

COMMITTEE OF PRIVILEGES

(SEVENTH LOK SABHA)

SECOND REPORT

(Presented on 21 April, 1982)



LOK SABHA SECRETARIAT
NEW DELHI

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Corrigenda to the Second Report of
the Committee of Privileges
(Seventh Lok Sabha)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*
(1981-82)

1. Shri Harinatha Mishra—*Chairman.*

MEMBERS

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
- **4. Shri V. Kishore Chandra S. Deo
5. Shri G. L. Dogra
6. Shri George Fernandes
7. Shri Ram Jethmalani
8. Shrimati Sheila Kaul
9. Shri Jagan Nath Kaushal
10. Shri Vikram Mahajan
11. Shri A. A. Rahim
12. Shri P. Shivshankar
13. Shri P. Venkatasubbaiah
14. Shri Ram Singh Yadav
15. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer.*

*The Committee of Privileges was nominated by the Speaker on 15 June, 1981.

**Nominated with effect from 22-2-1982.

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

I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Second Report to the House on the question of privilege raised¹ by Shri Kunwar Ram, MP, regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna on 29 November, 1980, and referred² to the Committee by the Speaker in the House on 5 December, 1980.

2. The Committee held 15 sittings. The relevant Minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 22 December, 1980, the Committee decided that, in the first instance, Shri Kunwar Ram, MP, be requested to appear before the Committee for giving oral evidence. The Committee also decided that the Ministry of Home Affairs be asked to furnish factual comments of the Government of Bihar on the matter, together with the identity and explanation of the Constable concerned.

4. At their second sitting held on 5 January, 1981, the Committee, examined on oath, Shri Kunwar Ram, MP. The Committee directed that the Government of Bihar be asked through the Ministry of Home Affairs to direct (i) the Home Secretary/Home Commissioner of the Government of Bihar (ii) the officer who had finally approved and sent the factual comments and (iii) the Constable concerned, to appear before the Committee for oral examination. The Committee also directed that the Government of Bihar be asked through the Ministry of Home Affairs to furnish full facts of the case together with the explanation and identity of the Constable concerned.

5. At their third sitting held on 28 January, 1981, the Committee, examined on oath, the following officials of the Government of Bihar:—

- (1) Shri Arun Pathak, Home Commissioner, Government of Bihar.

1. L.S. Deb., dt. 5-12-1980, cc. 267-71.

2. *Ibid.*, c. 271.

- (2) Shri A. K. Pande, Senior Superintendent of Police, Patna
- (3) Shri Shiva Das Pandey, Jamadar.
- (4) Shri Abdul Sattar, Constable.

The Committee directed that the Chief Secretary, Government of Bihar, be asked through the Ministry of Home Affairs to furnish attested copies of the following documents for being placed before the Committee:—

- (1) Complaint by Shri Kunwar Ram, MP, to the Chief Minister of Bihar on 29 November, 1980, after the incident.
- (2) Enquiry report submitted by Shri L. P. Tiwari, Inspector of Police, Secretariat, Patna, regarding the incident.
- (3) Report regarding the incident recorded in the General Dairy (*Roz-namcha*) of the Police Station, Secretariat, Patna.

6. At their fourth, fifth, sixth, seventh, eighth, ninth and tenth sittings held on 24 March, 28 April, 5 and 25 May, 27 June, 11 August and 17 September, 1981, the Committee deliberated on the matter.

7. At their eleventh sitting held on 22 September, 1981, the Committee further deliberated on the matter and arrived at their conclusions.

The Committee decided that Shri Abdul Sattar, Constable, and Shri Shiva Das Pandey, Jamadar, be asked to appear again before the Committee on 24 October, 1981, to have their say in the matter.

8. At their twelfth sitting held on 24 October, 1981, the Committee further examined on oath, Shri Abdul Sattar, Constable and Shri Shiva Das Pandey, Jamadar, both of whom tendered their unconditional apology for their conduct on the date of the incident.

9. At their thirteenth sitting held on 21 December, 1981, the Committee decided that Shri Arun Pathak, the then Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, be asked to appear again before the Committee for oral examination.

10. At their fourteenth sitting held on 23 January, 1982, the Committee further examined on oath, Shri Arun Pathak, the then Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, both of whom tendered their unconditional apology for their conduct.

11. At their fifteenth sitting held on 14 April, 1982, the Committee considered their Draft Report and adopted it.

II. Facts of the case

12. On 5 December, 1980, Shri Kunwar Ram, M.P., raised a question of privilege regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980. While raising the matter, Shri Kunwar Ram M.P., stated, *inter alia*, as follows:—

“29 तारीख को जब मैं बिहार गया तो मेरी पत्नी बोली कि दवा के लिए पैसे घट रहे हैं । बारह बजने में 10 मिनट बाकी थे, हम अपनी बच्ची की बीमारी की दवाई खरीदने के लिए पैसा लेने बैंक गये, वह बैंक बिहार सचिवालय के कम्पस में है । बिहार सचिवालय को चारों तरफ से वहाँ की हुकुमत ने बन्द कर रखा है और साढ़े दस से लेकर डेढ़ बजे तक किसी को अन्दर जाने नहीं दिया जाता है । हम जब गेट पर गए तो बारह बजने में दस मिनट बाकी थे, शनिवार का दिन था और शनिवार को बैंक बारह बजे तक होती है । मेरे साथ मेरा लड़का भी था । मैं स्कूटर ड्राइव कर रहा था, स्कूटर को मैंने स्टार्ट रखा हुआ था ताकि गेट अगर खुले तो अन्दर जल्दी से चले जायें और जाकर बैंक से पैसा ले लें । मेरे लड़के ने कहा कि ये मेम्बर आफ पार्लियामेंट है, इनको बैंक से पैसा लेना है, कोई दफ्तर में नहीं जाना है । उसने कहा कोई भी हो, अगर आईडेंटिटी कार्ड है तो दिखलावें । उस वक्त मेरे पास आईडेंटिटी कार्ड नहीं था । हम डम्पीडिएटली अपने बच्चे को स्कूटर पर बिठाकर पहले घर गए, बगल में ही हमारा घर था, वहाँ से हमने आईडेंटिटी कार्ड लिया । आईडेंटिटी कार्ड लेने के बाद हम फिर उसी गेट पर आये । हमारे बच्चे ने उतर कर कहा कि यह आईडेंटिटी कार्ड है तो पुलिस ने कहा कि आप दूसरे गेट से चले जायें । हमारे बच्चे को बहुत तकलीफ हुई कि हमें पैसा लेना है, बारह बजे तक बैंक है और अब बारह भी बज चुके हैं, यह हमें दूसरे गेट पर जाने के लिए बोलता है जबकि उसी ने कहा था कि आईडेंटिटी कार्ड ले आओ । बच्चे ने कहा यह बिल्कुल गलत बात है, हम बैंक जाना चाहते हैं, बैंक को भी आप लोगों ने बन्द करके रखा है । इस पर पुलिस वाला कहता है कि अगर ज्यादा जोर से बोलोगे तो चुरकी कबार लूंगा और आख निकाल लूंगा । (ग्यबधान) हम वहीं पर खड़े हैं, इस बात को सुनने के बाद भी मेरा बेटा आईडेंटिटी कार्ड दिखा रहा है ।

लेकिन जब उसने इस बात को कहा तो हमको बहुत तकलीफ हुई। हमने कहा ईडिथेट, नामसेस, तुमको बोलने की तमीष भी नहीं है? तो जानते हैं, उसने क्या कहा? उसने कहा भादरचौद, बहनचौद एम० पी० 35 लाठी मारुंगा। (व्यवधान) उसके बाद भेरा कलेजा बैठ गया, उन शब्दों को सुनने के बाद। हमने कहा कि जब तक मुख्य मंत्री यहाँ नहीं आयेंगे और उसको सस्पेंड नहीं करेंगे, तब तक हम नहीं जायेंगे। सचिवालय के बहुत से छोटे कर्मचारी जो इस व्यवस्था यानी घेराबन्दी से बिल्कुल परेशान थे, वे हमारे बीच में खड़े हो गये, लगभग 10 हजार की भीड़ आ गई। बाद में नारे लगने लगे। हमने यह देखा कि ला-एंड आर्डर का प्राबलम हो जायेगा, हमने बेटे को कहा कि जाकर जल्दी चीफ मिनिस्टर को इन्कार्म करो और या तो किसी भी आफिसर को भेज सकते हैं या अपने आप आ सकते हैं तो यह मामला भान्त हो सकता है, लेकिन हुकूमत की ओर से कोई भी नहीं आया। फिर हमको खुद जाना पड़ा मुख्य मंत्री के डेरे पर। मुख्य मंत्री के पास जाकर हमने बयान दिया और मुख्य मंत्री का जो व्यवहार था, यह जानने के बाद कि मेम्बर आफ पार्लियामेंट के साथ यह घटना घटी है, तो उन्होंने सिर्फ इतना ही कहा कि लिखकर दे दो और चले गए कोठे पर। इस तरह उनका व्यवहार हुआ और उनका पुलिस के प्रति इतना प्रेम था। यह हमारे साथ बेइज्जती हुई। इस तरह की बेइज्जती मेम्बर आफ पार्लियामेंट के साथ ही नहीं और भी लोगों के साथ हुई है, जो विधान सभा और विधान परिषद् के सदस्य हैं। एक-दो और मेम्बर आफ पार्लियामेंट के साथ हुआ है, इसका नोटिस आपके यहाँ नहीं दिया गया। इस पर आपको विचार करना चाहिए। इसमें प्रिविलेज का मँटर बनता है।”

[Translation—

‘Shri Kunwar Ram: On 29th when I went to Bihar my wife told me that she was short of money for purchasing medicine...It was 10 minutes to twelve when we went to bank to withdraw money for purchasing medicine for my daughter. The bank is situated in the campus of Bihar Secretariat. All approaches to Bihar Secretariat are closed by Bihar administration and nobody is allowed entry from 10.30 A.M. to 1.30 P.M. When we reached the gate it was 10 minutes to twelve and as it was Saturday, the Bank would remain open upto 12 noon only. My son was with me. I was driving the scooter and I had kept my scooter engine running so that I could enter inside as soon as the gate opened and could withdraw the money from Bank. My son told him that I was a Member of Parliament and I had to withdraw money from Bank and

had no other business in the Secretariat. The person there insisted on production of identity card which was not with me at that time. I immediately rushed back to my house with my son on scooter as my house was nearby. I took my identity card and rushed back to the same gate. There my son got down from the scooter and showed the identity card. At this the Police constable there said that we should go by the other gate. My son was shocked by this reply and he pleaded that we had to draw money from the Bank and the Bank was open upto twelve and in fact it was already twelve, and we were being directed to the other gate by the same policeman who had asked us to bring the identity card. My son said that it was quite wrong. We wanted to go to the Bank to which they were not allowing entry. At this the police constable shouted that if he spoke loudly, he (police constable) would pull his hair and take out his eyes. We kept standing there. Even after hearing this my son was showing the identity card. But we were shocked to hear what he had said. At this I said 'idiot, nonsense, you do not know how to talk'. Then his reply was, '*Madarchod, Behanchod* M.P. I will give 35 lathi blows'. On hearing those words my heart sank. I said that I would not move from that place unless the Chief Minister came and suspended the police constable. A large number of junior employees of the Secretariat who were put to a lot of inconvenience due to these restrictions also gathered around us and a crowd of nearly ten thousand was there. Slogans were raised later on. Apprehending that it might create a law and order problem, I asked my son to go and inform the Chief Minister immediately that the matter could be settled only if the Chief Minister himself would come to the spot or depute any of his officers. But nobody from the administration turned up. Then I myself had to go to the residence of the Chief Minister. I narrated to him the whole incident but even after knowing that such an incident had taken place with a Member of Parliament, the Chief Minister strangely enough only asked me to give everything in writing and then went back to his place. Such a treatment was meted out to me but the Chief Minister had a soft attitude towards the police. I was insulted. Not only the Members of Parliament, but Members of the Legislative Assembly and Legislative Council were also insulted in the same manner. Similar treatment was also meted out to one or two other Members of Parlia-

ment also but they had not brought it to your notice. You are requested to look into this. This amounts to breach of privilege.”]

13. After some discussion, the Speaker referred⁴ the matter to the Committee of Privileges.

III. Findings of the Committee

14. The Home Commissioner, Government of Bihar, in a factual report⁵, dated 18 January, 1981, submitted to the Committee through the Ministry of Home Affairs has stated, *inter alia*, as follows:—

“It was round about 12.30 P.M. that Shri Kunwar Ram, M.P., along with 10 to 11 persons came at the main gate of the new Secretariat (Vikas Bhawan) . . . ordinarily no outsider during this period was allowed to enter in the Secretariat Building. One of the Constables posted at the gate namely Shri Abdul Sattar explained to Shri Kunwar Ram, M. P., the Government instructions on the point. Enquiry report indicates that Shri Sattar neither used any objectionable language against Shri Ram nor did he insult him in any way. Since Constable Abdul Sattar in performance of his duties did not permit the hon'ble M.P. to enter Secretariat building, he got annoyed and sat on *dharna* on the main gate of Vikas Bhawan along with all his companions. In the meantime, it was 1.30 P. M. when all gates of the Secretariat complex were opened. Due to *dharna* there was obstruction in the movement of the employees of the new Secretariat and ultimately it was the mass of employees who removed Shri Ram and his companions from the gate so that they could get an egress . . .

Senior Superintendent of Police has said in the enquiry report that Constable Abdul Sattar had no intention to humiliate the hon'ble member. But in performance of duties, if feelings of Shri Ram have been wounded in any way, Senior Superintendent of Police, Patna, has expressed apology on his behalf and on behalf of police force. Senior Superintendent of Police had met the hon'ble Member

L.S. Deb., dt. 5-12-1980, c. 271.

5. See Appendix I.

on 29-11-80 itself and had apologised. State Government endorse the views of Senior Superintendent of Police, Patna."

15. In their joint statement⁶ submitted to the Committee, Shri Shiva Das Pandey, Jamadar, and Shri Abdul Sattar, Constable, stated, *inter alia*, as follows:—

"At about 12.30 P.M. one gentleman came to the gate of new Secretariat along with about 11 other persons amongst whom there were a few ladies also. He wanted to enter the Secretariat with all of them. The gate was closed and locked. The guard on duty (Policeman 1903 Abdul Sattar Khan) apprised him of the Government's instructions and expressed his inability to let them enter. I also informed him humbly that he could enter only at half past three. By that time the Hon. visitor had introduced himself as Shri Kunwar Ram, Member of Parliament.

He reacted strongly to the Government's instructions⁷ and threatened to sit on *dharna* at the entrance along with his followers. All of us on duty repeatedly told him that he could enter the Secretariat after 3.30 P.M. But despite our request, he lost his temper and while condemning the Government's instructions was adamant on entering the Secretariat by force. Since the gate was closed all of them continued expressing their annoyance by clinging to the gate. As a result of this behaviour of Hon. Shri Kunwar Ram and his colleagues, even the Master Pass holders and special pass holders could not get entry in the Secretariat. By then it was already 1.30 P. M. and it was time to open the gates as per instructions. However, since the hon. Member and his colleagues had surrounded gate number one, we thought of opening gate number five, which was at a distance of about 30—35 yards towards the south of gate number one. However, the Hon. Member and his

6. See Annexure I to Appendix I (Original in Hindi).

7. See Annexures II and III to Appendix I (Originals in Hindi).

The Government of Bihar, Department of Home (Special), in their instructions regarding restriction on the entry of outsiders into the Secretariat campus issued on 1 November, 1980, stated, *inter alia*, as follows:—

"(9) Hon'ble legislators, Members of Parliament and other authorised persons can enter the Secretariat campus between 3.30 P.M. and 5 P.M.

colleagues started squatting there also with the result that the way was blocked for thousands of employees wishing to go out. From among these employees, a few removed the Hon. Member and his followers from the gate . . .

The Hon. Member and his followers not only condemned this arrangement of the Government and shouted slogans but also abused me and the policeman deputed under me continuously. But the policemen did not lose their calm, nor did they use any insulting words for the Hon. Member or his followers. In pursuance of the Government's instructions, they stopped the Hon. Member and his followers from entering the building in an unauthorised manner."

16. As the Government's version of facts was different from that of Shri Kunwar Ram, the Committee examined in person Shri Kunwar Ram, M.P.; Shri Arun Pathak, Home Commissioner, Government of Bihar; Shri A. K. Pande, Senior Superintendent of Police, Patna; Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable, to find out the truth in the matter.

17. Shri Kunwar Ram, M. P., in his oral evidence⁸ before the Committee deposed that he was not accompanied by a large number of persons, when he went to the Secretariat. Only his son was with him who was sitting on the pillion of his scooter and nobody else was accompanying them. He also stated, *inter alia*, as follows:—

"When a big crowd had collected and I was sitting on *dharna*, I asked my son to go to the Chief Minister and tell him that unless he comes, I will not end the *dharna*. Action must be taken against the police personnel as they had insulted me. When my son went to the residence of the Chief Minister, which was near to the place, and reported the matter, two of his PAs came there. They asked me to see the Chief Minister. I said that I will not go as there was a big crowd and everybody was angry on this insult. Some people were shouting slogans also which were not in good taste as the slogans were against the Government. I only wanted that action be taken against the police. So, I told them that I would not go along with them, let the Chief Minister come here. After sometime, the Minister of State in the Department of Health, Shri Smaele

8. See Minutes of Evidence (Original in Hindi).

Nabi came there and told me that if I called the Chief Minister there, the situation may deteriorate and even firing may have to be resorted to. I asked if the Chief Minister could not come, could the I.G., D.I.G., S.P. or D.S.P. also not come? He said, we will take action and suspend the guilty persons; be assured. . . . Anyhow, I went to the Chief Minister along with him. He was on the upper floor. When he came down, I told him that I had gone to withdraw money from the bank . . . not to the Secretariat, why have you kept the bank closed? People were put to a lot of inconvenience. I also felt inconvenienced. There must be some arrangement whereby the people could visit the bank. He said, 'All right. You give it in writing' and then he left for the upper floor. I felt very bad about it . . . This was all that happened. It is obvious that I could not have accommodated ten people on my scooter."

18. Shri Arun Pathak, Home Commissioner, Government of Bihar, in his evidence before the Committee deposed that he "did not make any independent enquiry" in the matter, and that his "report was based on the report received from the city S.P. of Patna." He also stated that he did not try to find out from the Member what was his version of the incident. However, "the Senior Superintendent of Police had himself been to the spot and had apologised to the Member."

In reply to the question: "Are we to understand that the Senior SP arrived at the conclusion that the Police had exceeded its limits as alleged by the Member; otherwise why should one apologise?" Shri Arun Pathak said: "This evidently will be a conclusion". In reply to another question: "Did you try to ascertain what the complaint of the Member was?", Shri Arun Pathak replied: "I did not make any independent enquiry." Shri Arun Pathak added that "the police was present there and they may have used some unparliamentary language".

When it was put to Shri Arun Pathak by the Committee that "you admitted that the police exceeded its limits and injured the feelings of the hon. Member", Shri Arun Pathak replied: "Yes, Sir. The feelings of the Member were injured".

As regards instructions issued by the Government of Bihar regarding restrictions on the entry of outsiders into the Secretariat

campus, Shri Arun Pathak stated that "there are no restrictions on the visits of Ministers at any time, but the instructions are that except their bodyguards and personal staff in the Secretariat building, any other outsider will not be allowed to enter the building... Hon, MLA's M.Ps. and other authorised persons can enter the Secretariat building between 3.30 P. M. and 5 P. M."

Thereupon, it was pointed out to Shri Arun Pathak that "every person is entitled to keep his account with the Bank. If he wants to draw money from the Bank, no exception can be made between a legislator and anybody else. Here, it merely seems that the only fault of the MP was to have an account with the Bank." In reply to a question: "What sort of circular is this? Was any mind applied to the matter by the persons who were incharge of it?" Shri Arun Pathak replied: "We had lost sight of this fact while issuing the circular".

In reply to another question: "You did not visualise the difficulty of the Cooperative Bank?", Shri Arun Pathak said: "We did not visualise the difficulty of the Cooperative Bank". He added that the restriction was "lifted before the commencement of the Assembly Session".

19. Shri A. K. Pande, Senior Superintendent of Police, Patna, in his evidence" before the Committee deposed as follows:—

"I was informed about the incident round about 3 o'clock or so on the same day . . . I rushed to the place of occurrence, i.e., the new Secretariat. I found that the hon. Member of Parliament was not there. He was on *dharna* there for some time. After that, I enquired about him and learnt that he had gone to the Chief Minister's residence. I followed him and met him there. I apologised to him for what had happened and assured him to look into it . . . He looked satisfied already, but he said that he would be sending the application to the Chief Minister and he was just drafting the letter there . . . People had gathered around the gate. I asked some people, they were out with different statements and many of them were saying that there was some confusion and there was a big gathering at the gate and I learnt that the MP and his followers were sitting at the gate on *dharna*.

around lunch hour when the employees of the Secretariat were coming out. They found that there was some obstruction in their way as people gathered, they wanted to get out of the Secretariat because they had little time at their disposal for lunch and they were in a hurry . . . I enquired about the incident that had occurred from the constable or the guard on duty for cross checking. I learnt that there was some confusion, some hulla, some exchange of words or something like that and the hon. Member of Parliament along with 10-12 people wanted to enter into the new Secretariat. The Constable did stop the hon. Member of Parliament from entering into the Secretariat on the ground that nobody would be allowed to get into it without a special pass. He did not show anything whatsoever. So, the constable refused admission to him into the Secretariat. This was followed by some incident, as reports go, as the constable and the people standing around him told me that the hon. Member of Parliament felt hurt and he raised his voice and said that the constable should admit him into the Secretariat and this led to counter-shouts also probably, but nobody came forward with the statement that the constable abused the hon. Member of Parliament. Nobody came with such a statement before me."

When it was pointed out to the witness that the Member had said on the floor of the House on 5 December, 1980, and also submitted to the Committee during his evidence on 5 January, 1981, that he went to the new Secretariat, Patna, before 12 O'clock in order to draw money from the Cooperative Bank, the Senior Superintendent of Police replied that "...from the enquiry that we made it was an established proof that that incident started around 12.30".

When it was pointed out to Shri A. K. Pande that "the hon. Member has said on the floor of the House and has submitted here and probably told you also that he had gone to draw money and that he went there before 12 O'clock", Shri Pande replied that "in his petition the hon. Member has stated that around 12 O'clock he went there". The witness added that "About 10-12 persons were accompanying the hon. Member... Those persons were with him; they had followed him right from the beginning. It is not a fact that those 10—12 persons came there just when the incident took place. They were accompanying him right from the beginning. . . . They were coming on foot".

When it was put to Shri A. K. Pande that "although it was about 12 O'clock when the Bank would be closed and all transactions would be stopped for the day he was on foot", Shri Pande replied: "Yes, Sir. From where they were coming, I do not know".

Shri Pande stated that he had received the first report of the incident from the Sergeant Major, Sachivalaya, and subsequently when he received a letter from the Government informing him that there was a privilege motion, then he asked his City SP to make a full-fledged enquiry into the incident and he submitted a report. He added that he had submitted a report¹¹ to the Government on 16 January, 1981. He admitted that the enquiry had been held by an Inspector.

20. Shri Shiva Das Pandey, Jamadar, in his evidence¹² before the Committee on 28 January, 1981, deposed that Shri Kunwar Ram, M. P., came to the gate of new Secretariat with his son on the scoter. He wanted to go to Cooperative Bank inside the Secretariat. He further informed the Committee that Shri Nabi (Minister of State in the Department of Health) persuaded the hon. Member to go with him. He was not removed from the gate by the employees working in the New Secretariat. 5-6 days after the incident, his statement was recorded by the City Superintendent of Police, Patna.

21. Shri Abdul Sattar, Constable, in his evidence¹³ before the Committee on 28 January, 1981, deposed that the hon. member came to his gate at about 12.30 P.M. and wanted to go inside. He came on scooter alongwith his son. Some other people who were already present there and wanted to go inside the Secretariat supported him. Senior Superintendent of Police took his statement in the last week of December. A report about this incident was made in the Secretariat Police Station on 29 November, 1980. Sergeant Major reached there at 1.15 P. M. and Shri Nabi (Minister of State in the Department of Health) reached at the gate at 1.30 P.M. and took along Shri Kunwar Ram in his car.

IV. Conclusions

22. After a careful consideration of the evidence given before, and the documents made available to them, the Committee find that there

11. See Appendix II (Original in Hindi).

12. See Minutes of Evidence (Original in Hindi).

13. See Minutes of Evidence (Original in Hindi).

are certain material contradictions between the evidence given before the Committee by Shri Arun Pathak, Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, on the one hand and by Shri Abdul Sattar, Constable on duty and Shri Shiva Das Pandey, Jamadar, on the other hand.

23. The Committee find that Shri Kunwar Ram, MP, immediately after the incident on 29 November, 1980, met the Chief Minister of Bihar and gave a written complaint¹⁴ to him in that connection. While narrating the sequence of events (which he later stated in the House on 5 December, 1980), Shri Kunwar Ram had stated, *inter alia*, in his written complaint to the Chief Minister, that "the policeman on duty retorted that if I spoke in that pitch, he would take me by the hair and blind me...the policeman again started hurling filthy abuses at me such as...and threatened me with fifty blows of lathi, saying that he cared a fig for my being an M. P. After some time, some Police Officers reached there and asked the policeman to behave in the same manner even if the Chief Minister happened to come."

24. The Committee also find that though a written complaint was made to the Chief Minister by Shri Kunwar Ram, M.P., on 29 November, 1980, itself, statement of the concerned police officials was recorded on 15 January, 1981, and a Report in the matter was sent by the Police Inspector, Secretariat, Patna, on the same day, i.e. 15 January, 1981, to the City Superintendent of Police, Patna. A report¹⁵ was also sent by the Senior Superintendent of Police Patna, to the Joint Secretary to the Government of Bihar on 16 January, 1981. This indicates the lackadaisical manner in which the enquiry was conducted by concerned officials.

25. The Committee thus observe that there was undue delay in conducting the inquiry by the police and then making enquiry and submitting the inquiry report on the same day, that is, 15 January, 1981, while the complaint was made in writing by Shri Kunwar Ram, M.P., immediately after the incident took place on 29 November, 1980.

26. The Committee are of the view that the inquiry had been made by the police in a very casual and superficial manner and did not state the facts correctly. In this connection, the evidence given by Shri Arun Pathak, Home Commissioner of Bihar and Shri A. K.

¹⁴. See Appendix III (Original in Hindi).

¹⁵. See Appendix II (Original in Hindi).

Pande, Senior Superintendent of Police, Patna, before the Committee, was entirely unhelpful to the Committee in arriving at the truth.

27. The Committee are not convinced by the written statements and oral evidence given before the Committee by Shri Arun Pathak, Home Commissioner of Bihar, Shri A. K. Pande, Senior Superintendent of Police, Patna, Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable on duty.

28. The Committee feel that taking into consideration the totality of the circumstances of the case, Shri Kunwar Ram, MP, had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar, when he had gone to main gate of the New Secretariat, Patna, on 29 November, 1980, alongwith his son on a scooter for with drawing some money from the Cooperative Bank, which is situated in the New Secretariat Building, Patna.

29. In view of the above, the Committee decided that Shri Abdul Sattar, Constable, Shri Shiva Das Pandey, Jamadar, Shri Arun Pathak, the then Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, be called again before the Committee to give them an opportunity to have their say in the matter.

