

# **COMMITTEE OF PRIVILEGES**

**(SEVENTH LOK SABHA)**

## **FOURTH REPORT**

*(Presented on 5 May, 1983)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*May, 1983/Vaisakha, 1905 (Saka)*

*Price: Rs. 6.40*

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

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## CONTENTS

	PAGE
1. Personnel of the Committee of Privileges . . . . .	(iii)
2. Report . . . . .	I
3. Minutes of Sitzings of Committee . . . . .	17
4. Minutes of evidence . . . . .	50
5. Appendices . . . . .	143

**PERSONNEL OF THE COMMITTEE OF PRIVILEGES**  
(1982-83)

\*1. Shri R. R. Bhole—*Chairman*

**MEMBERS**

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri Somnath Chatterjee
5. Shri George Fernandes
6. Shri Ram Jethmalani
7. Shri Jagan Nath Kaushal
8. Shri Y. S. Mahajan
9. Shri K. Ramamurthy
10. Shri P. Shiv Shanker
11. Shri Dharam Bir Sinha
12. Shri Krishna Prakash Tewari
13. Shri P. Venkatasubbaiah
14. Shri Vijay Kumar Yadav
15. Shri Zainul Basher

**SECRETARIAT**

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

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\* Appointed Chairman w. e. f. 2.3.1983 *Vice* Shri Harinatha Misra resigned from the Committee.



## **FOURTH REPORT OF THE COMMITTEE OF PRIVILEGES (SEVENTH LOK SABHA)**

### **I. Introduction and Procedure**

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Fourth Report to the House on the question of privilege raised by Shri Indrajit Gupta, MP, regarding alleged man-handling of Shri Bhogendra Jha, MP, and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, UP, on 3 April, 1981, and referred<sup>1</sup> to the Committee by the House on 6 April, 1981.

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

3. At their first sitting held on 28 April, 1981, the Committee decided that, in the first, instance, Shri Bhogendra Jha, MP, be requested to appear before the Committee for oral examination.

4. At their second sitting held on 25 May, 1981, the Committee, examined on oath, Shri Bhogendra Jha, MP.

5. At their third sitting held on 27 June, 1981, the Committee directed that the Government of Uttar Pradesh be asked through the Ministry of Home Affairs, Government of India, to direct the City Magistrate concerned, Shri S. K. Trivedi and the Police Inspector, Shri R. R. Pal, to appear before the Committee in person for oral examination.

6. At their fourth sitting held on 18 July, 1981, the Committee examined on oath, Shri S. K. Trivedi, City Magistrate, Ghaziabad, and Shri R. R. Pal, Police Inspector, Ghaziabad.

The Committee then decided that the Superintendent of Police, Ghaziabad, the District Magistrate, Ghaziabad, and the Deputy Secretary of the Government of Uttar Pradesh, Lucknow, who had sent the factual comments to the Home Ministry, be called to appear before the Committee for oral examination.

7. At their fifth, sixth and seventh sittings held on 24 October, 7 November and 21 December, 1981, the Committee considered the matter further.

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1. L. S. Deb., dt. 6-4-1981, cc. 306-15.

8. At their eighth sitting held on 23 January 1982 the Committee examined on oath Shri Om Pathak, the then District Magistrate, Ghaziabad.

9. At their ninth sitting held on 11 February, 1982, the Committee examined on oath, Shri A. B. Shukla, Superintendent of Police, Ghaziabad.

10. At their tenth to seventeenth sittings held on 14 April, 10 June, 1 July, 10 August, 5 and 17 November, 20 December, 1982 and 25 January, 1983, the Committee considered the matter further.

11. At their eighteenth sitting held on 24 March, 1983, the Committee deliberated on the matter and arrived at their conclusions.

The Committee decided that Shri S. K. Trivedi, the then City Magistrate, Ghaziabad and Shri R. R. Pal, the then Inspector of Police, Ghaziabad, be called to appear again before the Committee to explain their conduct in the matter.

12. At their nineteenth sitting held on 7 April, 1983, the Committee further examined on oath Shri S. K. Trivedi, the then City Magistrate, Ghaziabad and Shri R. R. Pal, the then Inspector of Police, Ghaziabad.

The Committee then deliberated on the matter and decided to accept the unqualified apologies tendered by Shri S. K. Trivedi and Shri R. R. Pal. The Committee also decided to recommend to the House that no further action be taken and the matter be dropped.

The Committee decided that the draft Report on the matter might be prepared and circulated to the members of the Committee for consideration at their next sitting.

13. At their twentieth sitting held on 28 April, 1983, the Committee considered their Draft Report and adopted it.

## II. Facts of the case

14. On 6 April, 1981 Shri Bhogendra Jha, MP made the following statement<sup>2</sup> under rule 377 regarding his alleged manhandling and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad, UP, on 3 April, 1981 :—

“Having come to know that Police in Ghaziabad had beaten up AITUC workers after entering its district office on the 1st of April, it was decided in consultation with CPI

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2. L. S. D.b., dt. 6-4-1981, cc. 306-B.

Group Leader in this House Comrade Shri Indrajit Gupta, that I should go to Ghaziabad to ascertain the actual facts. I reached Ghaziabad at about 5.15 p.m. on the 3rd April. Comrade Jitendra Sharma, Ghaziabad District Secretary of C.P.I. and another Comrade accompanied me from Delhi on a taxi. We reached Ghaziabad after 5.15 p.m. About 5 to 6 persons were present in the District AITUC Office situated at the site of what is known as Meerut road.

While we took our tea in the office, some more workers gathered and narrated the story of the police repression on them. After hearing them, I began talking to them, about the need to defend their hard-won trade-union and other legal rights without getting provoked or cowed down. Just I had begun, one police Inspector named R. R. Pal appeared and asked me whether I was Bhogendra Jha, Member of Parliament. Confirming this query, I asked him to wait a bit I would like to talk to him. Just at this point, scores of PAC men and constables came running and began unwarrantedly assaulting the sitting workers with lathis etc. Indiscriminately, brandishing lathis, rifle butts, they pulled out the workers from the AITUC office room and pushed them out giving blows after blows. District AITUC President, Ghanshyam Sinha, General Secretary, Sukhbir Tyagi, District CPI Secretary Jitendra Sharma and two to three other local leaders surrounded me from all sides apparently to save me from blows. While I was standing in their midst, several P.A.C. men rushed towards me, pulling out and pushing out those surrounding me while giving them barrel push and bayonet blows. One of the P.A.C. men hit me with barrel in my chest exclaiming : "Saale Assembly aur Parliament wale kya karne aate hain." Immediately after P.A.C. men gave me push with barrel behind my back, then three of them began giving me full blows with rifle butts while hurling filthy abuses as to why Members of Parliament poke their nose everywhere. When I was fainting, on the orders of the City Magistrate, some Trivedi, they huddled me into a jeep standing by in which the above named Mazdoor leaders had also been huddled in. The City Magistrate, Trivedi, and the Police Inspector Pal were also sitting in the same jeep on the front benches. I asked the Magistrate to find me back my spectacles taken away by some P.A.C. men. Exclaiming 'Nothing

