

# COMMITTEE OF PRIVILEGES

FIFTH LOK SABHA

## SEVENTEENTH REPORT

*(Presented on the 27th January, 1976)*



सत्यमेव जयते

LOK SABHA SECRETARIAT  
NEW DELHI

*January, 1976/Magha, 1897 (Saka)*

*Price: Rs. 4.60*

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES**  
**(1975-76)**

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**Shri N. K. P. Salve—Chairman**

**MEMBERS**

2. Shri Chakleshwar Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Shri K. G. Deshmukh
6. Shri H. R. Gokhale
7. Shri Indrajit Gupta
8. Shri Popatlal M. Joshi
9. Shri V. Mayavan
10. Shri Chintamani Panigrahi
11. Shri K. Raghu Ramaiah
12. Shri Erasmo de Sequeira
13. Shri Arjun Sethi
14. Shri B. R. Shukla
15. Shri Atal Bihari Vajpayee

**SECRETARIAT**

**Shri B. K. Mukherjee—Chief Legislative Committee Officer.**

**Shri J. R. Kapur—Senior Legislative Committee Officer.**

## SEVENTEENTH REPORT OF THE COMMITTEE OF PRIVILEGES (FIFTH LOK SABHA)

### I. Introduction and protedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Seventeenth Report to the House on the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway Staff, Police and others at Asansol Railway Station on the 29th June, 1972, and referred<sup>1</sup> to the Committee by the Speaker in the House on the 4th September, 1972.

2. The Committee held 25 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At the second sitting held on the 13th December, 1972, the Committee decided to examine in person Shri Ajit Kumar Saha, M.P.

4. At the seventh sitting held on the 11th May, 1973, the Committee examined in person Shri Ajit Kumar Saha, M.P. The Committee also decided to examine the following persons, named by Shri Ajit Kumar Saha, M.P., as having ill-treated and caused obstruction to him:—

- (1) Shri R. N. Chowdhuri, Senior Ticket Collector, Asansol;
- (2) Shri B. D. Singh, Ticket Collector, Asansol;
- (3) Shri D. B. Banerjee, Head Ticket Collector, Asansol;
- (4) Shri A. T. Mahapatra, ASI of G. R. P. S., Asansol;
- (5) Shri S. Banerjee, Second Officer, G. R. P. S., Asansol; and
- (6) Shri A. Bhattacharjee, Officer-in-charge, G. R. P. S., Asansol.

5. At the ninth sitting held on the 19th June, 1973, the Committee examined on oath Sarvashri D. B. Banerjee, R. N. Chowdhuri, B. D. Singh and S. Banerjee.

6. At the tenth sitting held on the 20th June, 1973, the Committee examined on oath Sarvashri A. T. Mahapatra and A. Bhattacharjee.

7. At the eleventh sitting held on the 9th August, 1973, the Committee deliberated on the matter.

8. At the thirteenth sitting held on the 31st October, 1973, the Committee decided that Shri Krishna Kanta Dutta, on whose al-



leged false information the Railway and Police officials had acted and against whom a case in that connection was pending in a Court of Law, be called to appear before the Committee in person for examination.

9. At the fourteenth and fifteenth sittings held on the 25th January and 25th March, 1974, the Committee considered the matter further and decided to await the judgement of the Court in the criminal case being proceeded against Shri K. K. Dutta under Section 182, I.P.C.

10. At the sixteenth sitting held on the 30th September, 1974, the Committee perused the judgement of the Sub-Divisional Judicial Magistrate, Asansol, acquitting Shri Krishna Kanta Dutta of the charge under Section 182 of the Indian Penal Code against him.

11. At the seventeenth sitting held on the 5th November, 1974, the Committee decided that Shri Krishna Kanta Dutta be directed to appear before the Committee for oral examination.

12. At the eighteenth sitting held on the 29th January, 1975, the Committee examined Shri Krishna Kanta Dutta on oath. The Committee also decided that the following persons might be called again to appear before the Committee for further oral examination:—

- (i) Shri A. Bhattacharjee, Officer-in-charge, G. R. P. S., Asansol;
- (ii) Shri A. T. Mahapatra, ASI of G. R. P. S., Asansol; and
- (iii) Shri Krishna Kanta Dutta.

13. At the nineteenth sitting held on the 26th February, 1975, the Committee examined on oath Shri K. K. Basu, Deputy Secretary (Judicial Department), Government of West Bengal, Calcutta and Sarvashri A. Bhattacharjee, A. T. Mahapatra and Krishna Kanta Dutta.

14. At the twentieth, twenty-first, twenty-second and twenty-third sittings held on the 19th May, 8th July and 17th and 18th September, 1975, the Committee deliberated on the matter.

15. At the twenty-fourth sitting held on the 27th September, 1975, the Committee further deliberated on the matter and arrived at their conclusions.

16. At the twenty-fifth sitting held on the 27th December, 1975, the Committee considered their draft Report and adopted it.

## II. Facts of the case

17. On the 31st July, 1972, Shri Ajit Kumar Saha, M.P., gave notice<sup>a</sup> of a question of privilege regarding alleged harassment and

ill-treatment meted out to him by certain Railway Staff, Police and others at Asansol Railway Station on the 29th June, 1972. The notice read *inter alia* as follows:—

“With a view to attend the meeting of the Joint Committee on Untouchability Offences (Amendment) Bill, due to be held on 1st July, 1972, I intended to come to Delhi....I reached Asansol Railway Station on 29th June, 1972 at about noon to catch the train which was due to reach Asansol at about 1.48 P.M....While I was waiting there, in the First Class Waiting Room, a Ticket Collector, whose identity is not known to me, repeatedly came to the waiting room and asked for the production of my Identity Card as a Member of Parliament, which I showed to him and the same was verified by him more than once. The same procedure was repeated by the Head Ticket Collector on two occasions. I was greatly harassed and felt humiliated by such repeated requisition for production of my Identity Card in the presence of a number of people in the waiting room. I protested against such treatment to both the Ticket Collector and the Head Ticket Collector and I was told by them that there was a complaint against me. I wanted to know what the complaint was but they refused to disclose the same. Soon after, a young man came to the waiting room and asked me to accompany him to the Police Station. When I demanded his identification and pointed out that he was not in uniform, the young man stated that his revolver, which he produced, was his identification. I refused to go to the Police Station and instead approached the Station Master and complained to him about the harassment meted out to me.

Subsequently, I came down from the waiting room (which is on the first floor of the Railway Station Building at Asansol) and I was going to board the Train (81 Up) two Constables prevented me from getting into the train and took me against my wishes to the GRP Thana in the Station. There, the Officer Incharge forcibly took my Identity Card from my hand and tore the cover (jacket) of the card to examine it. When I asked him why I had been brought to the Police Station and what the complaint against me was, he stated that one Shri Krishna Kanta Dutta had complained that I was not a genuine M.P. It may be stated that the said Dutta is a notorious criminal of Bankura with many criminal cases pending against him. I was detained inside the Police Station for

some time and was harassed on such a ridiculous charge that I was not a genuine M.P. Although the Police Officer had removed the Identity Card from my possession and had inspected it, he did not allow me to board the train with full knowledge of the fact that I was to catch the train to come to Delhi to attend the meeting of Parliamentary Committee, which I disclosed to him....As the train was about to leave, I somehow came out of the Police Station, after getting back my Identity Card which I demanded from the Police Officer concerned, and was just able to catch the train."

18. On the 31st July, 1972, when Shri Ajit Kumar Saha, M.P., sought to raise<sup>4</sup> a question of privilege in the House on the above matter, the Speaker observed<sup>4</sup> *inter alia* as follows:—

"I am sending it to the Minister for a report. Then I will allow the hon. Member to mention it in the House."

19. The Ministry of Home Affairs, to whom the matter was referred for factual comments forwarded<sup>5</sup> copies of the report<sup>6</sup> of enquiry made by the Executive Magistrate, First Class, Asansol and the report<sup>7</sup> of the General Manager, Eastern Railway, in the matter.

In these two reports, it had been stated *inter alia* as follows:—

(i) *Report of the Executive Magistrate, First Class, Asansol*—

"On 29-6-72 at about 12.30 hours the bearer of the First Class waiting room reported to Head Ticket Collector Shri D. B. Banerjee that a passenger was challenging the identity of another passenger who had entered his name as Shri Ajit Kumar Saha, M.P. in the waiting room register and was going to travel in 81 Up train as an M.P. The Head T.C. sent Shri R. N. Chaudhuri, a Senior Travelling Ticket Checker and Shri B. D. Singh, Ticket Collector to check the tickets of the passengers waiting in the 1st Class waiting room. After a while Shri Chaudhuri came back and reported that all the passengers in the waiting room were genuine 1st class passengers with tickets except two ladies who accompanied Shri Ajit Kumar Saha, M.P. Shri Saha had, however, his Identity Card (as M.P.) bearing No. 494.

<sup>3</sup>L.S. Deb., dated 31-7-1972, c. 236.

<sup>4</sup>*Ibid.*

<sup>5</sup>Vide Ministry of Home Affairs U.O. note No. 30/60/72-Poll(A), dated the 2nd August, 1972, at Appendix-II.

<sup>6</sup>See Annexure I to Appendix II.

<sup>7</sup>See Annexure II to Appendix II.

In the meantime, Shri P. K. Das, the reservation clerk came to Head T. C. and told him that Shri Ajit Kumar Saha had booked 3 berths by 103 Up on 28-6-72 by sending a requisition from Bankura in an M.P.'s Post Card and giving the number of his Identity Card. Thinking that it was necessary to ascertain the fact, the Head T. C. met Shri Ajit Kumar Saha in the waiting room and examined his Identity Card. The M.P. is stated to have informed the H.T.C. that he had already cancelled his reservation for 28-6-72 at Bankura Station. The H.T.C. expressed his regret for disturbing the M.P. and came back to his office.

Shri Saha then went to meet the A.S.M. but, without finding him, told Shri K. N. Ganguly, Asstt. Yard Master who was doing A.S.M.'s work at that time about the incident. Obviously he took exception to the checking of his identity card more than once. Shri Ganguly looked for the person who had complained about the identity of the M.P.

In the meantime Shri Krishna Kanta Dutta (that was the name of the person who had challenged the identity of the M.P.) lodged a written complaint with the G.R.P.S. to the effect that the person who was giving his name as Shri Ajit Kumar Saha, M.P. was not actually the M.P. and that the identity card he was carrying was counterfeited. This complaint was entered in G.D. as Entry No. 1396 dated 29-6-72 by Shri A.T. Mahapatra, A.S.I. of G.R.P.S., Asansol. Shri Mahapatra met the M.P. in the waiting room and requested him to show him his identity card and also to come to the G.R.P.S. which was downstairs. Shri Saha refused to do anything of the kind. Then Shri S. Banerjee, 2nd Officer of the G.R.P.S. met Shri Saha, introduced himself (he was in plain clothes and was carrying a revolver) and requested Shri Saha to show his identity card and also come to the P.S. The M.P. according to Shri Banerjee, was shown due courtesy and was seated in the room of the O/C, G.R.P.S. These facts were recorded as Asansol G.R.P.S. G.D. Entry No. 1397 dated 29-6-72.

The O/C, G.R.P.S. Shri A. Bhattacharjee, who had already been informed of the incident, then arrived at the P.S. and took up the investigation. At first he interrogated the complainant Shri Krishna Kanta Dutta. Shri Dutta stated that he did not know Shri Ajit Kumar Saha, M.P.

personally nor could he give the name and other particulars of the person who was allegedly impersonating the M.P. The O/C then looked into the identity card produced by Shri Saha. It was duly signed by the Secretary of the Lok Sabha and bore No. 494 dated 22-3-71. The O/C found that the Photograph fixed on the Card to be that of the person carrying the card. Shri Saha told him that he was elected M.P. from Bishnupur Constituency of Bankura District and was on that day at Asansol Station to avail himself of the 81 Up Train to Delhi.

The O/C was fully satisfied about the identity of Shri Ajit Kumar Saha, M.P. and directed A.S.I. Shri Mahapatra to escort the M.P. to the compartment of the train and stay with him till the departure of the train. The O/C entered these facts in G.D. entry No. 1398 dated 29-6-72.

The O/C, G.R.P.S., also lodged prosecution report against Shri Krishna Kanta Dutta, s/o late Bejoy Gopal Dutta of Machantala, Bankura Town, Distt. Bankura (who was responsible for starting the whole thing) u/s 182 I.P.C. for giving false information with intent to cause a public servant to use his lawful power to the annoyance of another person. This has reference to G.R.P.S. N.C.R. No. 682/72 dated 20-7-72.

The young man referred to in the letter of the M.P., addressed to the Speaker of the Lok Sabha, was Shri S. Banerjee, Second Officer of Asansol G.R.P.S. He stated that he had disclosed his identity to the M.P. and approached him with proper courtesy. He denied having produced his revolver, but said that it was in holster and was visible.

The staff of the G.R.P.S. involved denied that the M.P. was prevented by two constables from getting into the train. They stated that he had come from the waiting room to the P.S. on the request of Shri S. Banerjee, Second Officer of Asansol G.R.P.S."

*(ii) Report of the General Manager Eastern Railway—*

"On 29-6-72 Shri A. K. Saha, M.P. had come by 351 Up ex. S.E. Rly. to Asansol and occupied 1st Class waiting room. At about 12.30 hrs. Shri Sukdeo Mandal, waiting room Bearer, informed the Head Ticket Collector that one gentleman was complaining about the *bona fides* of a passenger who gave his name in the waiting room register as Shri A. K. Saha, M.P., Identity Card No. 494. On this, the Head Ticket Collector, Shri D. B. Banerjee, directed TTE,

Shri R. N. Chowdhury, No. 2, and TCs. Sarvashri B. D. Singh and Upkar Singh to check the waiting room. Shri R. N. Chowdhury (2) approached Shri Saha and requested him to show his identity card. Shri Saha showed the same.

Meanwhile, Shri Das, Reservation Clerk, who happened to be in Head Ticket Collector's Office, pointed out to Head TC that he had received a letter dated 9-6-72 from the same M.P. requesting for reservation of three III class Sleeper berths by 103 Up on 28-6-72, i.e. the previous day. At this, the Head Ticket Collector himself went to Shri Saha and again requested him to show his Identity Card. On seeing the identity card, the Head T.C. was satisfied and returned to his office. Shri Saha was a little upset by the repeated checks of his identity card and expressed the fact to the ASM on duty Shri K. N. Ganguly. Shri Saha, however, did not lodge any written complaint at the station.

One Shri Krishna Kanta Dutta, an outsider, who had earlier complained about the *bona fides* of Shri A. K. Saha to the waiting room bearer, also reported to Shri Mahapatra, ASI, GRPS/Asansol that a fake person carrying identity card in the name of Shri A. K. Saha, M.P. was occupying the 1st class waiting room. When asked by the ASI, Shri Dutta lodged a written complaint with the GRPS, on which G. D. Entry No. 1396 of 29-6-72 was made and the ASI went to meet Shri Saha and requested him to come to GRPS. Shri Saha declined to come to Police Station, on which the ASI came back and informed his Officer-in-charge. Meanwhile, the Second Officer, Shri S. Banerjee, met Shri Saha and requested him to come to Police Station. At this the M.P. asked Shri Banerjee as to who he was. Shri Banerjee was in mufti but was carrying his Revolver. He stated that he was a GRP Officer. Shri Saha wanted to see the identity card of Shri Banerjee at which Shri Banerjee stated that the police officers were not supposed to be in possession of any identity card. But the fact that he had a service revolver would indicate that he was a police officer.

Finally, at the entreaty of Second Officer and the ASI, Shri Saha came to the police station. Meanwhile, the O/C, who was on sick list came down from his residence and interrogated Shri K. K. Dutta, the complainant, as to whether he knew Shri Saha in person. Shri Dutta replied in the

negative but stated that this gentleman was not Shri Saha, the MP but was some Shri Mondal. Since Shri Saha produced his identity card to O/C GRPS Asansol which bore the signature of the Secretary, Lok Sabha, and also bore Shri Saha's photograph tallying with his person., the O/C, GRP did not take any cognizance of the complaint. Rather, he directed his ASI to escort Shri Saha to the platform till he entrained 81 Up.

It has been ascertained from SRP/Howrah that a case has already been started against the complainant, Shri K. K. Dutta, by Asansol GRPS for lodging a false complaint against the M.P. The case is under investigation."

20. A copy each of the two aforesaid reports, received from the Ministry of Home Affairs, was given to Shri Ajit Kumar Saha, M.P., under the directions of the Speaker. Shri Ajit Kumar Saha, however, in his letter<sup>8</sup>, dated the 20th August, 1972, addressed to the Speaker, stated *inter alia* as follows:—

"From a perusal of the said reports it will be clearly established that there has been a gross and deliberate breach of privileges on the part of the persons concerned, with the intention of deliberately interfering with the discharge of my duties and functions as a Member of Parliament....

It is a clear case of deliberate misbehaviour with a Member of Parliament resulting in flagrant breach of my privilege as a Member of Parliament. It is absolutely false that the Head Ticket Collector expressed any regret to me at any point of time.....

As stated in my earlier statement, when I came down from the waiting room and was going to board the train, two constables prevented me from getting into the train. It is completely untrue that I was escorted to the compartment of the train by the ASI....

There are clear contradictions in the report of Executive Magistrate, 1st Class, and the report of the Ministry of Railways, which will appear from a mere perusal of the same. I submit that the reports submitted are wholly unsatisfactory and in many respects, untrue and on the other hand they clearly establish the charges that I have made. In view of the above, I submit that Shri R. N. Chowdhury, Senior Travelling Ticket Checker, Shri B. D. Singh, Ticket Collector, Shri D. B. Banerjee, Head Ticket Collector, Shri G. P. Mahapatra, ASI of CRPS, Shri S.

Banerjee, Second Officer, GRPS, Asansol, Shri A. Bhattacharjee, O.C., GRPS, Asansol, and the said Krishna Kanta Dutta are guilty of deliberate breach of my privilege as a Member of Parliament having intentionally interfered with the discharge of my duties and functions, intending to prevent me from attending a meeting of the Parliamentary Committee for which, to their knowledge, I was coming to Delhi. They are also guilty of deliberate misbehaviour towards me and also of gross ill-treatment. The above incident also amounts to molestation towards me as well as to illegal detention.

I respectfully submit that the Hon'ble Speaker will be kind enough to refer the matter to the Committee of Privileges unless the House itself is pleased to deal with the matter, in view of the clear case of breach of privilege involved."

21. On the 2nd September, 1972, the Minister of State in the Ministry of Home Affairs (Shri K. C. Pant) made a statement<sup>9</sup> in the House on the matter in which he stated *inter alia* as follows:—

"According to information received from the Government of West Bengal, one Shri Krishna Kanta Dutta S/o late Bejoy Gopal Dutta is being prosecuted under Section 182, IPC, for allegedly giving false information with the intent to cause a public servant to use his lawful power to the injury of another person and the criminal case is *sub judice* in a court of competent jurisdiction.

Shri Ajit Kumar Saha has made some further observations on the reports received from the Government of West Bengal and the Ministry of Railways. Since a criminal case arising out of this matter is *sub judice*, I would like to refrain from making any further statement on the subject."

22. Some Members, thereupon, urged that the matter might be referred to the Committee of Privileges. In this connection, Shri Jyotirmoy Bosu, M.P., *inter alia* stated<sup>10</sup> as follows:—

"There are three things involved. One is complaint against the railway staff. The second is complaint against the Asansol GRP. The third is complaint against Shri Dutta of Bankura. The case has been started against Shri Dutta of Bankura. The matter relating to that is *sub judice*, and we shall say nothing against that Dutta or about that case. But what about the railway persons and the Police

<sup>9</sup>See Appendix-IV (L.S. Deb., dated 2-9-1972, cc. 15-16).

<sup>10</sup>L.S. Deb., 2-9-1972, cc. 15-22.



persons who had tried their best to prevent him from performing the journey to come to Parliament to attend to his duties? This is a very serious case of breach of privilege. Therefore, I submit that the matter should go to the Privileges Committee."

The Speaker, however, observed<sup>11</sup> *inter alia* as follows:—

"I quite agree there are three parts to it. The whole thing started with the action of Shri Dutta. He gave an information to the police. The second is that when the police were so informed, they should have exercised a bit of their own sense also in ascertaining the fact. The third one is obstruction caused to the member. One matter concerning the first, wrong information given about the member, is already under investigation. About the other two, I will see it again. I will re-examine it and also see what is the position, when one part is already under investigation. Or if we can wait, let this matter be an open issue, no decision on it; let us see what comes out of the first part. If that judicial inquiry takes one view and your Privileges Committee takes another view, I will have to separate them....I will have to examine it."

23. On the 4th September, 1972, the Speaker informed the House that he had decided to refer the matter to the Committee of Privileges under Rule 227, and observed<sup>12</sup> as follows:—

"I have decided to send it to the Privileges Committee.... There are three parts of that privilege motion. One was under prosecution. Previously I had decided to refer only two but now I think they could not be separated from each other and I had referred the whole matter to the Privileges Committee—all the three parts."

24. On the 30th September, 1972, the Ministry of Home Affairs intimated<sup>13</sup> that they had forwarded a copy of the letter<sup>14</sup> dated the 20th August, 1972, addressed by Shri Ajit Kumar Saha, M.P., to the Speaker, Lok Sabha, to the Ministry of Railways (Railway Board) and the Government of West Bengal, and also furnished a copy each of the replies<sup>15</sup> received from them.

The Government of West Bengal confined their comments to the

<sup>11</sup>Ibid., c. 20.

<sup>12</sup>L.S. Deb., dated 4-9-1972, c. 2.

<sup>13</sup>See Appendix-V.

<sup>14</sup>See Appendix-III.

<sup>15</sup>See Annexures I & II to Appendix-V.

allegations against the Police Officers of G.R.P.S., Asansol, and stated as follows:—

“It is a fact that on 29-6-72 A.S.I. A. T. Mahapatra went to the first class waiting hall and told Shri A. K. Saha about a written complaint received by him against Shri Saha and requested the latter to show his identity card. Shri Saha refused to show his identity card. It is true that Shri S. Banerjee, Second Officer of the GRPS, Asansol, was in plain clothes and was carrying a revolver. Shri Banerjee disclosed his identity and explained to Shri Saha the details of the written complaint and requested him to show his identity card. As Shri Saha refused to accede to his request he was requested to come to the Police Station. Shri A. K. Saha was shown all courtesy and was offered a chair in the room of the Officer-in-charge of the P.S.

It is not true that Shri Saha was prevented by two constables from getting into a train. On the contrary, A.S.I. A. T. Mahapatra was directed by the O.C. to accompany Shri Saha up to the platform and to stay there till he boarded the train.

It is a fact that a case was started against Shri Krishna Kanta Dutta on 20-7-72. The prosecution could not be launched earlier as the O.C. had to go to Bankura to verify the antecedents of the complainant.

We do not think that the reports of the Executive Magistrate 1st Class and the Ministry of Railways are contradictory in nature. If there is any discrepancy between the two, it is absolutely insignificant. No untrue report has been submitted by the Executive Magistrate.

In fine, it may be stated that whatever has been done by the police officers of the GRPS was done by them in good faith in discharge of their duty. When a written complaint as to the genuineness of an M.P. was submitted it was quite natural for the police officers to verify whether the allegation of impersonation was true or not. There is no evidence or hint that the police officers (or the Executive Magistrate 1st Class) had any previous grudge against the M.P. So it is not proper to jump to the conclusion that the police officers intentionally tried to prevent the M.P. from attending a meeting of the Parliamentary Committee or deliberately showed discourtesy to him.”

The Ministry of Railways in their reply dated the 26th August, 1972, stated *inter alia* as follows:—

“... We do not find anything unreasonable in the conduct of the Railway employees.... Nor do we see any self-contradictions in the said report. As such we have nothing further to say in the matter.”

### III. Summary of evidence

25. The concerned Railway and Police officials who were examined before the Committee deposed as follows:—

#### (1) Evidence given by the concerned Railway officials

##### (i) Evidence of Shri D. B. Banerjee, Head Ticket Collector, Asansol

“I was working in the office when the waiting room bearer, whose office is just at the entrance, right hand side of my office, came and told me that one gentleman is complaining that one Shri A. K. Saha sitting in the waiting room is not holding the identity cards, the number of which he has written in the waiting room registrar. I, therefore, called, through the peon of my office, one of my Ticket Collectors from downstairs. In the meantime, Mr. R. N. Chowdhuri, one of my senior TTEs came to my office. I thought that as it was a case of an Hon. Member of Parliament, I should go personally instead of sending a Ticket Collector. I took Mr. Chowdhuri with me and personally went to the waiting room.... Mr. Saha, I came to know later, was sitting on the Southern end. Mr. Chowdhuri started checking just from the left hand side after entering the room. Then we came to Mr. Saha. He took out his identity card and gave it to Mr. Chowdhuri. Mr. Chowdhuri gave it to me. We saw it and returned. In the meantime, Mr. B. D. Singh, Ticket Collector, whom I had called through my peon, came....

Normally, one Senior Ticket Collector checks the waiting room.

Because this was the case of an honourable visitor, it was done this way. My diary says that waiting rooms are checked every now and then.

After checking the waiting room, I came to my office. I asked the waiting room bearer where the gentleman was. He said that he is a tall, nice looking gentleman. He came and told me, and after that he disappeared.

I went again to Mr. Saha for the second time, because in the meantime my Reservation Clerk came to my office for some cardboard or pencil—because I supply these things—and he told me that we got a letter from Mr. Saha on a Lok Sabha postcard that he wanted reservation on 28th June, 1972—that is, the previous day of the incident. I was struck with wonder that we had got reservation on 28th June, 1972 how that gentleman can again go on the 29th. On his word I again went to the waiting room and asked him: 'Excuse me, Sir, may I see your identity card again?' 'Who are you' Mr. Saha asked me. I said: 'I am the Head Ticket Collector'. 'What made you to come again?' he asked. I said 'you wanted reservation on the 28th but today is 29th'. He immediately brought out the identity card and said 'for the 28th I asked for reservation not for myself but for some of my friends but that was cancelled'. Actually, when Mr. Das, my Reservation Clerk came to me, I was going through the Diary Book. Against the 28th it was written that all the passengers were accommodated according to their reservations. This made me wonder that when all the passengers had gone, how he could be here. I wanted to satisfy myself and so I went again. But he told me that he had got it cancelled through the Station Master Bankura. So I said I was very sorry and came back to my office....

When I came after lunch, it was learnt from some ticket collectors—(my Ticket Collector, Mr. Mukerjee told me after lunch)—they were talking with that gentleman, Mr. Dutta and Mr. Saha also went to GRP Office....I came to know of it only at 16.30—17.00 hours that he was taken to the police station. It was only after lunch that I heard that he (Shri K. K. Dutta) had made a complaint in writing at the police station. Shri Saha also went to the Police Station.

Why should I harass him? I am a Central Government employee. Why should I harass anybody at all? My intention was to honour the MP. There was no intention at all about harassment....I had no intention to insult him or for that matter any passenger. I do not know how it has happened that day....I made a mistake (in asking for the identity card for the second time). I am sorry....I can only tender my apology for doing so....My regrets are unqualified. I have no intention of offending any hon.

Member of Parliament. I would only add that I regret for what had happened that day. I beg to be excused if I had caused any inconvenience to any hon. Member. Please excuse me if I had done anything. I apologise for it".

(ii) *Evidence of Shri R. N. Choudhary, Senior Ticket Collector Asansol*

"I had gone to the Head Ticket Collector's Office for some purpose, and when he asked me to accompany him to conduct a check in the 1st Class waiting room, I accompanied him along with two other Ticket Collectors (Shri B. D. Singh and Shri Upkar Singh). We entered inside the 1st Class waiting room; only the Head Ticket Collector and myself entered inside, while the other two Ticket Collectors were outside the waiting room, because the Head Ticket Collector had told them not to enter at the same time, and therefore, they were waiting outside the gate....

We approached the Hon. Member, and I myself asked for his ticket. He produced his identity card in my hand, and by that time, the Head Ticket Collector had requested me to hand over the said card in his hand, which I did, and the Head Ticket Collector looked after the card....I had no chance to see the number of the card and the photo etc....

When I asked for the ticket from the hon. Member, he did not say anything. He simply looked at my face and produced his identity card....When I went there that was the first time that the ticket was checked.

It took about 3-4 minutes to complete the check. I came back from the waiting room, entered the H.T.C. Office and I was there for about 3-4 minutes and then I left the place and then again I returned, as far as I remember, after 16 hours, that is, after the Sealdah—Pathankot Express had left, and when I came to my office. I heard that some trouble was between one gentleman, with that of an hon. Member of Parliament, and he was taken to the GRPS. I heard that....there was some trouble, with one passenger, by name, Krishna Kanta Dutta and on his complaint one hon. Member was taken to the GRPS. Since that day, upto now, I do not know who Mr. K. K. Dutta is.

If I have in any way hurt the feelings of the hon. Member of Parliament, I beg to apologise for that. I went to check the tickets only once, and not twice, and there I have followed only the order of my superior. If in the process I have caused any inconvenience to the hon. Member, I may be excused".

(iii) *Evidence of Shri B. D. Singh, Ticket Collector, Asansol*

"At about 12.30 hours on 29th June, 1972, I was summoned by the Head Ticket Collector for checking the 1st Class waiting room.... On my arrival, I learnt that the Head Ticket Collector had already gone to the 1st Class waiting room. From there, I proceeded towards the 1st Class waiting room which was quite adjacent to the Head Ticket Collector's Office. When I reached at the gate, that is, the entrance gate at the 1st Class waiting room, I was just stopped by the Head Ticket Collector by a show of his hand. I saw that the Head Ticket Collector was already conducting the check of the 1st Class waiting room by one Shri R. N. Chowdhuri, Travelling Ticket Examiner. I remained there for a while, for about one or two minutes.

Later on, after one or two minutes, one more Ticket Collector, Shri Upkar Singh happened to go there just at the entrance gate.

As far as I remember, there were only seven or eight passengers in the 1st Class waiting room, and I think it took hardly three or four minutes to check the 1st Class waiting room....

The duty of checking the 1st Class waiting room is allotted to a particular Ticket Collector daily. On different dates, different Ticket Collectors are allotted these duties. It is not the usual duty of a Travelling Ticket Examiner to check the 1st Class waiting rooms. So many times, I had checked the 1st Class waiting room. On that particular date, however, I was not allotted the duty of checking the 1st Class waiting room.

....I agree it was unusual; definitely, Sir, when the Head T.C. himself was conducting the checking. I cannot say, why the Head Ticket Collector called me for checking the 1st Class waiting room.... a check was conducted by the Head Ticket Collector himself because there was a complaint from one passenger Mr. Dutta regard-

ing the genuineness of the Hon. Member. I also heard that the same passenger approached the Thana also and the Hon. Member was taken to the Thana also and he was let off from there.

In the end, I would like to offer my unqualified apology for the inconvenience caused to the hon. MP, if any, from my side."

*(2) Evidence given by the concerned Police Officials*

*(i) Evidence of Shri S. Banerjee, Second Officer, G.R.P.S., Asansol*

"I was the Second Officer of G.R.P.S., Asansol on 29th June, 1972. I was not in-charge of the P.S. .... because at that time, I was on duty at R.P.S., and Shri Mahapatra, an A.S.I., my junior Officer, was the duty Officer then.

While I was returning from RPF Post after completing a confidential enquiry, I met Shri Mahapatra, ASI, who is my junior, just at the entrance of platform number five. He told me that a person had lodged a written complaint to the effect that one person was posing himself as an MP, Shri Ajit Kumar Saha, who was not so because the identity card with photo was actually false—it was a forged one.

First ASI reported to me. Then, on the report of the ASI I did not go to the waiting hall. Then I came to the Police Station. I went through the written complaint and then I went to P.S. and I saw there a written complaint. At 13.05 hours the complaint was made. The complaint was made by one Shri Krishna Kanta Dutta. In the written complaint he wrote his address as Bankura Machantala. I did not know the complainant but he was not present at the police station. I did not find him in my office. My ASI told me that while he went to the 1st Class waiting hall, the complainant went with him and pointed out that person, that is, hon. MP, Mr. Saha. He told me. So, I did not search for the complainant at that time.

The complainant submitted that Mr. so and so who is posing himself as an MP was not actually an MP. His identity card was a forged one. The offence charged was of impersonation.

The ASI first went to Shri Saha. The hon. Member refused to show him the identity card. He refused to show it to him. So, a suspicion arose that the identity card may be a forged one and he actually may not be the M.P. (I did not know that he had shown his identity card before. He had refused to show his identity card to the ASI)<sup>16</sup>.

I went to Shri Saha. I showed him proper respect by standing in attention. Then I disclosed my identity that I am the Second Officer, GRPS, Asansol. Then I told him that there is a written complaint against him. I told him about the complaint and then I requested him to show the identity card for my verification. He asked me as to what was my identity. Then I told him that I have no identity card with me. My ASI who came along with me told him that I was the Second Officer GRPS., Asansol. Because he refused to show the identity card at the first instance, I requested him to go to the Police Station to show his identity card to my Officer-in-charge. I said to him:

‘(Kindly come downstairs. Our Police Station is downstairs and I have already sent word to the OC that you will show your card to him’.

I am not always in uniform and occasionally I have to do my duty when I am in *mufti*)”....underneath my hawai shirt, I had a revolver which might be visible.

When we receive complaints of this nature, we do not consult the railway authorities. If a written complaint is lodged. We could do it under the Cr. P.C. During the course of investigation, if a person is suspected of the commission of an offence, we can certainly arrest him under Section 54 of the Cr. P.C. We have got the Police Regulation Book. According to the Police Regulation Book, if there is a complaint, we have to make an investigation.

When Mr. Saha came with me to the PS, then I met him (Shri Krishna Kanta Dutta). He told me that he was not an MP, he was not Ajit Kumar Saha, that he was some Mandal.

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<sup>16</sup>Translated from Bengali.

<sup>17</sup>Translated from Bengali.



There was no question of harassment at all. In the case of impersonation, it was our duty. There are instances of this kind where we try to verify.... This is not a fact. No one had come to exercise any pressure on him to come to the Police Station.

....cognizance was taken by the O/C, G.R.P. of the complaint made by Mr. Dutta.... and complaint lodged before the Hon'ble Magistrate on 20th July, 1972. My O/C went to Bankura to verify the antecedents of the complainant. In the year 1969 or 1970, there was a case against him and there was a charge-sheet against the complainant.

In the discharge of Government duty, if any annoyance has been caused to the hon. MP, I regret for that".

(ii) Evidence of Shri A. T. Mahapatra, A.S.I., G.R.P.S. Asansol

"One Shri K. K. Dutta came to the Police Station and lodged a written report at 13.05 hours that a false MP was waiting in the 1st Class waiting room—He was not really an MP but posed as an MP. I went to the 1st Class waiting room at about 13.07 hours after making an entry in the G. D.... Because this was the first instance and there was nobody else there in the P.S. and I was In-charge, I had to go.

I asked him (Shri Krishna Kanta Dutta, who was the complainant), and he told me that he was from Bankura, and he was going home by train. I asked him and he said that he (Shri Ajit Kumar Saha) was Mr. Mandal. (I believed the complaint to be genuine.... and there was not much scope for investigating further about the complaint lodged)<sup>18</sup>.

(I was not aware that the railway officers had already checked the identity card. A complaint was lodged and on that basis I went to investigate)<sup>19</sup>.... I did not inspect the register in the waiting room. It was a *bona fide* mistake. I did not have a talk with the bearer of the waiting room. I did not try to find out from the Railway Ticket Collector's Office or from the Checking Office whether there has been any checking in the waiting room.

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<sup>18</sup>Translated from Bengali.

<sup>19</sup>Translated from Bengali.

Mr. Dutta came along with me. He showed him to me and went away. He was outside. He just pointed to him. I instructed him (Shri Dutta) to go and wait at the Police Station. Normally we do not guard the complainants. They are allowed to move about.

I asked him (Shri Saha) for his identity card. He refused saying 'Why should I show the identity card?' At that time, I returned to the P.S. I did not say anything. If he was actually an MP, there would be a serious allegation against me and we should not take such risk. I am a petty ASI of the Police Station. Some senior-most officer should go. That was why I came to the P.S. for O/C.

On the way, I met the S.I., Mr. Banerjee and I narrated the facts to him, viz. that such and such person is inside the waiting room. He saw the complaint and asked me about the matter. He asked me about Shri Dutta and I told him that he was in the platform somewhere. Then both of us went (to the 1st Class waiting room).

Then I identified Mr. Saha. Mr. Banerjee asked him to show his identity card. Shri Saha said: 'Who are you?' Then I identified him and said he is the Second Officer of the Police Station. It was not said that the Service revolver which Shri Banerjee had was his identity. Shri Saha refused to show his identity card in the second instance also. Then we requested him to accompany us to the Police Station to show it to the O/C.

We took Mr. Saha to the Police Station and made him sit comfortably in the personal Chamber of the O/C. Then O/C arrived and we left the entire business to him. We were waiting outside. We were not aware of every detail that transpired inside. But I learnt later that he has shown the identity card.

After verification of his identity card everybody realised that a false complaint had been made.

About the action taken against Shri Dutta, that was upto the O/C. He was present at the P.S. and he would take action. We are subordinate to him and we would carry out whatever orders he would give.

Sir, I am a poor ASI. I do not know about this Committee. For any inconvenience that is caused to an hon. Member is regretted. I can only tender my sincere apology and you will please forgive me."

(iii) *Evidence of Shri A. Bhattacharjee Officer-in-charge, G.R.P.S., Asansol*

"On the 29th June, 1972, I was sick. I was not on leave, but I did not attend the Police Station. I was sitting in my quarter. At about 13.10 hours, one Constable came to my quarter and told me that there was some trouble in respect of one MP. So, in spite of my sickness, I thought it proper to attend to this complaint at the P.S. I immediately went to the P.S. and I saw one gentleman standing in the General Sherista Room. Shri Saha was sitting in my personal room. After the arrival at the P.S., I immediately perused the General Diary and the complaint made by the gentleman, who was known at that time as Shri K. K. Dutta. I asked him whether he knew Shri Saha personally or by face. He told me that he did not know him personally. He told me that he knew him as Mr. Mandal and not as Mr. Saha. He repeatedly said so. And this gentleman known as Mr. Mandal was carrying the identity card of Mr. Saha. So I concluded from that that there was something wrong.

I then went to my personal room and requested Shri Saha to state whether he was an MP or not. I first told him about the complaint made by Shri Dutta against Shri Saha. I said: 'This is the complaint; I would request you to kindly produce your identity card, if any'. He produced his identity card. I had gone through it and I found that there was nothing wrong in that. So, I requested him to go by the said train which was due to arrive. That is all.

After due enquiry I submitted my report to higher Officers. I submitted the case against Mr. Dutta. He was subsequently prosecuted after verifying his character and antecedents. In 1970 he was charge-sheeted in a rioting case at Bankura. I had to get his father's name and other antecedents. I took time to verify his character and antecedents. I submitted a report to my SRP after a few days, probably on 8th July.

The original complaint (filed by Shri Dutta) was sent to the Court alongwith prosecution report.

I think, Mr. Dutta wanted to harass him (Shri Saha).

No complaint was lodged by Mr. Saha in writing against the behaviour of the Ticket Collectors and policemen.

It is a fact that this has caused annoyance. There was some inconvenience in travelling caused to Mr. Saha due to the repeated checking and.... I as an Officer-in-charge myself and on behalf of the staff tender an unconditional apology to you and to Mr. Saha also for causing such inconvenience to him."

26. In view of the above evidence, the Committee directed that:

- (i) the Ministry of Home Affairs and the Ministry of Railways be asked to furnish to the Committee copies of the statements made by these officers before the Executive Magistrate, 1st Class, Asansol, and before the Railway authorities, who had held separate enquiries in connection with the complaint of Shri Ajit Kumar Saha, MP; and
- (ii) the Ministry of Railways might be asked to obtain and furnish to the Committee a statement of Shri K. N. Ganguly, Assistant Station Master, Asansol, regarding the complaint made to him by Shri Ajit Kumar Saha, MP, and the action taken by him on that complaint.

The Ministry of Railways furnished<sup>20</sup> to the Committee a copy each of the statements made by Sarvashri D. B. Banerjee, Head Ticket Collector, Asansol and R. N. Chowdhuri, Senior Ticket Collector, Asansol, before the Railway authorities who had held an inquiry in connection with the complaint of Shri Ajit Kumar Saha, MP.

The Ministry of Railways also intimated<sup>21</sup> *inter alia* as follows—

- (i) no statement was made by the remaining four Officers of the Railways/GRPS before the Railway authorities in the departmental inquiry; and
- (ii) Shri Ajit Kumar Saha had apprised Shri K. N. Ganguly, Assistant Station Master, Asansol verbally about the repeated checks of his identity card and Shri Ganguly had

<sup>20</sup>See Appendix VI and its Annexures I & II.

<sup>21</sup>See Appendix VII.

conveyed this to Shri D. B. Banerjee, Head Ticket Collector, Asansol, and that no statement was recorded by Shri K. N. Ganguly before the departmental inquiry officer.

The Ministry of Home Affairs intimated<sup>22</sup> that according to an intimation received by them from the Government of West Bengal, no statement of the Railway and GRP Staff involved in the case was recorded by the enquiring officer.

(3) *Evidence of Shri Krishna Kanta Dutta*

27. The Committee also examined on oath Shri Krishna Kanta Dutta, who was alleged to have made an oral complaint to the Railway officials and also lodged a written complaint with the GRPS, which led to checking and re-checking of the identity card of Shri A. K. Saha, MP, thereby causing inconvenience and harassment to him. Shri Dutta stated in his evidence *inter alia* as follows:

"On the 29th June, 1972, at 1.15 P.M., I was standing outside the door of the 1st Class waiting room at Asansol Railway Station. One MP was asked to show his identity card by the Railway officials and he refused. The request was made several times and he refused. At that time, MP was going over the over-bridge outside the Railway Station. At that time, GRP staff came on the staircase and asked him to come back again.

They asked him 'please show your identity card'. He refused. He said 'I am an MP'. That is all. He was asked again 'please show your identity card'. He refused.

(Five-seven minutes after the occurrence, two-three persons of the Railway Police, whom I cannot recognise, came to me and asked me to give in writing that he (Shri Saha) was asked to show his identity card and he refused. I gave in writing that Shri A. K. Saha, MP, was asked to show his identity card and he refused).

I had not known Shri Saha earlier. I had not seen Shri Saha earlier)<sup>23</sup>

When asked whether his complaint was signed by him and written in Bengali, Shri Dutta replied in the affirmative. When the following English translation of his said written complaint to the GRPS, Asansol (partly in Bengali), a copy of which was furnished to the Committee by GRPS, Asansol, was read out to him:

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<sup>22</sup>See Appendix VIII.

<sup>23</sup>Translated from Hindi.

"In the first class waiting room, one person said that he is A. K. Saha, MP, and he signed the visitors book. Actually, he is not the MP. The identity card with photograph which he had, must be forged"

Shri Dutta said that he had not lodged that complaint with the GRPS, Asansol.

Then a Tru Copy<sup>24</sup> of the written complaint (See Appendix IX), partly in Bengali which had been entered in the General Diary of the Government Railway Police Station, Asansol, as entry No. 1396, was shown to Shri Dutta. Shri Dutta denied having lodged that complaint. He stated that what he had given in writing, after the occurrence of the incident involving Shri Saha, was that Shri A. K. Saha, MP, was asked to show his identity card but he had refused. In reply to repeated questions, Shri Dutta reiterated that he had not given that complaint in writing and that those were not the contents of his writing.

When asked whether he thought that the Railway officials had forged his statement, Shri Dutta replied: "I cannot say (That which I have not given in writing how should I say that I have given)"<sup>25</sup>.

When Shri Dutta was questioned about his statement<sup>26</sup> in the Court, he said:

"At the Court... I told the same thing, what had happened, that the MP was asked to show his identity card and he refused."

28. Thus, Shri Krishna Kanta Dutta, in his oral evidence before the Committee, totally denied having made the written complaint against Shri A. K. Saha, MP, in the language which the Railway and Police Officials had conveyed to the Committee in their evidence earlier.

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24Duly attested by Shri A. Bhattacharjee, Officer-in-charge, GRPS, Asansol, and furnished to the Committee on 20-6-1973.

25Translated from Hindi.

26An English translation of the Statement of Shri K. K. Dutta in the Court of Sub-Divisional Judicial Magistrate, Asansol, under Section 342 of the Criminal Procedure Code in the case of State Vs. Krishna Kanta Dutta under Section 182 Indian Penal Code is at Appendix X.

29. The Committee felt that the case had assumed a serious dimension as a result of Shri Dutta's evidence before the Committee because it seemed that either the Railway officials and the Police officials had earlier given false evidence before the Committee and produced a fabricated document before them or Shri Dutta had given false evidence before the Committee by denying the authorship of that document.

30. In order to determine the truth in the matter, the Committee examined again the following persons:

- (i) Shri A. Bhattacharjee, Officer-in-charge, GRPS, Asansol;
- (ii) Shri A. T. Mahapatra, ASI of GRPS, Asansol; and
- (iii) Shri Krishna Kanta Dutta.

31. The Committee also called for the following documents:

- (i) General Diary of the Government Railway Police, Station, Asansol, relating to this incident;
  - (ii) Original written complaint lodged by Shri Krishna Kanta Dutta with the Government Railway Police, Asansol, wherever it might be;
  - (iii) Case diary of the Investigating Officer in this case; and
  - (iv) Complete file in this case in the Court of Sub-Divisional Judicial Magistrate, Asansol.
- (4) *Evidence of Shri K. K. Basu, Deputy Secretary (Judicial Department), Government of West Bengal*

32. Shri K. K. Basu, Deputy Secretary (Judicial Department), Government of West Bengal, Calcutta, appeared before the Committee and produced the original case file in the Court of the Sub-Divisional Judicial Magistrate, Asansol. Shri K. K. Basu deposed before the Committee that the original complaint made and signed by Shri Krishna Kanta Dutta with the GRPS, Asansol, against Shri Ajit Kumar Saha, MP, was not there in the aforesaid file and that the Government of West Bengal would take up the matter through the Calcutta High Court regarding that document not being available in that file.

Shri K. K. Basu also stated in his evidence before the Committee *inter alia* as follows:

"In find from the judgement<sup>27</sup> that the case started on a complaint which was recorded in the GD entry and the Magistrate started the case on that entry. But the original entry is not there in the record...I find that the original (First Information Report) is not there; a copy is recorded there".

