

- (1) Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*
- (2) Shri T. S. Ahluwalia—*Senior Table Officer*

2.

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3. The Committee then deliberated on the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, M.P., by some people at Malda and inaction on the part of police authorities on 8 October, 1982.

The Committee felt that as Dr. Golam Yazdani had not mentioned any names either in his statement in the House or during the course of his oral evidence before the Committee, it was not possible for the Committee to proceed further in the matter. The Committee were of the opinion that taking into account the facts and circumstances of the case no question of breach of privilege was involved in the matter. The

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

Committee decided to recommend to the House that the matter might be dropped.

The Committee, however, felt that the Ministry of Home Affairs should provide suitable protection to life and property of Dr. Golam Yazdani, M.P., who apprehended danger to his life.

The Committee directed that the Draft Report on the matter might be prepared and circulated to the members of the Committee for consideration at a future sitting.

4.

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The Committee then adjourned.

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

VIII

EIGHTH SITTING

New Delhi, Wednesday, 9 November, 1983

The Committee sat from 11.00 to 12.20 hours.

PRESENT

Shri R. R. Bhole—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri George Fernandes
5. Shri Jaipal Singh Kashyap
6. Shri Y. S. Mahajan
7. Shri Ramayan Rai
8. Shri Zainul Basher

SECRETARIAT

- (1) Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*
- (2) Shri T. S. Ahluwalia—*Senior Table Officer*

2-3.

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4. The Committee then considered their draft Seventh Report on the question of privilege regarding alleged manhandling of Dr. Golam Yazdani, M.P., by some people at Malda and inaction on the part of police authorities on 8 October, 1982.

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

For paragraph 18 which read as follows :—

“18. The Committee desire that the Ministry of Home Affairs should provide suitable protection to the life and property

**Paras 2-3 relate to another case and have accordingly been omitted.

of Dr. Golam Yazdani, M.P., who apprehends danger to his life",

the following paragraph be substituted :—

"18. The Committee desire that as requested by Dr. Golam Yazdani, the Ministry of Home Affairs should arrange with the State Government of West Bengal to provide suitable protection to his life and property, who apprehends danger to his life."

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

7. The Committee authorised the Chairman to present their Seventh Report to the House.

The Committee then adjourned.

MINUTES OF EVIDENCE

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE
OF PRIVILEGES

Tuesday, 21 December, 1982

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Y. S. Mahajan
5. Shri Dharam Bir Sinha
6. Shri Vijay Kumar Yadav
7. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

WITNESS

Dr. Golam Yazdani, M.P.

(The Committee met at 11.00 hours)

Evidence of Dr. Golam Yazdani, M.P.

MR. CHAIRMAN: Dr. Golam Yazdani, you have been requested to appear before this Committee to give your evidence in connection with the question of privilege regarding your alleged manhandling by some people at Malda and inaction on the part of police authorities on 8 October, 1982.

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

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

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

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

(Dr. Yazdani then made the affirmation)

MR. CHAIRMAN : If you have anything to say before this Committee, you may do so now.

DR. GOLAM YAZDANI : I have said on the floor of the House about what happened to me, under rule 377. At that time, I was in the hospital, and hurriedly I had to draft my 377 statement.

MR. CHAIRMAN : Please speak a little slowly, distinctly and a bit louder, so that each and every word of yours is properly recorded.

DR. GOLAM YAZDANI : I was in the Lohia Hospital. At that time, I drafted my 377 statement, and that also was edited. I have got to say something which was not mentioned there, because you have kindly given me a chance to do so.

Briefly speaking, on the 8th of October, I was at home, in my constituency. On that very day, I had a programme to start for Delhi to attend the Parliament session. I had my railway booking also at Malda station to catch Tinsukia Mail on 9-10-1982 at 4.21 early in the morning. Usually, what I do is that from my home, I start by car and come to Malda station to catch the train.

On that very day, in the afternoon, I went to the northern part of my constituency, because I was coming to Parliament and I wanted to find out the people's grievances, problems etc.—whatever they may be—so that I might raise them in Parliament. So, I went in the afternoon on a motor cycle. I did not drive the motor cycle; it was driven by a man named Sanaullah. I went there and I returned to Chanchal at about 9 p.m. which is about 1 Km. from my home. It is a bazaar area, a prospering area. When I was entering the bazaar by road, some people were standing in front of a fertilizer shop. A few yard away, there is a junction, which is known as 'Sukanto Mor'; and actually, that is known in the area as a notorious 'Mor' because most of the shops there are run by

CPM men. Only a few days ago, a Congressman was very severely beaten there, and was rescued by Police. So, that junction is generally known to the people as a notorious place dominated by CPM men.

While I was approaching there, within a few yards, there was a fertilizer shop, and a few people were standing there. They stopped the motor cycle and I got down. Some people from there told me: "Doctor Sahib, CPM people have conspired to finish you. Don't proceed further. You run backward to save yourself."