30. When Shri Abdul Sattar, Constable and Shri Shiva Das Pandey, Jamadar, appeared again before the Committee on 24 October, 1981 they were apprised of the findings of the Committee. Thereupon, Shri Abdul Sattar, Constable expressed his unqualified regret in the following words:—

“Sir, while unconditionally accepting the finding of this hon. Committee, I express my unqualified regret to the Committee and also to Shri Kunwar Ram, son. Member of Parliament, if by my behaviour he has felt insulted in any way. I request that I may kindly be granted pardon.”¹⁶

Similarly, Shri Shiva Das Pandey, Jamadar, also expressed his unqualified regret in the following words:—

“Sir, I express my unqualified regret, if by my behaviour during the performance of my official duty, I have in any manner hurt the feelings of the hon. Member.”¹⁷

¹⁶. See Minutes of Evidence (Original in Hindi).

¹⁷. See Minutes of Evidence (Original in Hindi).

31. Shri Arun Pathak, the then Home Commissioner, Government of Bihar, and Shri A. K. Pande, Senior Superintendent of Police, Patna, also appeared again before the Committee on 23 January, 1982, and, they were apprised of the findings of the Committee. Thereupon, Shri Arun Pathak tendered his unqualified apology in the following words:—

“I had apologised in my previous statement also. As I said that I committed a mistake and it did not occur to me that there can also be a moral and administrative angle. I apologise for that. It was never my intention to offend the hon. Member, and if he has been offended, I apologise for that.”¹⁸

Similarly, Shri A. K. Pande also expressed his unqualified regret in the following words:—

“I tender my unqualified apology to the Committee.”¹⁹

32. The Committee express their unhappiness over the thoughtless manner in which instructions were issued on 1 November, 1980, restricting, *inter alia*, the entry of Members of Parliament and Members of State Legislature to the building of the New Secretariat, apparently oblivious of the fact that the Cooperative Bank was situated inside the premises and those having accounts with that Bank would not be able to go to the Bank due to the restrictions for making transactions during the banking hours which are normally from 10 A. M. to 2 P. M. on week days and 10 A. M. to 12 noon on Saturdays.

33. The Committee feel that in keeping with the spirit of the age and with a view to ensuring successful working of our Parliamentary democracy, the administration particularly the law and order machinery may be attuned so as to be fully responsive to the hopes and aspirations of the people.

34. However, in the present case, in view of the unconditional and unqualified regrets expressed by Shri Abdul Sattar, Constable, Shri Shiva Das Pandey, Jamadar, Shri Arun Pathak, the then Home Commissioner, Government of Bihar, and Shri A. K. Pande, Senior Superintendent of Police, Patna, the Committee consider that no further action need be taken in the matter.

¹⁸. See Minutes of Evidence (Original in Hindi).

¹⁹. See Minutes of Evidence.

V. Recommendation of the Committee

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

NEW DELHI;

April 14, 1962

Chaitra 24, 1904 (Saka)

HARINATHA MISRA

Chairman,

Committee of Privileges.

MINUTES

MINUTES

I

FIRST SITTING

New Delhi, Monday, 22 December, 1980.

The Committee sat from 15.00 to 15.20 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri G. L. Dogra
4. Shrimati Sheila Kaul
5. Shri P. Shivshankar
6. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee took up consideration of the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna on 29 November, 1980.

3. The Committee decided that in the first instance Shri Kunwar Ram, M.P., be requested to appear before the Committee for giving oral evidence on Monday, 5 January, 1981 at 12 P.M.

4. The Committee also decided that the Ministry of Home Affairs be asked to furnish factual comments of the Government of Bihar on the matter, together with the identity and explanation of the constable concerned.

The Committee then adjourned to meet again on 5 January, 1981

II

Second Sitting

New Delhi, Monday, 5 January, 1981.

The Committee sat from 1200 to 1330 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri G. L. Dogra
4. Shri George Fernandes
5. Shri Ram Jethmalani
6. Shrimati Sheila Kaul
7. Shri P. Venkatasubbaiah
8. Shri Vijay Kumar Yadav

WITNESS

Shri Kunwar Ram, M.P.

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee took up further consideration of the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by police guard at New Secretariat, Patna, on 29 November, 1980.

3. At the outset, the Chairman read out the reply dated 3 January, 1981, received from the Ministry of Home Affairs forwarding the factual comments as furnished by the State Government of Bihar.

4. The Committee desired that the reply received from the Ministry of Home Affairs might be circulated to the members of the Committee (copy enclosed).*

*See Annexure.

5. The Committee were not, however, satisfied with the factual comments furnished by the Government of Bihar through the Ministry of Home Affairs. The Committee felt that the explanation of the constable concerned together with his identity should have been furnished to the Committee in the first instance, and the detailed facts of the case should also have been sent by the Government of Bihar.

The Committee directed that the Government of Bihar might be asked through the Ministry of Home Affairs to direct the (i) Home Secretary/Home Commissioner of the Government of Bihar, (ii) the officer who had finally approved and sent the factual comments and (iii) the constable concerned, to appear before the Committee in person on 28 January, 1981 at 11 A. M. for oral examination. The Committee also desired that the Government of Bihar might be asked through the Ministry of Home Affairs to furnish full facts of the case together with the explanation and identity of the constable concerned.

6. Shri Kunwar Ram, M.P., was then called in and examined by the Committee on oath.

(Verbatim record of the evidence was kept)

The Witness then withdrew.

The Committee then deliberated on the matter.

7. The Committee then adjourned to meet again on Wednesday, 28 January, 1981, at 11 A.M.

ANNEXURE

(See Para 4 of the Minutes

MOST IMMEDIATE

No. VI|15013|89|80-GPA. II

Government of India/Bharat Sarkar

Ministry of Home Affairs/Grih Mantralaya

New Delhi-110001, Dated the 3 January, 1981.

OFFICE MEMORANDUM

SUBJECT. *Question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive*

Remarks used in respect of Members of Parliament by police guard at New Secretariat, Patna, on 29 November, 1980.

The undersigned is directed to refer to office memorandum No. 18/2/80-PRIV./L-I, dated 23-12-1980 on the subject noted above. This Ministry was requested to obtain the factual comments of the Government of Bihar on the matter, together with the identity and explanation of the constable concerned and furnish them to the Lok Sabha Secretariat latest by 3rd January, 1981 for being placed before the Committee of Privileges.

2. Accordingly, the Government of Bihar was requested to furnish their factual comments on the matter together with the identity and explanation of the constable concerned. The factual comments of the Government of Bihar have since been received. Those are being reproduced below:

“On 29th November 1980 Shri Kunwar Ram, MP. accompanied by some persons, came to the northern gate of New Secretariat (Vikas Bhavan) and wanted entry into the Campus along with all those who accompanied him at that time. With a view to bring efficiency in work in Secretariat, the State Government in its circular dated 1st November, 1980 had prohibited entry of outsiders into Secretariat premises between 10.45 A.M. and 1.30 P.M. and from 2.30 P.M. to 3.30 P.M. Only in very exceptional cases, officers and other employees were allowed to go out and enter Secretariat Campus during closure hours and for that purpose special passes were issued to them. Constable on duty at first was not aware that one of the persons who wanted entry into Secretariat premises was a Member of Parliament. After he came to know of it he requested the Hon'ble Member Shri Ram to enter into the New Secretariat Campus, but he did not permit his companions to do so. That caused annoyance to Hon'ble Member and he uttered some words in anger and sat on *dharna* at the gate of New Secretariat building along with all who accompanied him. In the meantime, at 1.30 P.M. during tiffin time Secretariat employees came out and they opened the gate by removing persons who were sitting on *dharna*. The Constable on duty who is concerned with this incident is

at present on leave. His statement will be sent as soon as he returns from leave.

This issues with the approval of Minister of State for Home Affairs.

Sd/—

Pratap Mukhopadhyay
Director (M)
Ministry of Home Affairs

To

Shri M. P. Gupta,
Senior Table Officer,
(Room No. 129),
The Lok Sabha Sectt.,
New Delhi.

III

Third Sitting

New Delhi, Wednesday, 28 January, 1981

The Committee sat from 11.00 to 11.30 hours.

PRESENT

Shri Harinatha Misra— *Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
4. Shri G. L. Dogra
5. Shri George Fernandes
6. Shrimati Sheila Kaul
7. Shri P. Shivshankar
8. Shri Dharam Bir Sinha
9. Shri Ram Singh Yadav
10. Shri Vijay Kumar Yadav

SECRETARIAT

Shri K. K. Saxena—*Chief Examiner of Bills and Resolutions.*

Shri M. P. Gupta—*Senior Table Officer.*

WITNESSES

- (1) Shri Arun Pathak, Home Commissioner, Government of Bihar.
 - (2) Shri A. K. Pande, Senior Superintendent of Police, Patna.
 - (3) Shri Shiva Das Pandey, Jamadar
 - (4) Shri Abdul Sattar, Constable.
2. Shri Arun Pathak, Home Commissioner, Government of Bihar, was called in and examined on oath by the Committee in

connection with the question of privilege raised by Shri Kunwar Ram, MP, regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

(Verbatim record of evidence was kept)

Shri Arun Pathak submitted copies of the following reports as directed by the Committee:—

- (i) Report dated 16 January, 1981 addressed to the Joint Secretary, Home (Special) Department, Bihar, Patna, by Shri A. K. Pande, Senior Superintendent of Police, Patna.
- (ii) Report dated 26 December, 1980, addressed to the Joint Secretary, Home (Special) Department, Bihar, Patna, by City Police Superintendent, Patna.
- (iii) Report dated 1 December, 1980, addressed to the Senior Superintendent of Police, Patna, by Sergeant-Major, Secretariat, Patna.

The Committee directed that copies of these reports be circulated to the members of the Committee.

(The witness then withdrew)

3. Shri A. K. Pande, Senior Superintendent of Police, Patna, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. Shri Shiva Das Pandey, Jamadar, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. Shri Abdul Sattar, Constable, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

6. The Committee directed that the Chief Secretary, Government of Bihar, be asked through the Ministry of Home Affairs to furnish attested copies of the following documents for being placed before the Committee:—

- (i) Complaint by Shri Kunwar Ram, MP, to the Chief Minister of Bihar on 29 November, 1980, after the incident.
- (ii) Enquiry report submitted by Shri L.P. Tiwari, Inspector of Police, Secretariat, Patna, regarding the incident.
- (iii) Report regarding the incident recorded in the General Dairy (*Roz-namcha*) of the Police Station, Secretariat, Patna.

The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Tuesday, 24 March, 1981.

The Committee sat from 09.30 to 10.20 hours.

PRESENT

Shri Harinatha, Misra—*Chairman*

2. Shri R. L. Bhatia
3. Shri G. L. Dogra
4. Shri George Fernandes
5. Shrimati Sheila Kaul
6. Shri Jagan Nath Kaushal
7. Shri P. Shivshankar
8. Shri Dharam Bir Sinha
9. Shri P. Venkatasubbaiah

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer.*

2. The Committee deliberated on the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

3. The Committee directed that the verbatim record of proceedings of evidence taken before the Committee be circulated to the Members of the Committee.

4. The Committee authorised the Chairman to fix the next date of sitting of the Committee to consider the matter.

The Committee then adjourned.

V

Fifth Sitting

New Delhi, Tuesday, 28 April, 1981

The Committee sat from 16.00 to 16.25 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri G. L. Dogra
3. Shri George Fernandes
4. Shrimati Sheila Kaul
5. Shri A. A. Rahim
6. Shri P. Shivshankar
7. Shri P. Venkatasubbaiah
8. Shri Ram Singh Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer.*

2-3. * * * *

4. The Committee also decided to hold their next sitting on 5 May, 1981, to consider the following two matters:—

- (i) Question of privilege raised by Shri Kunwar Ram, M. P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

(ii) * * * *

5. The Committee directed that the verbatim record of evidence tendered before the Committee of Privileges in the case of Shri Kunwar Ram, M. P. [****] be circulated to the Members of the Committee.

The Committee then adjourned.

**Paras 2-3, 4(ii) and some words in para 5 relate to another case and have accordingly been omitted.

VI

Sixth Sitting

New Delhi, Tuesday, 5 May, 1981

The Committee sat from 15.00 to 15.40 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri G. L. Dogra
4. Shri Ram Jethmalani
5. Shri A. A. Rahim
6. Shri P. Shivshankar
7. Shri Dharam Bir Sinha

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2—5. * * * * *

6. The Committee then deliberated on the question of privilege raised by Shri Kunwar Ram, M. P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

The deliberations of the Committee were not concluded and the Committee deferred further deliberations to their next sitting on 25 May, 1981.

The Committee then adjourned.

**Paras 2-5 relate to another case and have accordingly been omitted.

VII

Seventh Sitting

New Delhi, Monday, 25 May, 1981

The Committee sat from 11.00 to 12.45. hours

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri G. L. Dogra
4. Shri George Fernandes
5. Shri Ram Jethmalani
6. Shrimati Sheila Kaul
7. Shri Jagan Nath Kaushal
8. Shri A. A. Rahim
9. Shri P. Shivshankar
10. Shri Dharam Bir Sinha
11. Shri Ram Singh Yadav
12. Shri Vijay Kumar Yadav

SECRETARIAT

1. Shri K. K. Saxena—*Chief Examiner of Bills and Resolutions*
2. Shri M. P. Gupta—*Senior Table Officer*

2—4. * * * * *

5. The Committee then deliberated on the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

**Paras 2—4 relate to another case and have accordingly been omitted.

6. The Committee felt that the basic issue involved in both these cases involving Shri Kunwar Ram and Shri Bhogendra Jha, namely, whether the privileges of the House were attracted when a Member of Parliament was ill-treated, abused or assaulted by the Police and, if so, what was the extent and scope of the privilege of the House in such cases, might be gone into by the Committee in depth.

At the instance of some members of the Committee, Shri Ram Jethmalani said that he would study this matter and prepare a Note and send it to the Chairman.

7. The Committee decided that a detailed Memorandum on the matter might also be prepared by the Secretariat of the Committee and circulated to the members of the Committee along with the Note to be prepared by Shri Ram Jethmalani.

The Committee decided to hold their next sitting on Saturday, 27 June, 1981, at 10.00 hours to consider this issue.

The Committee then adjourned.

VIII

Eighth Sitting

New Delhi, Saturday, 27 June, 1981

The Committee sat from 10.00 to 11.40 hours

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri G. L. Dogra
4. Shri George Fernandes
5. Shri Ram Jethmalani
6. Shri Jagan Nath Kaushal
7. Shri A. A. Rahim
8. Shri Ram Singh Yadav
9. Shri Vijay Kumar Yadav

SECRETARIAT

Shri K. K. Saxena—*Chief Examiner of Bills and Resolutions*

2. The Committee deliberated on the basic issue involved in both the cases involving Shri Kunwar Ram and Shri Bhogendra Jha, namely whether the privileges of the House were attracted when a Member of Parliament was ill-treated, abused or assaulted by the Police and, if so, what was the extent and scope of the privilege of the House in such cases.

Shri Ram Jethmalani was requested to prepare a detailed note on the basic issue involved in both the cases and to furnish the same at an early date.

The Committee also desired to have the considered views of the Minister of Law Justice and Company Affairs before taking a final view in the matter.

3. Pending, however, further consideration of the above matter, the Committee decided to proceed with the two cases which they were seized of, on the basis of the facts and evidence in each case.

4. * * * * *

The Committee decided to hold their next sitting on Saturday, 18 July, 1981, at 10.30 hours.

The Committee then adjourned.

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

IX

Ninth Sitting

New Delhi, Tuesday, 11 August, 1981

The Committee sat from 10.30 to 11.15 hours

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri G. L. Dogra
4. Shri George Fernandes
5. Shri A. A. Rahim
6. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee deliberated on the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

3. The deliberations were not concluded and the Committee decided to continue their deliberations on the matter at their next sitting as might be fixed by the Chairman.

The Committee then adjourned.

X

Tenth Sitting

New Delhi, Thursday, 17 September, 1981

The Committee sat from 09.30 to 10.00 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri Jagan Nath Kaushal
4. Shri A. A. Rahim
5. Shri P. Shivshankar
6. Shri P. Venkatasubbaiah
7. Shri Ram Singh Yadav
8. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee further deliberated on the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

3. The Committee deferred further consideration of the matter to their next sitting on Tuesday, 22 September, 1981.

The Committee then adjourned.

XI

Eleventh Sitting

New Delhi, Tuesday, 22 September, 1981

The Committee sat from 11.00 to 13.30 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri Jagan Nath Kaushal
3. Shri P. Shiv Shankar
4. Shri P. Venkatasubbaiah
5. Shri Ram Singh Yadav
6. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee deliberated on the question of privilege raised by Shri Kunwar Ram, M.P., regarding the alleged harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

3. The Committee noted that there were certain material contradictions between the evidence given before the Committee by Shri Arun Pathak, Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, on the one hand and by Shri Abdul Sattar, Constable on duty and Shri Shiva Das Pandey, Jamadar, on the other hand. The Committee also noted the undue delay in conducting the inquiry by the police and then making enquiry and submitting the inquiry report on the same day, that is, 15 January, 1981, while the complaint was made in writing by Shri Kunwar Ram, M.P. immediately after the incident took place on 29 November, 1980. The Committee were of the view that the inquiry had been made by the Police in a very casual and superficial manner and did not state the facts correctly.

The evidence given by Shri Arun Pathak, Home Commissioner of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, before the Committee, was entirely unhelpful to the Committee in arriving at the truth.

4. The Committee were not convinced by the written statements and oral evidence given before the Committee by Shri Arun Pathak, Home Commissioner of Bihar, Shri A. K. Pande, Senior Superintendent of Police, Patna, Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable on duty. The Committee were of the opinion that taking into view the totality of the circumstances of the case, Shri Kunwar Ram, M.P., had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar.

5. The Committee decided that Shri Abdul Sattar, Constable and Shri Shiva Das Pandey, Jamadar, might be called to appear again before the Committee on 24 October, 1981, to have their say in the matter.

The Committee then adjourned.

XII

Twelfth Sitting

New Delhi, Saturday, 24 October, 1981

The Committee sat from 10.30 to 11.45 hours.

PRESENT

Shri Hafinatha Misra— *Chairman*

MEMBERS

2. Shri G. L. Dogra
3. Shri George Fernandes
4. Shri Ram Jethmalani
5. Shri P. Venkatasubbaiah
6. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

WITNESSES

- (1) Shri Abdul Sattar, Constable.
- (2) Shri Shiva Das Pandey, Jamadar.

2. The Committee took up consideration of the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

3. Shri Abdul Sattar, Constable, was called in and examined on oath by the Committee. At the outset, the Chairman informed him as follows:—

“The Committee are not convinced by the written statements and oral evidence given before the Committee by you. The Committee are of the opinion that taking into view the totality of the circumstances of the case, Shri Kunwar Ram, M.P. had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar.

What have you to say?”

Shri Abdul Sattar, Constable, stated that he was only discharging his duty on the date of the incident and that he had not abused Shri Kunwar Ram, M.P. However, if the Committee were of the view that he had insulted or injured the feelings of Shri Kunwar Ram, M.P., while he was performing his duty, then he expressed his regret for it.

The Committee were not, however, satisfied and asked him to give in writing what he had to say.

(Verbatim record of evidence was kept)

*(The witness then withdrew) **

4. Shri Shiva Das Pandey, Jamadar, was then called in and examined on oath by the Committee. At the outset, the Chairman informed him as follows:—

“The Committee are not convinced by the written statements and oral evidence given before the Committee by you. The Committee are of the opinion that taking into view the totality of the circumstances of the case, Shri Kunwar Ram, M.P. had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar.

What you have to say?”

Shri Shiva Das Pandey, Jamadar, tendered his unconditional apology for his conduct on the date of the incident.

The Committee were satisfied with his apology.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. Shri Abdul Sattar, Constable, was then again called in. He read out a written statement tendering his unqualified apology for his conduct.

The Committee were satisfied with his apology.

(Verbatim record of evidence was kept)

(The witness then withdrew)

6. The Committee decided to consider the matter further at their sitting to be held sometime during the next session.

7—8.

The Committee then adjourned.

**Paras 7-8 relate to another case and have accordingly been omitted.

XIII

Thirteenth Sitting

New Delhi, Monday 21 December, 1981

The Committee sat from 16.00 to 16.25 hours.

PRESENT

Shri Harinatha Misra—Chairman

MEMBERS

2. Shri Somnath Chatterjee
3. Shri G. L. Dogra
4. Shri Ram Jethmalani
5. Shri Jagan Nath Kaushal
6. Shri P. Shivshankar
7. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee took up consideration of the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna on 29 November, 1980.

The Committee decided that Shri Arun Pathak, the then Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, be called again to appear before the Committee of Privileges for oral examination on Saturday, 23 January, 1982.

3.

* * * * *

The Committee then adjourned.

**Para 3 relates to another case and have accordingly been omitted.

XIV

Fourteenth Sittings

New Delhi, Saturday, 23 January, 1982.

The Committee sat from 15.00 to 18.00 hours.

PRESENT

Shri Harinatha Misra— *Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
4. Shri G. L. Dogra
5. Shri George Fernandes
6. Shri Ram Jathmalani
7. Shri P. Shivshankar
8. Shri Ram Singh Yadav
9. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

WITNESSES

- (1) Shri Arun Pathak, the then Home Commissioner and now Industrial Development Commissioner, Government of Bihar, Patna.
- (2) Shri A. K. Pande, Senior Superintendent of Police, Patna.
- (3) * * * * *

2. The Committee took up consideration of the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

**S. No. (3) relates to another case and has accordingly been omitted.

3. Shri Arun Pathak, the then Home Commissioner and now Industrial Development Commissioner, Government of Bihar, was called in and examined on oath by the Committee. At the outset, the Chairman informed him as follows:—

“The Committee note that there are certain material contradictions between the evidence given before the Committee by Shri Arun Pathak, Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, on the one hand and by Shri Abdul Sattar, Constable on duty and Shri Shiva Das Pandey, Jamadar, on the other hand. The Committee also note the undue delay in conducting the inquiry by the police and then making enquiry and submitting the inquiry report on the same day, that is, 15 January, 1981, while the complaint was made in writing by Shri Kunwar Ram, M.P., immediately after the incident took place on 29 November, 1980. The Committee are of the view that the inquiry had been made by the Police in a very casual and superficial manner and did not state the facts correctly. The evidence given by Shri Arun Pathak, Home Commissioner of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, before the Committee, was entirely unhelpful to the Committee in arriving at the truth.

The Committee are not convinced by the written statements and oral evidence given before the Committee by Shri Arun Pathak, Home Commissioner of Bihar, Shri A. K. Pande, Senior Superintendent of Police, Patna, Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable on duty. The Committee are of the opinion that taking into view the totality of the circumstances of the case, Shri Kunwar Ram, M.P. had been ill-treated and abused in filthy language by Shri Abdul Sattar Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar.

I may inform you that Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable have already tendered to this Committee their unqualified apologies for their conduct on the date of the incident.

What have you to say?”

Shri Arun Pathak tendered his unconditional apology for his conduct.

The Committee were satisfied with his apology.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. Shri A. K. Pande, Senior Superintendent of Police, was then called in and examined on oath by the Committee. At the outset, the Chairman informed him as follows:—

6 “The Committee note that there are certain material contradictions between the evidence given before the Committee by Shri Arun Pathak, Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, on the one hand and by Shri Abdul Sattar, Constable on duty and Shri Shiva Das Pandey, Jamadar, on the other hand. The Committee also note the undue delay in conducting the inquiry by the police and then making enquiry and submitting the inquiry report on the same day, that is, 15 January, 1981, while the complaint was made in writing by Shri Kunwar Ram, M.P., immediately after the incident took place on 29 November, 1980. The Committee are of the view that the inquiry had been made by the Police in a very casual and superficial manner and did not state the facts correctly. The evidence given by Shri Arun Pathak, Home Commissioner of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, before the Committee, was entirely unhelpful to the Committee in arriving at the truth.

The Committee are not convinced by the written statements and oral evidence given before the Committee by Shri Arun Pathak, Home Commissioner of Bihar, Shri A. K. Pande, Senior Superintendent of Police, Patna, Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable on duty. The Committee are of the opinion that taking into view the totality of the circumstances of the case, Shri Kunwar Ram, M.P. had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar.

I may inform you that Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable as well as Shri Arun Pathak have already tendered to this Committee their

unqualified apologies for their conduct on the date of the incident.

What have you to say?"

Shri A. K. Pande, Senior Superintendent of Police, tendered his unconditional apology to the Committee for his conduct.

The Committee were satisfied with his apology.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. The Committee decided that the draft Report on the matter might be prepared and circulated to the members of the Committee for consideration at a subsequent meeting of the Committee.

6—8.

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The Committee then adjourned.

**Paras 6—8 relate to another case and have accordingly been omitted.

XV

Fifteenth Sitting

New Delhi, Wednesday, 14 April, 1982

The Committee sat from 16.00 to 16.40 hours.

PRESENT

Shri Harinatha Misra— *Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri G. L. Dogra
4. Shri Ram Jethmalani
5. Shri Jagan Nath Kaushal
6. Shri P. Shivshankar
7. Shri P. Venkatasubbaiah

SECRETARIAT

Shri M. P. Gupta—*Senior Table Officer*

2. The Committee considered their draft Second Report on the question of privilege raised by Shri Kunwar Ram, M.P., regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by police guard at New Secretariat, Patna, on 29 November, 1980, and adopted it.

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

4. The Committee authorised the Chairman and, in his absence Shri G. L. Dogra, M.P., to present their Second Report to the House on 21 April, 1982.

5—6. * * * * *

The Committee then adjourned.

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

MINUTES OF EVIDENCE

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

Monday, 5 January, 1981

PRESENT

Shri Harinath Misra—Chairman.

MEMBERS

2. Shri R. L. Bhatia
3. Shri G. L. Dogra
4. Shri George Fernandes
5. Shri Ram Jethmalani
6. Shrimati Sheila Kaul
7. Shri P. Venkatasubbaiah
8. Shri Vijay Kumar Yadav

WITNESS

Shri Kunwar Ram, M.P.

SECRETARIAT

Shri M. P. Gupta—Senior Table Officer.

(The Committee met at 12.00 hours)

Evidence of Shri Kunwar Ram, M. P.

MR. CHAIRMAN: Mr. Kunwar Ram, you have been requested to appear before this Committee to give your evidence in connection with the question of privilege raised by you regarding the harassment caused to you and abusive remarks used in respect of Members of Parliament by police guards at the Secretariat in Patna on the 29th November, 1980.

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

I may inform you that your evidence may be treated 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 meeting would constitute a breach of privilege. The evidence which you will give before the Committee may be reported to the House. Now you may please take your oath or affirmation as you like.

(Shri Kunwar Ram took the Oath in English).

श्री रघुनन्दन भाटिया : श्री कुंवर राम जी, यह बताने की कृपा करें कि जो बातें आपने कही हैं कि कांस्टेबल ने आप को रोका, आप स्कूटर पर थे, आपके साथ लड़का था, बिहार गवर्नमेंट से जो बातें आई हैं, उसमें वह कहते हैं कि आपके साथ

बहुत से सचो थे और आप इन्सिस्ट कर रहे थे कि उनको भी जाने को इज्जत दी जाये। पहले कांस्टेबिल ने आपको रोका, क्योंकि उसको मालूम नहीं था कि आप मेम्बर पार्लियामेंट हैं। जब आपने उसे अपनी आईडिप्लेण्टी बता दी तो उसने कहा कि आप जा सकते हैं, लेकिन आपने इन्सिस्ट किया कि आपके साथियों को भी जाने दिया जाये, इसलिये वहाँ झगड़ा हुआ ?

श्री कुंवर राम : यह बिल्कुल गलत बात है।

श्री गिरधारी लाल डोगरा : आपको अपना पहला स्टेटमेंट, जो कि आपने हाउस में दिया था, वह याद है ?

श्री कुंवर राम : बिल्कुल याद है।

श्री गिरधारी लाल डोगरा : चैयरमैन साहब, इनके हाउस में दिये गये स्टेटमेंट को एक कापी इनको दिखा दें।

श्री राम जेठमलानी : जो पार्लियामेंट में आप ने कहा था, वह ठीक है ?