Asked whether the accused (Shri Krishna Kanta Dutta) made a statement in the Court, Shri K. K. Basu stated in his evidence before the Committee that "He was examined and he did not say, 'it is not the complaint which he filed'." In reply to a question whether Shri Ajit Kumar Saha, MP, was examined as a witness in the Court, Shri K. K. Basu stated that "He was not examined as a witness".

#### (5) *Re-examination of some witnesses*

33. Shri A. Bhattacharjee, Officer-in-charge, GRPS, Asansol, who was called again before the Committee, produced the General Diary of the Government Railway Police Station, Asansol, containing the relevant entries<sup>28</sup> of the case. Shri Bhattacharjee stated before the Committee that the original complaint filed by Shri Krishna Kanta Dutta with the GRPS, Asansol, was sent to the Sub-Divisional Judicial Magistrate, Asansol, with the Challan papers through a messenger and the messenger got the signature of an officer of the Court who received those papers. Shri Bhattacharjee read out to the Committee the following English version (original being partly in Bengali) of the relevant entry (No. 1396) in the General Diary about the complaint of Shri Krishna Kanta Dutta:

"A person is there in the 1st Class waiting room who is giving himself out as Shri A. K. Saha, MP, and he has signed the visiting book as such. In fact, he is not an MP and the identity card with photograph which he produced must be forged".

When Shri Bhattacharjee was asked whether he knew that Shri Krishna Kanta Dutta had denied having filed the above written complaint attributed to him, he replied: "I do not know....I examined him on the very day he submitted his report. During my examination he did not deny it".

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<sup>27</sup>Judgement of the Sub-Divisional Judicial Magistrate, Asansol, in the case of State Vs. Krishna Kanta Dutta under Section 182 IPC. (See Appendix XI).

<sup>28</sup>See Appendix XII.



34. Shri A. T. Mahapatra, ASI of GRPS, Asansol, who was also examined by the Committee again stated that Shri Krishna Kanta Dutta had lodged a written complaint on 29-6-1972 and added that—

“He (Shri Dutta) himself had written his report. The original report which was submitted by him was also signed by him...the original document was also sent to the Court by my officer through the court Inspector, Asansol”.

Shri Mahapatra was shown the relevant entry (No. 1396) in the General Diary and asked to confirm whether that bore his signature. Shri Mahapatra said: “This is mine”.

35. Shri Krishna Kanta Dutta, who was also examined by the Committee again on oath stated:

“I made a statement before the Police. I only said that the identity card was asked for and that was not produced. That statement was given in writing after the occurrence. I signed that.”

In reply to a question whether he was shown by the Magistrate during his trial his own original written statement which he had submitted to the Railway Police at Asansol, Shri Dutta replied in the negative.

#### IV. Findings of the Committee

36. The Committee find that the entire episode involving Shri A. K. Saha, M.P., started with the oral report of a waiting room bearer to the Head Ticket Collector (Shri D. B. Banerjee) of the Asansol Railway Station that one of the passengers in the 1st Class waiting room was complaining that a person sitting in the waiting room who was calling himself A. K. Saha, M.P., was not holding the identity card, the number of which he had recorded in the waiting room register. The Head Ticket Collector, Shri D. B. Banerjee, then took Shri R. N. Chowdhuri, one of the Senior T. T. Es. along with him and went to the 1st Class waiting room where Shri A. K. Saha, M.P., was sitting. Meanwhile, he also called two other Ticket Collectors, Sarvashri B. D. Singh and Upkar Singh, and asked them to wait outside the waiting room.

Thus, four Railway officials went together to check the identity card of Shri A. K. Saha, M.P. According to the concerned Railway officials, Shri Saha showed them his identity card immediately.

But checking of Shri A. K. Saha's identity card was done by Shri B. D. Singh, the Head Ticket Collector, for the second time, although he had seen the identity card on the first occasion and he was satisfied with the *bonafides* of Shri A. K. Saha as an M.P. The reason given to the Committee for making the second checking that Shri Saha was booked to travel on a previous day does not appear to be convincing and the second checking by Shri D. B. Banerjee seems to be unwarranted and uncalled for.

37. While the first checking of Shri Saha's identity card by Shri R. N. Chowdhuri, T. T. E. and Sarvashri B. D. Singh and Upkar Singh, Ticket Collectors may have been justified, the Committee feel that Shri D. B. Banerjee, Head Ticket Collector, Asansol, did not act judiciously or with a sense of responsibility in checking Shri Saha's identity card again, particularly when he knew that a Member of Parliament was involved in the matter.

The Committee observed that the concerned Railway officials acted in a hasty and unusual manner as no effort was made by them to contact the original complainant, Shri Krishna Kanta Dutta, referred to by the waiting room bearer. No convincing reason has been given to the Committee why in the initial checking four Railway officials went together to check the identity card of Shri Saha.

38. The concerned officials of the Government Railway Police, Asansol, swung into action on an alleged written complaint filed by Shri Krishna Kanta Dutta to the effect that the person who was giving his name as Shri Ajit Kumar Saha, M.P., was not actually an M.P. and that the identity card he was carrying was a forged one. The Committee find that Shri A. T. Mahapatra, ASI, G.R.P.S., who was on duty at the Police Station and received the said written complaint from Shri K. K. Dutta, straightaway went to the 1st Class waiting room to check the *bonafides* of Shri Ajit Kumar Saha, M.P., without caring to find out the *locus standi* of the complainant or to verify the substance of the complaint either from the concerned Railway officials or from the relevant register in the waiting room or from the bearer of the waiting room. In this connection, Shri Mahapatra stated during his evidence before the Committee that "I believed the complaint to be genuine.....and there was not much scope for investigating further about the complaint lodged". It seems that he did not give any thought to the fact that a Member of Parliament was involved in the matter and that he should proceed with discretion.

39. Shri S. Banerjee, Second Officer, G.R.P.S., Asansol, who went to Shri A. K. Saha in the 1st Class waiting room also failed to take the above-mentioned necessary steps and went to Shri A. K. Saha with rather undue haste without first ascertaining the factual basis of the complaint. Like Shri A. T. Mahapatra, Shri Banerjee also did not take any steps to hold back Shri Krishna Kanta Dutta, the complainant, at the Police Station or keep him under some kind of surveillance. Shri Banerjee's behaviour with Shri Saha was also most reprehensible and thoroughly unworthy of a responsible Police Officer as he seems to have brandished his revolver for his identity of being a Police officer when Shri Saha asked him about his identity. He also took Shri Saha to the Police Station presumably to show his authority.

40. Similarly, Shri A. Bhattacharjee, Officer-in-charge, G.R.P.S., Asansol, does not appear to have acted with sufficient discretion while dealing with Shri A. K. Saha's case.

41. Thus, the Committee find that the concerned Police officers acted in an indiscreet and high-handed manner when they proceeded against Shri A. K. Saha, M.P., on the basis of a frivolous complaint. Their conduct caused harassment and humiliation to Shri A. K. Saha, M.P. The concerned officials failed to give any valid and convincing reason or explanation for their rather extraordinary conduct in dealing with the case involving Shri A. K. Saha, M.P.

42. In so far as Shri Krishna Kanta Dutta is concerned, he denied before the Committee having filed the written complaint with the Government Railway Police authorities in the language in which the Police officials recorded it in the General Diary of the Police Station and conveyed it to the Committee. However, the Committee have gone into the matter at some length and are of the opinion that the evidence given by Shri Dutta before the Committee on this point is false. The Committee have reasons to believe from the evidence before them that Shri K. K. Dutta did file the impugned report with the Police and in the language in which it has been recorded in the General Diary of the Police and conveyed to the Committee by the concerned Police officers although the original hand-written complaint of Shri Dutta is not now available even in the relevant case file of the Court of the Sub-Divisional Judicial Magistrate, Asansol.

The Committee consider that an entry (No. 1396) in the General Diary of the Government Railway Police Station, Asansol, is worthy of due weightage and can be relied upon, as this General Dairy, which is a contemporaneous record, is maintained in the normal course of business.

The Committee would, however, like to record their regret and amazement that the original written complaint of Shri K. K. Dutta, which was the basis of his prosecution under Section 182 I.P.C. in the Court of the Sub-Divisional Judicial Magistrate, Asansol, should have been missing from the Court file of the case. The Committee hope that the Government would make a thorough probe into this matter, as promised to the Committee by the Deputy Secretary of the Government of West Bengal during his evidence before the Committee, and take suitable action against the persons responsible therefor.

43. While the Committee do not wish to go into the motives of Shri K. K. Dutta in filing such a complaint with the G.R.P.S., Asansol, they note the statement made by Shri A. Bhattacharjee, the Officer-in-charge, G.R.P.S., Asansol, in his evidence before the Committee: "I think, Mr. Dutta wanted to harass him (Shri Saha)".

Thus Shri Dutta was the prime mover in the whole episode which led to the harassment of Shri A. K. Saha, M.P., at the hands of the Railway and Police officials.

44. Thus the Committee find that firstly Shri Krishna Kanta Dutta deliberately made a false complaint to the Railway officials and the G.R.P.S., Asansol, to cause harassment to Shri Ajit Kumar Saha, M.P. Secondly, he deliberately gave false evidence before this Committee by saying that he did not file the impugned complaint with the G.R.P.S., Asansol, on the 29th June, 1972.

45. In this connection, the Committee have taken note of the fact that Shri K. K. Dutta was acquitted by the Sub-Divisional Judicial Magistrate, Asansol, of the charge against him 'under Section 182 of the Indian Penal Code for giving false information to the Police against Shri A. K. Saha, M.P. The Committee find that the learned Magistrate, while acquitting Shri K. K. Dutta of the charge against him, has stated in his judgement<sup>20</sup>:—

'Learned A.P.P. has very frankly and fairly conceded that the accused Krishna Kanta Dutta had no motive and there is no evidence against him in this respect—Prosecution has also failed to prove that the allegations made by the accused in G.D. entry were false to his knowledge or at any rate, he did not believe them to be true at the time when he made these allegations'.

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<sup>20</sup>See Appendix-XI.

The Committee do not wish to comment on the judgement of the learned Magistrate. However, the Committee find that although Shri A. K. Saha, M.P., was the most material witness in this case, the Prosecution did not examine him before the Court.

The Committee have carefully considered the question whether they may find Shri K. K. Dutta guilty of breach of privilege when he has been acquitted by a Court on a criminal charge based on the facts involved in this case. The Committee are of the view that decision by a Court in respect of a criminal offence is no bar to the jurisdiction of the House to punish an offender if those facts constitute a breach of privilege or contempt of the House.

46. The Committee, after careful consideration of the entire written and oral evidence before them and all other relevant material placed before them, have come to the conclusion that unprovoked and unwarranted harassment was caused to Shri Ajit Kumar Saha, M.P., at the Asansol Railway Station on the 29th June, 1972, while he was coming to Delhi to attend a sitting of a Parliamentary Committee, namely, the Joint Committee on the Untouchability (Offences) Amendment and Miscellaneous Provisions Bill, 1972, by the concerned Railway and Police officers and by Shri Krishna Kanta Dutta, who had filed a false written complaint with the Government Railway Police Station, Asansol, against Shri Ajit Kumar Saha, M.P., on that date.

47. The Committee are of the view that checking of the identity card of Shri Ajit Kumar Saha in the waiting room of the Asansol Railway Station was understandable for the first time but the concerned Railway officers and the Government Railway Police Officers by making repeated checks of his identity card and taking him to the Police Station for interrogation had deliberately caused harassment to Shri Ajit Kumar Saha, M.P. This conduct on the part of the concerned Officers is reprehensible and a breach of privilege and contempt of the House.

48. The Committee are of the opinion that Shri Krishna Kanta Dutta has also committed a breach of privilege and contempt of the House as it was his false complaint to the officials of the Railway and GRPS, Asansol, which led to the harassment and ill-treatment of Shri Ajit Kumar Saha, M.P., while he was on his way to Delhi to attend a sitting of a Parliamentary Committee. Shri Krishna Kanta Dutta has further committed a breach of privilege

and contempt of the House by giving false evidence before the Committee when he denied before the Committee having made the impugned written complaint against Shri Ajit Kumar Saha, M.P., as entered in the General Diary of the Government Railway Police Station, Asansol, on the 29th June, 1972.

#### **V. Recommendations of the Committee**

49. The Committee express their displeasure on the conduct of the concerned Railway and Police officers and recommend that suitable Departmental action be taken by the Government against them and reported to the House as early as possible.

50. In regard to Shri Krishna Kanta Dutta, the Committee are of the view that they need not recommend any specific punishment for him but leave it to the House to award suitable punishment to him.

**N. K. P. SALVE,**

*Chairman,*

*Committee of Privileges.*

*Dated the 27th December, 1975*



### Note by Shri M. C. Daga

I feel it my moral duty to put up my this dissenting note after a very careful and thoughtful consideration of the whole matter. My firm opinion is that Shri Krishna Kanta Dutta cannot be held guilty for breach of privilege. No iota of evidence is on record. Even the Hon. Member Shri Ajit Kumar Saha has not been examined regarding Shri Krishna Kanta Dutta in detail. The Committee might as a whole has depended upon the general police diary which in the eye of law has no evidentiary value. This piece of evidence in this particular case is nothing. The original F.I.R. which was lodged by Shri Krishna Kanta Dutta has not been produced. It is said that it has been lost. Hence the presumption will be in favour of Shri Krishna Kanta Dutta. On the contrary, this false evidence has been created by the police agency against an innocent citizen Shri Krishna Kanta Dutta. If any man of common sense goes through the whole statement of Shri Krishna Kanta Dutta he will find out that he has not written the alleged report mentioned in the general diary. The contents of the report as alleged by the police are as follows:

To

The O/C Asansol, G.R.P.S.

Dear Sir,

[In I Class waiting room one person said that he is A. K. Saha, M.P. and he signed the visiting book. Actually he is not an M.P. The identity card with photograph which he possesses must be forged.]

Sd/- Krishna Kanta Dutta  
29-6-72.

I noted the fact in G. D. and informed O/C in his quarter for verification of the same.

Sd/- A. T. Mahapatra,  
A.S.I.

This above entry of the general diary maintained by G.R.P.S. does not contain the signature of Shri Krishna Kanta Dutta. Second thing which I want to stress is the Report which is alleged to be found lodged by Shri Krishna Kanta Dutta is improbable and against human conduct. If one takes a little pain and tries to understand the line which is alleged in the Report i.e. 'identity card with photograph which he possesses must be forged' cannot be written because in the statement which he has deposed before the Com-

mittee on the 29th January, 1975, the copy of relevant portion of his evidence is attached\* for perusal, will support and strengthen my above mentioned argument. Moreover what he says in his statement is this:

“I made a statement before the police. I only said that the identity card was asked for and that was not produced. That statement was given in writing after the occurrence. I signed that.”

The most important thing is this that Shri Krishna Kanta Dutta says that he has written the F.I.R. in his own handwriting and that is in Bengali and what he wrote in Bengali is as translated above. But the original F.I.R. has been lost, it is not available. When the original Report written by Shri Krishna Kanta Dutta is not available, how can this Committee depend upon entry made by the police in the general diary? The important aspect through which I want to take the whole House into confidence is that the poor fellow Shri Krishna Kanta Dutta was challaned by the police before the Sub-Divisional Judicial Magistrate, Asansol, under 182, I.P.C., and the judgement was delivered on 27th May, 1974 and the accused was acquitted under Section 245, Cr. P. C. No appeal or revision has been ever filed against this judgement of the Sub-Divisional Judicial Magistrate. Sub-Divisional Judicial Magistrate has not even shown Shri Krishna Kanta Dutta the original Report. Besides that the copy of the original F.I.R. is sent to Superintendent of Police and also to the original Court, neither the Superintendent of Police has been examined by the Committee nor the presiding officer of the Court.

In this connection, I will request the Hon. Members of the august House to look into the statement of Deputy Secretary, Government of West Bengal, Shri K. K. Basu, who said in his statement\*\* which was recorded on the 26th February, 1975, which is that the original entry is not available and the Government is making a search of it. Complete four years have passed, the original document has not been produced. Hence adverse inference will be drawn against the prosecution.

Hence innocent Shri Krishna Kanta Dutta cannot be punished because of the general diary maintained by the police which does not contain even the signature of Shri Krishna Kanta Dutta. Not only this in order to support my argument I will like to quote the Report submitted by the Executive Magistrate 1st Class, Asansol,

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\*See pages 171—188 of the Report.

\*\*See pages 183—186 of the Report.



and also the Report submitted by the General Manager, Eastern Railway. These both Officers have not examined Shri Krishna Kanta Dutta, nor the copy of that Report F.I.R. was submitted along with this Report. This all shows that this mischievous police officer and other railway employees in order to protect themselves made this poor fellow Shri Krishna Kanta Dutta scape goat. For the time being presume that Shri Krishna Kanta Dutta lodged the alleged report but from his statement it is clear that he never talked with Shri Ajit Kumar Saha neither he did anything to prevent him or performing his duty, nor Shri Ajit Kumar Saha has said anything about Shri Krishna Kanta Dutta, how can this fellow be punished under breach of privilege.

Hence for justice and equity sake Shri Krishna Kanta Dutta should not be punished. I would request the Honourable Members to kindly go through all the statements of the witnesses recorded by the Committee before taking any decision. Moreover, I will request that Shri Krishna Kanta Dutta cannot be punished, unless the Waiting Room bearer of Asansol Railway Station, the Assistant Station Master on duty and Superintendent of Police and the Presiding Officer are also examined.

New Delhi;

The 6th January, 1976.

**Note by Shri Erasmo de Sequeira**

I fully agree with the Committee that the subject matter of this Report would constitute a breach of privilege and contempt in normal times. However at the present juncture, when matters have reached such a sorry pass, that the President has seen fit, in his wisdom, to remove by Ordinance, the protection that Parliament saw fit to give to the publication of its proceedings by Law, and the Chief Censor of the Government insists that no report of the proceedings of Parliament be published in the press without his prior written permission, I find it difficult to concede that we have a Parliament fully alive, leave alone any privilege surviving.

New Delhi;

The 15th January, 1976.

# MINUTES

## I

### First Sitting

*New Delhi, Friday, the 6th October, 1972*

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The Committee sat from 10.00 to 11.30 hours.

### PRESENT

Shri R. D. Bhandare—*Chairman*

### MEMBERS

2. Dr. Henry Austin
3. Shri Darbara Singh
4. Shri Dinesh Chandra Goswami
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri Raj Bahadur
8. Shri Vasant Sathe
9. Shri R. P. Ulaganambi.

### SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

3. The Committee decided to consider the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972, at their next sitting.

\* \* \* \* \*

*The Committee then adjourned.*

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

## II

## Second Sitting

*New Delhi, Wednesday, the 13th December, 1972*

The Committee sat from 15.30 to 16.00 hours.

## PRESENT

Shri R. D. Bhandare—*Chairman*

## MEMBERS

2. Shri Somnath Chatterjee
3. Shri Dinesh Chandra Goswami
4. Shri Raj Bahadur
5. Shri Vasant Sathe
6. Shri Satyendra Narayan Sinha
7. Shri R. P. Ulaganambi.

## SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

5. The Committee, then, considered the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

The Committee decided to hear Shri Ajit Kumar Saha, M.P., who had raised this matter in the House, on the 24th January, 1973.

\* \* \* \* \*

*The Committee then adjourned.*

## III

## Third Sitting

*New Delhi, Wednesday, the 24th January, 1973*

The Committee sat from 15.00 to 15.50 hours.

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\*\*\*Paras 2—4 and 6 relate to other cases and have accordingly been omitted.

## PRESENT

Shri R. D. Bhandare—~~Chairman~~

## MEMBERS

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri Nihar Laskar
7. Shri H. N. Mukerjee
8. Shri Raj Bahadur
9. Shri Vasant Sathe
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra Narayan Sinha
12. Shri R. P. Ulaganambi.

## SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

4. The Committee then took up consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

The Chairman informed the Committee that he had received a letter dated the 29th December, 1972, from Shri Ajit Kumar Saha, M.P., in which he had stated that he was unable to attend that sitting of the Committee due to his previous engagements and had requested fixation of another date on or after the 15th February, 1973 to hear him. The Committee decided to accede to his request.

*The Committee then adjourned.*

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

## IV

## Fourth Sitting

*New Delhi, Tuesday, the 13th March, 1973*

The Committee sat from 15.30 to 16.15 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Dinesh Chandra Goswami
5. Shri H. N. Mukerjee.

Shri Dev Kanta Borooah, Minister of Petroleum and Chemicals, was also present.

## SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

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5. The Committee then took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway station on the 29th June, 1972.

The Committee decided that Shri Ajit Kumar Saha, M.P., might be requested to appear before the Committee for oral evidence on the 19th April, 1973.

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*The Committee then adjourned.*

## V

## Fifth Sitting

*New Delhi, Thursday, the 19th April, 1973*

The Committee sat from 15.00 to 17.05 hours.

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\*\*\*Paras 2—4 and 6 relate to other cases and have accordingly been omitted.

**PRESENT**

Dr. Henry Austin—*Chairman*

**MEMBERS**

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri Jagannathrao Joshi
5. Shri Vasant Sathe
6. Shri Satyendra Narayan Sinha.

**SECRETARIAT**

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

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

9. The Committee then took up further consideration of the question of privilege raised by Shri A. K. Saha, M.P. regarding the alleged harassment and ill-treatment meted out to him by certain railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

The Committee decided to defer the oral examination of Shri A. K. Saha, M.P., to the 9th May, 1973.

10. The Committee then adjourned to meet again on Wednesday, the 9th May, 1973, at 15.00 hours.

**VI****Sixth Sitting**

*New Delhi, Wednesday, the 9th May, 1973*

The Committee sat from 15.00 to 16.45 hours.

**PRESENT**

Dr. Henry Austin—*Chairman*

**MEMBERS**

2. Shri Somnath Chatterjee
3. Shri Dinesh Chandra Goswami

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\*\*\*Paras 2—8 relate to other cases and have accordingly been omitted.

4. Shri Jagannathrao Joshi
5. Shri B. P. Maurya
6. Shri Vasant Sathe
7. Shri Satyendra Narayan Sinha.

#### SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \*

5. The Committee then took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972. The Committee decided that Shri A. K. Saha, M.P., might be requested to appear before the Committee for oral examination on Friday, the 11th May, 1973, at 9.30 hours.

*The Committee then adjourned.*

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#### VII

#### Seventh Sitting

*New Delhi, Friday, the 11th May, 1973*

The Committee sat from 9.30 to 10.15 hours.

#### PRESENT

Dr. Henry Austin—*Chairman*

#### MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri B. P. Maurya
5. Shri Vasant Sathe
6. Dr. Shankar Dayal Sharma
7. Shri Satyendra Narayan Sinha.

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



## SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

## WITNESS

Shri A. K. Saha, M.P.

2. The Committee took up consideration, of the question of privilege raised by Shri A. K. Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

3. Shri Ajit Kumar Saha, M.P., was called in and examined by the Committee. (*Verbatim record was kept.*)

(*The witness then withdrew.*)

4. The Committee then deliberated on the matter and decided that, in the first instance, the following persons, named by Shri A. K. Saha, as having ill-treated and caused obstruction to him, might be asked to appear before the Committee in person for oral examination, at their sitting to be held on the 16th June, 1973:—

- (1) Shri R. N. Chowdhuri, Senior Ticket Collector;
- (2) Shri B. D. Singh, Ticket Collector;
- (3) Shri D. B. Banerjee, Head Ticket Collector;
- (4) Shri A. T. Mahapatra, ASI of GRPS, Asansol;
- (5) Shri S. Banerjee, Second Officer. GRPS, Asansol; and
- (6) Shri A. Bhattacharya, Officer-in-charge, GRPS, Asansol.

\* \* \* \* \*

6. The Committee then adjourned to meet again on Wednesday, the 16th May, 1973, at 15.00 hours.

## VIII

## Eighth Sitting

*New Delhi, Wednesday, the 16th May, 1973*

The Committee sat from 15.00 to 16.00 hours.

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\*\*\*Para 5 relates to another case and has accordingly been omitted.

**PRESENT**

Dr. Henry Austin—*Chairman*

**MEMBERS**

2. Shri Darbara Singh
3. Shri Dinesh Chandra Goswami
4. Shri Nihar Laskar
5. Shri H. N. Mukerjee
6. Shri Vasant Sathe
7. Dr. Shankar Dayal Sharma
8. Shri Satyendra Narayan Sinha.

**SECRETARIAT**

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

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

3. The Committee then considered the question of examination of witnesses in connection with the question of privilege regarding the alleged harassment and ill-treatment meted out to Shri Ajit Kumar Saha, M.P., by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

The Committee directed that the concerned witnesses be asked to appear before the Committee on the 19th June, 1973 (instead of on the 16th June, 1973, as decided earlier).

\* \* \* \* \*

*The Committee then adjourned.*

**IX****Ninth Sitting**

*New Delhi, Tuesday, the 19th June, 1973*

The Committee sat from 11.00 to 13.25 hours and again from 15.00 to 17.00 hours.

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\*\*\*Paras 2, 4 and 5 relate to other cases and have accordingly been omitted.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Nihar Laskar
6. Shri H. N. Mukerjee
7. Shri Vasant Sathe
8. Dr. Shankar Dayal Sharma
9. Shri Atal Bihari Vajpayee.

## SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

## WITNESSES

1. Shri D. B. Banerjee, *Head Ticket Collector, Asansol.*
2. Shri R. N. Chowdhuri, *Senior Ticket Collector, Asansol.*
3. Shri B. D. Singh, *Ticket Collector, Asansol.*
4. Shri S. Banerjee, *Second Officer, GRPS, Asansol.*

2. The Committee took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

3. Shri B. D. Banerjee, Head Ticket Collector, Asansol, was called in and examined by the Committee on oath (*Verbatim record was kept*).

(*The witness then withdrew*).

4. Shri R. N. Chowdhuri, Senior Ticket Collector, Asansol, was then called in and examined by the Committee on oath (*verbatim record was kept*).

(*The witness then withdrew*).

(*The Committee then adjourned at 13.25 hours and reassembled at 15.00 hours*).

5. Shri B. D. Singh, Ticket Collector, Asansol, was then called in and examined by the Committee on oath (*Verbatim record was kept*).

(*The witness then withdrew*).

6. Shri S. Banerjee, Second Officer, GRPS, Asansol was then called in and examined by the Committee on oath (*Verbatim record was kept*).

(*The witness then withdrew*).

7. The Committee decided to continue their examination of the remaining witnesses on the 20th June, 1973.

(*The witness then withdrew*).

## X

### Tenth Sitting

New Delhi, Wednesday, the 20th June, 1973

The Committee sat from 10.00 to 13.45 hours.

### PRESENT

Dr. Henry Austin—*Chairman*

### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Nihar Laskar
6. Shri H. N. Mukerjee
7. Dr. Shankar Dayal Sharma
8. Shri R. P. Ulaganambi
9. Shri Atal Bihari Vajpayee

### SECRETARIAT

Shri J. R. Kapur—*Under Secretary*.

### WITNESSES

1. Shri A. T. Mahapatra, *ASI of G.R.P.S. Asansol*.
2. Shri A. Bhattacharya, *Officer-in-charge, G.R.P.S., Asansol*.

2. The Committee took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

3. Shri A. T. Mahapatra, ASI of G.R.P.S., Asansol, was called in and examined by the Committee on oath (*Verbatim record was kept*).

*(The witness then withdrew)*

4. Shri A. Bhattacharya, Officer-in-charge, G.R.P.S., Asansol, was then called in and examined by the Committee on oath (*Verbatim record was kept*).

*(The witness then withdrew)*

5. The Committee then deliberated on the matter.

6. Shri A. Bhattacharya, Officer-in-charge, G.R.P.S., Asansol, was again called in and examined by the Committee on oath. Shri Bhattacharya also produced the General Diary of G.R.P.S., Asansol, and read out the relevant entries relating to the case as directed by the Committee (*Verbatim record of the evidence was kept*).

*(The witness then withdrew)*

7. The Committee directed that the Ministry of Railways might be asked to obtain and furnish to the Committee a statement of Shri K. N. Ganguly, Assistant Station Master, Asansol, regarding the complaint made to him by Shri A. K. Saha, M.P., and the action taken by him on that complaint.

The Committee also directed that the Ministry of Home Affairs and the Ministry of Railways might be asked to furnish to the Committee copies of the statements made by the concerned railway officials and officers of G.R.P.S., Asansol, before the Executive Magistrate, 1st Class, Asansol, and before the railway authorities who had held an enquiry in connection with the complaint of Shri A. K. Saha, M.P.

The Committee decided that the question of calling Shri K. K. Dutta (On whose complaint the railway officials and officers of G.R.P.S., Asansol, had checked the Identity Card of Shri A. K. Saha, M.P.), might be considered at a sitting when the Minister of Law might be present.

\* \* \* \* \*

*The Committee then adjourned.*

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\*\*\*Paras 8—10 relate to other cases and have accordingly been omitted.

**XI****Eleventh Sitting**

*New Delhi, Thursday, the 9th August, 1973*

**The Committee sat from 16.00 to 17.10 hours.**

**PRESENT**

**Dr. Henry Austin—Chairman**

**MEMBERS**

2. Shri Somnath Chatterjee
3. Shri B. P. Maurya
4. Shri H. N. Mukerjee
5. Shri Maddi Sudarsanam
6. Shri Atal Bihari Vajpayee.

**SECRETARIAT**

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

**Shri J. R. Kapur—Under Secretary.**

\* \* \* \* \*

3. The Committee then took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

The Committee took a grave view of the reprehensible conduct of the concerned railway officials and GRPS officers in harassing Shri Ajit Kumar Saha, by making repeated checks of his identity card and taking him to the police station for interrogation. The Committee decided to express their displeasure on their conduct and desired that suitable departmental action be taken by the Government against them.

As regard Shri K. K. Dutta, on whose alleged false information, the railway and police officials had acted, and against whom a case in that connection was pending in a court of law, the Committee decided to consider the matter further at a sitting when the Minister of Law, Justice and Company Affairs would also be present.

\* \* \* \* \*

*The Committee then adjourned.*

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\*\*\*Paras 2 and 4—7 relate to other cases and have accordingly been omitted.

## XII

## Twelfth Sitting

*New Delhi, Wednesday, the 12th September, 1973*

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The Committee sat from 16.00 to 17.15 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri H. R. Gokhale
6. Shri Nihar Laskar
7. Shri B. P. Maurya
8. Shri H. N. Mukerjee
9. Shri K. Raghuramaiah
10. Shri Vasant Sathe
11. Dr. Shankar Dayal Sharma
12. Shri Maddi Sudarsanam.

## SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

4. The Committee deferred to their subsequent sitting, further consideration of the question of privilege regarding the alleged harassment and ill-treatment meted out to Shri Ajit Kumar Saha, M.P., by certain Railway staff, police and others at Asansol Railway station on the 29th June, 1972.

\* \* \* \* \*

*The Committee then adjourned.*

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\*\*\*Paras 2, 3, 5 and 6 relate to other cases and have accordingly been omitted.

## XIII

## Thirteenth Sitting

*New Delhi, Wednesday, the 31st October, 1973*

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The Committee sat from 11.00 to 13.00 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri H. R. Gokhale
5. Shri B. P. Maurya
6. Shri H. N. Mukerjee
7. Shri K. Raghuramaiah
8. Dr. Shankar Dayal Sharma
9. Shri Maddi Sudarsanam
10. Shri Atal Bihari Vajpayee.

## SECRETARIAT

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

\* \* \* \* \*

3. The Committee then took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

The Committee decided that Shri K. K. Dutta who had complained to the Railway authorities against Shri A. K. Saha, M.P., might be called to appear before the Committee in person for oral evidence.

The Committee also desired that the latest position of the case against Shri K. K. Dutta pending in the Court might be ascertained from the Ministry of Home Affairs.

\* \* \* \* \*

9. The Committee then adjourned to meet again at 15.30 hours on the 31st October, 1973.

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\*\*\*Paras 2 and 4—8 relate other cases and have accordingly been omitted.



## XIV

## Fourteenth Sitting

New Delhi, Friday, the 25th January, 1974

The Committee sat from 11.00 to 13.00 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Nihar Laskar
5. Shri H. N. Mukerjee
6. Shri Vasant Sathe
7. Dr. Shankar Dayal Sharma
8. Shri Maddi Sudarsanam
9. Shri Atal Bihari Vajpayee.

## SECRETARIAT

Shri J. R. Kapur—*Under Secretary*.

\* \* \* \* \*

4. The Committee then took up further consideration of the question of privilege raised by Shri A. K. Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972. In this connection, the Chairman informed the Committee that Shri K. K. Dutta, who had been called to appear in person before the Committee for oral examination, had sent a letter dated the 12th January, 1974, stating *inter alia* that the criminal case pending against him in the Court of Sub-Divisional Judicial Magistrate, Asansol, was expected to be finally disposed of by the end of March, 1974. Shri Dutta had also mentioned his financial difficulties in meeting the expenses of his journey to Delhi and back.

The Committee decided to defer further consideration of the matter and directed that Shri Dutta be asked to intimate to the Committee about the position of his case in the Court by the end of February, 1974.

\* \* \* \* \*

*The Committee then adjourned.*

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

## XV

## Fifteenth Sitting

*New Delhi, Monday, the 25th March, 1974*

The Committee sat from 16.00 to 17.05 hours. •

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Darbara Singh
4. Shri H. N. Mukerjee
5. Shri Maddi Sudarsanam
6. Dr. Shankar Dayal Sharma
7. Shri Atal Bihari Vajpayee.

## SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

5. The Committee then took up further consideration of the question of privilege raised by Shri A. K. Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972. In this connection, the Chairman informed the Committee that Shri K. K. Dutta, in a letter dated the 13th March, 1974, had intimated that the examination of the prosecution witnesses in the criminal case against him had almost been completed and that the examination of the defence witnesses had been fixed for the 25th April, 1974, and that it was anticipated that the evidence, arguments and the judgement would take about three months' time. The Committee desired that the progress of that case in the Court might also be ascertained from the Government of West Bengal. The Committee decided to await the judgement of the Court in the criminal case being proceeded against Shri K. K. Dutta.

\* \* \* \* \*

*The Committee then adjourned.*

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\*\*\*Paras 2—4 and 6 relate to other cases and have accordingly been omitted.

## XVI

## Sixteenth Sitting

*New Delhi, Monday, the 30th September, 1974.*

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The Committee sat from 11.00 to 13.30 hours.

**PRESENT**

**Dr. Henry Austin—Chairman**

**MEMBERS**

2. Sardar Buta Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Dr. Shankar Dayal Sharma.

**SECRETARIAT**

**Shri J. R. Kapur—Under Secretary**

• • • • •

5. The Committee then took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972. The Committee perused the judgement of the Sub-Divisional Judicial Magistrate, Asansol, acquitting Shri K. K. Dutta of the charge under Section 182, Indian Penal Code against him. The Committee considered the question of calling Shri K. K. Dutta to appear before the Committee and decided to postpone further consideration of the matter to a subsequent sitting when the Minister of Law, Justice and Company Affairs might also be present.

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*The Committee then adjourned to meet again on the 1st October, 1974, at 11.00 hours.*

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\*\*\*Paras 2—4, 6 and 7 relate to other cases and have accordingly been omitted.

## XVII

## Seventeenth Sitting

*New Delhi, Tuesday, the 5th November, 1974.*

The Committee sat from 11.00 to 13.00 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri M. C. Daga
3. Shri K. G. Deshmukh
4. Shri Chintamani Panigrahi
5. Shri Maddi Sudarsanam
6. Shri G. Viswanathan.

## SECRETARIAT

Shri Y. Sahai—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

3. The Committee then took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972. After considering the views of the Minister of Law, Justice and Company Affairs conveyed by him to the members of the Committee on the 4th November, 1974, the Committee decided that Shri K. K. Dutta might be directed to appear before the Committee for oral examination on a date to be decided later.

\* \* \* \* \*

*The Committee then adjourned to meet again on the 6th November, 1974.*

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\*\*\*Paras 2 and 4—6 relate to other cases and have accordingly been omitted.

## XVIII

## Eighteenth Sitting

*New Delhi, Wednesday, the 29th January, 1975*

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The Committee sat from 11.00 to 13.10 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri Popatlal M. Joshi
5. Shri Shyamnandan Mishra
6. Shri H. N. Mukerjee
7. Shri Chintamani Panigrahi
8. Shri B. R. Shukla
9. Shri Maddi Sudarsanam.

## SECRETARIAT

1. Shri Y. Sahai—*Chief Legislative Committee Officer.*
2. Shri J. R. Kapur—*Senior Legislative Committee Officer.*

## WITNESS

Shri Krishna Kanta Dutta, *Bankura, West Bengal.*

2. The Committee took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

3. Shri Krishna Kanta Dutta, at whose written complaint the Railway and Police staff had allegedly harassed and ill-treated Shri A. K. Saha, M.P., at Asansol Railway Station on the 29th June, 1972, was called in and examined by the Committee on oath.

*(Verbatim record was kept).*

*(The witness then withdrew).*

4. During this examination, Shri K. K. Dutta, denied having made the written complaint against Shri A. K. Saha, M.P., in the language which the Railway and Police Officers had conveyed to the Committee in their evidence earlier. When a certified copy of the written complaint stated to have been made by Shri K. K. Dutta to the Railway Police at Asansol and produced by the Railway Police Officer before the Committee during his oral evidence earlier was shown to Shri Dutta, he denied having made any such complaint to the Railway Police at Asansol. Shri Dutta stated that he had given only a written statement to the Railway Police after the occurrence of the incident at the instance of the Railway Officials and Police to the effect that Shri A. K. Saha, M.P., had refused to show his identity-cum-railway pass to the checking staff of the Railway when so demanded by them.

5. The Committee felt that the case had assumed a serious dimension because it seemed that either the Railway Officials and Police Officers had earlier given false evidence before the Committee and produced a fabricated document before them or Shri Dutta was now giving false evidence before the Committee. In order to determine the truth in the matter, the Committee directed that the following persons might be called again to appear before the Committee for further oral examination on the 26th February, 1975:—

- (i) Shri A. Bhattacharya, Officer-in-charge, Government Railway Police Station, Asansol.
- (ii) Shri A. T. Mahapatra, ASI of GRPS, Asansol.
- (iii) Shri Krishna Kanta Dutta.

6. The Committee also directed that the following documents might also be called for inspection by the Committee:—

- (i) General diary of Government Railway Police, Asansol, relating to this incident;
- (ii) Original written complaint lodged by Shri K. K. Dutta with the Government Railway Police, Asansol, wherever it might be at present;
- (iii) Case diary of the Investigation Officer in this case.
- (iv) The complete file in this case (No. 1296 of 1972) in the Court of Sub-Divisional Judicial Magistrate, Asansol, regarding State vs. Krishna Kanta Dutta under Section 182 I.P.C.

7. The Committee also directed that telegrams might be sent to the District and Sessions Judge, Asansol, Chief Judicial Magistrate, Asansol and the Sub-Divisional Judicial Magistrate, Asansol, requesting them to preserve the file relating to the case against Shri K. K. Dutta in the court of Sub-Divisional Judicial Magistrate, Asansol as it would be needed for production before the Committee of Privileges.

*The Committee then adjourned.*

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## XIX

### Nineteenth Sitting

*New Delhi, Wednesday, the 26th February, 1975.*

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The Committee sat from 15.00 to 16.45 hours.

### PRESENT

Dr. Henry Austin—*Chairman*

### MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri Shyamnandan Mishra
5. Shri H. N. Mukerjee
6. Shri Chintamani Panigrahi
7. Shri B. R. Shukla.

### SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

### WITNESSES

1. Shri K. K. Basu, *Deputy Secretary (Judicial Department) Government of West Bengal, Calcutta.*
2. Shri A. Bhattacharya, *Officer-in-charge, Government Railway Police Station, Asansol.*
3. Shri A. T. Mahapatra, *A.S.I. of GRPS, Asansol.*
4. Shri Krishna Kanta Dutta.

2. The Committee took up further consideration of the question of privilege raised by Shri A. K. Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

3. Shri K. K. Basu, Deputy Secretary (Judicial Department), Government of West Bengal, Calcutta, was called in and examined by the Committee on oath. Shri K. K. Basu produced before the Committee the original file in case No. 1296 of 1972, in the Court of Sub-Divisional Judicial Magistrate, Asansol, regarding State vs. Krishna Kanta Dutta, under Section 182 IPC. Shri K. K. Basu deposed that the original complaint made and signed by Shri K. K. Dutta with GRPS, Asansol, against Shri A. K. Saha, M.P., was not in the aforesaid file and that the Government of West Bengal would take up the matter, through the Calcutta High Court, regarding that document not being available in that file. The Committee directed the witness to leave the file with the Committee for perusal. The witness handed over the file to the Committee accordingly.

*(Verbatim record of evidence was kept.)*

*(The witness then withdrew).*

4. Shri K. K. Dutta was then called in and examined by the Committee on oath.

*(Verbatim record was kept).*

*(The witness then withdrew).*

5. Shri A. Bhattacharya, Officer-in-charge, GRPS, Asansol, on the date of incident, was called in and examined by the Committee on oath. The witness produced before the Committee the relevant General Diary of the Police Station, containing entries of that case and stated that the original written complaint made and signed by Shri K. K. Dutta against Shri A. K. Saha, M.P., was sent to the Court alongwith the Challan against Shri K. K. Dutta. The Committee directed the witness to leave the General Diary with the Committee for perusal. The witness handed over the General Diary to the Committee accordingly.

6. Shri A. T. Mahapatra, ASI of GRPS, Asansol, on the date of incident, was then called in and examined by the Committee on oath.

*(Verbatim record was kept).*

*(The witness then withdrew).*



7. The Committee then deliberated on the matter.

The Committee decided to continue further consideration of the matter at a sitting when Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs and a member of the Committee might also be present.

\* \* \* \* \*

*The Committee then adjourned.*

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## XX

### Twentieth Sitting

*New Delhi, Monday, the 19th May, 1973*

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The Committee sat from 16.00 to 18.10 hours.

### PRESENT

**Dr. Henry Austin—Chairman**

### MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri K. G. Deshmukh
5. Shri H. R. Gokhale
6. Shri Shyamnandan Mishra
7. Shri H. N. Mukerjee
8. Shri Atal Bihari Vajpayee.

### SECRETARIAT

**Shri B. K. Mukherjee—Chief Legislative Committee Officer.**

**Shri J. R. Kapur—Senior Legislative Committee Officer.**

2. The Committee deliberated on the question of privilege raised by Shri Ajit Kumar Saha, M.P., regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, Police and others at Asansol Railway Station on the 29th June, 1972.

3. The Committee deliberated on the matter, particularly, the question whether Shri K. K. Dutta had committed a breach of privi-

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\*\*\*Para 8 relates to another case and has accordingly been omitted.

lege and contempt of the House on the following two counts by:—

- (i) lodging an alleged false report with the GRPS and Railway Officials against Shri Ajit Kumar Saha, M.P., which caused harassment to Shri Ajit Kumar Saha, MP; and
- (ii) giving alleged false evidence before the Committee of Privileges.

The deliberations were not concluded and the Committee decided to deliberate further on the matter at a subsequent sitting.

*The Committee then adjourned.*

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## XXI

### Twenty-First Sitting

*New Delhi, Tuesday, the 8th July, 1975*

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The Committee sat from 10.30 to 11.45 hours.

#### PRESENT

Shri N. K. P. Salve—*Chairman*

#### MEMBERS

2. Shri Chakleshwar Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Shri K. G. Deshmukh
6. Shri Popatlal M. Joshi
7. Shri V. Mayavan
8. Shri Chintamani Panigrahi
9. Shri Erasmo de Sequeira
10. Shri B. R. Shukla.

#### SECRETARIAT

Shri B. K. Mukherjee—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

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3. The Committee took up further consideration of the question of privilege raised by Shri Ajit Kumar Saha, MP, regarding the alleged harassment and ill-treatment meted out to him by certain

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\*\*\*Paras 2 and 4—7 relate to other cases and have accordingly been omitted.

Railway staff, police and others at Asansol Railway Station on the 29th June, 1972. The deliberations were not concluded and the Committee decided to deliberate further on the matter at their next sitting.

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*The Committee then adjourned.*

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## XXII

### Twenty-Second Sitting

*New Delhi, Wednesday, the 17th September, 1975*

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The Committee sat from 10.00 to 13.05 hours.

### PRESENT

Shri N. K. P. Salve—*Chairman*

### MEMBERS

2. Shri Chakleshwar Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Shri Popatlal M. Joshi
6. Shri V. Mayavan
7. Shri Chintamani Panigrahi
8. Shri Erasmo de Sequeira
9. Shri Arjun Sethi
10. Shri B. R. Shukla.

### SECRETARIAT

Shri B. K. Mukherjee—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

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\*\*\*Paras 4—7 relate to other cases and have accordingly been omitted.

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3. The Committee then resumed deliberation on the question of privilege raised by Shri Ajit Kumar Saha, MP, regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 20th June, 1972. The deliberation was not concluded. The Committee decided to deliberate further on the matter at their sitting to be held on Saturday, the 27th September, 1975, at 09.00 hours.

*The Committee then adjourned to meet again on Thursday, the 18th September, 1975, at 10.00 hours.*

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### XXIII

#### Twenty-Third Sitting

*New Delhi, Thursday, the 18th September, 1975*

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The Committee sat from 10.00 to 12.35 hours.

#### PRESENT

Shri N. K. P. Salve—*Chairman*

#### MEMBERS

2. Shri Chakleshwar Singh
3. Shri Popatlal M. Joshi
4. Shri V. Mayavan
5. Shri Erasmo de Sequeira
6. Shri Arjun Sethi
7. Shri B. R. Shukla.

#### SECRETARIAT

Shri B. K. Mukherjee—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

2. In regard to the question of privilege raised by Shri A. K. Saha, M.P., about the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972, the Committee directed that the Government of West Bengal might be asked to intimate† the outcome of the inquiry about the missing of the original written complaint made and signed by Shri K. K. Dutta with GRPS,

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

†The Government of West Bengal (*Judicial Department*) in their communication dated the 23rd September, 1975, intimated *inter alia* that the matter was being looked into.

Asansol, from the file regarding the criminal case No. 1296 of 1972, State vs. Krishna Kanta Dutta, under Section 182 IPC, in the Court of Sub-Divisional Judicial Magistrate, Asansol.

\* \* \* \* \*

*The Committee then adjourned.*

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## XXIV

### Twenty-Fourth Sitting

*New Delhi, Saturday, the 27th September, 1975*

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The Committee sat from 09.00 to 12.35 hours.