So, I was confused and sensing danger I did not go forward. I started running backwards. There is a field there. So, while I was running I could hear from behind their cries, 'There goes the doctor,' 'there goes the doctor'. So I started running and finding a house on the southern part of the field I saw two men standing at the door and I asked them to let me in because some people were following me. They let me in. I was taken to a room on the eastern side of his house and that room was just near the road. So one of them got me over there and locked the door from the outside. After some time he came and asked me whether I had got any money with me. I said that I had got only Rs. 5 with me. He then physically touched my pockets and searched my bag also. He did not take that five rupee note, but went away.

After some time he came back—his name is Ramu Bhattacharjee; he is a tenant of that place—and he told me that I had to go away from that place. He said that my pursuers were searching that place, and that I should go away. I asked him how I could go away, when he himself was saying that my pursuers were coming there, and I asked him to inform the Police. But he did not listen. He physically dragged me to the door on the northern part of the room. Out of the two doors, I had entered by the western side door and the door on the northern side is near the road. That road was separated from the room only by a *pucca* wall which is about five feet high. He dragged me and pushed me out of the door and locked the door from behind.

While I was there in the small space, I found that on the other side of the wall many people were assembling with lathis and they were focussing torches and asking 'where is the doctor?', 'where is the doctor?'. Now, you can just imagine my condition in that small place and it was dark also. So I just sat there in one corner praying to Allah to save me. At one time they even focussed a torch on me. Just then a man entered through the door through which I was thrown out. And the man struck two quick blows on my head. One blow I defended with my hands. But due to the second one an injury was inflicted on my head. After hitting me

he did not stand there. He immediately left the place, and went back into the room. And by that time I was seeing that the people on the other side of the wall were trying to cross and I was in a dilemma because I thought that if I just wait there and if they cross the wall they will catch me. Just then, I could see a man in the room. I think he is a well-wisher of mine—otherwise how could he say 'Doctor Sahib, come in here'. So, I entered the room. I saw that in the first door through which I was taken into in that room, an ASI of Police, Mr. Ranjit Dey was standing. He asked me to come out with him and get into a jeep. Then I was confident that somehow I had escaped. When I came out near the jeep, I saw that people who were collecting near the wall were still assembled outside the wall on the road. There were about 20 to 30 people and they were still searching. The Police jeeps were there. ASI asked me to get into the jeep. I did not immediately get into the jeep, I stood there and I saw that those people were still making a crowd there and I saw that the C.I. was just approaching them and at that time I heard some argument and that argument, I could recognise by the voice, was that of Mr. Ahsan Ali of CPM. He was arguing with the C.I. I did not wait there. I went into the jeep. They took me to the hospital. There I remained and after that the S.I., Shri Ranjit Dey, told me that I had to go to the Police Station to give my statement. But I asked him to take the statement at the hospital itself. He said that I had to come there. So, I went with him. I did not stay there. I told them that I was not feeling well. I came back to the hospital and made a written statement. I stayed there for the night.

The next day the doctors transferred me to the district Hospital of Malda where I remained for more than five days and on the 15th the stitches were removed, and on the 16th I was discharged from the hospital. But always, I wanted to come to Delhi, because I was just coming to Delhi. I thought I should come to Delhi and then narrate my condition here. But the doctors told me that I had to take rest for a few days. So, I went home. But my family members and myself were not feeling secure because this incident had occurred. Never in my life was I chased and beaten like this.

As Parliament session was on, I thought that it was better for me to come to Delhi. So, on the 20th October I arrived in Delhi for the Parliament session. By that time I was a little better and the injuries had healed. Immediately after coming here I saw the CGHS doctor. The doctor examined me and told me that I had to undergo further investigations because there was a head injury, and he said that there was so many modern investigations which are done here in Delhi, and so he said that

it was better for me that I go to the Lohia Hospital. On the advice of that doctor I went to the Lohia Hospital and was admitted there. The doctors there carried out all the tests viz.—Cat scan and all that on my brain and they said there was nothing to worry about. In the meantime the Parliament session was still on, I was anxious to attend it and narrate the incident in the Parliament. So, with the permission of the doctor I came to the Parliament House on the 5th November and made my statement in the House under Rule 377 with the permission of the Speaker.

MR. CHAIRMAN : If I have understood your statement correctly, the police just performed its duties in your case. Your grievances are against some members of a particular party. Will you kindly explain how and due to what reasons do you think that breach of privilege has occurred? You must have studied when and in what circumstances breach of privilege of a member is committed and would you kindly explain how in your case a breach of privilege has occurred?

DR. GOLAM YAZDANI : Mr. Chairman, you have said that police did his duty and all that. I admit it and police surely came to protect me but after I was injured. I may also tell you that police never arrested the crowd which assembled over there or those people who were trying to cross the wall. If those people would have been rounded up everything would have come out. But when I went to the hospital I found that two persons were arrested and then even Mr. Ahsan Ali and others went to the police station and insisted that those two people should be freed. So I think that they have failed in their duty because on the spot they saw those people who were responsible for this thing but they never rounded them up and that fellow who gave me shelter threw me out, it is he who again allowed my assailant by opening the door to just come near me and assault me. Because after he pushed me out, he had closed the door and how that assailant could come to that place again until and unless he opened the door?