doing', he ordered the driver to proceed. After going about one to two furlongs, both the officers got down from the jeep at a place which I was told was the office of the Sri Ram Piston and Rings Mills, where workers are on strike since 17th March. Both of them had some confabulation with one official of the mill, who I was told was General Manager of the mill, some Agarwal. After talking to him, the Magistrate ordered me out of the jeep and asked me to go wherever we wanted to. Fortunately, the taxi from Delhi had been following us and we got into it. Having received severe blows and feeling acute pain all around the body, we rushed to the emergency ward of Dr. Ram Manohar Lohia Hospital and got ourselves treated.

Sir, I do not know and hence cannot impute any personal motivation against any of the officers and their men, because they had no personal acquaintance with me, excepting that they could not tolerate any 'investigation' by any Member of Parliament nor could I make out any understandable reason for their wanton and brutal display and use of force, including several rounds of firing."

15. Thereafter, the Speaker gave his consent to the raising of a question of privilege given notices of by Sarvashri Indrajit Gupta and Ramavatar Shastri on the matter.

Shri Indrajit Gupta, MP, then moved the following motion which was adopted<sup>3</sup> by the House:

"That the matter relating to the statement made here on the floor of the House by Shri Bhogendra Jha concerning assault on him by the PAC at Ghaziabad on the 3rd of this month be referred to the Committee of privileges."

### III. Findings of the Committee

16. The Government of Uttar Pradesh, in their parawise comments<sup>4</sup> on the statement made by Shri Bhogendra Jha, M.P., in the House on 6 April, 1981, furnished through the Ministry of Home Affairs, have stated, *inter alia*, as follows :—

"It is not correct to say that the police forcibly entered the district office of the AITUC located in a small road-

3. *Ibid.*, cc. 314-15.

4. See Appendix-I.

side shop along the main Delhi-Meerut Road and beat up the union leaders and workers present there on 1-4-1981.

As reported by the D.M., Ghaziabad the statement of Shri Jha about appearance of an Inspector named Shri R. R. Pal, his asking of name from Shri Jha and subsequent alleged assault by P.A.C. men, is incorrect, Neither the district administration had any information about the visit of Shri Jha nor did police enter the AITUC office and beat up the workers. The D.M. had denied the allegation made by Shri Jha, that one of P.A.C. men hit Shri Jha with barrel in his chest exclaiming "Saale Assembly Aur Parliament Wale kaya Karne Ate Hain."

"... City Magistrate on receiving information rushed to spot with police force to ensure safe passage of workers returning home. City Magistrate in his jeep came under heavy brick-batting as he reached near Union Office located in front of outpost of P. S. Sihani Gate on MRT—Delhi road at around 4.30 P.M. on 3-4-1981. City Magistrate was injured badly due to heavy brick-batting and was surrounded by mob led by Sukhbir Tyagi and Ghanshyam Sinha who were planning physical assault on C.M. and police in jeep. Police force posted at O. P. Rajnagar (P. S. Sihani Gate) as a part of police arrangement and from other nearby pickets rushed to extricate City Magistrate and police force. This police force also came under heavy brick-bat from the violent mob. They were warned a number of times by C. M. and the police officer on the spot not to brick-bat and to disperse in view of sec. 144 Cr. P.C. enforced. The brick-batting continued unabated and several members of police force received injuries and mild lathi charge was consequently ordered. The mob became more violent and some one from the mob fired a gun shot. Thus there being grave and immediate threat to life and public property four rounds were fired in the air to scare the crowd. Crowd dispersed soon after workmen of factory were conducted to home safely. Nobody has been reported to have been injured as a result of police firing. In brick-batting C.M., 2 S.Is., 3 H.Cs. CP, 3 PAC Const. VI Bn B. Coy and 1 fireman, 1 driver of C.M. Jeep and 4 Const. C.P. (15 in all) were injured out of whom 3 Const C. P. and C. M. were admitted in hospital Rest were given first aid and discharged.A

case u/s 147|148|307|332|353 IPC and 7 Cr. L. Act and 188 Cr. PC was registered at P. S. Sihani Gate against rioters.

As stated above nobody in the district had any information about Shri Jha's presence in the crowd and as such there is no question of his being beaten up and picked up and given blows by lathis and rifles butts. It is true that Shri Jha, who was later discovered to be present in the crowd, received some injuries.

The jeep of the City Magistrate in which Shri Ghanshayam Sinha, Shri Sukhbir Singh Tyagi and Shri Jitendar Sharma alongwith Shri Bhogendra Jha, MP, were alleged to have been huddled into and driven to the gate of M/s Shri Ram Piston Factory, is reported by D.M. to have been badly damaged as a result of the brick-batting by the crowd and was not in a condition to be used for transporting any one.... The crowd dispersed after the lathi charge and firing in the air and so did the leaders of the crowd. The police could not arrest anybody on the spot....

The district administration has no knowledge of Shri Jha requesting to recover spectacles which had fallen down. Enquiries made from the local police officers and the City Magistrate present on the spot revealed that they seemed to have no knowledge about the loss of any spectacles of anyone".

17. In their joint report<sup>5</sup> dated 6 April, 1981, submitted to the Committee through the Ministry of Home Affairs, the District Magistrate, Ghaziabad and the Superintendent of Police, Ghaziabad, stated *inter alia* as follows:—

"....So far as the question of injuries to Shri Bhogendra Jha, MP, and ten other labour leaders is concerned, it has been found that neither any worker was admitted to the District Hospital nor any other hospital of Ghaziabad nor they came for any first aid. No Member of Parliament has also been found to have come for medical examination or admission in any of the hospitals in this District.

The City Magistrate was not aware of the presence of any Member of Parliament in that stonethrowing agitated crowd. In this connection neither Shri Jha, MP, nor any

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5. See Appendix-II (Original in Hindi).

body else informed that Shri Jha was also present in the stone-throwing crowd. So far as injuries are concerned, only those people were injured by lathi charge who were violently throwing stones but no records in this connection exist in any of the hospitals of Ghaziabad. It may also be noted that the Member of Parliament neither filed any complaint in any of the police station nor he contacted or reported the matter to any Police Officer or District Magistrate....In view of the above, no information about the presence of, and injuries to Shri Jha, MP, could be found.