### PRESENT

Shri N. K. P. Salve—*Chairman*

### MEMBERS

2. Shri Chakleshwar Singh
3. Shri Somnath Chatterjee
4. Shri M. C. Daga
5. Shri K. G. Deshmukh
6. Shri Indrajit Gupta
7. Shri Popatlal M. Joshi
8. Shri V. Mayavan
9. Shri Erasmo de Sequeira
10. Shri B. R. Shukla.

### SECRETARIAT

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

2. The Committee deliberated on the question of privilege raised by Shri Ajit Kumar Saha, MP, regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, police and others at Asansol Railway Station on the 29th June, 1972.

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\*\*\*Paras 3—5 relate to other cases and have accordingly been omitted.

3. The Committee, after considering the entire oral and written evidence before them, came to the conclusion that unprovoked and unwarranted harassment was caused to Shri Ajit Kumar Saha, MP, at the Asansol Railway Station on the 29th June, 1972, while he was coming to Delhi to attend a sitting of a Parliamentary Committee by the concerned Railway and Police Officials and Shri K. K. Dutta, who had filed a false written complaint with the GRPS, Asansol, against Shri Ajit Kumar Saha, MP.

4. The Committee were of the view that checking of the Identity Card of Shri Ajit Kumar Saha once in the Waiting Room of the Asansol Railway Station was understandable but the concerned Railway Officials and the GRPS Officers by making repeated checks of his Identity Card and taking him to the Police Station for interrogation had deliberately caused harassment to Shri Ajit Kumar Saha, MP. This conduct on the part of those concerned Officers was reprehensible and a breach of privilege and contempt of the House. The Committee decided to express their displeasure on the conduct of the concerned Railway and Police Officers and decided to recommend that suitable departmental action be taken by the Government against them.

5. The Committee were of the opinion that Shri K. K. Dutta had also committed a breach of privilege and contempt of the House as it was his false complaint to the GRPS Asansol which had led to the harassment and ill-treatment of Shri Ajit Kumar Saha, MP, while he was on his way to Delhi to attend a sitting of a Parliamentary Committee. The Committee also felt that Shri K. K. Dutta had given false evidence before the Committee when he denied having made the said written complaint against Shri Ajit Kumar Saha, MP, as entered in the General Diary of the 29th June, 1972, of the Government Railway Police Station, Asansol.

On the question of punishment to be recommended for Shri K.K. Dutta for the breach of privilege and contempt of the House committed by him, the Committee were of the view that they need not recommend any specific punishment for him but leave it to the House to award suitable punishment to him.

6. Shri M. C. Daga, however, did not agree with the above decisions of the Committee and he felt that no harassment as such had been caused to Shri A. K. Saha and no breach of privilege or contempt of the House had been committed in this case.

\* \* \* \* \*

*The Committee then adjourned.*

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## XXV

### Twenty-Fifth Sitting

*New Delhi, Saturday, the 27th December, 1975*

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The Committee sat from 10.30 to 11.30 hours.

### PRESENT

Shri N. K. P. Salve—*Chairman*

### MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri K. G. Deshmukh
5. Shri Popatlal M. Joshi
6. Shri Chintamani Panigrahi
7. Shri Erasmo de Sequeira
8. Shri Arjun Sethi
9. Shri B. R. Shukla.

### SECRETARIAT

Shri B. K. Mukherjee—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

\* \* \* \* \*

3. The Committee then took up consideration of their draft Seventeenth Report on the question of privilege raised by Shri Ajit Kumar Saha, MP, regarding the alleged harassment and ill-treatment meted out to him by certain Railway staff, Police and others at Asansol Railway Station on the 29th June, 1972.

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\*\*\*Para 7 relates to another case and has accordingly been omitted.

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

The Committee adopted the draft Report with the following modifications:

- (i) *Para 39—*  
for “unbecoming” substitute “most reprehensible and thoroughly unworthy”.
- (ii) *Para 41—*
  - (a) for “acted indiscreetly and in an off-hand manner” substitute “acted in an indiscreet and high-handed manner”.
  - (b) for “rather frivolous” substitute “frivolous”.
- (iii) *Para 45—*  
for “he was not examined”, substitute “the prosecution did not examine him”.
- (iv) *Para 49—*  
add at the end: “and reported to the House as early as possible”.
- (v) *Para 50—*  
for “the Committee do not recommend any specific punishment but wish to leave it to the House to decide the suitable punishment to be given to him.” substitute “the Committee are of the view that they need not recommend any specific punishment for him but leave it to the House to award suitable punishment to him.”

4. Shri M. C. Daga did not agree with the findings and recommendations of the Committee and desired to submit a separate Note containing his views on the matter for being appended to the Report. The Committee gave him time upto the 15th January, 1976 (15.30 hours) for the purpose.

5. The Committee also gave Shri Erasmo de Sequeira the same time i.e., upto 15th January, 1976 (15.30 hours) for submission of a Note, if any, containing his views on the matter, for being appended to the Report.

6. The Committee authorised the Chairman to present the Report to the House after 15th January, 1976, after appending the Notes, if received, from Sarvashri M. C. Daga and Erasmo de Sequeira by that date.

*The Committee then adjourned.*

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MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE  
OF PRIVILEGES

*Friday, the 11th May, 1973*

PRESENT

Dr. Henry Austin—*Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri B. P. Maurya
5. Shri Vasant Sathe
6. Dr. Shankar Dayal Sharma
7. Shri Satyendra Narayan Sinha.

SECRETARIAT

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

Shri J. R. Kapur—*Under Secretary.*

WITNESS

Shri A. K. Saha, M.P.

*(The Committee met at 9.30 hours)*

*Evidence of Shri Ajit Kumar Saha, M.P.*

**Mr. Chairman:** Mr. Saha, since you had made a complaint to the hon. Speaker regarding the alleged harassment and ill-treatment meted out to you by certain Railway Staff, Police and others at Asansol Railway Station and that complaint had been forwarded to the Privileges Committee for investigation, you have been called to appear before the Committee. You have also given your statement regarding this complaint. Besides that statement, would you like to add anything more? Otherwise, I would ask the hon. Members to put questions to you.

**Shri Ajit Kumar Saha:** I have already stated the facts in my letter which I sent to the Speaker and I have nothing to add to it. I hope the concerned persons will be examined before the Committee.

**Shri Satyendra Narayan Sinha:** Whatever statement he had made in the House, if he wants that the same statement should be taken up here, it is all right.

**Shri Somnath Chatterjee:** I believe two reports were obtained after he had made the statement and those persons had been identified. Previously, he said that he did not know the persons. The names are there in the reports which came from the railway authority and other executive authority. Therefore, I do not know.....

**Mr. Chairman:** If you know the persons, then you give me a list of those persons whom you would like to call before the Committee.

**Shri Ajit Kumar Saha:** I would like to call everybody.

**Mr. Chairman:** Would you like to go through the list and tell us the names of those persons whom you would like to call before the Committee?

**Shri Ajit Kumar Saha:** The names are: Shri R. N. Chowdhury, Senior Travelling Ticket Checker, Shri D. B. Banerjee, Head Ticket Collector.....

**Shri Somnath Chatterjee:** Now, from the report of the Ministry of Railways, it is clear that the false information was given and that man is being proceeded against. As far as Government officers and the railway officers are concerned, of course, I believe, the hon. Speaker said that the case might also come from them and that all the three parts should be there. I am reading at page 261 Memorandum No. 9:

"The Speaker informed the House that he had decided to refer the matter to the Committee of Privileges as follows:—

'I have decided to send it to the Privileges Committee.... There are three parts of that privilege motion. One was under prosecution. Previously I had decided to refer only two but now I think they could not be separated from each other and had referred the whole matter to the Privileges Committee—all the three parts.'"

Now, I am reading paragraph 6 at page 280:

"I (Speaker) quite agree, there are three parts to it. The whole thing started with the action of Shri Dutta. He gave an information to the police. The second is that when the police were so informed, they should have exercised a bit of their own sense also in ascertaining the fact. The third one is obstruction caused to the member. One matter concerning the first, wrong information given about the member, is already under investigation. About the other two, I will see it again. I will re-examine it and also see what is the position, when one part is already under investigation. Or if we can wait, let this matter be an open issue, no decision on it; let us see what comes out of the first part. If the judicial inquiry takes one view and your Privileges Committee takes another view, I will have to separate them.....I will have to examine it."

Then, subsequently, the Speaker said, "all the three matters". As far as matter two is concerned, whether that is also before us? Either we can treat them as an integrated matter or we can treat them separately, namely, whether a person who gives deliberately the false information and tries to say that he cannot discharge his duties, that is a matter we have to consider. The Speaker, after reconsideration of the matter, has referred the whole thing to the Privileges Committee.

**Mr. Chairman:** Previously, I decided that we should refer to matter two. Now, I think, they could not be separated from each other.

**Shri Somnath Chatterjee:** And also the one which was under prosecution. Subject to what the hon. Members feel, let us call those Government officials first before the Committee.

**Mr. Chairman:** This meeting was called only to find out whether Mr. Saha has anything further to add to his statement which he had already sent to us. Now, Mr. Saha stands by his statement and he does not want to add anything more to it. Certain names have been mentioned by Mr. Saha at page 259 of the Memorandum No. 9 which I am reading out. He said, "In view of the above, I submit that Shri R. N. Chowdhury, Senior Travelling Ticket Checker, Shri B. D. Singh, Ticket Collector, Shri D. B. Banerjee, Head Ticket Collector, Shri A. P. Mahapatra, ASI of GRPS, Shri S. Banerjee, Second Officer, GRPS, Asansol, Shri A. Bhattacharyya, O. C., GRPS, Asansol and the said Krishna Kanta Dutta....."

Shall we call these persons only or would you like other persons also to be called?

**Shri Ajit Kumar Saha:** You may call these persons.

**Mr. Chairman:** We shall call these persons first and then we will see whether more witnesses are required to be called. Mr. Saha, you have added one more name (Mr. Bhattacharya) I think. We will call him also.

Now, we shall have to fix a date for the next meeting. I think we can meet on 16th June.

Mr. Saha, you may leave now.

*(Shri Saha then withdrew).*

Tuesday, the 19th June, 1973

### PRESENT

**Dr. Henry Austin—Chairman**

### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Nihar Laskar
6. Shri H. N. Mukherjee
7. Shri Vasant Sathe
8. Dr. Shankar Dayal Sharma
9. Shri Atal Bihari Vajpayee

### SECRETARIAT

**Shri J. R. Kapur—Under Secretary**

### WITNESSES

1. Shri D. B. Banerjee—*Head Ticket Collector, Asansol.*
2. Shri R. N. Chowdhuri—*Senior Ticket Collector Asansol.*
3. Shri B. D. Singh—*Ticket Collector, Asansol.*
4. Shri S. Banerjee—*Second Officer, G.R.P.S. Asansol:*

*(The Committee met at 11.00 hours)*

(i) *Evidence of Shri D. B. Banerjee, Head Ticket Collector, Asansol*

**Mr. Chairman:** Mr. Banerjee, you may please take oath before we proceed further.

**Shri D. B. Banerjee:** I, D. B. Banerjee, do swear in the name of God that the evidence that I shall give in this case shall be true

and that I will conceal nothing and that no part of my evidence shall be false.

**Mr. Chairman:** Are you Ticket Collector at Asansol?

**Shri D. B. Banerjee:** I am Head Ticket Collector, Asansol.

**Mr. Chairman:** Were you on duty there on the 29th June, 1972?

**Shri D. B. Banerjee:** Yes, Sir.

**Shri Vasant Sathe:** Is it a fact that on 29th June at about 12.30 you checked the identity card of Shri Ajit Kumar Saha in the waiting room?

**Shri D. B. Banerjee:** Yes, Sir.

**Shri Vasant Sathe:** What was the occasion for you to go and check the identity card?

**Shri D. B. Banerjee:** Not identity card, Sir, I was working in the office when the waiting room bearer, whose office is just at the entrance, right hand side of my office, came and told me that one gentleman is complaining that one Shri A. K. Saha sitting in the waiting room is not holding the identity card number of which he has written in the waiting room register. I, therefore, called through the peon of my office one of my Ticket Collectors from downstairs. In the meantime, Mr. R. N. Chowdhuri, one of my senior TTEs came to my office. I thought that as it was a case of an Hon. Member of Parliament, I should go personally instead of sending a Ticket Collector. I took Mr. Chowdhuri with me and personally went to the waiting room. The waiting room is situated just as one enters South to North. From South we enter. There were about 5, 6 or 7 passengers sitting there. Mr. Saha, I came to know later, was sitting on the Southern end. Mr. Chowdhuri started checking just from the left hand side after entering the room. There were two or three ticket holders and one pass holder perhaps. Then we came to Mr. Saha. He took out his identity card and gave it to Mr. Chowdhuri. Mr. Chowdhuri gave it to me. We saw it and returned. Mr. Chowdhuri told 'Namaskar' to Mr. Saha. Then we went to the right hand side. One passenger was there. In the meantime, Mr. B. D. Singh, Ticket Collector, whom I had called through my peon, came. There were only a few passengers. After checking the waiting room I came to my office.

**Shri Vasant Sathe:** How did you know who the person was?

**Shri D. B. Banerjee:** I asked the waiting room bearer where the gentleman was. He said that he is a tall, nice looking gentleman. He came and told me, and after that he disappeared. Normally I do some checking of the waiting room and if I find that any of the

passengers do not have a 1st Class ticket or are without authority. I take it up with the bearer; that is why he got frightened and informed me then and there.

**Shri Vasant Sathe:** After that, on checking the identity card you were satisfied and so were the Ticket Collectors Mr. Chowdhury and Mr. Singh, when they knew that you had checked the identity card. After your return, did any one of these people again go to Mr. Saha and ask him for his identity card?

**Shri D. B. Banerjee:** No, they did not go; I went again.

**Shri Vasant Sathe:** You again went for the second time?

**Shri D. B. Banerjee:** Yes, because in the meantime my Reservation Clerk came to my office for some cardboard or pencil—because I supply these things—and he told me that we got a letter from Mr. Saha on a Lok Sabha postcard that he wanted reservation on 28th June, 1972—that is, the previous day of the incident. I was struck with wonder that when he had got reservation on 28th June, 1972 how that gentleman can again go on the 29th. I asked him if he could bring me the card and he said “Yes, Sir, it is in the office but perhaps I cannot give it to you now; I can give it to you afterwards”. On his word I again went to the waiting room and asked him:

“Excuse me, Sir, May I see your identity card again”? “Who are you” Mr. Saha asked me. I said: “I am the Head Ticket Collector”. “What made you to come again”? he asked. I said “you wanted reservation on the 28th but today is 29th”.

He immediately brought out the identity card and said “for the 28th I asked for reservation not for myself but for some of my friends but that was cancelled”. Actually, when Mr. Das, my Reservation Clerk came to me, I was going through the Diary Book. Against the 28th it was written that all the passengers were accommodated according to their reservations. This made me wonder that when all the passengers had gone, how he could be here. I wanted to satisfy myself and so I went again. But he told me that he had got it cancelled through the Station Master Bankura. So I said I was very sorry and came back to my office.

**Shri Vasant Sathe:** How far is the Police Thana from your office?

**Shri D. B. Banerjee:** My office is upstairs on the first floor and in the second floor. . .

**Shri Vasant Sathe:** I am wanting to know what is the distance.

**Shri D. B. Banerjee:** My office is upstairs in the right eastern corner while the Police Thana is on the ground floor.

**Shri Atal Bihari Vajpayee:** You have stated that you went to the waiting room twice, but according to the report of the General Manager, Eastern Railway which has been forwarded by the Railway Board in this case you did not go to the waiting room in the first instance but only directed Mr. Chowdhury and the Ticket Collector Shri B. D. Singh to check the waiting room. Now you say that you accompanied these persons.

**Shri D. B. Banerjee:** I really accompanied. I directed Mr. Chowdhury who is a T.T.—the waiting room is normally checked by Ticket Collectors, but because it was a case of an Hon. Member. . .

**Shri Atal Bihari Vajpayee:** That is not the question. Let us be precise; did you or did you not accompany the Ticket Collectors to the waiting room?

**Shri D. B. Banerjee:** I accompanied the T.T.E. Mr. Chowdhury to the waiting room.

**Shri Atal Bihari Vajpayee:** So this report of the General Manager is not correct?

**Shri D. B. Banerjee:** I cannot say. I definitely 'directed', but I also accompanied him.

**Shri Atal Bihari Vajpayee:** What do you mean by 'directed'? It means you asked Mr. Chowdhury to go to the waiting room and you did not accompany him.

**Shri D. B. Banerjee:** I accompanied him.

**Shri Atal Bihari Vajpayee:** There is a difference between 'directed' and 'accompanied'.

**Shri D. B. Banerjee:** I first directed him to go and check the waiting room but after that, I practically followed him. He was checking and I went just behind him.

**Shri Atal Bihari Vajpayee:** Just now you said you directed; then you said you accompanied; now you say you followed!

**Shri D. B. Banerjee:** I directed and then I followed and accompanied him.

**Shri Atal Bihari Vajpayee:** Have you seen the report of the General Manager?

**Shri D. B. Banerjee:** Yes, I have seen it.

**Shri Atal Bihari Vajpayee:** That does not bear out the facts you are stating now.

**Shri D. B. Banerjee:** What meaning is intended by 'directed' I cannot say. I was waiting for the Ticket Collector but in the meantime Mr. Chowdhury came to my office. So, instead of waiting for the Ticket Collector, I told him "Mr. Chowdhury, let us go and check the waiting room". He started going and I followed him and was with him.

**Shri Atal Bihari Vajpayee:** Is it not an afterthought?

**Shri D. B. Banerjee:** No, Sir.

**Shri Atal Bihari Vajpayee:** I would like to know whether it is normal for three railway officials to check a single waiting room.

**Shri D. B. Banerjee:** Normally, one senior ticket collector checks the waiting room. Because this was the case of an honourable visitor, it was done this way. My diary says that waiting rooms are checked every now and then.

**Shri Atal Bihari Vajpayee:** Again, I will have to refer you to the report of the General Manager. According to his report, you directed not only Mr. R. N. Chowdhury, but also Mr. B. D. Singh and Mr. Upkar Singh to check the waiting room. Is it not something unusual? You could have asked one person.

**Shri D. B. Banerjee:** I told my peon to call one official.

**Shri Atal Bihari Vajpayee:** You asked all of them to go to the waiting room.

**Shri D. B. Banerjee:** Not all of them. Myself, Mr. R. N. Chowdhury went in and Mr. B. D. Singh was stopped at the entrance of 1st Class waiting room.

**Shri Atal Bihari Vajpayee:** You went only to see the Member of Parliament; and not the other passenger.

**Shri D. B. Banerjee:** No; we did not go directly to the Member of Parliament. We started checking from one corner.

**Mr. Chairman:** When Mr. Mandal, the waiting room bearer, informed you, or complained to you regarding the identity of a certain passenger and that too, of a Member of Parliament, did it occur to you that you should question him before you proceed personally to verify from the MP concerned?

**Shri D. B. Banerjee:** I asked him, "who told you?" He replied: "one passenger who was nicely dressed; he has now gone down-stairs."

**Mr. Chairman:** Did it occur to you to call that particular complaint, and find out what *locus standi* he had?

**Shri D. B. Banerjee:** No, Sir.

**Shri Atal Bihari Vajpayee:** Should you not have waited?



**Shri D. B. Banerjee:** I did not do that.

**Shri Atal Bihari Vajpayee:** Why was it not done? Without waiting to identify the complainant and without obtaining all the facts from the gentleman, you rushed to the waiting room, to find out whether he was a *bona fide* MP or not.

**Shri D. B. Banerjee:** We had no intention practically to give any inconvenience to any Hon. Member. That is why I checked the matter personally. Normally, we send the ticket collectors. I never thought that I should question the person.

**Shri H. K. L. Bhagat:** Since how long are you at the Asansol railway station?

**Shri D. B. Banerjee:** I am working at Asansol since I was appointed as ticket collector, i.e., since 1944.

**Shri H. K. L. Bhagat:** Now, Mr. Krishna Kant Dutta is the complainant in this case. Did you, at that time, know him? Did you know any man of that name?

**Shri D. B. Banerjee:** No, Sir.

**Shri H. K. L. Bhagat:** Is he a resident of Asansol?

**Shri D. B. Banerjee:** I do not know, Sir.

**Shri H. K. L. Bhagat:** Did you hear about his credentials after the occurrence?

**Shri D. B. Banerjee:** After that event, just in the first week of this month, perhaps one letter from the General Manager came, to find out the position of the case which the police had already started.

**Shri H. K. L. Bhagat:** You said you were particularly cautious because the complaint related to a Member of Parliament. You wanted to be cautious; but, as Mr. Vajpayee pointed out, you did not care to record as to who the complainant was. Did you make the enquiry in the presence of the passengers?

**Shri D. B. Banerjee:** There were 5 or 6 passengers then.

**Shri H. K. L. Bhagat:** My question is simple; and I want you to answer it in a straightforward manner. You got a complaint about a Member of Parliament. First, you told a ticket collector to go and check. You did not care to find out who the complainant was. You did not record his complaint. You did not wait. When you went there, did you talk to the MP in the presence of all the passengers?

**Shri D. B. Banerjee:** Yes, Sir.

**Shri H. K. L. Bhagat:** Why did you talk to him in the presence of all passengers and not call him aside and talk to him? Now,

another question. You saw the identity card and you were satisfied that he was Mr. Saha. You went to the place a second time because the clerk said that the booking was done for a day earlier. You went to the waiting room and repeated the performance.

**Shri D. B. Banerjee:** Yes, Sir.

**Shri H. K. L. Bhagat:** In a matter like this where you did not have a written complaint, you did not know the complainant and his antecedents, and you knew that the complaint related to a Member of Parliament, your going there once and again for a second time, and asking him again and again don't you agree with me that this has certainly caused embarrassment to the Member of Parliament unnecessarily and that you were not sufficiently discreet and that you should feel sorry?

**Shri D. B. Banerjee:** I am really very sorry, Sir.

**Mr. Chairman:** You know you went to Shri Saha and asked for his identity card once or twice—twice I believe. Then were you satisfied that it was a genuine identity card of an MP? Did it occur to you at that stage as to why he (complainant) filed such a complaint when it was known that the Member had with him his identity card?

**Shri D. B. Banerjee:** I did not do it.

**Mr. Chairman:** Why did you not adopt such a course? You know that Shri Dutta, the complainant, had put it in writing about this to the Police Station.

**Shri D. B. Banerjee:** It was only after lunch that I heard that he had made a complaint in writing at the police station. Shri Saha also went to the police station.

**Mr. Chairman:** Did it occur to you that he should question the complainant?

**Shri D. B. Banerjee:** At that time both Mr. Saha and Shri Dutta were not in the station.

**Shri H. N. Mukerjee:** After Shri R. N. Chowdhury, senior travelling ticket checker reported to you—you had yourselves had gone with him, this was a different matter—that Shri Saha had possessed an M.P. identity card with him, you went again to him. You know that he had cancelled an earlier reservation. This is your evidence. After you went to him second-time you again asked him to produce the identity card which had already been inspected.

**Shri D. B. Banerjee:** It is true that I did it for the second time.

**Shri H. N. Mukerjee:** You asked him to produce that in the presence of other people.

**Shri D. B. Banerjee:** For the second-time I asked him to produce the identity card. I wanted to be sure about it. At that time Shri Chowdhury was standing just near me. He showed it to me and I saw it. I gave that to Shri Chowdhury who, in turn, returned it to the M.P. I did not notice the correct number at that time. I saw the card with the Secretary's signature. I think it was dated. The year was 1971. The photograph of Shri Saha was also there. So, I returned it to him.

**Shri H. N. Mukerjee:** When you went again to ascertain as to what had happened to the earlier reservation made by Shri Saha, you asked him again to produce his identity card in the presence of other passengers and other members of the public who were nearby.

**Shri D. B. Banerjee:** That was for the second time.

**Shri H. N. Mukerjee:** Is it your practice to ask a Member of Parliament repeatedly over and over again in the presence of other people to produce his identity card?

**Shri D. B. Banerjee:** It is not a practice. We have great respects to our hon. Members of Parliament. I have been seeing Members of Parliament as also Legislative Assemblies. Whenever I see them I accommodate them and I attend to their journey needs. Waiting room and retiring room are just at the side of my office. I had no such occasion in the past when this sort of thing had taken place. I do not know how this happened on that day.

**Shri H. N. Mukerjee:** You realise that it was improper conduct on your part to ask a Member of Parliament his identity card when it had already been examined. You asked for it in the presence of so many people. You realise that it was improper, impolite and highly derogatory on your part to ask for the card again from the M.P.

**Shri D. B. Banerjee:** I had no intention to insult him or for that matter any passenger. I do not know how it was happened that day. I can only tender my apology for doing so.

**Shri Somnath Chatterjee:** Do you know that an enquiry was held by the First-Class Magistrate at Asansol over this incident.

**Shri D. B. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Were you called before him and did you make any statement in writing?

**Shri D. B. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Were you similarly called before any railway officer who held an inquiry into the matter?

**Shri D. B. Banerjee:** Yes, Sir. Our Divisional Commercial Superintendent and Security Officer called me.

**Shri Somnath Chatterjee:** Did you make a written statement before him

**Shri D. B. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Have you got a copy of the statement?

**Shri D. B. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** What was the actual complaint that was made to you by the waiting room bearer?

**Shri D. B. Banerjee:** The waiting room bearer came and told me that one passenger was complaining that one Shri Saha sitting in the waiting room registered his name as an M.P. in the waiting room register whose identity card was bearing No. 494 was not Shri Saha's card at all. He had not got the card at all.

**Shri Somnath Chatterjee:** Did you ascertain whether the bearer had asked for the card from the M.P.?

**Shri D. B. Banerjee:** He did not ask for it.

**Shri Somnath Chatterjee:** Did you ask how did the bearer come to know that the M.P. did not have any card?

**Shri D. B. Chatterjee:** The bearer produced the register in which the passenger writes his name and the ticket number. The waiting room bearer is not authorised to ask anybody to produce the pass or ticket.

**Shri Somnath Chatterjee:** - You yourself said that the waiting room bearer came to you and told you that the Member of Parliament did not have any card. On the basis of that, you went along with others to the waiting room—as you say now—to make an enquiry. Did you not try to find out how the bearer came to know that the M.P. had not got the identity card?

**Shri D. B. Banerjee:** He told me that one passenger had told him like that. I did not enquire about the passenger. The waiting room bearer came and told me that one passenger had told him that Shri Saha who was waiting in the waiting room had not got his identity card.

**Shri Somnath Chatterjee:** I want to know exactly what was the complaint made to you?

**Shri D. B. Banerjee:** He told me in Hindi. साहब एक पैसेंजर खड़ा है वह बोलता है कि जो वेटिंग रूम में बैठे है मिस्टर साहा वह मिस्टर साहा नहीं है और उसके पास कुछ नहीं है। हमने कहा तुम को कौन बोला ? वह बोला कि एक पैसेंजर बोला। मैंने कहा वह पैसेंजर चला गया ? वह बोला कि हां। मैंने कहा कि कहां गया ? उसने कहा कि उसका पता नहीं है। बस इतना उसने मुझ से कहा।

**Shri Somnath Chatterjee:** Was that sufficient for you to go along with others or making an on the spot investigation?

**Shri D. B. Banerjee:** It was not sufficient. But, I want to him.

**Shri Somnath Chatterjee:** Is it your evidence that you never directed Shri Chowdhury or Shri B. D. Singh?

**Shri D. B. Banerjee:** I directed Shri Chowdhury. I called Shri D. B. Singh another ticket collector. I directed Shri Chowdhury to come along with me and check up that in the waiting room. He started checking. I went along with him.

That was the case.

**Shri Somnath Chatterjee:** You have already been informed that the report of the General Manager does not tally with what you are saying. Do you know that?

**Shri D. B. Banerjee:** I have gone through that report. In that it has been written—I directed definitely—that after the direction I went along with him.

**Shri Somnath Chatterjee:** Is it your point or is it written anywhere in the report that you went along with Shri Chowdhury?

**Shri D. B. Banerjee:** No. Sir.

**Shri Somnath Chatterjee:** After you made that first inspection of the identity card, I take it that you were fully satisfied about the identity of the M.P.

**Shri D. B. Banerjee:** Yes, Sir. At that time I never took so much of time to go through the number etc. I did not get the number directly. But Shri Chowdhury gave that to me. I returned it immediately. Had I seen that number of the identity card (494) as definitely correct, I would not have gone to him second time.

**Shri Somnath Chatterjee:** You did not notice the number. You noticed the photograph.

**Shri D. B. Banerjee:** The photograph and signature of the Secretary.

**Shri Somnath Chatterjee:** You came to know that the holder of the card was one whose photograph was there. You came back. Then there was casual information given to you that Mr. Saha had reservation for a day earlier. What was your purpose for going to him a second time when you are satisfied with the identity?

**Shri D. B. Banerjee:** My intention was to ask from him whether he has gone or not.

**Shri Somnath Chatterjee:** But for that why should you ask for identity card all over again? You could have asked, why there was reservation on such and such day, what happened to that. Why did you ask for identity card all over again and for what purpose?

**Shri D. B. Banerjee:** I made a mistake.

**Shri Somnath Chatterjee:** What mistake?

**Shri D. B. Banerjee:** Asking for the card. But I wanted to ascertain the number 494.

**Shri Somnath Chatterjee:** Why did you ask again?

**Shri D. B. Banerjee:** I am sorry.

**Shri Somnath Chatterjee:** What was your real intention?

**Shri D. B. Banerjee:** Nothing.

**Shri Somnath Chatterjee:** Is it a practice? Is it the practice of head ticket collector of such stations as Asansol station, that even after two ticket collectors had gone and inspected, you again go and inspect the identity card of a Member of Parliament?

**An Hon. Member:** He has no reply.

**Shri Vasant Sathe:** First information was given by the bearer. The bearer produced the register where signatures are made by passengers. Did you first go or did you ask him to bring the register to see that signature and identity card....

**Shri D. B. Banerjee:** I saw it...

**Shri Vasant Sathe:** So, signature and number was already there. Is it your practice that just on the basis of the information of the bearer that such and such gentleman has nothing, you go and make inspection, before satisfying yourself whether the complaint is correct or not?

**Shri D. B. Banerjee:** It is not my practice. At that time complainant was not there.

**Shri Vasant Sathe:** Did you ask him to bring that gentleman?

**Shri D. B. Banerjee:** No.

**Shri Vasant Sathe:** You did not ask him to bring him. Without doing that you asked or directed Shri R. N. Chaudhury, B. D. Singh and Onkar Singh to check the waiting room. This is from the GM's report itself. It says: "On this, the head ticket collector Shri D. B. Banerjee directed TTE Shri Chaudhury and Sarvashri D. B. Singh and Onkar Singh to check the waiting room."

**Shri D. B. Banerjee:** This is correct, I remember.

**Shri Vasant Sathe:** How many such persons are there generally?

**Shri D. B. Banerjee:** 58.

**Shri Vasant Sathe:** They were on duty. You asked 3 ticket collectors to go and check the waiting room. Then you yourself went on top of it. Is it the practice?

**Shri D. B. Banerjee:** It is not my practice.

**Shri Vasant Sathe:** Is it your practice to send three persons to check the waiting room?

**Shri D. B. Banerjee:** No.

**Shri Vasant Sathe:** You sent 3 persons to check the identity card.

**Shri D. B. Banerjee:** We honour Members and we attend them in numbers.

**Shri Vasant Sathe:** Did you go to attend on Mr. Saha?

**Shri D. B. Banerjee:** No, that I cannot say. I wanted to check his ticket.

**Shri Vasant Sathe:** You went there to harass him.

**Shri D. B. Banerjee:** Why should I harass him? I am a Central Government employee. Why should I harass anybody at all? My intention was to honour M.P. There was no intention at all about harassment.

**Shri Vasant Sathe:** You went on the complaint of the bearer to check the identity card. If there was no complaint you would not have done that.

**Shri D. B. Banerjee:** No. Waiting room was already checked.

**Shri Vasant Sathe:** Your object was to go only to Mr. Saha.

**Shri D. B. Banerjee:** Yes.

**Shri Vasant Sathe:** But why did you see the ticket of other persons?

**Shri D. B. Banerjee:** I did not want to give the impression that I was going direct to him. I did not want to go direct to him or hurt him in any way.

**Shri Vasant Sathe:** You wanted to give the impression that in the normal course such checking was done.

**Shri D. B. Banerjee:** So that other passengers may not know what inspection has been directed to one gentleman only.

**Shri Vasant Sathe:** Approximately how many minutes earlier was that checking done? Do you remember?

**Shri D. B. Banerjee:** Before 9-30 checking was done. I knew about it afterwards.

**Shri Vasant Sathe:** Who was that ticket collector?

**Shri D. B. Banerjee:** Shri S. K. Roy, Ticket Collector.

**Shri Vasant Sathe:** Mr. Roy has already checked. Now, did you call him, before going, to ask him whether he had checked and seen the identity card of Mr. Saha?

**Shri D. B. Banerjee:** No, I cannot say because it was checked before I came to my office, that is, before 9.30 he checked it. His duty starts at 6 O'clock.



**Shri Vasant Sathe:** I am not asking about shift. I am asking whether before you proceeded on the complaint of the bearer, you thought it necessary or proper to ask the person on duty whether he had checked the room.

**Shri D. B. Banerjee:** Practically this diary is made out after the completion of each shift. His shift was from 6 to 14 hours.

**Shri Vasant Sathe:** I am not asking the diary.

**Shri D. B. Banerjee:** At that time I did not know who checked it.

**Shri Vasant Sathe:** Did you ask anybody whether he had checked it?

**Shri D. B. Banerjee:** I did not ask.

**Shri H. K. L. Bhagat:** Supposing some senior railway officer is said to be travelling while he is not really a senior railway officer and some passenger tells you that, would you have acted in the same manner—taking a batallion of three people, going there and asking him to produce the identity card, etc.? Would you have acted in this manner? You were going there on the complaint of a waiter and you did not care to find out as to who he was. Would you have acted in the same manner if the complaint did not relate to an MP but related to some senior railway officer whom you do not know personally? Secondly, I want to know whether your regrets are qualified or otherwise.

**Shri D. B. Banerjee:** My regrets are unqualified. I have no intention of offending any hon. Member of Parliament.

**Mr. Chairman:** Have you got anything further to say—other than what you have already said?

**Shri D. B. Banerjee:** I would only add that I regret for what had happened that day. I beg to be excused if I had caused any inconvenience to any hon. Member. Please excuse me if I had done any thing. I apologise for it.

**Shri Vasant Sathe:** Were you approached by your ASM? Did he call you at that time?

**Shri D. B. Banerjee:** He was coming to my office and I was going for my lunch and we met just in the verandah.

**Shri Vasant Sathe:** He asked you about this checking?

**Shri D. B. Banerjee:** He told me "Mr. Banerjee, this gentleman, is an hon. Member of Parliament. He is saying that he has been harassed in the waiting room." At that time, Mr. Ganguly, ASM and myself were present. I asked Mr. Saba, 'Only I have asked your ticket. Did I misbehave in any way?' He said 'You have asked me twice and three times. This is bad.' I said 'I am sorry.'

**Shri Vasant Sathe:** Did the Police Officer of the Thana approach you?

**Shri D. B. Banerjee:** No, Sir.

**Shri Vasant Sathe:** Did he ask whether you made the checking or not?

**Shri D. B. Banerjee:** No, Sir.

**Mr. Chairman:** Were you at any time informed by the Police that a complaint had been lodged and whether you had anything to say on that?

**Shri D. B. Banerjee:** No, Sir.

**Mr. Chairman:** The Police officer never informed you anything about the complaint?

**Shri D. B. Banerjee:** No, Sir.

**Mr. Chairman:** Nor did you think it proper to ask the Police whether they were seized of the matter?

**Shri D. B. Banerjee:** When I came after lunch, it was learnt from some ticket collectors—they were talking with that gentleman, Mr. Dutta and Mr. Saha also went to GRP office.

**Mr. Chairman:** Did the bearer of the waiting room or any of your ticket collectors report to you that Mr. Saha had been taken to the police station, that the passenger sitting in the first class railway compartment about whose identity you had occasion to interfere, had been removed to the Police station?

**Shri D. B. Banerjee:** My ticket collector, Mr. Mukerjee told me after lunch.

**Mr. Chairman:** Not after your lunch, but before your lunch.

**Shri D. B. Banerjee:** No, Sir. Before that occurrence, neither any ticket collector nor the GRPS officials came.

**Mr. Chairman:** After you came from lunch did you verify?

**Shri D. B. Banerjee:** I was going to the ticket collector's office. I never went to the GRPS office.

**Mr. Chairman:** How do you account for your action? When a passenger about whose identity as an MP you have verified was removed to the Police Station, is it not your duty to verify the reason for his removal?

**Shri D. B. Banerjee:** I came to know of it only at 16.30-17.00 hours that he was taken to the Police Station.

**Shri Atal Bihari Vajpayee:** All the time you have been emphasizing that the waiting room was situated near your room.

**Shri D. B. Banerjee:** There was a separating wall.

**Shri Atal Bihari Vajpayee:** Do you mean to say that when a first class passenger was taken away by the Police, you were not informed?

**Shri D. B. Banerjee:** In my office room just at the entrance there is a wooden door and my door is a swingdoor and only two clerks were there.

**Shri Atal Bihari Vajpayee:** The bearer was very anxious to inform you about the complaint of that unknown gentleman. But he did not inform you that the Member of Parliament had been taken away by the Police.

**Shri D. B. Banerjee:** He never told me. I thought my job was over after checking the identity card and I was satisfied.

**Shri Atal Bihari Vajpayee:** Do you know that making false evidence before this committee will be a serious offence?

**Shri D. B. Banerjee:** I know.

**Shri Atal Bihari Vajpayee:** Even then you say that you accompanied the ticket collector in the first instance?

**Shri D. B. Banerjee:** Yes, I accompanied.

**Shri Darbara Singh:** When you came to know it and you had identified the signature as the signature of the Secretary of the Lok Sabha and noticed that that man was the same person as you had seen from the photo, what made you see it again and again without any purpose?

**Shri D. B. Banerjee:** Not again and again, but once again only.

**Shri Darbara Singh:** What made you see it once again? For what purpose?

**Shri D. B. Banerjee:** I wanted to know about the reservation that he had done the day before the previous day.

**Shri Darbara Singh:** The reservation is written on that card. You must have asked him separately for that reservation card. But you did not ask for it, but you only asked for the identity.

**Shri D. B. Banerjee:** I should have done that. I should have asked for that separately.

*(The witness then withdrew)*

**(ii) Evidence of Shri R. N. Chowdhuri, Senior Ticket Collector, Asansol**

*(Witness was called in, he took his seat and took the oath)*

**Mr. Chairman:** You are the travelling ticket examiner at Asansol?

**Shri R. N. Chowdhuri:** Yes.

**Mr. Chairman:** You are still there?

**Shri R. N. Chowdhuri:** Yes.

**Mr. Chairman:** You were there on duty on 29th June, 1972?

**Shri R. N. Chowdhuri:** Yes.

**Shri Vasant Sathe:** On 29th June, 1972, did you have occasion to go to the first class waiting room and see the identity card of Shri A. K. Saha, M.P.?

**Shri R. N. Chowdhuri:** Yes.

**Shri Vasant Sathe:** How did you go there?

**Shri R. N. Chowdhuri:** I had gone to the head ticket collector's office for some purpose, and when he asked me to accompany him to conduct a check in the first class waiting room, I accompanied him along with two other ticket collectors. We entered inside the first class waiting room; only the head ticket collector and myself entered inside, while the other two ticket collectors were outside the waiting room, because the head ticket collector had told them not to enter at the same time and, therefore, they were waiting outside the gate.

We started checking from the left-hand side. After crossing about three or four passengers from the left-hand-side, we approached the hon. Member, and I myself asked for his ticket. He produced his identity card in my hand, and by that time, the head ticket collector had requested me to hand over the said card in his hand, which I did, and the head ticket collector looked after the card.

**Shri Vasant Sathe:** Did you see in the identity card the photograph of the person?

**Shri R. N. Chowdhuri:** Actually, I had a glance at it when the card was in the hands of the head ticket collector, from the side.

**Shri Vasant Sathe:** Were you satisfied with the photo in the identity card? Was it the same as that of the gentleman who was there?

**Shri R. N. Chowdhuri:** Yes.

**Shri Vasant Sathe:** So, you knew that the gentleman who was sitting there was Mr. A. K. Saha, a Member of Parliament.

**Shri R. N. Chowdhuri:** I came to know it from the photograph.

**Shri Vasant Sathe:** You had no occasion to see him before?

**Shri R. N. Chowdhuri:** No.

**Shri Vasant Sathe:** After this inspection, you came out?

**Shri R. N. Chowdhuri:** Yes; just passing the hon. Member, there were two other passengers, as far as I could remember now. I had checked their tickets also. One of them was a pass-holder. While I was returning from the waiting room, with folded hands. I said 'Namaste' before the hon. Member.

**Shri Vasant Sathe:** Did you have any talk with the bearer or waiter in the waiting room?

**Shri R. N. Chowdhuri:** No.

**Shri Vasant Sathe:** When you went to the head ticket collector's room and he asked you to accompany him for a check in the first class waiting room, what did he tell you? Did he tell you the reason for going to the waiting room?

**Shri R. N. Chowdhuri:** Of course, he told me that he was going to check the ticket or pass of an MP and his identity.

**Shri Vasant Sathe:** Did he say why that check was necessary?

**Shri R. N. Chowdhuri:** He asked me to accompany him because we were going to check the first class waiting room where we were to check the pass or identity of an hon. Member of Parliament.

**Shri Vasant Sathe:** Did he tell you that there was a complaint that a person who claimed to be an MP was sitting in the First Class waiting room and that 'let us go and check it.'? Did he tell you that?

**Shri R. N. Chowdhuri:** He simply told me, 'You come along with me and you are to conduct a check in the first class waiting room where you have to check the pass of an M.P.' This much he told me.

**Shri Vasant Sathe:** Along with you he had also called two other TCs. You just now said that two other TCs, Shri B. D. Singh and Onkar Singh were also called. Is it correct?

**Shri R. N. Chowdhuri:** They were Shri B. D. Singh and Shri Upkar Singh.

**Shri Vasant Sathe:** Who asked them to come along?

**Shri R. N. Chowdhuri:** That I cannot say. Actually, as to who asked them to come along. I cannot tell. As I entered the ATC's office...

**Shri Vasant Sathe:** I am not asking about your entry. I am asking about going. You four want. Who asked the four to come along? Did you or did you not ask?

**Shri R. N. Chowdhuri:** I did not ask. About HTC, I do not know.

**Shri Vasant Sathe:** Did you meet during that day Shri K. K. Dutta who had made a complaint in writing to the Police and who was the person who had also made a complaint about the identity of Mr. Saha not being the genuine Saha? Did you see him that day at the residence?

**Shri R. N. Chowdhuri:** No, Sir. Since that day, uptill now, I do not know who Mr. K. K. Dutta is.

**Shri Vasant Sathe:** How long were you there at the railway station after you completed the check?

**Shri R. N. Chowdhuri:** It took about 3-4 minutes. I came back from the waiting room, entered the HTC office and I was there for about 3-4 minutes and then I left the place and then again I returned, as far as I remember, after 16 hours, that is, after the Sealdah-Pathankot Express had left.

**Shri Vasant Sathe:** For where did you leave?

**Shri R. N. Chowdhuri:** For my duty.

**Shri Vasant Sathe:** Where was your duty?

**Shri R. N. Chowdhuri:** Actually I am a TTE and I have been given open programme by the administration for good performance. So, I have no fixed programme. So, I find a suitable train for myself and work there. That day also for that purpose I left the office and went out on some train.

**Shri Vasant Sathe:** Where did you go? Which train?

**Shri R. N. Chowdhuri:** Perhaps I checked the Down Toofan Express.

**Shri Vasant Sathe:** You are not sure?

**Shri R. N. Chowdhuri:** As far as I remember, it was Down Toofan Express. That is 8 Dn.

**Shri Vasant Sathe:** Where was that Toofan Express?

**Shri R. N. Chowdhuri:** In No. 4 Platform.

**Shri Vasant Sathe:** Did you go along with the train anywhere or on the station itself?

**Shri R. N. Chowdhuri:** I did not leave the station.

**Shri Vasant Sathe:** So you did not leave Asansol railway station after your checking the First Class waiting room and for nearly two hours you were at the railway station checking some other trains?

**Shri R. N. Chowdhuri:** Yes, Sir.

**Shri Vasant Sathe:** After this check, did you hear from any other ticket collector or any other person in the entire railway station that this Mr Saha was taken to the Police station by two constables and all that?

**Shri R. N. Chowdhuri:** Yes, Sir.

**Shri Vasant Sathe:** Who told you that?

**Shri R. N. Chowdhuri:** After the Sealdah-Pathankot Express, when I came to my office, I heard that some trouble was between one gentleman, with that of an hon. Member of Parliament and he was taken to the GRPS. I heard that.

**Shri Vasant Sathe:** What time had passed between your check and this information that you received?

**Shri R. N. Chowdhuri:** My checking was at 12.30 hours and then I came to my office and I heard this at 16.00 hours.

**Shri Vasant Sathe:** So in between you were checking other trains. On which platform is this HTC's office?

**Shri R. N. Chowdhuri:** The HTC's office and the waiting room are upstairs and all the platforms are downstairs.

**Shri Vasant Sathe:** On which platform is the office?

**Shri R. N. Chowdhuri:** Just on platform No. 4 and 5, just on the upstairs.

**Shri Vasant Sathe:** Waiting room is also there?

**Shri R. N. Chowdhuri:** Just on my office side.

**Shri Vasant Sathe:** On which platform is the police station?

**Shri R. N. Chowdhuri:** Just on the ground floor—of No. 4 platform.

**Shri Vasant Sathe:** You said just now that there was some trouble going on about police coming and all that. What was that trouble?

**Shri R. N. Chowdhuri:** I said that there was some trouble, with one passenger, by named, Krishna Kanta Dutta and on his complaint one hon. Member was taken to the GRPS.

**Shri Vasant Sathe:** But no police officer or constable asked you about this check that you had made that day?

**Shri R. N. Chowdhuri:** No, Sir.

**Mr. Chairman:** Did you report or did you give any information to Mr. D. B. Banerjee, the Head Ticket Collector, about the trouble that you mentioned?