MR. CHAIRMAN : But you have not answered my second question. How any breach of privilege is anticipated?

DR. GOLAM YAZDANI : The police never rounded them up. The fellow who just pushed me out was never rounded up.

SHRI H. K. L. BHAGAT : Dr. Yazdani I am sorry to interrupt you. The Chairman put to you a very relevant question. I have heard your version and my sympathies are with you that according to you, you were surrounded by a certain group of workers and all that occurred. Now the point is what was their intention? Was their intention to obstruct you

or to make it difficult for you to function as a Member of Parliament? Was there any evidence from which one could get an impression that their intention was that you as a Member of Parliament should not be able to proceed to Delhi for Parliament? Their intention was to obstruct your functioning as a Member of Parliament or to harass you? The Chairman put to you a very relevant question. I might say that every case of maltreatment does not amount to breach of privilege. It is in certain conditions and circumstances. Therefore, on question of fact would you kindly tell us what happened with you? Whether there was any evidence to indicate that their intention was to obstruct your functioning as a Member of Parliament.

SHRI GOLAM YAZDANI : Sir, my answer to this is that they just did this injury to me fully knowing well that I had to come to Parliament and Parliament session was on and surely they kept all the information that I had been on tour to the northern part of the area and I had to proceed to Delhi on the very same night.

SHRI H. K. L. BHAGAT : Was there anything on the spot to indicate that or it is your impression? On what evidence is it based?

DR. GOLAM YAZDANI : Evidence is how they could just gather over there and just waited for me that I would return from the same route? They had the information that I would return by that route and they just took an opportunity to assault me.

SHRI H. K. L. BHAGAT : In your statement if I have read it correctly, you said that you were coming to Delhi to attend Parliament. What was the evidence? Was anything said on the spot by anybody to say that they wanted to obstruct you from coming to Parliament?

DR. GOLAM YAZDANI : They just keep all sorts of information whenever they have to do such things. My Parliament session was on and I had to come to Parliament.

MR. CHAIRMAN : You said 'they'. Well, who are these 'they'?

DR. GOLAM YAZDANI : I am just trying to tell you that CPI(M) men.

MR. CHAIRMAN : CPI(M) is a large party. There may be lakhs of people. Who are these 'they'? Can you identify? Could you give the names of those members?

DR. GOLAM YAZDANI : I have just given you one name. Ahsan Ali was there and the fellow who just assaulted me I can recognise him but I cannot tell you the name immediately. But the thing is that they have not done this suddenly. For a long time they were just trying to finish me. There is a long background. I request you to just consider it, Mr. Chairman. As you say that how they knew, how they were just going to obstruct me, so you have to go in the past. Because, for a long time they were after me and they were trying to finish me. There were several reasons for it. All the time they were looking for opportunities to assault me and finish me.

SHRI Y. S. MAHAJAN : At that time were you going to the station to go to Parliament ?

DR. GOLAM YAZDANI : I had a programme to start for Parliament.

SHRI Y. S. MAHAJAN : That is next day.

DR. GOLAM YAZDANI : Not the next day. We have to go to Delhi by Tinsukia Mail for which we have to go to Malda station. I was proceeding to Malda. I had a programme to go for Malda Railway Station by car on the 8th night.

MR. CHAIRMAN : Was your programme so publicised and known to the people at large. How do you presume that a number of people knew that you were coming to Delhi in order to attend the Parliament session ?

DR. GOLAM YAZDANI : When we got to the constituency, we tell the people when we are going to Delhi. All knew that by the next train I had to go to Delhi. Everybody knew it that I shall catch the train on the 9th morning at Malda Station.

SHRI DHARAM BIR SINHA : Obviously, according to you, this is political opposition to you. Could you say that this attack on you by whoever it was—you know one of them—that was intended to inhibit you from the discharge of your duties as a Member of Parliament by threatening you, by using force against you and trying to curb you ?

DR. GOLAM YAZDANI : Evidently. When I was going to Delhi, they just assaulted me. They wanted to see that I just do not attend Parliament. They wanted to finish me on that day. They could try to do it because my programme was known.

SHRI VIJAY KUMAR YADAV : There is a serious contradiction between what you say now and what you said in Parliament. In your statement in the Lok Sabha this story about coming to Parliament was missing.

DR. GOLAM YAZDANI : At that time I was in the hospital. I wrote the statement hurriedly.

SHRI VIJAY KUMAR YADAV : Now you say that the CPM people were conspiring to finish you. That is missing in your previous statement, even though it is a very important part of the evidence.

DR. GOLAM YAZDANI : I had mentioned that my life was in danger. I am not a legal man. I do not know the legal niceties. I was alone in the hospital at that time. There was nobody to advise me. I just wrote it down.