When it came to light through Press reports that Shri Jha, MP and 3 (three) others...are admitted in Dr. Ram Manohar Lohia Hospital, a police officer was sent to that Hospital to see their medical reports. From the above reports, it was seen that these persons had gone to the Hospital on their own on 3-4-81 at 8.40 P.M. for their medical examination. According to the reports, they had received minor injuries. No one among them was available for examination as they had left the Hospital...the Administration had no knowledge whatsoever about the presence of Shri Jha, M.P. on the day of the incident."

18. As the Government's version of facts and the joint report submitted by the District Magistrate, Ghaziabad and the Superintendent of Police, Ghaziabad, were at variance with the statement made by Shri Bhogendra Jha, MP, in the House, the Committee examined in person Shri Bhogendra Jha, MP, Shri S. K. Trivedi, City Magistrate, Ghaziabad, Shri R. R. Pal, Inspector of Police Ghaziabad, Shri Om Pathak, District Magistrate, Ghaziabad, and Shri A. B. Shukla, Superintendent of Police, Ghaziabad, to find out the correct factual position.

19. Shri Bhogendra Jha, M.P., in his oral evidence<sup>6</sup> before the Committee deposed that after reaching Ghaziabad, he was sitting in AITUC office and talking to the workers about their grievances. Meanwhile, one police officer came and asked him "whether I was Bhogendra Jha, Member of Parliament? After confirming it, I asked him to wait a bit—because I wanted to talk to him also". We also stated, *inter alia*, as follows:—

"Meanwhile, a corps of PAC men and policemen came....  
PAC men were with rifles; policemen were generally

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6. See Minutes of Evidence.

with lathis. They rushed from the road-side and began beating us. I saw several men being beaten. They were dragging them also....But at that point they were not trying to hit me. There was a head constable. He was standing just in front of me.

When the entire outside of the room was vacated, again another posse of constables and PAC men came and dragged those who were in the room, again and again beating them and dragging them. After some time, the entire outside and inside were vacated. At that point, I saw one jeep standing on the road. An officer was there. He was apparently directing them. And then the third posse came. They gave barrel pushes, but blows and dragged away those surrounding me. Another person gave a barrel push on my chest. I felt like falling; but because of another push from behind, I was able to stand. Thereafter, three of them gave me blows with butts. But they were trying to ensure that they gave me blows on elbows, shoulders, limbs and thighs—all muscular parts.

I did not know why they were angry with me. They were not able to distinguish between MLAs and MPs. They were saying: 'What sort of people are elected as Members of Parliament! Why should they speak for *kameenas*?' Along with this, they used words like '*saala*', etc. and they were giving blows.

Someone took my spectacles—someone among those persons. Meanwhile, I did not find there the head constable who was standing and saving me. After that, I felt like fainting, but then again, 3 or 4 persons came and said: 'You are being arrested.' They huddled me into the jeep which was standing in the road. Five of the persons who had been surrounding me, had already been huddled into the jeep, from behind. I was also pushed in, from behind. At that time, the head constable who was earlier with me, came. Because he was slightly sympathetic, I asked him whether there was any magistrate available. He showed me the front side of the jeep. In the front side, there was the magistrate, and Pal, the police inspector. I asked the Magistrate: 'Please let me have my spectacles. Some of the constables have taken it.' He was angry, and said: 'Nothing doing.' He asked the driver to move.



After some time, the jeep was stopped. Both the Magistrate and the police inspector got down and began talking to one officer. . . . I had for the first time been to Ghaziabad. Apart from having seen the Railway Station, I had no acquaintance with any person or any area there."

In reply to a question, Shri Bhogendra Jha added: "I cannot give the name of any PAC man. I did not have any occasion to ask about. . . . I enquired about the name of the Inspector. I do not know his full name. He said, 'R.R. Pal.' As far as Trivedi is concerned, I do not know which Trivedi. More than that about names, I cannot say anything."

In reply to another question whether all these things took place at the instance of the police officer, Shri Bhogendra Jha stated: "About abuses, I cannot say. But definitely they assaulted me on orders. On two occasions, they did not hit me. The person who looked like a head constable, who was trying to save me twice vanished on the third occasion when I was being assaulted. So, definitely I believe they were ordered by the Magistrate to assault me. That is why I believe the head constable walked away somewhere else and again re-appeared when I was huddled into the jeep."

20. Shri S. K. Trivedi, City Magistrate, Ghaziabad, in his evidence<sup>7</sup> before the Committee deposed that "there was no information and we had no knowledge about Hon'ble Member Shri Jha. We came to know about him from the Newspaper of 6th." In reply to the question: "Did you know that Shri Bhogendra Jha was there?", Shri S. K. Trivedi replied: "I came to know about it only on 6th when the incident was mentioned in the Parliament. . . . I did not know about it before 6th." Asked to state whether the District Magistrate had made any enquiries from him, Shri S. K. Trivedi replied that the District Magistrate made enquiries after the incident was discussed in the Parliament on 6th April, 1981, in the evening at 8.00 P.M., at the residence of the Superintendent of Police, Ghaziabad.

21. Shri R. R. Pal, Inspector of Police, Ghaziabad, in his evidence<sup>8</sup> before the Committee deposed that he did not know at that time that there was an M.P., whose name was Shri Bhogendra Jha and who had been injured in the incident on 3 April, 1981.

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

8. *Ibid*

However, on 4 April, 1981, he came to know that an M.P. was injured in the incident and that he was medically examined. On being asked how he came to know about it, Shri R. R. Pal replied that "Our officers—Police Officers, workers, etc. were also talking that an M.P. has been injured and he was medically examined.... I came to know about it at about 10.00 A.M.... City Magistrate also came to know about this on fourth."

On being pointed out that Shri Bhogendra Jha had stated that he was forcibly thrown into the jeep and that he had left his spectacles, but the Magistrate in your presence said "Don't bother, start the jeep", Shri R. R. Pal stated "nothing of this sort happened."

22. Shri Om Pathak, the District Magistrate, Ghaziabad, in his evidence<sup>7</sup> before the Committee deposed that he had no information of any Member of Parliament having been involved in the incident when he went to the place of occurrence on 3 April, 1981, in the evening. When asked to state: "When did you come to know that a Member of Parliament was involved?", Shri Om Pathak replied: "Subsequently we had informally learnt. Nobody could tell us who it was. On 4th early morning we sent a report. It was around 12.30 or 1.00. We sent the report after the conclusion of the fact-finding enquiry. Till then we had no idea. We learnt later. Nobody was very sure whether it was an ex-Member of Parliament or sitting Member of Parliament. We learnt somebody was involved."