श्री कुंवर राम : बिल्कुल ठीक है।

SHRI RAM JETHMALANI: When you went there for the first time, were you accompanied by a large number of persons?

SHRI KUNWAR RAM: No, Sir.

SHRI RAM JETHMALANI: Who were with you?

SHRI KUNWAR RAM: Only my son.

जब हम स्कूटर पर थे, तो हमारे साथ और कोई भी नहीं था, सिर्फ मेरा लड़का पोछे बैठा था। स्कूटर तो हमारा गेट पर था। मेरे लड़के का नाम दिनेश कुमार है।

SHRI RAM JETHMALANI: Throughout the transaction, you did not use the offensive language.

SHRI KUNWAR RAM: Nothing at all.

SHRI RAM JETHMALANI: After you raised this question of privilege, when the matter was referred to us, has anybody on behalf of the Bihar Government talked to you or interrogated you?

श्री कुंवर राम : कल-रातों की बात है, जब मैं चला जा रहा था तो डिस्ट्रिक्ट मजिस्ट्रेट, पटना के भेंट हुई। उसने इस बात को कहा कि गलती हमसे हो गई, हम क्षमा मांगते हैं। बस इतना ही बात है।

श्री रघुवीर लाल माडिश : वह आप ही मिलने आये थे या बाई-चांस आपसे मिले ?

श्री कुंवर राम : बाई-चांस ही मिले।

सभापति महोदय : वह आपसे कहीं पर मिले थे।

श्री कुंवर राम : कलक्टरेट कैम्पस, पटना में मिले थे।

सभापति महोदय : आप वहाँ किस सम्बन्ध में गये थे ?

श्री कुंवर राम : हमारे साथी का एक मुकदमा उस कोर्ट में था, वह कलक्टरेट में नहीं बल्कि सिविल कोर्ट था, उनके साथ हम वहाँ गये थे। जब वापिस आ रहे थे तो उनके दरवाजे के नीचे के रास्ते से हम जा रहे थे, बाई-द-वे उनसे भेंट हो गई।

सभापति महोदय : वह कौन थे ?

श्री कुंवर राम : भि० सुब्रह्मण्यम उनका नाम है ।

सभापति महोदय : उनका इससे क्या तात्सुक है ?

श्री कुंवर राम : उन्होंने बार्ड-द-वे कहा कि उस रोज की जो इटना घड़ी उसकी लिये हम जिम्मेदार हैं, इसलिए हम आपसे क्षमा मांगते हैं । मैंने कहा कि अब धीरे धीरे बात नहीं है । अब तो यह पार्लियामेंट की प्रार्थना है और इसमें क्या कर सकता हूँ ।

श्री विजय कुमार यादव : क्या वहाँ पर कोई पुलिस आफिसर आया था ?

श्री कुंवर राम : डी० एस० पी० रैंक का भी कोई आफिसर नहीं आया था ।

सभापति महोदय : आपने हाउस में जो स्टेटमेंट दिया था, उसकी कापी है इसको आप देख लीजिए ।

श्री कुंवर राम : यह शायद करेक्टेड कापी नहीं है, इसमें जहाँ जहाँ कुछ शब्द छूटे हुए हैं । करेक्टेड कापी मैं आपने साथ लाया हूँ और संसद में देने जो यह बयान दिया था वह बिल्कुल ठीक है ।

सभापति महोदय : इस सम्बन्ध में बिहार सरकार की ओर से जो विवरण आया है वह जब आप सबकी इच्छा होगी मैं पढ़कर सुना दूंगा ।

श्री गिरधारी लाल डोंगरा : कुंवर राम जी, क्या आप उस कार्टेडल को देख कर पहचान सकेंगे ?

श्री कुंवर राम : जी हाँ, पहचान लूंगा ।

सभापति महोदय : लोकसभा में आपने जो बयान दिया है, क्या उसके अतिरिक्त भी आपको कुछ कहना है या सभी बातें उसी में आ गई हैं ?

श्री कुंवर राम : कुछ तो कहना ही पड़ेगा ।

जिस वक्त वहाँ पर काफी भीड़ लगी हुई थी और मैं धरने पर बैठा हुआ था तो मैंने अपने लड़के से कहा कि तुम जाओ और मुख्य मंत्री से जाकर कहो कि जब तक वे यहाँ पर नहीं आयेंगे, मैं धरने से नहीं हटूंगा । पुलिस के खिलाफ कार्यवाही होनी चाहिए क्योंकि उसने मेरी बेइच्छती की है । मेरे लड़के ने चीफ मिनिस्टर के रेसिडेन्स पर जाकर, जोकि पास में ही था, यह सूचना दी तो उनके दो पी० ए० आए । एक पी० ए० का नाम इन्डू बाबू है, दूसरे का नाम मैं नहीं जानता । उन्होंने कहा कि आप चीफ मिनिस्टर से भेंट कर लें । मैंने कहा कि नहीं जाऊंगा क्योंकि वहाँ पर भीड़ काफी थी और सारे लोग इस बेइच्छती पर नाराज थे । कुछ नारे भी लग रहे थे

जोकि ठीक भी नहीं थे क्योंकि हुकूमत के खिलाफ नारे लग रहे थे। मैं तो सिर्फ इतना ही चाहता था कि पुलिस पर ऐक्शन हो। बहरहाल मैं ने उनसे कहा कि मैं आपके साथ नहीं जाऊंगा, मुख्य मंत्री यहां पर आयें। फिर थोड़ी देर के बाद स्वास्थ्य विभाग के राज्य मंत्री श्री शमायले नबी हैं वे वहां पर आए और उन्होंने कहा कि अगर आप मुख्य मंत्री को यहां पर बुलायेंगे तो हालत खराब हो जायेगी, हो सकता है गोली भी चल जाए। मैंने कहा कि अगर मुख्य मंत्री नहीं आ सकते हैं तो क्या आई० जी०, डी० आई० जी०, एस० पी० या डी० एस० पी० भी नहीं आ सकता है? उन्होंने कहा कि हम इस पर एक्शन लेंगे और सस्पेन्ड करेंगे, आप हमारी बात को मानिए। फिर मैं उनके साथ गाड़ी पर बैठकर चलने लगा तो बहुत से लोगों ने रोकने की कोशिश की।

समापति महोदय : आप कितनी देर घरने पर रहे ?

श्री कुंवर राम : मैं बाई घंटे घरने पर रहा। उस समय लोगों ने जो तकलीफ बयान की - मैं मुझे अपनी हुकूमत पर शर्म आ रही थी। बहरहाल मैं उनके साथ मुख्य मंत्री के यहां गया। वे ऊपर थे, ऊपर से नीचे आए तो मैंने उनसे कहा कि मैं तो बैंक से पैसे लेने के लिए गया हुआ था। उन्होंने कहा आप बेवकूफ हैं, आप क्यों चले गए? मैंने कहा मैं तो बैंक गया था, सेक्रेटेरियट नहीं गया था, आपने बैंक को क्यों बन्द करके रखा है? कितनी लोगों को परेशानी हो रही थी। उसमें हमें भी परेशानी हुई। इसके लिये तो कोई व्यवस्था रखनी चाहिए कि बैंक कोई जा सके। उसके बाद उन्होंने कहा कि ठीक है, आप लिफ्ट भर दे दीजिए और चले गए कोठे पर। हमें बहुत तकलीफ हुई। ऐसा लगा कि जितना पुलिस ने अपराध नहीं किया था उससे ज्यादा मुख्य मंत्री ने अपराध किया। तो यह सच्ची घटना है और जो उन्होंने रिपोर्ट किया वह हम को तो बताया नहीं। अगर हमें बताएं तो हम निश्चित रूप से उसके बारे में कुछ और कह सकेंगे। इसके अलावा और कोई बात नहीं थी। हम स्कूटर पर दस आदमियों को तो बैठा कर ले नहीं जा सकते।

श्री विजय कुमार यादव : मेरा यह सुझाव होगा कि जो रिपोर्ट आई है या जो जवाब आया है वह कम से कम उनको पढ़ कर सुना दिया जाय ताकि इन दि लाइट आफ दि गवर्नमेंट स्टेटमेंट अगर उन को कुछ कहना हो तो कह सकें।

SHRI G. L. DOGRA: We have already decided to call the Home Commissioner.

SHR RAM JETHMALANI: We must specify the person; we should not call an officer, who comes and says that he has nothing to say.

MR. CHAIRMAN: The Home Ministry were asked to obtain the comments of the Bihar Government. They have said that the Bihar Government was requested to furnish their factual comments.

on the matter together with the identity and explanation of the constable concerned. The factual comments of the Government of Bihar have since been received. As we know, the officers would not send these without obtaining the approval of the Minister concerned.

SHRI GEORGE FERNANDES: Let us call the Home Commissioner. Further, Shri Kunwar Ram had made a statement in the House earlier and he has reiterated that point today. He has also mentioned about the conversation that took place between him and the Chief Minister. He has said that the Chief Minister abused him. It is, therefore, not merely the police constable who is involved; it is the Chief Minister also. We may, therefore, ask the Chief Minister also to come before us.

MR. CHAIRMAN: To begin with, I think, it would be better to send for the constable.

SHRI RAM JETHMALANI: The constable may have some excuse and say that he is ignorant. Here, a Member of Parliament goes to the Chief Minister and he says: "You are *Bewakoof*". It is high time that we take serious notice of it.

MR. CHAIRMAN: Let us proceed step by step. Let us first call the officer who is responsible for sending comments of Bihar Government.

SHRI GEORGE FERNANDES: The member has now reiterated what he had stated in the House in regard to the Chief Minister's involvement. He had stated:

".....फिर हम को खुद जाना पड़ा मुख्य मंत्री के डेरे पर। मुख्य मंत्री के पास जाकर हम ने बयान दिया और मुख्य मंत्री का जो व्यवहार था यह जानने के बाद कि मेम्बर आफ पार्लियामेंट के साथ यह घटना घटी है, तो उन्होंने सिर्फ इतना ही कहा कि लिख कर दे दो और चले गए कोठे पर, इस तरह का उन का व्यवहार हुआ और उनका पुलिस के प्रति इतना प्रेम था। यह हमारे साथ बेइज्जती हुई।"

The Chief Minister has also committed a breach of privilege if we believe that the constable has done that.

SHRI G. L. DOGRA: As far as the Chief Minister's behaviour is concerned, it is not defensible, it is rather regrettable. We can examine whether it amounts to breach of privilege or not. In the meantime, we can call for the Home Commissioner. We will have to find out a way out so that the Chief Minister is also made to realise this.

SHRI RAM JETHMALANI: There is a great substance in what the hon. Member says. I have been myself considering whether when a Member of Parliament is dealt with in this manner in his capacity other than an MP, it amounts to breach of privilege or not. This issue will have to be decided in conjunction with both the incidents. It is a common point which will arise. The constable is entitled to as much defence as the Chief Minister. Let us have both of them.

SHRI G. L. DOGRA: Calling a Chief Minister is not an ordinary thing.

SHRI VIJAY KUMAR YADAV: He should also be summoned.

SHRI R. L. BHATIA: This complaint is with regard to the constable's behaviour.

SHRI GEORGE FERNANDES: Chief Minister also.

SHRI R. L. BHATIA: The later meeting is a consequence of what had happened earlier. We have to stick to the original complaint and we have to deal with that first.

SHRI G. L. DOGRA: I am very serious about one thing. The Chief Ministers must be made to realise that they have to deal with the Members of Parliament befittingly.

SHRI G. L. DOGRA: You might say that there are certain courtesies which have to be shown to legislators by the people, whosoever they may be, Ministers or Chief Ministers or anybody else. Some courtesies are due to the Members of Parliament. It is a very serious issue. I do not deny it.

MR. CHAIRMAN: Have we any further questions to ask in the presence of Mr. Kunwar Ram as to whether any person is to be sent for and why and all that? Do you want any further elucidation?

SHRI RAM JETHMALANI: You heard just now. In your statement before the Parliament, you had not mentioned specifically this incident with the Chief Minister. Have you any explanation to offer?

श्री कुंवर राम : उनका ऐसा व्यवहार था, जिससे मैंने बेईज्जती महसूस किया।
उनका व्यवहार बिल्कुल ठीक नहीं था।

श्रीमती सोना चौध : आपके चीफ मिनिस्टर के साथ तात्काल कैसे हैं ?

श्री कुंवर राम : ताल्लुकात अच्छे हैं। उनके राजनीतिक संबन्ध में एक बार नहीं पांच-पांच बार हमने साथ दिया है।

श्री श्री० एल० डोगरा : यह ठीक है, इनके ताल्लुकात उनसे अच्छे हैं।

श्रीमती शौला कौल : मेरा मतलब यह है कि दोस्ती में ऐसा भी कह देते हैं कि आप बेवकूफी की बात कर रहे हैं।

SHRI RAM JETHMALANI: He might have made it in jest.

SHRI G. L. DOGRA: An M. P. should be able to see a Chief Minister if he i.e. M. P. is maltreated or humiliated in a State, for instance if I am maltreated in Calcutta, I should be able to see the C. M. of Bengal.

सभापति महोदय : मुख्य प्रश्न अभी यह है कि श्री कुंवर राम जी को हम लोगों ने एवीडेंस देने के लिए बुलाया है। इनसे हमें स्पष्टीकरण लेना है या प्रश्न पूछना है, ताकि घटना पर प्रकाश पड़े और अधिक से अधिक प्रकाश पड़े। इस दृष्टि से हम लोगों को सोचना है कि जिस माहौल में, जिस वातावरण में यह घटना घटी है, उसमें कौन-कौन थे और कौन-कौन नहीं थे। इन सब चीजों को देखकर फिर यह देखना पड़ेगा कि किसको बुलाना है, कैसे बुलाना है।

If there is any reluctance to summon the Chief Minister, you can invite the Chief Minister's comment on this allegation. Let us see what he has to say about it.

SHRI R. L. BHATIA: We have to ask him the same question.

सभापति महोदय : जहां तक मैं समझ सका हूं। आपने जो कुछ सदन में कहा उन्हीं बातों को या आरोपों को आपने यहां भी दोहराया है। उसके अतिरिक्त कौन किस परिस्थिति में आया और जो दो कर्मचारी चीफ मिनिस्टर के यहां काम करते हैं, वे आए तथा आप किस परिस्थिति में गए चीफ मिनिस्टर के यहां और उन्होंने कैसा व्यवहार किया—इन सब बातों को आपने कमेटी के सम्मुख अच्छी तरह से रख दिया है।

श्री कुंवर राम : आपने कहा कि वहां की सरकार ने भी आपको रिपोर्ट दी है। मैंने और माननीय सदस्यों ने भी कहा है कि उस रिपोर्ट को समिति के सम्मुख पढ़कर सुना दिया जाए।

MR. CHAIRMAN: Since this factual report was asked for on behalf of the Committee, they have sent it to the Committee. We must know what the other side has to say. I read it to you. Otherwise, you can also read it. There is no sanctity about it.

पटना की जो रिपोर्ट बिहार सरकार की तरफ से आई है, वह इस प्रकार है :

On 29th November, 1980, Shri Kunwar Ram, M.P. accompanied by some persons came to the northern gate of New Secretariat, Vikas Bhavan, and wanted entry into the campus along with all those who accompanied him at that time. With a view to bring efficiency in Secretariat, the State Government in the Circular dt. 1st November, 1980, had prevented, entry by outsiders into Secretariat premises between 10.45 AM to 3.30 PM. Only in very exceptional cases, Officers and other employees were allowed to go out and enter Secretariat campus during closure hours and for that purpose, the Special Passes were issued to them. Constable on duty, at first, was not aware that one of the persons who wanted entry into Secretariat premises was a Member of Parliament. After he came to know of it, he requested the Hon. Member Shri Kunwar Ram, to enter into the new Secretariat campus. But he did not permit his companions to do so. That caused annoyance to Hon. Member and he uttered some words in anger and sat on Dharna at the gate of the new Secretariat building along with all who accompanied him. In the meantime, at 1.30 PM, during tiffin time, Secretariat employees came out and they opened the gate by moving the persons who were sitting on Dharna. The Constable on duty who is concerned with the incident is at present on leave. His statement will be sent as soon as he returns from leave. This issues with the approval of Minister of State for Home Affairs.

श्री कुंवर राम : हमसे यह भी प्रश्न पूछना चाहिए कि जिस वक्त हम गए थे, वहां कौन-कौन मौजूद था और कौन मौजूद नहीं था? मैं उनके नाम दे सकता हूँ। हम तो बिहार के रहने वाले हैं। मेरा घर पटना में है और वह सत्रेटेरिएट के ठीक बगल में है और जो रिपोर्ट आई है, वह 100 प्रतिशत झूठ है। मुख्यमंत्री अगर भगवान से डरते हैं, तो कसम खायें—यह बिल्कुल गलत बात है। जिस प्रकार हमको एग्जुज किया है, बेवकूफ कहा है, उस वक्त 10-12 एम० एल० ए० लोग मौजूद थे। जिन्होंने यह कहा था कि मुख्यमंत्री का व्यवहार ठीक नहीं है।

समापति महोदय : आप उनके नाम दे सकते हैं ?

श्री कुंवर राम : जी हाँ, एक एम० एल० ए० हैं—श्री संजीव कुमार टोनी, जिन्होंने कहा था कि चीफ मिनिस्टर का व्यवहार ठीक नहीं है। और सभी एम० एल० ए० का नाम नहीं जानते क्योंकि कुछ नये लोग भी मेरे लिये थे।

श्री जार्ज कर्नाडोज : इन्होंने बताया है कि उन लोगों ने चीफ मिनिस्टर से यह कहा कि आपका व्यवहार ठीक नहीं था।

श्री कंबर राम : जिस वक्त हम वहां गये, तो उनको हमारी बात सुनने चाहिए थी क्योंकि यह एक गंभीर मामला था। वे पी० ए० से एक कागज लेकर पहुंचने लगे और जो बात हम लागू बोल रहे थे, उनको नहीं सुन रहे थे। इसके बाद वे कुछ लिख कर चले गये। यह क्या बात हुई। दिस इज एन इनसल्ट।

सभापति महोदय : क्या आप उन लोगों के नाम बता सकते हैं ?

श्री कंबर राम : एक थे श्री संजीव कुमार टोनी।

सभापति महोदय : जो श्री जयदेव प्रताप का लड़का है। वे पटना के हैं ?

श्री कंबर राम : जी, हां। बाकी नये-नये एम० एन० ए० थे और उनके सन का नाम हम नहीं जानते हैं। गेट पर जब हम घटना दिने बैठे थे, तो दो, चार एम० एन० एन० आए थे। मेरा यह कहना है कि यह जो गार्नमेंट का स्टेटमेंट है, यह 100 11 सेन्ट झूठा है।

SHRI G. L. DOGRA: We can consider the case against the persons referred to us by the House. He mentioned about two P.As of the Chief Minister. He also mentioned the name of one of them. The other names, he does not mention. Now he says that SMAL-e-Nabi, a State Minister came and said that it was not proper for an MP to sit and to create some trouble. So, he took him to the Chief Minister. There also he was maltreated. I do not know how many witnesses will support him.

SHRI P. VENKATASUBBAIAH: His statement in the Lok Sabha is against a Constable who had blocked his entry and used some abusive words.

MR. CHAIRMAN: In the Lok Sabha, he had made a mention that, after sitting on dharna for quite some time on his own or by persuasion, he went to the Chief Minister and there he met with the shabby treatment. He has said that. Then here he has made a mention of those words which were uttered by the person who took him to the Chief Minister.

SHRI R. L. BHATIA: If you want to ask more questions, you can do so.

सभापति महोदय : अगर आप समझते हों कि कुछ महत्वपूर्ण बात इस कमेटी के सामने कहने से छूट गई है, तो आप कह सकते हैं। इस घटना के बारे में अगर कुछ स्पष्टीकरण आप करना चाहें, तो कर सकते हैं।

श्री कंबर राम : एक बात और मैं यह कहना चाहता हूँ कि जब हमने पार्लियामेंट में अपना स्टेटमेंट दिया, तो उसके बाद हमें एक दो पोस्ट कार्ड मिले। हालांकि

पोस्टकार्ड में नाम है, पता नहीं है लेकिन उसने यह लिखा है कि मैं इस बटना का प्रत्यक्षदर्शी हूँ और आपने जिस हिम्मत से इस बात को पार्लियामेंट में उठाया था, उससे हम लोगों को और जनता को राहत मिली है। मैं उस पोस्टकार्ड को एक्जीबिट कर सकता हूँ।

SHR P. VENKATASUBBAIAH: Now I am reading from the translation version on page 101. It says, "Slogans were raised later on. Apprehending that it might create a law and order problem, I asked my son to go and inform the Chief Minister immediately that the matter could be settled only if the Chief Minister himself would come to the spot or depute any of his officers. But nobody from the administration turned up. Then I myself had to go to the residence of the Chief Minister. I narrated to him the whole incident but even after knowing that such an incident had taken place with a Member of Parliament, the Chief Minister strangely enough only asked me to give everything in writing and then went back to his place. Such a treatment was meted out to me but the Chief Minister had a soft attitude towards the police. I was insulted. Not only the Members of Parliament, but Members of the Legislative Assembly and Legislative Council were also insulted in the same manner. Similar treatment was also meted out to one or two other Members of Parliament also but they had not brought it to your notice. You are requested to look into this. This amounts to breach of privilege." But now he is telling that some persons on behalf of the Chief Minister came and took him to the Chief Minister.

MR. CHAIRMAN: That he has told here.

SHRI P. VENKATASUBBAIAH: In this statement no mention has been made that some persons on behalf of the Chief Minister came and took him to the Chief Minister, and one of them happened to be the Minister of State.

SHR R. L. BHATIA: And two Private Secretaries of the Chief Minister.

SHRI P. VENKATASUBBAIAH: Here he said that he asked his son to approach the Chief Minister and asked him to come, but the Chief Minister did not turn up. Then he went to the Chief Minister and gave him something in writing. This is what he said on the Floor of the House. Now, he is bringing in new facts. What are the real facts—your this statement of your subsequent statement which you are making before the Committee? The record must be set right. He said it on the basis of the statement he had made in the Lok Sabha.

श्री कुंवर राम : प्रभा आपने हम से शपथ ली है और ईश्वर के नाम पर हमने शपथ ली है। जो बात उस वक्त सदन में कहने से हम से छूट गई थी, उसको हमने इस वक्त कह दिया है। चीफ़ मिनिस्टर का पी० ए० हमारे पास आया और उसने कहा कि आप चीफ़ मिनिस्टर के यहाँ चलिये। हमने कहा कि बे जूट यहाँ आएँ। वहाँ पर जो राजमन्त्री पहुँचे थे, उन्होंने कहा कि उनके यहाँ आने से मामला गंभीर हो जाएगा, इसलिए आप वहाँ चलिये और आप इतमीनान रखिये। जब हम वहाँ गये, तो जो बात वहाँ हुई, उसको हमने बता दिया। पहले हमने डिटेल् में ब कह कर शार्ट में कहा था। हमसे आपने शपथ ली है इसलिए जो बात छूट गई थी, उसको इस वक्त कह दिया है।

SHRI P. VENKATASUBBAIAH: I am trying to reconcile the two statements he has made—one in Parliament and one before this Committee.

SHRI GEORGE FERNANDES: Whatever was left out in his submission to Parliament, he has stated here.

SHRI G. L. DOGRA: The more the question you ask, the more the statements he will make. That is what happens in cross examination in Courts also.

SHRI P. VENKATASUBBAIAH: I am only eliciting information: The members of the committee have a right to put questions.

समाप्ति महोदय : अब आप जा सकते हैं।

(The witness then withdrew)

Wednesday, 28 January, 1981

PRESENT

Shri Harinatha, Misra—*Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
4. Shri G. L. Dogra
5. Shri George Fernandes
6. Shrimati Sheila Kaul
7. Shri P. Shivshankar
8. Shri Dharam Bir Sinha
9. Shri Ram Singh Yadav
10. Shri Vijay Kumar Yadav

SECRETARIAT

Shri K. K. Saxena—*Chief Examiner of Bills and Resolutions*

Shri M. P. Gupta—*Senior Table Officer*

WITNESS

- (1) Shri Arun Pathak, *Home Commissioner, Government of Bihar.*
- (2) Shri A. K. Pande, *Senior Superintendent of Police, Patna.*
- (3) Shri Shiva Das Pandey, *Jamadar.*
- (4) Shri Abdul Sattar, *Constable.*

(The Committee met at 11.00 hours)

- (1) **Evidence of Shri Arun Pathak, Home Commissioner,
Government of Bihar**

MR. CHAIRMAN: Mr. Arun Pathak, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege raised by Shri Kunwar Ram, M.P. regarding the harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980.

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

I may inform you that your evidence may be treated 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 meetings would constitute a breach of privilege. 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.

(Witness Shri Arun Pathak too oath)

SHRI SOMNATH CHATTERJEE: Mr. Arun Pathak, you have written a letter on the 18th of January, 1981 addressed to the Home Secretary wherein you have reported what according to you had happened on that day at New Secretariat, Patna. In your letter what have you reported?

SHRI ARUN PATHAK: My report was based on the report received from the City S. P. of Patna. The first report that we received in the Secretariat on 3rd December was from the Seargent Major. On 5th December, we called a report from the Collector and the Senior S. P. The report of the City S. P. was endorsed by the Senior S. P. as also the Collector.

SHRI SOMNATH CHATTERJEE: Did you try to ascertain the type of enquiry that was made by the City S.P.?

SHRI ARUN PATHAK: I did not make any independent enquiry.

SHRI P. SHIV SHANKAR: Will you make available copies of those enquiries?

SHRI ARUN PATHAK: Yes, Sir; these are here with me.

SHRI SOMNATH CHATTERJEE: My specific question was: what type of enquiry did they make?

SHRI ARUN PATHAK: I did not call him and asked him about this. Subsequently, when we received another notice, then he came on the 15th or 17th January and I told him that he must submit all the relevant papers. At that time he told me that he had got the enquiry conducted. He also said:

जांच पड़ताल करायी गई ।

SHRI SOMNATH CHATTERJEE: Who actually held the enquiry?

SHRI ARUN PATHAK: I was told that it was conducted by an inspector, Shri Tiwari.

SHRI SOMNATH CHATTERJEE: Has he submitted a report?

SHRI ARUN PATHAK: Subsequently he did. The Senior S. P. also

conducted an enquiry subsequently and his report is dt. 16 January.

SHRI SOMNATH CHATTERJEE: After the matter was raised in the House.

SHRI ARUN PATHAK: Yes, Sir. The City S. P. had also given a report and had got the enquiry conducted through one Inspector.

उपर्युक्त विषय के सम्बन्ध में आवश्यक जांच पड़ताल की गई ।

SHRI SOMNATH CHATTERJEE: In your letter dated 18th January, you said that the State Government endorsed the views of the Sr. S. P.

SHRI ARUN PATHAK: This is the second message which the State Government had sent.

SHRI SOMNATH CHATTERJEE: You did not try to hold an enquiry yourself and you never tried to find out from the hon. Member what his version was.

SHRI ARUN PATHAK: No, I did not.

SHRI SOMNATH CHATTERJEE: The Bihar Government chose to endorse the views of the Sr. S. P. Did that happen?

SHRI ARUN PATHAK: The Sr. S. P. had himself been to the spot and had apologised to the Member.

SHRI P. SHIV SHANKAR: Are we to understand that the Sr. S. P. arrived at the conclusion that the police had exceeded its limits as alleged by the Member; otherwise why should one apologise?

SHRI ARUN PATHAK: This evidently will be a conclusion.

SHRI SOMNATH CHATTERJEE: Did you try to ascertain what the complaint of the Member was?

SHRI ARUN PATHAK: I did not make any independent enquiry.

SHRI SOMNATH CHATERJEE: Now you know the version of the Member. Are you satisfied that his version was right and the police version was wrong?

