

(Shri Charan Singh)

in November, 1976 that the recommendation of the Khosla Commission regarding a change-over should be rejected.

3 Government have reconsidered the matter in the light of the complexities of the task of police and the new challenges faced by them with progressive urbanisation of the Union territory of Delhi and rapid growth of population. The Police Commissioner system has been obtaining in the former Presidency towns of Bombay, Calcutta, and Madras right from the inception of the modern concept of policing and it has been operating to advantage in other metropolitan areas of Hyderabad, Bangalore, Ahmedabad, Nagpur and Poona, where it was introduced subsequently. The duality inherent in the present police—magistracy system inhibits the police in quickly responding to situations and affects their efficiency in their primary task of crime control and maintenance of law & order. It is also indicative of a lack of trust in the police and hence curbs its initiative and efficiency. After considering all aspects of the matter and in the interest of improvement of the efficiency of the police in this capital city, Government have decided to switch over to the Police Commissioner system. Steps are being taken to see that the change-over to the new system is effected as early as possible.

Sir, with your permission I may add that the Government has decided to advise the State Government of Uttar Pradesh also to introduce this system in their metropolitan city of Kanpur.

13 21 hrs.

STATEMENT RE PUBLICATION OF A PHOTOSTAT COPY OF A MISA WARRANT DATED THE 26TH JUNE, 1975 ISSUED BY THE THEN DEPUTY COMMISSIONER OF DELHI

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): Sir, the publication of a photostat copy in the issue of Indian Express of 28th July, 1977, of a MISA warrant alleged to have been issued by the former Deputy Commissioner of Delhi on the 26th June, 1975 was raised in the House day before yesterday and with your permission I wish to make a statement on the subject today.

The publication of this document which did not contain the particulars of the person to be detained naturally caused

us great concern. A number of Members also sought to raise this matter in the House in the form of Calling Attention Motions and Short Notice Questions. We had asked the Delhi Administration to ascertain all the facts relevant to this matter and send a detailed report. Unfortunately due to pre-occupation of the senior Officers of the Delhi Administration with the very serious situation in Delhi the enquiry into this matter has not yet been completed. We have so far received only a preliminary report containing the explanation of Shri Sushil Kumar, the then Deputy Commissioner of Delhi.

He has explained that in a meeting convened by the then Lt Governor in the evening of 25th June, 1975, the Lt Governor gave specific orders that senior leaders of the opposition as well as their followers should be detained under MISA immediately and that the Deputy Commissioner should issue orders on the basis of lists to be furnished to him by the police. He has also stated that there was continuous pressure from the Lt Governor as well as the then Prime Minister's house that issue of warrants of arrest should be expedited. He has also stated that each detention was approved by him personally. Five copies of warrants had to be prepared in each case. In some cases, however, forms of warrant were signed by him and given to other persons.

SHRI VASANT SATHE (Akola): The matter is *sub judice*. Sir, why did this not all go there? This is producing more evidence. (Interruptions) You want all evidence to be produced here. But when we talk of Belchi, you say 'stop'. That is all. The matter is *sub judice*. Now you have Shah Commission. Why do you not produce all this evidence there? A statement made by some police Officer about what orders were issued to him— is it not a matter for enquiry? Kindly tell me. Under the guise of a statement here is an evidence being produced to prejudice the mind of public and also bring pressure on the judge. This will all appear in the press tomorrow. Is it not? You cannot have double standards. When Belchi was being discussed, why did you not allow a discussion on Belchi incident? (Interruptions)

I want your ruling on this. I have raised a point of order. (Interruptions)

SHRI CHARAN SINGH: I don't see in what manner. It is clear my hon. friends there want to drown the sins of their government by shoutings here.

SHRI VASANT SATHE Is this an answer to my question? (Interruptions)

SHRI CHARAN SINGH Warrants of arrest had to be issued in each case

MR SPEAKER I will give a ruling

SHRI CHARAN SINGH It is not a sub-judice case (Interruptions)

MR SPEAKER I have got to give a ruling Please

SHRI KANWAR LAL GUPTA (Delhi Sadar) The villain of the piece is the Lt. Governor He should be arrested

SHRI CHARAN SINGH Five copies of warrant had to be prepared in each case (Interruptions)

SHRI VASANT SATHE The excesses committed related to Emergency

MR SPEAKER You don't want me to give a ruling? All right Then I am not giving the ruling

SHRI VASANT SATHE What is your ruling, Sir? I was only speaking

MR SPEAKER No, no You were shouting I wanted to give a ruling You did not allow me to do it

SHRI CHARAN SINGH In some cases (Interruptions)

SHRI VASANT SATHE Is this the way, Sir?

MR SPEAKER I wanted to give a ruling You did not allow me to do it

SHRI VASANT SATHE What did I do? I was only answering

MR SPEAKER You were not answering anything

SHRI VASANT SATHE If you want an apology to you, I will apologize But give a ruling This is not the way to go on Kindly give a ruling, Sir

MR SPEAKER Have you finished? I am on my legs Please sit down I was about to give a ruling Even when I was giving the ruling, Mr. Sathe went on shouting some other things I was not allowed to give the ruling I thought Mr. Sathe never wanted me to give a ruling on the point Otherwise he would have allowed me to give a ruling

(Interruptions)

MR. SPEAKER Now please I told you I wanted to give a ruling You

never allowed it Have you got the patience to listen to others?