In reply to a question: "Is it not a fact that on the 6th when you were with the S.P., a detailed news about this was reported on the TV and you witnessed that?", Shri Om Pathak stated: "That is not true". When further asked specifically to state: "When did you, as the District Magistrate, come to know that an MP was making this charge?", Shri Om Pathak replied: "On the 6th; may be late in the day".

23. Shri A. B. Shukla, Superintendent of Police, Ghaziabad, in his evidence<sup>10</sup> before the Committee deposed that on 3 April, 1981, at the time of the incident, he was in Delhi alongwith the District Magistrate and went back to Ghaziabad at 7.30 or 8.00 P.M.

On being asked to state when did he come to know that Member of Parliament was involved in the incident, Shri A. B. Shukla replied that "I cannot say exactly. But on the morning of 6th I received a telephone call from A.D.M. (E).... saying that he had received an information from Lucknow that a news item had

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7. See Minutes of Evidence

10. See Minutes of Evidence.

appeared in a Daily Newspaper of Delhi that some member of Parliament had been assaulted."

On being informed that Shri R. R. Pal had given a statement before the Committee that "on 4th I had come to know about it from the S.P. and from the talks going on amongst the workers....", Shri A. B. Shukla stated that "I did not know that any M.P. was involved. I came to know of it on the 6th only".

#### IV. Conclusions

24. The Committee find that the facts stated in their oral evidence before the Committee by Shri R. R. Pal, the then Inspector of Police, Ghaziabad, and Shri S. K. Trivedi, the then City Magistrate of Ghaziabad, who were present on the scene of incident on 3 April, 1981, are totally contradictory to the facts stated by Shri Bhogendra Jha, MP, in his statement in the House and later during his evidence before the Committee. The Committee also find that there are certain material contradictions between the evidence given by Sarvashri R. R. Pal, S. K. Trivedi, A. B. Shukla, the then Superintendent of Police, Ghaziabad, and Shri Om Pathak, the then District Magistrate of Ghaziabad.

25. After careful consideration of the evidence and other documents made available to the Committee, the Committee feel that there is no reason to disbelieve the facts stated by Shri Bhogendra Jha, MP, that he was abused in filthy language and assaulted by the police personnel who were acting under the supervision of Sarvashri R. R. Pal and S. K. Trivedi. The Committee also feel that it is improbable that Sarvashri R. R. Pal and S. K. Trivedi in whose presence Shri Bhogendra Jha was assaulted and abused by the police personnel were not aware of Shri Bhogendra Jha's presence there at that time.

26. The Committee are, therefore, not convinced by the documents produced, and oral evidence given, before the Committee by Shri R. R. Pal, the then Inspector of Police, Ghaziabad and Shri S. K. Trivedi, the then City Magistrate, Ghaziabad.

27. The Committee after taking into consideration the totality of the circumstances of the case, have come to the conclusion that the police personnel used abusive language in respect of Members of Parliament in general and Shri Bhogendra Jha, MP, in particular, and assaulted him at Ghaziabad, on 3 April, 1981.

28. The Committee are also not convinced that Sarvashri S. K. Trivedi and R. R. Pal were not aware of the presence of Shri

Bhogendra Jha, MP, at the scene of incident on 3 April, 1981, at Ghaziabad. The Committee find that both Sarvashri S. K. Trivedi and R. R. Pal, who were present at the scene of incident, failed in their duty to provide protection to Shri Bhogendra Jha, MP, from being abused and assaulted by the police personnel under their charge.

29. In view of their finding, the Committee decided that Shri S. K. Trivedi, the then City Magistrate of Ghaziabad and Shri R. R. Pal, the then Inspector of Police, Ghaziabad be called again before the Committee to give them another opportunity to have their say in the matter.

30. When Shri S. K. Trivedi, the then City Magistrate of Ghaziabad and Shri R. R. Pal, the then Inspector of Police, Ghaziabad appeared again before the Committee on 7 April, 1983, they were apprised of the findings of the Committee. Thereupon, Shri S. K. Trivedi expressed his unqualified regret in the following words:—

“I tender my unconditional apology to the Committee and the hon. Member of Parliament.”<sup>11</sup>

Thereafter, Shri R. R. Pal also tendered his unqualified apology in the following words:—

“I apologise. I apologise for the lapse on my part as pointed out by the Committee. In future, there shall not be any recurrence of such an incident on my part. We shall always honour the hon'ble Ministers and Members and these things will always be kept in mind. I apologise for whatever has happened, Sir.”<sup>12</sup>

31. In view of the unconditional and unqualified apologies tendered by Shri S. K. Trivedi, the then City Magistrate of Ghaziabad, and Shri R. R. Pal, the then Inspector of Police, Ghaziabad, the Committee are of the view that the dignity of the House would be best served by taking no further action in the matter.

32. The Committee are, however, distressed to find that there have been several cases referred to them by the House regarding ill-treatment and assault by the police on the Members. The Committee urge that the Ministry of Home Affairs should issue strict instructions to all the authorities concerned to ensure that the

11. See Minutes of Evidence.

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

Members are not exposed to such ill-treatment and violence at the hands of the Police authorities.

#### **V. Recommendation of the Committee**

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

NEW DELHI.

April 28, 1983

Vaisakha 8, 1905 (Saka)

R. R. BHOLE,

*Chairman,*

*Committee of Privileges.*

**MINUTES**

## MINUTES

### I

#### First Sitting

*New Delhi, Tuesday, 28 April, 1981.*

The Committee sat from 16.00 to 16.25 hours.

#### PRESENT

Shri Harinatha Misra—*Chairman*

#### MEMBERS

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

#### SECRETARIAT

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

2. The Committee considered the question of privilege raised by Shri Indrajit Gupta, M.P.s regarding alleged manhandling of Shri Bhogendra Jha, M. P. and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P. on 3 April, 1981.

3. The Committee decided that in the first instance Shri Bhogendra Jha, M. P., be asked to appear before the Committee of Privileges for oral examination on 25 May, 1981.

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*The Committee then adjourned.*

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

## II

## SECOND SITTING

New Delhi, Monday, 25 May, 1981

The Committee sat from 11.00 to 12.45 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

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

## WITNESS

Shri Bhogendra Jha, M.P.

## SECRETARIAT

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

2. The Committee took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981.

3. Shri Bhogendra Jha, M.P., was called in and examined by the Committee on oath.

(*Verbatim record of evidence was kept*).

