

STATEMENT RE: EAST PAKISTAN
RAILWAY GUARD

Mr. Speaker: Shrimati Renu Chakravartty . . .

Shri Hari Vishnu Kamath: (Hoshangabad): What about the other two items, Sir, in the name of Dr. Singhvi and Shri Mathur, respectively?

Mr. Speaker: The Ministers are not available. They have been postponed.

Shrimati Renu Chakravartty (Barackpore): Mr. Speaker, Sir, on the 10th April last, you may remember, in a prepared statement to a Calling Attention Notice, Shrimati Lakshmi Menon said in this House that an East Pakistan Railway guard had been detained by the Indian police on charges of smuggling, and when she was asked whether there were not charges against this guard of having molested two women who had come from Pakistan, she stated that there was no truth in that report. On the very next day the *Hindustan Standard* has written under the heading "Who is correct? Minister or Newspaper" this:

"Mrs. Gitarani Shiali and Manjurani Dakua, who were criminally assaulted in a hotel at Khulna by five Pakistani hooligans, of whom one is a Pakistan railway guard, recorded their statements at Bongaon before Mr. A. K. Bhattacharya, First Class Magistrate on April 4. The Magistrate's court was closely guarded by the police and entrance inside the room was prohibited."

I would like to know whether this is not a fact that actually there were recorded statements. I would also like to know whether it is not a fact that this very railway guard, Noor

Ali, was arrested on his return to Pakistan?

Shri Hem Barua (Gauhati): Sir, before the hon. Minister replies, I would like to say something about this and seek a clarification. These two women, Gitarani and Manjurani have made their statements before a Magistrate. On their identifying Noor Ali, the Pakistan goods train guard, he was arrested, subsequent to the statement they made before the Magistrate on April 4. But then what happened? The guard has been released. The Minister says that there is no charge against that guard on the ground of smuggling and all that. Here is a definite statement made by two women involved in the incident and the case is *sub judice* in a sense. The case is before a magistrate. Whatever that may be, when the Minister says that this guard is free of all charges, before he is hauled up before a court of law on the strength of the statement of these two women, it prejudices the whole procedure.

Shri Bade (Khargone): Sir, I only want to put one question. The hon. Minister replied that the guard was charged for smuggling. When this was done under section 164 of the Criminal Procedure Code, the police took the statement before the magistrate of the ladies and the charge was made against guard, why did the Minister say like this? There is not a single lady in the whole world who will say before a court that she has been molested.

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Sir, we have seen Press reports that two ladies of the minority community had been criminally assaulted by Pakistani Railway Guard Mohd. Noor Ali. He, as the House will recall in the statement made on April 10, 1964 had been arrested on April 2, 1964 under sections 41(5) of Defence of India Rules and 11 of the West Bengal Security Act for indulging in smuggling of persons and contraband commodities to and

[Shrimati Lakshmi Menon]

from East Pakistan, thus endangering the security of the State. Complaint had also been received that Noor Ali had criminally assaulted Gitarani Seoli and Manju Rani Dakua. He was produced in the court of Shri A. K. Bhattacharya, Magistrate First Class, Bongaon, but as there was insufficient evidence against him to warrant a charge-sheet, he was discharged from custody on April 6, 1964.

News items in the press have alleged that these two unfortunate ladies had also deposed before the First Class Magistrate, Bongaon. West Bengal Government who were contacted have confirmed that there is no truth in these news reports. One of these two ladies did complain to the police. On the basis of the complaint, the West Bengal Government formally protested against this barbarous incident to the East Pakistan Government and requested that an immediate inquiry should be made into the matter and that deterrent punishment should be awarded to the culprits and effective steps should be taken to ensure that similar incidents do not recur.

Shrimati Renu Chakravarty: In view of the reply which has just now been given by the hon. Minister, it is quite clear that the statement made on the prior occasion was wrong, because the West Bengal Government has made a very formal protest saying that the entire matter must be enquired and gone into. Therefore, there is a *prima facie* case. I would like to know why the Central Government did not, even after being pressed by this House, take much more care to find out exactly what the position was. I would like to know why, in view of the fact that many cases are coming to our notice where women are being molested and not allowed to come over to India, some machinery cannot be set up by Government to see that the honour of women is protected.

Shrimati Lakshmi Menon: Mr. Speaker, you would recall that on

that occasion I was answering a question with regard to the suspension of trains between Khulna and Sealdah. At that time I made a statement, and I repeat it now, that the suspension of trains was due to the fact that a Pakistani guard was arrested on certain charges.

Shri Bade: On that very day we put a specific question on this subject but the Minister said that there was no molestation at all.

Shrimati Lakshmi Menon: I stated that the Pakistani guard was arrested not on charges of criminal assault on women but under the Defence of India Rules. I had made that statement.

Shri Hari Vishnu Kamath: For what offence?

Shrimati Lakshmi Menon: For smuggling. Then, it was also pointed out that these two ladies deposed before the First Class Magistrate, Shri A. K. Bhattacharya. But they did not. I repeat it, as I mentioned in my statement they did not. But one of them did complain to the police. As this had happened on the Pakistan side, we could not take any action except send a protest to the Pakistan Government, which the West Bengal Government has done.

Shri U. M. Trivedi (Mandsaur): Sir, I would like to know one thing. How dare the hon. Minister say that the molestation of two Indian women who were coming over to India having taken place on the Pakistan side, when the offender was found in India he could not be proceeded with. Under what provision of law does the Minister say so? Was the West Bengal Government asked to explain the particular provision of law under which an offender found inside India could not be proceeded with on account of the offence having been committed in Pakistan? What is this? This is ridiculous. The offender is there, the complainant is there and still action was not taken.

Shri Bade: Sir, may I point out....