SHRI ARUN PATHAK: The police was present there and they may have used some unparliamentary language.

SHRI P. SHIV SHANKAR: Who used that?

श्री अरुण पाठक : अपने कर्तव्य का पालन किया और अपने कर्तव्य पालन के क्रम में ही श्री राम की भावनाओं को ठेस पहुंची । जांच पड़ताल से यह साबित हुआ कि आरक्षी का कर्तव्य यह इरादा नहीं था कि माननीय सांसद का अपमान हो । फिर भी कर्तव्य निर्वाह के क्रम में अगर आरक्षी अब्दुल सत्तार के व्यवहार से माननीय सांसद की भावनायें झट्टक गई हैं तो हम क्षमा प्रार्थी हैं और जिला पुलिस की ओर से हम सविनय क्षमा मांगते हैं ।

SHRI P. SHIV SHANKAR: You admitted that the police exceeded its limits and injured the feelings of the hon. Member.

SHRI ARUN PATHAK: Yes, Sir. The feelings of the Members were injured.

MR. CHAIRMAN: In your letter dated 18th January, 1981 towards the end you have stated:

“Sr. S. P. has said in the enquiry report that constable Abdul Sattar had no intention to humiliate the hon. member. But in performance of duties, if feelings of Shri Ram have been wounded in any way, Sr. S. P. Patna has expressed apology on his behalf and on behalf of police force...”

MR. CHAIRMAN: “The Superintendent of Police, Patna, has expressed apology on his behalf and on behalf of the police force. Senior Superintendent of Police had met the Hon. Member on 29-11-80 itself and had apologised. The State Government endorsed the views of Senior Superintendent of Police, Patna.”

According to what you have written in the letter, the Constable concerned had been performing only his duties. Now, if a Constable or, for that matter, any Police Officer, had been only performing his or her duties, how does the question of apologising arise?

SHRI ARUN PATHAK: Constable has denied that he used any abusive language.

MR. CHAIRMAN: Have you read what the Constable has said in his statement? Did you ask the S.P.?

SHRI ARUN PATHAK: I did not ask the S.P.

SHRI P. SHIVSHANKAR: You are Home Commissioner and a very responsible officer.

SHRI R. S. YADAV: You may want to say that “the feelings of the Members were injured, and therefore I apologise.” But, in your statement you said that you must have used the abusive language. What prompted you to make the statement?

SHRI ARUN PATHAK: He must have said something which might have wounded the feelings of the Hon. Members.

SHRI R. S. YADAV: Do you know the fact that it is the duty of an officer that he should go into the matter independently and come prepared before giving a statement as to what had actually happened?

SHRI ARUN PATHAK: I took action in the matter.

SHRI R. L. BHATIA: That could be interpreted. Probably, you are not entitled to interpret the statement. We are entitled to interpret it. You are asked to assist us and tell us the manner in which you made the enquiry independently. You took the trouble of coming over here. You should have made an enquiry.

SHRI ARUN PATHAK: I did not make any enquiry.

SHRI SOMNATH CHATTERJEE: You are holding a very high office of the Home Secretary of the State Government. This is a business Committee of the Government. This Committee is meant to assist the Government in getting information from people like you and from the Ministries as to the events that had happened. You wrote a letter after the matter was raised in Parliament. Even then, you have not held any enquiry. The S.P.'s report has been forwarded up to Parliament.

SHRI SOMNATH CHATTERJEE: Do you know what sort of enquiry this Inspector held? Whether he got the views of the Hon. Member, whether he had taken the views of independent witnesses and their statements or not? It seems you know nothing.

SHRI ARUN PATHAK: I did not make any enquiry.

SHRI SOMNATH CHATTERJEE: Today what is the position of the Home Secretary of the Government of Bihar? Do you accept the version of the Hon. Member or the version of the Police Constable? But, they are at variance.

SHRI R. S. YADAV: He has made allegation that he was abused whereas the Constable has denied the statements of the Hon. Member. That was not taken up by the Enquiring Officers which evidently is a lapse.

SHRI P. SHIVSHANKAR: So far as you are concerned, is the Committee to understand that you have merely acted as a Post

Office having regard to the reports of your Sergeant or your S.P.—
You just sent it.

SHRI ARUN PATHAK: Yes, Sir. We have forwarded the report of the Senior S.P. State Government also endorsed the view.

SHRI SHIVSHANKAR: On your part, above the level of the S.P., there was no enquiry whatsoever. To make matters clear, what do you mean by this? You look to your letters. You say State Government endorsed the views of the Senior Superintendent of Police, Patna. Do you endorse a portion of the apology or do you endorse the entire version?

SHRI ARUN PATHAK: The entire version of the report of the S. P.

SHRI SHIVSHANKAR: You are a Commissioner. You are a very responsible officer and a very high official. How can you endorse it without enquiring whatsoever? I am surprised. That is why I put a very straight question.

SHRIMATI SHELA KAUL: Do you ever realise that you were coming to speak before the privileges committee? Do you know its importance?

SHRI ARUN PATHAK: Yes.

SHRI R. L. BHATIA: You mentioned in your letter that Government had issued instructions regarding regulating the entry of outsiders in the Secretariat Complex. What is the definition of 'outsider'?

SHRI ARUN PATHAK: It is given in the paragraph of the Circular that was issued.

SHRI R. L. BHATIA: What is the definition of 'outsider'.

SHRI ARUN PATHAK: The definition of outsider is one who is not a Secretariat employee.

SHRI R. L. BHATIA: S. P. also is not a Secretariat employee. What about the Minister?

SHRI ARUN PATHAK: A specific mention was made in the Circular for the Minister.

श्री अरुण पाठक : मंत्रियों के आवागमन में किसी भी समय कोई रुकावट नहीं रहेगी, परन्तु उनके साथ केवल उनके निजी अंगरक्षक एवम कर्मचारी को ही सचिवालय में प्रवेश की अनुमति दिए जाने और अन्य किसी बाहरी व्यक्ति को उनके साथ सचिवालय भवन में प्रवेश की अनुमति नहीं दिए जाने के अनुरोध है।

SHRI R. L. BHATIA: Do you consider MLAs and MPs as outsiders?

श्री अरुण पाठक : माननीय विधायक, संसद सदस्य एवम अन्य अधिकृत व्यक्ति को 3.30 बजे और 5 बजे के बीच सचिवालय भवनों में प्रवेश कर सकते हैं।

MR. CHAIRMAN: Now where is the Bank situated?

SHRI ARUN PATHAK: The Bank is situated within the Complex of the new Secretariat.

MR. CHAIRMAN: In fact, every person is entitled to keep his account with the Bank. If he wants to draw money from the Bank, no exception can be made between a legislator or anybody else.

Here, it merely seems that the only fault of the M. P. was to have an account with the Bank. Do you realise the anomaly of the situation?

SHRI ARUN PATHAK: I notice that this was a contingency.

MR. CHAIRMAN: I think that the rules continue to remain as they were.

SHRI ARUN PATHAK: No, sir.

MR. CHAIRMAN: When was the restriction removed?

SHRI ARUN PATHAK: It was lifted before the commencement of the Assembly session.

MR. CHAIRMAN: In your first report to the Committee of Privileges you have stated that the constable on duty was not aware that one of the persons who wanted entry into the secretariat premises was a Member of Parliament. After he came to know about him, he requested the hon. member to enter into the Secretariat, but he did not permit his companions to do so. That caused annoyance to the hon. member and he uttered some words in anger and staged a dharna at the gate of the Secretariat. Are you aware that two or three constables and the officers on duty had never mentioned it? All of them have said that this did not happen. In your subsequent statement you also did not mention it.

SHRI ARUN PATHAK: This discrepancy came to our notice also. We made an enquiry into the matter. First he said, all the persons including the hon. member. Subsequently, when he felt annoyed, perhaps he relented.

MR. CHAIRMAN: When there was no exception to be made in the case of a Member of Parliament or the State Assembly or any other House, why should the constable relent?

SHRI ARUN PATHAK: That is difficulty to say.

SHRI G. L. DOGRA: That is the only Secretariat where Legislators or MPs are not allowed to go except within fixed hours.

SHRI ARUN PATHAK: Now the restriction has been lifted. This particular provision was incorporated in the circular. We did not take into account the practice prevailing in other Secretariats.

SHRI G. L. DOGRA: All the Legislators are entitled to go to the Secretariat at any time. Actually, they are running the government.

SHRI ARUN PATHAK: We did not think like this in this matter.

SHRI G. L. DOGRA: Was any action taken against the Constable?

Your government endorsed the apology of the SSP.

SHRI ARUN PATHAK: We have not taken any action against him. We have endorsed the report of the SSP.

SHRI SOMNATH CHATTERJEE: You see clause 9 of this circular.

SHRI ARUN PATHAK: What we have done is that we have closed the gates which are near the boundary wall. We have got four Secretariat buildings; and in two of them the State Bank building is located; and we are permitting visitors. We did not take into account the Cooperative Bank which is located in the new Secretariat. The hon. Member was going to the Cooperative Bank.

SHRI RAM SINGH YADAV: Did you enquire whether the identity of the hon. Member was well known to the persons who were on duty at that time?

SHRI ARUN PATHAK: I did not make any enquiry.

SHRI P. SHIVSHANKAR: Then why did you commit yourself?

भा. : वही बात कहे। आप यह क्यों कहते हैं कि हम को मालूम नहीं है?
श्री अरुण पाठक : उनका कहना यह है कि हम पहचान नहीं पाये।

SHRI RAM SINGH YADAV: These are two different things. I have gone through the report. Is it a fact that the hon. Member was well-known to the persons who were on duty at that time?

SHRI ARUN PATHAK: I do not want to make any comment on that.

SHRI SOMNATH CHATTERJEE: What sort of circular is this? Was any mind applied to the matter by the persons who were incharge of it?

SHRI ARUN PATHAK: We had lost sight of this fact while issuing the circular.

SHRI SOMNATH CHATTERJEE: Was any objection taken by the Cooperative Bank?

SHRI ARUN PATHAK: No.

SHRI P. SHIVSHANKAR: Are we to understand that you have nothing more to add except what you have drawn from the report of your subordinate Officer's who have submitted it to you?

SHRI ARUN PATHAK: Yes.

SHRI P. SHIVSHANKAR: Your knowledge is based on this report, not independently at all.

SHRI ARUN PATHAK: Yes. I am not talking independently.

SHRI RAM SINGH YADAV: Was this circular issued at your instance or at the instance of the Chief Secretary?

SHRI ARUN PATHAK: We had the approval of the government.

SHRI RAM SINGH YADAV: Who drafted it?

SHRI ARUN PATHAK: The working papers were prepared and submitted to the Chief Secretary.

SHRI RAM SINGH YADAV: Was it brought to your notice also before the circular was issued?

SHRI ARUN PATHAK: Yes. All these points had been made in the working papers.

SHRI RAM SINGH YADAV: You did not visualise the difficulty of the Cooperative Bank?

SHRI ARUN PATHAK: We did not visualise the difficulty of the Cooperative Bank.

SHRI RAM SINGH YADAV: Even the clerks wanted to have an access.

SHRI ARUN PATHAK: Nobody who was identified by the advocate could get entry.

SHRI RAM SINGH YADAV: Do you expect an advocate to stand there at the gate to identify his clients?

SHRI ARUN PATHAK: No reply.

SHRI P. SHIVSHANKAR: We would like to have the reports of the Sergeant, SP and the report on which you have based your letter dated 18th January.

SHRI ARUN PATHAK: We shall make them available to the Committee.

SHRI SOMNATH CHATTERJEE: This is only atrocities. The court is a public place and the bank is also a public place. The public places have been cordoned off. Even the identity card of an MP is not to be looked at.

MR. CHAIRMAN: In the first report, it was stated that the Constable concerned was on leave and, therefore, his version could not be obtained. Was it difficult to send for the Constable or obtain his version?

SHRI ARUN PATHAK: We received the message from the Home Ministry on the 28th. We despatched the information on the 28th. At that time, the Constable was on leave.

MR. CHAIRMAN: When was he granted leave and for what period?

SHRI ARUN PATHAK: I have not checked up the details. We received the report dated 1st December on the 3rd December.

SHRI RAM SINGH YADAV: Was the incident brought to your notice on the same day?

SHRI ARUN PATHAK: The Sergeant came and reported to the Joint Secretary. We have to go through the matter, inquire into and take action.

MR. CHAIRMAN: On what date was it brought to your notice? Was it on the same day as the day of occurrence?

SHRI ARUN PATHAK: I won't be able to say exactly. The report is dated 1-12-80. First, I had to go on some other duty. On 30th I was here.

MR. CHAIRMAN: You learnt about it from the local reports, or the Secretariat or your officers? Please let us know whether this question was brought to your notice on the same day or not.

SHRI ARUN PATHAK: It was brought to my notice on 29th of November.

MR. CHAIRMAN: On the next day you came to know?

SHRI ARUN PATHAK: No, Sir. I did come to know on the next day. It (the Report) was dated 1st December.

MR. CHAIRMAN: But in Patna, was it not brought to your notice?

SHRI ARUN PATHAK: My Joint Secretary did not tell me exactly all the details.

MR. CHAIRMAN: What is his name?

SHRI ARUN PATHAK: Mr. Avdhesh Kumar, Sir.

MR. CHAIRMAN: Was it not proper on your part to have the matter investigated or enquired into?

SHRI ARUN PATHAK: We immediately took action in the matter, Sir.

MR. CHAIRMAN: Was it done at the instance of the Committee of Privileges?

SHRI ARUN PATHAK: No, Sir. Earlier, on 3rd December. The letter from the Committee of Privileges was received later.

MR. CHAIRMAN: But the matter was raised in Parliament, and that appeared in the papers.

SHRI ARUN PATHAK: 30th was a Sunday. I was busy, totally with Bhagalpur episode. I was totally engaged with that, Sir.

SHRI SOMNATH CHATTERJEE: With reference to the earlier statement of yours, I want a copy.

MR. CHAIRMAN: That is being given.

(The witness then withdrew)

(2) Evidence of Shri A. K. Pande, Senior Superintendent of Police Patna

MR. CHAIRMAN: Mr. A. K. Pande, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege raised by Shri Kunwar Ram, M.P., regarding harassment caused to him and abusive remarks used in respect of Members of Parliament by Police Guard at the New Secretariat, Patna on 29-11-1980. I hope you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding. I may inform you that your evidence may be treated 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 meeting would constitute a breach of privilege. The evidence which you will give before the Committee may be reported to the House. Now, you may take an oath or affirmation, as you like.

SHRI A. K. PANDE: took the oath.

SHRI R. L. BHATIA: Mr. Pande, I would like to know from you when this incident took place on the 29th of November, when the M.P. was stopped at the gate of the New Secretariat, when were you first informed about the incident?

SHRI A. K. PANDE: I was informed about the incident round about 3 O'clock or so on the same day.

SHRI R. L. BHATIA: What action was taken by you, in this connection?

SHRI A. K. PANDE: I rushed to the place of occurrence, i.e. the New Secretariat. I found that the hon. Member of Parliament was not there. He was on Dharna there for some time. After that, I enquire about him and learnt that he had gone to the Chief Minister's residence. I followed him and met him there. I apologised to him for what had happened and assured him to look into it.

SHRI R. L. BHATIA: What was the result of your enquiry?

MR. CHAIRMAN: Just, one moment. You rushed to the Chief Minister's residence and apologised to the hon. Member, for whatever may have happened. What did you see when you reached the spot? And immediately you rushed to the Chief Minister's residence. What information did you gather there?

SHRI A.K. PANDE: People had gathered around the gate. I asked some people, they were out with different statements and many

of them were saying that there was some confusion and there was a big gathering at the gate and I learnt that the M.P. and his followers were sitting at the gate on Dharna around lunch hour when the employees of the Secretariat were coming out. They found that there was some obstruction in their way as people gathered, they wanted to get out of the Secretariat because they had little time at their disposal for lunch and they were in a hurry.

SHRI R. L. BHATIA: We are interested to know when the hon. M.P. was stopped and when he was forced to sit on Dharna? When you arrived there, he had already gone back. What is your personal report about the incident when you reached the spot?

SHRI A. K. PANDE: That was one part of the story which I related and after that I enquired about the incident that had occurred from the constable or the guard on duty for cross-checking. I learnt that there was some confusion, some hulla, some exchange of words or something like that and the hon. Member of Parliament along with 10—12 people wanted to enter into the New Secretariat. The constable did stop the hon. Member of Parliament from entering into the Secretariat on the ground that nobody would be allowed to get into it without a special pass. He did not show anything whatsoever. So, the constable refused admission to him into the Secretariat. This was followed by some incident, as reports go, as the constable and the people standing around him told me that the hon. Member of Parliament felt hurt and he raised his voice and said that the constable should admit him into the Secretariat and this led to counter-shouts also probably, but nobody came forward with the statement that the constable abused the hon. Member of Parliament. Nobody came with such a statement before me.

SHRI R. L. BHATIA: Probably there were counter-shouts. Since you made the inquiry, why should you use the word 'probably'?

SHRI A. K. PANDE: There was no mention of any abuse by the witnesses who were present at the time of the incident. They only said that he firmly said that he would not be admitted into the Secretariat. There was no mention of any abuse by the constable on duty.

SHRI R. L. BHATIA: When you met the Member of Parliament at the residence of the Chief Minister, was he satisfied with your apology?

SHRI A. K. PANDE: He looked satisfied. And as I said, I apologised to him for anything that happened. He looked satisfied already.

but he said that he would be sending the application to the Chief Minister and he was just drafting the letter there.

SHRI VIJAY KUMAR YADAV: Where did the incident occur?

SHRI A. K. PANDE: At Gate No. 1.

SHRI SOMNATH CHATTERJEE: According to you, you got the information at 3 p.m. For the first time you came to know at about 3 p.m. that an incident had happened. When did the incident take place according to you?

SHRI A. K. PANDE: It was around 12.30 p.m.

SHRI SOMNATH CHATTERJEE: Therefore, between 12.30 and 3 o'clock, although the M.P. was on dharna and so much commotion was there, you had no information whatsoever. Is that the position? At 3 o'clock did you go there?

SHRI A. K. PANDE: Yes, Sir.

SHRI SOMNATH CHATTERJEE: The letter which has been sent to us from the Government of Bihar says that the M.P. went to the gate at about 12.30 p.m., he was not allowed admission and there was commotion and in the mean time it was 1.30 p.m. For one hour something obviously was going on there. What inquiry did you make at 3 p.m.? Did you take the statements of some persons?

SHRI A. K. PANDE: I did take the statements of the witnesses. I enquired from them, I took their statements about the incident.

MR. CHAIRMAN: When did you know it? I want to know the date and time. When did you just get the statements of the constables and others concerned. At what time and on what date?

SHRI A. K. PANDE: The preliminary inquiry was done by me on the same day, i.e., the 29th November.

MR. CHAIRMAN: Did you send any copy of it to the Commissioner or Government or any one?

SHRI A. K. PANDE: What happened is, I made a preliminary inquiry about the entire incident, then I went to the hon. Member of Parliament, I met him at the Chief Minister's residence. When I learnt that he had gone to the residence of the Chief Minister, I went there and told him. Then I found it was all over. I thought it was all over and I had apologised and things were all right.

SHRI DHARAM BIR SINHA: Did the hon. Member go to the Chief Minister's residence or did he go to his office?

SHRI A. K. PANDE: He went to the residence of the Chief Minister. The Minister of State also came there probably.

MR. CHAIRMAN: What Minister of State?

SHRI A. K. PANDE: Mr. Samale Nabi. I met Mr. Nabi at the residence of the Chief Minister and he told me that he persuaded the hon. Member to come.

MR. CHAIRMAN: That is quite correct. But in the course of persuasion why did Mr. Nabi take him or somehow make him agree to go to the Chief Minister although he was on dharna? When you met Mr. Nabi, did you try to ascertain from him or know otherwise how and why he went to the Chief Minister? What was his persuasion?

SHRI A. K. PANDE: I wanted to know it from Mr. Nabi also. He said he got the information and he also went there and he saw the hon. Member of Parliament sitting there on dharna. He persuaded him and asked him to go to the Chief Minister.

SHRI SOMNATH CHATTERJEE: When you went there, was he not on dharna?

SHRI A. K. PANDE: No.

SHRI SOMNATH CHATTERJEE: Did you request the hon. Member of Parliament to make a statement on the incident that had happened?

SHRI A. K. PANDE: Yes, Sir. He made the statement.

SHRI SOMNATH CHATTERJEE: You took that down, I think.

SHRI A. K. PANDE: I jotted down.

SHRI SOMNATH CHATTERJEE: Did you take the statement on the version of the police?

SHRI A. K. PANDE: Yes Sir.

SHRI SOMNATH CHATTERJEE: Did you realise that the two versions are completely different?

SHRI A. K. PANDE: Not completely.

SHRI SOMNATH CHATTERJEE: Substantially different?

SHRI A. K. PANDE: Substantially they were not different. So far as his coming to the Secretariat and trying to get admission was concerned, it was corroborated by both the parties.

MR. CHAIRMAN: Why did the hon. Member try to enter the premises? What did he say was his mission?

SHRI A. K. PANDE: He said that he had some work in the co-operative bank.

SHRI SOMNATH CHATTERJEE: And he was asked to produce an identity card. That identity card was produced. In spite of that, he was not allowed to go to the bank. That version does not tally with the police version.

SHRI A. K. PANDE: He went to the gate and wanted admission into the Secretariat. That is true. And he was not allowed admission. That is also true.

SHRI SOMNATH CHATTERJEE: But that part of the Member's case, viz, he was asked to produce his identity card which was not with him, he sent for it, got it with him, he produced it at the gate, in spite of that he was not allowed admission, that version the police did not give. You must have come to the conclusion on your own inquiry as to which version you have to accept.

SHRI A. K. PANDE: So far as the difference between both the versions is concerned, I thought that this part could not be fully proved that he showed an identity card because on the face of it that does not appear to be very much in the context because the identity card was not called for. In the newspapers and Order itself there was a request by the Government that hon. Members of Parliament and the Members of the Assembly may enter the gate only after 15.30. That is, therefore, not correct.

SHRI SOMNATH CHATTERJEE: My question is specific. Let us not go to the circular. As a responsible senior police official, after holding an enquiry which you say you did, what is your finding, we want to know?

SHRI A. K. PANDE: My finding is that that part of the story is not proved that he went back to his residence and collected....

SHRI SOMNATH CHATTERJEE: He said that he had sent his son. I said that he got the identity card through his son. That part of the hon. Member's statement is not true, is that your version?

SHRI A. K. PANDE: He told me that they wanted identity card. He went back to his residence and brought the identity card. He told me this. He mentioned that he went back to the residence and collected the identity card. But this was not found proved. The entire incident happened in continuation.

SHRI SOMNATH CHATTERJEE: All this was going on for one hour. He thereafter, started dharna.

SHRI A. K. PANDE: He started dharna earlier. By 13.30...

SHRI SOMNATH CHATTERJEE: For nearly one hour this talk or chit chat was going on.

SHRI A. K. PANDE: Between 12.30 and 13.00 this incident was there. Around 13.00 hrs he sat on dharna. He was on dharna when the employees of the Secretariat came out.

SHRI SOMNATH CHATTERJEE: Did you make an enquiry so far as constables were concerned? Did you take their statement?

SHRI A. K. PANDE: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Were other persons present there?

SHRI A. K. PANDE: Many people were there.

SHRI SOMNATH CHATTERJEE: Did you take their evidence?

SHRI A. K. PANDE: I was not in the Secretariat. So, there was no merit in taking their evidence.

SHRI SOMNATH CHATTERJEE: The trouble started at 12.30. It reached its peak by 13.30. You were not informed by 15.00 hrs and your police allowed him to be physically removed. You were keeping quite, uninformed about it. No high police official bothered as to what could be done.

(There was no answer from Shri Pande.) -

SHRI DHARAM BIR SINHA: Between 12.30 and 13.00 P.M. which other senior officers were there for manning the gate? Other than constable, what is your set up? Who is the senior officer above them?

SHRI A. K. PANDE: Sergeant Major, who is the Incharge of the Secretariat.

SHRI DHARAM BIR SINHA: Was this officer informed of this incident between 12.30 and 13.30?

SHRI A. K. PANDE: He had reached there before I reached.

SHRI DHARAM BIR SINHA: Was this particular officer informed of this incident between 12.30 and 13.30?

SHRI A. K. PANDE: He was informed.

SHRI DHARAM BIR SINHA: What action did he take?

SHRI A. K. PANDE: He reached there and he submitted the report.

SHRI DHARAM BIR SINHA: At what time did he reach?

SHRI A. K. PANDE: I do not know. I will find that out.

SHRI DHARAM BIR SINHA: We have to go what happened minute by minute.

MR. CHAIRMAN: Mr. Pande, when the hon. Member mentioned to you that he wanted to enter the campus in order to draw money from the bank, it was Saturday. Did it occur to you, may be immediately or afterwards, that on Saturday the banking hours are upto 12 o'clock? And if your police force had been responsible for not allowing the hon. Member, leave aside the question of an hon. Member, a gentleman who had his account with the Bank, was it proper?

SHRI A. K. PANDE: There are two points in this. First entry was at 12.30. By that time the banking hours were already over. Frankly speaking, it did not occur to me on that day that the banking hours were over by 12 o'clock. When I learnt about it and found out that it was Saturday and the occurrence started at 12.30..

MR. CHAIRMAN: Do you say that it started at 12.30? The hon. Member has said on the floor of the House and has submitted here and probably told you also that he had gone to draw money and that he went there before 12.00 o'clock. He is expected to be a sensible person. Why, did it not occur to you?

SHRI A. K. PANDE: In his petition the hon. Member has stated that around 12 o'clock he went there.

MR. CHAIRMAN: 'Around' may be a little before. He said that his only mission was to draw money.

SHRI A. K. PANDE: But from the enquiry that we made it was an established proof that that incident started around 12.30.

MR. CHAIRMAN: Did you have your talk with the hon. Member at the residence of the Chief Minister, the same day?

SHRI A. K. PANDE: Yes.

SHRI DHARAM BIR SINHA: Will you please try to answer my question put to you before Mr. Chairman put his question? At what time was the Sergeant Major informed? What action did he take? Did he personally go himself? If he went there before 13.30, did he meet the hon. Member? If he did meet the hon. Member did he try to speak to him to find out what was the cause? If not do you think

that there is a failure on the part of the police arrangement that for 1½ hours when a serious thing like this had happened, a Member of Parliament was sitting on dharna before the Secretariat, it is not reported to the higher police officers?

Please let me know the time when was the Seargent Major informed and what action did he take?

SHRI A. K. PANDE: I would not be able to say about the exact time when he reached the Secretariat. It is not mentioned in the report. I am sorry. I was trying to check it up from the report. Unfortunately, it is not mentioned when he reached the spot. But I only know that he had reached well in time and he tried to intervene. Although the place where the occurrence took place does not lie in his area, the Inspector, Kotwali reached there. When I went to the Secretariat, I found him there.

SHRI DHARAM BIR SINHA: Between 12.30 to 13.30.

SHRI A. K. PANDE: I am sorry, I would not be able to say about that.

SHRI DHARAM BIR SINHA: You are not aware that between 12.30 and 1.30 P. M. an officer of higher rank than the policeman concerned visited the gate.

SHRI A. K. PANDE: I will not say that.

SHRI RAM SINGH YADAV: You have mentioned in your statement that the hon. Member was removed and you have termed it as "removing the obstruction". By that, do you mean to say that the hon. Member was removed physically?

SHRI A. K. PANDE: No, Sir; not physically removed. He was probably shouted out or something happened and he left the gate.

SHRI RAM SINGH YADAV: You have also mentioned that he was not alone. You have said that he was accompanied by some persons including ladies. Have you enquired about the number of persons who were accompanying him? Also, did you enquire the names of those persons accompanying him?