(*The witness then withdrew*)



4. The Committee deliberated on the matter and decided to examine in person the City Magistrate concerned, Shri Trivedi, and the Police Inspector, Shri R. R. Pal, at a sitting to be held about a week before the commencement of the next Session.

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

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

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

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

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

*The Committee then adjourned.*

### III

#### THIRD SITTING

*New Delhi, Saturday, 27 June, 1981.*

The Committee sat from 10.00 to 11.40 hours.

#### PRESENT

Shri Harinatha Misra—*Chairman*

#### MEMBERS

2. Shri Somnath Chatterjee
3. Shri G. L. Dogra

4. Shri George Fernandes
5. Shri Ram Jethmalani
6. Shri Jagan Nath Kaushal
7. Shri A. A. Rahim
8. Shri Ram Singh Yadav .
9. Shri Vijay Kumar Yadav

#### SECRETARIAT

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

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

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

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

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

4. In regard to the question of privilege raised by Shri Indrajit Gupta, M.P., concerning the alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981, the Committee decided that the Government of Uttar Pradesh might be asked through the Ministry of Home Affairs to direct the City Magistrate concerned, Shri Trivedi and the Police Inspector, Shri R. R. Pal, to appear before the Committee in person on 18 July, 1981, at 10.30 hours for oral examination.

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

*The Committee then adjourned.*

## IV

## FOURTH SITTING

*New Delhi, Saturday, 18 July, 1981*

The Committee sat from 10.30 to 13.00 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
4. Shri G. L. Dogra
5. Shri George Fernandes
6. Shri Ram Jethmalani
7. Shri Jagan Nath Kaushal
8. Shri A. A. Rahim
9. Shri P. Shivshankar
10. Shri P. Venkatasubbaiah
11. Shri Ram Singh Yadav
12. Shri Vijay Kumar Yadav

## SECRETARIAT

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

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

## WITNESSES

- (1) Shri S. K. Trivedi, City Magistrate, Ghaziabad.
- (2) Shri R. R. Pal, Police Inspector, Ghaziabad.

2. At the outset, the Chairman informed the Committee that a communication dated 19 June, 1981, had been received from the Ministry of Home Affairs forwarding therewith a communication dated 30 May, 1981, from the Government of Uttar Pradesh containing their parawise comments on the statement made by Shri Bhogendra Jha, M.P., under rule 377 in Lok Sabha on 6 April, 1981, regarding his alleged manhandling and use of abusive language by the police at Ghaziabad, U.P. on 3 April, 1981.

As desired by the Committee, the communications received from the Ministry of Home Affairs and the Government of Uttar Pradesh were read out to the Committee. The Committee directed that the parawise comments of the Government of Uttar Pradesh on the matter be circulated\* to the members of the Committee.

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\* See Appendix I to the Report.

3. Shri S. K. Trivedi, City Magistrate, Ghaziabad, was then called in and examined on oath by the Committee in connection with the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981.

(Verbatim record of evidence was kept)

Shri S. K. Trivedi, submitted a copy of the F.I.R. dated 3 April, 1981, at the direction of the Committee.

The Committee directed that copies of the FIR be circulated@ to the members of the Committee.

(The witness then withdrew)

4. Shri R. R. Pal, Police Inspector, Ghaziabad, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. The Committee decided that the Superintendent of Police, Ghaziabad, the District Magistrate, Ghaziabad and the Deputy Secretary of the Government of Uttar Pradesh, Lucknow, who had sent the factual comments to the Home Ministry might be called to appear before the Committee for oral examination on a date to be fixed by the Chairman.

6. The Committee also directed that the Ministry of Home Affairs might be asked to obtain from the Government of Uttar Pradesh and furnish to the Committee the following documents:—

- (i) Report of enquiry conducted by the District Magistrate and Superintendent of Police, Ghaziabad, regarding the incident;
- (ii) copies of statements submitted by Shri R. R. Pal, Inspector of Police, Ghaziabad and other police personnel, if any regarding the incident; and
- (iii) copies of the Medical Reports about the injuries suffered by and treatment given to the City Magistrate, Ghaziabad, police personnel and members of the public in the local Hospital etc. at Ghaziabad as a result of the incident on 3 April, 1981.

7.      \*\*                      \*\*                      \*\*                      \*\*

**The Committee then adjourned.**

@ See Annexure .

•• Para 7 relates to another Case and has accordingly been omitted.

## ANNEXURE

(See para 3 of the Minutes)

Copy of FIR furnished by Shri S. K. Trivedi, City Magistrate,  
Ghaziabad, during his evidence on 18 July, 1981 at the instance  
of the Committee of Privileges.

मानाध्यक्ष,

माना सिहानी गेट,

गाजियाबाद ।

निवेदन यह है कि मेरठ रोड स्थित श्री राम पिस्टन व रिग फैक्टरी में गत कुछ दिनों से लेबर ट्रबल चल रही है । दिनांक 16-3-81 को कुल 515 में से 365 (इन्टक) समर्थक कर्मचारियों ने कर्मचारी एवं मॅनेजमेंट के बीच एक समझौते पर हस्ताक्षर हुए थे । इस समझौते का "एटक" से सम्बन्धित 150 कर्मचारियों ने इसका विरोध किया था एवं अन्दर हड़ताल पर बैठ गये जिन्होंने इन्टक से संबंधित कर्मचारियों को मशीन पर काम करने पर गम्भीर परिणाम भुगतने की धमकी दी थी । प्रबन्धकों ने 1-4-81 को कर्मचारियों से शांतिपूर्ण रूप में काम करने के लिये एक लिखित आश्वासन देने को कहा था जिसका "एटक" कर्मचारियों ने बाईकाट और स्वेच्छा से काम करने वाले कर्मचारियों को जबरदस्ती रोका लेकिन प्रशासन के हस्तक्षेप से स्थिति नियन्त्रण में रही । दिनांक 2-4-81 को 106 "इन्टक" से सम्बन्धित कर्मचारी लिखित आश्वासन देकर फैक्ट्री में गये । यह संख्या आज 203 पहुँच गयी । इससे हताश होकर "एटक" के नेता बनश्याम सिन्हा व सुखबीर सिंह त्यागी ने काम पर आ रहे कर्मचारियों को वापस घर जाते समय पीटने का प्रोग्राम बनाया, जिसकी सूचना मुझे प्राप्त होने पर मैं कोतवाली से निरीक्षक राजा रामपाल सिंह मय फोर्स तलब करके मेरठ रोड चौकी के सामने पहुँचा तो सड़क पर धारा 144 का उल्लंघन करके जमा 600, 700 फैक्ट्री कर्मचारियों की भीड़ ने मेरी जीप नं. यू.एस.वाई. : 5448 पर करीब 5.45 पी.एम. पर पथराव किया और जीप घेर ली । सुखबीर सिंह त्यागी व बनश्याम सिन्हा भीड़ का नेतृत्व कर रहे थे और बुलन्द आवाज से भीड़ को भड़का रहे थे कि सरकारी गाड़ियों को तथा फैक्ट्री की इमारत को तोड़ फोड़ कर बरबाद कर देंगे । इसी बीच चौकी राजनगर व श्री राम पिस्टन फैक्ट्री पर नियुक्त पुलिस दल व पी.ए.सी. फौरन चौकी राजनगर के सामने मेरे पास इकट्ठा हो गये । इन सब पर भी भीड़ द्वारा काफी पथराव होता रहा । मेरे व पुलिस अधिकारियों के समझाने बुझाने व चेतावनी का भी कोई प्रभाव नहीं पड़ा । मेरे तथा कई कर्मचारियों के चोटें आ गई पुनः मेरे द्वारा चेतावनी दी गयी "कि तुम्हारा मजमा खिलाफ कानून करार दिया जाता है । आप लोग तितर बितर हो जायें । पथराव बन्द कर दो बल प्रयोग करके तितर बितर किया जायेगा" जिसका भीड़ पर कोई असर नहीं हुआ तथा बनश्याम सिंह व सुखबीर सिंह त्यागी के भड़काने पर पथराव करती रही । आखिरकार मुझे लाठी चार्ज आ आदेश देना पड़ा । परन्तु भीड़ और उत्तेजित हो गयी तथा भीड़ में से एक फायर ही हम लोगों पर हुआ तथा भीड़ हम लोगों की तरफ पथराव करती हुई झपटी । पुलिस कर्मचारी पथराव से गिरने व बैठने लगे । लाठी चार्ज का असर भारी पथराव की वजह से कारगर नहीं हुआ ।