Mr. Speaker: I might have forgotten all my law. But I cannot allow him to proceed in this manner. **Shri Banerjee.**

Shri Hari Vishnu Kamath: Sir, on a point of clarification. If I heard the Minister right....

Mr. Speaker: I have called **Shri Banerjee.**

Shri S. M. Banerjee (Kanpur): From the statement of the hon. Minister it appears that one of the girls did complain to the police. What was the specific complaint which she lodged with the police? Further, what steps have been taken by the government to safeguard the interests of all those who are coming to India?

Mr. Speaker: The Minister has answered it. You must have heard her saying that one of the ladies made a complaint to the police, deposed that she had been criminally assaulted in East Pakistan. According to the Minister because the offence was committed in East Pakistan under the law our courts have no jurisdiction in this case.

Shri S. M. Banerjee: Apart from that, the Minister also stated that a protest has been lodged with the East Pakistan Government.

Mr. Speaker: According to her, that was the utmost that could be done.

Shri S. M. Banerjee: On the basis of what? It is stated....

Shrimati Lakshmi Menon: As I have stated, on the basis of the complaint of one of the ladies.

Shri S. M. Banerjee: The hon. Lady Minister should have more patience. Let me put the question.

Shrimati Lakshmi Menon: The question was "on what basis?". I say it is on the basis of the complaint made by one of the two ladies. As I said,

they did not depose before the First Class Magistrate. On the basis of the complaint made by one of the girls to the police, the West Bengal Government has sent a protest to the East Pakistan Government. Government is fully conscious of the offence committed against women in Pakistan. In fact, that formed the subject of discussion in the Home Ministers' Conference that took place recently.

Shri S. M. Banerjee: We never knew that.

Shri U. M. Trivedi: The Minister has not answered my question.

Mr. Speaker: Probably, there might be difference of opinion and I may be wrong. I cannot vouchsafe for the correct position but in my opinion also it is the court within the territorial jurisdiction of which the offence is committed and not the one under which the man is found....

Shri U. M. Trivedi: Sir, you could not have forgotten your law. Under the law, at least the prosecution is in the place where the complainant is.

Mr. Speaker: I may be wrong but I think it is where the offence is committed and not where he is found. Of course, I cannot vouchsafe for it....

Shri U. M. Trivedi: You may be right, but there are two opinions.

Mr. Speaker: It may be a legal mistake also, but the position is....

Shri U. M. Trivedi: What I feel is, leave aside the legal position, if the Pakistan Government could illegally take away Col. Bhattacharyya from our territory, prosecute him and punish him, when a man is already in our territory and he has committed an offence, why is no action taken against him? It is the most shameful thing; it is unbearable.....

Mr. Speaker: Order, order.

श्री हुकम चन्द कछवाय (देवास) : क्या यह हकीकत नहीं है कि पाकिस्तान के डर के कारण उस व्यक्ति को छोड़ दिया गया जब कि बंगाल गवर्नमेंट ने इसका भाना है कि उसने अपराध किया है और इसलिए मैं समझता हूँ कि मंत्री महोदय ने सदन के सामने झूठा ब्यान दिया है और सदन को धोखे में रक्खा है :

अध्यक्ष महोदय : माननीय सदस्य को चाहिए कि वे थोड़ा सोच कर बोलें और यह ध्यान रखें कि वे क्या अल्फाज इस्तेमाल कर रहे हैं ।

Shrimati Lakshmi Menon: Sir, I take very strong exception to the words used by the hon. Member.

Mr. Speaker: Certainly, they are objectionable. I also take objection to them. Hon. Members should be careful when they use words.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, मैंने यह पूछा था

अध्यक्ष महोदय : माननीय सदस्य बैठ जायें । और मेरे बुलाये हुए इस तरह से खड़े हो जायें और ऐसे अल्फाज बोलें जो कि नामुनासिब हों ।

Shri Hari Vishnu Kamath: If I heard the Minister right, she said that he was arrested under the Defence of India Rules. I do not know on what charge he was arrested.

Shrimati Lakshmi Menon: Smuggling.

Shri Hari Vishnu Kamath: The other point is, my hon. friend, Shrimati Renu Chakravartty rightly stated that this is not the only instance—hundreds of such instances, perhaps even more might have occurred, and are daily occurring. Does the Government propose to set up a joint team with the Government of Pakistan to escort the migrants in-

cluding women, across the border? If they are not agreeable to it, can we not approach the International Red Cross or international women's organisations to help in escorting these women across the border?

Mr. Speaker: It is a suggestion for action.

Shrimati Lakshmi Menon: These are suggestion which are already under consideration. A committee of all women's organisations has been constituted. It is meeting from time to time and trying to find out what action can be taken so that these women can be escorted to India and see if they are put to any other kind of hardship.

Shri Hari Vishnu Kamath: What about action under the Defence of India Rules?

Mr. Speaker: She has already answered it—it is for smuggling.

13.28 hrs.

DURGAH KHAWAJA SAHEB
(AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now take up further consideration of the motion moved by Shri Humayun Kabir on the 5th May, 1964, namely:—

"That the Bill to amend the Durgah Khawaja Saheb Act, 1955, as passed by Rajya Sabha, be taken into consideration."

Shri Sham Lal Saraf will continue his speech.

श्री श्यामलाल सराफ (जम्मू तथा काश्मीर) : जनाब स्पीकर साहब, कल जो बिल जनाब हुमायून कबिर साहब ते हाउस में पेश किया है उस की मेरे दोस्त श्री स० मो० बनर्जी ने टाईद की है और मैं भी उस की टाईद मज्जीद के लिए खड़ा हुमा हूँ ।

इस बिल में दो चीजें तरमीम के लिए पेश की गयी हैं । एक यह कि नजराना जो पेश