SHRI A. K. PANDE: About 10-12 persons were accompanying the hon. Member. I wanted to know the names. But he did not know because so many people come to him. So, he would not give the names of persons who accompanied him.

SHRI RAM SINGH YADAV: What was the purpose? Did the hon. Member take those persons with him or those persons came

voluntarily? You have said that all of them wanted to have entrance into the Secretariat building.

SHRI A. K. PANDE: Those persons were with him; they had followed him right from the beginning. It is not a fact that those 10-12 persons came there just when the incident took place. They were accompanying him right from the beginning.

MR. CHAIRMAN: Did you try to ascertain whether he had gone with those people to the Secretariat gate by walking or by some vehicle?

SHRI A. K. PANDE: They were coming on foot.

MR. CHAIRMAN: Although it was about 12 o'clock when the bank would be closed and all transactions would be stopped for the day, he was on foot.

SHRI A. K. PANDE: Yes, Sir. From where they were coming, I do not know.

SHRI RAM SINGH YADAV: Whether any report in the general diary of the police station was recorded by you or by your subordinates about this particular incident, that this thing happened at the gate of the Secretariat, at any police station, in Kotwali or any other police station.

SHRI A. K. PANDE: I received a report from the Sergeant Major, Sachivalaya. He is in-charge of all the arrangements at the Secretariat.

SHRI RAM SINGH YADAV: Is there any police station or a police outpost at the Secretariat?

SHRI A. K. PANDE: There is a police station.

SHRI RAM SINGH YADAV: I want to know whether there is a mention of this incident in the general diary of that police station.

SHRI A. K. PANDE: I have not checked up as to whether there is any mention of this incident in the general diary of the Sachivalaya Police Station.

SHRI RAM SINGH YADAV: Is it a fact that according to the police manual, if any incident has taken place, if it comes to the notice of the police officer, he must mention it in the general diary kept at the police station on the same day and at the same time when he came to know of it?

SHRI A. K. PANDE: There should be a mention.

SHRI RAM SINGH YADAV: You have not enquired whether this incident has been mentioned in the general diary of the police station concerned or not.

SHRI A. K. PANDE: I have not checked up.

SHRI SOMNATH CHATTERJEE: Have you yourself submitted any report?

SHRI A. K. PANDE: Yes, Sir.

SHRI SOMNATH CHATTERJEE: When was it and to whom?

SHRI A. K. PANDE: The first report I received was from the Seargent Major, Sachivalaya. By that time, I did not know whether there was any privilege motion. I thought that the matter was all over. When I talked to the hon. Member, he looked satisfied. I thought it was all over. Subsequently, I received a letter from the Government informing me that there was a privilege motion. Then, I asked my City S.P. to make a full-fledged inquiry into the incident and he submitted a report.

SHRI SOMNATH CHATTERJEE: So, it is really the report of the City S.P. which has been forwarded by you to the Committee. May I know whether the City S.P. held an inquiry?

SHRI A.K. PANDE: The City S. P. submitted a report. As I said earlier, I was also very much in the picture. I had reached the place of occurrence, met the people and took their statements the same day.

SHRI SOMNATH CHATTERJEE: So, you have agreed with the City S.P. report and you have forwarded it to us.

SHRI A. K. PANDE: Yes, Sir. Subsequently when the report was submitted, I submitted another report.

SHRI SOMNATH CHATTERJEE: When was that?

SHRI A. K. PANDE: That was on 16th January.

SHRI SOMNATH CHATTERJEE: Is that report with you? We can have that report.

SHRI A. K. PANDE: Yes, Sir.

SHRI SOMNATH CHATTERJEE: Do you know whether the City S.P. himself held an inquiry and gave a report or he asked somebody else to hold the actual inquiry?

SHRI A. K. PANDE: I have perused the report. It is not clear from the report whether he himself inquired into the incident.

SHRI SOMNATH CHATTERJEE: It has been reported to us that the inquiry was actually held by an Inspector. You are not in a position to dispute that.

SHRI A. K. PANDE: That is right. I may like to add. But I too held an enquiry into the incident.

SHRI SOMNATH CHATTERJEE: Whether that Inspector got a constable to make an inquiry and report, you do not know.

SHRI A. K. PANDE: The Inspector held the inquiry himself.

SHRI RAM SINGH YADAV: Did you enquire whether the hon. Member maintained an account with the Central Cooperative Bank which was located in the precincts of the Secretariat building?

SHRI A. K. PANDE: I did make enquiries into this aspect also and I learnt that there was an account of the hon. Member with the Bank.

MR. CHAIRMAN: In the first report received from the Bihar Government, it has been stated that after knowing the identity of the hon. Member, the gate was opened to him with the condition that only he could enter the premises, not 10 or 12 persons who were accompanying him. But there is no such mention in the subsequent report. Why this material difference between the two reports? Have you ascertained the true position?

SHRI A. K. PANDE: After some time, when the things were heading towards a scene, probably the constable advised the hon. Member to enter into the Secretariat through the southern gate. But he did not agree. That was for a split second. He did not pursue it and he immediately went back on it.

MR. CHAIRMAN: Why this dereliction of duty on the part of your subordinate officer or constable? Did you take him to task for not sticking to the Government orders?

SHRI A. K. PANDE: He mentined it only to save the situation. But when he found it did not click, he immediately went back to the old position.

SHRI RAM SINGH YADAV: You are quite aware that the bank is located in the premises of the Secretariat. What arrangement has the concerned Police officer made for entry of those persons who are operating with the Bank?

(The witness then withdrew.)

(3) Evidence of Shri Shiva Das Pandey, Jamadar

सभापति महोदय : श्री शिवदास पाण्डे 29-11-80 को पटना न्यू सेक्रेटरिएट में तैनात पुलिस गार्ड द्वारा श्री कुंवर राम, संसद सदस्य को तंग किए जाने तथा संसद सदस्य के लिए प्रयुक्त अपशब्दों के सम्बन्ध में श्री कुंवर राम, संसद सदस्य द्वारा उठाए गए विशेषाधिकार सम्बन्धी प्रश्न के बारे में अपना साक्ष्य देने के लिए समिति के समक्ष आपको बुलाया गया है। मैं आशा करता हूँ कि आप निःसंकोच रूप से तथा सच्चाई से सारी वास्तविक स्थिति बताएंगे ताकि समिति सही निष्कर्ष पर पहुँच सके। मैं आपको बता देना चाहता हूँ कि समिति का प्रतिवेदन तथा उसका कार्रवाई वृत्तान्त सभा में प्रस्तुत किए जाने तक आप अपना साक्ष्य गोपनीय रखें। समिति की बैठकों के कार्रवाई वृत्तान्तों को समय से पूर्व प्रकाशित करना अप्रत्याशित करना विशेषाधिकार का उल्लंघन होगा। आप समिति के समक्ष जो साक्ष्य देंगे वह लोक सभा के समक्ष रखा जा सकता है।

अब आप कृपया अपनी इच्छानुसार शपथ लें या प्रतिज्ञा न करें।

(श्री शिवदास पाण्डे ने शपथ ग्रहण की)

श्री रघुनन्दन लाल भाटिया : आपके अफसरों ने कोई मीटिंग बुला कर आपको बोला था कि आपको क्या-क्या कहना है और क्या नहीं कहना है ?

सभापति महोदय : किसी अफसर ने उस दिन की घटना के बारे में इनकारायरी की थी और आपने कोई ब्यान दिया था ?

श्री शिव दास पाण्डे : ब्यान दिया था।

सभापति महोदय : किस को दिया था और कब ? उसमें आपने क्या कहा था ?

श्री शिव दास पाण्डे : सिटी एस० पी० को दिया था।

सभापति महोदय : किस तारीख को ?

श्री शिव दास पाण्डे : यह तो याद नहीं है।

सभापति महोदय : इस घटना के कितने दिन बाद ?

श्री शिव दास पाण्डे : जिस दिन यह घटना घटी उस दिन हम ने सार्जेंट मेजर को खबर दी थी। उसके बाद सीनियर एस० पी० को दी।

सभापति महोदय : सार्जेंट मेजर को कब ब्यान दिया ?

श्री शिव दास पाण्डे : फोन पर उसी दिन कि इस तरह से घटना घटित हुई है।

सभापति महोदय : उसके बाद ?

श्री शिव दास पाण्डे : उसके बाद सिटी एस० पी० को दी।

श्री धर्मबीर सिंह : साढ़े बारह बजे के करीब मेम्बर साहब वहाँ गए थे। वह घरने पर बैठे रहे। डेढ़ बजे गए। उनको कौन ले गया ?

श्री शिव दास पाण्डे : नबी साहब ले गए थे।

श्री धर्मवीर सिंह : गेट डेढ़ बजे खुला । उस समय सेक्रेटेरिएट से जाबू लोग निकले । तब मंत्री जी भी वहाँ पहुँच गए थे ।

श्री शिव दास पाण्डे : गेट खुलने के कुछ पहले पहुँच गए थे । वह उनको समझा कर ले गए थे ।

श्री धर्मवीर सिंह : क्या समझा रहे थे ।

श्री शिव दास पाण्डे : कह रहे थे चलिमे, हम देखेंगे ।

श्री धर्मवीर सिंह : जाबुओं ने उनको नहीं हटाया ?

श्री शिव दास पाण्डे : जी नहीं, नबी साहब ले गए ।

श्री धर्मवीर सिंह : साढ़े बारह और डेढ़ बजे के बीच सार्जेंट मेजर साहब आपके पास आए थे ?

श्री शिव दास पाण्डे : आए थे ।

श्री धर्मवीर सिंह : कितनी देर में पहुँच गए थे ?

श्री शिव दास पाण्डे : पाँच दस मिनट में ही पहुँच गए थे ।

श्री धर्मवीर सिंह : पीने एक बजे तक पहुँच गए होंगे ।

श्री शिव दास पाण्डे : जी हाँ ।

श्री धर्मवीर सिंह : 12-45 तक वे पहुँच गए । तब सार्जेंट मेजर ने आपसे कुछ कहा या सदस्य महोदय से कुछ कहा ?

श्री शिव दास पाण्डे : मैंने उनसे कहा कि ऐसी बात हुई है ?

श्री धर्मवीर सिंह : उन्होंने कुछ भी नहीं कहा ?

श्री शिव दास पाण्डे : उन्होंने माननीय सदस्य को समझाया ।

श्री धर्मवीर सिंह : उन्होंने समझाया फिर भी माननीय सदस्य धरने पर बैठे रहे ?

श्री शिव दास पाण्डे : जी हाँ ।

श्री धर्मवीर सिंह : गेट पर आप दो आवामी पहले से थे ?

श्री शिव दास पाण्डे : जी हाँ ।

श्री धर्मवीर सिंह : उसके बाद सार्जेंट मेजर आए तो आप तीन पुलिस कर्मचारी वहाँ पर हो गए ?

श्री शिव दास पाण्डे : जी हाँ ।

श्री धर्मवीर सिंह : क्या इनके अलावा भी वहाँ पर कोई और लोग आए ?

श्री शिव दास पाण्डे : उसके बाद तो हंगामा हुआ

श्री धर्मवीर सिंह : मेरा मतलब है आप लोग पुलिस के तीन लोग ही वहां पर रहे—दो आदमी आप और सार्जेंट मेजर ?

श्री शिव दास पांडे : जी हां ।

श्री धर्मवीर सिंह : डेढ़ घंटे में पुलिस का और कोई आदमी नहीं आया ?

श्री शिव दास पांडे : जी हां ।

श्री धर्मवीर सिंह : नबी साहब कितने बजे आए ?

श्री शिव दास पांडे : ठीक टाइम तो मालूम नहीं है ।

श्री धर्मवीर सिंह : लेकिन डेढ़ बजे के पहले आये पर वे क्यों आए ?

श्री शिव दास पांडे : मैं नहीं बता सकता क्यों आए ?

समापति महोदय : सदस्य महोदय के साथ क्या उनका लड़का भी आया था ?

श्री शिव दास पांडे : जी हां ।

समापति महोदय : किस सवारी पर आए थे ?

श्री शिव दास पांडे : स्कूटर पर आए थे ।

श्री धर्मवीर सिंह : आपके एस० पी० साहब कितने बजे गए थे ?

श्री शिव दास पांडे : मैं टाइम नहीं बतला सकता ।

श्री धर्मवीर सिंह : आपके बड़े अफसर आते हैं तो आप अन्दाजा नहीं रखते कि कितने बजे आए ?

श्री शिवदास पांडे : एस० पी० साहब के जाने के बाद सीनियर एस० पी० साहब पहुंचे थे ।

श्री रघुनन्दन लाल भाटिया : स्कूटर पर सदस्य महोदय और उनका लड़का आए थे । उनके साथ में और कोई आदमी तो नहीं थे ?

श्री शिव दास पांडे : उनके साथ में 10-11 आदमी आए थे ।

श्री रघुनन्दन लाल भाटिया : वे तो स्कूटर पर थे, फिर उनके साथ कैसे आ गए ?

श्री शिवदास पांडे : वे लोग पैदल गेट पर आ गए थे ।

श्री धर्मवीर सिंह : इस घटना के बाद क्या किसी पुलिस अफसर ने आपका बयान लिया था ? आपका बयान लिया भी था या नहीं ?

श्री शिव दास पांडे : सिटी एस० पी० साहब ने लिया था ।

श्री धर्मवीर सिंह : कब लिया था ?

श्री शिव दास पांडे : तारीख याद नहीं है ।

श्री धमबीर सिंह : 3-4 दिन के बाद लिया था या महीने के बाद लिया था ?

श्री शिव दास पांडे : 5-6 दिन के बाद लिया था ।

सभापति महोदय : श्री कुंवर राम जी अपने लड़के को लेकर अन्दर किस काम के लिए जाना चाहते थे ?

श्री शिव दास पांडे : कोभापरेटिव बैंक में जाना चाहते थे ।

सभापति महोदय : अब आप जा सकते हैं ।

(तत्पश्चात् साक्षी बाहर चला गया ।)

(4) Evidence of Shri Abdul Sattar, Constable.

सभापति महोदय : श्री अब्दुल सत्तार, आपके द्वारा 29 नवम्बर, 1980 को पटना स्थित न्यू सेक्रेटेरियट में श्री कुंवर राम, संसद सदस्य को तंग किए जाने तथा संसद सदस्य के लिए अशब्दों का प्रयोग किए जाने के सम्बन्ध में श्री कुंवर राम, संसद सदस्य द्वारा उठाए गए विरोधाधिकार सम्बन्धी प्रश्न के बारे में अपना साक्ष्य देने के लिए समिति के समक्ष आपको बुलाया गया है । मैं आशा करता हूँ कि आप निःसंकोच रूप से तथा सचबाई से सारी वास्तविक स्थिति बतायेंगे ताकि समिति सही निष्कर्ष पर पहुँच सके । मैं आपको यह बताना चाहता हूँ कि समिति का प्रतिवेदन तथा उक्त सचबाही वृत्तान्त सभा में प्रस्तुत किए जाने तक आप अपना साक्ष्य गोपनीय रखें । समिति को बैठकों के सचबाही वृत्तान्त को समय से पूर्व प्रकाशित करना अथवा उल्लंघित करना विशेषाधिकार का उल्लंघन होगा । आप समिति के समक्ष जो साक्ष्य देंगे वह लोक सभा के समक्ष रखा जा सकता है ।

अब आप कृपया अपनी इच्छानुसार शपथ लें या प्रतिज्ञान करें ।

(श्री अब्दुल सत्तार ने शपथ ग्रहण की ।)

श्री रघुनाथन लाल झाड़िया : यह जो वाक्या हुआ, कुंवर राम जी को आपने रोका तो क्या शब्द आपने कहे या उन्होंने कहे जिससे बाद विवाद बढ़ा ?

श्री अब्दुल सत्तार : माननीय सदस्य महोदय जब साढ़े बारह बजे के लगभग मेरे गेट पर प्र.प्र.प्र.प्र. जाने के लिए रुके तो मैं सत्तार के प्रादेम से उतरी प्रमाण कराया ।

सभापति महोदय वे कितने बजे आए थे ?

श्री अब्दुल सत्तार : साढ़े बारह बजे ।

मैंने माननीय सदस्य से आग्रह किया कि श्रीमान जी, आप साढ़े तीन बजे घाड़ए और तब आप को अन्दर प्रवेश करने में किसी तरह की कठिनाई नहीं होगी । इस से पहले आप जाने में असमर्थ हैं और मैं छोड़ने में असमर्थ हूँ । उन्होंने जबाब यह दिया

कि यह किस ने आदेश दिया है ? मैंने कहा कि यह बिहार गवर्नमेंट का आदेश है। उस के बाद दरवाजा खोलने के लिये हम से बोले लेकिन मैंने उन से आग्रह किया कि मैं दरवाजा खोलने में असमर्थ हूँ। इस पर उन्होंने अपराध्यों का इस्तेमाल किया। फिर भी उन की प्रतिष्ठा या इज्जत समझ कर, हम लोगों ने उन को जवाब नहीं दिया।

श्री रघुनन्दन लाल भाटिया : उन्होंने यह बताया था कि वे संसद् सदस्य हैं ?

श्री अब्दुल सत्तार : जी, नहीं। मुझे नहीं बताया।

सभापति महोदय : वे अन्दर क्यों जाना चाहते थे, इस बारे में कुछ कहा ?

श्री अब्दुल सत्तार : मुझे कुछ नहीं मालूम कि वे क्यों जाना चाहते थे।

सभापति महोदय : वे किस सवारी पर आए थे ?

श्री अब्दुल सत्तार : स्कूटर से आए थे।

सभापति महोदय : उन के साथ कौन था ?

श्री अब्दुल सत्तार : उन के साथ उन का लड़का था।

सभापति महोदय : और कोई लोग नहीं थे ?

श्री अब्दुल सत्तार : और लोग भी थे जो पहले से वहाँ थे और जो अन्दर जाना चाहते थे लेकिन उस वक्त तक उन के पास नहीं बने थे। वे रिसेप्शन के पास वाले गेट पर इकट्ठा खड़े थे। माननीय सदस्य स्कूटर पर आए थे और आने के बाद स्कूटर पर ही बैठे रहे और उन के लड़के ने गेट पर आकर कहा कि दरवाजा खोलिये। तो हम लोगों ने कहा कि भई दरवाजा नहीं खोल सकते।

श्री रघुनन्दन लाल भाटिया : और कुछ लोग जो वहाँ खड़े थे, वे वैसे ही अन्दर जाना चाहते थे और उन के साथ नहीं आए थे।

श्री अब्दुल सत्तार : उनके साथ वहाँ हों गए थे।

श्री रघुनन्दन लाल भाटिया : जब आप को यहाँ इस कमिटी के सामने पेश होने का आदेश मिला, तो इस से पहले क्या पुलिस की कोई मीटिंग हुई थी और क्या कुछ समझाया गया था कि क्या कहना है ?

श्री अम्बुल सत्तार : कोई मीटिंग नहीं हुई ।

श्री रघुनन्दन लाल आठिया : लड़के ने आप से यह कहा कि मेरे पिता जी बैंक में जाना चाहते हैं ।

श्री अम्बुल सत्तार : जी, नहीं

सभापति महोदय : यों ही गूंगा खड़ा रहा, कुछ तो बह बोला होगा । उस ने वह नहीं कहा कि मेरे पिता हैं श्री बैंक में जाना चाहते हैं । यह बताया था कि मेरे पिता श्री कुंवर राम, एम० पी० हैं ?

श्री अम्बुल सत्तार : जी, नहीं । लड़के ने अन्दर जाने के लिये कहा ।

सभापति महोदय : आप यहां पर आए, आप के अफसर भी आए, आप के साथी श्री पंडे जी आए और बिहार सरकार की तरफ से रिपोर्ट भी आई है । मैं जानना चाहता हूं कि आप के किसी अफिसर ने कीई बयान लिया और लिया तो कब लिया ।

श्री अम्बुल सत्तार : सीनियर एस० पी० साहब ने ?

सभापति महोदय : किस दिन लिया ?

श्री अम्बुल सत्तार : दिसम्बर के लास्ट वीक में ?

सभापति महोदय : दिसम्बर के लास्ट वीक का क्या मतलब होता है ? अभी जनवरी का लास्ट वीक है, तो क्या अब से एक महीने पहले ?

श्री अम्बुल सत्तार : जी, हाँ, एक महीना पहले ।

श्री बिजय कुमार यादव : सीनियर अफिसर के अलावा किसी अफसर ने बयान नहीं लिया ?

श्री अम्बुल सत्तार : जी, हाँ ।

श्री राम सिंह यादव : आप ने किसी थाने या पुलिस चौकी पर इस की रिपोर्ट की ?

श्री अम्बुल सत्तार : सचिवालय थाने में ।

श्री राम सिंह यादव : किस तारीख को ?

श्री अम्बुल सत्तार : 29 तारीख को रिपोर्ट की थी ।

श्री राम सिंह यादव : लिखित या जवानी ?

श्री अम्बुल सत्तार : सचिवालय थाने के इंस्पेक्टर साहब वहां पर लगभग एक बजे के कुछ बाद गये थे । उन को यह सब बातें हम ने सुना ही थीं ?

श्री राम सिंह यादव : रोजनामचे में लिखी या नहीं ?

श्री अम्बुल सत्तार : यह पता नहीं है ।

श्री धर्मवीर सिंह : सरजेंट मेजर साहब कितने बजे वहां पहुंचे ?

श्री अब्दुल सत्तार : सवा बजे गेट पर पहुंचे ।

सभापति महोदय : नबी साहब कितने बजे वहां पहुंचे ।

श्री अब्दुल सत्तार : डेढ़ बजे पहुंचे ।

श्री धर्मवीर सिंह : डेढ़ बजे सेक्रेटेरियट के बाबू निकलने लगे, तो धरना कैसे उठा, कैसे बहू खत्म हुआ ?

श्री अब्दुल सत्तार : साढ़े बारह बजे स्टार्ट हुआ और एक बजे तक मुख्य मंत्री जी के खिलाफ नारेबाजी हुई । कुछ लोग जो वहां इकट्ठा थे, उनको ले कर वे लोग इल्लीगल काम करने लगे । वे सब इल्लीगली अन्दर जाना चाहते थे । जब उन को नहीं जाने दिया तो बिहार गवर्नमेंट के खिलाफ नारेबाजी हुई ।

श्री धर्मवीर सिंह : उस के बाद संसद सदस्य श्री कंवर राम गेट पर बैठ गये ?

श्री अब्दुल सत्तार : वहां पर दो गेट हैं । एक गेट नं० 1 और दूसरा गेट नं० 5 । इन दोनों गेटों से 'इन' और 'आऊट' किया जाता है । कुछ लोग गेट नं० 5 पर थे और माननीय सदस्य गेट नं० 1 पर बैठ गये ।

श्री धर्मवीर सिंह : आप के गेट पर वे बैठ गये ?

श्री अब्दुल सत्तार : जी, हां ।

श्री धर्मवीर सिंह : फिर धरना कैसे खत्म हुआ ?

श्री अब्दुल सत्तार : डेढ़ बजे खत्म हुआ । डेढ़ बजे गेट खोल दिया जाता है और वहाँ बजे तक बहू खुला रहता है । उसके बाद सेक्रेटेरियट के कर्मचारी बाहर जा कर चाय पाने जाते हैं ।

श्री धर्मवीर सिंह : धरना कैसे खत्म हुआ ?

श्री अब्दुल सत्तार : जब वे आए तो गेट खोल दिया । गेट खुलने पर हम हट गये और सेक्रेटेरियट के कर्मचारी लोगों को हम ने बाहर जाने दिया ।

बाद में आपको जो भी करना हो वह आप करियेना लेकिन हम लोगों से आपको क्या है । हम लोगों को तो बाहर जाने की ज़िम्मे जवाब मिला कि मैं किसी को भी बाहर नहीं जाने दूंगा जब तक मुख्य मंत्री नहीं जाएंगे । इसके बाद नबी साहब जो कि डिप्टी हेड मिनिस्टर थे गए और गेट पर उन्होंने गाड़ी लगा की और कुंवर राम जी को अपने हाथों से पकड़कर गाड़ी में बैठा दिया उसके बाद कहीं ले गए यह मुझे नहीं पता ।

सभापति महोदय : ठीक है, आप जा सकते हैं ।

(The witness then withdrew)

Saturday, 24 October, 1981

PRESENT

Shri Harinatha, Misra—*Chairman*

MEMBERS

2. Shri G. L. Dogra
3. Shri George Fernandes
4. Shri Ram Jethmalani
5. Shri P. Venkatasubbaiah
6. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta — *Senior Table Officer*

SECRETARIAT

- (1) Shri Abdul Sattar, *Constable*.
- (2) Shri Shiva Das Pandey, *Jamadar*.

(The Committee met at 10.30 hours)

(1) Evidence of Shri Abdul Sattar, Constable

सभापति महोदय : आपने सामने जो शपथ पत्र रखा हुआ है उसके अनुसार आप शपथ लेंगे ।

श्री अब्दुल सत्तार, कांस्टेबिल : मैं, अब्दुल सत्तार, ईश्वर की शपथ लेता हूँ, सत्य निष्ठा से प्रतिज्ञा करता हूँ कि इस मामले में जो मैं साक्ष्य दूंगा वह सच्चा होगा, मैं कुछ नहीं छुपाऊंगा और मेरे साक्ष्य का कोई अंश झूठा नहीं होगा ।

सभापति महोदय : श्री अब्दुल सत्तार, समिति का निष्कर्ष यह है कि आपने समिति के सामने जो लिखित वक्तव्य दिया तथा मौखिक रूप से साक्ष्य दिये हैं समिति उससे संतुष्ट नहीं है । मामले की सम्पूर्ण परिस्थितियों को देखते हुए समिति की राय है कि श्री शिव दास पांडे, जमादार की देख रेख में ड्यूटी पर तैनात कांस्टेबिल श्री अब्दुल सत्तार ने संसद सदस्य श्री कुंवर राम के साथ दुर्व्यवहार किया तथा उन्हें बहुत गंदी गालियां दीं । आपको इस बारे में क्या कहना है ?

श्री अब्दुल सत्तार : श्रीमान् माननीय सदस्य श्री कुंवर राम और समिति को सरकारी कार्य करते समय अगर किसी तरह का हमारे आचरण से कष्ट पहुँचा है तो उसे समिति और माननीय संसद सदस्य क्षमा प्रदान करें । मैंने तो सरकारी आदेश का पालन किया है । अपनी तरफ से तो मैंने कोई ऐसी गलती नहीं की है । लेकिन संसद सदस्य श्री कुंवर राम जी को मेरे आचरण से किसी तरह की ठेस पहुँची है तो उसके लिए क्षमा चाहता हूँ ।

SHRI P. VENKATASUBBAIAH: He has said that he has not exceeded the city enjoined on him. But he has used filthy and abusive language. Is it a part of Government duty?

श्री गिरधारी लाल डोगरा : आपने जो गाली दी वह भी क्या सरकारी आदेश था कि ऐसी गाली दो ?

श्री अब्दुल सत्तार : मैंने किसी तरह की गाली नहीं दी , श्रीमान् जी । यदि माननीय सदस्य श्री कुंवर राम जी मेरे ऊपर इस तरह का भ्रगर कहते हैं तो मैं उसे भी समिति के सामने स्वीकार कर लेता हूँ ।

SHRI P. VENKATASUBBAIAH: Here, there are two things—Even now, he denies that he has used any filthy and abusive language. But Mr. Kunwar Ram said that he used filthy and abusive language not only against him but against Members of Parliament as such, if I remember correctly. If this is the apology, it does not cover that aspect of it. That is how I feel. He takes the stand that he has not abused Mr. Kunwar Ram and that he has only discharged his duty. But if Mr. Kunwar Ram feels that he has exceeded his normal duty, then he apologises.