**Shri R. N. Chowdhuri:** No, Sir.

**Mr. Chairman:** You did not meet him after that?

**Shri R. N. Chowdhuri:** I met him.

**Mr. Chairman:** When?

**Shri R. N. Chowdhuri:** The same day after the Sealdah-Pathankot Express when I came to my office. The ATC was there in the office.

**Shri H. K. L. Bhagat:** You said that you went to the waiting room to check.

**Shri R. N. Chowdhury:** It was about 3-4 minutes; it hardly took that.

**Shri H. K. L. Bhagat:** You did not return to the waiting room?

**Shri R. N. Chowdhury:** Never.

**Shri H. K. L. Bhagat:** What is the distance of the police station from the place where you had gone, GRPS?

**Shri R. N. Chowdhury:** 200—300 yards.

**Shri H. K. L. Bhagat:** You went to which platform number?

**Shri R. N. Chowdhury:** 4.

**Shri H. K. L. Bhagat:** The police station is at the same side.

**Shri R. N. Chowdhury:** Yes.

**Shri H. K. L. Bhagat:** You asked the MP in the presence of passengers whether he had an identity card?

**Shri R. N. Chowdhury:** I simply asked for his ticket. There were four or five other passengers.

**Shri H. K. L. Bhagat:** You made the enquiry in their presence?



**Shri R. N. Chowdhury:** I enquired nothing. I simply asked for his ticket.

**Shri H. K. L. Bhagat:** You asked for the ticket in the presence of four people and he gave the identity card to you. Did you note down the number of the identity card?

**Shri R. N. Chowdhury:** He handed over the identity card to me and it was transferred to the Head TC.

**Shri H. K. L. Bhagat:** Before you transferred it to the Head TC, did you see the number of the card, photo etc?

**Shri R. N. Chowdhury:** I had no chance to see.

**Shri H. K. L. Bhagat:** Not even the photo?

**Shri R. N. Chowdhury:** No. Till then I had no chance to see.

**Shri H. K. L. Bhagat:** You just got the identity card and handed it over to the Head TC.

**Shri R. N. Chowdhury:** Yes.

**Shri H. K. L. Bhagat:** Both of you have come together to give evidence.

**Shri R. N. Chowdhury:** Yes.

**Shri H. K. L. Bhagat:** Did you discuss about this?

**Shri R. N. Chowdhury:** Of course, there was a little bit of conversation. How can I deny it?

**Shri H. K. L. Bhagat:** Were you called to the police station for enquiry in connection with this and did anyone record your statement?

**Shri R. N. Chowdhury:** There were only two enquiries.

**Shri H. K. L. Bhagat:** You made a statement to the police.

**Shri R. N. Chowdhury:** Some of them asked for my statement; some said 'you need not give a statement'; they simply asked some questions.

**Shri H. K. L. Bhagat:** Have you seen earlier statements before the police or the railway officers before coming to give evidence here?

**Shri R. N. Chowdhury:** Not all the papers?

**Shri H. K. L. Bhagat:** But some papers?

**Shri R. N. Chowdhury:** Some papers. Our divisional commercial officer called us once and showed us a few reports.

**Shri H. K. L. Bhagat:** Have both of you brought those papers with you?

**Shri R. N. Chowdhury:** I have no papers with me.

**Shri H. K. L. Bhagat:** Are they with the Head TC?

**Shri R. N. Chowdhury:** May be.

**Shri H. K. L. Bhagat:** Is it within your knowledge or not, that some papers have been brought here?

**Shri R. N. Chowdhury:** Actually, after leaving Asansol, whatever we had was a verbal discussion, not over any papers.

**Shri H. K. L. Bhagat:** Is it within your knowledge or not that some papers relating to this matter were seen by both of you and have been brought here?

**Shri R. N. Chowdhury:** Some exercise book or some waiting room register or something like that was brought.

**Shri H. K. L. Bhagat:** Apart from that, some statements which you may have given earlier?

**Shri R. N. Chowdhury:** Yes. Everything is lying with the Head TC—what he has brought. I have seen some exercise book with him. That is all.

**Shri Atal Bihari Vajpayee:** Is it usual or normal for the Head TC to check the first class waiting room or is it normally done by the Ticket Collector?

**Shri R. N. Chowdhury:** Normally it is done by the Ticket Collector.

**Shri Atal Bihari Vajpayee:** But on that particular day, it was done by the Head TC. Why?

**Shri R. N. Chowdhury:** I think it was because it was the case of an MP. So he himself went with us.

**Shri Atal Bihari Vajpayee:** When you were asked by the Head TC to come to the first class waiting room and to check the identity of an MP, did you not tell him that you would go by yourself and he need not come?

**Shri R. N. Chowdhury:** No. I did not request him like that.

**Shri Atal Bihari Vajpayee:** Why not?

**Shri R. N. Chowdhury:** The Head TC himself asked me to follow him and conduct the check there. So how could I ask him 'You need not come; I will go myself'?

**Shri Atal Bihari Vajpayee:** Don't you do it yourself? You could have told him 'I will go and find out whether he is an MP or not'. Is it something unusual or extraordinary?

**Shri R. N. Chowdhury:** Usually we TTEs do not go to check the first class waiting rooms.

**Shri Atal Bihari Vajpayee:** You are contradicting yourself.

**Shri R. N. Chowdhury:** We are to check the tickets of passengers in the platform or in the trains.

**Shri Atal Bihari Vajpayee:** Who does the checking of first class passengers waiting in the first class waiting room?

**Shri R. N. Chowdhury:** Ticket Collector.

**Shri Atal Bihari Vajpayee:** Not the Head TC.

**Shri R. N. Chowdhury:** The Head TC is to supervise everything. Usually in every shift, there is one. Waiting room is checked by the Ticket Collector.

**Shri Atal Bihari Vajpayee:** You said you normally do not check passengers in waiting rooms.

**Shri R. N. Chowdhury:** I said about myself; I am a TTE.

**Shri Atal Bihari Vajpayee:** Why were you called by the Head TC?

**Shri R. N. Chowdhury:** He found me on the spot. I was alone. When I entered, there was no other senior TTE. When he found me, he told me 'Chowdhury, you are to accompany me. I am going to check the first class waiting room right now; you are to see the identity card of an MP'.

**Mr. Chairman:** Does your duty extend to checking tickets in the waiting room? For that purpose, the Head TC should have called the ticket collector who might be there.

**Shri Atal Bihari Vajpayee:** Were you called by the Head TC or you just happened to be there?

**Shri R. N. Chowdhury:** I just happened to be there.

**Shri Atal Bihari Vajpayee:** 'You were not called?'

**Shri R. N. Chowdhury:** Never. Incidentally, I went to the office at about 12.30 or 12.35 for some work. The Head TC asked me 'Please come along. You are the senior man. Better you come with me'. He asked two other ticket collectors to stay outside the waiting room.

**Shri Atal Bihari Vajpayee:** Was it necessary for the Head TC to ask you to accompany him? Could he not have gone himself?

**Shri R. N. Chowdhury:** How can I answer it?

**Shri Atal Bihari Vajpayee:** You cannot answer?

**Shri R. N. Chowdhury:** The Head TC is our overall supervisor. What he says I am duty bound to follow.

**Shri Atal Bihari Vajpayee:** You followed him or he followed you?

**Shri R. N. Chowdhury:** I followed him.

**Shri Atal Bihari Vajpayee:** You agree that the Head TC should go and check the tickets of first class passengers in the waiting room.

**Shri R. N. Chowdhury:** I said that because it was a question of an MP the Head TC had not sent for an ordinary TC to conduct the check. Therefore, he himself asked me to accompany him to make the check.

**Shri Atal Bihari Vajpayee:** He could gone by himself. If it was an MP, where was the necessity of getting a battalion of TCs to the waiting room?

**Shri R. N. Chowdhury:** We were only two inside the waiting room.

**Shri A. B. Vajpayee:** Two were waiting outside?

**Shri R. N. Chowdhury:** The Head ticket examiner told them not to enter the waiting room; he asked me to accompany him only. I accompanied him.

**Shri A. B. Vajpayee:** Before the HTC went and examined the tickets of first-class passengers, the ticket collector had already gone there and checked the identity card of Mr. Saha?

**Shri R. N. Chowdhury:** I do not know.

**Shri A. B. Vajpayee:** Who were the persons waiting outside?

**Shri R. N. Chowdhury:** Shri Vasdeo Singh and Upkar Singh.

**Shri H. N. Mukerjee:** Both of you had examined the identity card of the Member of Parliament in the presence of other people. The HTC and yourself, both of you, examined the card one after the other or together?

**Shri R. N. Chowdhury:** Together.

**Shri H. N. Mukerjee:** Is it the practice for two officers at the same time to go and ask the passengers to produce the card and examine it? It is not normal. There were two ticket collectors outside; you and your head ticket collector went inside and examined the identity card of a Member of Parliament; you all crowded together and created a kind of commotion in the presence of a large number of people.

**Shri R. N. Chowdhury:** No. Let me explain the position of the waiting room. One big cushion is there where can seat comfortably three or four passengers; around the central table also four persons could sit; there are other types of chairs where three or four passengers could sit. I started checking from the left hand side; we did not approach the hon. Member directly. We felt that if we went to him directly leaving aside all the other passengers, he would be annoyed.

**Shri A. B. Vajpayee:** In order to avoid annoyance, you enacted a drama of checking other passengers also? Don't you see that you are making contradictory statements? You say that you were accompanied by the head ticket collector because a Member of Parliament was involved; but when you reached the waiting room you did not approach the Member in a straightforward manner.

**Shri R. N. Chowdhury:** I explained that I did not approach him directly because that might annoy him.

**Shri H. N. Mukerjee:** You were keen not to annoy the hon. Member. When you checked the card, did you apologise to the Member of Parliament for having asked for his card in that manner?

**Shri R. N. Chowdhury:** When I returned after completing the check, I folded my hands and spoke in Bengali: Namaskar

**Shri H. N. Mukerjee:** Did you see your superior also apologising to him in that way? Do you remember?

**Shri R. N. Chowdhury:** He also saluted him.

**Shri H. N. Mukerjee:** Do you realise that you had behaved with the hon. Member in a manner which was entirely unworthy?

**Shri R. N. Chowdhury:** I simply asked for his ticket. The HTC was standing by me. *If I have in any way annoyed him I must apologise.*

**Shri Somnath Chatterjee:** When did you become travelling ticket checker?

**Shri R. N. Chowdhury:** In 1961.

**Shri Somnath Chatterjee:** Since when you are senior travelling ticket checker? Is it a higher post?

**Shri R. N. Chowdhury:** They are higher posts; but I am not in the higher post. However, since I am working as a TTC from 1961, I am called senior TTC.

**Shri Somnath Chatterjee:** I take it that it is not the duty of the TTC to inspect tickets in waiting rooms?

**Shri R. N. Chowdhury:** Usually it is not the duty. But the HTC can utilise me if he wants to do so.

**Shri Somnath Chatterjee:** On that day, you were asked to do the unusual duty?

**Shri R. N. Chowdhury:** Yes, Sir.

**Shri Somnath Chatterjee:** Shri B. D. Singh and Upkar Singh ticket collectors, were present at that time?

**Shri R. N. Chowdhury:** Yes, Sir.

**Shri Somnath Chatterjee:** In your experience have you ever seen four ticket collectors or checkers including one senior ticket checker and a head ticket collector going in a procession to check the tickets of three or four passengers sitting in a waiting room?

**Shri R. N. Chowdhury:** Sometimes we do like that to do special checks on platforms.

**Shri Somnath Chatterjee:** This was not a special check?

**Shri R. N. Chowdhury:** No, Sir.

**Shri Somnath Chatterjee:** Therefore it is a unique case, a unique occasion, when four persons left the ticket collector's room for the purpose of checking four or five passengers sitting in the waiting room.

**Shri R. N. Chowdhury:** The Head TC asked me to accompany him to check the tickets, and the other two ticket collectors were not allowed to enter the waiting room.

**Shri Somnath Chatterjee:** You said you made a statement before the executive magistrate who held an inquiry into this matter.

**Shri R. N. Chowdhury:** I had been to his place and he asked me two or three questions. After hearing everything he told me that I need not make a statement in writing.

**Shri Somnath Chatterjee:** Did you make a statement in writing before the railway officer who held the inquiry?

**Shri R. N. Chowdhury:** Yes, Sir.

**Shri Somnath Chatterjee:** Have you got a copy of that statement with you?

**Shri R. N. Chowdhury:** No, Sir.

**Shri Somnath Chatterjee:** Have you seen the report of the Magistrate of Asansol?

**Shri R. N. Chowdhury:** No, Sir.

**Shri Somnath Chatterjee:** Did you see the report of the General Manager?

**Shri R. N. Chowdhury:** No, Sir. I have seen the report of the senior DGMP.

**Shri Somnath Chatterjee:** Do you know that the General Manager, Eastern Railways, sent a report with regard to this incident?

**Shri R. N. Chowdhury:** I do not know.

**Shri Somnath Chatterjee:** I am reading out to you a portion of the report submitted by the Executive Magistrate who held the inquiry:

“The Head TC sent Shri R. N. Chowdhury, Senior Ticket Checker and Shri B. D. Singh to check the tickets of the passengers in the first class waiting room. After a while Shri Chowdhury came back and reported that all the passengers in the waiting room were genuine first class passengers with tickets except two ladies who accompanied Shri Saha.”

**Shri R. N. Chowdhury:** What I said earlier was that the two ticket checkers were not in the waiting room. That is correct.

**Shri Somnath Chatterjee:** Why were these persons asked to wait outside the first class waiting room?

**Shri R. N. Chowdhury:** The Head TC ordered like that.

**Shri Somnath Chatterjee:** Can you yourself give an explanation for such an unusual step being taken of two ticket collectors being inside and two waiting outside?

**Shri R. N. Chowdhury:** No, I cannot give an answer.

**Shri Somnath Chatterjee:** So, it cannot be explained; you cannot give any explanation.

**Shri R. N. Chowdhury:** I obeyed the orders of the HTC.

**Shri Vasant Sathe:** When you along with the Head TC asked for the tickets did Shri Saha protest and ask you or the Head TC as to why his identity card is being asked for?

**Shri R. N. Chowdhury:** When I asked for the ticket from the hon. Member, he did not say anything. He simply looked at my face and produced his identity card.

**Shri Vasant Sathe:** Did he not say that you are asking for this again because the tickets have already been checked?

**Shri R. N. Chowdhury:** When I went there that was the first time that the ticket was checked.

**Shri Vasant Sathe:** Were you not aware that already an hour or so earlier the checking was done?

**Shri R. N. Chowdhury:** No, Sir. Shri Saha also did not explain it that way.

**Shri Vasant Sathe:** Did any passenger in the waiting room object to your coming in and checking their tickets and passes again?

**Shri R. N. Chowdhury:** No, Sir. There was no protest from anybody.

**Mr. Chairman:** Would you like to say anything more than what you have said?

**Shri R. N. Chowdhury:** If I have in any way hurt the feelings of the hon. Member of Parliament, I beg to apologize for that.

**Shri Atal Bihari Vajpayee:** Why so many "ifs" and "buts" in the apology?

**Shri R. N. Chowdhury:** I want to check the tickets only once, and not twice, and there I have followed only the order of my superior. If in the process I have caused any inconvenience to the hon. Member, I may be excused.

**Mr. Chairman:** You may withdraw from the Committee for the time being. We will call for you again.

*(The witness then withdrew)*

*(The Committee then adjourned to meet again at 15.00 hours).*

*(The Committee re-assembled after Lunch at 15.10 hours)*



**(iii) Evidence of Shri B. D. Singh, Ticket Collector, Asansol**

*(Witness was called in and he took his seat and then took his oath)*

**Mr. Chairman:** You are a ticket collector at Asansol station?

**Shri B. D. Singh:** Yes.

**Mr. Chairman:** Were you on duty on 29th June, 1972?

**Shri B. D. Singh:** Yes, I was on duty from 0600 hours to 1400 hours.

**Mr. Chairman:** Are you still there?

**Shri B. D. Singh:** I am still there, as junior enquiry clerk.

**Shri Atal Bihari Vajpayee:** Have you been demoted or promoted?

**Shri B. D. Singh:** I have been promoted as junior enquiry clerk.

**Shri Somnath Chatterjee:** Do you remember that on 29th June, 1972, at Asansol station, there was an occasion for checking the identity card of Mr. A. K. Saha, M.P.?

**Shri B. D. Singh:** At about 12.30 hours on 29th June, 1972, I was summoned by the head ticket collector for checking the first class waiting room.

**Shri Somnath Chatterjee:** Why had you to be summoned? Where were you then?

**Shri B. D. Singh:** I was in the ticket collectors' office downstairs, whereas the head ticket collector's office is upstairs quite adjacent to the first class waiting room.

**Shri Somnath Chatterjee:** Were you the only person so summoned?

**Shri B. D. Singh:** I cannot say, but the peon came and informed me that I was required by the head ticket collector for checking the first class waiting room. Then, I proceeded towards the head ticket collector's office which is upstairs. On my arrival, I learnt that the head ticket collector had already gone to the first class waiting room. From there, I proceeded towards the first class waiting room which was quite adjacent to the head ticket collector's office. When I reached at the gate, that is, the entrance gate at the first class waiting room, I saw that the head ticket collector was already conducting the check of the first class waiting room by one Shri R. N. Chowdhury, travelling ticket examiner. I remained there for a while, for about two minutes and from there, I returned back downstairs to my own office.

**Shri Somnath Chatterjee:** When you reached there, the head ticket collector had already entered the first class waiting room and he was already conducting the checking by Shri R. N. Chowdhury. You did not meet him?

**Shri B. D. Singh:** No.

**Shri Somnath Chatterjee:** Why not? You were asked to meet him?

**Shri B. D. Singh:** I was asked to go to him, but when I reached at the gate, I was just stopped by the head ticket collector by a show of his hand.

**Shri Somnath Chatterjee:** Which other member of the railway staff was there?

**Shri B. D. Singh:** Later on, after one or two minutes, one more ticket collector, Shri Upkar Singh happened to go there just at the entrance gate.

**Shri Somnath Chatterjee:** He was also summoned by the head ticket collector?

**Shri B. D. Singh:** I cannot say.

**Shri Somnath Chatterjee:** Then, what did you do?

**Shri B. D. Singh:** From there, I returned back to my ticket collector's office to perform my normal duties.

**Shri Somnath Chatterjee:** Did you take the permission of the head ticket collector before you went back to your office?

**Shri B. D. Singh:** When he came out, I was just standing before the head ticket collector's office, and as far as I remember, there were only seven or eight passengers in the first class waiting room, and I think it took hardly three or four minutes to check the first class waiting room. Then, the moment he came out, he directed me to attend to my normal duties.

**Shri Somnath Chatterjee:** Apart from this, you do not know anything about the matter which they were investigating?

**Shri B. D. Singh:** So far as I could remember, I cannot throw any light on what they did in the first class waiting room, because while standing at the gate, I could not ascertain anything. Nothing remarkable was noted by me. Shri R. N. Chowdhuri was checking the tickets from the passengers, and they were producing their tickets voluntarily, and the head ticket collector was keenly observing him. This much I observed, and then I returned back; I waited for a while before the head ticket collector's chamber

which is quite adjacent to the first class waiting room and with the permission or direction of the head ticket collector, I proceeded towards my ticket collector's office downstairs.

**Shri Somnath Chatterjee:** How long have you been ticket collector?

**Shri B. D. Singh:** I was appointed on 15th August, 1958.

**Shri Somnath Chatterjee:** Whose duty was it to check the tickets of first class waiting room passengers?

**Shri B. D. Singh:** The duty of checking the first class waiting room is allotted to a particular ticket collector daily.

**Shri Somnath Chatterjee:** Who was that ticket collector at Asansol railway station who was allotted this duty?

**Shri B. D. Singh:** On different dates, different ticket collectors are allotted these duties.

**Shri Somnath Chatterjee:** Do I take it to be your evidence that Shri R. N. Chowdhuri's work was not to check the tickets of the passengers in the first class waiting room?

**Shri B. D. Singh:** No, it is not the usual duty of a travelling ticket examiner to check the first class waiting rooms.

**Shri Somnath Chatterjee:** Now was it yours, and you were never asked to do this job?

**Shri B. D. Singh:** So many times, I had checked the first class waiting room. On that particular date, however, I was not allotted the duty of checking the first class waiting room.

**Shri Somnath Chatterjee:** Nor was Shri Upkar Singh given that duty?

**Shri B. D. Singh:** No, he was also not given that duty.

**Shri Somnath Chatterjee:** So, according to you, when you came there, you found two persons who were not usually doing this duty present there and checking the tickets? Is this correct?

**Shri B. D. Singh:** No, Sir. Only tickets were checked by Shri R. N. Chowdhuri under the direct supervision of the Head Ticket Collector. I did not enter the room.

**Shri Somnath Chatterjee:** Did you try to find out why persons, who usually did not do checking, were conducting the check on that day in the first class waiting room? Am I right that this was something unusual?

**Shri B. D. Singh:** Yes, Sir.

**Shri Somnath Chatterjee:** You were not authorised to do that checking either.

**Shri B. D. Singh:** I was not given that duty.

**Shri Somnath Chatterjee:** For how long was this checking going on?

**Shri B. D. Singh:** So far as I remember, I remained there for a while, and I think to check the tickets of 7-8 passengers is a matter of 4-5 minutes.

**Shri Somnath Chatterjee:** I am not interested in your guess work. How long did it actually take?

**Shri B. D. Singh:** It depends upon the capacity of the Ticket Collector.

**Shri Somnath Chatterjee:** How long did it take on that particular date and occasion?

**Shri B. D. Singh:** I cannot say; I was not there from the beginning to the end.

**Shri Somnath Chatterjee:** Did you ask the Head Ticket Collector, why he had summoned you for this purpose?

**Shri B. D. Singh:** I did not dare ask my immediate boss. The peon informed me that I had been summoned to check the first class waiting room.

**Shri Somnath Chatterjee:** Did you ask Shri R. N. Chowdhuri?

**Shri B. D. Singh:** No, Sir.

**Shri Somnath Chatterjee:** Did you ask anybody?

**Shri B. D. Singh:** I did not.

**Shri Somnath Chatterjee:** You had no curiosity to find out why you have been summoned?

**Shri B. D. Singh:** After a lapse of about 40 to 50 minutes, I came to know that one Mr. K. K. Dutta had lodged a complaint regarding the genuineness of Shri A. K. Saha, M.P., for which a check was arranged.

**Shri Somnath Chatterjee:** Who mentioned the name of Dutta?

**Shri B. D. Singh:** This was being discussed in the Ticket Collectors' office.

**Shri Somnath Chatterjee:** Do you know, who was this K. K. Dutta?

**Shri B. D. Singh:** I do not know.

**Shri Somnath Chatterjee:** Did you try to find out who he was?

**Shri B. D. Singh:** It was being mentioned that this gentleman hails from Bankura district.

**Shri Somnath Chatterjee:** When the discussion was going on in the Ticket Collectors' Office, you were there throughout.

**Shri B. D. Singh:** I was not sitting for 40—50 minutes in the ticket Collector's office. But it was mentioned there that some gentleman had complained against the genuineness of the identity of the hon. Member of Parliament, for which the check was arranged.

**Shri Somnath Chatterjee:** And there the name of K. K. Dutta was mentioned at that time.

**Shri B. D. Singh:** Yes, Sir.

**Shri Somnath Chatterjee:** The Head Ticket Collector must have known this.

**Shri B. D. Singh:** I do not know, Sir.

**Shri Somnath Chatterjee:** What is the name of the peon, who came to call you?

**Shri B. D. Singh:** Manmath Nath; he is peon in the Ticket Collectors' Office.

**Shri Somnath Chatterjee:** Do you know Sukhdev Mandal?

**Shri B. D. Singh:** He is bearer of the first class waiting room.

**Shri Somnath Chatterjee:** Can you give any explanation why on that particular date, you would be asked to do something which you usually are not expected to do?

**Shri B. D. Singh:** On the call of the Head Ticket Collector, I went there.

**Shri Somnath Chatterjee:** Can you give any explanation for this?

**Shri B. D. Singh:** I cannot say, why the Head Ticket Collector called me for checking the first class waiting room. I got acquainted with the facts of this case later on.

**Shri Somnath Chatterjee:** That means, you cannot give any explanation for this unusual thing.

**Shri B. D. Singh:** I cannot give, Sir.

**Shri Somnath Chatterjee:** Was this not unusual?

**Shri B. D. Singh:** Definitely it was unusual.

**Shri Atal Bihari Vajpayee:** You say that you were summoned by the Head Ticket Collector and when you reached his office, he had already left for the first class waiting room, and then you also reached there. You say, that you did not enter the waiting room.

**Shri B. D. Singh:** Yes, Sir. I waited at the entrance gate.

**Shri Atal Bihari Vajpayee:** You did not wait even for the instructions from the Head Ticket Collector. You came away from there without being permitted by the Head Ticket Collector?

**Shri B. D. Singh:** I was stopped rather by the Head Ticket Collector at the entrance gate of first class waiting room by movement of his hand. I, went thereafter to the office of the Head Ticket Collector, which is adjacent to the first class waiting room.

**Shri Atal Bihari Vajpayee:** Who accompanied you, when you went to the Head Ticket Collector's office?

**Shri B. D. Singh:** I was alone.

**Shri Atal Bihari Vajpayee:** Did you know that some other railway officials have also been called by the Head Ticket Collector?

**Shri B. D. Singh:** I was not aware.

**Shri Atal Bihari Vajpayee:** You want us to believe that you did not know, which other colleagues of yours were called by the Head Ticket Collector.

**Shri B. D. Singh:** I cannot say. I came a bit later. Shri Upkar Singh also happened to come.

**Shri Atal Bihari Vajpayee:** Where was he before?

**Shri B. D. Singh:** I cannot say. I do not remember, whether he was on the platform or in the Ticket Collectors' office, but he also came.

**Shri Atal Bihari Vajpayee:** Had Head Ticket Collector called him also?

**Shri B. D. Singh:** I cannot say.

**Shri Atal Bihari Vajpayee:** Did you talk to Mr. Upkar Singh?

**Shri B. D. Singh:** I did not talk to him.

**Shri H. K. L. Bhagat:** Was the door of the waiting room open?

**Shri B. D. Singh:** Yes, it was open when I reached there.

**Shri H. K. L. Bhagat:** And the distance between you and the Ticket Collectors and the passengers sitting there was about a few feet?

**Shri B. D. Singh:** It was a little distance.

**Shri H. K. L. Bhagat:** You said that you saw them asking for tickets from four or five passengers?

**Shri B. D. Singh:** Yes, Sir.

**Shri H. K. L. Bhagat:** So you saw them asking for tickets and the passengers giving them the tickets. Did you hear any conversation?

**Shri B. D. Singh:** No, Sir, I did not hear any conversation.

**Shri H. K. L. Bhagat:** You said that you stood there and saw the passengers giving them the tickets. You said they were voluntarily giving the tickets. How did you know they were giving the tickets voluntarily? Was there any conversation passing on between the passengers?

**Shri B. D. Singh:** They were voluntarily producing the tickets except that at one place I saw that one passenger was talking to the Head Ticket Collector.

**Shri H. K. L. Bhagat:** You did not know what he was talking?

**Shri B. D. Singh:** No, Sir.

**Shri H. K. L. Bhagat:** Was he talking loudly?

**Shri B. D. Singh:** No, Sir, he was talking slowly.

**Shri H. K. L. Bhagat:** Then how did you know he was talking? It means you heard something; or you just saw the movement of the mouth?

**Shri B. D. Singh:** I could not hear anything.

**Shri H. K. L. Bhagat:** You can say he was talking but you do not know what he was talking?

**Shri B. D. Singh:** No, Sir, I cannot say what he was talking.

**Shri H. K. L. Bhagat:** And the others did not talk at all?

**Shri B. D. Singh:** No, Sir.

**Shri H. K. L. Bhagat:** You were standing alone there at the gate? You said you stood for two minutes and the Head Ticket Collector came and then you left. He asked you to go and you left?

**Shri B. D. Singh:** I returned back and stood by the door...

**Shri H. K. L. Bhagat:** So you did not know what it was all about and who was checked? You did not hear anything?

**Shri B. D. Singh:** I did not dare to ask the Head Ticket Collector. He is my boss and he was himself conducting the check.

**Shri H. K. L. Bhagat:** But nobody said anything? You really did not know what was happening?

**Shri B. D. Singh:** No, Sir.

**Shri H. K. L. Bhagat:** You said you went back to your room. Then, that day you heard nothing?

**Shri B. D. Singh:** After a long time, about 40 minutes later, after the Hon. Member left, it was being discussed in the Ticket Collectors office.

**Shri H. K. L. Bhagat:** What was being discussed?

**Shri B. D. Singh:** That a check was conducted by the Head Ticket Collector himself because there was a complaint from one passenger Mr. Datta regarding the genuineness of the Hon. Member. I also heard that the same passenger approached the Thana also and the Hon. Member was taken to the Thana also and he was let off from there.

**Shri H. K. L. Bhagat:** That was approximately 40 minutes afterwards?

**Shri B. D. Singh:** After the departure of the train.

**Shri H. K. L. Bhagat:** How do you say that it was approximately 40 minutes later, after such a long time?

**Shri B. D. Singh:** Because it was about 12.30 when we were called.

**Shri H. K. L. Bhagat:** Since how long have you been there at the Railway Station—for how many years?

**Shri B. D. Singh:** I am going to complete 15 years.

**Shri H. K. L. Bhagat:** For how many years were you posted at that Station?

**Shri B. D. Singh:** From 15th August, 1958 I was there.

**Shri H. K. L. Bhagat:** Did you know the name of the person who made the complaint, 40 minutes later?

**Shri B. D. Singh:** Yes, Sir.

**Shri H. K. L. Bhagat:** What was the name?

**Shri B. D. Singh:** K. K. Dutta.

**Shri H. K. L. Bhagat:** That was mentioned 40 minutes later?

**Shri B. D. Singh:** Yes, Sir.



**Shri H. K. L. Bhagat:** You knew that Dutta before?

**Shri B. D. Singh:** No, Sir.

**Mr. Chairman:** When you entered the 1st Class waiting room, how many persons were there?

**Shri B. D. Singh:** I did not enter the door but was on the threshold.

**Mr. Chairman:** You said you did not go in but just peeped in?

**Shri B. D. Singh:** Yes. About six to seven passengers were there.

**Mr. Chairman:** When you peeped into the room you said Mr. Chowdhury and the Head Ticket Collector were there. What were they exactly doing?

**Shri B. D. Singh:** Mr. Chowdhury was asking for the tickets from the passengers and the Head TC was standing by the side. The passengers were producing the tickets.

**Shri Somnath Chatterjee:** Do you know whether any inquiry into this matter was held by the high Railway authorities?

**Shri B. D. Singh:** I have heard that an inquiry had been held in this connection at the Railway Station, but I was never called to attend any inquiry and nor was I asked to submit any statement in this regard.

**Shri Somnath Chatterjee:** Have you seen the report which was submitted by the General Manager?

**Shri B. D. Singh:** No, Sir.

**Shri Somnath Chatterjee:** Or by the Executive Magistrate?

**Shri Singh:** No, Sir.

**Shri Somnath Chatterjee:** You have come to Delhi, I believe, along with Mr. Chowdhury and Mr. Banerjee?

**Shri B. D. Singh:** Yes, Sir.

**Shri Somnath Chatterjee:** You came in the same compartment?

**Shri B. D. Singh:** Yes, Sir.

**Shri Somnath Chatterjee:** Was there any discussion about this matter while you were coming?

**Shri B. D. Singh:** On the way there was no such discussion.

**Shri Somnath Chatterjee:** No discussion at all throughout the journey?

**Shri B. D. Singh:** They were just talking that only on account of Mr. Dutta this journey has been necessitated; otherwise it would not have occurred, and so on. There was no particular discussion on the subject.

**Shri Somnath Chatterjee:** You never joined the discussion?

**Shri B. D. Singh:** No, Sir.

**Shri Somnath Chatterjee:** Did you have any discussion before you left for Delhi?

**Shri B. D. Singh:** No, Sir.

**Shri Somnath Chatterjee:** With nobody?

**Shri B. D. Singh:** No, Sir.

**Shri Somnath Chatterjee:** At no point of time?

**Shri B. D. Singh:** No, Sir, at no point of time. It was not necessary because at the earlier inquiries I was never called. Only when I received a letter on the 9th June, 1973 that I should proceed to Delhi to appear before this august body, I wanted to know what are the contents of the complaint against me. I perused the contents and I proceeded...

**Shri Somnath Chatterjee:** Contents of what?

**Shri B. D. Singh:** Contents of the complaint made by Shri A. K. Saha, honourable M.P., Sir. I had appealed to our Divisional Commercial Superintendent to let me know the contents of the complaint; and as a result, it was shown to me in his office.

**Shri Somnath Chatterjee:** Was no copy given to you?

**Shri B. D. Singh:** No, Sir. I received a letter from our Divisional Commercial Superintendent, on the basis of which I made an attempt to know the contents. As a result, I have the letter issued to me on 9th June, 1973.

**Shri Somnath Chatterjee:** Do you know that it has been stated in the report of the General Manager, that the Head Ticket Collector had directed Shri R. N. Chowdhuri and yourself, as also Shri Upkar Singh to check the waiting room? Is it correct, according to you?

**Shri B. D. Singh:** I cannot say, because in the earlier enquiries, I was never asked to give any statement.

**Shri Somnath Chatterjee:** Is that finding correct according to you?

**Shri B. D. Singh:** How can I say that, Sir?

**Shri Somnath Chatterjee:** Do you know that the Head Ticket Collector had asked you and Shri R. N. Choudhuri to do the checking?

**Shri B. D. Singh:** No, Sir.

**Shri Darbara Singh:** Didn't you accompany Mr. Choudhuri?

**Shri B. D. Singh:** I did not accompany him, Sir.

**Shri Atal Bihari Vajpayee:** When you received this letter asking you to appear before the Privileges Committee, did you not find out from the Railway officials as to why you were being called to Delhi; whether any report has been sent by the General Manager or Railway officials, to the Parliament? Do you mean to say that you did not ask for any information?

**Shri B. D. Singh:** In this connection, I have already submitted one statement, stating that "in the earlier enquiries, I have never been asked to submit my statement; hence I would like to know what are the complaints against me." Hence the contents of the complaint were shown to me. Though the particular complaint was not against me, I do not know what for I have been sent before this august body, because neither I checked the First Class Waiting Room, nor did I talk to the honourable M.P., on any subject whatsoever.

**Shri Atal Bihari Vajpayee:** Did you not ask Mr. Banerjee or anybody as to why you were being involved in this case, when you did not check the passengers?

**Shri B. D. Singh:** This is an amazing point for me. I have already submitted to the Divisional Superintendent that I have never been asked to give a statement.

**Shri Atal Bihari Vajpayee:** Do you know that your name appears in the report?

**Shri B. D. Singh:** I do not know, Sir.

**Shri Atal Bihari Vajpayee:** Who informed that you were involved? It must have been done by the Head T.C. The report of the General Manager says that you, along with Mr. Upkar Singh were sent first to check the tickets in the waiting room.

**Shri B. D. Singh:** That is not a fact.

**Shri Atal Bihari Vajpayee:** Do you mean to say that the report of the General Manager is not correct?

**Shri B. D. Singh:** I am not going to say that, Sir. On going upstairs, I found that the Head Ticket Collector was there.

**Shri Atal Bihari Vajpayee:** Then, where was the necessity to summon you?

**Shri B. D. Singh:** He is my immediate boss and if he calls me, I should go.

**Shri Atal Bihari Vajpayee:** In that case, he should have waited for you.

**Shri B. D. Singh:** Regarding this, I cannot say anything.

**Shri Atal Bihari Vajpayee:** Don't you agree with me, that what happened on that day was something unusual, and something extraordinary that does not normally happen?

**Shri B. D. Singh:** I agree it was unusual; definitely, Sir, when the Head T.C. himself was conducting the checking.

**Shri Atal Bihari Vajpayee:** In the evidence, you said that you wanted to enter the first class waiting hall, but you were asked by the Head T.C. to stop. Was the Head T.C. looking towards the gate or was he checking the tickets of the passengers? Was his attention divided?

**Shri B. D. Singh:** May be, Sir.

**Shri Atal Bihari Vajpayee:** He was checking the tickets as well as looking at the door.

**Shri B. D. Singh:** It may be, Sir.

**Mr. Chairman:** You said that you left that place a few minutes after; but thereafter, did you contact the Head Ticket Collector to find out whether he wanted your service further?

**Shri B. D. Singh:** I did not dare to enquire from him. I looked from door of the first class waiting room; and came near the door. I waited for a few minutes. He came and told me: "You can go; you are not required."

**Mr. Chairman:** Did he say that? Did you meet Mr. Choudhuri?

**Shri B. D. Singh:** I did not meet Mr. Choudhuri. I do not know whether he went; but by the orders of the Head Ticket Collector, I went upstairs; and I did not particularly dare to ask my immediate boss as to why he was himself conducting the Checking. It was learnt by me after a long time.

**Mr. Chairman:** Would you like to add anything more than what you have already stated?

**Shri B. D. Singh:** In the end, I would like to offer my unqualified apology for the inconvenience caused to the Hon. M.P., if any, from my side.

**Mr. Chairman:** You may go.

*(The witness then withdrew)*

**(iv) Evidence of Shri S. Banerjee, Second Officer, G.R.P.S. Asansol**

*(Witness was called in and he took oath)*

**Mr. Chairman:** Mr. Banerjee, I suppose you are the Second Officer of the Government Railway Police Service. Are you?

**Shri S. Banerjee:** Yes, Sir.

**Mr. Chairman:** Were you on duty at Asansol Railway Station on 29th June, 1972?

**Shri S. Banerjee:** No, Sir. I was not on duty at that time.

**Mr. Chairman:** Were you not on duty?

**Shri S. Banerjee:** I was not on duty. I went to R.P.S. post for an enquiry.

**Mr. Chairman:** Were you on duty there?

**Shri S. Banerjee:** As I said earlier I was not on duty at the Police Station but I went to R.P.S. Post for some enquiry.

**Mr. Chairman:** Where did you go then?

**Shri S. Banerjee:** That was within the railway premises.

**Mr. Chairman:** Are you not a Second Officer of the G.R.P.S.?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** So, on the 29th June, 1972 you were also Second Officer of the GRPS.

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Is Shri Mahapatra your senior or junior officer?

**Shri S. Banerjee:** He is an A.S.I. my junior officer.

**Shri Somnath Chatterjee:** Were you in charge of the P.S. at about 12-30 and thereafter on that date?

**Shri S. Banerjee:** No. I was not in charge because, at that time, I was on duty at R.P.S. and Shri Mahapatra was the duty officer then.

**Shri Somnath Chatterjee:** Did you have any occasion on that day to go to the first-class waiting room at Asansol Station? If so, what time?

**Shri S. Banerjee:** Yes, Sir. At about 13-10 or 13-15 hours I had an occasion to go there.

**Shri Somnath Chatterjee:** Who asked you to go there?

**Shri S. Banerjee:** While I was returning from R.P.F. Post after completing a confidential enquiry, I met Shri Mahapatra, A.S.I. who is my junior just at the entrance of platform number five. He told me that a person has lodged a written complaint to the effect that one person was posing himself as an M.P. Shri Ajit Kumar Saha who was not so because the identity card with photo was actually false—it was a forged one. Then I went to G.R.P.S., my police station, along with A.S.I.

**Shri Somnath Chatterjee:** Where did you meet Shri Mahapatra?

**Shri S. Banerjee:** Just at the entrance of platform number five when I was coming down from upstairs I met him.

**Shri Somnath Chatterjee:** What was he doing there? Was he the duty Officer? What was he doing at the entrance of platform number five? He should have gone to the police station.

**Shri S. Banerjee:** Shri Mahapatra was then coming. He told me that he was coming from the first-class waiting hall.

**Shri Somnath Chatterjee:** And you met him accidentally.

**Shri S. Banerjee:** Yes, Sir. He told me about the complaint. Then I went to P.S. and I saw there a written complaint. At 13-05 hours the complaint was made.

**Shri Somnath Chatterjee:** Within five minutes Shri Mahapatra had gone upstairs and made enquiries and while coming down you met him. The enquiry was very expeditiously completed within five minutes.

**Shri S. Banerjee:** I was not there at that time when he made the enquiry.

**Shri Somnath Chatterjee:** Please answer my question. You said that the complaint was made at 13-05 hours. You met Shri Mahapatra at the entrance of platform Number Five at 13-10 or 13-15 hours. Within five minutes of making a complaint he had already made his investigation. In other words the matter had been dealt with very expeditiously.

**Shri S. Banerjee:** That may be so.

**Shri Somnath Chatterjee:** Do you agree with me on that point that within five minutes the whole matter had been investigated and enquiry completed?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** In the G. D. entry did you ever, in your career, come across such charge?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** Was it not a very unusual complaint?

**Shri S. Banerjee:** I can't follow.

**Shri Somnath Chatterjee:** This was a very unusual complaint which you had never come across before.

**Shri S. Banerjee:** No.

**Shri Somnath Chatterjee:** You know the seriousness of the charge. Did you realise the seriousness of this charge?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Did you realise that the complaint might be a false one. If the complaint was a false one, then did you not realise why a Member of Parliament was harassed like this?

**Shri S. Banerjee:** There was no question of harassment at all. In the case of impersonation it was our duty. There are instances of this kind where we try to verify.

**Shri Somnath Chatterjee:** The duty officer had gone there. Do you think that it is your duty also to have gone there immediately?

**Shri S. Banerjee:** Because he informed me that the hon. Member Shri Saha had refused to show his identity card.

**Shri Somnath Chatterjee:** Mr. Banerjee, at that time, you were in plain clothes?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** You had a revolver then which could be visible?

**Shri S. Banerjee:** Yes, Sir. Because it was underneath my hawai shirt, it might be visible.

**Shri Somnath Chatterjee:** The complaint was that somebody was sitting in a first-class waiting room while the head ticket collector's room is just close to that waiting room.

**Shri S. Banerjee:** H.T.C. room was just close to First-Class Waiting Room. First comes the H.T.C. room and then the waiting room.

**Shri Somnath Chatterjee:** Therefore, could you not find out from him whether any check had been made by him inside the waiting room.

**Shri S. Banerjee:** No, Sir. My complaint was not that. The complainant submitted that Mr. so and so who is posing himself as an M.P. was not actually an M.P. His identity card was a forged one.

**Shri Somnath Chatterjee:** Did you go to the Ticket Collector's Office?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** How did you know that your complaint was different from the other complaint?

**Shri S. Banerjee:** I do not know.

**Shri Somnath Chatterjee:** You yourself had said that it was a different complaint.

**Shri S. Banerjee:** No, Sir. I went there on the basis of a complaint made by the complainant in the G.R.P.S.

**Shri Somnath Chatterjee:** Tell us who made that complaint.

**Shri S. Banerjee:** The complaint was made by one Shri Krishan Kant Dutta.

**Shri Somnath Chatterjee:** Did you actually talk to him before you went upstairs?

**Shri S. Banerjee:** No, Sir. By that time he was not there.

**Shri Somnath Chatterjee:** Did you ask him to be produced before you went upstairs?

**Shri S. Banerjee:** He was not there at that time.

**Shri Somnath Chatterjee:** Did you find out where he had gone within five minutes? He had made the complaint at 13-05 hours. Within five minutes you had arrived. You should have tried to find out where he had gone. Before you took up this unusual matter, should you not be satisfied about the complaint?

**Shri S. Banerjee:** I talked with my ASI.



**Shri Somnath Chatterjee:** Why did you not try to find out where the complainant had gone because you could easily ask him about it in the course of investigation? You did not try to find out where the complainant was and where he had vanished within five minutes.

**Shri S. Banerjee:** I did not find him in my office.

**Shri Somnath Chatterjee:** Did you try to find out where he was? Within the railway premises or on the platform or not?

**Shri S. Banerjee:** I asked my ASI, but he did not tell me any thing.

**Shri Somnath Chatterjee:** You asked your ASI. He did not reply?

**Shri S. Banerjee:** He did not tell me where he was.

**Shri Somnath Chatterjee:** He did not answer your question?

**Shri S. Banerjee:** He did not tell me where he was.

**Shri Somnath Chatterjee:** Why didn't you direct him to find out the complainant because he was your subordinate officer? You have no explanation to give. You didn't either try to verify who the real complainant was or whether there was any basis for a very serious and unusual charge like this? And within five minutes although the complainant had vanished, you took the expeditious step of rushing to the waiting room.

**Shri S. Banerjee:** My ASI told me that while he went to the first class waiting hall, the complainant went with him and pointed out that person, that is, hon. M.P., Mr. Saha. He told me. So, I did not search for the complainant at that time.

**Shri Somnath Chatterjee:** Therefore, why did you go there yourself?

**Shri S. Banerjee:** Because my ASI told me that while he went to the first class waiting hall to verify, the hon M.P. refused to show his identity card.

**Shri Somnath Chatterjee:** Then why did you go? For what purpose?

**Shri S. Banerjee:** I went there for verification.

**Shri Somnath Chatterjee:** Verification of what?

**Shri S. Banerjee:** Verification of the identity card.

**Shri Somnath Chatterjee:** Only for that purpose?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** When he has already refused?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** You asked him to go to the Police Station?

**Shri S. Banerjee:** I requested him to come to the Police Station because he refused to show me the identity card. So I requested him to come to the Police Station to show my officer-in-charge the identity card.

**Shri Somnath Chatterjee:** What did he tell you?

**Shri S. Banerjee:** First time... Though I was in plain clothes, I disclosed my identity to him.

**Shri Somnath Chatterjee:** You showed your identity.

**Shri S. Banerjee:** I disclosed my identity.

**Shri Somnath Chatterjee:** You have had your identity card?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** Some sort of record to show that you are a Police Officer?... You did not have anything?

**Shri S. Banerjee:** No, Sir.

**Shri Atal Bihari Vajpayee:** That is why you showed the pistol?

**Shri Somnath Chatterjee:** Did you tell Mr. Saha that as you had a service revolver, that would indicate that you are a police officer?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** You went to him and told, 'Produce your identity card?'

**Shri S. Banerjee:** I went to him and give him proper respect.

**Shri Somnath Chatterjee:** How?

**Shri S. Banerjee:** By standing in attention.

**Shri Atal Bihari Vajpayee:** Then by producing revolver?

**Shri S. Banerjee:** No, Sir. The revolver was under my waist. I was just standing to attention.

**Shri Darbara Singh:** Are you expected to stand in attention when you are not in the uniform?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** You stood in attention even when you were not sure whether he was an M.P. or not. Is that your evidence?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Without being sure if he was an MP?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Without being sure yourself you stood in attention. That is what you want us to behave?