SHRI VIJAY KUMAR YADAV : In your statement in Parliament you said they searched your pocket and bag for arms. Now you are saying they searched for money.

DR. GOLAM YAZDANI : One of them asked me "how much money have you got?" I replied "five rupees". Then what is the use of searching my bag? Their subsequent action made me suspicious. When they were sure that I had no arms with me, they wanted to finish me.

SHRI VIJAY KUMAR YADAV : This torture story has been introduced by you here. In your statement in the Lok Sabha it is not there.

DR. GOLAM YAZDANI : I tell you that I wrote it hurriedly for Rule 377 and these things were edited.

SHRI VIJAY KUMAR YADAV : Ahsan Ali was known to you before ?

DR. GOLAM YAZDANI : Oh, yes.

SHRI VIJAY KUMAR YADAV : Did you mention his name in the previous statement ?

DR. GOLAM YAZDANI : I wrote it hurriedly. I said that the crowd was there. This particular point perhaps I did not write down.

SHRI VIJAY KUMAR YADAV : You said that some statement was made by you to the police officer. Have you got a copy of it ?

DR. GOLAM YAZDANI : No.

श्री जैनुल बखार : अभी आपने यह बताया कि सी० पी० एम० के लोग आपको फिनिश कर देना चाहते हैं। मैं यह जानना चाहता हूँ कि वे क्यों आपको फिनिश करना चाहते हैं। आप वहाँ से पार्लियामेंट के इलेक्ट्रेड मੈम्बर हैं। असेंबली के मੈम्बर भी रहे हैं, मिनिस्टर भी रहे हैं। यह एकदम सी० पी० एम० के लोग आपको फिनिश कर देना चाहते हैं? क्या इसके पहले भी कोई वाकया हुआ है, जिसकी वजह से आपको ऐसा लगता हो कि ये लोग आपको फिनिश कर देना चाहते हैं और पार्लियामेंट के मੈम्बर की हैसियत से आपको जिन्दा नहीं रहने देना चाहते।

डा० गुलाम याजदानी : इसके बारे में मेरा कहना यह है कि मैं वहाँ पर 1957-से एम० एल० ए० था। 1957 में इंडिपेंडेंट खड़ा हुआ था। उस वक्त सी० पी० एम० पार्टी बहुत बड़ी थी। But they are mostly those people who do not believe in communist ideology. मुझे मिनिस्टर भी बनाया गया। 1977 में मैं फिर इंडिपेंडेंट खड़ा हुआ। उस वक्त भी कांग्रेस, सी० पी० एम० और जनसंघ तीनों हार गए। सी० पी० एम० पार्टी के उम्मीदवार को तो जमानत ही जन्त हो गई। इससे वे लोग बहुत नाराज हो गए। 1980 में लोकसभा के इलेक्शन में मैंने कांग्रेस जाइन कर लिया और चुना गया, सी० पी० एम० फिर हार गई। इसके बाद मेरी असेंबली की सीट खाली हुई, उस पर भी सी० पी० एम० हार गई। इससे उन्होंने समझ लिया है कि जब तक डा० याजदानी जिन्दा रहेंगे, हमारे लिए कोई चांस नहीं है। एक बार मेरे घर पर भी हमला किया गया—By chance I was not at home. My family and my house were surrounded by miscreants. पुलिस को जब खबर दी तो पुलिस नहीं आई। उस वक्त से मैं समझता हूँ—

They were after me and they just wanted to inflict physical injury on me. They surrounded me and there was no police protection.

स्टेट गवर्नमेंट को और सेंट्रल गवर्नमेंट को लिखा कि इस तरह के वाकये हो रहे हैं—
I just wanted to have proper security but for a period only. They gave me protection, but they never cared.

इंदिरा गांधी जी ने जो हमको पत्र लिखा है, वह मेरे पास मौजूद है। उन्होंने लिखा है कि आपको दख्खीस्त मिलो है और होम डिपार्टमेंट को भेज दो गई है।

When I went home I asked for police force for my protection. But on the 15th of this month when I just went home for one day only, I was not feeling secure. So I informed the police station to send some police force. But they never sent. In August 1981 my house was attacked. Since then I am apprehending danger to my life. I am conscious that they are after me and when they get an opportunity, they do the maximum harm that they can do. I am a very popular leader there and I am very popular with the masses, not with the miscreants. There are miscreants. There are people who actually tried to finish me and attain their immediate

objective. I do not know how they calculate that by just killing a man their immediate objective will be achieved. But there are some people who do like that. By this, I can say that they are conspiring for a long time to finish me. In all the years 1980, 1981 and 1982 they were getting defeated by me in elections. I can hear all the talks that are going on about me.

MR. CHAIRMAN : Before I request my esteemed friend, Shri Chatterjee to put questions, I would just put one question. At the very outset I would like to know from you as to what were the reasons which convinced you that a breach of privilege had been committed. According to you, who are the persons that have committed the breach of privilege and due to what reasons ?