MR. CHAIRMAN: The main question is not what Mr. Kunwar Ram feels or has said. The Committee sat in judgement over the entire episode and has come to a conclusion that the Constable on duty was guilty and the allegations of Mr. Kunwar Ram were substantially correct. In view of that, if the Constable wants to be pardoned or if he unconditionally apologises for his behaviour at the gate, so far as Hon. Member and Mr. Kunwar Ram are concerned, it would be satisfactory. That is all.

श्री अब्दुल सत्तार, साफ बात यह है कि श्री कुंवर राम के मामले में समिति जिस नतीजे पर पहुँची है, वह मैंने आपको पढ़कर सुना दिया है । अब सवाल यह है कि आप श्री कुंवर राम के साथ जिस तरह से पेश आये, जो आपका उनके साथ व्यवहार हुआ, जिस तरह की भाषा का आपने प्रयोग किया, उसके लिए आपको दुःख है, आप माफी मांगते हैं या नहीं ? सवाल इतना ही है ।

अगर आप यह कहें कि नहीं, मैंने तो सब कुछ नहीं कहा था, लेकिन अगर फिर भी श्री कुंवर राम को दुःख हो, तब तो बात यहाँ नहीं रुकेगी, बाकायादा बढ़ेगी । इसलिए मैं आपको वक्त देता हूँ, आप लिखकर दे दें । आपको इसके लिए कितना दिया जाये ?

आप बाहर जाकर 15, 20 मिनट में लिखकर दे दें ।

(Shri Abdul Sattar then withdrew)

(2) Evidence of Shri Shiva Das Pandey, Jamadar

सभापति महोदय : श्री शिव दास पांडे, आपके सामने जो कागज रखा हुआ है, उसके अनुसार आप पहले शाय लें ।

श्री शिव दास पांडे : मैं शिव दास पांडे, सत्य निष्ठा से प्रतिज्ञा करता हूँ कि मैं इस मामले में जो साक्ष्य दूंगा वह सच्चा होगा । मैं कुछ नहीं छिपाऊंगा और मेरे साक्ष्य का कोई भ्रंश झूठा नहीं होगा ।

सभापति महोदय : श्री शिव दास पांडे, समिति का निष्कर्ष यह है कि, आपने समिति के समक्ष जो लिखित वक्तव्य तथा मौखिक साक्ष्य दिया है, समिति उससे संतुष्ट नहीं है । मामले की संपूर्ण परिस्थितियों को देखते हुए समिति की राय है कि श्री शिव दास पांडे, जमादार की देखरेख में झूटी पर तैनात कॉस्टेबल श्री अब्दुल सत्तार ने संसद सदस्य श्री कुंवर राम के साथ बुर्खवहार किया तथा उन्हें बहुत गन्दी गालियाँ दी । आपको इस बारे में क्या कहना है ?

श्री शिव दास पांडे : श्रीमन्, सरकारी कार्य पालन करते समय हमारे आचरण से श्रीमान् एम० पी० साहब को कोई तरह का दुख हुआ हो तो उसके लिये मैं बिना शर्त माफी मांगता हूँ ।

सभापति महोदय : अब आप जा सकते हैं ।

(The witness then withdrew)

(Shri Abdul Sattar, Constable, was then called in)

सभापति महोदय : कुछ लिख कर लाए हैं ?

श्री अब्दुल सत्तार : जी हाँ ।

सभापति महोदय : पढ़ कर सुना दीजिए ।

श्री अब्दुल सत्तार : श्रीमन्, मैं इस माननीय समिति के निर्णय को बिना शर्त मानते हुए, मेरे आचरण से माननीय सदस्य श्री कुंवर राम जी का यदि मेरे से कोई अपमान हुआ है तो उस के लिए बिना कोई शर्त के इस माननीय समिति से और माननीय संसद सदस्य श्री कुंवर राम जी से क्षमा प्रार्थी हूँ । मेरी प्रार्थना है कि मुझे क्षमा किया जाये ।

सभापति महोदय : ठीक है । आप कागज दे दीजिए । अब आप जा सकते हैं ।

(Shri Abdul Sattar then withdrew).

Saturday, 23 January, 1982

PRESENT

Shri Harinatha Misra — *Chairman*

MEMBERS

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
4. Shri G. L. Dogra
5. Shri George Fernandes
6. Shri Ram Jethmalani
7. Shri P. Shivshankar
8. Shri Ram Singh Yadav
9. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta — *Senior Table Officer*

WITNESSES

- (1) Shri Arun Pathak, *the then Home Commissioner and now Industrial Development Commissioner Government of Bihar, Patna.*
- (2) Shri A. K. Pande, *Senior Superintendent of Police Patna.*

(The Committee met at 15.00 hours)

- (1) **Evidence of Shri Arun Pathak, the then Home Commissioner and now Industrial Development Commissioner, Government of Bihar, Patna.**

(The witness took oath)

MR. CHAIRMAN: Shri Arun Pathak, this is the finding of the Committee:

“The Committee note that there are some material contradictions between the evidence given by Shri Arun Pathak, Home Commissioner, Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, on the one hand, and of Shri Abdul Sattar, Constable on duty and Shri Shiv Das Pande, Jamadar, on the other hand.

The Committee also note the undue delay in conducting the inquiry by the Police and submitting the inquiry report on the same day, i.e. 15-1-1981 while the complaint was made by Shri Kunwar Ram, Member of Parliament immediately after the incident took place on 29-11-80.

The Committee are of the view that the inquiry had been made in a very casual and superficial manner and did not state the facts correctly. The evidence given by Shri Arun Pathak, Home Commissioner, Bihar, Patna, and Shri A. K. Pande, Senior Superintendent of Police, Patna, was entirely unhelpful to the Committee in arriving at the truth.

The Committee are not convinced by the written statement and oral evidence given before the Committee by Shri A. K. Pande, Senior Superintendent of Police, and Shri Shiv Das Pande, Jamadar and Shri Abdul Sattar, Constable on duty.

The Committee are of the opinion that taking all the totality of the circumstances of the case, Shri Kunwar Ram, Member of Parliament had been ill-treated and abused in a filthy language by Shri Abdul Sattar, Constable on duty under the supervision of Shri Shiv Das Pande, Jamadar, on duty.

I may inform you that Shri Shiv Das Pande and Shri Abdul Sattar have already tendered to this Committee their unqualified apologies for their conduct on the date of the incident. What have you to say about that?

श्री ब्रह्म पांडव : मेरा यह कहना है कि मैं यह पता लगाना चाहूंगा कि किस तरह से मंटोरियल कान्ट्राडिक्शन हुआ क्योंकि जब मैं होम कमिश्नर था, तो मेरे पास मुख्य मंत्री के सचिवालय से जो कागज आया, वह 11 तारीख को आया।

समाजति अहोदय : किस महीने की 11 तारीख को ?

श्री ब्रह्म पांडव : 10 दिसम्बर का वह कागज था और 11 दिसम्बर को मेरे पास वह आया और उसी दिन मैंने अपने संयुक्त सचिव को उसको एन्डोर्स कर दिया और उनसे रिपोर्ट मांगी। इसी बीच में यहाँ पर प्रिविलेज मोशन भी उठा। सिटी एस० पी० से हम लोगों ने रिपोर्ट भेजने को कहा। फिर एस० पी० की रिपोर्ट आई और उन को यहाँ पर फारवर्ड किया। जो कॉस्टेबिल होता है और जो पुलिस दल होता है और जो वहाँ पर तैनात था, उस के ऊपर एस० पी० चाबेरेटी होता है। जैसे ही मेरे पास रिपोर्ट आई थी, उस पर हम लोगों ने एस० पी० साहब से रिपोर्ट मंगवा ली और जब प्रिविलेज मोशन यहाँ पर उठा, तो वह रिपोर्ट हमने यहाँ पर फारवर्ड कर दी। इसके अलावा और क्या मेरा रोल है, यह मेरे लिये कहना बड़ा मुश्किल है। मैं इस माननीय कमेटी से जानना चाहता हूँ कि होम कमिश्नर की हैसियत से क्या अंतर्हैल्पफुल व्यवहार रहा।

श्री गिरधारी लाल डोगरा : आप पुलिस के इंचार्ज हैं और शासन की तरफ से पुलिस के काम की देखरेख आप करते हैं।

श्री अरुण पाठक : होम कमिश्नर डिप्लीनेरी अथारिटी नहीं रहता है ।

श्री गिरधारी लाल डोगरा : जब एम० पी० की शिकायत आई तो क्या आपको महसूस नहीं हुआ कि हमारी फोर्स के खिलाफ शिकायत आई है, यह गलत है। आप के दिल में ख्याल आया या नहीं ?

श्री अरुण पाठक : मैंने उसी दिन एस० पी० से रिपोर्ट मंगवा ली थी ।

श्री गिरधारी लाल डोगरा : पोस्ट आफिस की तरह आपने रिपोर्ट मंगवाने का काम किया। आपने इस मामले की जांच करने की कोशिश नहीं की ?

श्री अरुण पाठक : 29 नवम्बर की शिकायत मेरे पास 11 दिसम्बर को आई थी। इसके बारे में एस० पी० से रिपोर्ट मंगवा ली थी, इसके अलावा विकल्प मेरे सामने उस समय नहीं आया ।

श्री गिरधारी लाल डोगरा : आपके किसी मिनिस्टर की इस तरह से शिकायत आ जाती कि उसके साथ पुलिस कर्मचारी ने ऐसा व्यवहार किया है, तब भी आप यही करते ।

श्री अरुण पाठक : मैं यही करता ।

श्री विजय कुमार यादव : जब आपके पास रिपोर्ट आई और जो आरोप लगाए गए थे ; if you are concerned about it, how did you satisfy yourself that the complaint is correct?

श्री अरुण पाठक : मुझको उस दिन नहीं मालूम था, जैसे ही मुख्यमंत्री के सचिवालय से एम० पी० साहब का कागज आया. . . ।

श्री विजय कुमार यादव : कौन सा कागज ?

श्री अरुण पाठक : आरोप का ।

श्री विजय कुमार यादव : आपने रिपोर्ट पढ़ी और जब दोनों में असंग-असंग बातें थीं तो आपने मुद्दासिब नहीं समझा कि स्वयं जांच करें ?

श्री अरुण पाठक : जब तक रिपोर्ट आती, मामला प्रिविलेज कमेटी के सामने जा चुका था ।

श्री विजय कुमार यादव : उससे क्या फर्क पड़ता है, आपको जांच करनी चाहिए थी ।

श्री गिरधारी लाल डोगरा : आपकी अपनी राय क्या है कि आपको तहकीकात-करनी चाहिये थी या नहीं ?

श्री अरुण पाठक : मैंने इन्वारीरी नहीं की ।

SHRI P. SHIV SHANKAR: Do you mean to say that you have considered it for the first time on the 11th of December?

श्री अरुण पाठक : 11 दिसम्बर को रिपोर्ट आई कि 29 नवम्बर का यह वाक्या है । 3 दिसम्बर को सारजेंट मेजर मेरे पास आये थे, उन्होंने कहा कि इस तरह का वाक्या है । मैंने उसी वक्त कलेक्टर और एस० पी० को फारवर्ड कर दिया और कहा कि जल्दी से जांच करके बतलायें ।

SHRI VIJAY KUMAR YADAV: Is it not the duty of the Home Commissioner to ascertain the facts from the MP concerned? At least it was expected of him.

श्री अरुण पाठक : उस वक्त यह मेरे दिमाग में नहीं आया कि मैं इस बारे में एम० पी० साहब से पूछूं ।

SHRI VIJAY KUMAR YADAV: He was the best man to tell you the position. That is how you could verify and compare facts.

श्री अरुण पाठक : वह विकल्प मेरे सामने नहीं आया ।

SHRI VIJAY KUMAR YADAV: It means that the enquiry was *ex-parte*.

श्री अरुण पाठक : वह विकल्प मेरे सामने नहीं आया ।

SHR VIJAY KUMAR YADAV: The Committee feel that should have been the procedure followed. As a matter of fact, being the Head of the Department, a Commissioner, you should have consulted the MP.

श्री अरुण पाठक : नामंली इस तरह के मामलों में डिप्लीनरी अथारिटी से पूछते हैं कि उसका क्या कहना है ।

SHRI SOMNATH CHATTERJEE: You have been told by the Chairman that this Committee is of the opinion that the concerned Member of Parliament had been ill-treated and abused by the constable on duty. What steps did you take as the head of the police administration? Did you take any action except the routine forwarding of reports?

श्री अरुण पाठक : पुलिस मैनर में जो डिप्लीनरी अथारिटी होती है, उनसे रिपोर्ट मंगवा लेते हैं ।

SHRI SOMNATH CHATTERJEE: You followed the normal routine, as you do in the case of all matters.

SHRI ARUN PATHAK: I followed what is prescribed by our procedure.

SHRI SOMNATH CHATTERJEE: In view of the serious nature of the allegations made, which is at variance with the report given by the constable and the jamadar, did you not feel it was necessary

to apply your own mind and try to find out the position, instead of acting as a post office, forwarding reports from the lower officer to another officer? That is why the Committee feel that your evidence has not been helpful in the sense that you did not apply your own mind. Have you anything to say on this?

श्री अरुण पाठक : इसमें अपनी तरफ से इन्कवायरी करने का अल्टरनेटिव मेरे क्वाल में नहीं आया ।

SHRI P. SHIV SHANKAR: When a question was put to you, you admitted that the police exceeded its limits and injured the feelings of the hon. Member. You, as the head of the entire Department, were satisfied that the police exceeded its limit and injured the hon. Member. You also went to the extent of saying that the police was present there and they may have used unparliamentary language also. That was only a guess work.

The next sentence was very clear.

You are a very responsible officer. You are the head of the Home Administration of the State. A Member of Parliament is being abused. It has come to your notice. You have been satisfied that they injured the feelings of the hon. Member. Your inaction amounts to dereliction of duty. Is it not a breach of privilege of this House?

श्री अरुण पाठक : एम० पी० साहब की शिकायत जब सब से पहले मेरे सामने लाई गई तो.....

SHRI P. SHIV SHANKAR: I am only substantiating the point raised by my colleague. You are a very responsible officer and you are the head of the Home Department. If you exhibit your inaction, is it not a case where it amounts to disrespect to the House or the Member himself?

श्री अरुण पाठक : इंटेंशन बिल्कुल नहीं था । सार्जेंट मेजर ने सबसे पहले इसका जिक्र किया । यह बताया गया कि कांस्टेबल के साथ कुछ गाली गलौज हुआ है । मैंने जैसे ही यह चीज मेरे नोटिस में आई रिपोर्ट काल फार की . . .

SHRI P. SHIV SHANKAR: You admitted that the police exceeded its limit and injured the feelings of the hon. Member. If that be so, what did you do?

The Committee feel a little unhappy because of the highly contradictory statements of the witnesses who came here in this case. We were a little unhappy with the highly placed officers who exhibited their inaction with reference to the privileges of the Members of Parliament. You have been issued notice only for this purpose. Have you to say anything? Have you any explanation for your inaction? If you do not have to say anything, the Committee may decide what they have to do in the matter.

श्री अरुण पाठक : फौलरज जरूर इंजर हुई है.....

श्री पी० शिव शंकर : आपने इनकवायरी की है। आप इनकवायरी की बात कर रहे हैं।

श्री अरुण पाठक : इसका मेरे पास कोई जवाब नहीं है। मैंने इनकवायरी नहीं की है।

SHRI P. SHIV SHANKAR: You are a very senior officer. I hope you understand what I have said. Your conclusion is that the police exceeded the limits and injured the feelings of the hon. Member. Once you came to this conclusion, what explanation do you give of your inaction? That is what I am asking.

श्री अरुण पाठक : फौलरज जरूर इंजर हुई है।

श्री पी० शिव शंकर : आप इस निर्णय पर पहुंच गए कि पुलिस ने जो उसके अख्तियारात थे उन से आगे बढ़ कर काम किया और एम० पी० के दिल को दुख दिया। यह आपका निर्णय हुआ। उसके बाद आपने क्या किया ?

We are not in a position to explain it to you. I am trying to explain it to you in as simple a language as possible.

श्री अरुण पाठक : जब मेरे पास तीन दिसम्बर को रिपोर्ट पहुंची उस वक़्त मैंने यह निर्णय नहीं लिया था।

श्री पी० शिव शंकर : जब बाद में आपका यह निर्णय हो गया तो उसके बाद इनएक्शन का आपके पास क्या जवाब है ?

श्री अरुण पाठक : तब तक यह मामला प्रिवलेज कमेटी के सामने आ चुका था।

SHRI SOMNATH CHATTERJEE: I am reading the translation of your evidence before this Committee:

“Shri Pathak: He did his duty and in process the feelings of Shri Ram were hurt. It came out from the enquiry that the police guard had no intention to insult the hon. Member of Parliament. In spite of this if the feelings of the hon. Member have been hurt while Abdul Sattar was doing his duty, we respectfully apologise on behalf of the District police.”

SHRI PATHAK: Yes, Sir. The feelings of the Member were injured.

Are you going back on that?

श्री अरुण पाठक : पढ़ने पर कंट्रेडिक्शन नजर आया। लेकिन रोकने का आदेश था। जब रोका गया तो एम० पी० साहब की 'फीलिंगज हर्ट हुई। जिस तरह से देखा जाए, हैदर ही एकसीडिड हिज लिमिड्स आर ही बाज सिम्पली ओवर जैल-सली ओबेइंग गवर्नमेंट इंस्ट्रक्शन्स इस में एपेरेट कंट्रेडिक्शन जैसा आपने पढ़ा वैसे ही ही।

श्री रघुनन्दन लाल भाटिया : यह मामूली आदमी का वाक्या नहीं था। एम० पी० का था। आप के पास जब चीफ मिनिस्टर का लिखा हुआ आ गया तो क्या आपने मामले को निपटाने की कोई कोशिश की ?

श्री अरुण पाठक : जी नहीं।

श्री गिरधारी लाल डोगरा : जब आप इस नतीजे पर पहुंच गए कि एम० पी० की फीलिंगज हर्ट हुई है तो क्या आप की यह इयूटी नहीं थी कि आप अफसोस जाहिर करते ? क्या आपको अफसोस नहीं होना चाहिए था ? उसके बजाय आप जस्टीफाई कर रहे हैं कि जो कुछ आपने किया ठीक किया।

It will not only be a breach of privilege but it will aggravate it. I am telling you the consequences. Do you stick to what you are saying now?

श्री अरुण पाठक : जैसा मैंने कहा उस वक्त मेरे दिमाग में यह बात नहीं आयी।

श्री गिरधारी लाल डोगरा : जैसा माननीय शिव शंकर ने कहा कि आपने अपने कर्तव्य का पालन नहीं किया, इयूटी को नैगलेक्ट किया, या आप से भूल हुई या क्या हुआ। आप इस वक्त कह रहे हैं कि उस वक्त मैंने जो किया ठीक किया. . .

श्री अरुण पाठक : मैं आपको खाली स्टेटमेंट आफ फाँक्ट दे रहा हूँ कि. . . .

श्री गिरधारी लाल डोगरा : It is not a question of show-cause. We do not want to harm you. You have admittedly said this.

आपसे यह भूल हो गई और उस वक्त नहीं सूझा। यह एक ऐटीट्यूड है, और उसे आप जस्टीफाई कर रहे हैं। तो इसको दूसरा ऐटीट्यूड लेना पड़ेगा। हम आपको नुकसान नहीं पहुंचाना चाहते, लेकिन साथ ही यह भी नहीं चाहते कि पुलिस को आप खुली छूट दे दें। इसलिए सोच समझकर जवाब दीजिए आप जो कुछ इस वक्त कह रहे हैं वह सच है कि जो कुछ किया वह ठीक किया, या आप से भूल हो गई या नेग्लिजेंस आफ इयूटी हो गई ?

श्री अरुण पाठक : मेरे दिमाग में उस वक्त यह बात नहीं आयी, एक एम० पी० का मामला था। और अगर यह व्यू लिया जाय कि मूझको देखना चाहिये था तो यह मेरी भूल थी इससे आगे और क्या कहूँ। मेरे दिमाग में यह बात नहीं आयी।

SHRI SOMNATH CHATTERJEE: In view of the seriousness of the complaint and the member involved and also the contradiction between the statement of the M.P. and the police constable, etc., do you now realise that instead of taking a routine action of forwarding the report, etc., you should have looked into the matter yourself more deeply? You have already admitted that the member's feelings were injured and you have apologised on behalf of the district police. Are you taking a different stand now?

SHRI ARUN PATHAK: No, Sir.

एम० पी० साहब को रोका गया और उनको इससे मुक्तकलीफ हुई । मैंने आपकी बात मान ली ।

सभापति महोदय : पाठक साहब, जिस समय यह दुखद घटना आई आप होम कमिश्नर थे और उस पद पर रहने के कारण होम डिपार्टमेंट के प्रीमिशन और कमीशंस के लिए आप जिम्मेदार माने जा सकते थे ।

श्री अरुण पाठक : जी, हाँ ।

सभापति महोदय : अब आपने देखा या नहीं देखा, मैं मानता हूँ कि देखना चाहिये था । माननीय कुंवर राम ने घटना के तुरन्त बाद ही सकता है आधा घंटा या 45 मिनट हुए हों, मुख्य मंत्री के यहाँ जा कर के यह बताया कि आपकी पुलिस ने किस तरह की भद्दी गालियाँ मेरी माँ वहन को दीं, और यह भी कहा पुलिस ने कि इस तरह से अगर बोलोगे तो तुम्हारी आँखें निकाल देंगे । प्रजातंत्र में यदि उच्चतम संस्था संसद के किसी सदस्य के साथ ऐसा व्यवहार हो और वहाँ का उच्चतम अधिकारी गृह विभाग का कुछ भी पूछताछ नहीं करे और जो दुखद घटना घटी उस के बारे में लो लैप्स हो गया उसके लिए रिप्रेट और अपोलोजाइज भी न करें . . .

श्री अरुण पाठक : मैंने तो रिप्रेट किया था ।

सभापति महोदय : यह ट्रेडिशन आपके लिए मजबूती होगी ?

श्री अरुण पाठक : मैंने तो उस वक्त भी रिप्रेट किया था और फिर करने के लिए तैयार हूँ । इरादा जो कुछ भी हो एक एडमिनिस्ट्रेटिव ऐंगिल भी हो सकता था जिसको मुझे देखना चाहिये था । और अगर मैंने नहीं देखा तो मैं अपनी भूल मानने के लिए तैयार हूँ और क्षमा प्रार्थी हूँ । इरादा चाहे जो कुछ हो एक एडमिनिस्ट्रेटिव ऐंगिल और रेस्पॉसिबिलिटी होनी चाहिये यह मेरे दिमाग में उस वक्त नहीं आयी । उसके लिए मैं क्षमा मांगता हूँ ।

समापति महोदय : कमेटी की यह कभी मंशा नहीं है, फिर माननीय सदस्य को जो प्रिवलेजेज हैं उन पर ध्यान देते हुए. .].]

श्री अरुण पाठक : मैंने पिछले भी बयान में क्षमा मांगी थी, और जैसा मैंने कहा मुझ से गलती हो गई और मेरे दिमाग में नहीं था कि मारेल और एडमि-निस्ट्रेटिव ऐंगिल भी हो सकता है। उसके लिए मैं क्षमा मांगता हूँ। यह बिल्कुल मेरी मंशा नहीं थी कि एम० पी० साहब को कुछ हो। और अगर हुप्रा है तो क्षमा मांगता हूँ उसके लिए।

MR. CHAIRMAN: You may go now.

(The witness then withdrew)

(2) Evidence of Shri A. K. Pande, Senior Superintendent of Police, Patna.

MR. CHAIRMAN: You may take the oath now or affirm.

SHRI A. K. PANDE: (The oath was taken).

MR. CHAIRMAN: This is the finding of the Committee.

The Committee note that there are certain material contradictions between the evidence given before the Committee by Shri Arun Pathak, Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna on the one hand, and by Shri Abdul Sattar, Constable on duty and Shri Shiva Das Pandey, Jamadar, on the other hand. The Committee also note the undue delay in conducting the enquiry by the Police and then making the enquiries and submitting the enquiry report on the same day that is 15th January, 1981, while the complaint was made in writing by Shri Kumar Ram, M.P. immediately after the incident took place on 29th November, 1980. The Committee are of the view that the enquiry had been made by the Police in a very casual and superficial manner and did not state the facts correctly. The evidence given by Shri Arun Pathak, Home Commissioner of Bihar, and Shri A. K. Paney, Senior Superintendent of Police, before the Committee, was entirely unhelpful to the Committee in arriving at the truth.

The Committee are not convinced by the written statements and oral evidence given before the Committee by Shri Arun Pathak, Home Commissioner of Bihar, Shri A. K. Pande, Senior Superintendent of Police, Patna, Shri Shiva Das Pande, Jamadar and Shri Abdul Sattar, Constable on duty. The Committee are of the opinion that taking into consideration the totality of the circumstances of the case, Shri Kunwar Ram, M.P. had

been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar.

I may inform you that Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable, have already tendered to this Committee their unqualified apologies for their conduct on the date of the incident. What have you to say?

SHRI A. K. PANDE: I also tender unqualified apology to the Committee for the conduct of Shri Abdul Sattar and the Jamadar.

SHRI P. SHIV SHANKAR: What we are now concerned is about your conduct. The Committee's finding is that so far as we are concerned, we find that your evidence was unhelpful. That is what the Chairman told you. In other words, we do not rely on your statement. We are feeling that your statement is not entirely true and correct. That is one finding of ours. The other feeling of the Committee is that, as a highly placed Police Officer, even in your evidence, you have said that at that time this has happened. All those facts you stated in your evidence. But there was scant respect to the Member and indirectly to the Parliament inasmuch as no action was taken against these two officers till the breach of privilege proceedings were taken by us. Therefore, your statement that you held the enquiry is not true. Again, you are guilty of dereliction of duty and showing disrespect to Parliament in not taking action. These are the two aspects where your conduct is in question and we would like to know what you have to say on these two aspects.

SHRI A. K. PANDE: I held enquiry into the matter immediately after I came to know about the incident. The moment I came to learn about this incident, I rushed to the New Secretariat in Patna and I found that the Hon. Member of Parliament has left for the CM's residence. I went there also and I paid respect to the Hon. Member of Parliament.

SHRI P. SHIV SHANKAR: You are not realising the point that I am trying to tell you. The Committee has come to these conclusions and the conclusions of the Committee I have informed you. Now, no useful purpose would be served by going into the facts of what you have done and what you have not done. Have you taken action against Police officials for showing disrespect to the Member? Since you have not done, therefore, we call it as dereliction of duty and we hold you responsible for that. That is one aspect. I make the position absolutely clear. The second aspect is that we are not relying on your evidence at all. These are the two counts on which we ask for your explanation. Your offering an apology on behalf of Shri Sattar does not help. They have tendered their apologies and we have accepted them.

SHRI A. K. PANDE: As regards the incident, I held enquiry and I tried my best to be helpful to the Committee because I stuck to the truth. There might have been an error of judgment. I cannot say. I tried my best to be helpful to the Hon. Committee and in my report also to the Government, I clearly mentioned that. I apologise to the Member of Parliament and I did not intentionally do anything.

SHRI G. L. DOGRA: Are you aware of the fact that the statement that the Member of Parliament had given complaint in writing at Chief Minister's house, is totally incorrect? He made a written complaint and his statement before every authority was the same always. You said that Mr. Chatterjee made a statement. What did you do when you find that there were two contradictory statements? You said that they were not contradictory. You also jotted down a statement of the Member of Parliament and when he asked "Did you find it contradictory?" you said 'No'. And then he asked 'Did you find it substantially different?' and you said that both the statements, of the Member and of the constable, were the same. This is a very serious thing. You made enquiry on the spot. You tried to cover your officers. You made the statement before the Committee which is contradicted by record. So, you must realise that your conduct is not fair. I think my colleagues may not be thinking otherwise. Your conduct, as an officer, who is just to protect the life and property of others, is not fair. You were to enquire into the incident involving a Member of Parliament. How dare you make a statement before the Privileges Committee like that? I think this is a serious matter. Do you realise the seriousness of it?