**Shri S. Banerjee:** Yes, Sir. I showed him proper respect. Then I disclosed my identity that I am the Second Officer, Asansol, GRPS. Then I told him that there is a written complaint against him. I told him about the complaint and then I requested him to show the identity card for my verification.

**Shri Somnath Chatterjee:** Then what happened?

**Shri S. Banerjee:** He asked me as to what was my identity. Then I told him that I have no identity card with me. My ASI who came along with me told him that I was the Second Officer, GRPS Asansol. Then he asked him to go along with me to the Police Station to show his identity card to my officer-in-charge.

**Shri Somnath Chatterjee:** Therefore, you asked him to come to the Police Station?

**Shri S. Banerjee:** No, Sir. I did not ask, but I requested him.

**Shri Somnath Chatterjee:** What did you say actually? What were the words that you actually used?

**Shri S. Banerjee:** I requested.

**Shri Somnath Chatterjee:** What were the exact words used by you?

**Shri S. Banerjee:** Shall I say in Bengali?

**Shri Somnath Chatterjee:** Yes.

**Shri S. Banerjee:** (spoke in Bengali).

**Shri Somnath Chatterjee:** This is what he said in Bengali.

"Kindly come downstairs. Our Police Station is downstairs and I have already sent word to the OC that you will show your card to him."

Do you know that Mr. Saha has already made a complaint to the SM or ASM that he was being harassed by the railway officials about the identity card?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** You did not go to the Ticket Collector's office which was next door to the waiting room?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** You did not try to find out from any railway authority whether there was any trouble and whether there was any complaint or not?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** And then only on the basis of what ASI has said, you forthwith rushed to the waiting room along with your ASI and asked him to produce the identity card? That is what you did?

**Shri S. Banerjee:** Yes, Sir. First ASI reported to me. Then, on the report of the ASI I did not go to the waiting hall. Then I came to the Police Station. I went through the written complaint and then I went.

**Shri Somnath Chatterjee:** You perused the complaint. The complainant was K. K. Dutta. Did you try to find out what his position was and who he was.

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** You did not find out who he was?

**Shri Darbara Singh:** Did he mention his full address to you while making the complaint?

**Shri S. Banerjee:** In the written complaint, he wrote his address as Banka Machantala.

**Shri Somnath Chatterjee:** Did he mention as to what he was?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** Who he was actually, you did not ascertain. You did not try to meet him but you rushed to the waiting hall.

**Shri S. Banerjee:** I asked my ASI where he was.

**Shri Somnath Chatterjee:** Is this the way you carry out investigations?

**Shri S. Banerjee:** If any written complaint is submitted, we have a duty to verify it.

**Mr. Chairman:** What is the procedure obtaining there? When some complaint comes to you regarding the railway station, are you bound to inform the matter to the station master or whoever may be, in charge of the railway station or on your own you proceed

with it or should you get the permission of the highest officer of that railway station?

**Shri H. K. L. Bhagat:** Under what provision of law could you go to the waiting room and ask Shri Saha to accompany you to the police station? Could you quote the relevant provision in the Code of Criminal Procedure?

**Shri S. Banerjee:** On the basis of the complaint.

**Shri H. K. L. Bhagat:** You said that you are a police officer and that you requested him to accompany you to the police station. Under what provision of law could you do that?

**Shri S. Banerjee:** If a written complaint is lodged, we could do it under the Cr.P.C.

**Shri H. K. L. Bhagat:** Under which provision?

**Shri S. Banerjee:** During the course of the investigation, if a person is suspected of the commission of an offence, we can certainly arrest him.

**Shri H. K. L. Bhagat:** In this particular case, under what provision of law did you ask Shri Saha to accompany you to the police station?

(No answer)

**Shri H. K. L. Bhagat:** The normal procedure is that when a FIR is lodged, the man's statement is recorded, apart from the FIR. Then you make a preliminary investigation. You interrogate the complainant and record his statement. If you are satisfied with it, you proceed with that. In the present case, the ASI tells you of a complaint and you rush to the spot and ask Shri Saha to accompany you to the police station. Under these circumstances, did you really act as you should have acted as a police officer exercising his powers under the law? What have you to say about this?

**Shri S. Banerjee:** On the basis of the source of information we could arrest a person under section 54 of the Cr.P.C.

**Shri H. K. L. Bhagat:** But you did not arrest him. And without arrest you cannot take him to the police station. It is an offence. In fact, by taking Shri Saha to the police station you have committed an offence in the eyes of law.

**Shri S. Banerjee:** I did it in the performance of my duty.

**Shri H. K. L. Bhagat:** Your duty is to prevent the commission of offence. But you derive your authority from the law itself.

**Shri Atal Bihari Vajpayee:** Do you mean to say that you would have arrested Shri Saha if he had refused to accompany you to the police station?

**Shri S. Banerjee:** No, Sir. I would have informed my OC and he would have taken action. I went for the verification of a written complaint. Then the question of arrest may come.

**Shri Atal Bihari Vajpayee:** But there was no FIR, only a simple complaint. You did not know the complainant and you did not examine him.

**Shri S. Banerjee:** I did not know the complainant but he was not present at the police station.

**Shri Atal Bihari Vajpayee:** Apart from the formal complaint, did you know anything more about the complainant?

**Shri S. Banerjee:** I asked my ASI to go into that.

**Shri Atal Bihari Vajpayee:** In that case, you could have waited and asked the ASI to produce the complainant in view of the fact that the matter involved a Member of Parliament.

**Shri S. Banerjee:** The ASI first went to Shri Saha. The hon. Member refused to show him the identify card. He refused to show it to him. So, a suspicion arose that the identity card may be a forged one and he actually may not be the M.P.

**Shri Atal Bihari Vajpayee:** Do you not agree that it is a matter in which the railway authorities were directly involved? Do you mean to say that even in such cases there is no co-ordination between the railway police and the railway authorities? Before going to the first class waiting room and asking a passenger to produce his identity card, why did you not go to the head ticket collector?

**Shri S. Banerjee:** When we received complaints of this nature, we do not consult the railway authorities.

**Shri Atal Bihari Vajpayee:** Do you mean to say that there is no co-ordination between the railway authorities and the police?

**Shri S. Banerjee:** In this case the West Bengal Police are deputed to the GRP. When we enquire into a complaint there is no question of consulting the railways.

**Shri Atal Bihari Vajpayee:** Here the complaint was about the identity of a first class passenger.

**Shri S. Banerjee:** The complaint was that his identity card was a forged one.

The complaint actually was that the identity card is a forged one.

**Shri Somnath Chatterjee:** Is possession of a forged document an offence if it is not used? What was the offence charged?

**Shri S. Banerjee:** 419—impersonation.

**Shri Somnath Chatterjee:** Impersonation before whom? What was the complaint?

**Shri S. Banerjee:** He signed in the visiting register that he is Mr. Ajit Kumar Saha whereas actually he was not.

**Shri Somnath Chatterjee:** Did you inspect the register yourself before you went inside the room?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** Then how did you know he signed as Ajit Kumar Saha?

**Shri S. Banerjee:** That was the complaint.

**Shri Somnath Chatterjee:** You did not even inspect the register in the waiting room.

**Shri Darbara Singh:** There is a register kept for that purpose in the waiting room. Any passenger coming in must enter his name and identity. Had you checked that, you would know who is who. And why you did not go to the railway authorities?

**Shri S. Banerjee:** I asked my officer. He talked with the complainant. He told me. I believed him.

**Shri Darbara Singh:** You do not believe the MP; you believe your ASI.

**Shri S. Banerjee:** My ASI told me. Then I went to the PS. I saw the complainant.

**Shri Darbara Singh:** Why did you ask the MP to go to the police station. When you could have straightway asked him to show his identity card and then satisfied yourself? Otherwise, the procedure should have been for you to ask the Ticket Collector to kindly check the ticket of this gentleman. After that, if he was not in possession of the identity card, you could have gone there. It is a matter of commonsense. It is not an inquiry.

**Shri S. Banerjee:** No. I gave him proper respect and I told him that there is a complaint.

**Shri Somnath Chatterjee:** What was the complaint? Where was the impersonation? Before whom? Before you investigated, you

must realise what was the nature of the offence alleged. If it was impersonation, impersonation before somebody must be there.

**Mr. Chairman:** Impersonation before the railway authorities.

**Shri Somnath Chatterjee:** If at all, it was impersonation before the railway authorities, the proper course would have been to enquire at the railway ticket collectors' office; have you verified this person's ticket or identity, the person who is in the first class waiting room. You did not do anything of that kind.

**Mr. Chairman:** When you contacted Mr. Saha, did he tell you 'Already the Ticket Examiners have come and verified my ticket'?

**Shri S. Banerjee:** No, Sir.

**Mr. Chairman:** Are you sure?

**Shri S. Banerjee:** Yes.

**Mr. Chairman:** What did he say—that he was not going to show the ticket?

**Shri S. Banerjee:** After giving proper respect, I asked him....

**Mr. Chairman:** Did you ask him whether any ticket examiners had come to check the ticket or identity?

**Shri S. Banerjee:** No, Sir.

**Mr. Chairman:** The very fact that the gentleman had entered the first class waiting room showed that he had some right and that without the permission of somebody, he could not enter it. Naturally, the first person whom you should have contacted should be somebody connected with the waiting room, the bearer or somebody else. Did you contact the bearer?

**Shri S. Banerjee:** No, Sir.

**Mr. Chairman:** He is the person in charge of the waiting room. When you went there, was the bearer there?

**Shri S. Banerjee:** I went there to verify the identity?

**Mr. Chairman:** That is a different matter. When you went into the room, was the bearer of the waiting room there?

**Shri S. Banerjee:** I cannot exactly recollect. May be he was there.

**Mr. Chairman:** Did you find him there?

**Shri S. Banerjee:** I cannot say.

**Mr. Chairman:** Did you enquire whether the bearer was there...

**Shri S. Banerjee:** No.



**Mr. Chairman:** ... to check on what ground this gentleman was allowed, whether there was any suspicion. You did not make any effort. Did you think that he was the person vitally involved in this inquiry, the bearer of the room?

**Shri S. Banerjee:** No, I did not make any enquiry about the bearer.

**Shri H. K. L. Bhagat:** If the complaint disclosed an offence under s. 419, it is a cognisable offence. You have not registered the case; you have not started the investigation. You had gone to make some kind of preliminary enquiry. At the most, it could be said that there was some suspicion, somebody has made a complaint and you went to verify. That also is under law. Sec. 157 of Cr.P.C. says that even in such cases where you suspect the commission of a cognisable offence, you make a report forthwith to the magistrate and then only proceed. Did you send the report?

**Shri S. Banerjee:** In case of non-cognisable offence...

**Shri H. K. L. Bhagat:** I am talking of cognisable offence. Where you suspect the commission of an offence, you proceed with enquiry only after you forthwith send a report to the magistrate, that such and such information has been despatched; it may or may not reach him. But you do your duty. You prepare a report and send it to him and then go on.

I am repeating my question. You do not do that. Just your ASI tells you and you go there. Did you ask the MP because here it was a question relating to a charge of impersonation of an MP? Did you ask him, 'Are you such and such MP? Have you an identity card?' Or you just told him to come to the police station. Why did you not ask him straightway if he was an MP or not? Why did you not satisfy yourself by asking him to show his papers? Instead, you took him to the police station. Don't you feel you acted in an illegal, improper and irrational manner?

**Shri S. Banerjee:** No, Sir.

**Shri H. N. Mukerjee:** You told us that you know Krishna Kant Dutta, you know him, and you do not know the man who made the complaint.

**Shri S. Banerjee:** No.

**Shri H. N. Mukerjee:** You made no investigation on that day about the complainant.

**Shri S. Banerjee:** It is a non-cognisable offence; it is a summons procedure...

**Shri H. N. Mukerjee:** After submitting his complaint, he vanished. He was not there. You were told by your ASI that one Krishna Kant Dutta has made a complaint. You did not meet Mr. Krishna Kant Dutta.

**Shri S. Banerjee:** Later I met.

**Shri H. N. Mukerjee:** When? On that day?

**Shri S. Banerjee:** Yes. When Mr. Saha came with me to the PS, then I met him. He told me that he was not an MP, he was not Ajit Kumar Saha, that he was some Mandal.

**Shri H. N. Mukerjee:** You met Krishna Kant Dutta after Shri Saha had come with you to the police station.

**Shri S. Banerjee:** After I offered him a chair in the OC's room.

**Shri H. N. Mukerjee:** Though you had made no investigation about the complainant, you had gone to the waiting room even though you were not in uniform to drag Mr. Saha to the police station?

**Shri S. Banerjee:** \*I am not always in uniform and occasionally I have to do my duty when I am in mufti.

**Shri H. N. Mukerjee:** You are a railway police officer. You know that on the railways Members of Parliament travel with identity cards.

**Shri S. Banerjee:** Yes, Sir.

**Shri H. N. Mukerjee:** You know that the identity of a Member of Parliament in a Railway Station waiting room or railway carriage could be proved by the production of the identity card to any railway officer.

**Shri S. Banerjee:** Yes, Sir.

**Shri H. N. Mukerjee:** When there were so many ticket-checking officers, why did you not make enquiries from them but showed your revolver and made threatening gestures?

**Shri S. Banerjee:** No, Sir.

**Shri H. N. Mukerjee:** You are denying it. Instead of taking the advice of any railway official, you went straight into the room and asked Mr. Saha to come to the police station.

**Shri S. Banerjee:** \*The ASI told me that he had already gone there but the gentleman refused to show his identity card. At that time I went there. Actually a complaint was made to the OIC Asansol GRP that a person impersonating himself as Ajit Kumar Saha had entered his name in the register in the waiting room and that the identity card was a forged one. I never knew that I would be implicated in this matter.

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\*Translated from Bengali.

**Shri H. N. Mukerjee:** Don't you think that for a Member of Parliament who has shown his identity card to railway officers, to be asked in the presence of other people to go with you to the police station is a very humiliating proceeding?

**Shri S. Banerjee:** \*I did not know that he had shown his identity card before. He had refused to show his identity card to the ASI.

**Shri H. N. Mukerjee:** Your evidence is that you never consulted the railway officials in regard to Mr. Saha's identity card.

**Mr. Chairman:** When you requested Mr. Saha to produce his identity card, according to you he refused. You asked him to go to the police station along with you.

**Shri S. Banerjee:** \*He refused to come with me in the first instance. Then I requested him to come to the police station to show his identity card to my officer in charge.

**Mr. Chairman:** Ultimately he came along with you. During this altercation did other people come there? You were arguing with him and putting pressure on him and forcing him to come along with you to see your superior officers. Did it attract other people?

**Shri S. Banerjee:** This is not a fact. No one had come to exercise any pressure on him to come to the police station.

**Mr. Chairman:** At first he protested. Because of your repeated requests he agreed to come with you. Did anybody else come there?

**Shri S. Banerjee:** No. Nobody else had come from the Railway.

**Mr. Chairman:** Were there passengers?

**Shri S. Banerjee:** 8 to 10.

**Mr. Chairman:** Did any of the passengers tell you that railway ticket collectors or examiners had some talk and examined those tickets?

**Shri S. Banerjee:** No.

**Mr. Chairman:** When you demanded identity card all the other passengers were simply keeping quiet. When all the altercation was going on all the passengers remained simply quiet according to you.

**Shri S. Banerjee:** First I disclosed my personal identity to him.

**Mr. Chairman:** That is all right. Did any of the passengers who were waiting in I Class Waiting Room talk to you?

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\*Translated from Bengali.

**Shri S. Banerjee:** No.

**Mr. Chairman:** Was there no observation or remark?

**Shri S. Banerjee:** No.

**Mr. Chairman:** No word was uttered?

**Shri S. Banerjee:** No.

**Shri Atal Bihari Vajpayee:** There was the register kept there. Why did you not examine that register kept in the I Class Waiting Room? You know that such a register is kept?

**Shri S. Banerjee:** Yes.

**Shri Atal Bihari Vajpayee:** Why did you not examine that register? Was it because you thought there was no necessity of seeing that register?

**Shri S. Banerjee:** I was really not so mindful of that aspect of that matter, Sir.

**Shri Darbara Singh:** Are you not expected to be as police officer in uniform when you are on duty?

**Shri S. Banerjee:** Yes.

**Shri Darbara Singh:** You made your identity known to the M.P. You should have asked him: Show me your identity card. Was that not enough rather than taking him to your police station?

**Shri S. Banerjee:** I had said all that.

**Shri Darbara Singh:** Did he not show his identity card?

**Shri S. Banerjee:** At first instance he did not show.

**Shri Darbara Singh:** At the second instance?

**Shri S. Banerjee:** In the first instance he asked for my identity card. At that time I said that I did not have any identity card. Then my ASI told him that I am the second officer of the RPS. Because he refused to show the identity card I requested him to go to the officer in the RPS to show it to him. I mean, the officer in charge.

**Shri Darbara Singh:** When he agreed to accompany you to police station, what made him do so?

**Shri S. Banerjee:** ASI told him that I am second officer. So he agreed to accompany me to police station.

**Shri Darbara Singh:** Did you ask him to show his identity card before taking him to police officer?

**Shri S. Banerjee:** Yes.

**Shri Darbara Singh:** What did he say?

**Shri S. Banerjee:** He refused to show me. As such I requested him.

**Shri Darbara Singh:** So he agreed to accompany you to police station?

**Shri S. Banerjee:** I said, you might show it to officer in charge. To that he agreed.

**Shri Darbara Singh:** Did you ask him to accompany you by putting your hand on your pistol?

**Shri S. Banerjee:** It is not a fact.

**Mr. Chairman:** Did he not tell you he had already shown the identity card? When you said you would like to verify, did he tell you that already that verification was over by proper railway authorities?

**Shri S. Banerjee:** No.

**Shri H. K. L. Bhagat:** You said that Mr. Saha refused to accompany you to the police station. Did he give any reason for his refusal to go to the police station saying, "I am a Member of Parliament" or whatever else he said?

**Shri S. Banerjee:** He was not prepared to believe that I was a police officer. He did not say these things.

**Shri H. K. L. Bhagat:** When you pointed out your revolver, he believed you and he went with you.

**Shri S. Banerjee:** He believed only when the ASI told him that I was the Second Officer.

**Shri H. K. L. Bhagat:** Did you go to the Waiting Room on your own or under the orders of any superior officers?

**Shri S. Banerjee:** I was holding the charge of the thana. My officer-in-charge was in a sick condition. I was told by the ASI that he had already been informed about it.

**Shri H. K. L. Bhagat:** For the purpose of making an inquiry into the complaint?

**Shri S. Banerjee:** He was informed about the complaint.

**Shri H. K. L. Bhagat:** He went there for the purpose of making an inquiry?

**Shri S. Banerjee:** Yes, to verify the identity card.

**Shri H. K. L. Bhagat:** An inquiry according to law. But he does not know the law. Under what law did you make an inquiry?

**Shri Banerjee:** We have got the Police Regulation Book. According to the Police Regulation Book, if there is a complaint, we have to make an investigation.

**Shri H. K. L. Bhagat:** Can you show me the Police Regulation Book or quote the Police Regulation Book showing that he has got the power to go to the spot and ask the person to accompany him to the police station? There can be no regulation which is in conflict with the law, the Criminal Procedure Code.

**Shri Somnath Chatterjee:** Was cognizance taken by the police station about the complaint made by Shri Dutta?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** It has been stated in the report of the General Manager, Eastern Railways, that the O.C., G.R.P. did not take any cognizance of the complaint, that is, the complaint of Shri Dutta.

**Shri S. Banerjee:** This is not a fact.

**Shri Somnath Chatterjee:** Therefore, the cognizance was taken by the O.C., GRP of the complaint made by Mr. Dutta.

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** When was the complaint lodged?

**Shri S. Banerjee:** Before the Hon'ble Magistrate on 20-7-72.

**Shri Somnath Chatterjee:** Can you tell me why did he take so long?

**Shri S. Banerjee:** My O.C. went to Bankura to verify the antecedents of the complaint.

**Shri Somnath Chatterjee:** Have they been verified now?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** What are the antecedents?

**Shri S. Banerjee:** In the year 1969 or 1970, there was a case against him and there was a charge-sheet against the complainant.

**Shri Somnath Chatterjee:** What was the charge against him?

**Shri S. Banerjee:** I cannot exactly recollect, under Section 147 or 148 or like that.

**Shri Somnath Chatterjee:** Any other charge against him?

**Shri S. Banerjee:** No, Sir.

**Shri Somnath Chatterjee:** After making an inquiry, the complaint was lodged with the Magistrate. At what stage is that complaint?

**Shri S. Banerjee:** On 5-5-73, after the non-bailable warrant was issued by the Magistrate, he was granted bail, and the next date of hearing is 24-8-73.

**Shri Somnath Chatterjee:** You were in-charge of the police station on that date because the O.C. was sick. Why was the O.C. sent for? Why did you ask the O.C. to come when you were in-charge of the police station?

**Shri S. Banerjee:** I was posted at the R.P. at that time. When the complainant lodged the complaint before the ASI, the ASI informed my O.C.

**Shri Darbara Singh:** Why did not the O.C. come to the Waiting Room and enquire from the M.P. whether he had an identity card with him or not?

**Shri S. Banerjee:** By the time the O.C. came, Mr. Saha was already at the police station.

**Mr. Chairman:** Would you like to add anything more to what you have already stated.

**Shri S. Banerjee:** In the discharge of Government duty, if any annoyance has been caused to the hon. M.P., I regret for that.

**Shri Somnath Chatterjee:** When did you come to Delhi?

**Shri S. Banerjee:** I came on the 17th.

**Shri Somnath Chatterjee:** Along with whom?

**Shri S. Banerjee:** Along with my O.C., my ASI and railway officers.

**Shri Somnath Chatterjee:** You came in the same compartment.

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Was any inquiry held about this matter in Asansol ?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Did you make any statement in writing?

**Shri S. Banerjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Before whom?

**Shri Banerjee:** Before the First Class Magistrate.

**Shri Somnath Chatterjee:** In the train, did you discuss this matter amongst yourselves?

**Shri S. Banerjee:** Yes, Sir. We were only regretting that we had performed a Government duty and now we were going to face the consequences before the Privileges Committee.

**Shri Somnath Chatterjee:** All of you were only expressing regrets.

**Shri S. Banerjee:** Of course, there were other topics also but on this particular aspect we were very sad and did not discuss much.

**Shri H. K. L. Bhagat:** You said if any annoyance has been caused, I regret. What do you think under the circumstances has any annoyance been caused to him or not?

**Shri S. Banerjee:** Much annoyance has been caused.

*(The witness then withdrew)*

*The meeting then adjourned.*

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Wednesday, the 20th June, 1973

#### PRESENT

Dr. Henry Austin—*Chairman*

#### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Nihar Laskar
6. Shri H. N. Mukherjee
7. Dr. Shankar Dayal Sharma
8. Shri R. P. Ulaganambi
9. Shri Atal Bihari Vajpayee

#### SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

#### WITNESSES

1. Shri A. T. Mahapatra—*ASI of G.R.P.S., Asansol.*
2. Shri A Bhattacharjee—*Officer-in-charge, G.R.P.S., Asansol.*

*(The Committee met at 10.00 hours)*



(i) Evidence of Shri A. T. Mahapatra, A.S.I., G.R.P.S., Asansol.

**Mr. Chairman:** You may take the oath.

**Shri A. T. Mahapatra:** I, A. T. Mahapatra do swear in the name of God and solemnly affirm that the evidence which I shall give in this case will be true, that I will conceal nothing and that no part of my evidence will be false.

**Mr. Chairman:** You are an Assistant Sub Inspector in Government Railway Police Service?

**Shri A. T. Mahapatra:** Yes.

**Mr. Chairman:** Were you on duty at Asansol Railway station on 29th June 1972.

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** Did you on the 29th of June 1972, have any occasion to go to the 1st Class waiting room of the Asansol Railway Station?

**Mr. A. T. Mahapatra:** Yes.

**Shri Somnath Chatterji:** In what connection?

**Shri A. T. Mahapatra:** One Shri K. K. Dutta came to the Police Station and lodged a written report that a false M.P. was waiting in the 1st Class waiting room.

**Shri Somnath Chatterjee:** What did you understand by the words "false M.P."?

**Shri A. T. Mahapatra:** He was not really an M.P. but posed as an M.P.

**Shri Somnath Chatterjee:** That was the written complaint.

**Mr. A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** You were in the Police Station then? What did you do?

**Shri A. T. Mahapatra:** I went to the 1st Class waiting room.

**Shri Somnath Chatterjee:** Why?

**Shri A. T. Mahapatra:** It was a case of cognizable offence.

**Shri Somnath Chatterjee:** An offence under what Section of the Penal Code?

**Shri A. T. Mahapatra:** Under Section 419.

**Shri Somnath Chatterjee:** What does it say?

**Shri A. T. Mahapatra:** Actually, he was not A. K. Saha, M.P. according to the complaint.

**Shri Somnath Chatterjee:** You said it was an offence under a certain Section of the Penal Code. What is the nature of the offence?

**Shri A. T. Mahapatra:** False personation.

**Shri Somnath Chatterjee:** False personation before whom? It must be before somebody.

**Shri A. T. Mahapatra:** Before me.

**Shri Somnath Chatterjee:** Did anybody come and tell you that he was A. K. Saha although he was not A. K. Saha? You received a complaint and according to you, that complaint related to false personation. False personation must be before somebody. But A. K. Saha never came to you and did not make a false statement before you. Therefore this false personation was made before whom?

**Shri A. T. Mahapatra:** He wrote the name in the waiting room register.

**Shri Somnath Chatterjee:** Therefore, writing in the register is according to you, false personation?

**Mr. A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** What did you do after going to the waiting room?

**Shri A. T. Mahapatra:** I asked him for his identity card.

**Shri Somnath Chatterjee:** Did you inspect the register?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** Why not. Then how did you know whether there was a false record in the register or not?

**Shri A. T. Mahapatra:** The complainant wrote this complaint.

**Shri Somnath Chatterjee:** Somebody came and made a complaint that some false entry has been made in a book and you did not inspect the book?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** Why not because that was the complaint?

**Shri A. T. Mahapatra:** It was a bonafide mistake.

**Shri Somnath Chatterjee:** Was it a mistake or were you asked to go and harass the gentleman there?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Because you were intending to harass this gentleman you went straight to him without verifying the register in the waiting room and asked for his identity card?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Did you have any talk with the bearer of the waiting room?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Did you try to find out from the Railway Ticket Collector's office or from the Checking office whether there has been any checking in the waiting room?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** At what time was the complaint made?

**Shri A. T. Mahapatra:** At 13.05 hrs.

**Shri Somnath Chatterjee:** When did you go to the waiting room?

**Shri A. T. Mahapatra:** At about 13.07 or 13.08 hrs., Sir.

**Shri Somnath Chatterjee:** Within two or three minutes, you rushed to the waiting room without making any enquiries.

**Shri A. T. Mahapatra:** Yes, Sir; but after making an entry in the G.D.

**Shri Somnath Chatterjee:** Who was the complainant?

**Shri A. T. Mahapatra:** Shri Krishna Kanta Dutta, Sir.

**Shri Somnath Chatterjee:** Do you know him personally?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Did you try to know his antecedents?

**Shri A. T. Mahapatra:** He said he was from Bankura.

**Shri Somnath Chatterjee:** Did you make any enquiry as to why a person from Bankura came to Asansol and made a complaint?

**Shri A. T. Mahapatra:** He told me that he had landed property. He went there. When he was writing this complaint, I asked him why he came to Asansol.

**Shri Somnath Chatterjee:** Did you ask him why he had come to the railway station?

**Shri A. T. Mahapatra:** Yes, Sir. He told me that he was going home by train.

**Shri Somnath Chatterjee:** Was he a *bona fide* passenger? Did you verify it? When did you see his ticket?

**Shri A. T. Mahapatra:** I cannot say when; but he had the ticket.

**Shri Somnath Chatterjee:** Have you recorded that in the G.D. entry?

(No reply).

**Shri Somnath Chatterjee:** Therefore, on the complaint of a person who had a ticket and who had come from Bankura, you rushed to the waiting room?

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** In which class he was travelling?

**Shri A. T. Mahapatra:** In the third class, Sir.

**Shri Somnath Chatterjee:** Did you ask him, "How do you know this gentleman?"

**Shri A. T. Mahapatra:** I asked him and he said that he was Mr. Mandal.

**Shri Somnath Chatterjee:** How long are you in service, Mr. Mahapatra?

**Shri A. T. Mahapatra:** For the last 20 years, Sir.

**Shri Somnath Chatterjee:** Had you ever received any such unusual complaint during your service?

**Shri A. T. Mahapatra:** No, Sir. I have heard about such a complaint; but I have not received that.

**Shri Somnath Chatterjee:** You have heard about such a complaint i.e. impersonation. When was it?

**Shri A. T. Mahapatra:** Not involving an M.P., Sir; but somebody else.

**Shri Somnath Chatterjee:** It was unique, unheard of and most unusual; and even then, within two or three minutes, you jumped from your seat and rushed to the waiting room.

**Shri A. T. Mahapatra:** It is a matter of serious nature, Sir; this posing by an ordinary person as an M.P.

**Shri Somnath Chatterjee:** He might have been a genuine Member of Parliament. Then it would be harassment to him; do you agree?

**Shri A. T. Mahapatra:** Yes, Sir; I agree.

**Shri Somnath Chatterjee:** Knowing that, you did not take any precaution, or any care to find out the real facts. You have no explanation; have you?

**Shri A. T. Mahapatra:** I had no time to go through that, Sir. If he had actually been some other person than an M.P., he might have fled away.

**Shri Somnath Chatterjee:** You were so eager that you must catch hold of him. Therefore you had no time. Is it the way to discharge your duties? Do you have no explanation? Anyway, do you agree that the ticket collector's office is next door to the waiting room?

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** Ordinarily, you would agree with me that it is the duty of the ticket collecting and checking staff to find out whether an unauthorized person was occupying the waiting room. Is it not their duty? You knew that; didn't you?

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** Therefore, whether somebody was wrongly sitting in the waiting room or not, ordinarily you would have gone to the ticket collector's office, which was in the next room; and checked whether there was a person in the waiting hall.

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** You did not do the proper thing.

**Shri A. T. Mahapatra:** Yes, Sir. I failed to do it.

**Shri Somnath Chatterjee:** Why was this great hurry? Anyway, how long were you there in the waiting room?

**Shri A. T. Mahapatra:** One or two minutes.

**Shri Somnath Chatterjee:** Then what did you do?

**Shri A. T. Mahapatra:** I came down then.

**Shri Somnath Chatterjee:** You had asked for the identity card and it was not shown to you. Is it not so?

**Shri A. T. Mahapatra:** Yes, Sir; not shown to me.

**Shri Somnath Chatterjee:** Then what did you do?

**Shri A. T. Mahapatra:** I came to the police station. On the way, I met the S.I., Mr. Banerjee and I narrated the facts to him, viz. that such and such person is inside the waiting room.

**Mr. Chairman:** You said that you rushed to the waiting room, because you feared that he might run away from there. So, when Mr. Saha did not show his card, how is it that you left, without making arrangements that he will not escape?

**Shri A. T. Mahapatra:** I was going by the stairs of the over-bridge and this was the way to come out.

**Shri Somnath Chatterjee:** You mean, one has to come to the stairs to go out? Did you ask anybody else to keep a watch over him?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Tell me, was there anybody along with Mr. Dutta? Were there a number of persons?

**Shri A. T. Mahapatra:** Mr. Dutta was alone.

**Shri Somnath Chatterjee:** It was inside the police station. Outside, did you find other persons?

**Shri A. T. Mahapatra:** There were passengers for the Toofan Express?

**Shri Somnath Chatterjee:** Was there any other person, or companion of Mr. Dutta?

*(No reply)*

**Shri Somnath Chatterjee:** You told Mr. Banerjee. Then what happened?

**Shri A. T. Mahapatra:** He went and I also went along with him.

**Shri Somnath Chatterjee:** When you met Mr. Banerjee and told him, both of you went immediately. Is it so?

**Shri A. T. Mahapatra:** Yes; he saw the complaint and asked me about the matter.

**Shri Somnath Chatterjee:** How long did it take?

**Shri A. T. Mahapatra:** Two, three or four minutes; then both of us went.

**Shri Somnath Chatterjee:** Then what happened?

**Shri A. T. Mahapatra:** Then Mr. Banerjee asked him to show his card and requested him to come to the police station.

**Shri Somnath Chatterjee:** Mr. Banerjee was not in uniform; but he was carrying a revolver or a pistol. Is it not?

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** Mr. Saha asked for the identification of Mr. Banerjee. Was it not?

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** And he showed the revolver.

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Then how did he identify himself?

**Shri A. T. Mahapatra:** I identified Mr. Saha.

**Shri Somnath Chatterjee:** But the revolver was there and could be seen easily; and it was pointed out.

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** Was it not stated that the service revolver was an indication of his authority?

**Shri A. T. Mahapatra:** It was not said Sir.

**Shri Somnath Chatterjee:** Then what happened?

**Shri A. T. Mahapatra:** Then Mr. Saha came to the police station.

**Shri Somnath Chatterjee:** On his own?

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Somnath Chatterjee:** With whom?

**Shri A. T. Mahapatra:** With us.

**Shri Somnath Chatterjee:** Is it not correct that Mr. Saha made a complaint to the Assistant Station Master about the harassment caused to him?

**Shri A. T. Mahapatra:** I do not know.

**Shri Somnath Chatterjee:** You never tried to find out.

**Shri A. T. Mahapatra:** It is not my duty. This is the duty of the Sub-Inspector i.e. O/C. I am subordinate to the O/C.

**Shri Somnath Chatterjee:** It was not your duty to investigate?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** Why did you run upstairs?

**Shri A. T. Mahapatra:** Because this was the first instance and there was nobody else there in the P.S., and I was in charge and, therefore, I had to go.

**Shri Somnath Chatterjee:** Therefore, you had to go immediately to the waiting room, although it was not your duty to investigate?

**Shri A. T. Mahapatra:** In the absence of the superior officer, it was my duty.

**Shri Somnath Chatterjee:** On that day, you were in charge of the investigation?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** What are you saying? Was it your duty to investigate on that day?

**Shri A. T. Mahapatra:** Yes, in the absence of the OC.

**Shri Somnath Chatterjee:** But your officers were not absent. They were there.

**Shri A. T. Mahapatra:** They came after that.

**Shri Somnath Chatterjee:** You yourself said that it was not your duty to investigate. Then, why did you investigate? Under what authority?

**Shri A. T. Mahapatra:** There was no officer at that time. SI, Shri Banerjee came after this.

**Shri Somnath Chatterjee:** Did you consult your OC? Such a serious charge had been made, and it was concerning a Member of Parliament; and it might cause embarrassment, as you yourself thought, and, therefore, before you took upon yourself this important decision, did you consult your officer in charge?

**Shri A. T. Mahapatra:** I sent intimation to the OC to come.

**Shri Somnath Chatterjee:** Did you consult him before rushing up to the waiting room?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** Why not? It was such a serious matter, as you yourself had said.

**Shri A. T. Mahapatra:** The OC was not there, and I took the matter with the person at the PS, and the matter was so serious, and so, I went.

**Shri Somnath Chatterjee:** But you felt that it was serious enough to send for the OC?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** It was your intention to consult the OC?

**Shri A. T. Mahapatra:** I sent for the OC to take the action in his own hand, because I did not like to take action.

**Shri Somnath Chatterjee:** Although you did not like to take action, yet you rushed to the waiting room?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** But that meant taking action.

**Shri A. T. Mahapatra:** I was not sure whether the OC might come or might not come. For, he was sick.

**Shri Somnath Chatterjee:** But that means taking action?

**Shri A. T. Mahapatra:** A part of the action was taken then.

**Shri Somnath Chatterjee:** Do you know that Mr. Saha has made certain charges about the way he was harassed and was taken to the police station at Asansol—railway station?

**Shri A. T. Mahapatra:** I have heard it. I have not seen it.



**Shri Somnath Chatterjee:** He said that somebody not in uniform had gone there and asked him to go to the police station, and when he asked for his identification, he showed his revolver....

**Shri A. T. Mahapatra:** Yes, I have heard this and also seen it in the newspapers.

**Shri Somnath Chatterjee:** And then when he was going down for catching the train, he was stopped by two constables.

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** And he was then taken to the police station?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** You realised that Mr. Dutta had made a false complaint? When?

**Shri A. T. Mahapatra:** After verification of his identity card.

**Shri Somnath Chatterjee:** How much time after the making of the complaint?

**Shri A. T. Mahapatra:** About 15 to 20 minutes.

**Shri Somnath Chatterjee:** You realised that a false complaint had been made?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** Where was Shri Dutta at that time when you realised that he had made a false complaint?

**Shri A. T. Mahapatra:** He was at the PS.

**Shri Somnath Chatterjee:** Shri Banerjee was there?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** The OC was there?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** Everybody realised that a false complaint had been made?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** What action was taken against Shri Dutta?

**Shri A. T. Mahapatra:** That was up to the OC. He was present at the PS and he would take action. We were subordinate to him and we would carry out whatever orders he would give.

**Shri Somnath Chatterjee:** But you took the first decision?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** After Shri Banerjee came back and you met him near the stairs, what did you do? Did he make any inquiry?

**Shri A. T. Mahapatra:** He only asked me and went through the complaint.

**Shri Somnath Chatterjee:** Nothing else?

**Shri A. T. Mahapatra:** He read the complaint and asked me about it.

**Shri Somnath Chatterjee:** He asked you about the complaint, and then he also rushed to the waiting room. That was all?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** You remember correctly?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** He did not inquire about Shri Dutta?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** He did not ask you to find out Dutta? He did not ask you whether Dutta had vanished?

**Shri A. T. Mahapatra:** He asked me and I told him that he was in the platform somewhere.

**Shri Somnath Chatterjee:** Did he ask you to trace him and find him out and bring him before him?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** He never asked you?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** So far as this inquiry is concerned, which you say you made, did you ever try to find out even later whether any complaint had been made by Shri Saha to the station master?

**Shri A. T. Mahapatra:** When the OC came to the P.S., he directed me to do it....

**Shri Somnath Chatterjee:** The OC did not ask you to find out?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** To your knowledge, he did not ask any other person to find out?

**Shri A. T. Mahapatra:** No, I do not know whether he had done so or not.

**Shri Somnath Chatterjee:** To your knowledge, he did not?

**Shri A. T. Mahapatra:** I do not know about it.

**Shri Somnath Chatterjee:** Under what authority did you ask Mr. Saha to go to the police station?

**Shri A. T. Mahapatra:** I had not asked; I only asked for the identity card; I requested him for the identity card. I did not ask him to come to the police station.

**Shri Somnath Chatterjee:** Did you make any record anywhere in your police diary that you had gone there, investigated and what happened thereafter?

**Shri A. T. Mahapatra:** Yes, I have recorded the fact.

**Shri Somnath Chatterjee:** When?

**Shri A. T. Mahapatra:** After coming from there.

**Shri Somnath Chatterjee:** At what time did you make the inquiry?

**Shri A. T. Mahapatra:** At about 13.15 hours.

**Shri Somnath Chatterjee:** Along with Shri Banerjee, after you returned?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** Before you went for the second time?

**Shri A. T. Mahapatra:** After returning the second time.

**Shri Somnath Chatterjee:** You made a report after that?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** And the OC had come by that time?

**Shri A. T. Mahapatra:** After that time, he had come.

**Shri Somnath Chatterjee:** Your records will show that?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** Your records will show what investigation you had made?

**Shri A. T. Mahapatra:** Yes.

**Shri H. N. Mukerjee:** You know that Members of Parliament travelling on railways carry an identity card which is also a railway pass. When you heard that in the waiting room there was an MP who was not a Member of Parliament, you certainly knew that the check of his identity card and railway pass would be made naturally in the normal course of duty by the railway staff. You knew it?

**Shri A. T. Mahapatra:** No.

**Shri H. N. Mukerjee:** If you knew that, why did you ask the MP to come with you to the police station? Why did not leave the job of finding out the identity card and satisfying themselves about the identity of the MP to the railway staff? Why did you interfere in the tasks of the railway administration? Why did you go out of your way?

**Shri A. T. Mahapatra:** I was not sure whether the railway officials checked that. I went there on the basis of the complaint lodged. \*I was not aware that the railway officers had already checked the identity card. A complaint was lodged and on that basis I went to investigate.

**Shri H. N. Mukerjee:** You know the railway staff, the railway ticket checkers and that kind of people. You did not ask any of the railway ticket checkers whom you must know in the station?

**Shri A. T. Mahapatra:** \*No, I did not.

**Shri H. N. Mukerjee:** You did not know any of the railway staff?

**Shri A. T. Mahapatra:** \*I know some of the railway staff but did not enquire about this matter from them.

**Shri H. N. Mukerjee:** You thought that you could as a police officer go and ask an MP to come to the police station with you?

**Shri A. T. Mahapatra:** \*At that time, I was not sure that he was an MP. So I went to investigate.

**Shri H. N. Mukerjee:** But in order to make sure whether the railway passenger waiting in the waiting room was a genuine passenger or not, you had to take him to the police station?

**Shri A. T. Mahapatra:** \*No. Normally that is not done. But there was a complaint against him that he was impersonating somebody. So, I was there to check up.

**Shri H. N. Mukerjee:** Do you mean that you were so satisfied with the correctness of the complaint made by Shri Dutta that you went ahead so rapidly to make enquiries and to drag an MP to the police station?

**Shri A. T. Mahapatra:** \*I believed the complaint to be genuine.

**Shri H. N. Mukerjee:** You acted only because you received a complaint and without any authority under the law you went into the waiting room and asked a passenger, MP or no, to come with you to the police station?

**Shri A. T. Mahapatra:** \*At that time, I thought the matter to be urgent and there was not much scope for investigating further about the complaint lodged. So I went to the person concerned.

**Shri H. N. Mukerjee:** I put it to you that your intention was to harass, to humiliate and to insult in the sight of other people an MP.

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\*Translation.

**Shri A. T. Mahapatra:** No Sir; it is not a fact.

**Shri Somnath Chatterjee:** You went into the waiting room and went straight to Mr. Saha.

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** How did you know him?

**Shri A. T. Mahapatra:** Mr. Dutta came along with me. He showed him and went away. I asked him to go to the police station and take his seat.

**Shri Somnath Chatterjee:** You took him to the waiting room and you went inside the waiting room.

**Shri A. T. Mahapatra:** He was outside. He just pointed to him.

**Shri Somnath Chatterjee:** And then vanished?

**Shri A. T. Mahapatra:** No, I asked him to go to the police station and take his seat.

**Shri Somnath Chatterjee:** Where did he go?

**Shri A. T. Mahapatra:** He came to the police station. So far as I know, he was in the stall.

**Shri Somnath Chatterjee:** When Mr. Banerjee was there, was he there?

**Shri A. T. Mahapatra:** No.

**Shri Somnath Chatterjee:** He had vanished.

**Shri A. T. Mahapatra:** I did not see him.

**Shri Somnath Chatterjee:** Neither in the stall nor in the police station.

**Shri A. T. Mahapatra:** No, Sir.

**Shri Somnath Chatterjee:** This happened in 3-4 minutes. By then he had vanished.

**Shri A. T. Mahapatra:** He had not vanished. He was somewhere in the platform.

**Shri Somnath Chatterjee:** How did you know?

**Shri A. T. Mahapatra:** Because afterwards when we came to the PS. he also came to the PS; when we returned back with Shri Saha and the SI he also came to the police station.

**Shri Somnath Chatterjee:** Without knowing the identity of the complainant, without knowing him at all, you took him along to the waiting room without caring to ascertain from the railway staff whether he was a bona fide passenger or not, and you allowed Mr. Dutta to point to somebody and you immediately rushed to him and asked for his identity. That was what you did, all within 2-3 minutes.

**Shri A. T. Mahapatra:** Yes.

**Shri H. K. L. Bhagat:** When you went to the waiting room, did you go there to make enquiries or to bring Mr. Saha to the PS?

**Shri A. T. Mahapatra:**\* I only asked for his identity card.

**Shri H. K. L. Bhagat:** You asked for his identity card. You knew that MPs carry identity cards.

**Shri A. T. Mahapatra:** Yes.

**Shri H. K. L. Bhagat:** You asked for it. Then what happened?

**Shri A. T. Mahapatra:** He refused.

**Shri H. K. L. Bhagat:** What did he say?

**Shri A. T. Mahapatra:** He refused saying 'Why should I show the identity card?'.

**Shri H. K. L. Bhagat:** Did you tell him 'there is a complaint against you' and so forth?

**Shri A. T. Mahapatra:** No, at that time, I returned to the PS.

**Shri H. K. L. Bhagat:** When Mr. Saha refused to show it, did you tell him that you had received a complaint in writing from so and so and that was why you wanted to see his identity card?

**Shri A. T. Mahapatra:** I did not say anything. I returned to the PS.

**Shri H. K. L. Bhagat:** You did not tell him there was a complaint?

**Shri A. T. Mahapatra:** If he was actually an MP, there would be a serious allegation against me and we should not take such risk. I am a petty ASI of the police station. Some senior most officer should go. That was why I came to the PS for OC.

**Shri H. K. L. Bhagat:** You were reporting back to your senior officer. But why did you not tell Mr. Saha that there was a complaint against him and that was why you were there? This is a

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\*Translation.

simple fact. You had received a complaint. Do you not realise that when you talk to a person against whom there is a complaint that he is not an MP, this should have been mentioned. You just asked him to show you his identity card and he said 'I will not show'. Then you went back. You did not mention to him that there is a complaint about his identity.

**Shri A. T. Mahapatra:**\* I thought it better and more advisable to wait for the OC.

**Shri H. K. L. Bhagat:** Did you take some precautions? Suppose when you went back to the PS, he had run away. Did you take precautions?

**Shri A. T. Mahapatra:** Yes.

**Shri H. K. L. Bhagat:** You asked those two GRP constables, because it is stated that two constables stopped Mr. Saha when he wanted to get into the train. Was it under your instructions?