DR. GOLAM YAZDANI : Again, I can say that coming to Parliament is my privilege.

MR. CHAIRMAN : As originally pointed out by Shri Yadav, nowhere in your statement before the Lok Sabha you have mentioned even one name. For a breach of privilege, a notice for it has to be given against some persons and then the reasons advanced. Who were the persons and because of what reasons do you think that a breach of privilege had been committed by them ?

DR. GOLAM YAZDANI : By coming to Parliament I have got some privileges. I have been obstructed in the act of coming to Parliament. That means, this obstruction is a breach of privilege.

MR. CHAIRMAN : You have not mentioned even one name in your statement before the Lok Sabha. How is it that on coming to this Committee you mentioned the name of a particular party and the members of a particular party and all that ?

If you are so serious about it, then you should have considered the line of distinction between the rights of an ordinary citizen and the rights and privileges of a Member of Parliament. On what issue do you think a breach of privilege has been committed? Alleged offenders have to appear before this Committee. They have to be examined and report has to be submitted.

DR. GOLAM YAZDANI : I gave an idea of the incident and I expected that there would be CBI or some other enquiry. At that time I could say more things.

MR. CHAIRMAN : Do you want to have enquiry by the Home Ministry ?

DR. GOLAM YAZDANI : Yes.

SHRI SOMNATH CHATTERJEE : You referred to many things of 1977 and that CPM candidate lost his deposit. By how many votes did you win at that time ?

DR. GOLAM YAZDANI : 1,300 votes in parliamentary constituency in 1980 and in 1977 by more than 7 thousand votes.

SHRI SOMNATH CHATTERJEE : Who was the next candidate ?

DR. GOLAM YAZDANI : CPI(M).

SHRI SOMNATH CHATTERJEE : Since 1980 you have attended so many sessions and you were never stopped from coming to Parliament.

DR. GOLAM YAZDANI : Yes.

SHRI SOMNATH CHATTERJEE : You carry on your activities in your constituency and you have been doing so since 1980 in different places.

DR. GOLAM YAZDANI : Yes.

SHRI SOMNATH CHATTERJEE : Nobody had stopped you from discharging your duty as a Member of Parliament or coming to this House for the last three years.

DR. GOLAM YAZDANI : Yes.

SHRI SOMNATH CHATTERJEE : Only on Shri Bhagat's question you said that you were obstructed from coming to Parliament and your thinking is that CPM people want to kill you.

DR. GOLAM YAZDANI : Yes.

SHRI SOMNATH CHATTERJEE : Over your political activity for the last twenty years, they have decided unless you are killed, CPM cannot improve their position.

Do you think that you would have been killed on 8th October so that you cannot come to Parliament ?

DR. GOLAM YAZDANI : They were looking for an opportunity.

SHRI SOMNATH CHATTERJEE : Was there any special indication ?

DR. GOLAM YAZDANI : No.

SHRI SOMNATH CHATTERJEE : Otherwise you would not have gone there. You went with one person on the motor cycle and then they suddenly decided to kill you. What is your evidence ?

DR. GOLAM YAZDANI : I faced this situation.

SHRI SOMNATH CHATTERJEE : You were ultimately assaulted. Why do you say that you had been obstructed to come to Parliament ?

DR. GOLAM YAZDANI : On the 9th morning I had to come to catch Tinsukia Mail.

SHRI SOMNATH CHATTERJEE : On that day were you on your way to Parliament ?

DR. GOLAM YAZDANI : I had to come home which was 1 kilometre away and at that night I had to come to Malda Station to catch Tinsukia Mail.

SHRI SOMNATH CHATTERJEE : It was to prevent you and not to kill you. Suppose they had kept you gheraoed for hours, that should have been sufficient.

DR. GOLAM YAZDANI : They had a previous plan. They wanted to assault me.

SHRI SOMNATH CHATTERJEE : For the last three years they had been waiting for this opportunity. That is your evidence.

DR. GOLAM YAZDANI : You are just on a point—to prevent me from coming to Parliament.

SHRI SOMNATH CHATTERJEE : Only in answer to Shri Bhagat's question you said so.

DR. GOLAM YAZDANI : When Parliament Session was on and if I would be injured I would not be able to come to Parliament. They wanted to inflict injury.

SHRI SOMNATH CHATTERJEE : That you think that they wanted to stop you from coming to Parliament. That is what you think.

DR. GOLAM YAZDANI : I say actually they wanted to inflict injury and finish me. When I am finished, I cannot come to Parliament.

SHRI SOMNATH CHATTERJEE : So, on that basis you say that they wanted to obstruct you from coming to Parliament.

DR. GOLAM YAZDANI : I am not a lawyer. As an ordinary man I can say when they do it, I would be prevented from coming to Parliament.

SHRI SOMNATH CHATTERJEE : From their action you presumed it.

DR. GOLAM YAZDANI : They wanted to kill me. By killing me they could prevent me from coming to Parliament.