SHRI A. K. PANDE: Sir, I could not get your words. I am sorry.

SHRI G. L. DOGRA: You read your statement and then you will realise. I pass this on to you.

SHRI SOMNATH CHATTERJEE: Mr. Pande, we are not going over the evidence because the hon. Chairman has been kind enough to inform you as follows:

"The Committee are of the opinion that taking into view the totality of the circumstances of the case, Shri Kunwar Ram, M.P. had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar."

The Committee is of the opinion that your evidence and that of the Home Commissioner has not been entirely helpful in arriving at the truth. He also informed you as follows:

"The Committee are not convinced by the written statements and oral evidence given before the Committee by Shri Arun"

Pathak, Home Commissioner of Bihar, Shri A. K. Pande, Senior Superintendent of Police, Patna, Shri Shiva Das Pandey, Jamadar and Shri Abdul Sattar, Constable on duty."

You just now said that you were giving the apology on behalf of the Constable and the Jamadar.

But, with regard to your conduct—it may be an error of judgment or may not be—what have you to say on the basis of evidence?

SHRI A. K. PANDE: I tender my unqualified apology to the Committee also.

SHRI SOMNATH CHATTERJEE: On your behalf also ?

SHRI A. K. PANDE: Yes, Sir.

SHRI RAM JETHMALANI: Mr. Pande, do you remember when the circular issued came to your notice? You referred to a circular regulating the entry and so on.

SHRI A. K. PANDE: It was known to me in the month of November.

SHRI RAM JETHMALANI: The circular was purported to have been issued. When did you come to know of it? How did you come to know about it?

SHRI A. K. PANDE: We had received a communication regarding the circular. We have accordingly instructed the man in the main gate on duty. The circular came from the I.G. Office, I think. I do not remember. It came from the IG office. A copy of it was communicated to us so that we may instruct our people there regarding this.

SHRI RAM JETHMALANI: Frankly I want to know when it came to you. It may have come to you before the date of this incident. There seems to be a surprise that you have come to know of it smartly and to the lowest police officer, it has been brought to his knowledge by the 29th. This was the date of the incident. I want to be satisfied on this. Was it just an after-thought that you had thought of this excuse?

SHRI A. K. PANDE: No, Sir. The Home Department had published that in the newspaper widely. This was circulated and everyone knew about it. All the officers and everybody knew about it.

SHRI RAM JETHMALANI: It is very surprising. Your version was that you went away at 3-30. How you came to know of it earlier?

SHRI A. K. PANDE: It came in the papers also.

SHRI RAM JETHMALANI: There was a reference to the Searchlight. Have you got it?

SHRI A. K. PANDE: The Home Commissioner may have this in his file.

SHRI RAM JETHMALANI: I would like to see this. I am terribly sceptical about it.

SHRI A. K. PANDE: I saw the cutting in his file.

SHRI RAM JETHMALANI: You have not seen the original cutting. You have seen a copy of the cutting.

SHRI A. K. PANDE: It is a cutting from the newspapers.

SHRI RAM JETHMALANI: I am quite sure it does not exist.

SHRI A. K. PANDE: I have seen it.

SHRI RAM JETHMALANI: This is a very serious matter. There is no reference to 3-30 PM timing in your earlier version. If any reliance is to be placed upon the evidence, then the police officers would have said about it. There is no such reference. May be, this has been trumped up.

SHRI A. K. PANDE: I can assure you, Sir, that before such circulars are issued we personally inform our officers and the constables. Normally, there is no such restriction.

SHRI RAM JETHMALANI: In the police station records, there must have been some record as to the issue of the circular.

SHRI A. K. PANDE: I am not sure. It is the Sergeant major who looks after that.

SHRI RAM JETHMALANI: Did the Sergeant-major pass that on to the constables on duty?

SHRI A. K. PANDE: There is a Sergeant-major for the Secretariat. He is in charge of that. It is the duty of the Sergeant-major to inform the constables on duty. In all the formations, it is the duty of the Sergeant-Major who does all this.

SHRI RAM JETHMALANI: This is a classified document. If it is a genuine one, then my suspicion is gone. Otherwise, it might have been trumped up later.

MR. CHAIRMAN: I have serious doubt about it. I want to see the search light cutting.

SHRI A. K. PANDE: I have made a note of it.

SHRI RAM JETHMALANI: Your Home Commissioner might have got the cutting. Let him get it from him.

SHRI A. K. PANDE: May I go now, Sir?

MR. CHAIRMAN: You may go now.

(The witness withdrew)

APPENDICES

LIST OF APPENDICES

I. Copy of letter No. 77, dated the 18th January, 1981 from Shri A. Pathak, Home Commissioner, Government of Bihar, Home (Special) Department, Patna, addressed to the Secretary, Ministry of Home Affairs, Government of India, New Delhi.

Annexure I: Statement of DAP, Patna Police Lines Jamadar Shiva Das Pandey who was on deputation duty on 29.11.80 at Gate No. 1 of New Secretariat, Patna in connection with preventing unauthorised entry in the Secretariat Campus

Annexure II: Instructions regarding entry of outsiders into the Secretariat Campus.

Annexure III: Clipping from Searchlight dated 19.11.1980.

II. Copy of Enquiry Report by the Senior Superintendent of Police, Patna.

III. Copy of written complaint dated 29.11.1980 given by Shri Kunwar Ram, M.P. to the Chief Minister of Bihar.

APPENDIX I

(See para 14 of the Report)

Copy of letter No. 77, dated the 18th January, 1981 from Shri A. Pathak, Home Commissioner, Government of Bihar, Home (Special) Department, Patna, addressed to the Secretary, Ministry of Home Affairs, Government of India, New Delhi.

(Through Spl. Messenger)

Subject:—Privilege Motion by Shri Kunwar Ram, M.P.

Sir,

Kindly refer to your teleprinter message No. VI-15013/8/80-GPA. II, dated 13th January, 1981 regarding Privilege Motion by Shri Kunwar Ram, M.P. relating to harassment caused to him by the Police Guard at the New Secretariat, Patna on 29th November, 1980. Details of the incident are as follows:—

In order to ensure speedy disposal of files in the Secretariat and attached offices State Government had issued instructions regulating entry of outsiders in the Secretariat complex. Under this instruction, outsiders were not allowed to enter Secretariat between 10.45 A.M. to 1.30 P.M. and 3.30 P.M. to 5 P.M. An advertisement for information of the general public was issued in the local dailies in which the Hon'ble Members of Parliament and State Legislature and other authorised persons were requested to enter Secretariat only between 3.30 P.M. and 5 P.M.

2. In respect of the incident alleged to have taken place with Shri Kunwar Ram, M.P., further enquiry was made by Shri A. K. Pande, Senior Superintendent of Police, Patna. From the report* submitted by him it appears that on 29th November, 1980, Shri Shiva Das Pandey, Police Jamadar, Shri Abdul Qaiyum Ansari A.S.I. and three Constables namely Sarvashri Abdul Sattar, Ramakant Tiwari and Dina Nath Prasad were posted at the main entrance of the New Secretariat (Vikas Bhawan). It

*See Appendix II.

was round about 12.30 P.M. that Shri Kunwar Ram, M.P. along with 10 to 11 persons came at the main gate of the New Secretariat (Vikas Bhawan). As explained above ordinarily no outsider during this period was allowed to enter in the Secretariat Building. One of the Constables posted at the gate namely Shri Abdul Sattar explained to Shri Kunwar Ram, M.P., the Government instructions on the point. Enquiry report indicates that Shri Sattar neither used any objectionable language against Shri Ram nor did he insult him in any way. Since Constable Abdul Sattar in performance of his duties did not permit the hon'ble M.P. to enter Secretariat Building, he got annoyed and sat on dharna on the main gate of Vikas Bhawan along with all his companions. In the meantime it was 1.30 P.M. when all gates of the Secretariat complex were opened. Due to dharna there was obstruction in the movement of the employees of the New Secretariat and ultimately it was the mass of employees who removed Shri Ram and his companions from the gate so that they could get an egress. The name and designation of the Police personnel who are concerned with this incident are Jamadar Shri Shiva Das Pandey and Constable Shri Abdul Sattar. Their joint statement has been obtained (copy enclosed).*

3. Home Commissioner (Shri Arun Pathak) will attend the meeting of the Privilege Committee on 28th January, 1981 as desired as also Shri A. K. Pande, Senior Superintendent of Police, Patna. Message No. 3006 dated 28th December, 1980 sent earlier had been approved by Home Commissioner. Jamadar Shri Shiva Das Pandey and Constable Shri Abdul Sattar are being directed to appear before the Committee on 28th January, 1981.

4. Senior Superintendent of Police has said in the enquiry report that Constable Abdul Sattar had no intention to humiliate the hon'ble Member, but in performance of duties, if feelings of Shri Ram have been wounded in any way, senior Superintendent of Police, Patna has expressed apology on his behalf and on behalf of police force. Senior Superintendent of Police had met the hon'ble Member on 29.11.80 itself and had apologised. State Government endorse the views of Senior Superintendent of Police, Patna. Copy of Joint statement of Police Jamadar Shiva Das Pandey and Constable Abdul Sattar is enclosed.* Copies of letter No. 2574** dated 1st November, 1980 regarding entry of outsiders in Secretariat Building and advertisement@ in local papers are also enclosed.

Yours faithfully,

*See Annexure I to Appendix I.

**See Annexure II to Appendix I.

***See Annexure III to Appendix I.

ANNEXURE I TO APPENDIX I

(See para 15 of the Report)

STATEMENT OF DAP, PATNA POLICE LINES JAMADAR SHIVA DAS PANDEY WHO WAS ON DEPUTATION DUTY ON 29-11-80 AT GATE NO 1. OF NEW SECRETARIAT, PATNA, IN CONNECTION WITH PREVENTING UNAUTHORISED ENTRY IN THE SECRETARIAT CAMPUS

मेरा नाम शिवदास पाण्डे है। मैं पटना जिला प्रारक्षी बल के जमादार के पद पर पदस्थापित हूँ। दिनांक 29-11-80 को मेरी ड्यूटी नई सचिवालय (विकास भवन) में गेट नं० एक पर थी। मेरे नियंत्रण में प्रारक्षी 1903 अब्दुल सत्तार खां, 1345 रामाकांत तिवारी एवं 1941 दिनानाथ प्रसाद कार्यरत थे। साथ ही एक सहायक अधर निरीक्षक, अब्दुल कयूम अंसारी भी मुझे अपनी ड्यूटी के पालन में सहयोग दे रहे थे। मुझे यह आदेश था कि सचिवालय के प्रांगण में 10.45 बजे-पूर्वाह्न से 1.30 बजे अपराह्न तक उसी व्यक्ति को सचिवालय में प्रवेश दिया जायेगा जिनके पास मास्टर पहचान पास भी विशेष पहचान पास होगा। यह दोनों तरह का विशेष पास सरकार ने इस अवधि में प्रवेश के लिए जारी किया था। बिना इस पास के किसी भी व्यक्ति को सचिवालय में प्रवेश वनित था। 1.30 बजे से 2.30 बजे तक मध्याह्न का समय था और इस अवधि में प्रवेश द्वार का ताला खोल देना का आदेश था तथा उन सभी व्यक्तियों को आने जाने की छूट थी जिनके पास सचिवालय का प्रवेश पत्र हो।

माननीय विधायकों एवं सांसदों के संबंध में यह स्फुट लिखित आदेश था कि 3.30 बजे अपराह्न के बाद उन्हें सचिवालय में इकट्ठे जाने की अनुमति होगी।

हम लोग सरकार के इस आदेश का पालन निष्ठापूर्वक कर रहे थे। करीब 12.30 बजे दिन में एक व्यक्ति कुछ अन्य व्यक्तियों जिनकी संख्या 11 के करीब थी और जिनमें कुछ महिलाएं भी थीं नई सचिवालय के प्रवेश द्वार पर जाये एवं सभी व्यक्तियों के साथ सचिवालय के अन्दर प्रवेश पाना चाहे। गेट का फाटक बन्द था उसमें ताला लगा था गेट पर तैनात प्रहरी (प्रारक्षी 1903 अब्दुल सत्तार खां) ने उन्हें सरकारी आदेश से अवगत कराते हुए उन्हें प्रवेश देने में अपनी असमर्थता व्यक्त की। मैंने भी उनसे निवेदन किया कि वे साढ़े तीन बजे ही जा पायेंगे। तब तक माननीय आंगतुक अपना नाम श्री कुंवर राम, सांसद बता चुके थे।

सरकार ने इस आदेश पर उन्होंने प्रतिक्रिया व्यक्त की एवं प्रवेश द्वारों पर अपने अनुयायियों सहित घटना देने की धमकी दी। मैं तथा मेरे जवानों ने उनसे बार-बार अनुरोध किया कि सरकार के आदेशानुसार वे 3.30 बजे संघ के बाद ही जा पायेंगे। पर हम लोगों के इस अनुरोध के बावजूद भी वे उग्र होते गए एवं सरकार के इस आदेश की भर्त्सना करते हुए बलपूर्वक अपने अनुयायियों के साथ सचिवालय में प्रवेश करने पर प्रयत्न रहे। चूंकि प्रवेश-द्वार का फाटक बंद था इसलिए वे सभी फाटक पकड़कर अपना रोष प्रकट करते रहे। माननीय संसद सदस्य श्री कुंवर राम

जी एवं उनके अनुयायियों के इस आचरण के फलस्वरूप मास्टर पासवारी एवं विशेष पासवारी व्यक्ति भी सचिवालय में प्रवेश नहीं पा सकें। तब तक 1.30 बजे बुद्धा था एवं आदेशानुसार सचिवालय के गेटों को खोल देने का समय हो गया था पर चूंकि माननीय सांसद सदस्य एवं उनके अनुयायी एक नंबर गेट को बंद रखे थे। इसलिए पांच नंबर गेट जो एक नंबर गेट के लगभग 30-35 गज दक्षिण में स्थित है, को खोलने का प्रयास किया गया पर वहां भी माननीय सदस्य एवं उनके अनुयायी वहां भी आकर बैठ गये। फलस्वरूप सचिवालय के बाहर जाने वाले हजारों कर्मचारियों का मार्ग अवरुद्ध हो गया। इन्हीं कर्मचारियों में से कुछ लोगों ने माननीय सांसद एवं उनके अनुयायियों को गेट से अलग हटा दिया।

घटना के अंतिम क्षण तक थरिष्ठ पुलिस पदाधिकारी पहुंच चुके थे। एवं इस घटना को आदि से अंत तक निम्नलिखित सचिवालय के कर्मचारियों ने देखा है :-

- 1-राजिन्द्र सिंह-कोरानी सहायक, विकास भवन, नई सचिवालय।
- 2-राजनंदन साहू-चपरासी विकास भवन।
- 3-छेबी राम चपरासी, विकास भवन सभी शिक्षा विभाग के।

माननीय सांसद एवं उनके अनुयायी ने केवल सरकार की इस व्यवस्था की कटु आलोचना की, नारे लगाये बल्कि मुझे एवं मेरे अधीन तैनात आरक्षियों को मही-मही गालियां शुरू से अन्त तक देते रहे। इसके प्रतिकार ने न तो हमारे जवानों ने कभी धीरे खोया और न ही माननीय सांसद एवं उनके अनुयायियों के प्रति अनादर सूचक शब्द का इस्तेमाल किया। मात्र सरकारी आदेश के अनुपालन में उन्हें सचिवालय के अंदर अन्य व्यक्तियों के साथ अनधिकृत रूप में प्रवेश नहीं करने दिया।

यही हमारा ध्यान है ध्यान पढ़ कर सही पाया तथा अपना हस्ताक्षर किया।

ह० जभादार-शिव दास पाण्डे

15-1-81

यही मेरा भी ध्यान है

हवलदार -राम रतन सिंह

15-1-81

यही मेरा भी ध्यान है,

सा० अ० 1903-अब्दुल सत्तार

15-1-81

ANNEXURE II TO APPENDIX I

(See para 15 of the Report)

INSTRUCTIONS REGARDING ENTRY OF OUTSIDERS INTO THE SECRETARIAT CAMPUS

सं० 2574

बिहार सरकार

गृह (बिज्ञेय) विभाग

प्रश्नकः--श्री एन० के० पी० सिन्हा,

सरकार के बिज्ञेय सचिव ।

सेवा में,

सरकार के सभी आयुक्त एवं सचिव,

सरकार के सभी बिज्ञेय सचिव,

सरकार के सभी विभागाध्यक्ष,

पटना, दिनांक 1 नवम्बर, 1980

विषय: सचिवालय भवन में बाहरी व्यक्तियों के प्रवेश पर रोक ।

सूचीकरण,

जैसा कि आप अवगत हैं दिनांक पहली अक्टूबर, 1980 से 10वीं अक्टूबर, 1980 तक पटना सचिवालय में एरियर बलीयरेंस सप्ताह के रूप में मनाया गया एवं कार्य निष्पादन की दृष्टि से यह अभियान अत्यन्त ही सफल रहा । उपर्युक्त अवधि में प्राप्त हुए अनुभव के आधार पर यह निर्णय लिया गया है कि बाह्य व्यक्तियों के सचिवालय भवन में आवागमन पर स्थायी तौर पर नियंत्रण रखना आवश्यक है ताकि सरकारी कार्य का निष्पादन सुचारु और समुचित रूप से हो सके ।

2. उपर्युक्त उद्देश्य की पूर्ति हेतु यह निर्णय लिया गया है कि अगले 4 नवम्बर, 1980 से सचिवालय भवन में आवागमन के नियंत्रण की निम्नांकित व्यवस्था वृद्धता से लागू किया जाय ।

- (1) विभिन्न सचिवालय भवन में प्रवेश हेतु मुख्यतः मुख्य सचिवालय का पश्चिमी फाटक, हटमैट के पास का उत्तरी फाटक, तृतीय सचिवालय का दक्षिणी फाटक, तथा तकनीकी सचिवालय का मुख्य फाटक आवागमन का मुख्य मार्ग होंगा । इन प्रवेश द्वारों के समीप आतिथ्य कार्यालय स्थापित करने के लिए आवश्यक व्यवस्था की जा रही है ।

- (2) सचिवालय भवन में उन्हीं पदाधिकारियों/कर्मचारियों को प्रवेश की अनुमति दी जाएगी जिनके पास पहचान पत्र हो। बिना पहचान पत्र के किसी को भी सचिवालय भवन में प्रवेश नहीं करने दिया जायगा। अतः सभी विभागों से अनुरोध है कि विनाक तीसरी नवम्बर, 1980 के पहले इसे सुनिश्चित कर लें कि उनके विभाग के सभी पदाधिकारियों/कर्मचारियों को पहचान पत्र मिल चुका है और जिन्हें पहचान पत्र नहीं प्राप्त हुआ हो उन्हें इसकी प्राप्ति करने की तुरन्त व्यवस्था करने का कष्ट करें।
- (3) पिछले एग्यर क्लीयरेंस अभियान के दौरान यह पाया गया कि विभिन्न विभागों द्वारा बुलाई गयी बैठकों में भाग लेने के दौरान प्रवेश द्वार बंद करने के कारण कुछ कठिनाई का अनुभव करना पड़ा इस तरह की कठिनाई भविष्य में नहीं हो इसे दूर करने के लिये निर्णय लिया गया है कि हर एक विभाग के आयुक्त एवं सचिव को 10 मास्टर एवं प्रत्येक विभागाध्यक्ष को 4 पास दिया जायेगा जो विभाग के पदाधिकारियों की बैठक में भाग लेने के समय व्यवहार हेतु दिया जा सकता है। सुरक्षा कर्मचारियों को आदेश है कि इस पास के आझार पर वे किसी भी समय किसी भी पदाधिकारी को प्रवेश द्वार के अन्दर आने एवं बाहर जाने देव। इन पासों की प्राप्ति गृह (विशेष) विभाग द्वारा की जायेगी, जिनसे उपर्युक्त सख्या में मास्टर पास प्राप्त कर लिया जा सकता है।
- (4) प्रत्येक विभाग में कुछ ऐसे कर्मचारी हैं जैसे ट्रेजरी सरकार आदि उन्हें ट्रेजरी बैंक तथा पोस्ट आफिस से अपने कार्य संपादन के लिये संबन्ध स्थापित करना पड़ता है। साथ ही साथ कुछ कर्मचारियों को डाक लेकर एक सचिवालय दूसरे सचिवालय तथा सचिवालय से बाहर जाना पड़ता है उनके लिये एक विशेष पहचान पत्र की व्यवस्था की गयी है। इस तरह के पहचान पत्रों को हर एक विभाग को गृह (विशेष) विभाग द्वारा प्राप्ति की जायेगी।
- (5) उपर्युक्त दोनों प्रकार के पासों का दुरुपयोग न हो, इसे सुनिश्चित करना आवश्यक एवं सखिब तथा विभागाध्यक्षों का दायित्व होगा।
- (6) शुक्रवार के दिन ऐसे मुस्लिम कर्मचारी/पदाधिकारी जो नमाज आदि अदा किया करते हैं, उन्हें उक्त काम हेतु 12 से 1 बजे के बाद आवागमन की छूट रहेगी।
- (7) सचिवालय स्थित न्यायालय में अधिकारियों एवं मूकदिवानों को जाना पड़ता है। चूंकि अधिकारिता अपने पोशाक में रहेंगे, इसलिये इनके पहचान में कोई दिक्कत होने की संभावना नहीं है। यह

निर्णय किया गया है कि ऐसे वकील जिन्हें सचिवालय स्थितों न्यायालय में उपस्थित होना पड़ता है जिन्हें सचिवालय भवन के अन्दर आने और बाहर जाने की छूट दी जाये। इनके साथ जाने वाले मूकबिकलों को इनके (अधिवक्ता) लिखित प्रमाण-पत्र पर सचिवालय भवन में प्रवेश तथा बाहर जाने की अनुमति दी जाये। ऐसे व्यक्तियों का नाम और पता स्वागत कक्ष में 'उपलब्ध रजिस्टर' में दर्ज कर लिया जायेगा ताकि आगे स्थापन की आवश्यकता हो तो यह काम सा सके।

(8) मंत्रियों के आवागमन में किसी भी समय कोई रुकावट नहीं रहेगी। परन्तु उनके साथ केवल उनके निजी प्रंग रक्षक एवं कर्मचारी को ही सचिवालय भवन में प्रवेश की अनुमति दिये जाने और अन्य किसी बाहरी व्यक्ति को उनके साथ सचिवालय भवन में प्रवेश की अनुमति नहीं दिये जाने का निर्देश है।

(9) माननीय विधायक, सांसद एवं अन्य अधिकृत व्यक्ति को 3.30 बजे और 5 बजे के बीच सचिवालय भवनो में प्रवेश कर सकते हैं।

(10) सभी विभागों द्वारा साक्षात्कार आदि का समय यथा-संभव रविवार या अन्य छुट्टी के दिन रखा जाये। अन्य दिनों में केवल 3.30 बजे एवं 5 बजे के बीच नहीं साक्षात्कार का समय रखा जाये।

(11) किसी आपातकाल स्थिति में विभाग के सचिव तथा विभागाध्यक्ष को विशेष पास निर्गत करने का अधिकार रहेगा और उक्त पास पर सचिवालय में आने और जाने की अनुमति [कर्मचारी/पदाधिकारी को दिया जा सकता है।

(12) टेंडर आदि 3.30 बजे, एवं 5 बजे के बीच में खोले जायेंगे एवं टेंडर देने वाले व्यक्तियों को उक्त समय के बीच ही सचिवालय भवन में प्रवेश करने की अनुमति दी जाये।

3. उरुक्ता सभान्य व्यवस्थाओं के साथ 4 नवम्बर, 1980 से सचिवालय भवन के सभी द्वार 10.45 बजे पूर्णतः से 1.30 बजे अपराह्न तक बन्द रहेंगे एवं तिनो मो वाकि को सचिवालय में उरुक्ता छुट के अज्ञात प्रवेश की अनुमति नहीं रहेगी। 1.30 बजे से 2.30 बजे अपराह्न के बीच सभी प्रवेश द्वार खुले रहेंगे। पुनः 2.30 बजे से 3.30 बजे सभी प्रवेश द्वार बन्द रहेंगे एवं बाहरी व्यक्ति को सचिवालय भवन में प्रवेश पर रोक रहेगी।

4. मुहरबंदी का आदेश है कि उरुक्ता व्यवस्था पुरी कड़ाई के साथ लागू की जाये एवं इसमें किसी प्रकार की शिथिलता नहीं बरती जाये।

5. अनुरोध है, आप अपने अधीनीय सभी कर्मचारियों/पदाधिकारियों को उपर्युक्त व्यवस्था से अवगत करा दें एवं उनसे विशेष अनुरोध करें कि सरकारी कार्यालयों में अनुशासन लाने हेतु सरकार के उपर्युक्त प्रयास में अपना पूर्ण सहयोग दें।

विश्वासभाजन,

ह० एन० के० पी० सिन्हा,
सरकार के विशेष सचिव।

ज्ञापन संख्या 2574

पटना, दिनांक 1 नवम्बर, 1980

प्रतिलिपि सचिवालय सुरक्षा के प्रभारी उपारक्षी अधीक्षक एवं केयरटेकर के सूचनार्थ एवं आवश्यक कार्यवाही के लिये अप्रसारित।

ह० एन० के० पी० सिन्हा
सरकार के विशेष सचिव।

ANNEXURE III TO APPENDIX II

(See para 15 of the Report)

CLIPPING FROM SEARCHLIGHT DATED 19-11-1980.

“सर्चलाइट” दैनिक दिनांक 19-11-1980

सचिवालय में प्रवेश हेतु 21-11-1980 से लागू होने वाली नयी व्यवस्था के संबंध में आवश्यक सूचना

दिनांक 1 अक्टूबर, 1980 और 10 अक्टूबर, 1980 के बीच सचिवालय में “कलियारेंस-सप्ताह” मनाया गया एवं सचिवालय भवन के विभिन्न प्रवेश द्वारों को निर्धारित समय के बीच बन्द रखा गया। इस कार्यवाही के फलस्वरूप सचिवालय कार्य का निष्पादन अत्यन्त ही उरसाहबर्द्धक रहा। उक्त अनुभव के आधार पर राज्य सरकार ने निर्णय किया कि पुनः बाह्य व्यक्तियों के प्रवेश को नियमित किया जाये।

2. इस हेतु सचिवालय भवन का प्रवेश द्वार 10.45 बजे से 1.30 बजे के बीच बन्द रहेगा। सचिवालय भवन का प्रवेश द्वार 1.30 बजे से 2.30 बजे अपराहन तक खुला रहेगा एवं पुनः 2.30 बजे से 3.30 बजे अपराहन के बीच प्रवेश द्वार बन्द रहेगा एवं किली भी बाह्य व्यक्ति को सचिवालय भवन के प्रवेश की अनुमति नहीं दी जायेगी। 3.30 बजे से 5 बजे अपराहन के बीच सचिवालय भवन का प्रवेश द्वार खुला रहेगा एवं इस समय में बाह्य व्यक्ति प्रातिभ्य कार्यालय में प्रवेश की अनुमति प्राप्त कर सचिवालय भवन में प्रवेश कर सकेंगे।

3. जहाँ तक सचिवालय हाते में अवस्थित न्यायालय में अधिवक्ता तथा मुवकिलों के प्रवेश का प्रश्न है, इस संबंध में अधिवक्ता को न्यायालय के समक्ष उपस्थित होने के लिये प्रवेश की छूट रहेगी एवं उनके लिखित प्रमाण-पत्र पर उनके साथ मुवकिलों को न्यायालय में जाने की अनुमति दी जायेगी।

4. माननीय विधायक, सांसद एवं अन्य अधिष्ठित व्यक्तियों से 3.30 बजे से 5 बजे अपराहन के बीच ही सचिवालय भवनों में प्रवेश करने का अनुरोध है।

5. यह व्यवस्था 21 नवम्बर, 1980 से लागू हो जायेगी।

गृह आयुक्त

सू जसवि 257/स/80-81

(Translation into English of original in Hindi)

STATEMENT OF D.A.P., PATNA POLICE LINES, JAMADAR SHEO DAS PANDEY, WHO WAS ON DEPUTATION DUTY ON 29-11-80 AT GATE NO. 1 OF NEW SECRETARIAT, PATNA IN CONNECTION WITH PREVENTING UNAUTHORISED ENTRY IN THE SECRETARIAT CAMPUS

My name is Sheo Das Pandey. I am holding the post of Jamadar in D.A.P., Patna. On 29-11-80, I was on duty at Gate No. 1 of New Secretariat (Vikas Bhawan). Three policemen, namely 1903 Abdul Sattar Khan, 1345 Ramakant Tewari and 1941 Dinanath Prasad were on duty under my supervision. In addition, one A.S.I., Abdul Kayum Ansari, was also assisting me in carrying out my duties. According to the instructions given to me, I could only allow a person carrying a Master Identity Card or a Special Identity Card, to enter the Secretariat campus between 10.45 A.M. and 1.30 P.M. These special passes were issued by the Government for entry during these hours only. Without such a pass, entry was prohibited. There was lunch break between 1.30 P.M. and 2.30 P.M. and there were instructions to unlock the entry gate during this time, and all those people having Secretariat passes were allowed to come and go.