भीड़ हटाने व अपने तथा कर्मचारियों की जीवन रक्षा हेतु मौके की गम्भीरता को देखते हुए मेरे आदेश पर पुलिस दल ने 4 हवाई फायर किये जिससे भीड़ तितर बितर हो गयी। पथराव से मेरे तथा मेरे ड्राइवर व 13 पुलिस कर्मचारियों के चोटें आयी हैं। एच. सी. जगमेर सिंह व बेद पाल सिंह को ज्यादा चोट होने के कारण अस्पताल सीधे भेज दिया है। जीप का शीशा टूट गया है। और भी नुकसान जीप में हुआ है तथा पी.ए.सी. के सिपाही की रायफल का बट भी पथराव से टूटा है। मौके पर चला हुआ एक खोखा कारतूस 12 बोर मिला है। यह भीड़ में से किसी बलवाई द्वारा चलाया गया है। एक खोखा 12 बोर का एक जगह व कर्मचारियों द्वारा चलाये गये 4 कारतूसों के खोखे एक जगह तथा घटनास्थल पर पड़े कुछ इंटें रोड़े एक कट्टे में तथा गाड़ी के शीशे के टुकड़े एक जगह कुल चार पुलिसियों में घटना स्थल पर सील मोहर किये गये हैं। इन सबकी फर्दें घटना स्थल पर मुक्ति की गयी हैं। धनश्याम सिन्हा व सुखबीर सिंह त्यागी के भलावा पथराव करने वाली भीड़ में से जितेन्द्र शर्मा, धर्म सिंह, प्रताप सिंह, विधि सिंह, भीम सिंह यादव, सत्यपाल सिंह, पोयशा फैक्ट्री एच. एन. सिंह, डैनफोर्स फैक्ट्री, नरेश त्यागी व प्रेम सिंह श्री राम पिस्टन फैक्ट्री, राम सुमेर पोयशा, संसार सिंह डैनफोर्स फैक्ट्री, खेम करनव देवेन्द्र कुमार हिन्दुस्तान मूनार्क तथा बेद प्रकाश पोयशा फैक्ट्री के मालूम हुए हैं। यह पूरी घटना आसपास के दुकानदारों व बहुत से रास्ता गुजरने वालों ने देखी है। माल व फर्द दाखिल करता हूँ। मौके पर पथराव किये गये इंट पत्थर आदि बिखरे पड़े हैं। अतः रिपोर्ट दर्ज करके कार्यवाही की जावे।

लेखक, निम्न स्वरूप पेशकार

ह०।—

3-4-81

Dictated by me

Sd/- XXX 3/4/81

Sd/- XXX 3/4/81

सी० एम०

गाजियाबाद

*[English translation of original in Hindi]*

Copy of F.I.R. furnished by Shri S. K. Trivedi, City Magistrate, Ghaziabad, during his evidence on 18 July, 1981 at the instance of Committee of Privileges.

"The Station House Officer,  
Police Station Sihani Gate,  
Ghaziabad.

It is stated that the labour trouble is continuing for the last few days in the Shri Ram Piston and Ring Factory situated at Meerut Road. On 16-3-81, an agreement between the 365 employees out of 515 supporting INTUC and the Management was signed. This agreement was opposed by 150 employees supporting AITUC and these employees resorted to sit in strike in the Factory and threatened

the INTUC supporters with dire consequences in case they resumed work. On 1-4-81, the Management sought a written assurance from the employees that they will work peacefully, which was opposed by the AITUC supporters and they forcibly prevented the willing workers from doing their work but the situation was kept under control by the intervention of the administration. On 2-4-81, 106 INTUC supporters resumed their work after giving a written assurance. Today this number has increased to 203. The frustrated AITUC leaders Mr. Ghanshyam Sinha and Sukhbir Singh Tyagi conspired to assault the employees on their way back home from the factory. As soon as I got information of this plan, I alongwith Inspector Raja Ram Pal Singh and the police force reached in front of Meerut Road Police Post. At that place, a mob of 600 to 700 factory workers, who had assembled there in violation of Section 144, encircled and stoned my jeep No. USY 5448 at about 5.45 P.M. Sukhbir Singh Tyagi and Ghanshyam Sinha were leading and instigating the mob to destroy the Govt. vehicles and the Factory building. In the meanwhile, the Police force and the P.A.C. posted at the Raj Nagar Police Post, and Shri Ram Piston Factory reached the Raj Nagar Police Post. They were also subjected to heavy stoning by the mob. Our efforts to pacify them and the subsequent warnings had no effect. I and many other employees were injured, whereupon I again warned them, "your assemblage is hereby declared illegal. You should disperse forthwith. Stop stoning otherwise you will be driven away by force." But this warning also had no effect. The mob continued stoning on the instigation of Ghanshyam Sinha and Sukhbir Singh Tyagi. Ultimately, I was forced to order Lathi Charge. But the mob became violent and one shot was also fired from the side of the mob. They continued stoning and rushed towards us. The police personnel could not withstand the stoning. Because of heavy stoning, the lathi charge proved ineffective. In view of the serious situation, to disperse the mob and in self defence, Police on my orders fired 4 shots in the air. As a result, the mob dispersed. I, my driver and 13 Police Personnel sustained injuries due to heavy pelting of stones. As Head Constable Jagmer Singh and Ved Pal Singh were seriously injured, they were rushed direct to Hospital. The wind screen of the Jeep has been broken. Jeep has also been damaged and the butt of the rifle of a PAC Jawan has also been broken in the stoning. One empty cartridge of 12 bore which was fired by a rioter from the mob has been found on the site of the incident. Four bags containing an empty cartridges of 12 bore, 4 empty cartridges fired by the employees, some bricks and stones found at the site of the incident and the pieces of the wind screen of the Jeep have been sealed at the site of the incident. The list of all these items has