**Shri A. T. Mahapatra:** No, there was no constable there.

**Shri H. K. L. Bhagat:** What precaution did you take?

**Shri A. T. Mahapatra:** The exit gate is only 10 ft. from the PS. If he went out, I could find out.

**Shri H. K. L. Bhagat:** I am asking, did you take any precautions, and if so, what precautions?

**Shri A. T. Mahapatra:** Yes. I was keeping a watch of the gate.

**Shri H. K. L. Bhagat:** Who was keeping watch?

**Shri A. T. Mahapatra:** I myself.

**Shri H. K. L. Bhagat:** At the same time you could be in the GRPS and also keep a watch on him?

**Shri A. T. Mahapatra:** Yes, from that place.

**Shri H. K. L. Bhagat:** Whether he slips out or not?

**Shri A. T. Mahapatra:** It is possible to do that.

**Shri Darbara Singh:** And also go on writing?

**Shri A. T. Mahapatra:**\* At that time, I was not writing anything. I was simply keeping a watch.

**Shri H. K. L. Bhagat:** Let us come to the later part. You returned with Mr. Banerjee.

**Shri A. T. Mahapatra:** Yes.

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\*Translation.

**Shri H. K. L. Bhagat:** In how much time?

**Shri A. T. Mahapatra:** 10—12 minutes.

**Shri H. K. L. Bhagat:** In 10—12 minutes, you returned with Mr. Banerjee. Then you talked to Mr. Saha or Mr. Banerjee talked to him or both of you talked to him?

**Shri A. T. Mahapatra:** Mr. Banerjee.

**Shri H. K. L. Bhagat:** What did he say to Mr. Saha?

**Shri A. T. Mahapatra:** He asked him to show his identity card and requested him to come to the PS.

**Shri H. K. L. Bhagat:** What did Mr. Saha say?

**Shri A. T. Mahapatra:** He said 'Who are you?'

**Shri H. K. L. Bhagat:** Then?

**Shri A. T. Mahapatra:** Then I identified him and said he is the second officer of the PS.

**Shri H. K. L. Bhagat:** Did you tell Mr. Saha that there is a complaint?

**Shri A. T. Mahapatra:** No.

**Shri H. K. L. Bhagat:** Did Mr. Banerjee tell him?

**Shri A. T. Mahapatra:** Yes, by so and so.

**Shri H. K. L. Bhagat:** In your presence.

**Shri A. T. Mahapatra:** Yes.

**Shri H. K. L. Bhagat:** You are a police officer of 20 years' standing. Under what provision of law, you were empowered to take a man to the police station without arresting him?

**Shri A. T. Mahapatra:** This was a simple request.

**Shri H. K. L. Bhagat:** Mr. Banerjee says that Mr. Saha refused.

**Shri A. T. Mahapatra:**\* So far as I am aware, there is no law on the subject. I simply requested him to accompany me to the police station.

**Shri H. K. L. Bhagat:** Is it true that Mr. Saha said 'I will not go, why should I go?'

**Shri A. T. Mahapatra:** The first time he said that.

**Shri H. K. L. Bhagat:** He said 'I will not go'. Then you insisted, saying 'Please go'.

**Shri A. T. Mahapatra:** No.

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\*Translation.



**Shri H. K. L. Bhagat:** I will use the word 'request'. Under what provision of law can you insist in your request to ask a man to come to the police station? Is there any law which empowers him to make a request of this sort?

**Shri A. T. Mahapatra:** No.

**Shri H. K. L. Bhagat:** For how long did you detain Mr. Saha at the PS? Why did you want to take him to the PS?

**Shri A. T. Mahapatra:** Only to verify whether he was A. K. Saha.

**Shri H. K. L. Bhagat:** Whether he was an MP or not. That you could have done in the waiting room itself.

**Shri A. T. Mahapatra:** If we got his identity card at that time.

**Shri H. K. L. Bhagat:** You thought that you could identify him in the police station.

**Shri A. T. Mahapatra:** No, Sir.

**Shri H. K. L. Bhagat:** What method you wanted to employ to find out whether he was an MP or not? By taking him to the PS?

(No answer was given)

**Shri H. K. L. Bhagat:** You said it was a complaint under 419, criminal intention, a person impersonating another with a particular dishonest intention, *mens rea*, which in this case is the use of a forged railway pass, that he was trying to travel in a train without any authority by using the pass of somebody else.

**Shri A. T. Mahapatra:**\* That was my apprehension.

**Shri H. K. L. Bhagat:** If somebody standing in the bazar says, 'I am A. K. Saha', does he commit an offence? Obviously not. The essence of the offence lies in his alleged attempt to use a railway pass of somebody else. Otherwise, it would not be an offence. Suppose I say 'I am inspector Mahapatra'. Suppose I stand on the road and shout like that; do I commit an offence?

**Shri A. T. Mahapatra:** So far as I know, no.

**Shri H. K. L. Bhagat:** The essential part of the offence was the alleged use of an MP's pass or photo. Why did you not care to ask the railway officials, as Shri Mukerjee also asked? Here was a man

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\*Translation.

allegedly trying to travel by this train as an MP. Why did you not ask the railway officials? Instead you took him to the police station.

(No answer was given)

**Shri H. K. L. Bhagat:** Do you not feel, having known what happened, that you were indiscreet, somewhat hasty and rash and in that process you caused considerable embarrassment to Mr. Saha?

**Shri A. T. Mahapatra:** Yes.

**Shri Atal Bihari Vajpayee:** Were you examined by the executive magistrate, Asansol, regarding this case?

**Shri A. T. Mahapatra:** No, I was not available at that time. I was on leave.

**Shri Atal Bihari Vajpayee:** Have you made any statement regarding this before any authority?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Atal Bihari Vajpayee:** Are you aware of the fact that the Executive Magistrate had written in his report:

“Shri Mahapatra met the MP in the waiting room and requested him to show his identity card and also to come to the GRPS which was downstairs”.

**Shri A. T. Mahapatra:** No, Sir. I only asked for the identity card. I did not request him to come to the police station.

**Shri Atal Bihari Vajpayee:** You think this report is not correct.

**Shri A. T. Mahapatra:** My statement was not taken by the Magistrate. I was on leave at that time. Presumably he had gone through the diary and may have written like that, that Mahapatra asked him to come to the police station.

**Shri Atal Bihari Vajpayee:** Is it in the diary?

**Shri A. T. Mahapatra:** No, Sir.

\*Presumably the Magistrate had seen the diary and thought that this was what I had done.

**Shri Atal Bihari Vajpayee:** Is there any co-ordination between the railway authorities at the station and the GRP?

**Shri A. T. Mahapatra:\*** When some case is reported to us by the railway authorities, then only we contact them. Otherwise, we act on our own.

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\*Translation.

**Shri Atal Bihari Vajpayee:** Do you mean to say that if any passenger is involved in any case, you start investigation without consulting the railway authorities?

**Shri A. T. Mahapatra:** Normally, we do not consult the railway authorities in such cases. We act on our own.

**Shri Atal Bihari Vajpayee:** Neither did you consult the railway authorities, nor did you inspect the register kept in the first class waiting room, nor did you contact the bearer, Shri Mandal, before you approached that gentleman.

**Shri A. T. Mahapatra:** I should have done that but I did not do that at that time.

**Shri Atal Bihari Vajpayee:** Were you under pressure at that time?

**Shri A. T. Mahapatra:** No, Sir; there was no such pressure.

**Shri Atal Bihari Vajpayee:** Then why did you rush within two or three minutes of receiving the complaints?

**Shri A. T. Mahapatra:** I think the complaint is of a very serious nature. So, I thought I should rush in and find out the facts.

**Shri Atal Bihari Vajpayee:** Normally you take some time to process the complaint and then take action. Is there any case where you have acted within two or three minutes of receiving the complaint?

**Shri A. T. Mahapatra:** It depends upon the length of the complaint. If it is a lengthy one, the writing of it takes time. But if it is a short complaint, we write it and immediately go for the investigation. If the place is near about the police station we rush in quickly.

**Shri Atal Bihari Vajpayee:** Do you mean to say that the police is so prompt and efficient?

**Shri A. T. Mahapatra:** Yes, Sir. We are taking action promptly.

**Shri Atal Bihari Vajpayee:** Do you know Shri Datta who filed the complaint?

**Shri A. T. Mahapatra:** No, Sir.

**Shri Atal Bihari Vajpayee:** You did not enquire about his antecedents?

**Shri A. T. Mahapatra:** I made cursory enquiries as to where he lived and so on; not detailed investigation.

**Shri Atal Bihari Vajpayee:** You thought that he was important enough to necessitate an immediate investigation of the complaint filed by him?

**Shri A. T. Mahapatra:** I was impressed by his appearance and personality. He was tall, fair and well-dressed. My first reaction was that he had an impressive personality.

**Shri Atal Bihari Vajpayee:** For how many years have you been working at the station?

**Shri A. T. Mahapatra:** I have been there for the last two years.

**Shri Atal Bihari Vajpayee:** During the last two years you never heard of Shri Datta?

**Shri A. T. Mahapatra:** No, I have not heard about him.

**Shri Atal Bihari Vajpayee:** Where does the case now stand against him?

**Shri A. T. Mahapatra:** The case is now sub judice. He is charge-sheeted and the case is continuing.

**Shri Darbara Singh:** When you went inside the waiting room why did you not take Shri Datta along with you to identify the person who was impersonating?

**Shri A. T. Mahapatra:** He pointed out the person from outside the waiting room. He did not come inside.

**Shri Darbara Singh:** Since he was the complaint, why did you not ask him to put questions?

**Shri A. T. Mahapatra:** I thought the OC will come and do the needful at the moment. I did not consider it necessary to do that.

**Shri Darbara Singh:** When the case was a very serious one, why did you let him go?

**Shri A. T. Mahapatra:** I had instructed him to go and wait at the police station. I did not allow him to go away.

**Shri Darbara Singh:** When you returned from the waiting hall was he at the police station?

**Shri A. T. Mahapatra:** No, Sir; at that time he was not in the police station. Normally we do not guard the complainants. They are allowed to move about.

**Shri Darbara Singh:** From the police station you went to the waiting room and requested the M.P. to show his identity card and he refused to show it to you. Then, why did you not take any action?

**Shri A. T. Mahapatra:** I waited for the OC to come and take the necessary action.

**Shri Darbara Singh:** Was the OC present at the police station?

**Shri A. T. Mahapatra:** He was in his quarters. I had sent for him.

**Shri Darbara Singh:** By the time you returned from the waiting room, had he arrived at the police station?

**Shri A. T. Mahapatra:** Only a Second Officer had come. He had not come till then.

**Shri Darabara Singh:** But the MP told you when you entered the waiting room that he had shown his identity card to the railway ticket examiner.

**Shri A. T. Mahapatra:** No, Sir. He did not say that.

**Shri Darbara Singh:** You did not enquire from the TTE whether he had gone to the waiting room to enquire about his identity.

**Shri A. T. Mahapatra:** No. I did not do that.

**Shri Darbara Singh:** Is this the process or method of going through the case or investigation by the Police in such a very very serious case?

**Shri A. T. Mahapatra:** Normally we do not act like that but I thought that this was a very serious case and I was apprehensive that the person might run away. That was the reason for my hasty action.

**Shri Darbara Singh:** You could have posted a police constable at the door of the waiting room so that he might not run away.

**Shri A. T. Mahapatra:** It is not correct. No police constable was available at that time.

**Shri Darbara Singh:** Had the constables been available, then what?

**Shri A. T. Mahapatra:** Even then it would not have been necessary because I myself was keeping a watch over the exit.

**Shri Atal Bihari Vajpayee:** But you did not keep any watch on Dutta?

**Shri A. T. Mahapatra:** The complainant is not generally guarded.

**Shri Atal Bihari Vajpayee:** Even if the complaint was fictitious or concocted?

**Shri A. T. Mahapatra:** Then he should be guarded.

**Shri Darbara Singh:** In a murder case, the man who makes the complaint—what do you do with him?

**Shri A. T. Mahapatra:** He is not guarded. If he is a complainant we need not guard him.

**Shri Darbara Singh:** He should be taken to the spot of occurrence along with you to investigate the case. Is it not so?

**Shri A. T. Mahapatra:** We take him to the spot if we consider it necessary.

**Shri Darbara Singh:** This case you considered a serious one and yet you did not like to take Dutta to the Police Station?

**Shri A. T. Mahapatra:** I did not fear that he would run away or abscond.

**Shri Darbara Singh:** But you feared that an MP would run away.

**Shri A. T. Mahapatra:** All the time I was under the impression that he was not the genuine MP, he was an imposter and he would run away.

**Shri Darbara Singh:** Because he was not a tall and fair-coloured man?

**Shri A. T. Mahapatra:** No, Sir. That was not the reason.

**Shri Nihar Laskar:** You were just telling us that after you got the complaint you rushed to the platform and asked Mr. Saha for the identity card and he refused to give you. You said so.

**Shri A. T. Mahapatra:** Yes, Sir.

**Shri Nihar Laskar:** After that you came with your Second Officer, Mr. Banerjee with the revolver and then demanded the identity card and then also he refused to show the identity card to both of you. Is it a fact?

**Shri A. T. Mahapatra:** He refused to show in the second instance also. Then we requested him to accompany us to the police station to show it to the O.C.

**Shri Nihar Laskar:** Then when you forcibly took him to the police station and when you demanded the identity card, he also refused to show you there also.

**Shri A. T. Mahapatra:** When we took him to the police station, the OC was there and we left the entire business to him.

We left the thing to the OC to deal with and the inquiry was conducted by the OC in his personal room and we were waiting outside.

**Shri Nihar Laskar:** Your duty was only to take him to the police station and you did not know anything of what happened after that?

**Shri A. T. Mahapatra:** We waited outside and the OC was dealing with it.

**Shri Nihar Laskar:** You were telling us that you took him to the police station. After that you did not know anything of what happened there. Is that your case?

**Shri A. T. Mahapatra:** No, Sir. We waited outside. We were not aware of every detail that transpired inside. But I learnt later that he had shown the identity card.

**Shri Nihar Laskar:** You took him to the police station. Then you came outside. Who was there inside the police station?

**Shri A. T. Mahapatra:** Only the OC and Mr. A. K. Saha.

**Shri Nihar Laskar:** What was he doing at that time? Was he sitting or standing?

**Shri A. T. Mahapatra:** We took Mr. Saha to the personal Chamber of the OC. We made him to sit there comfortably. Then the OC arrived and we went out.

**Shri Nihar Laskar:** How many Chambers are there in the Police Station?

**Shri A. T. Mahapatra:** Two chambers, one for the OC and the other for the general officer.

**Shri Nihar Laskar:** You took him to the back side of the chamber?

**Shri A. T. Mahapatra:** The same chamber. There was a side room.

**Shri Nihar Laskar:** You took him inside and you were standing guard outside. You did not know anything of what actually happened inside the small chamber?

**Shri A. T. Mahapatra:** I learnt it afterwards.

**Shri Nihar Laskar:** How long was he there in the small room according to you?

**Shri A. T. Mahapatra:** For about 10 to 12 minutes he was there.

**Mr. Chairman:** Mr. Mahapatra, have you got anything more to add to what you have already stated?

**Shri A. T. Mahapatra:** Sir, I am a poor A.S.I. I do not know about this Committee. For any inconvenience that is caused to an hon. Member is regretted. I can only tender my sincere apology and you will please forgive me.

*(The witness then withdrew)*

(ii) Evidence of **Shri A. Bhattacharjee, Officer-in-Charge, G.R.P.S. Asansol**, was called and he took his seat and took oath.

**Mr. Chairman:** Mr. Bhattacharjee, were you an Officer-in-charge of G.R.P.S. Asansol, on the 29th of June, 1972?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Mr. Bhattacharjee, were you the officer-in-charge of G.R.P.S., Asansol on the 29th June 1972? Were you on leave or were you not?

**Shri A. Bhattacharjee:** I was not on leave. But I was sick.

**Shri Somnath Chatterjee:** You did not attend the police station.

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Do you remember this incident which took place concerning Shri A. K. Saha, M.P.?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** What do you know about it?

**Shri A. Bhattacharjee:** I was sitting in my quarter. At about 13-10 one constable came to my quarter and told me that there was some trouble in respect of one M.P. So, in spite of my sickness, I thought it proper to attend to this complaint at the P.S. I immediately went to the P.S. and I saw one gentleman standing in the General Cherista Room. Shri Saha was sitting in my personal room. After the arrival at the P. S. I immediately perused the general diary and the complaint made by the gentleman who was known at that time as Shri K. K. Dutta. I asked him whether he knew Shri Saha personally or by face. He told me that he did not know him personally. So I concluded from that there was something wrong. I then went to my personal room and requested Shri



Saha to state whether he was an M.P. or not. He produced his identity card. I had gone through it and I found that there was nothing wrong in that. So, I requested him to go by the said train which was due to arrive. That is all.

**Shri Somnath Chatterjee:** How long was Shri Saha there since you arrived?

**Shri A. Bhattacharjee:** He was there for at least ten to 12 minutes.

**Shri Somnath Chatterjee:** You took from 10 to 12 minutes to find out whether he was a genuine M.P. or not.

**Shri A. Bhattacharjee:** I requested him to show his identity card.

**Shri Somnath Chatterjee:** It took you 10 to 12 minutes to find out whether the hon. Member of Parliament was in fact an M.P. or not.

**Shri A. Bhattacharjee:** No, Sir. At that time, I had already interrogated Shri Dutta.

**Shri Somnath Chatterjee:** When you came to the police station, was Shri Saha already there?

**Shri A. Bhattacharjee:** I found him inside the General Sherista Room.

**Shri Somnath Chatterjee:** Along with other persons.

**Shri A. Bhattacharjee:** There were some officers in my P. S. and one T. C. was also there.

**Shri Somnath Chatterjee:** What was his name?

**Shri A. Bhattacharjee:** His name was Shri Chunilal Mukerjee.

**Shri Somnath Chatterjee:** What was he doing there?

**Shri A. Bhattacharjee:** He was on duty in platform number 5 on which the P.S. is situated. He entered the P.S. at that time.

**Shri Somnath Chatterjee:** So, by curiosity he entered there to see what was happening there.

**Shri A. Bhattacharjee:** I think so.

**Shri Somnath Chatterjee:** Did he tell you that he had been checking all passengers in the first-class waiting room?

**Shri A. Bhattacharjee:** He did not say anything.

**Shri Somnath Chatterjee:** Did you ascertain from him whether all the passengers of the first-class waiting room had been checked or not?

**Shri A. Bhattacharjee:** Afterwards only I heard that.

**Shri Somnath Chatterjee:** You did not make any enquiry yourself?

**Shri A. Bhattacharjee:** No, Sir.

**Shri Somnath Chatterjee:** You entered the P.S. and found Shri Saha in the General Room.

**Shri A. Bhattacharjee:** He was sitting in my personal room.

**Shri Somnath Chatterjee:** You said Shri Saha was along with the other persons sitting in the General Room.

**Shri A. Bhattacharjee:** No, Sir, Shri Saha was not there. Shri K. K. Dutta was there.

**Shri Somnath Chatterjee:** After entering the police station you did not try to find out anything concerning the M.P. You did not also try to talk to that gentleman who was a Member of Parliament. You kept him waiting for 12 minutes. In the meantime there you were going on with your supposed investigation. Am I right?

**Shri A. Bhattacharjee:** I first perused the general diary to know what was the complaint against him. Then I interrogated Shri K. K. Dutta whether he actually knew the M.P. by face or personally. He told me that he did not know him personally. Then I went to see Shri Saha.

**Shri Somnath Chatterjee:** So, Shri Saha was detained at the police station for at least ten to fifteen minutes and in the meantime you were carrying on your supposed investigation. Am I right?

**Shri A. Bhattacharjee:** He was at the police station for 10 to 15 minutes.

**Shri Somnath Chatterjee:** You did not straightway go to him and try to find out whether he was a genuine M.P. or not.

**Shri A. Bhattacharjee:** Firstly I did not go to him.

**Shri Somnath Chatterjee:** Why?

**Shri A. Bhattacharjee:** First I thought it proper to check up the complaint as to what was it for?

**Shri Somnath Chatterjee:** You did not try to find out why a genuine M.P. was being harassed. You detained him in the P.S. without the authority of the law.

**Shri A. Bhattacharjee:** I went to him and I requested him to produce the identity card.

**Shri Somnath Chatterjee:** You did not try to find out as soon as you entered the P.S. whether he was a genuine M.P. or not and why was he detained there without the authority of law. You did not try to find this out.

**Shri A. Bhattacharjee:** I tried my level best within 10 minutes to finalise the investigation.

**Shri Somnath Chatterjee:** But you kept him waiting in the anti-chamber. You did not even care to talk to him. And in the other portion of your room you were carrying on your supposed investigation. You did not try to find out whether he was a genuine M.P. or not.

**Shri A. Bhattacharjee:** Before my arrival he came to P.S.

**Shri Somnath Chatterjee:** Why you did not try to ascertain whether he was genuine MP or not? Was it not your duty?

**Shri A. Bhattacharjee:** This was my duty.....

**Shri Somnath Chatterjee:** Why you did not do it?

**Shri A. Bhattacharjee:** I wanted to enquire into the fact.

**Shri Somnath Chatterjee:** After that complaint was made by Mr. Dutta did you try to find out as to what steps were taken by anybody?

**Shri A. Bhattacharjee:** After due enquiry I submitted the case against Mr. Dutt.

**Shri Somnath Chatterjee:** You came to know that complaint in writing was lodged by him.

**Shri A. Bhattacharjee:** After perusing the GDR.

**Shri Somnath Chatterjee:** Did you go through the complaint?

**Shri A. Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** Did you try to find out after this complaint was lodged what steps were taken? Did you enquire why did Saha come to be present there?

**Shri A. Bhattacharjee:** I asked the second officer. He told me that he told this fact to M.P. He immediately came to P.S. and perused the G.D.R. and went to the waiting hall and wanted Mr. Saha to produce the identity card before him and explain the complaint to him. He told him to come to the P.S. and talk to O.C. Then he came to P.S. along with Banerjee.

**Shri Somnath Chatterjee:** That you came to know subsequently, after the whole thing had happened to Mr. Saha.

**Shri A. Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** When you perused the diary and went through the complaint you did not make any enquiry from your subordinate officers what steps they had taken .

**Shri A. Bhattacharjee:** Banerjee told me that. He told me all the facts.

**Shri Somnath Chatterjee:** Did you ask them whether they made enquiries whether Saha was a *bona fide* passenger or not? Or whether he was impersonating as MP? Did you try to find out from Banerjee?

**Shri A. Bhattacharjee:** I did not ask from Banerjee.

**Shri Somnath Chatterjee:** Was it not duty of those in charge of enquiry or investigation to find out from railway people?

**Shri A. Bhattacharjee:** We are not supposed to check passenger's ticket.

**Shri Somnath Chatterjee:** It is the railway official's duty to check ticket. He should know whether there is any unauthorised passenger or not. What did they do?

**Shri A. Bhattacharjee:** They went to waiting hall for checking the identity.

**Shri Somnath Chatterjee:** By looking at the identity they wanted to check or be sure of identity. Was it not checking?

**Shri A. Bhattacharjee:** In one sense it is checking.

**Shri Somnath Chatterjee:** Identity card is meant for Railways' use. For what purpose is there this identity card?

**Shri A. Bhattacharjee:** For journey purpose.

**Shri Somnath Chatterjee:** Railway authorities verify whether he is an M.P. or not. The senior ticket collector's room is next to the waiting hall. Was it not the duty of police officer to go to the railway personnel first to know whether there was any unauthorised person?

**Shri A. Bhattacharjee:** Yes, Sir, that was not done by my officer.

**Shri Somnath Chatterjee:** Have you called explanation from subordinate officers?

**Shri A. Bhattacharjee:** I have submitted my report to my officers.

**Shri Somnath Chatterjee:** Whose duty is to call for explanation?

**Shri A. Bhattacharjee:** As I said, I submitted my report to higher officers.

**Shri Somnath Chatterjee:** Why did you not ask for explanation from your subordinates?

**Shri A. Bhattacharjee:** I did not call. I submitted my report to my officers.

**Shri Somnath Chatterjee:** You verified so closely that you tore off a portion of the plastic jacket—the plastic cover?

**Shri A. Bhattacharjee:** No, Sir.

**Shri Somnath Chatterjee:** Have you seen the complaint?

**Shri A. Bhattacharjee:** No. Enquiry was held by executive magistrate and my S.P.

**Shri Somnath Chatterjee:** Did you appear in that enquiry?

**Shri A. Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** Did you submit any statement?

**Shri A. Bhattacharjee:** Oral statement.

**Shri Somnath Chatterjee:** Signed?

**Shri A. Bhattacharjee:** Not signed.

**Shri Somnath Chatterjee:** Unsigned statement.

**Mr. Chairman:** Was the complaint filed by Mr. Saha shown to you?

**Shri A. Bhattacharjee:** Original complaint was sent to court along with prosecution report.

**Mr. Chairman:** I am asking about complaint lodged by Mr. Saha, MP.

**Shri A. Bhattacharjee:** I have not received.

**Mr. Chairman:** It was not referred to you. When executive magistrate conducted enquiry no mention was made of statement of Mr. Saha?

**Shri A. Bhattacharjee:** No.

**Shri Somnath Chatterjee:** Did you try to ascertain before going to the waiting room whether Mahapatra tried to verify the antecedents of this complainant?

**Shri A. Bhattacharjee:** Afterwards I enquired into this.

**Shri Somnath Chatterjee:** Is it not astonishing? Within 2 minutes of the lodging of the complaint of this nature, your ASI rushed into the waiting room and tried to harass an MP?

**Shri A. Bhattacharjee:** I think Mr. Mahapatra thought it proper that because it was the question of a Member of Parliament he should go hurriedly.

**Shri Somnath Chatterjee:** You will agree with me that the charge was against an M.P. It can be true; or it can be false. If the charge was false a genuine M.P. would be harassed and humiliated. You would agree with me?

**Shri A. Bhattacharjee:** Some inconvenience was caused.

**Shri Somnath Chatterjee:** To take any person to the police station without the authority of law, without there being any basis, does cause humiliation to anybody.

**Shri A. Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** It took you five or ten minutes of investigation to see that Mr. Datta's complaint was not true?

**Shri Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** Mr. Mahapatra could have found, if he had any efficiency within ten or 12 minutes, that the complaint was not genuine?

**Shri A. Bhattacharjee:** Probably he had no such efficiency.

**Shri Somnath Chatterjee:** What about Banerjee, his second officer? Should he have gone to the waiting room in mufti with a revolver and forced a Member of Parliament to come to the police station against his wishes?

**Shri A. Bhattacharjee:** Mr. Banerjee was in mufti as he went out for some enquiry in the railway premises along with the revolver. He did not force the M.P. to come to the Police Station.

**Shri Somnath Chatterjee:** What did you do with Datta?

**Shri A. Bhattacharjee:** He was subsequently prosecuted after verifying his character and antecedents?

**Mr. Chairman:** Did you ask him why he lodged such a false complaint?

**Shri A. Bhattacharjee:** I asked him. He told me that he knew him as Mondal, and not as Saha. He repeatedly said so.

**Mr. Chairman:** When you found that his complaint was not right, why did you not initiate action immediately?

**Shri A. Bhattacharjee:** It is a summons procedure case. I could not take immediate action against this person. I am to submit a report to the Magistrate first.

**Shri Somnath Chatterjee:** How long did you take to submit a report?

**Shri A. Bhattacharjee:** I submitted a report on 20 July 1972.

**Shri Somnath Chatterjee:** It took you 21 days although you were convinced of the falsity of the complaint.

**Shri A. Bhattacharjee:** I took time to verify his character and antecedents. In 1970 he was chargesheeted in a rioting case at Bankura. I had to get his father's name and other antecedents.

**Shri Somnath Chatterjee:** But why were antecedents necessary? It took you 21 days to get his father's name though he was a resident of Bankura.

**Mr. Chairman:** When did it first occur to you that proceedings should be initiated against Datta?

**Shri A. Bhattacharjee:** I submitted a report to my SRP after a few days, probably on 8 July.

**Shri H. K. L. Bhagat:** When Mr. Datta himself told you that he did not know Mr. Saha by face, where was the question of asking for the identity card?

**Shri A. Bhattacharjee:** He repeatedly said that though he did not know Mr. Saha by face, but this gentleman known as Mandal was carrying the identity card of Mr. Saha.

**Shri H. K. L. Bhagat:** You did not put Mr. Dutta before Mr. Saha and there has been no identification.

**Shri A. Bhattacharjee:** No.

**Shri H. K. L. Bhagat:** When he said that he did not know Mr. Saha by face, *prima facie* there was nothing for you to verify further. In other words when there was no surety of impersonation, then the question of verification did not arise.

**Shri A. Bhattacharjee:** He said though Mr. Saha was not known to him but somebody else was carrying his identity card.

**Shri H. K. L. Bhagat:** You did not get the complainant to identify Mr. Saha as Mandal.

**Shri A. Bhattacharjee:** I did not do it.

**Shri H. K. L. Bhagat:** Why did you not do so? You should have done it particularly when he said that he did not know Mr. Saha by face. You are a senior officer. I would like to know from you the essence of this offence. Mere impersonation is no offence. I say I am Bhattacharya. I do not commit any offence. It is an offence when it is done with some intention to carry out some act. You know 419 very well. The essence of offence in this case was trying to travel or to use the coach pass. That is the essential ingredient of the offence and that your officers could have made an enquiry whether the man was trying to travel or whether he was trying to use the ticket. Why did they not ask the Railway officers first? They were most important witnesses in the case.

**Shri A. Bhattacharji:** It should have been done.

**Shri H. K. L. Bhagat:** Under the provisions of the law, have your officers any power to ask a man to come to the police station? You can arrest him under suspicion under Rule 55, or under 160 of the Cr. P.C. directions can be given.

**Shri A. Bhattacharjee:** I do not remember.

**Shri H. K. L. Bhagat:** In every case it is not given in writing. Particularly when the complaint is against a Member of Parliament, under what authority you can ask him to come to the police station.

**Shri A. Bhattacharjee:** I do not remember the Sections.

**Shri H. K. L. Bhagat:** Shall I give you the book—Cr. P.C. Personally, I think the complaint was of a serious nature. Mr. Mahapatra says he went to the waiting room. He asked for the identity card. He did not tell that there was a complaint against him.

**Shri A. Bhattacharjee:** Mahapatra should have explained it.

**Shri H. K. L. Bhagat:** Has Mr. Saha in this process not been embarrassed and has a good deal of trouble not been caused to him? Had your officer told that there was a complaint against him, this embarrassment could have been avoided. What is your re-action?

**Shri A. Bhattacharjee:** It is a fact that this has caused annoyance. I as an officer-in-charge, myself and on behalf of the staff tender an unconditional apology to you and to Mr. Saha also.

**Shri H. K. L. Bhagat:** You asked the Complainant to give his father's name and he refused to do so. You know there are provisions under the law under which he could have been arrested. You could have said I put you in, particularly when you found



that the complaint was false. Under that charge you could have hauled him up. Are you aware of this provision which empowers you to arrest such a person?

**Shri A. Bhattacharjee:** I committed a mistake.

**Shri H. K. L. Bhagat:** You wanted to make an enquiry from Bankura. Did you want to know his father's name or antecedents or the background under which he made a false complaint? Did you want to be sure that he was the same man? What was it?

**Shri A. Bhattacharjee:** His father's name as also whether he belonged to Bankura.

**Shri H. N. Mukerjee:** You are a responsible officer of the Railway Police and you are expected to know the nature of your duties and of your rights. Would you please tell us, if it was under your direction that Mr. Saha was asked to come to the police station or was it without your knowledge?

**Shri A. Bhattacharjee:** Only after enquiry, he was requested to come down to the police station.

**Mr. Chairman:** Were it you, who requested him?

**Shri A. Bhattacharjee:** No, Sir.

**Shri H. N. Mukerjee:** Your subordinate officer had brought Mr. Saha to the police station. You just saw Mr. Saha accidentally because you came down to the police station and you discovered Mr. Saha there. What happened actually? Were you at the police station on that day?

**Shri A. Bhattacharjee:** Pardon, Sir.

**Shri H. N. Mukerjee:** I cannot carry on like that. I will not put any question.

**Shri Atal Bihari Vajpayee:** On that day, were you not at the police station?

**Shri A. Bhattacharjee:** I was at my quarter on 'sick'.

**Shri Atal Bihari Vajpayee:** Were you on leave?

**Shri A. Bhattacharjee:** I was not on leave; I was on station sick.

**Shri Nihar Laskar:** How did you come to the police station?

**Shri A. Bhattacharjee:** A police constable came to call me.

**Shri Nihar Laskar:** What is the name of that constable?

**Shri A. Bhattacharjee:** I do not remember his name after a lapse of one year.

**Shri Atal Bihari Vajpayee:** How many constables have you in the police station?

**Shri A. Bhattacharjee:** Sixty-two.

**Shri Atal Bihari Vajpayee:** You do not know the names of all of them.

**Shri A. Bhattacharjee:** I know, but I do not know the name of the constable who came to call me.

**Shri Nihar Laskar:** What did he tell you?

**Shri A. Bhattacharjee:** He told me that there was some trouble with one M.P. and Mahapatra wanted me. I thought it a serious type of case and hurriedly came to the police station.

**Shri Nihar Laskar:** What did you see

**Shri A. Bhattacharjee:** I saw Shri Saha in my own room and Mr. Dutta was standing in the general room and one Ticket Collector was also present.

**Shri Nihar Laskar:** Where were Mahapatra and Banerjee?

**Shri A. Bhattacharjee:** They were in the Sharista room.

**Shri Nihar Laskar:** What did you do on your arrival?

**Shri A. Bhattacharjee:** I went through the general diary first.

**Shri Nihar Laskar:** Did you know earlier that the M.P. was sitting in your room?

**Shri A. Bhattacharjee:** On my arrival I was told that there was a complaint against Shri Saha. I went through the complaint, which was entered in the general diary. I did this first. Then I asked Dutta, whether he knew Shri Saha personally or not. He told me that he did not know him personally, but he knew that this gentleman was Mandal. I immediately came to my chamber and enquired Mr. Saha, whether he was Mr. Saha. I requested him to produce the identity card. He did so and I saw it.

**Shri Nihar Laskar:** Was Mr. Saha sitting comfortably in your room? He did not seem agitated.

**Shri A. Bhattacharjee:** He was quite comfortable there in the room.

**Shri Nihar Laskar:** Was he happy?

**Shri A. Bhattacharjee:** I do not know that, but he was sitting there.

**Shri Nihar Laskar:** Did he complain against your officers?

**Shri A. Bhattacharjee:** He did not make any complaint.

**Shri Nihar Laskar:** Was it not a pre-arranged matter to harass the M.P.

**Shri A. Bhattacharjee:** No, Sir. On getting the information only, I came to the police station.

**Shri H. K. L. Bhagat:** In every case of offence, the most important thing which you investigate is the motive. When you went to Bankura, you must have made some enquiries as to how this man, Dutta, made such a complaint against Mr. Saha. What was the background? Was there any enmity? In cases where false complaints are made, there is some intention behind that. That was the most important thing to investigate.

**Shri A. Bhattacharjee:** I think, Mr. Dutta wanted to harass him.

**Shri H. K. L. Bhagat:** Did you try to find out? We do not want your inference.

**Shri A. Bhattacharjee:** I did not enquire into this.

**Shri Darbara Singh:** Were you in uniform when you went to the police station?

**Shri A. Bhattacharjee:** No, Sir. I was in mufti.

**Shri Atal Bihari Vajpayee:** Since how long are you in charge in that Police Station?

**Shri A. Bhattacharjee:** One and a half years.

**Shri Atal Bihari Vajpayee:** Is it not the normal practice in such cases for officials of the Railway Police to consult the Railway officials before approaching any passenger, particularly a passenger in the 1st Class waiting room?

**Shri A. Bhattacharjee:** The complaint was not against any passenger.

**Shri Atal Bihari Vajpayee:** How did you know that the complaint was not against a passenger when he was sitting in the 1st Class waiting room? Are we to assume that there is no co-ordination between the Railway authorities and the GRPS?

**Shri A. Bhattacharjee:** There is co-ordination.

**Shri Atal Bihari Vajpayee:** Then why did not your subordinates ask the Ticket checking staff before approaching Mr. Saha who was sitting in the 1st Class waiting room.

**Shri A. Bhattacharjee:** They should have done so.

**Shri Somnath Chatterjee:** Did Mr. Saha lodge any complaint?

**Shri A. Bhattacharjee:** No, Sir.

**Shri Somnath Chatterjee:** Are you sure about it?

**Shri A. Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** Are you positive that no complaint was lodged by Mr. Saha in writing against the behaviour of Ticket Collectors and Policemen?

**Shri A. Bhattacharjee:** No complaint was lodged.

**Shri Somnath Chatterjee:** Did Mr. Saha ask you to identify somebody—a young man standing there with a revolver on his person?

**Shri A. Bhattacharjee:** He did not ask me.

**Shri R. P. Ulaganambi:** Did you know Mr. Dutta earlier?

**Shri A. Bhattacharjee:** No, Sir.

**Shri R. P. Ulaganambi:** Is he a politician?

**Shri A. Bhattacharjee:** I do not know.

**Shri R. P. Ulaganambi:** Does he belong to any political party?

**Shri A. Bhattacharjee:** I do not know.

**Mr. Chairman:** As far as you are concerned, who informed you that there is some trouble taking place in the waiting room?

**Shri A. Bhattacharjee:** One Constable.

**Mr. Chairman:** What is his name?

**Shri A. Bhattacharjee:** I do not remember the name of the Constable.

**Mr. Chairman:** Did you get any information from A. T. Mahapatra on this?

**Shri A. Bhattacharjee:** I got this information from Mr. Mahapatra through the Constable.

**Mr. Chairman:** Did Mr. Saha, M.P. tell you that he had already lodged a complaint with the Station Master regarding the harassment meted out to him by the Railway officials?

**Shri A. Bhattacharjee:** No, Sir.

**Mr. Chairman:** Did you know that he lodged a complaint with the Station Master?

**Shri A. Bhattacharjee:** I did not know.

**Mr. Chairman:** Did it occur to you that you should contact the Station Master before you proceed further with the complaint?

**Shri A. Bhattacharjee:** I did not contact the Station Master.

**Mr. Chairman:** It did not occur to you?

**Shri A. Bhattacharjee:** No, Sir.

**Mr. Chairman:** Did Mr. Mahapatra or Mr. Banerjee tell you that there was some trouble in the waiting room or that there was an altercation?

**Shri A. Bhattacharjee:** No, Sir.

**Mr. Chairman:** Where was Mr. Saha according to your information?

**Shri A. Bhattacharjee:** According to my information he came to the Police Station from the waiting room.

**Mr. Chairman:** Mr. Saha says he was forcibly taken there when he was about to board a train. Did you enquire about that?

**Shri A. Bhattacharjee:** I asked Mr. Mahapatra to accompany Shri Saha upto the train he wanted to board.

**Mr. Chairman:** You did not care to enquire from where exactly the M.P. was taken?

**Shri A. Bhattacharjee:** From the waiting room.

**Mr. Chairman:** You believed what the officers said you did not enquire?

**Shri A. Bhattacharjee:** No, Sir.

**Mr. Chairman:** Mr. Saha writes that you had forcibly taken his identity card. Is it true?

**Shri A. Bhattacharjee:** No, Sir.

**Mr. Chairman:** How did you approach him?

**Shri A. Bhattacharjee:** I first told him about the complaint made by Shri Dutta against Shri Saha. I said "This is the complaint; I would request you to kindly produce your identity card, if any". Then he himself produced the card.

**Mr. Chairman:** You did not forcibly take it?

**Shri A. Bhattacharjee:** No, Sir.

**Mr. Chairman:** It is further alleged that you tore the cover jacket to examine the card.

**Shri A. Bhattacharjee:** No, Sir.

**Shri Atal Bihari Vajpayee:** You asked your juniormost officer to accompany Shri Saha, M.P., to the train. Why did you not go yourself?

**Shri A. Bhattacharjee:** I was suffering from a carbuncle on my leg.

**Shri Atal Bihari Vajpayee:** But you were fit enough to go to the Police Station and make enquiries.

**Shri A. Bhattacharjee:** That officer was in uniform; so I asked him to accompany him.

**Shri Atal Bihari Vajpayee:** You thought it below your dignity to accompany a Member of Parliament?

**Shri A. Bhattacharjee:** No, Sir, I was unwell.

**Shri Atal Bihari Vajpayee:** But Mr. Banerjee was there; he should have gone.

**Shri A. Bhattacharjee:** He was in Mufti so I asked the junior officer to go.

**Shri Atal Bihari Vajpayee:** But his Mufti did not prevent him from approaching the Member of Parliament who was waiting in the waiting hall. So, the M.P. was given a send-off in uniform!

**Mr. Chairman:** Have you got anything more to say apart from the questions put to you?

**Shri A. Bhattacharjee:** There was some inconvenience in travelling caused to Mr. Saha due to the repeated checking and on behalf of my officers and myself I tender an unconditional apology to this Hon. Committee as well as to Shri Saha for causing such inconvenience to him.

**Mr. Chairman:** You may now go.

—

*(The witness withdrew)*

—

After some time, Shri A. Bhattacharjee was called in again and examined.

**Mr. Chairman:** Now, Mr. Amalendu Bhattacharjee, you can take the oath.

*(The witness then took the oath)*

**Mr. Chairman:** Have you brought the General Diary of the police station of that date? Have you made any entry on Mr. Dutta's complaint and other matters? Would you read them out? We will check it later.

**Shri A. Bhattacharjee:** Mr. Dutta's complaint in this G.D. is entered by Mr. Mahapatra. The diary is in Bengali. It reads,

"Received a written report from Mr. Krishna Kanta Dutta of Bankura, Machantala, which is as follows:

"To  
The O/C,  
Asansol G.R.P.S.

The time is 1305 hrs. ...."

**Shri R. P. Ulaganambi:** Let it be translated into English by the Interpreter.

**Shri A. Bhattacharjee:** Yes, Sir.

"Sir, in the First Class waiting room, one gentleman is giving his identity as A. K. Saha, M.P. and he has signed the visiting register as such. He is not the person he is claiming to be; and the identity card with the photograph is a forged one."

"Noted the fact in G.D. and informed O/C in his quarter for verification of the same.

**Mr. Chairman:** Any other entry pertinent to this?

**Shri A. Bhattacharjee:** "1315 hrs. I had been to the First Class waiting room and requested Shri A. K. Saha to show his identity card of M.P. and also come to the P.S. for verification, but he refused at the first time. In the meantime, Shri S. Banerjee came at the waiting room and on his request, he came to the P.S. He was offered a chair with due respect and took his chair in the room of O/C and awaiting O/C's arrival at the P.S."

**Shri H. K. L. Bhagat:** That is regarding his first visit, and that is by Shri Mahapatra, when he went alone. Does it relate to that? This is an entry by Shri Mahapatra. Is it relating to the joint visit of Shri Mahapatra and Shri Banerjee or is it relating to his own visit there when he went there for the first time?

**Shri A. Bhattacharjee:** This was his own visit being noted here.

**Shri H. K. L. Bhagat:** Is it mentioned here that he refused to show the identity card?

**Shri A. Bhattacharjee:** Yes.

**Shri H. K. L. Bhagat:** He says here that he asked him to accompany to the police station. That also he refused? What does the diary say? Please read it out.

**Shri A. Bhattacharjee:** It says (this is by Shri Mahapatra):

"I had been to first class waiting room and requested Shri A. K. Saha to show his identity card of MP and also to come to P.S. for verification, but he refused at the first time. In the meantime, SI, S. Banerjee came at the waiting

room and on his request he came to P.S. He was offered chair with due respect, and took his chair in the room of the O./C, awaiting O/C's arrival at the P.S.”.

**Shri H. K. L. Bhagat:** There is no other entry? I am asking you this question for this reason. Shri Mahapatra had gone first, and then Shri Mahapatra and Shri Banerjee had gone. Actually, according to Shri Mahapatra, he did not come with him; he did not even ask him, but he only asked for the identity card. Are there two entries regarding the separate visits of Shri Mahapatra alone and Shri Mahapatra and Shri Banerjee together? For, he went with Shri Banerjee and Shri Mahapatra, according to your own officer's statement and Shri Saha's statement itself. I want to know whether there are two separate entries regarding the two visits.

**Shri A. Bhattacharjee:** There was no separate entry made by Shri Banerjee and Shri Mahapatra.

**Shri H. K. L. Bhagat:** Are there further entries? If so, please read them out.

**Shri A. Bhattacharjee:** The further entry by me is as follows. This entry was made at 13.20 hours. It reads thus:

“One call came to P.S. in sick state. Persued G.D. entry No. 1396 of date. I interrogated Shri Krishna Kant Dutta and asked him if he actually knows M.P. Shri A. K. Saha, but he stated that he did not know Shri Ajit Kumar Saha physically; even he could not say name and particulars of the person whom he was suspecting not to be M.P.

I then requested Shri Ajit Kumar Saha to show his identity card of MP and he produced before me MP identity card No. 494 dated 22.3.71 bearing the signature of the Secretary, Lok Sabha.

I also found the photo fixed with identity card fully identical with the person carrying the same.

Shri Ajit Kumar Saha further stated that he would avail 81 UP (aircondition) express for Delhi for which he had already booked the seats. Shri Ajit Kumar Saha further stated that he was elected from Bishnupur, Distt. Bankura, as the Member of CPI(M). Full particulars are given below:

Shri Ajit Kumar Saha,  
s/o late Bimal Kanti Saha of Salboni, P.S., Bankura,  
Distt. Bankura.



From the identity card there was no suspicion about him. So, I allowed Shri A. K. Saha to avail 81 up train. Accordingly he left the P.S. I directed ASI A.T. Mahapatra to accompany Shri Saha up to platform and to stay till availing the train.”.

**Shri Somnath Chatterjee:** At what stage is the case against Shri Dutta?

**Shri A. Bhattacharjee:** The next hearing has been fixed for 24th August, 1973.

**Shri Somnath Chatterjee:** Was he arrested?

**Shri A. Bhattacharjee:** He surrendered in court on 5-5-73.

**Shri Somnath Chatterjee:** So, from July, 1972 till May, 1973 no steps were taken to apprehend him?

**Shri A. Bhattacharjee:** The warrant was issued by the S.D.J.M. to OC, Bankura Police station.

**Shri Somnath Chatterjee:** When?

**Shri A. Bhattacharjee:** I do not know.

**Shri Somnath Chatterjee:** You have lost all interest in that prosecution?

**Shri R. P. Ulaganambi:** He is on bail now?

**Shri A. Bhattacharjee:** Yes.

**Shri R. P. Ulaganambi:** So, you have not taken interest to arrest him? Was any warrant issued to arrest him?

**Shri A. Bhattacharjee:** Yes.

**Shri R. P. Ulaganambi:** But he was not arrested.

**Shri A. Bhattacharjee:** The warrant was issued by the S.D.J.M. to O.C., Bankura P.S. That is another district.

**Shri R. P. Ulaganambi:** If the police officer takes interest, he can arrest a person even in another State.

**Shri A. Bhattacharjee:** The warrant was not sent to me for arrest in this case.

**Shri R. P. Ulaganambi:** He himself surrendered before the court and now he is on bail?

**Shri A. Bhattacharjee:** Yes.

**Shri Nihar Laskar:** A statement had been made before us that Shri Krishna Kant Dutta had told you that the man was one Mr. Mandal. It was not in the written statement. You have mentioned in your writing also nothing about this. How is that this Mandal came after that? Was it an after thought?