For the Hon. Legislators, and Members of Parliament there were specific written instructions to permit them to enter the Secretariat only after 3.30 p.m.

We were faithfully carrying out these Government instructions. At about 12.30 P.M., one gentleman came to the gate of New Secretariat along with about 11 other persons amongst whom there were a few ladies also. He wanted to enter the Secretariat with all of them. The gate was closed and locked. The guard on duty (Policeman 1903 Abdul Sattar Khan) apprised him of the Government's instructions and expressed his inability to let them enter. I also informed him humbly that he could enter only at half past three. By that time the Hon. visitor had introduced himself as Shri Kunwar Ram, Member of Parliament.

He reacted strongly to the Government's instructions and threatened to sit on Dharna at the entrance along with his followers. All of us on duty repeatedly told him that he could enter the Secretariat after 3.30 P.M. But despite our request, he lost his temper and while condemning the Government's instructions was adamant on entering the Secretariat by force. Since the gate was closed all of them continued expressing their annoyance by clinging to the gate. As a result of this behaviour of Hon. Shri Kunwar Ram and his colleagues, even the Master Pass holders and Special Pass holders could not get entry in the Secretariat. By then it was already 1.30 P.M. and it was time to open the gates as per instructions. However, since the Hon. Member and his colleagues had surrounded gate

number one, we thought of opening gate number five, which was at a distance of about 30—35 yards towards the south of gate number one. However, the Hon. Member and his colleagues started squatting there also with the result that the way was blocked for thousands of employees wishing to go out. From among these employees, a few removed the Hon. Member and his followers from the gate.

Towards the end of the incident, Senior Police Officers had arrived. The following employees of the Secretariat had witnessed the incident right from the beginning till the end:—

1. Rajinder Singh—Clerk, Vikas Bhawan, New Secretariat.
2. Rajanand Sah—Peon, Vikas Bhawan.
3. Chedi Ram—Peon, Vikas Bhawan.

All of them belong to the Deptt. of Education.

The Hon. Member and his followers not only condemned this arrangement of the Government and shouted slogans but also abused me and the policemen deputed under me continuously. But the policemen did not lose their calm, nor did they use any insulting words for the Hon. Member or his followers. In pursuance of the Government's instructions, they stopped the Hon. Member and his followers from entering the building in an unauthorised manner.

This is our statement. We have read it and found it correct and put our signature thereon.

This is my statement also.

Hawaldar—Ram Jattan Singh

15-1-81

This is my statement also.

Policeman 1903—Abdul Sattar

15-1-81

Sd/-

Jamadar
Sheo Das Pandey.
15-1-81

GOVERNMENT OF BIHAR
DEPARTMENT OF HOME (SPECIAL)

From

Shri K. P. Sinha,

Special Secretary to the Government.

To

All Commissioners and Secretaries to the Government.

All Special Secretaries to the Government.

All Heads of Departments of the Government.

Patna, Dated 1st Nov., 1980.

Subject:—Restriction on the entry of outsiders into the Secretariat Campus.

Sir,

As you are aware, the period from 1st October, 1980 to 10th October, 1980 was observed at Patna Secretariat as the Arrear Clearance Week and, considering the work disposed of during the period, the campaign was a great success. From the experience gained during the aforesaid period, it has been felt that it is necessary to regulate the entry of the outsiders into the Secretariat campus permanently so that the official work is transacted properly and smoothly.

2. To attain this above objective, it has been decided that the following arrangements will be strictly implemented with effect from 4th November, 1980 to regulate the entry of visitors into the Secretariat campus.

- (1) The main entry gates to the various buildings of the campus will be the western gate of the main Secretariat, the northern gate near the hutments, the southern gate of the Third Secretariat and the main gate of the Technical Secretariat. Necessary arrangements are being made to set up a Reception Office near these entry gates.
- (2) Only those officers|staff who have identity cards with them will be allowed entry in the Secretariat campus. Nobody will be allowed to enter the Secretariat campus unless he shows the identity card. All the departments are, therefore, requested, to ensure before 3rd November, 1980 that all the officers/staff are provided with the identity cards. Immediate arrange-

ments may be made to supply identity cards to those who have not so far been issued these cards.

- (3) It was found during the last arrear clearance campaign that some inconvenience was experienced due to the closing of the entry gates during the meetings called by various Departments. In order to avoid such inconvenience in future, it has been decided that 10 Master Passes each will be issued to the Commissioner and the Secretary of every Department and 4 passes each to the Heads of the Departments, which can be utilised for attending meetings of departmental officers. The Security Staff have instructions to allow any officer holding such passes to enter or exit the gate any time. These passes will be supplied by the Department of Home (Special) from whom the above-mentioned number of Master Passes can be obtained.
- (4) In each department, there are some staff members who are required to make contacts with the treasury, bank and Post Office for official business. Besides, some staff members are required to go from one Secretariat building to another and even outside the Secretariat for distribution of official work. Arrangements have been made to issue special Identity Cards to them. Such identity cards will be supplied to each Department by the Department of Home (Special).
- (5) It will be the responsibility of the Commissioner, the Secretary and the Heads of Departments to ensure that these passes are not misused.
- (6) Fridays, such muslim officers/employees who go to perform *namaz* etc. will be allowed to come in and go out for that purpose between 12 A.M. to 1 P.M.
- (7) Lawyers and their Clients have to go to the Court situated within the Secretariat Campus. As the lawyers will be in their professional uniform, there may not be any difficulty in identifying them. It has been decided that the lawyers who are required to attend the Court located within the Secretariat campus may be allowed to enter it. Their Clients accompanying them may be allowed to enter the Secretariat campus on production of a written certificate issued by their lawyers. Names and addresses of such persons may be noted in the register available with the reception office so that it can be utilised for verification in future, if required.
- (8) There will be no restriction on the visit of the Ministers any time. But no person, other than their bodyguards and personal staff will be allowed to enter the Secretariat campus with them.

- (9) Hon'ble legislators, Members of Parliament and other authorised persons can enter the Secretariat campus between 3.30 P.M. and 5 P.M.
- (10) Interviews etc. should as far as possible be fixed for Sundays or other holidays by all the Departments. On other days, the time for interviews should be fixed between 3.30 P.M. and 5.00 P.M.
- (11) The Secretary and the Head of the Department shall have the right to issue special passes in an emergent situation allowing entry to the Officers|Staff on production of such passes.
- (12) Tenders etc. will be opened between 3.30 P.M. and 5 P.M. and persons submitting tenders will be allowed to enter the Secretariat campus during that period only.

3. With the aforesaid general arrangements, all the gates of the Secretariat campus will remain closed between 10.45 A.M. and 1.30 P.M. and nobody will be allowed to enter the Secretariat except under the aforesaid conditions. All the entry gates will remain open between 1.30 P.M. and 2.30 P.M. The gates will again remain closed from 2.30 P.M. to 3.30 P.M. when the outsiders will not be allowed to enter the Secretariat Campus

4. The Chief Minister desires that the aforesaid arrangement should be strictly implemented and there should be no slackness in the matter.

5. It is requested that all the employees|officers under your charge may be informed of the aforesaid arrangement and asked specifically to lend their cooperation in the matter in the interest of bringing about discipline in Government Offices.

Yours faithfully,

Sd|- N. K. P. Sinha
Special Secretary to the Government.

Memo No. 2574| Patna, dated 1st November, 1980.

Copy forwarded to the Deputy Superintendent of Police, Security in-charge of the Secretariat and to the Caretaker for information and necessary action.

Sd.- N. K. P. SINHA,
Special Secretary to the Government.

THE SEARCHLIGHT daily dated 19-11-1980.

Important Notice about New Arrangements regarding entry into the Secretariat Buildings to be effective from 21-11-1980.

A "Clearance Week" was observed in the Secretariat from 1st October, 1980 to 10th October, 1980 and the various entry gates were kept closed during a certain period of time. As a result of this arrangement, the disposal of work in the Secretariat was highly encouraging. From the experience so gained, the Government have decided that the entry of the outsiders into the Secretariat campus may be regulated again.

2. Accordingly, the entry gate of the Secretariat will remain closed from 10.45 A.M. to 1.30 P.M. It will remain open from 1.30 P.M. to 2.30 P.M. The entry gate will again remain closed from 2.30 P.M. to 3.30 P.M. when no outsider will be allowed to enter the Secretariat building. From 3.30 P.M. to 5 P.M., the entry gate of the Secretariat building will remain open and during this period the outsiders can enter the Secretariat building after obtaining permission from the Reception Office.

3. As regards the entry of the lawyers and their clients to attend the Court located in the premises of the Secretariat, the lawyers will be allowed to enter the building and on their written certificates their clients will also be allowed to go to the Court.

4. Hon'ble Legislators, Members of Parliament and other authorised persons are requested to enter the Secretariat buildings between 3.30 P.M. and 5 P.M.

5. This arrangement will come into force with effect from 21st November, 1980.

257/S/80-81.

Commissioner, Home.

APPENDIX II

(See paras 19 and 24 of the Report)

COPY OF ENQUIRY REPORT BY THE SENIOR SUPERINTENDENT OF POLICE, PATNA

ज्ञापक 152/गो०

कार्यालय वरीय-आरक्षी अधीक्षक, पटना

पटना, दिनांक 16 जनवरी, 1981 ।

सेवा में,

श्री अवधेश कुमार,

सरकार के संयुक्त सचिव,

गृह (विशेष) विभाग, बिहार, पटना ।

प्रसंग :--आपका पत्रांक 2850, दिनांक 11 दिसम्बर, 1980 ।

विषय :--संसद सदस्य के साथ दुर्व्यवहार ।

उपर्युक्त विषय के संबंध में आवश्यक जांच पड़ताल की गई है । संसद के माननीय सदस्य श्री कुवर राम ने यह आरोप लगाया है कि दिनांक 29-11-80 को दिन में 12 बजे जब वे नये सचिवालय के मुख्य द्वार पर गये तो वहाँ पर तैनात पुलिस ने परिचय-पत्र दिखाने को कहा और जब वे परिचय-पत्र लेकर लौटे तो आरक्षी ने उन्हें दूसरे गेट से सचिवालय में प्रवेश पाने की बात कही । इस पर श्री राम ने कहा कि जब मेरा परिचय-पत्र इस दरवाजे पर मांगा गया है तो दूसरे द्वार पर क्यों जायें? इसी बात पर प्रतिनियुक्त आरक्षी ने उन्हें गालियाँ दी ।

इन आरोपों के संबंध में मैंने घटना के दिन ही जांच पड़ताल की । जब मुझे यह सूचना मिली कि माननीय संसद सदस्य नये सचिवालय में घरणा पर बैठे हुए हैं तब मैं भविलम्ब नया सचिवालय गया और माननीय संसद सदस्य से बातें की । माननीय संसद सदस्य उस समय मुख्य मंत्री जी के निवास स्थान पर चले गये थे और उनके पास आबेदन-लिख रहे थे । मेरे समक्ष उन्होंने अपने आरोपों को दुहराया । उन्होंने आगे बताया कि वे अपना आबेदन-पत्र मुख्य मंत्री जी को ही देंगे । आरक्षी के विरुद्ध उनका आरोप था कि मुख्य द्वार पर प्रतिनियुक्त आरक्षी ने उन्हें गालियाँ दी । आंच फोड़ने की घमकी की चर्चा नहीं थी ।

सचिवालय के मुख्य गेट पर पुलिस के जो लोग तैनात थे उनके नाम निम्न-लिखित हैं :--

- (1) जमादार शिवदास पाण्डे
- (2) आ० 1903 अब्दुल सत्तार
- (3) आ० 1345 रामाकान्त तिवारी
- (4) आ० 1841 दीनानाथ प्रसाद एवं
- (5) स० आ० नि० श्री अन्सारी

इन व्यक्तियों से भी पूछताछ की गई और उनके बयानों की चर्चा आरक्षी, निरीक्षक, सचिवालय के प्रतिबेदन में भी है। आरक्षी अब्दुल सत्तार ने अपना एक लिखित बयान समर्पित किया था जिसे परिचारी प्रबन्ध, सचिवालय ने अपने प्रतिबेदन के साथ अग्रसारित किया है। इन्होंने मेरे समक्ष अपने लिखित बयान का समर्थन किया और बताया कि दिनांक 29-11-1980 को इनकी ड्यूटी तथा सचिवालय के उत्तरी गेट पर थी, इनके काम पास व चौकी का था। करीब 12.30 बजे दिन में एक व्यक्ति अपने 10-11 अनुयायियों के साथ वहाँ पहुँचे और उन्होंने गेट खोलने के लिये कहा। आरक्षी ने उस व्यक्ति से कहा कि सरकार का यह आदेश है कि साढ़े तीन बजे अपराह्न के बाद ही गेट खोलना होगा, लेकिन सरकार के इस आदेश ने बावजूद वे गेट खोलने के लिये उन्हें कहने लगे। लेकिन उस आरक्षी ने गेट नहीं खोला। इस पर वे व्यक्ति जो श्री कुंवर राम थे, जैसा कि बाद में मालूम हुआ, 10-12 लोगों के साथ क्रुद्ध हो गये और गालियाँ देने लगे तथा नारेबाजी करने लगे। यह करते करते डेढ़ बज गया और लंच के लिये सचिवालय का गेट खुल गया। गेट खुलने पर सचिवालय के कर्मचारी बाहर आने लगे लेकिन इन लोगों ने गेट पर घेरना दे दिया और कर्मचारियों को सचिवालय के बाहर निकालने में बाधा उपस्थित करने लगे। इतने में सचिवालय के कर्मचारियों की भीड़ आरक्षी और उन लोगों ने माननीय संसद सदस्य एवं उनके अनुयायियों को गेट से अलग हटा दिया जिसके कारण इन लोगों ने सचिवालय के कर्मचारियों के विरुद्ध नारे लगाये।

इस तरह के बयान अन्य सम्बंधित गवाहों ने भी दिये हैं जिसकी चर्चा श्री एल० पी० तिवारी, आर० निरीक्षक सचिवालय के प्रतिबेदन में की गयी है।

गहरी जांच-पड़ताल के फलस्वरूप निम्नलिखित बातें सामने आती हैं :—

- (क) सरकार के आदेशानुसार सचिवालय के प्रवेश नियमित कर दिया गया था जिसके फलस्वरूप कोई भी बाहरी व्यक्ति 10.45 बजे से 1.30 बजे अपराह्न तक सचिवालयों में बिना पास के प्रवेश नहीं कर सकता था। इस आदेश की सूचना समाचार-पत्रों के माध्यम से भी प्रकाशित की गई थी एवं माननीय सांसदों तथा विधायकों से अनुरोध किया गया था कि वे साढ़े तीन बजे अपराह्न से पांच बजे अपराह्न के बीच में सचिवालय भवनों में प्रवेश करें। यह व्यवस्था दिनांक 21 नवम्बर, 1980 से लागू की गई थी।
- (ख) माननीय सांसद श्री कुंवर राम तथा उनके सहयोगियों ने दिनांक 29. 11. 80 को साढ़े बारह बजे नयी सचिवालय के मुख्य द्वार पर गये तथा प्रवेश पाना चाहा।
- (ग) उस द्वार पर तैनात आरक्षी ने (अब्दुल सत्तार) उन्हें रोका और सरकारी आदेश से अवगत कराया जिस पर माननीय सांसद तथा उनके सहयोगियों ने क्रोध में आकर अपशब्द कहे।
- (घ) माननीय सांसद ने जोर दिया कि उन्हें प्रवेश दिया जाये।
- (ङ) डेढ़ बजे जब लंच के लिये दरवाजे खुले तो कर्मचारियों की भीड़ अन्दर से आयी और उन लोगों ने बाहर निकलना चाहा लेकिन माननीय सांसद अपने सहयोगियों के साथ उस गेट पर घरणा डाले हुए थे जिससे कर्मचारियों के बाहर निकलने में बाधा उपस्थित हुई और कर्मचारियों ने इस बाधा को हटा दिया।
- (च) इस घटना पर माननीय सांसद को क्रोध हुआ और उनके अनुयायियों ने नारे लगाये।

जहां तक पास चेकिंग ड्यूटी पर तैनात आरक्षी अब्दुल सत्तार के द्वारा अभद्र व्यवहार का प्रश्न है, माननीय सांसद के आरोप प्रमाणित नहीं होते हैं। यह सम्भव है कि तैनात आरक्षी ने दृढ़ता से सचिवालय में प्रवेश करने से रोका हो, जिससे माननीय सांसद की अहं भावना को ठेस पहुंची है।

निष्कर्षतः यह स्पष्ट है कि ड्यूटी पर तैनात आरक्षी ने अपने कर्तव्य का पालन किया और अपने कर्तव्य पालन के क्रम में ही श्री राम की भावनाओं को ठेस पहुंची। जांच पड़ताल से यह स्पष्ट हुआ कि आरक्षी का कतई यह इरादा नहीं था कि माननीय सांसद का अपमान हो। फिर भी कर्तव्य निर्वाह के क्रम में अगर आरक्षी अब्दुल सत्तार के व्यवहार से माननीय सांसद की भावनाएं आहत हुई हैं, तो हम क्षमा प्रार्थी हैं और जिला पुलिस की ओर से हम सविनय क्षमा मांगते हैं।

मैंने दिनांक 29-11-80 को भी माननीय सांसद के दर्शन किये थे एवं कर्तव्य निर्वाह के क्रम में हुई इस घटना के लिये क्षमा मागी थी ।

ह० अनिल कुमार पाण्डेय,

16-1-81

वरिय घारकी अधीक्षक, पटना

(Translation into English of original in Hindi)

Memo No. 152/Con.

OFFICE OF THE SENIOR SUPERINTENDENT
OF POLICE, PATNA

Patna, dated 16th January, 1981.

To

Shri Awadhesh Kumar,
Joint Secretary to the Government,
Home (Special) Department, Bihar,
Patna.

Ref: Your letter No. 2850, dated 11th December, 1980.

Subject: Misbehaviour with a Member of Parliament.

Necessary inquiry has been conducted in regard to the above mentioned subject. An Hon. Member of Parliament, Shri Kunwar Ram, has alleged that on 29.11.80, when he reached the main gate of the New Secretariat Building at 12.00 A.M. the policeman on duty asked him to show his identity-card and when he came back with the identity-card, the policeman asked him to enter the building through another gate. At this Shri Kunwar Ram replied that when he was asked to show his identity-card on that gate, why he should go to another gate. The policeman on duty then abused him.

I conducted an inquiry into the above-mentioned allegations on the day of incident itself. When I received the information that an Hon. Member of Parliament was staging a dharana, at the New Secretariat Building, I immediately reached there and talked to the Hon. Member of Parliament. The Hon. Member of Parliament had gone to the residence of the Chief Minister at that time and was writing a complaint there. He repeated his allegations before me. He further stated that he would give his complaint to the Chief Minister himself. His allegation against the policeman on duty was that he had abused him. The complaint did not mention the threat of blinding him.

The following policemen were on duty at the main gate of the Secretariat Building:—

1. Jamadar Shivdas Pandey
2. Police Constable 1903 Abdul Sattar
3. Police Constable 1345 Rama Kant Tiwari
4. Police Constable 1841 Dina Nath Prasad and
5. Assistant Inspector of Police, Shri Ansari.

These persons were also interrogated and their statements have also been mentioned in the report of the Inspector of Police of the Secretariat. The Police Constable Abdul Sattar had submitted a written statement which has been forwarded by Parichari Pravar (Head Attendant) of the Secretariat with his report.

He corroborated his written statement in my presence and stated that on 29.11.80, he was on duty at the northern gate of the Secretariat. He was assigned the job of checking the passes. At about 12.30 P.M. one gentleman, alongwith 10-11. associates came and asked to open the gate. The Guard on duty told the gentleman that as per the Government's instructions, the gates would be opened only after half past three in the afternoon. But ignoring Government instructions, they insisted that the gate be opened. But the Guard did not. Thereafter, the gentleman, who later on was found to be Shri Kunwar Ram, and the 10—12 persons, lost their temper and started calling names and shouting slogans. By then it was 1.30 P.M. and the gate of the Secretariat was opened for lunch hour. As the gate was opened, the employees of the Secretariat started coming out, but the Hon. Member and his associates started Dharna on the gate and obstructed the employees in going out. Meanwhile the Secretariat employees gathered in large number and they removed the Hon. Member and his associates from the gate, thereupon they started shouting slogans against the Secretariat employees also.

Similar statements have been given by the concerned witnesses as mentioned in the report of Shri L. P. Tiwari, Police, Inspector, Secretariat.

After thorough investigations, the following facts have emerged:—

(a) As per the Government instructions, entry to the Secretariat was regulated with the result that no outsider could, without an entry pass, enter the Secretariat premises between 10.45 and 1.30 P.M. This instruction was also published in News Papers and Hon. Members of Parliament and Legislators were requested to enter the Secretariat building between 3.30 P.M. and 5.00 P. M. This order was enforced on 21st November, 1980.

(b) The Hon. Member Shri Kunwar Ram and his associates went to the main gate of New Secretariat on 29.11.80 at 12.30 P. M. and tried to force their entry.

(c) The Guard on duty (Abdul Sattar) at the gate prevented them and apprised them of the Government instructions. Thereupon the Hon. Member and his associates lost their temper and used abusive language.

(d) The Hon. Member insisted on the entry.

(e) At 1.30 P. M. the Gate was open for lunch hour and a large number of employees reached there to go out. Since the Hon. Member alongwith his associates were squatting on the gate, the employees exit was hindered and they removed the obstruction.

(f) The Hon. Member became furious at this and his associates started shouting slogans.

As far as the question of misbehaviour by Abdul Sattar, the guard on duty, for checking passes, is concerned, the allegations made by the Hon. Member have not been proved. It is quite possible that the guard on duty might have firmly stopped him from entering the Secretariat at which the Hon. Member's ego was hurt.

In conclusion, it is clear that the guard on duty discharged his duty and in that process Shri Ram's feelings were hurt. From the investigations it is obvious that the guard had no intention to insult the Hon. Member. However, if the guard Abdul Sattar has hurt the feelings of the Hon. Member during the course of carrying out his duties, we are sorry and we humbly apologise on behalf of the District Police.

I called on the Hon. Member on 29.11.80 and apologised to him for this incident which occurred in course of discharging the duty.

Sd/-Anil Kumar Pandey,

16.1.81

Senior Superintendent of Police, Patna.

APPENDIX—III

(See para 23 of the Report)

COPY OF WRITTEN COMPLAINT DATED 29-11-1980 GIVEN BY SHRI KUNWAR RAM, M.P. TO THE CHIEF MINISTER OF BIHAR

मुख्य मंत्री महोदय,

बिहार सरकार, पटना ।

महोदय,

मैं दुःख के साथ सूचित कर रहा हूँ कि आज दिनांक 29-11-80 दिन शनिवार के करीब 12 बजे दिन में नये सचिवालय के मुख्य गेट पर तैनात पुलिस ने कहा कि अगर एम० पी० है तो परिचय-पत्र दिखायें। मैं घर वापस जाकर परिचय पत्र और कोम्पापरेटिव बैंक के कागजात को लेकर पुनः प्रायः घंटे में वापिस गेट पर आये। मैंने अनुरोध किया कि परिचय-पत्र देख लिया जाय और बैंक के कागजात भी। उन्होंने कहा कि दूसरे गेट से जाइये। मैंने कहा कि इसी गेट पर परिचय-पत्र मांगा गया, तब दूसरे गेट से क्यूं बोलते हो, सच है कि इस परेशानी पर मैंने जोर से कहा परन्तु तैनात पुलिस ने कहा कि जोर से बोलोगे, आंख दिखाओगे तो चूड़की कबाड़ लेंगे और आंख फोड़ देंगे। इस पर मुझे अत्यन्त दुःख हुआ और बिगड़े तो उन्होंने फिर कहा कि मादरचोद, बहनचोद, पचास लाठी गिनकर मारेंगे, एम० पी० हो तो क्या? दूसरे इनके कोई अफसर ने कुछ समय बाद आकर कहा कि ठीक किया अगर मुख्य मंत्री आवें तो वही करना है।

मैं उपरोक्त घटना से प्रशासन का व्यवहार का एक दुःखद चित्र पर अत्यन्त दुखी हूँ और मैं इसलिये गेट पर धरना डाल दिया कि जब तक वे लोग निलम्बित नहीं हो जाते तब तक प्रशासन के मुख पर कालिख पोता गया है, वो मिट नहीं सकता। मैं निवेदन करता हूँ कि मेरे साथ दुर्व्यवहार किया गया है उसका इन्साफ हो। आशा है कि मुझे आप आवश्यक कार्यवाही कर संतुष्ट करेंगे ताकि मानसिक तकलीफ कम हो।

आपका,

ह० कुंवर राम,

सांसद,

29-11-1980

[Translation into English of Original in Hindi]

To

The Chief Minister,
Government of Bihar, Patna,

Sir,

With a heavy heart, I have to inform you about the treatment meted out to me today the 29th Nov. 1980, Saturday, at about 12 hours at the main gate of the New Secretariat by a policeman who asked me to produce my identity card if I happened to be an M.P. I went home and came back with my identity card and cooperative Bank papers within half an hour. I requested the policeman to have a look at my identity card and other bank documents. At this, he, even after assuring himself of my identity, asked me to go in by some other gate. Then I said that he had asked me to show my identity card at that gate and when I had shown the same, why I should not be allowed to go in by same gate. It is true that his refusal irritated me and I spoke in a loud voice, but the policeman on duty retorted that if I spoke in that pitch, he would take me by the hair and blind me. I was very much shocked with this behaviour and got annoyed. At this, the policeman again started hurling filthy abuses at me such as 'madar chod' and 'behan chod' and threatened me with fifty blows of lathi, saying that he cared a fig for my being an M.P. After some time some police officer reached there and asked the policeman to behave in the same manner even if the Chief Minister happened to come.

This is a very sad commentary on the State Administration. It pained me so much that I sat on dharna till the persons responsible for this were not suspended for misbehaviour. The stigma they have left on the Administration cannot be wiped off. I request that in this case of misbehaviour justice may be done to me. I hope that necessary action will be taken in this regard to mitigate my mental agony.

Yours,

Sd/-Kunwar Ram.

M.P.

29-11-80.