SHRI VASANT SATHE Yes

MR SPEAKER No So far as the objection raised is concerned, questions were asked in this House about the blank warrant Papers published these things They were asked, and the Home Minister was asked about the blank papers It is in that connection that he is making a statement, because papers published certain things, about blank papers That is why, in the circumstances, he is making a statement Therefore, it has nothing to do with the enquiry Enquiries and statements before the Commission will be there already He has not given any opinion He does not express any opinion He merely says what report he has got That is what he is saying

SHRI VASANT SATHE Now that you have given a ruling, I don't want to say anything

SHRI CHARAN SINGH In some cases however

SHRI VASANT SATHE Don't apply double standards when Belcher comes (Interruptions)

SHRI CHARAN SINGH Mr Sathe I expected better things from you

AN HON MEMBER Please ask Mr Sathe next to add fuel to the fire. (Interruptions)

SHRI VASANT SATHE Who will decide the correctness of this?

SHRI CHARAN SINGH In some cases (Interruptions)

SHRI VASANT SATHE Who will decide it? You have decided already Then you remove the Shah Commission, you remove it (Interruptions)

MR SPEAKER On your own, you can shout, but I am not allowing anything (Interruptions)

MR SPEAKER No submissions, only points of order, and then I will decide

SHRI SOMNATH CHATTERJEE (Jadavpur) Mr. Sathe is unnerved. . . (Interruptions)

Statements

SHRI C. K. JAFFER SHARIEF (Bangalore-North) : Sir, I rise on a point of order. You said that the Minister is going to make a statement just to clarify what has appeared in the press and that he is not going to refer to anything with regard to the Commission. But now he has come out with.... (*Interruptions*)

SHRI VASANT SATHE : ***

MR. SPEAKER : Please do not record it.

SHRI CHARAN SINGH : In some cases, however, forms of warrant were signed by him and given to other persons to fill up names and other details on the basis of his earlier decision to detain various persons. He has clearly admitted that the possibility of there being in existence a blank MISA warrant signed by him on 26-6-75 cannot altogether be ruled out, though he has also pointed out that for a complete reply it would be necessary for him to see the original of the photostat copy as well as all the other relevant documents. According to the Delhi Administration, 60 warrants of arrest were issued by the Deputy Commissioner on 26th June, 1975.

Needless for me to say that this is a serious matter and deserves a thorough probe. The Delhi Administration is being asked to ascertain all the facts relevant to this matter and place them before the Shah Commission of Inquiry for such further investigation as it may deem necessary. The Government, on its part, will also take such appropriate action as may be necessary, on receipt of a detailed report from the Delhi Administration.

13.35 hrs.

STATEMENT RE ALLEGED LATHI CHARGE IN TIHAR JAIL, DELHI DURING EMERGENCY

SHRI KANWAR LAL GUPTA : (Delhi Sadar) : Sir, I want to know....

MR. SPEAKER : The original question was an Unstarred Question. The reply was laid on the Table. Therefore, any further Oral clarification under the rules is not permissible. It is not permissible to give any oral reply. So, I am requesting the hon. Member to lay it on the Table.

SHRI KANWAR LAL GUPTA : I lay on the Table a Statement regarding certain information given by the Minister of Home Affairs on the 22nd June, 1977 in answer to Unstarred Question No. 1390 regarding alleged lathi charge in Tihar Jail, Delhi, during Emergency.

In reply to my Unstarred Question No. 1390, replied on 22nd June, 1977, the Home Minister stated that no lathi charge was made in the Jail during emergency.

In this connection, it is submitted that I too was detained in the Central Jail Tihar, Delhi. I can say from my personal knowledge that it is incorrect to say that no lathi charge was made in Tihar Central Jail. As a matter of fact, many persons detained in the Jail were injured and some of them severely wounded on account of lathi charge made in the jail. Even the record of Tihar Central Jail will substantiate my contention. Those who were injured can be produced even now, because they are the residents of Delhi. Moreover, even the Home Minister, Shri Charan Singh ji, was also detained in the jail at that time and he must be knowing this fact that there was a lathi charge in Tihar Central Jail.

It seems that the Delhi Administration has wrongly sent this information to the Home Minister. I request the Home Minister under Speaker's Direction 115 to correct his statement made on the 22nd June, 1977. It is further submitted that he may take action against those Officers who misguided him.

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH) : I lay on the Table a Statement in reply thereto.

Statement

Unstarred Question No. 1390 sought information regarding the names and places where lathi charge was made in jails during Emergency. In my written reply on 22nd June, 1977, I had stated that replies from 15 States and Union Territories were being awaited and that 16 States and Union Territories had reported that no lathi charge was made in their jails during Emergency. Union Territory of Delhi was included in the latter category. On 28th June, Shri Kanwar Lal Gupta had written a letter stating that he was himself detained in Tihar Central Jail, Delhi, during the Emergency; that there was a lathi charge and that he was himself a witness thereto. He also added that I should be knowing about the lathi charge since I was also detained in the same jail. Though I was detained in Tihar Jail, I was not personally a witness to any lathi charge. But I do recall that an alarm was sounded and the impression of a lathi charge having been made, was widespread amongst the

***Not recorded.