been prepared at the site of the incident. Apart from Ghanshyam Sinha and Sukhbir Singh Tyagi, Jitendra Sharma, Dharm Singh, Pratap Singh, Vidhi Singh, Bhim Singh Yadav and Satya Pal Singh of Poysha Factory, H.N. Singh of Denforce Factory, Naresh Tyagi and Prem Singh of Shri Ram Piston Factory, Ram Sumer of Poysha Factory, Sansar Singh of Denforce Factory, Khem Karan and Devendra Kumar of Hindustan Monarch and Ved Prakash of Poysha Factory were involved in the act of stone throwing. This incident was witnessed by the Shopkeepers in the vicinity and several passers by. The sealed items and the list is submitted herewith. Bricks and stones etc. even now lie scattered at the site of the incident. Therefore please register the report and take necessary action.

Sd|-

3-4-81.

Writer: Nirmal Swaroop,  
Peshkar,

Dictated by me.

Sd|-

3-4-81.

Sd|-

3-4-81.

City Magistrate,  
Ghaziabad."]

2 31



## V

## FIFTH SITTING

*New Delhi, Saturday, 24 October, 1981.*

The Committee sat from 10.30 to 11.45 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

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

## SECRETARIAT

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

2-6. \* \* \* \*

7. The Committee then took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, MP, and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P. on 3 April, 1981.

8. The Committee directed that, as decided by the Committee earlier at their sitting held on 18 July, 1981, the Government of Uttar Pradesh might be asked through the Ministry of Home Affairs to direct (i) the then Superintendent of Police, Ghaziabad, (ii) the then District Magistrate, Ghaziabad and (iii) the Deputy Secretary of the Government of Uttar Pradesh, Lucknow, who had sent the factual comments to the Home Ministry for being forwarded to the Committee, to appear before the Committee in person on Saturday, 7 November, 1981, at 14.30 hours for oral examination.

*The Committee then adjourned.*

## VI

## SIXTH SITTING

*New Delhi, Saturday, 7 November, 1981.*

The Committee sat from 14.30 to 15.00 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

2. Shri R. L. Bhatia
3. Shri G. L. Dogra

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\*\*\*\*Paras 2-6 relate to another case and have accordingly been omitted.

4. Shri George Fernandes
5. Shri Ram Jethmalani
6. Shri A. A. Rahim
7. Shri P. Shivshankar
8. Shri P. Venkatasubbaiah
9. Shri Ram Singh Yadav
10. Shri Vijay Kumar Yadav

SECRETARIAT

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

2. At the outset, the Chairman informed the Committee that as per decision of the Committee, the Government of Uttar Pradesh were asked through the Ministry of Home Affairs to direct the Superintendent of Police, Ghaziabad, the then District Magistrate of Ghaziabad and the Deputy Secretary of the Uttar Pradesh Government, who had sent the factual comments, to appear before the Committee on 7 November, 1981, for oral examination in connection with the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P. on 3 April, 1981.

However, a few days earlier a communication had been received from the Government of Uttar Pradesh through the Ministry of Home Affairs that it would not be advisable to direct Shri Om Pathak, the then District Magistrate of Ghaziabad, who was at present District Magistrate, Lucknow, and Shri A. B. Shukla, the Superintendent of Police, Ghaziabad, to appear before the Committee on 7 November, 1981, as they would be busy in connection with the maintenance of law and order situation due to Muhurram. The Chairman added that as per his direction, the Government of Uttar Pradesh were asked thereupon to direct the Deputy Secretary concerned and the Superintendent of Police, Ghaziabad, to appear before the Committee on 7 November, 1981, unless the latter's presence at Ghaziabad on that day was considered as essential for maintenance of law and order situation there. The appearance of the District Magistrate, Lucknow was postponed.

The Chairman, then informed the Committee about the receipt a few minutes earlier of a wireless message together with zerox copy of a medical certificate sent by the acting Superintendent of Police, Ghaziabad, stating that Shri A. B. Shukla, Superintendent of Police, Ghaziabad, had suddenly fallen ill and was suffering from low blood pressure with angina and that, therefore, his evidence might be postponed.

3. After considering the matter, the Committee decided to postpone the evidence of Shri A. B. Shukla, Superintendent of Police, Ghaziabad, as well as Shri Om Pathak, former District Magistrate of Ghaziabad (now District Magistrate, Lucknow) by about a month.

4. The Committee also decided that since the two material witnesses, namely, the Superintendent of Police and the District Magistrate had not come, no useful purpose would be served by examining Shri R. S. Srivastava, the concerned Deputy Secretary, Home Department of U.P. Government who had come to appear before the Committee.

*The Committee then adjourned.*

## VII

### SEVENTH SITTING

*New Delhi, Monday, 21 December, 1981*

The Committee sat from 16.00 to 16.25 hours.

### PRESENT

Shri Harinatha Misra—*Chairman*

### MEMBERS

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

### SECRETARIAT

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

2. \* \* \*

3. The Committee then took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P. and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981.

The Committee decided that Shri Om Pathak, the then District Magistrate, Ghaziabad (now posted at Lucknow) and Shri A. B. Shukla, Superintendent of Police, Ghaziabad, be called to appear before the Committee in person for oral examination on Saturday, 23 January, 1982.

*The Committee then adjourned.*

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

# VIII

## EIGHTH SITTING

*New Delhi, Saturday, 23 January, 1982*

The Committee sat from 15.00 to 18.00 hours.