SHRI SOMNATH CHATTERJEE : You are very popular in your constituency. You are widely known. You go about many places. You hold meetings and you have been a very active Member of Parliament in your constituency at least. Therefore, there are so many occasions when you are seen in public. You move about in public.

DR. GOLAM YAZDANI : Yes.

SHRI SOMNATH CHATTERJEE : Only on this occasion some unknown person decided to do it, this is your evidence.

DR. GOLAM YAZDANI : I said, the CPM Party people were conspiring like this; this is the chance that they got and they wanted just to kill me, according to their previous plan. No doubt, I was moving about for the last three years. But it is an opportunity. The opportunity does not come every time. This is the opportunity that they got.

SHRI SOMNATH CHATTERJEE : Knowing that, according to you, the place is notorious place controlled by the CPM, as you yourself said, that nobody else to protect you, you came there without feeling any anxiety or any worry. You just went there.

DR. GOLAM YAZDANI : Actually, it was 9 O'clock. We did not expect there would be certain things at 9 O'clock.

SHRI SOMNATH CHATTERJEE : You must have been to that place many times. On many occasions, you must have crossed through.

DR. GOLAM YAZDANI : Yes.

MR. CHAIRMAN : You said, there is a CPM Government in West Bengal and the CPM Party as a whole had planned to do it. Even then, you would agree that the police rescued you from a rather dangerous situation and performed its duty. They brought you out and you were

admitted into the nearest hospital. So, at the very outset, though you said like that, the police performed its duty. Do you agree?

DR. GOLAM YAZDANI : I have already answered that question.

MR. CHAIRMAN : They were hatching conspiracy. The police did not nip the trouble in the bud. That is what you have stated. But in your case, so far as rescuing is concerned, the police performed its duty.

DR. GOLAM YAZDANI : Yes.

MR. CHAIRMAN : Then, you wanted any enquiry into the episode—not necessarily by the Committee of Privileges, may be by some other agency, intelligence agency or something like that—that is all.

SHRI SOMNATH CHATTERJEE : You have not been able to identify the assailant, you said.

DR. GOLAM YAZDANI : By face, I can just recognise him.

SHRI SOMNATH CHATTERJEE : Till today, you have not known.

DR. GOLAM YAZDANI : No.

SHRI SOMNATH CHATTERJEE : How long this incident was going on—from stopping motor-cycle to taking you to the hospital.

DR. GOLAM YAZDANI : About more than half-an-hour.

SHRI SOMNATH CHATTERJEE : You were entering the house, thrown out and all that and after that you reached the hospital. All this took place in half-an-hour. The police came, you were rescued, taken in a jeep, admitted to the hospital where you were treated and all that. So, in this half-an-hour, only one lathi blow, according to you, you received. If somebody wanted to kill you, with large number of people, they had sufficient time to kill you.

DR. GOLAM YAZDANI : As I described to you, the sequence of events was just like that.

SHRI SOMNATH CHATTERJEE : In your statement before the House you have said that the person in whose room you went in, came and said that his house was gheraoed by your followers. What do you mean by this?

DR. GOLAM YAZDANI : I do not understand.

SHRI SOMNATH CHATTERJEE : Kindly read your own statement. One of the two men who gave me shelter, entered the room and said that his house was gheraoed by my followers, you said.

DR. GOLAM YAZDANI : My followers means, those people who were following me.

SHRI SOMNATH CHATTERJEE : That means, your followers.

DR. GOLAM YAZDANI : Some people were after me on that night. They had just gheraoed.

SHRI SOMNATH CHATTERJEE : Those who had followed you, according to you, on that night were your followers ?

DR. GOLAM YAZDANI : Yes, Sir.

SHRI SOMNATH CHATTERJEE : I see !

One more question I would like to ask. This incident, alleged incident, I am sorry to use this expression, happened on 8th October 1982. Now, you came to Delhi on 20th October. You were discharged by the hospital there on 16th October. Now, although you were not able to reach Delhi, according to you, you could have written a letter to the Hon. Speaker, at least.

DR. GOLAM YAZDANI : I sent a telegram the next morning. Telegrams were sent to the Speaker, the Congress President, i.e., the Prime Minister, Mrs. Indira Gandhi, Shri A. B. A. Ghani Khan Choudhary and Shri Pranab Kumar Mukherjee. 4 telegrams were sent.

SHRI SOMNATH CHATTERJEE : All these incidents or narration of incidents was not given until 5th of November. Did you send the details of what had happened until you made a statement on the last day of the sitting ?

DR. GOLAM YAZDANI : Actually, when I came to Delhi, all the facts were just described to Mr. Anand Gopal Mukherjee and he wanted to raise these things in Parliament.

Suddenly, he had to go to Calcutta and so he could not raise it. He said, I am coming from Calcutta soon and then we shall raise it.

SHRI SOMNATH CHATTERJEE : Therefore, until Shri Anand Gopal Mukherjee asked you, you never thought of giving details of the so-called incident or sending it to the Hon. Speaker except the telegram. All this was prepared nearly a month after the incident.