**Shri A. Bhattacharjee:** No, it was not an after-thought.

**Shri Nihar Laskar:** How is it that you have not mentioned it, and the other man has also not mentioned it?

**Shri A. Bhattacharjee:** During my interrogation, he immediately told me.

**Shri Nihar Laskar:** Have you recorded it in your statement here?

**Shri A. Bhattacharjee:** No, it was not mentioned.

**Shri Nihar Laskar:** Shri Dutta also has not mentioned it in his written statement or complaint?

**Shri A. Bhattacharjee:** In his complaint, he did not mention it. On my interrogation, he told me.

**Shri H. K. L. Bhagat:** Did you record any other statement from Shri Dutta?

**Shri A. Bhattacharjee:** No.

**Shri H. K. L. Bhagat:** So, this Mandal is all oral?

**Shri A. Bhattacharjee:** Yes.

**Shri Atal Bihari Vajpayee:** From where did Mandal appear?

**Shri A. Bhattacharjee:** During my interrogation, he told me. Perhaps, I had forgotten to note it.

**Shri Nihar Laskar:** This is an important aspect. He thinks that it is somebody else whom he knows and he is Mandal, and you think that it is not important.

**Shri Darbara Singh:** I find that one sheet is stolen away in between page 89 and 90 from this book?

**Shri A. Bhattacharjee:** This is written in carbon process, and one of the copies is to be sent to our superior officers.

*(The witness then withdrew)*

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Wednesday, the 29th January, 1975

# PRESENT

Dr. Henry Austin—Chairman

## MEMBERS

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri Popatlal M. Joshi

5. Shri Shyamnandan Mishra
6. Shri H. N. Mukerjee
7. Shri Chintamani Panigrahi
8. Shri B. R. Shukla
9. Shri Maddi Sudarsanam

## SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri J. R. Kapur—*Senior Legislative Committee Officer.*

## WITNESS

Shri Krishna Kanta Dutta, Bankura, West Bengal.

*(The Committee met at 11.00 hours)*

*Evidence of Shri Krishna Kanta Dutta. •*

**Mr. Chairman:** Mr. Dutta, please take your seat and take the oath.

**Shri K. K. Dutta:** I, K. K. Dutta, swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

**Mr. Chairman:** Mr. Dutta, were you at the Asansol railway station on 29th June, 1972?

**Shri K. K. Dutta:** Yes.

**Mr. Chairman:** At what time were you there?

**Shri K. K. Dutta:** 1.15 P.M.

**Mr. Chairman:** Did you make any complaint to the railway officers about the person who was sitting there?

**Shri K. K. Dutta:** No.

**Mr. Chairman:** You did not make any complaint?

**Shri K. K. Dutta:** After the occurrence.

**Mr. Chairman:** What was the occurrence?

**Shri K. K. Dutta:** The occurrence was, one M.P. was asked to show his identity card by the railway officials and he refused. The request was made several times and he refused. At that time, MP was going over the overbridge outside the railway station. At that time, GRP staff came on the stair case and asked him to come back again.

**Mr. Chairman:** Where were you at that time?

**Shri K. K. Dutta:** I was standing outside the door of the first class waiting room.

**Shri M. C. Daga:** Did the police officers asked for the identity card to be shown in your presence?

**Shri K. K. Dutta:** Yes.

**Shri M. C. Daga:** Who enquired about the pass, identity card?

**Shri K. K. Dutta:** T.T.C.

**Shri M. C. Daga:** Were you present at that time?

**Shri K. K. Dutta:** I was at the first class waiting room.

**Shri M. C. Daga:** Did you speak anything at that time?

**Shri K. K. Dutta:** Nothing.

**Shri M. C. Daga:** You did not speak anything?

**Shri K. K. Dutta:** Nothing.

**Shri M. C. Daga:** Did you have any talk with the police officers, those RPF men, regarding this at that time?

**Shri K. K. Dutta:** No.

**Shri M. C. Daga:** Did you have any talk with the person, the M.P.?

**Shri K. K. Dutta:** No.

**Shri M. C. Daga:** Did you ask him about the pass?

**Shri K. K. Dutta:** No, nothing.

**Shri M. C. Daga:** Did you ask 'why don't you show the card'?

**Shri K. K. Dutta:** I did not speak even a single word.

**Shri M. C. Daga:** What impression you were gathering at that time?

**Shri K. K. Dutta:** Railway staff asked him to show his identity card and he refused.

**Shri M. C. Daga:** What did he say? Had he spoken anything? What were his words?

**Shri K. K. Dutta:** They asked him 'Please show your identity card'.

**Shri M. C. Daga:** What was his reply?

**Shri K. K. Dutta:** He refused.

**Shri M. C. Daga:** Refusal in what way? Did he nod his head or did he say in so many words?

**Shri K. K. Dutta:** He said 'I am an M.P.' That is all.

**Shri M. C. Daga:** Then, what happened?

**Shri K. K. Dutta:** He was asked again 'Please show your identity card'.

**Shri M. C. Daga:** Did he say anything in reply to it?

**Shri K. K. Dutta:** He refused.

**Shri M. C. Daga:** Did you move an application in writing?

**Shri K. K. Dutta:** Nothing. After the occurrence, GRP staff asked me to give a written statement.

**Shri M. C. Daga:** Were you examined by the Police under Section 102? When the case was lodged against you, when the case was registered against you, were you examined by the Police?

**Shri K. K. Dutta:** No. At the Court...

**Shri M. C. Daga:** What was your statement in the Court?

**Shri K. K. Dutta:** I told the same thing, what had happened, that the M.P. was asked to show his identity card and he refused.

**Shri M. C. Daga:** Did you give the names of the witnesses which you wanted to produce at that time?

**Shri K. K. Dutta:** No.

**Shri M. C. Daga:** You did not speak about the witnesses?

**Shri K. K. Dutta:** No.

**Shri M. C. Daga:** Did the Court ask you to give the names of witnesses?

**Shri K. K. Dutta:** No.

**Shri M. C. Daga:** You had no witnesses for your defence?

**Shri K. K. Dutta:** No.

**Shri M. C. Daga:** How many times did you appear in the Court?

**Shri K. K. Dutta:** 10—15 times.

**Shri M. C. Daga:** Did you cross examine the witnesses who appeared against you? Did you cross-examine them?

**Shri K. K. Dutta:** My lawyer had asked him something. I cannot say what.

**Shri M. C. Daga:** Did you engage a lawyer?

**Shri K. K. Dutta:** Yes.

**Shri B. R. Shukla:** What was your permanent residence during June, 1972?

**Shri K. K. Dutta:** Bankura.

**Shri B. R. Shukla:** How far is it from Asansol?

**Shri K. K. Dutta:** 5 miles.

**Shri B. R. Shukla:** Did you know Mr. A. K. Saha, Member of Parliament, before 29th June, 1972?

**Shri K. K. Dutta:** No.

**Shri B. R. Shukla:** In what connection did you happen to be at the Asansol railway station on that particular day?

श्री के० के० दुत्ता : हमारे बड़े भाई की लड़की की शादी का संबंध वहाँ देखने गये थे ।

श्री बी० आर० शुक्ला : आप का धंधा क्या है ?

श्री के० के० दुत्ता : अभी कुछ नहीं है ।

**Shri B. R. Shukla:** What is your profession? Since you had attained the age of majority, have you been occupied in some business, service etc.?

**Shri K. K. Dutta:** I was a construction contractor.

**Shri B. R. Shukla:** Was it in the railway department?

**Shri K. K. Dutta:** No, no; it was in the P.W.D.

**Shri B. R. Shukla:** Was it in Bengal?

**Shri K. K. Dutta:** At Bankura, Sir.

**Shri B. R. Shukla:** Did you know Mr. B. D. Banerjee, head ticket collector at Asansol, earlier?

**Shri K. K. Dutta:** No, Sir.

**Shri B. R. Shukla:** You do not know him even now?

**Shri K. K. Dutta:** No, Sir.

**Shri B. R. Shukla:** What about R. N. Chaudhri?

**Shri K. K. Dutta:** No.

**Shri B. R. Shukla:** About B. D. Singh?

**Shri K. K. Dutta:** No, no.

**Shri B. R. Shukla:** About S. Banerjee, section officer, G.R.P.?

**Shri K. K. Dutta:** No.

**Shri B. R. Shukla:** About A. Bhattacharya, officer?

**Shri K. K. Dutta:** No.

**Shri B. R. Shukla:** None of these persons you had known from or before 29th June, 1972. Nor do you know them even now.

**Shri K. K. Dutta:** Not even now.

**Shri B. R. Shukla:** Did you give some information in writing on the 29th June, 1972 to the railway staff, to the effect that a certain person who says that he is an MP is there; but he is not an MP?

**Shri K. K. Dutta:** No.

**Shri B. R. Shukla:** Did you give something in writing?

**Shri K. K. Dutta:** Yes.

**Shri B. R. Shukla:** That writing was probably signed by you and probably written in Bengali.

**Shri K. K. Dutta:** Yes.

**Shri B. R. Shukla:** I am now reading the translation of that written information which you gave in Bengali. The English translation is like this:

"In first class waiting room, one person said that he is A. K. Saha, M.P. and he signed the visitors' book. Actually, he is not the M.P. The identity card with photograph which he had, must be forged."

**Shri K. K. Dutta:** No, Sir.

**Shri B. R. Shukla:** May I show the Bengali version to you?

*(Shri Dutta was shown the version in Bengali)*

**Shri B. R. Shukla:** The true copy of the information which you gave in writing to the railway people is before you.

**Shri K. K. Dutta:** No, Sir.

**Shri B. R. Shukla:** I want to know from you whether after seeing the copy of that letter and by refreshing your memory you can say that you had written the contents like this; or whether these are not the contents of the information which you had given to the railway staff.

श्री के० के० दुत्ता : आफ्तर दि अकरेंस, मैंने लिख कर दिया था कि श्री ए० के० साहा, एम० पी० से आईडेंटिटी दिखाने को कहा, वह उन्होंने रिफ्यूज किया ।

"I asked the DTC to ask him to show the identity card; and A. K. Saha refused." This is what I had given in writing. Nothing much more.

**Shri B. R. Shukla:** It means that what is now being shown to you as the copy of your information, is not the information which you had given.

**Shri K. K. Dutta:** No.

**Mr. Chairman:** It is stated by the railways that you have made a written complaint to them regarding the alleged occurrence. And this is a copy of the complaint you were supposed to have, or you have given to the railway authorities.

**Shri K. K. Dutta:** After the occurrence, I had given a letter.

**Mr. Chairman:** Are these not the contents of what you have given?

**Shri K. K. Dutta:** No, Sir.

**Shri Popatlal Joshi:** The witness says that he gave this much, viz. that they had asked for it from the MP and the MP refused. And that also after the occurrence.

**Shri Somnath Chatterjee:** We should, therefore, await the arrival of the original document, because the witness's evidence is completely contradictory. He denies every thing. I believe that the true copy is authenticated by the police officer. He completely denies the contents of the copy authenticated by the police officer.

**Mr. Chairman:** Mr. Dutta, the copy which we have shown to you now is authenticated by the police officer as the copy which you have given in original to the railway staff.

**श्री बी० आर० शुक्ला :** हमारे पूछने का मतलब यह है कि आप ने जो सूचना लिख कर दी है—चाहे घटना से पहले या बाद में—लेकिन आप ने 29 जून, 1972 को रेलवे कर्मचारी को लिख कर दिया, क्या आप उस को स्वीकार करते हैं ?

**श्री के० के० बत्ता :** जी हाँ ।

**श्री बी० आर० शुक्ला :** आप ने जो लिख कर दिया वह खुद लिख कर दिया था और हस्ताक्षर किये थे—यद्यपि वह कागज इस समय हम लोगों के सामने नहीं है, लेकिन उस की जो नकल बनाई गई है, प्रतिलिपि बनाई गई है, वह हमारे सामने है और उसे आप को दिखलाया गया है । उस प्रतिलिपि का अंग्रेजी टाइटिल किया हुआ अनुवाद भी उस में दिया हुआ है—आप ने देखा होगा एक छोटा सा पर्चा उस में लगा हुआ है । मेरा आप से पूछने का प्रयोजन यह है कि जो आप ने 29 जून, 1972 को लिख कर दिया, यह उस की सही प्रतिलिपि है या आप ने कुछ दूसरा लिखा था और उन्होंने उस की गलत नकल बनाई है ? जो इस में लिखा हुआ है—क्या आप ने यही बात अपने मूल में नहीं लिखी थी ?

**श्री के० के० बत्ता :** यह नहीं लिखा था ।



श्री पोपट लाल जोशी : आप साहा साहब को कब से जानते हैं या उसी दिन आप ने उन को देखा था ?

श्री के० के० बत्ता : मैं पहले से नहीं जानता था ।

श्री पोपट लाल जोशी : आप ने पहले उन को कभी नहीं देखा था, कभी बातचात नहीं हुई थी ?

श्री के० के० बत्ता : पहले उन को कभी नहीं देखा था ।

श्री पोपट लाल जोशी : आप को बुलाने कौन आया था ? यह जो इन्स्टीट्यूट हुआ और जब साहा साहब चले गये, क्या उस के बाद आप को कोई बुलाने आया था ?

श्री के० के० बत्ता : जी हां ।

श्री पोपट लाल जोशी : कौन बुलाने आया था ?

श्री के० के० बत्ता : मुझे नहीं मालूम कौन बुलाने आया था ।

श्री पोपट लाल जोशी : क्या कोई भ्रफसर था ?

श्री के० के० बत्ता : हम को खयाल नहीं है । मुझे यही कहा गया था कि जो उन से ग्राइडेन्टिटी कार्ड मांगा था और उन्होंने रिफयुज किया, वह लिख कर दे दो, मैंने लिख दिया ।

श्री पोपट लाल जोशी : किस ने कहा था ?

श्री के० के० बत्ता : रेलवे स्टाफ ने ।

श्री पोपट लाल जोशी : रेलवे स्टाफ ने कहा कि आप ने जो देखा है, वह लिख कर दे दो ?

श्री के० के० बत्ता : जी हां ।

श्री पोपट लाल जोशी : आप ने खुद लिख कर दिया ?

श्री के० के० बत्ता : जी हां, ग्राफटर-वि-भ्रकरेंस ।

श्री पोपट लाल जोशी : एम० पी० के जाने के बाद ?

श्री के० के० बत्ता : वह तो दो मिनट के लिये वहां आये थे ।

श्री पोपट लाल जोशी : कितने समय के बाद आप को लिखने को कहा गया ?

श्री के० के० बत्ता : 5-7 मिनट बाद ।

श्री पोपट लाल जोशी : रेलवे वाले आये थे या पुलिस वाले आये थे ?

श्री के० के० बत्ता : रेलवे की पुलिस के कोई आदमी आये थे ।

श्री पोपट लाल जोशी : आप ने खुद लिख कर दिया या उन्होंने लिख कर आप को दिया और आप ने उस पर दस्तखत कर दिये ?

श्री के० के० बत्ता : मैंने लिख कर दिया था—जी० आर० पी० आसनसोल के नाम कि रेलवे स्टाफ ने ग्राइडेन्टिटी कार्ड मांगा था, लेकिन उन्होंने नहीं दिखाया—सिर्फ यही बात लिख कर दी थी ।

श्री पोपट लाल जोशी : इस से दूसरी कोई बात नहीं थी ?

श्री के० के० बत्ता : नहीं ।

श्री पोपट लाल जोशी : ये एम० पी० साहब नहीं है, कोई और आदमी है, इन का कार्ड फोजर्ड है—क्या ऐसा आप ने लिख कर नहीं दिया था ?

श्री के० के० बत्ता : यह सब हम नहीं जानते थे, इस से हमारा कोई संबंध नहीं था ।

श्री पोपट लाल जोशी : उस के बाद आप का केस मैजिस्ट्रेट के पास चला ?

श्री के० के० बत्ता : जी हां ।

श्री पोपट लाल जोशी : क्या वहां कोई रेलवे आफिशियल या पुलिस आफिशियल बिटनेस में आये थे ।

श्री के० के० बत्ता : आये थे ।

श्री पोपट लाल जोशी : क्या सब आये थे ?

श्री के० के० बत्ता : नहीं सब नहीं आये थे । एक—दो पुलिस के आदमी आये थे ।

श्री पोपट लाल जोशी : जिस ने आप से लिखवाया था, क्या वह आया था ?

श्री के० के० बत्ता : वह नहीं आया था, दूसरे आये थे । मैं उन को पहचान नहीं सकता कि कौन आये थे ।

श्री पोपट लाल जोशी : क्या एक आदमी आया था ?

श्री के० के० बत्ता : नहीं, दो-तीन आदमी आये थे ।

**Shri Chintamani Panigrahi:** The first Paragraph of the Judgement says:

“Prosecution case, in brief, is that on 29th June, 1972 at 13.06 hours one Krishna Kanta Dutta, son of late Bijoy Gopal Dutta of Machatala Bankura Town P.S. Bankura Distt. Bankura submitted a written complaint to Asansol G.R.P.S. to the effect that one person saying himself as A. K. Saha, M.P. was waiting at the First Class waiting room of Asansol Railway Station. He was not really M.P. and the photo and identity card possessed by him were forged ones.”

This is stated in the Judgement, and you are denying it.

श्री के० के० बत्ता : हमारा लायर बोला कि इस के लिये कुछ बोलने का नहीं है ।

**Shri Chintamani Panigrahi:** You have given something in writing to the police, and this is what is said in the first paragraph of the Judgement. Now you are denying it, saying that you did not give the thing in writing. When the original writing comes, it will be shown to you. Do you think you are telling something which is against your original writing?

श्री के० के० दत्ता : जो हम लिखित नहीं दिया है, उस को कैसे कहेंगे ।

**Shri Chintamani Panigrahi:** Do you think that the railway officers forged your statement?

**Shri K. K. Dutta:** I can not say. जो हम ने लिख कर नहीं दिया है, उस को कैसे कहूंगा कि लिख कर दिया है ।

**Shri Chintamani Panigrahi:** In all your life has there been any case against you?

**Shri K. K. Dutta:** No.

श्री श्याम नन्दन मिश्र : आप उस दिन फर्स्ट क्लास वेटिंग रूम में कैसे गये थे, क्यों गये थे ?

श्री के० के० दत्ता : हमारे बड़े भाई की लड़के की शादी के लिये गये थे, उन को देख कर वहां खाने के लिये गये थे ।

श्री श्याम नन्दन मिश्र : क्या आप वहां ट्रेन से पहुंचे थे ? बांकुड़ा 50-60 मील है, आप वहां बस से गये थे या ट्रेन से गये थे ?

श्री के० के० दत्ता : दुर्गापुर से ट्रेन से आया था ।

श्री श्याम नन्दन मिश्र : आप के पास फर्स्ट क्लास टिकट था ?

श्री के० के० दत्ता : जी हां, था ।

श्री श्याम नन्दन मिश्र : क्या किसी टी० टी० ने आप के फर्स्ट क्लास टिकट को देखा था ?

श्री के० के० दत्ता : जी हां, देखा था ।

श्री श्याम नन्दन मिश्र : किसी ने जांच की थी ?

श्री के० के० दत्ता : जब टिकट कटा कर आया था तो दुर्गापुर में देखा था ।

श्री श्याम नन्दन मिश्र : लेकिन जब आप वेटिंग रूम में गये तो क्या वहां के खानसामा ने आप से पूछा था कि आप का टिकट कहां है ?

श्री के० के० दत्ता : उस ने नहीं पूछा था ।

श्री श्याम नन्दन मिश्र : क्या आप ने अपने टिकट का नम्बर वहां की किताब में दर्ज किया था ?

श्री के० के० दत्ता : उस ने हम से नहीं पूछा था ।

श्री श्याम नन्दन मिश्र : आम तौर पर ऐसा होता है कि वहां की किताब में टिकट नम्बर दर्ज किया जाता है--क्या आप ने दर्ज किया था ?

श्री के० के० दत्ता : उसने नहीं मांगा था ।

श्री श्याम नन्दन मिश्र : लेकिन दत्ता साहब से आइडेंटिटी कार्ड मांग लिया, आप से नहीं मांगा ।

श्री के० के० दत्ता : हम तो मुंह घोने गये थे ।

श्री श्याम नन्दन मिश्र : बेटिंग रूम में मुंह धोने कोई उच्चका चला जाय, क्या इस की इजाजत मिल सकती है ?

श्री के० के० बत्ता : हम टिकट दिखला देते, लेकिन हम ने मांगा नहीं गया । हमारे पास टिकट था, हम ने पहले दिखा दिया था ।

श्री श्याम नन्दन मिश्र : इस से काम नहीं चलता है, वहां भी टिकट दिखाया जाता है । आप साल में कितनी बार घासनसोल जाते रहे हैं ?

श्री के० के० बत्ता : 10-15 साल बाद गया था ।

श्री श्याम नन्दन मिश्र : बाकुरा तो 50-60 मील दूर है, फिर भी आप 10-15 साल बाद गये थे ।

श्री के० के० बत्ता : पहले 1960 में गया था, वहां हमारी भाभी जी की मां का घर है ।

श्री श्याम नन्दन मिश्र : आपने कहा कि जब घटना हो गई, उसके बाद लिख कर दिया था, यह आपने क्यों लिख कर दिया ?

श्री के० के० बत्ता : पुलिस के लोग बोले कि जो घटना हुई है, जैसे हम लोगों ने आईडेंटिटी कार्ड मांगा और उन्होंने रिपयूज किया—यह लिख कर दे दो, मैंने लिख कर दे दिया ।

श्री श्याम नन्दन मिश्र : क्या उन्होंने आप से यह कहा कि जिस तरह से हम ने मांगा और उन्होंने इन्कार किया, इस बात के साक्षी हो जाइये ?

श्री के० के० बत्ता : साक्षी के लिये नहीं कहा था, वह यही बोले कि यह लिख कर दे दीजिये ।

श्री श्याम नन्दन मिश्र : इसके मायने यही हुए कि आप साक्षी हो जाइये ।

श्री के० के० बत्ता : साक्षी की बात होती तो मैं नहीं लिखता ।

श्री श्याम नन्दन मिश्र : फिर आप के लिखने का क्या प्रयोजन था, यह तो साक्षी बनने की ही बात थी ।

श्री के० के० बत्ता : साक्षी होने से हम नहीं लिखते ।

श्री श्याम नन्दन मिश्र : जैसा पुलिस वाले कह रहे हैं या रेलवे कर्मचारी कह रहे हैं कि आपने लिख कर यह शिकायत की थी—इस बात को आपने इजलास के सामने कहीं इन्कार नहीं किया है ?

श्री के० के० बत्ता : मैं आप की बात नहीं समझा ।

श्री श्याम नन्दन मिश्र : आपने इजलास के सामने ऐसा नहीं कहा है कि आप ने ऐसी कोई शिकायत लिख कर नहीं दी है कि साहा साहब के नाम से जो व्यक्ति अपने को एम० पी० घोषित करता है वह गलत आदमी मालूम पड़ता है, वह साहा साहब नहीं हैं । पुलिस कर्मचारी या रेलवे कर्मचारी कहते हैं कि आपने ऐसी शिकायत लिख कर दी थी, लेकिन कोर्ट के सामने आप ने कहीं इस बात को इन्कार नहीं किया है कि आपने ऐसी शिकायत लिख कर नहीं दी ?

श्री के० के० बत्ता : मैजिस्ट्रेट ने पूछा कि आप ने क्या लिख कर दिया । हम ने जो बात अभी आप के सामने कहा है, वही कह दिया कि हम ने यह लिख कर दिया है ।

श्री श्याम नन्दन मिश्र : लेकिन हमारे पास उनके फ़ैसले का जो सारांश है . . . . .

एक साननीय सबन्ध : यह सारांश नहीं है, फ़ैसले की कापी है ।

श्री श्याम नन्दन मिश्र : इस पूरे फ़ैसले में यह नहीं लिखा हुआ है कि आप ले इन्कार किया है कि हम ने पहले लिख कर नहीं दिया ?

श्री के० के० बत्ता : हमारे लायर ने कहा कि ज्यादा बात बोलने की जरूरत नहीं है ।

श्री श्याम नन्दन मिश्र : इससे ऐसा पता नहीं चलता है ।

श्री मूल चन्द डागा : आपने जो लिख कर दिया, वह अपने हाथ से लिखा, सारे अक्षर अपने हाथ से लिखे या पुलिस वालों ने लिखा और आपने दस्तखत किये ।

श्री के० के० बत्ता : अपने हाथ से लिखा ।

श्री मूल चन्द डागा : एक दफ़ा लिख कर क्या आपने उस को दोबारा पढ़ा ?

श्री के० के० बत्ता : नहीं ।

श्री मूल चन्द डागा : जब आप ने पुलिस वालों को लिख कर दिया, उस के बाद क्या पुलिस वालों ने आप के बयान लिये, कोई सवाल पूछे या नहीं पूछे ?

श्री के० के० बत्ता : नहीं पूछे ।

श्री मूल चन्द डागा : क्या उन्होंने आप की कोई गवाही ली ?

श्री के० के० बत्ता : कभी नहीं ली ।

श्री मूल चन्द डागा : कोई जांच भी नहीं की ?

श्री के० के० बत्ता : नहीं की ।

श्री मूल चन्द डागा : आप की जो रिपोर्ट है क्या इसको आप ने कचहरी में भी बतलाया ।

श्री के० के० बत्ता : नहीं ।

श्री मूल चन्द डागा : कचहरी में बयान आपने दिया या आप के वकील ने दिये ?

श्री के० के० बत्ता : वकील ने दिये । हम से नहीं पूछा ।

श्री मूल चन्द डागा : जो रिपोर्ट आपने लिख कर दी थी, क्या आप को कचहरी ने बतलाया था ?

श्री के० के० बत्ता : यह बतलाया था ?

श्री मूल चन्द डागा : क्या इस को कचहरी ने पढ़ा था ।

श्री के० के० बत्ता : हम ने यह बात नहीं लिखी थी, जो अभी बतलाई गई है ।

(साक्षी बाहर गया )

(The Committee then adjourned)

Wednesday, the 26th February, 1975

**PRESENT**

Dr. Henry Austin—*Chairman*

**MEMBERS**

2. Shri Somnath Chatterjee
3. Shri M. C. Daga
4. Shri Shyamnandan Mishra
5. Shri H. N. Mukerjee
6. Shri Chintamani Panigrahi
7. Shri B. R. Shukla

**SECRETARIAT**

Shri Y. Sahai—*Chief Legislative Committee Officer*

Shri J. R. Kapur—*Chief Financial Committee Officer.*

**WITNESSES**

1. Shri K. K. Basu—*Deputy Secretary (Judicial Department)  
Government of West Bengal, Calcutta.*
2. Shri Krishna Kanta Dutta.
3. Shri A. Bhattacharjee—*Officer-in-charge, Government Railway Police Station, Asansol.*
4. Shri A. T. Mahapatra—*A.S.I. of G.R.P.S., Asansol.*

*(The Committee met at 15.00 hours)*

(i) Evidence of Shri K. K. Basu, *Deputy Secretary (Judicial Department) Government of West Bengal, Calcutta.*

**Mr. Chairman:** Mr. Basu, you may take the oath.

**Shri K. K. Basu:** Oath taken.

**Mr. Chairman:** Mr. Basu, are you a Deputy Secretary, West Bengal, Judicial Department?

**Shri K. K. Basu:** Yes.

**Mr. Chairman:** Have you brought a file regarding case No. 1296 of 1972 which was in the court of Judicial Magistrate, Asansol?

**Shri K. K. Basu:** Yes.

**Shri M. C. Daga:** Kindly see whether the First Information Report is in original or a copy is there.

**Shri K. K. Basu:** I find that the original is not there; a copy is recorded there.

**Shri M. C. Daga:** After a magistrate takes a statement from a particular witness, the original document must be on the file. As far as the challan is concerned, it must have the FIR, with it.

**Shri K. K. Basu:** I find from the judgment that the case started on a complaint which was recorded in the GD entry and the magistrate started the case on that entry. But the original entry is not there in the record.

**Shri M. C. Daga:** Whether the accused had given a statement?

**Shri K. K. Basu:** He was examined and he did not say, "it is not the complaint which he filed."

**Shri M. C. Daga:** We will have a copy of that statement given by the accused.

**Shri K. K. Basu:** If you so desire, you can keep it.

**Shri Somnath Chatterjee:** Whether the original statement signed by the accused is there?

**Shri K. K. Basu:** The statement made by the accused is there which is signed by the accused himself as well as the magistrate.

**Shri M. C. Daga:** After the evidence was recorded, was his statement recorded again?

**Shri K. K. Basu:** He said, "this is the evidence against you, what have you got to say"? Whatever he said is recorded here.

**Shri M. C. Daga:** Do you find any cross-examination by the counsel for the accused or no cross-examination?

**Shri K. K. Basu:** There were four witnesses who were examined. They are: witness No. 1, that is, a police officer; witness No. 2, that is, a ticket collector and two other witnesses.

**Shri M. C. Daga:** Was the whole evidence recorded in one day?

**Shri K. K. Basu:** On the first day, only one witness was examined; on 7th December, 1973, witness No. 2 was examined; and on 3rd January, 1974, third and fourth witnesses were examined.

**Shri M. C. Daga:** Was the accused present in the court on all these occasions or the counsel was representing him?

**Shri K. K. Basu:** On all these occasions, when the witnesses were examined, the accused was present.

**Shri M. C. Daga:** Did he produce any evidence in support of his defence also?

**Shri K. K. Basu:** No, Sir.

**Shri M. C. Daga:** Was Mr. Saha examined as a witness?

**Shri K. K. Basu:** He was not examined as a witness.

**Shri M. C. Daga:** Whether the accused was released on bail or bond or surety or he was asked to fill up a simple bond?

**Shri K. K. Basu:** The accused surrendered himself and he was allowed to go on bail of Rs. 750.

**Shri M. C. Daga:** Kindly read out the statement of the accused which he had given.

**Shri K. K. Basu:** It is written in Bengali.

**Shri M. C. Daga:** Whether the FIR had been shown to him?

**Mr. Chairman:** Let him read out that statement in Bengali. It will be better if you give the English translation of this statement.

**Shri B. R. Shukla:** In order to satisfy ourselves about the contents of the file, he should be helped by somebody who can translate Bengali into English. Please tell me, is there any list of documents which have been produced before the court, appended to this file and whether any indexing of the file has been done?

**Shri K. K. Basu:** No, Sir.

**Shri B. R. Shukla:** Are you aware that the prevailing system in your State is that all those documents which are filed in the court, are indexed?

**Shri K. K. Basu:** In this case, no paper seems to have been filed in the court.

**Mr. Chairman:** Please read out the statement.

**Shri K. K. Basu:** (Read out the statement in Bengali).

**Mr. Chairman:** Kindly give us English translation of it along-with your signatures on it.

**Shri Somnath Chatterjee:** The original complaint should have been there. Is there any explanation for it?

**Shri K. K. Basu:** No.

**Shri Somnath Chatterjee:** I want to know the time when it was received by you. Was any information given by the Magistrate's Court whether the original was there or not?

**Shri K. K. Basu:** No.

**Shri Somnath Chatterjee:** When did you find it that the original was not there?



**Shri K. K. Basu:** Immediately on the receipt of the record.

**Shri Somnath Chatterjee:** Have you brought it to the notice of the Court?

**Shri K. K. Basu:** We are taking steps.

**Shri B. R. Shukla:** Is the matter being investigated?

**Shri K. K. Basu:** We are writing to the High Court.

**Shri B. R. Shukla:** He should submit the file, and he should get a receipt from our Secretariat that this file contains so many papers so that it may not be said later on that something is missing.

*(The witness then withdrew)*

**(ii) Evidence of Shri Kirshna Kanta Dutta, District Bankura (West Bengal)**

*(Shri K. K. Dutta was called in)*

**Mr. Chairman:** Mr. Dutta, you may please take the oath.

**Shri K. K. Dutta:** Yes, Sir. (Then Mr. Dutta took the oath).

**श्री मूल चन्द डागा :** क्या आपने इस मामले की शुरू से लेकर आखीर तक पूरी रिपोर्ट लिखी है ?

**श्री के० के० बत्ता :** जी हाँ, थोड़ी सी सफेद कागज़ पर लिखी थी और उस पर दस्तखत कर दिये थे ।

**श्री मूल चन्द डागा :** जो रिपोर्ट आपने लिखकर दी क्या उसको आपके लिये मजिस्ट्रेट ने दिखाई थी ?

**श्री के० के० बत्ता :** हमारी लिखी हुई रिपोर्ट हमें नहीं दिखाई गई । हमसे पुलिस ने पूछा कि क्या लिखकर दिया है तो हमने पुलिस को कुछ नहीं बताया ।

**श्री मूल चन्द डागा :** क्या मजिस्ट्रेट ने आपको असली रिपोर्ट नहीं दिखाई ?

**श्री के० के० बत्ता :** जी, नहीं ।

**श्री मूल चन्द डागा :** आपने जबानी कहा है कि आपने लिखकर नहीं दिया है ।

**श्री के० के० बत्ता :** नहीं साहब, हमने कहा कि हमने लिखकर दिया है ।

**श्री कपूर (उप-सचिव) :** रिपोर्ट तैयार नहीं थी क्योंकि रिपोर्ट टाइप होकर नहीं आयी थी इसलिये रिपोर्ट आने में कुछ समय लग सकता है ।

**श्री मूल चन्द डागा :** आप यह बतलाइये कि कुल कितनी हियरिंग हुई हैं ?

**श्री के० के० बत्ता :** 8-10-12 हियरिंग हुई है ।

**श्री मूल चन्द डागा :** क्या आपने अपने बानों में कहा है कि एम० पी० श्री सहा औरतों के पीछे दौड़ते थे, क्या आपने यह बात अपनी रिपोर्ट में लिखी थी ?

श्री के० के० दत्ता : हमने अपनी रिपोर्ट में कहा है कि एम० पी० फस्ट क्लास में बंटे थे ।

श्री मूल चन्द डागा : नहीं हम यह नहीं पूछ रहे हैं कि वह कहां बंटे थे हम पूछ रहे हैं कि क्या आपने अपनी रिपोर्ट में यह लिखाया था कि एम० पी० सहा ग्रीरतों के पीछे दौड़ते थे ?

श्री के० के० दत्ता : हमने बोला कि वह बेटिंग रूम से निकलकर चले गये, ग्रीरतों के पीछे दौड़ने के बारे में हमें नहीं पता । हम से पुलिस ने यह भी पूछा कि क्या आप इन एम० पी० को पहचानते हैं ? हम ने कहा कि हम नहीं पहचानते हैं ।

श्री मूल चन्द डागा : जब मुकदमा चला तो आपसे उस मुकदमें में कौन-कौन से प्रश्न पूछे गये ?

श्री के० के० दत्ता : हमसे मुकदमें में जो पूछा गया वह हमने सही सही बताया था ।

श्री बी० प्रार० शुक्ला : क्या आपके इस स्टेटमेन्ट पर हस्ताक्षर हैं ? इसमें कोई ऐसी बात तो नहीं लिखी जिसे आप अब इस समय गलत समझते हों ? आप कृपया इस स्टेटमेन्ट का पेज नं० दो देखिये ।

श्री के० के० दत्ता : जी हां, हमारे इस पर हस्ताक्षर हैं और हमने इसे अच्छी तरह से देख लिया है ।

श्री बी० प्रार० शुक्ला : क्या आपकी हाजिरी कोर्ट में लिखी गई थी ?

श्री के० के० दत्ता : जी, हां ।

**Shri B. R. Shukla:** The Court's file containing your statement is here. That statement is being shown to you. Now, after reading your statement, kindly tell us whether that statement is true or false.

श्री मूल चन्द डागा : मैंने आप से पूछा कि कचहरी में जो आपसे पूछा गया था क्या उसको आपको बाद में बतलाया गया था ?

श्री के० के० दत्ता : जी हां, बतलाया था ।

श्री मूल चन्द डागा : आपने कचहरी में खुद बयान दिये थे या आपके वकील ने दिये थे आपने कह दिया कि वकील ने दिये थे तो आपकी कौन सी बात सही है ?

श्री के० के० दत्ता : हमारे वकील ने दिये थे ।

श्री मूलचन्द डागा : क्या आपने एम० पी० से कुछ ग्रीर सवाल भी किये थे ?

श्री के० के० दत्ता : हमने एम० पी० से पास देवने के लिये मांगा था लेकिन उन्होंने नहीं दिखाया हमारे लाइवर ने भी पास के बारे में पूछा लेकिन उन्होंने नहीं दिखाया ।

श्री मूलचन्द डागा : यह जो आपने स्टेटमेन्ट दिया है क्या यह ठीक है ?

श्री के० के० दत्ता : यह स्टेटमेन्ट ठीक है ।

**Shri Somnath Chatterjee:** Apart from this statement have you made any other statement?

**Shri K. K. Dutta:** I made a statement before the police. I only said that the identity card was asked for and that was not produced. That statement was given in writing after the occurrence. I signed that.

**Shri Somnath Chatterjee:** Can you tell us whether on that document the case was filed against you?

**Shri K. K. Dutta:** No, the case was not filed on that document.

*(The witness then withdrew)*

**(iii) Evidence of Shri A. Bhattacharjee, Officer-in-charge, GRPS, Asansol**

*(Oath taken by the witness)*

**Shri Somnath Chatterjee:** I am showing you a document from the records of Case No. 1296 of 1972 in the court of S.D.J.M., Asansol under Sec. 182 IPC. Please tell us, whether it bears your signatures or not.

**Shri A. Bhattacharjee:** This bears my signatures.

**Shri Somnath Chatterjee:** Is this in your hand-writing?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** The entirety of it.

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Are all the entries correct there?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** In remarks column, it is stated that the 'original is enclosed'. What is this 'original'?

**Shri A. Bhattacharjee:** The original written complaint of Shri K. K. Dutta.

**Shri Somnath Chatterjee:** When the case was filed in the court of the Magistrate, this original document was also filed.

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Do you know Shri K. K. Dutta?

**Shri A. Bhattacharjee:** I saw him on that day.

**Shri Somnath Chatterjee:** Did you see him today?

**Shri A. Bhattacharjee:** No, Sir.

**Shri Somnath Chatterjee:** Can you identify him?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** On the basis of your report, a prosecution case was launched against him. Where is that original document?

**Shri A. Bhattacharjee:** That was filed with the SDJM, Asansol.

**Shri Somnath Chatterjee:** Was it taken back by the police?

**Shri A. Bhattacharjee:** No, Sir.

**Shri Somnath Chatterjee:** Have you got a true copy of the complaint?

**Shri A. Bhattacharjee:** It is there in the G. D. Book. I have brought it with me.

**Shri Somnath Chatterjee:** Do you find a true copy of that GD entry in this file?

**Shri A. Bhattacharjee:** It is there.

**Shri Somnath Chatterjee:** Who has certified it?

**Shri A. Bhattacharjee:** I certified it.

**Shri Somnath Chatterjee:** You certified it correctly.

**Shri A. Bhattacharjee:** I think so.

**Shri Somnath Chatterjee:** What do you mean by 'I think so'?

**Shri A. Bhattacharjee:** It is correct.

**Shri Somnath Chatterjee:** It refers to the complaint filed by Shri K. K. Dutta.

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** You interrogated or questioned Shri K. K. Dutta on that day and you found that the complaint was baseless?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Because you came to that conclusion, you referred the case to the court of the Magistrate.

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri Somnath Chatterjee:** Kindly produce your own records. Where is the G. D. entry?

*(Shri A. Bhattacharjee produced the record)*

**Shri Somnath Chatterjee:** Where is the entry which contains the complaint made by Shri K. K. Dutta? Please identify it.

**Shri A. Bhattacharjee:** It is here.

**Shri Somnath Chatterjee:** Please read it.

**Shri A. Bhattacharjee:** It reads:\*\*

"A person is there in the Ist class waiting room who is giving himself out as Shri A. K. Saha, M.P. and he has signed

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\*\*Translated from Bengali.

the visting book as such. In fact, he is not an M.P. and the identity card with photograph which he produced must be forged."

**Shri Somnath Chatterjee:** Do you know that Shri K. K. Dutta says that he did not file any such complaint?

**Shri A. Bhattacharjee:** I do not know.

**Shri Somnath Chatterjee:** Is that correct?

**Shri A. Bhattacharjee:** No, Sir.

**Shri B. R. Shukla:** In the case instituted under Sec. 182, IPC against Shri K. K. Dutta, were you examined as prosecution witness?

**Shri A. Bhattacharjee:** Yes, Sir.

**Shri B. R. Shukla:** At that time, did you have an opportunity to see the original complaint of Shri K. K. Dutta?

**Shri A. Bhattacharjee:** No, Sir.

**Shri B. R. Shukla:** Do you send the charge-sheet or complaint to the court directly or through the Superintendent of Police? What is the practice in your State?

**Shri A. Bhattacharjee:** No; direct to the court.

**Shri B. R. Shukla:** Was it sent in a sealed cover?

**Shri A. Bhattacharjee:** Not in a sealed cover; it was sent by a messenger.

**Shri B. R. Shukla:** Before submitting the Charge-sheet under Sec. 182 of the IPC you must have examined Mr. Dutta also?

**Shri A. Bhattacharjee:** I examined him on the very day he submitted his report.

**Shri B. R. Shukla:** During the course of the examination by you, did he deny the original report which is alleged to have been filed by him or did he admit that he made the report.

**Shri A. Bhattacharjee:** During my examination he did not deny it.

**Shri B. R. Shukla:** So he accepted that the complaint has been made by him and at no stage did he deny and just that it was not made by him?

**Shri A. Bhattacharjee:** No, he did not deny it.

**Shri Chintamani Panigrahi:** The original sent by the messenger must have been received by a court officer. You had said in reply to a question that you sent it direct to the court; so somebody must have signed in token of having received it from you. Did the messenger get the signature of the officer who received it?

**Shri A. Bhattacharjee:** Yes.

**Shri Chintamani Panigrahi:** If that is also with you, will you certify it and send us a certified copy?

**Shri M. C. Daga:** Under Sec. 182, do you *suo motu* prosecute a person or do you obtain the permission of the Superintendent of Police?

**Shri A. Bhattacharjee:** I have to obtain the permission of the Superintendent of Police.

**Shri M. C. Daga:** Did you obtain his permission in this case?

**Shri A. Bhattacharjee:** Yes.

**Shri M. C. Daga:** On what date did you obtain the permission?

**Shri A. Bhattacharjee:** On 13-7-72.

**Shri M. C. Daga:** Was it in writing? What orders did the S.P. pass?

**Shri A. Bhattacharjee:** He permitted me to prosecute the person I had detained for examination.

**Shri M. C. Daga:** Did he give it in writing or not?

**Shri A. Bhattacharjee:** No; he telephoned the message to me with an official No.

**Shri M. C. Daga:** You say that no body can be prosecuted under Sec. 182 unless and until the S.P. gives permission. But here you have not obtained the S.P.'s permission in writing and nothing is on record to show that he has given permission?

**Shri A. Bhattacharjee:** He has given permission orally.

**Shri B. R. Shukla:** Before prosecuting Mr. Dutta, did you examine Mr. Saha, M.P.?

**Shri A. Bhattacharjee:** I examined him on the very day on which the complaint was lodged.

**Shri B. R. Shukla:** Was he cited as a witness?

**Shri A. Bhattacharjee:** No, he was not cited.

**Shri B. R. Shukla:** Is that G.D. book finished?

**Shri A. Bhattacharjee:** Yes.

**Mr. Chairman:** It is not the current G.D. book?

**Shri A. Bhattacharjee:** No.

**Mr. Chairman:** Will it be all right if you leave it here?

**Shri A. Bhattacharjee:** Yes.

**Mr. Chairman:** Then you may leave it here.

**Shri Somnath Chatterjee:** Will you please identify the entry in the original G.D. book that it is in your hand-writing and is correct?

**Mr. Chairman:** You read the entry first.

**Shri Somnath Chatterji:** Please read the entry to satisfy yourself and identify that it is correct.

(The entry was read out in Bengali by Shri Bhattacharjee)

**Shri A. Bhattacharjee:** This was written by my A.S. who was on duty at that time.

**Shri Somnath Chatterjee:** That is the entry on the basis of which you launched the prosecution

**Shri A. Bhattacharjee:** Yes.

**Shri Somnath Chatterjee:** Then please identify it.

**Mr. Chairman:** You may say that this is the G.D. entry made by your assistant officer and on the basis of the same your prosecution was launched.

**Shri A. Bhattacharjee:** Yes, I do.

*(The witness then withdrew)*

(iv) Evidence of **Shri A. T. Mahapatra, ASI of G.R.P.S., Asansol.**

*(The witness took the oath)*

**Mr. Chairman:** Are you ASI of GRPS?

**Shri A. T. Mahapatra:** Yes.

**Mr. Chairman:** Were you on duty on 29-6-1972?

**Shri A. T. Mahapatra:** Yes.

**Shri M. C. Daga:** Did Mr. Dutta lodge a complaint through you?

**Shri A. T. Mahapatra:** Yes.

**Shri M. C. Daga:** Who examined him and who recorded his statement?

**Shri A. T. Mahapatra:** He himself had written his report.

**Shri M. C. Daga:** When the report came to you, did you examine him?

**Shri A. T. Mahapatra:** I myself examined him. Then my officer also examined him.

**Shri M. C. Daga:** Have you got the original document?

**Shri A. T. Mahapatra:** Yes.

**Shri M. C. Daga:** After you had examined him, you obtained the signature on the report?

**Shri A. T. Mahapatra:** The original report which was submitted by him was also signed by him.

**Shri M. C. Daga:** You have seen the original report. After you had examined him, you had also put certain questions to him and he gave you the replies.

**Shri A. T. Mahapatra:** Yes.

**Shri M. C. Daga:** That you had taken down.

**Shri A. T. Mahapatra:** No.

**Shri B. R. Shukla:** You had examined him orally after he gave you the information in writing. But his oral examination was not reduced to writing either by you or by your superiors.