DR. GOLAM YAZDANI : Not month. When I came to Delhi, I contacted Shri Anand Gopal Mukherjee to do something whatever he could do.

I was already an oppressed man. Anybody who is oppressed cannot do anything himself. He suggested that they would raise these things. He asked me what had happened. I just gave him all the details and he noted down everything. He said, "I will raise in Parliament". Suddenly, he had to go to Calcutta. So he could not raise it. When he was going to Calcutta, he telephoned me saying he could not raise it in Parliament and he had asked somebody else to raise this. At that time, I was in the hospital and this somebody also never raised it in Parliament. I was just thinking that I was an oppressed man. But nobody was taking interest or nobody was just doing it. Shri Anand Gopal Mukherjee promised to raise in Parliament but he could not do so because suddenly he left for Calcutta. He just gave charge to somebody else to raise it. But he also did not do it. To whom he had given the charge, I never knew. So I kept quiet in the hospital. Only on his return, he raised in Parliament on 4th October. On 5th I raised it.

SHRI SOMNATH CHATTERJEE : The incident and narration of so-called events, you had not given to anybody nor written to anybody—I mean Hon. Speaker and so on—until nearly four weeks after this so-called incident.

DR. GOLAM YAZDANI : The information was given by telegram.

MR. CHAIRMAN : Whom did you send ?

DR. GOLAM YAZDANI : To the Speaker.

MR. CHAIRMAN : On what date ?

DR. GOLAM YAZDANI : On the 9th, I sent it to the Speaker, Mrs. Indira Gandhi, Shri A. B. A. Ghani Khan Choudhary and Shri Pranab Kumar Mukherjee. I have got the receipt of the telegram from Mrs. Indira Gandhi. I have got it here.

SHRI DHARAM BIR SINHA : Is it your contention that this attack on you was pre-arranged by the CPM as a party decision or do you think that this attack was made on you by a group of persons who, you think or suppose, were CPM supporters ?

DR. GOLAM YAZDANI : How can I say that it was a party decision when I was not there to attend their meetings ? But as a man of that locality I heard people talking like this, about opinion of local CPM Party. Whether it was a party decision or not, I do not know.

SHRI DHARAM BIR SINHA : That means, you have no knowledge that this attack on you was made by the CPM as a decision of the Party.

DR. GOLAM YAZDANI : I cannot say that it was a party decision unless and until I attend their meeting.

MR. CHAIRMAN : That is all. Thank you very much. You can go now.

DR. GOLAM YAZDANI : Mr. Chairman, I thank you and other Hon. Members for all this discussion.

(The witness then withdrew)

APPENDIX

APPENDIX

(See paras 6 and 13 of the Report)

Factual report on the incident of assault on Dr. Golam Yazdani, M.P., at Chanchal Bazar area (Malda) on 8 October, 1982, received from the Government of West Bengal through the Ministry of Home Affairs

It is necessary to recount some instances of previous hostility between the two groups in PS Chanchal, District Malda, for a proper assessment of the incident on 8-10-82.

2. Dr. Golam Yazdani's residence is at Habibnagar, PS Chanchal, District Malda. The late Manjoor Alam Sarkar, a relative of Dr. Yazdani, also lived in that village. He was a CPI(M) supporter. On 26-8-81 he was murdered allegedly by some Congress(I) supporters. Over this murder case the Police of Chanchal PS, after completion of investigation, submitted charge sheet against 11 (eleven) Congress(I) supporters. The case is *sub judice* now.

3. One Dabiruddin and his son, Sanaulla, both of the same village and known to be Congress(I) supporters, are suspected to have been involved in the murder and their names also figure amongst the eleven persons against whom Chanchal PS submitted charge sheet in the murder case. There has been a local feeling that Dr. Yazdani knew the criminals who had committed the murder. Since the murder of Manjoor Alam, his supporters and relatives have been at daggers drawn with Sanaulla and his father, Dabiruddin. As a matter of fact, Dabiruddin could not go to his village, Habibnagar, and was residing at Chanchal.

4. On 8-10-82, at about 21.05 hrs., Dabiruddin had a hot exchange of words with some CPI(M) supporters over a minor incident in which Dabiruddin had had a brush at Chanchal Bazar with three persons known to be CPI(M) supporters. The altercation created tension amongst the supporters of the two groups. At this stage Dr. Golam Yazdani, MP, with Sanaulla (son of Dabiruddin and an accused in the murder case of Manjoor Alam) arrived at the spot riding on a motor cycle. Their presence resulted in additional excitement. Dr. Yazdani had been forewarned of the pre-

vailing tension by some CPI(M) supporters when he arrived at 'Sukanta Mor' as they wanted to prevent him from getting involved in any situation. But as he had already arrived at the spot he was given shelter in the house of another CPI(M) supporter, Shri Ram Prasad Bhattacharjee, who could not however, give him further protection for fear of on-slaught by the mob which had formed outside his house. When Dr. Yazdani had taken shelter in the house of Shri Ram Prasad Bhattacharjee, the police was tackling the crowd at the market place.