**Shri A. T. Mahapatra:** The examination of Shri Dutta was not noted in my general diary. I had orally examined him.

**Shri M. C. Daga:** After that, did you submit this file to the court?

**Shri A. T. Mahapatra:** By my officer.

**Shri M. C. Daga:** Was this file directly sent to the court or it was sent through the SP?

**Shri A. T. Mahapatra:** It was sent through the court inspector, Asansol.

**Shri M. C. Daga:** Was that original document also sent?

**Shri A. T. Mahapatra:** Yes.

**Shri Somnath Chatterjee:** Kindly look into the GD entry 1396. Whose signature is this?

**Shri A. T. Mahapatra:** This is mine.

**Shri Somnath Chatterjee:** Is it correctly recorded?

**Shri A. T. Mahapatra:** Yes.

*(The witness then withdrew)*



## **APPENDIX I**

(See para 17 of the Report)

**AJIT KUMAR SAHA**

4, Ashoka Road,  
New Delhi-1.  
July 31, 1972.

**MEMBER OF PARLIAMENT  
(LOK SABHA)**

The Secretary,  
Lok Sabha,  
Parliament House,  
New Delhi-1.

Dear Sir,

Under Rules 222 and 223 of the Rules of Procedure and Conduct of Business, I hereby give notice seeking permission to raise the question involving a breach of privilege concerning me, as a member of Parliament. The facts of the case will appear from the Statement enclosed (Annexure).

Yours faithfully,  
Sd/-

(Ajit Kumar Saha)

Encl: statement.

## ANNEXURE TO APPENDIX I

### STATEMENT

With a view to attend the meeting of the Joint Committee on Untouchability Offences (Amendment) Bill, due to be held on 1st July, 1972, I intended to come to Delhi by 81 UP Train on June 29, 1972 from Asansol Railway Station. I reached Asansol Railway Station on 29th June, 1972 at about noon to catch the train which was due to reach Asansol at about 1.48 P.M. As there was still some time for the train to reach Asansol Station, I went into the First-Class Waiting Room of Asansol Railway Station. While I was waiting there, a Ticket Collector, whose identity is not known to me, repeatedly came to the Waiting Room and asked for the production of my Identity Card as a Member of Parliament, which I showed to him and the same was verified by him more than once. The same procedure was repeated by the Head Ticket Collector on two occasions. I was greatly harassed and felt humiliated by such repeated requisition for production of my Identity Card in the presence of a number of people in the waiting room. I protested against such treatment to both the Ticket Collector and the Head Ticket Collector and I was told by them that there was a complaint against me. I wanted to know what the complaint was but they refused to disclose the same. Soon after a young-man came to the Waiting Room and asked me to accompany him to the Police Station. When I demanded his identification and pointed out that he was not in uniform, the young man stated that his revolver, which he produced, was his identification. I refused to go to the Police Station and instead approached the Station Master and complained to him about the harassment meted out to me.

Subsequently, I came down from the waiting room (which is on the first floor of the Railway Station Building at Asansol) and I was going to board the Train (81 UP), two Constables prevented me from getting into the train and took me against my wishes to the GRP Thana in the Station. There, the Officer Incharge forcibly took my Identity Card from my hand and tore the cover (jacket) of the card to examine it. When I asked him why I had been brought to the Police Station and what the complaint against me

was, he stated that one Shri Krishna Kanta Dutta had complained that I was not a genuine M.P. It may be stated that the said Dutta is a notorious criminal of Bankura with many criminal cases pending against him. I was detained inside the Police Station for some time and was harassed on such a ridiculous charge that I was not a genuine M.P. Although the Police Officer had removed the Identity Card from my possession and had inspected it, he did not allow me to board the train with full knowledge of the fact that I was to catch the train to come to Delhi to attend the Meeting of Parliamentary Committee, which I disclosed to him. The young-man who had earlier approached me in the Waiting Room was found inside the Police Station and when I asked for the identification of the young-man the Officer Incharge did not disclose the same. I lodged a complaint in writing against the behaviour of the concerned Ticket Collectors and the Policemen. As the train was about to leave, I somehow came out of the Police Station, after getting back my Identity Card which I demanded from the Police Officer concerned, and was just able to catch the train.

From the above, it will be clear that there was a pre-planned conspiracy to harass and humiliate me and to prevent me from coming to Delhi to attend the meeting of the Parliamentary Committee and thereby to interfere with the discharge of my duties and function as a Member of Parliament. The treatment meted out to me is unprecedented. In the presence of a number of people, I was repeatedly asked to produce my Identity Card by the Ticket Collector and the Head Ticket Collector, was taken to GRP Station by two Constables against my wishes without any charge or complaint against me, my Identity Card was forcibly taken from me by the Officer Incharge of the GRP Station, I was kept waiting at the Police Station unnecessarily on an alleged but frivolous complaint, with the clear object to humiliate and harass me. The above incidents amount to deliberate misbehaviour towards a Member of Parliament and interference with the proper discharge of his duties and functions. The same, I submit, also amount to molestation apart from the illegal detention. I apprehend that the young-man with the revolver, in collusion with a section of the Railway Station and Police, was intending to kidnap and murder me. Throughout the incident, many anti-social elements, including the said Shri Krishna Kanta Dutta and goondas gathered in and around the Police Station and observed my movement. This shows the state of affairs in Asansol where even an M.P. is not safe from the reign of terror and intimidation. That this should happen in a Railway Station and with the collusion of the Railway Police makes the situation worse. The whole thing was clearly pre-planned and pre-me-

dictated. On July 1, 1972, I wrote to the Hon. Speaker informing him about the incident and sent copies of the said letter to the Prime Minister of India, the Railway Minister and the Chief Minister of W. Bengal. I submit that there has been a clear breach of privilege and I hope that the Hon. Speaker will be pleased to allow the matter to be raised as a matter of privilege and see that the rights of the members of this august House are not trifled with.

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## APPENDIX II

(See para 19 of the Report)

**MOST IMMEDIATE**

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**CONFIDENTIAL**

### MINISTRY OF HOME AFFAIRS

**SUBJECT:** *Complaint by Shri Ajit Kumar Saha, M.P., regarding harassment and ill-treatment meted out to him by the Railway Staff and Police at Asansol Railway Station on the 29th June, 1972.*

Reference Lok Sabha Secretariat U.O. No. 17/CI/72, dated July 31, 1972, on the subject mentioned above.

2. The Government of West Bengal were requested to furnish the facts. They have forwarded a copy of a report of inquiry made by the Executive Magistrate, I Class, Asansol, which is sent herewith (Annexure I). Since the incident had taken place in a railway station, the Ministry of Railways (Railway Board) were also requested to ascertain facts. The report of the General Manager, Eastern Railway, forwarded by the Railway Board is also sent herewith (Annexure II). The Minister in the Ministry of Home Affairs has seen this before issue.

Sd/-

(T. R. AGNANI)

*Under Secretary (Poll II),*

*Ministry of Home Affairs.*

Lok Sabha Secretariat (Shri B. K. Mukherjee)

MHA U.O. No. 30/60/72-Poll (A), dated 2-8-1972.

## ANNEXURE I TO APPENDIX II

(See para 2 of Appendix II)

Report of enquiry made by Executive Magistrate, I class, Asansol, into the incident of alleged ill-treatment of Shri Ajit Kumar Saha, M.P., by the Railway Staff and police at Asansol Station on 29th June, 1972.

As desired by A.D.M., I have made an inquiry into the incident referred to above. The result of the enquiry is given below.

On 29-6-1972 at about 12.30 hours the bearer of the First class waiting room reported to Head Ticket Collector Shri D. B. Banerjee that a passenger was challenging the identity of another passenger who had entered his name as Shri Ajit Kumar Saha, M.P. in the waiting room register and was going to travel in 81 Up train as an M.P. The Head T.C. sent Shri R. N. Chaudhuri, a senior Traveling Ticket Checker and Shri B. D. Singh, Ticket Collector to check the tickets of the passengers waiting in the First Class Waiting Room. After a while Shri Chaudhuri came back and reported that all the passengers in the Waiting room were genuine Ist Class passengers with tickets except two ladies who accompanied Shri Ajit Kumar Saha, M.P. Shri Saha had, however, his Identity Card (as M.P.) bearing No. 494.

In the meantime, Shri P. K. Das, the reservation clerk came to Head T.C. and told him that Shri Ajit Kumar Saha had booked 3 berths by 103 Up on 28-6-72 by sending a requisition from Bankura in an M.P.'s Post Card and giving the number of his identity card. Thinking that it was necessary to ascertain the fact, the Head T.C. met Shri Ajit Kumar Saha in the Waiting Room and examined his identity card. The M.P. is stated to have informed the H.T.C. that he had already cancelled his reservation for 28-6-72 at Bankura Station. The H.T.C. expressed his regret for disturbing the M.P. and came back to his office.

Shri Saha then went to meet the A.S.M. but, without finding him, told Shri K. N. Ganguly, Asstt. Yard Master who was doing A.S.M.'s work at that time about the incident. Obviously he took

exception to the checking of his identity card more than once. Shri Ganguly looked for the person who had complained about the identity of the M.P.

In the meantime Shri Krishna Kanta Dutta (that was the name of the person who had challenged the identity of the M.P.) lodged a written complaint with the G.R.P.S. to the effect that the person who was giving his name as Shri Ajit Kumar Saha, M.P. was not actually the M.P. and that the identity card he was carrying was counterfeited. This complaint was entered in G.D. as Entry No. 1396 dated 29-6-72 by Shri A. T. Mahapatra, A.S.I. of G.R.P.S., Asansol. Shri Mahapatra met the M.P. in the waiting room and requested him to show him his identity card and also to come to the G.R.P.S. which was downstairs. Shri Saha refused to do anything of the kind. Then Shri S. Banerji, 2nd Officer of the G.R.P.S. met Shri Saha, introduced himself, he was in plain clothes and was carrying a revolver) and requested Shri Saha to show his identity card and also come to the P.S. The M.P. according to Shri Banerji, was shown due courtesy and was seated in the room of the O/C, G.R.P.S. These facts were recorded as Asansol G.R.P.S. G.D. Entry No. 1397 dated 29-6-72.

The O/C, G.R.P.S. Shri A. Bhattacharya, who had already been informed of the incident, then arrived at the P.S. and took up the investigation. At first he interrogated the complainant Shri Krishna Kanta Dutta. Shri Dutta stated that he did not know Shri Ajit Kumar Saha, M.P. personally nor could he give the name and other particulars of the person who was allegedly impersonating the M.P. The O/C then looked into the identity card produced by Shri Saha. It was duly signed by the Secretary of the Lok Sabha and bore No. 494 dated 22-3-71. The O/C found that the Photograph fixed on the Card to be that of the person carrying the card. Shri Saha told him that he was elected M.P. from Bishnupur Constituency of Bankura District and was on that day at Asansol station to avail himself of the 81 UP Train to Delhi.

The O/C was fully satisfied about the identity of Shri Ajit Kumar Saha, M.P. and directed A.S.I. Shri Mahapatra to escort the M.P. to the compartment of the train and stay with him till the departure of the train. The O/C entered these facts in G.D. entry No. 1398 dated 29-6-72.

The O/C, G.R.P.S., also lodged prosecution report against Shri Krishna Kanta Dutta, s/o Late Bojoy Gopal Dutta of Machantala, Bankura town, distt. Bankura (who was responsible or starting the whole thing) u/s 182 I.P.C. or giving false information with

intent to cause a public servant to use his lawful power to the annoyance of another person. This has reference to G.R.P.S. N.C.R. No. 682/72 dated 20-7-72.

The young man referred to in the letter of the M.P., addressed to the Speaker of the Lok Sabha, was Shri S. Banerji, 2nd Officer of Asansol G.R.P.S. He stated that he had disclosed his identity to the M.P. and approached him with proper courtesy. He denied having produced his revolver, but said that it was in holster and was visible.

The staff of the G.R.P.S. involved denied that the M.P. was prevented by two constables from getting into the train. They stated that he had come from the Waiting Room to the P.S. on the request of Shri S. Banerji, 2nd Officer of Asansol G.R.P.S.

Sd/- A. BARI,

*Executive Magistrate of  
the 1st Class, Asansol.*

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## ANNEXURE II TO APPENDIX II

(See para 2 of Appendix II)

Copy of G.M./Eastern Railways D.O. letter No. G/160/5/2/72 dated 24-7-72.

The Report of the General Manager, Eastern Railway, forwarded by the Railway Board, regarding the alleged misbehaviour to Shri Ajit Kumar Saha, M.P.

The matter has been enquired into and the facts are briefly as under:

On 29-6-72 Shri A. K. Saha, M.P. had come by 351 Up ex. S. E. Rly. to Asansol and occupied 1st Class waiting room. At about 12.30 hrs. Shri Sukdeo Mondal, waiting room Bearer, informed the Head Ticket Collector that one gentleman was complaining about the bonafides of a passenger who gave his name in the Waiting Room Register as Shri A. K. Saha, M.P., Identity Card No. 494. On this, the Head Ticket Collector, Shri D. B. Banerji, directed TTE, Shri R. N. Chowdhury, No. 2, and TCs, Sarvashri B. D. Singh and Upkar Singh to check the waiting room. Shri R. N. Chowdhury (2) approached Shri Saha and requested him to show his identity card. Shri Saha showed the same.

Meanwhile, Shri Das, Reservation Clerk, who happened to be in Head Ticket Collector's Office, pointed out to Head TC that he had received a letter dated 9-6-72 from the same M.P. requesting for reservation of three III class Sleeper berths by 103 Up on 28-6-72, i.e. the previous day. At this, the Head Ticket Collector himself went to Shri Saha and again requested him to show his identity card. On seeing the identity card, the Head T.C. was satisfied and returned to his office. Shri Saha was a little upset by the repeated checks of his identity card and expressed the fact to the ASM on duty Shir K. N. Ganguly. Shri Saha, however, did not lodge any written complaint at the station.

One Shri Krishna Kanta Dutta, an outsider, who had earlier complained about the bonafides of Shri A. K. Saha to the Waiting Room Bearer, also reported to Shri Mahapatra, ASI, GRPS, Asansol

that a fake person carrying Identity Card in the name of Shri A. K. Saha, M.P. was occupying the 1st Class Waiting Room. When asked by the ASI, Shri Dutta lodged a written complaint with the GRPS, on which G.D. Entry No. 1396 of 29-6-72 was made and the ASI went to meet Shri Saha and requested him to come to GRPS. Shri Saha declined to come to Police Station, on which the ASI came back and informed his Officer-in-Charge. Meanwhile, the 2nd Officer, Shri S. Banerjee met Shri Saha and requested him to come to police station. At this the M.P. asked Shri Banerjee as to who he was. Shri Banerjee was in mufti but was carrying his Revolver. He stated that he was a GRP officer. Shri Saha wanted to see the identity card of Shri Banerjee at which Shri Banerjee stated that the police officers were not supposed to be in possession of any identity card. But the fact that he had a service revolver would indicate that he was a police officer.

Finally, at the entreaty of 2nd officer and the ASI, Shri Saha came to the police station. Meanwhile, the OC, who was on sick list came down from his residence and interrogated Shri K. K. Dutta, the complainant, as to whether he knew Shri Saha in person. Shri Dutta replied in the negative but stated that this gentleman was not Shri Saha, the MP but was some Shri Mondal. Since Shri Saha produced his identity card to O/C, GRPS, Asansol which bore the signature of the Secretary, Lok Sabha, and also bore Shri Saha's photograph tallying with his person, the O/C, GRP did not take any cognizance of the complaint. Rather, he directed his ASI to escort Shri Saha to the platform till he entrained 81 Up.

It has been ascertained from SRP, Howrah that a case has already been started against the complainant, Shri K. K. Dutta, by Asansol GRPS for lodging a false complaint against the M.P. The case is under investigation.

Yours sincerely,

Sd/-

General Manager,  
Eastern Railway.

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### APPENDIX III

(See para 20 of the Report)

**AJIT KUMAR SAHA**  
**MEMBER OF PARLIAMENT**  
**(LOK SABHA)**

4, Ashoka Road,  
New Delhi-1.  
August 20, 1972.

The Secretary,  
Lok Sabha,  
Parliament House,  
New Delhi.

Dear Sir,

On July 31st, 1972 with the permission of the Hon'ble Speaker, I raised a question involving breach of privilege concerning me as a member of Parliament. The Hon'ble Speaker was pleased to refer the matter to the appropriate authorities for their report. Since then, a few days back, I have been supplied with copies of two reports, one from the Executive Magistrate, 1st Class, Asansol and other from the Ministry of Railways concerning the incident referred to by me.

From a perusal of the said reports it will be clearly established that there has been a gross and deliberate breach of privilege on the part of the persons concerned, with the intention of deliberately interfering with the discharge of my duties and functions as a member of Parliament. According to the report of the Ministry of Railways, one Krishna Kanta Dutta, described in the said report itself as an outsider, had allegedly complained about my bonafides to the Waiting Room bearer and that he had allegedly also made complaint to the ASI of GRPS, Asansol that a fake person carrying Identity Card in the name of Shri A. K. Saha, M.P., was occupying the 1st Class Waiting Room. From the report of the Magistrate it appears that on the basis of alleged complaint of the said Krishna Kanta Dutta, the bearer of the Waiting Room allegedly reported to the Head Ticket Collector, that "a passenger was challenging the identity of another passenger who had entered his name as Shri Ajit Kumar Saha, M.P., in the waiting room register and was going to travel in 81 UP train as an M.P.". It is clear from the above that the description of Shri Krishna Kanta Dutta as a passenger in the

report of the Magistrate is wholly untrue. It is amazing that the instance of an outsider who had allegedly complained to the Waiting Room bearer, the Head Ticket Collector had sent two Railway Officers for the purpose of checking the tickets of passengers in the waiting room and such officers required me to produce my identity card more than once. No explanation has been given why, after the Travelling Ticket Checker and the Ticket Collector were satisfied with my bonafides, again the Head Ticket Collector himself came to the waiting room for the purpose of examining my identity card all over again. The explanation given that the Head Ticket Collector had gone to the waiting room on the basis of some information allegedly given by the Reservation Clerk is fantastic and obviously fabricated. It is preposterous to think that because I had previously sent a requisition from Bankura for making some reservation for 103 UP on 28-6-1972, the Head Ticket Collector on the basis of such information would go to the Waiting room to examine my identity card on 29-6-1972. What possible connection could be there with regard to the cancellation of the booking on the previous day and checking up my identity on the following day has not been disclosed nor explained. I submit that what was done by the Head Ticket Collector as well as by the Ticket Collector who was accompanied by the Travelling Ticket Checker was deliberate and motivated with the sole intention of humiliating me before other passengers, who were there present in the waiting room.

It is a clear case of deliberate mis-behaviour with a Member of Parliament resulting in flagrant breach of my privilege as a Member of Parliament. It is absolutely false that the Head Ticket Collector expressed any regret to me at any point of time. It is to be noted that according to the report of the Magistrate the Head Ticket Collector had sent the Senior Travelling Ticket Checker and the Ticket Collector to check the tickets of the passengers in the waiting room and that the Travelling Ticket Checker had already reported of my presence in the waiting room. In spite of that no reason has been given why the Head Ticket Collector went to the waiting room again for the purpose of examining my identity card. The explanation given is clearly by way of after thought and cannot bear scrutiny at all.

From the said reports it appears that one Shri A. T. Mahapatra ASI of GRPS, Asansol, had gone to the waiting room and met me on the basis of the alleged complaint made by the said Krishna Kanta Dutta. I do not know the name of the Person who came to the waiting room and asked me to accompany him to the Police

2216 LS—14.

Station. When I demanded of such person to disclose his identity and pointed out that he was not in uniform, the said person who was a young-man, stated that his revolver, which he produced, was his identity. It now appears from the report of the Magistrate that one Shri S. Banerjee, Second Officer of the GRPS, Asansol, had gone to the waiting room and he was in plain clothes and was carrying a revolver. The said Shri S. Banerjee never disclosed his identity to me and as such I had refused to go with him to the Police Station. Instead I approached the Station Master and made complaint about the mis-behaviour meted out to me. It is absolutely false that the said Shri S. Banerjee either introduced himself to me or produced any identification or I was shown any courtesy whatsoever, or that I accompanied, is fabricated and a gross distortion of facts. If either the said Shri S. Banerjee or Shri A. Bhattacharyya O.C., GRPS, wanted to verify whether I was a genuine M.P. or not, the request for production of my identity card would have been sufficient (even if such ridiculous complaint could be taken cognisance of by any police officer at all) and it was not necessary to ask me to go to the Police Station as this had allegedly done.

As stated in my earlier Statement, when I came down from the waiting room and was going to board the train, two Constables prevented me from getting into the train. It is completely untrue that I was escorted to the compartment of the train by the ASI. If any such entry has been made in the Police records, then the same is nothing but pure concoction. It is significant to note that only on July 20, 1972 a case has been allegedly started against the said Krishna Kanta Dutta, who is a notorious criminal of Bankura.

There are clear contradictions in the report of Executive Magistrate, 1st Class, and the report of the Ministry of Railways, which will appear from a mere perusal of the same. I submit that the reports submitted are wholly unsatisfactory and in many respects untrue and on the other hand they clearly establish the charges that I have made. In view of the above I submit that Shri R. N. Chowdhury, Senior Travelling Ticket Checker, Shri B. D. Singh, Ticket Collector, Shri D. B. Banerjee, Head Ticket Collector, Shri A. P. Mahapatra, ASI of GRPS, Shri S. Banerjee, Second Officer, GRPS, Asansol, Shri A. Bhattacharyya, O. C., GRPS, Asansol and the said Krishna Kanta Dutta are guilty of deliberate breach of my privilege as a Member of Parliament having intentionally interfered with the discharge of my duties and functions, intending to prevent me from attending a meeting of the Parliamentary Committee for which, to their knowledge, I was coming to Delhi. They are also

guilty of deliberate mis-behaviour towards me and also of gross ill-treatment. The above incident also amounts to molestation towards me as well as to illegal detention.

I respectfully submit that the Hon'ble Speaker will be kind enough to refer the matter to the Committee of Privileges unless the House itself is pleased to deal with the matter, in view of the clear case of breach of privileges involved.

Yours faithfully,

Sd/-

(Ajit Kumar Saha)

Div. No. 530

## APPENDIX IV

(See para 21 of the Report)

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Statement made by the Minister of State in the Ministry of Home Affairs (Shri K. C. Pant) in Lok Sabha on the 2nd September, 1972 regarding the alleged harassment and ill-treatment meted out to Shri Ajit Kumar Saha, M.P., by the Railway Staff and Police at Asansol Railway Station on the 29th June, 1972.

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A copy of the letter dated 1-7-1972 from Shri Ajit Kumar Saha, M.P., addressed to the Speaker, was forwarded to us for obtaining a factual report on the complaint made therein regarding harassment and ill-treatment meted out to him by the railway staff and police at Asansol Railway Station on the 29th June, 1972. The Ministry of Railways and the Government of West Bengal were requested to furnish a factual report on the subject. The Ministry of Railways obtained a report from the General Manager, Eastern Railway. The Government of West Bengal got an inquiry made into the matter by the Executive Magistrate I Class, Asansol. Copies of these reports were furnished to the Lok Sabha Secretariat, who had made them available also to Shri Saha.

2. According to information received from the Government of West Bengal, one Shri Krishna Kanta Dutta s/o late Bijoy Gopal Dutta is being prosecuted under section 182 IPC for allegedly giving false information with the intent to cause a public servant to use his lawful power to the injury of another person and the criminal case is *sub-judice* in a Court of competent jurisdiction.

3. Shri Ajit Kumar Saha has made some further observations on the reports received from the Government of West Bengal and the Ministry of Railways. Since a criminal case arising out of this matter is *sub-judice*, I would like to refrain from making any further statement on the subject.

## APPENDIX V

(See para 24 of the Report)

Immediate  
Confidential

### MINISTRY OF HOME AFFAIRS POLL. I SECTION.

**SUBJECT:** *Notice of question of privilege given by Shri Ajit Kumar Saha, M.P., regarding harassment and ill-treatment meted out to him by the Railway Staff and Police at Asansol Railway Station on the 27th June, 1972.*

Reference Lok Sabha Secretariat U.O. No. 17/19/CI/72, dated August 22, 1972, on the subject mentioned above.

2. We had forwarded a copy of the letter dated 20th August, 1972, addressed by Shri Ajit Kumar Saha, M.P. to the Speaker, Lok Sabha, to the Ministry of Railways (Railway Board) and the Government of West Bengal for comments. A copy each of the replies received from them, is sent herewith. (*vide* Annexures I and II).

Sd/-

(T. R. AGNANI)

*Under Secretary.*

Lok Sabha Secretariat (Shri B. K. Mukherjee).

M.H.A. U.O. No. 32/60/72-Poll. I, dated 30-9-1972.



ANNEXURE I TO APPENDIX V

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS (RAILWAY BOARD)

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D.O. No. 72/SEC. (SPL.)/200/24.

New Delhi-1. dt. 26-8-1972.

C.G. Saldanha

D.I.G. (RPF)

SUBJECT: *Alleged ill-treatment of Ajit Kumar Saha at Asansol Railway Station.*

My dear Agnani,

Kindly call for the correspondence resting with your D.O. letter No. F. 32/60/72-Poll. II, dated 23-8-1972, addressed to Shri Sarma, on the above subject and copy endorsed to this office. I have carefully gone through the contents of Shri Ajit Kumar Saha's letter dated 20-8-1972 enclosed therewith. We do not find anything unreasonable in the conduct of the Railway employees as reported *vide* my D.O. letter of even number dated 31-8-1972. Nor do we see any self-contradictions in the said report. As such, we have nothing further to say in the matter.

Yours Sincerely,

Sd/-

25-8-72.

To

Shri T. R. Agnani,  
Under Secretary,  
Ministry of Home Affairs,  
New Delhi.

**ANNEXURE II TO APPENDIX V**

Shri B. C. Sarma, I.A.S.  
Joint Secretary.

**WEST BENGAL SECRETARIAT**  
**HOME DEPARTMENT**

*Calcutta, the 14th Sept., 1972.*

D.O. No. 5773-PL.

Dear Shri Agnani,

Kindly refer to your D.O. No. F. 32/60/72-Poll. I, dated the 23rd August, 1972, regarding alleged harassment to Shri Ajit Kumar Saha, M.P. by the Police at the Asansol Railway Station. We have gone through the letter, dated the 20th August, 1972, from Shri Ajit Kumar Saha M.P. We do not want to make any comment on the allegations against the railway employees. We have kept our comments confined to the allegations against the police officers of G.R.P.S., Asansol. A separate sheet containing our comments is enclosed. (See Enclosure).

Yours sincerely,

Sd/-

(B. C. Sarma)

Shri T. R. Agnani,  
Under Secretary to the Govt. of India,  
Ministry of Home Affairs,  
New Delhi.

*Enclosure*

to Annexure II to Appendix V

**Comments on the allegations**

Para 4—It is a fact that on 29-6-72 A.S.I. A.T. Mahapatra went to the first class waiting hall and told Shri A. K. Saha about a written complaint received by him against Shri Saha and requested the latter to show his identity card. Shri Saha refused to show his identity card. It is true that Shri S. Banerjee, Second Officer of the GRPS, Asansol, was in plain clothes and was carrying a revolver.

Shri Banerjee disclosed his identity and explained to Shri Saha the details of the written complaint and requested him to show his identity card. As Shri Saha refused to accede to his request he was requested to come to the Police Station. Shri A. K. Saha was shown all courtesy and was offered a chair in the room of the Officer-in-charge of the P.S.

Para 5—It is not true that Shri Saha was prevented by two constables from getting into a train. On the contrary, A.S.I. A.T. Mahapatra was directed by the O.C. to accompany Shri Saha up to the platform and to stay there till he boarded the train.

It is a fact that a case was started against Shri Krishna Kanta Dutta on 20-7-72. The prosecution could not be launched earlier as the O.C. had to go to Bankura to verify the antecedents of the complainant.

Para 6—We do not think that the reports of the Executive Magistrate 1st Class and the Ministry of Railways are contradictory in nature. If there is any discrepancy between the two, it is absolutely insignificant. No untrue report has been submitted by the Executive Magistrate.

In fine, it may be stated that whatever has been done by the police officers of the GRPS was done by them in good faith in discharge of their duty. When a written complaint as to the genuineness of an MP. was submitted it was quite natural for the police officers to verify whether the allegation of impersonation was true or not. There is no evidence or hint that the police officers (or the Executive Magistrate 1st Class) had any previous grudge against the M.P. So it is not proper to jump to the conclusion that the police officers intentionally tried to prevent the M.P. from attending a meeting of the Parliamentary Committee or deliberately showed discourtesy to him.

## APPENDIX VI

(See para 26 of the Report)

Copy of letter No. 72-Sec/Spl/200/24, dated the 30th June, 1973, received from the Ministry of Railways (Railway Board).

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The undersigned is directed to refer to the Lok Sabha Secretariat O.M. No. 18|2|CI|72, dated the 22nd June, 1973. Copies of the *statements made by* Shri D. B. Banerjee, Head Ticket Collector, Asansol, and Shri R. N. Chowdhuri, Senior Ticket Collector, Asansol *before the railway authorities* who held an inquiry in connection with the complaint of Shri A. K. Saha are sent herewith. Also, enclosed therewith are copies of the questions put to these officers and their replies thereto (See Annexures I & II).

As regards the statement of Shri K. N. Ganguli, Asstt. Station Master, Asansol and those of other railway and GRP Officers Asansol, the position is being ascertained from the railway and further communication will follow.

## ANNEXURE I TO APPENDIX VI

Statement made by Shri D. B. Banerjee, Head Ticket Collector, Asansol before the departmental inquiry held into the incident of alleged ill-treatment to Shri Ajit Kumar Saha, M.P. at Asansol Station on 29-6-72.

The Divisional Commercial Supdt.,  
Eastern Railway Asansol.

Sir,

On 29-6-72, at about 12.30 hrs. the Waiting Room bearer came and reported to me that one passenger is complaining about the genuineness of one Shri A. K. Saha, M.P., one of the occupants of 1st Class waiting Room and requested me to check the waiting room. Thinking its a case of M.P., I directed Sri R. N. Chowdhry (a Senior TTE who was present there) to check the waiting room. Other two TCs were also sent with him. After few minutes Sri Chowdhury came and reported that the occupants of waiting room are all bona fide passengers except two ladies with Sri Saha. Sri Saha was holding MP's I/c No. 494. One of the ladies was claimed to be the attendant of Sri Saha and the other has deposited her ticket in the Gate (from Bankura to Asansol) as stated by Sri Saha. At that time our reservation clerk Shri Das was present there. He told me that he has received one letter from one Sri A. K. Saha MP regarding reservation of 3 berths in S/C by 103 UP of 28-6-72 against MP's I/C No. 494. I was in a fix. After proper enquiries in the Reservation Office I found that both the I/C Nos. are same i.e. 494. To be sure about the number I personally went to the waiting room. On enquiry the gentlemen (Sri Saha) told me that he had already cancelled his reservation of 28-6-72 through S.M./Bankura. I came back to my office. After few minutes I found Sri Saha & Y. M., Sri K. N. Ganguly coming towards my office. The purpose of twice checking him was explained to Sri Saha and "Sir, Sorry for inconvenience" was also said to him. He told me that he would report this matter to Railway Minister. After that I went for lunch.

The other incidents as published in paper (Ganasakti) is not known to me.

For information, please.

Sd/- D. B. Banerjee

Hd. T.C./ASN.

dt. 11-7-72.

Questions asked of Shri D. B. Banerjee, Ticket Collector, Asansol and his replies thereto.

**Q.1.** As stated by you that when the reservation clerk informed you about the reservation against MP I/C Card on the previous day by 103 UP, felt suspicious about to check the MPs I/C for the Second time. At that time did the MP produced his I/C Card immediately on demand? Did you behave with M.P. properly at that time?

**Ans.** No first he refused, saying that he had already shown his ticket once to one of the ticket collectors and when, the question of reservation by 103 UP of previous day was disclosed then only he produced his I/C Card No. 494. I was satisfied and expressed my sorry for inconvenience caused.

**Q.2.** Who was the reservation clerk who informed you about the MPs reservation of the previous day and how he came in the picture?

**Ans.** Shri P. K. Dass was the reservation clerk and he came to my office to take some carbon paper at that time. When he knew that all of us went to check the waiting Room where Shri A. K. Saha was sitting then he told me about previous days reservation of Sri Saha. That is how he came in the picture.

**Q.** In your presence in the waiting room did any young man appear and try to forcibly drag him to the GRP Office on the point of a revolver?

**Ans.** No. Not at all. There was no such incidence.

**Q.** Do You know when did Sri Saha leave for GRPs?

**Ans.** No sir, I do not know. After checking the ticket of Sri Saha I came back to my office.

Sd/- D. B. Banerjee,

Hd. TC/ASN.

Dt. 11-7-72.

## ANNEXURE II TO APPENDIX VI

Statement made by Shri R. N. Chowdhury Ticket Travelling Examiner Asansol before the departmental inquiry held into the incident of alleged ill-treatment to Shri Ajit Kumar Saha, M.P. at Asansol Station on 29-6-72.

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To

The Divisional Commercial Supdt.  
Asansol.

Sir,

On date 29-6-72, I was asked by Hd. T.C. Asansol at about 12.30 hrs. to accompany him and to check the First Class waiting room. Accordingly I along with Hd. T.C. and two other Ticket Collectors entered the said waiting room and began to check. In course of checking one person produced one Identity card for the Lok Sabha issued in the name of Sri A. K. Saha, Sri Saha was accompanying with two young girls. When I asked the ticket for those two girls, he said that one is her attendant and the ticket for the other girl is already handed over to the gate, as he was travelling from Bankura.

This is all what I know and all along I was very polite and courteous with him.

Yours faithfully,

Dated Asansol 11-7-72.

Sd/- R. N. Chowdhury  
TTE/ASN

Questions asked to Shri R. N. Chowdhury Travelling Ticket Examiner and his replies thereto.

Q.1. Did Sri A. K. Saha, M.P. produced his I/C Card immediately on demand?

Ans. Yes he did.

2. In course of checking did you any way misbehave with the M.P. Sri Saha?

**Ans.** No. I behaved very politely knowing him as M.P. addressing him as Sir.

**3.** Why did then the M.P. brought this allegation against you?

**Ans.** I never did misbehave at all. Since I had demanded the I/C card from a M.P. in presence of other passengers, it might have wounded his feelings and that may be the reason of allegation against me. The other, two ticket collectors who were with me were only on lookers and they came along with me.

Sd/- R. N. Chowdhury  
Ticket Travelling Examiner  
Asansol  
Dt. 11-7-72.



## APPENDIX VII

(See para 26 of the Report)

Copy of letter No. 72-Sec/Spl/200/24, dated the 12th July, 1973,  
received from the Ministry of Railways (Railway Board).

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The undersigned is directed to refer to this Ministry's Office Memorandum of even number dated 30.6.73 on the above subject and to state that besides the statements of S/Shri D. B. Banerjee and R. N. Chowdhury, *no statement* was made by any of the other four Railway/GRPs officials before the Railway authorities in the departmental inquiry. Further, Shri Saha apprised Shri K. N. Ganguly, ASM, Asansol of repeated checks of his identity card and Shri Ganguly conveyed this to Shri D. B. Banerjee, Head Ticket Collector Asansol. *No statement was recorded by Shri K. N. Ganguly* before the departmental inquiry officer. The other details of the case have been given in GM/Eastern Railway's D.O. letter No. G. 160/5/2/72, dated 24-7-1972 a copy of which was sent to Lok Sabha Secretariat by the Ministry of Home Affairs *vide* their U.O. No. 30|60|72-Poll. I (A) dated 2-8-1972.

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## **APPENDIX VIII**

(See para 26 of the Report)

Copy of letter No. F. 1/40/73-GPA.I, dated the 30th June, 1973, received from the Ministry of Home Affairs.

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The undersigned is directed to refer to the Lok Sabha Secretariat Office Memorandum No. 18/2/CI/72, dated the 22nd June, 1973, on the subject noted above and to say that the Government of West Bengal who were addressed in the matter, have informed this Ministry *vide* their T.P.M. No. 6399, dated the 28th June, 1973 (copy enclosed) that no statement of Railway and GRP staff involved in this case was recorded by the enquiring officer. (See Annexure).

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### **ANNEXURE TO APPENDIX VIII GOVERNMENT OF WEST BENGAL TELEPRINTER MESSAGE : HIGH PRIORITY**

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**FROM CHIEFSEC CALCUTTA.**

**TO : HOME NEW DELHI**

**TEST OF MESSAGE NO. 6399 dated 28-6-73.**

**NO. 4338--P.L. DATED 28-6-73 STOP**

**REFERENCE MINISTRY OF HOME AFFAIRS NO. 1/40/73-GPA-I  
DATED 22-6-73 REGARDING THE PRIVILEGE MOTION BY  
SHRI AJIT KUMAR SAHA, M.P., ABOUT ALLEGED HARASS-  
MENT METED OUT TO HIM BY RAILWAY AND POLICE PER-  
SONNEL AT ASANSOL RAILWAY STATION ON 29-6-72 STOP.**

**IT APPEARS THAT NO STATEMENT OF RAILWAY AND  
GRP STAFF INVOLVED IN THIS CASE WAS RECORDED BY  
THE ENQUIRING OFFICER STOP.**

## APPENDIX IX

(See para 27 of the Report)

True copy of Asansol G.R.P.S. G.D. entry No.  
1396 dt. 29-6-72.

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Received a written report from one Krishna Kanta Dutta of Bankura, Machantala which is as follows.

To

The O/c Asansol, G.R.P.S.

13.05  
1396  
note  
on infor-  
mation

Dear Sir,

[In I Class waiting room one person said that he is A. K. Saha, M.P. and he signed the visiting book. Actually he is not an M.P. The identity card with photograph which he possesses must be forged.]

Certified  
to be true  
copy.  
Sd/-  
Asansol  
G.R.P.S.  
29.6.72

Sd/- Krishna Kanta Dutta  
29-6-72

I noted the fact in G.D. and informed O/c in his quarter for verification of the same.  
Sd/- A. T. Mahapatra,

ASI

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[ ] Original Partly in Bangali.

## APPENDIX X

(See para 27 of the Report)

English translation of the Statement of Shri Krishna Kanta Dutta in the Court of Sub-Divisional Judicial Magistrate, Asansol, under Section 342, Criminal Procedure Code in the case of State vs. Krishna Kanta Dutta under section 182, Indian Penal Code.

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Examination of the accused u/s. 342 Cr. P.C.

Examination of Krishna Kanta Dutta.

Q. No. 1. Witnesses have deposed that on 29-6-72 you made a complaint to the G.R.P.S. Asansol to the effect that in the first class Waiting Room a gentleman is giving out that he is A. K. Saha, M.P. and you tried to prove that gentleman to be the fake A. K. Saha M.P. What is your answer?

Ans. I was in the first class waiting room. I found one man giving out to be a member of Parliament and misbehaving in the company of two women. Many passengers raised objection to this. He refused to show his identity card or pass to the Railway Ticket Collector.

Q. No. 2. Witnesses have further deposed that on the basis of your complaint Officers of the G.R.P.S. interrogated M.P. A. K. Saha and also saw his identity card. What have you got to say? .

Ans. At first he did not show his identity card. He tried to get away along the overbridge. As told by the officers of the G.R.P.S. I put in a written petition.

Q. No. 3. Have you got anything else to say?

Ans. I am innocent.

(Sd/-) Sree Krishna Kanta Dutta

(Sd) P. Dutta

(Magistrate) 5-3-74.

## APPENDIX XI

(See para 32 of the Report)

Judgement of the Sub-Divisional Judicial Magistrate, Asansol, in the case against Shri K. K. Dutta, on whose alleged information the Police and others acted against Shri A. K. Saha, M.P. on 29-6-1972.

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In the Court of Sub-Divisional Judicial Magistrate, Asansol, N.G.R. case No. 1296 of the 1972.

State Vs. Krishna Kanta Dutta. u/s 182 I.P.C.

### JUDGEMENT

Prosecution case, in brief, is that on 29-6-72 at 13.06 hours one Krishna Kanta Dutta son of late Bijoy Gopal Dutta of Machatala Bankura Town P. S. Bankura Distt. Bankura submitted a written complaint to Asansol G.R.P.S. to the effect that one person saying himself as A. K. Saha, M.P. was waiting at the First Class waiting room of Asansol Railway Station. He was not really M.P. and the photo and identity card possessed by him were forged ones.

However, on enquiry and verification of his identity card it was found that the said person waiting at first class waiting room was A. K. Saha, M.P. so, the informant Krishna Kanta Dutta, who is now accused in this case, gave false information to the police with some ulterior motive which he knew to be false and thereby caused the public servant to use his lawful power to the annoyance of the said M.P. The alleged occurrence took place on 29-6-72 and thereafter on 20-7-72 P.R. was submitted by the O.C., Asansol G.R.P.S. u/s 182 I.P.C. against the accused.

Now let me consider if the prosecution has been able to bring home the charge to the accused or not. Main point for determination in this case is whether there was any ulterior motive of the accused to cause annoyance to the said M.P. and whether the information given by him to the police (as recorded in G.D. entry No. 1396 dated 29-6-72 Ext. 1) was false to his knowledge or not.

Prosecution has examined as many as four witnesses for the purpose of proving its case P.W. 1 is the officer who recorded the G.D. entry No. 1396 dated 29-6-72 and 1397 dated 29-6-72 (Exts. 1 and A) P.W. 2 is the ticket collector whose name was not mentioned in any of the G.D. entries. P.W. 3 is also a police officer and P.W. 4 is the O.C.G.R.P.S. On perusal of the evidence of the P.Ws. it appears that evidence of P.W. 3 is at variance with the evidence of P.Ws. 1 and 4 and their evidence is mutually destructive and their evidence is to some extent against the G.D. entry.

Ld. Lawyers for the defence has argued that the evidence of the police officers which is not based on their personal knowledge but based on the result of some enquiries which was made in the course of their official duties is wholly inadmissible in evidence. In support of his contention (sic) has referred to 42 Cr. L.J. 554 I have already mentioned that one ticket collector (P.W.2) whose name does not transpire anywhere of the G.D. entries has been examined but none of the passengers has been examined here.

It also appeared that none of the witnesses had previous acquaintance with that M.P. Shri A. K. Saha, whose identity was verified on enquiry on perusal of the identity card which was at least produced by him before the O.C. Asansol G.R.P.S.

Learned A.P.P. has very frankly and fairly conceded that the accused Krishna Kanta Dutta had no motive and there is no evidence against him in this respect—Prosecution has also failed to prove that the allegations made by the accused in G.D. entry (Ext. 1) were false to his knowledge or at any rate, he did not believe them to be true at the time when he made these allegations Ld. Lawyers for the accused has also referred to 1960 Cr. L.J. 1113.

From the evidence of the P.Ws. 3 and 4 it appears that the M.P. was not annoyed in any way and due respect was paid to him ever when he did not show his identity card to the police officers. In a case u/s 182 of I.P.C. the onus is not upon the accused to prove that the information given by him is true or that he believed it to be true. On the other hand, prosecution is to be proved satisfactorily that the allegation made by the petitioner was false and that it was false to his knowledge or at any rate he did not believe them to be true at the time when he made those allegations. So, I find on perusal of the evidence that the prosecution has failed to bring home the charge against the accused.

So the accused is acquitted u/s 245 Cr.P.C.

Sd/- S. M. Ghosh Hazra,  
S.D.J.M. Asansol,  
27-5-1974.

## APPENDIX XII

(See para 33 of the Report)

Extracts of General Diary Entries of Government Railway Police Station, Asansol.

Entry No. 1396 dated 29-6-1972.

Received a written report from one Krishna Kanta Dutta of Bankura, Kachantala which is as follows: 13.05 1396

To The O/c Asansol G.R.P.S.

Dear Sir,

note on  
infor-  
mation

[In I Class waiting room one person said that he is A. K. Saha, M.P. and he signed the visiting book. Actually he is not an M.P. The identity card with photograph which he possesses must be forged.]

Sd/- Krishna Kanta Dutta  
29-6-72.

I noted the fact in G.D. and informed O/c in his quarter for verification of the same.

Sd/- A. T. Mahapatra,  
A.S.I.

Certified to be true copy.

Sd/- A. Bhattacharya,  
O/c Asansol G.R.P.S.  
25-6-73.

Entry No. 1397 dated 29-6-1972.

I had been to 1st Class waiting room and requested Shri A. K. Saha to show his identity card of M.P. and also to come to P.S. for verification but he refused at the 1st time. In the mean time S.I. S. Banerjee came at the waiting room and on his request he came to P.S. He was offered chair with due respect and took his chair in the room of O/c and awaiting O/c's arrival at the P.S. 13.15 1397

note

Sd/- A. T. Mahapatra,  
A.S.I.

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[ ] Original Partly in Bengali.

Entry No. 1398 dated 29-6-1972.

13.20  
13.30  
1398

On call came to P.S. in sick state. Perused G.D. entry No. 1396 of date.

—  
in  
Note  
and  
verifi-  
cation of  
identity.

I interrogated Shri Krishna Kanta Dutta and asked him if he actually knows M.P. Shri A. K. Saha but he stated that he did not know Shri Ajit Kumar Saha physically even he could not say name and particulars of the person whom he was suspecting not to be M.P.

I then requested Shri Ajit Kumar Saha to show his identity card of M.P. and he produced before me M.P. identity card No. 494 dt. 22-3-71 bearing the signature of the Secretary, Lok Sabha.

I also found the photo fixed with identity card fully identical with the person carrying the same.

Shri Ajit Kumar Saha further stated that he would avail 81 Up (Air-condition) Express train for Delhi for which he has already booked seats. Shri Ajit Kumar Saha further stated that he was elected from Bishanpur, Distt. Bankura as the member of CPI(M). Full particulars are given below:

Shri Ajit Kumar Saha

S/o Late Bimal Kanti Saha of Salboni

P. S. Bankura, Distt. Bankura.

From the identity card there was no suspicion about him so I allowed Shri Ajit Kumar Saha to avail 81 Up train. Accordingly he left the P.S. I directed A.S.I. A. T. Mahapatra to accompany Shri Saha upto platform and to stay till awaiting the train.

Sd/- A. Bhattacharya, O/c.

Certified to be true copy.

Sd/- A. Bhattacharya,

O/c Asansol G.R.P.S.

25-7-72.

GMGIPMRND—2216 LS I—5-4-76—750.