5. When Shri Bhattacharjee's house, where Dr. Yazdani had taken shelter, was surrounded by the mob, some of whom were pounding at his door, he managed to send information to the police about the situation. He also showed Dr. Yazdani the way out through the back door so that he could leave in safety. The MP sustained some injuries during this time before the arrival of the police. The police arrived and dispersed the mob. The MP was also treated in a local Hospital for his injuries. (Medical Officer's report is attached).

6. Local police received information of the incident at 21.15 hrs. and immediately rushed to the spot under the Circle Inspector of Police. They chased and arrested 2 persons known to be CPI(M) supporters from the spot and also seized 5 big lathies. Another CPI(M) supporter surrendered in Court on 15-10-82. In the skirmish 3 persons (CPM) were also injured. Police patrolling was immediately started in the affected area. Police picket was also posted to guard the house of Dr. Yazdani. Strong police arrangements were also made on 11-10-82 to prevent any breach of the peace. The criminal case of assault on the MP is under investigation. During examination Dr. Yazdani could not tell the name of the miscreants who had actually assaulted him.

7. It has been found on enquiry that one Bhombal Mukherjee of Chanchal Bamonpara who was known to Shri Ram Prasad Bhattacharjee had entered the kitchen room where the MP was kept hidden. Shri Mukherjee reportedly talked to the MP assuring him all safety, and the fact that police had been informed.

8. On 9-10-82 at 01.30 hrs. one Ali Hassan, a CPM leader at Chanchal, lodged a written complaint at Chanchal PS stating that about 21.30 hrs. on 8-10-82 Dr. Golam Yazdani, a Congress(I) MP, and his supporters attacked some supporters of CPI(M) at Chanchal Bazar causing severe injuries to them. This refers to Chanchal PS Case No. 3 dated 9-10-82. Six persons including Dr. Golam Yazdani, Congress(I) MP, were named in the FIR.

9. At 01.45 hrs. on the same day a written complaint was received at Chanchal PS from Dr. Yazdani. He complained that on 8-10-82 in the evening while he was returning to his house at village Habibnagar from village Mallickapara by a motor cycle with one Sanaulla of Habibnagar, one Kutubuddin and some others stopped them near Chanchal Bazar. He was requested by them to run away or else he might be attacked by the supporters of CPI(M). Dr. Yazdani, smelling danger, took shelter in a nearby house. The house owner initially gave him shelter; but after a while got him out of the house for fear of becoming an enemy of the excited supporters of CPI(M). Sanaulla fled away leaving his motor cycle and the MP. When Dr. Yazdani came out of the house, in the darkness, he was assaulted by a person with a lathi. Dr. Yazdani received head injury. This refers to Chanchal PS Case No. 4 dated 9-10-82.

10. Previously it had been arranged to provide personal security guard to Dr. Golam Yazdani, MP, in addition to guards at his village residence for the security of his family members. But Dr. Yazdani declined to accept the personal security guard and he was also averse to the setting up of a police camp in front of his house in the village. This time also Dr. Yazdani, MP, refused the security guard provided for him. He informed that the force may be utilised when demanded.

11. Dr. Yazdani did not give any information to the district police about his arrival/departure and tour programme within the district. He had never complained to the local administration that he had faced any difficulty in the performance of his parliamentary duties and obligations in the locality or within his constituency.

12. On 10-10-82, one security guard was provided by Malda Police to the MP as desired by him. The security guard was released by Dr. Golam Yazdani from Delhi. The guard returned to Calcutta on 2-11-82.

*Injury Report of Dr. Golam Yazdani, MP**Names of Injured person :*

- (1) Dr. Golam Yazdani, MP.
- (2) Sonaula S/o Dabiruddin both of Habibnagar, PS Chanchal.

Inj : I have examined Dr. Golam Yazdani, 64 years S/o late Ruisuddin of village Habib Nagar, PS Chanchal, Malda on 8-10-82. The case was brought by a Constable of Chanchal PS named Chanu Ch. Das No. 535, Pt. states that he was attacked by some unknown persons near Pathati, Chanchal Bazar while he was coming back after attending one ailing person of Mallikpara, Chanchal PS. The incident occurred at about 19.30 P.M. on 8-10-82. On exam : (1) One lacerated wound over the left parietal nuperal region directed outer pasterial nearing about $2\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{4}''$.

(2) There is tender swelling (diffuse) with superficial abrasion over the pastero medial aspect of Pt. forearm at its lower 1/3rd 2" above the Rt. over head.

(3) A Diffuse small swelling—superficial abrasion on the posterior aspect of left forearm 2" below the left hand joint. Nature of injury : Simple and it may be caused by any hard and blunt object.

Age of injuries recent.

Treatment given '3' Nylon stitches, Inj. No. (1).

Adv.—X-Ray.

Sd/-

S. NANDI,

M.O. Chanchal Rural Hospital.

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