### PRESENT

Shri Harinatha Misra—*Chairman*

### MEMBERS

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

### SECRETARIAT

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

### WITNESSES

- |     |    |    |    |    |
|-----|----|----|----|----|
| (1) | ** | ** | ** | ** |
| (2) | ** | ** | ** | ** |

- (3) Shri Om Pathak,  
the then *District Magistrate*,  
*Ghaziabad* and now *District Magistrate*,  
*Lucknow.*

- |      |    |    |    |    |
|------|----|----|----|----|
| 2-5. | ** | ** | ** | ** |
|------|----|----|----|----|

6. The Committee then took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged man-handling of Shri Bhogendra Jha, M.P. and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad, U.P., on 3 April, 1981.

7. Shri Om Pathak, the then District Magistrate, Ghaziabad, and now District Magistrate, Lucknow, was then called in and examined on oath by the Committee.

*(Verbatim record of evidence was kept)*

*(The witness then withdrew)*

8. The Committee postponed the evidence of Shri A. B. Shukla, Superintendent of Police, Ghaziabad, who was in attendance, to

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\*\*S. No. 6. (1) and (2) and paras 2—5 relate to other cases and have accordingly been omitted.

11 February, 1982. Shri A. B. Shukla was accordingly asked to appear before the Committee again on Thursday, 11 February, 1982, at 11.00 hours.

*The Committee then adjourned to meet again on 28 January, 1982.*

## IX

### NINTH SITTING

*New Delhi, Thursday, 11 February, 1982*

The Committee sat from 11.00 to 13.30 hours.

#### PRESENT

Shri Harinatha Misra—*Chairman*

#### MEMBERS

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

#### SECRETARIAT

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

#### WITNESSES

(1) \* \* \* \*

(2) Shri A. B. Shukla,  
*Superintendent of Police, Ghaziabad.*

2-3. \* \* \* \*

4. The Committee then took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad, U.P., on 3 April, 1981.

5. Shri A. B. Shukla, Superintendent of Police, Ghaziabad, was then called in and examined by the Committee on oath.

*(Verbatim record of the evidence was kept)*

*(The witness then withdrew)*

*The Committee then adjourned.*

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\*\*S. No. (1) and paras 2—3 relate to another case and have accordingly been omitted.

**X****TENTH SITTING**

*New Delhi, Wednesday, 14 April, 1982*

The Committee sat from 16.00 to 16.40 hours.

**PRESENT**

Shri Harinatha Misra—*Chairman*

**MEMBERS**

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

**SECRETARIAT**

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

2-5.                \*\*                \*\*                \*\*                \*\*

6. The Committee, then took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P. regarding alleged manhandling of Shri Bhogendra Jha, M.P. and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P. on 3 April, 1981. The Committee decided that the record of evidence tendered before the Committee and other relevant documents be circulated to members of the Committee to deliberate on the matter at a subsequent sitting.

*The Committee then adjourned.*

**XI****ELEVENTH SITTING**

*New Delhi, Thursday, 10 June, 1982*

The Committee sat from 10.30 to 11.50 hours.

**PRESENT**

Shri Harinatha Misra—*Chairman*

**MEMBERS**

2. Shri George Fernandes
3. Shri Jagan Nath Kaushal

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

4. Shri A. A. Rahim
5. Shri P. Shivshankar
6. Shri P. Venkatasubbaiah
7. Shri Ram Singh Yadav
8. Shri Vijay Kumar Yadav

#### SECRETARIAT

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

2—5.        \*\*                        \*\*                        \*\*                        \*\*

6. Further the Committee decided to consider at its sitting to be held on 1 July, 1982, at 3.30 P.M., the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981. The Committee directed that the record of evidence tendered before the Committee and other relevant documents be circulated to members of the Committee in this regard, sufficiently before the scheduled sitting of the Committee.

*The Committee then adjourned.*

#### XII

#### TWELFTH SITTING

*New Delhi, Thursday, 1 July, 1982*

The Committee sat from 15.30 to 16.15 hours.

#### PRESENT

Shri Harinatha Misra—*Chairman*

#### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri Somnath Chatterjee    •
5. Shri George Fernandes
6. Shri Ram Jethmalani
7. Shri Jagan Nath Kaushal
8. Shri K. Ramamurthy

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

9. Shri P. Shiv Shanker
10. Shri Dharam Bir Sinha
11. Shri Krishna Prakash Tewari
12. Shri P. Venkatasubbaiah
13. Shri Vijay Kumar Yadav
14. Shri Zainul Basher

#### SECRETARIAT

Shri K. K. Saxena—*Joint Secretary.*

2. At the outset, the Chairman welcomed the Members of the new Committee.

3. The Chairman then mentioned about the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, M.P. and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P. on 3 April, 1981, which was referred to the Committee by the House on 6 April, 1981.

The Chairman also apprised the Committee about the receipt of a copy of the report of the Enquiry Committee on the causes and circumstances of violent incidents in Ghaziabad District from 1 to 4 April, 1981, appointed by the Government of Uttar Pradesh and forwarded by the Ministry of Home Affairs for appropriate action. The Committee decided that the Secretariat should examine the Report of that Enquiry Committee sent by the Government of Uttar Pradesh in depth with a view to see (i) whether it was proper for the Government of Uttar Pradesh to appoint a Committee to enquire into a matter which had been referred to the Committee of Privileges of Lok Sabha; (ii) whether it was proper for the Enquiry Committee to record the statement of Shri Bhogendra Jha about the incident involving him; (iii) whether it was proper on the part of Shri Bhogendra Jha to give statement before the Enquiry Committee appointed by the State Government when the Committee of Privileges were seized of the matter; and (iv) whether Report of the Enquiry Committee tended to interfere or influence the Committee of Privileges in arriving at their conclusions. The Committee also decided that a memorandum might be prepared by the Secretariat in this regard for circulation to Members of the Committee.

The Committee also decided that the relevant portions of the said Report together with the notification setting up the Enquiry



Committee and copies of the forwarding letters from the Government of Uttar Pradesh and the Ministry of Home Affairs might be circulated to the Members of the Committee for their perusal.

4. The Committee then adjourned to meet again on 2 July, 1982.

### XIII

#### THIRTEENTH SITTING

*New Delhi, Tuesday, 10 August, 1982*

The Committee sat from 16.00 to 17.15 hours.

#### PRESENT

Shri Harinatha Misra—*Chairman*

#### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri Somnath Chatterjee
5. Shri Jagan Nath Kaushal
6. Shri Y. S. Mahajan
7. Shri K. Ramamurthy
8. Shri P. Shiv Shanker
9. Shri Dharam Bir Sinha
10. Shri Zainul Basher.

#### SECRETARIAT

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

2-5.                    \*\*                    \*\*                    \*\*                    \*\*

6. The Committee then took up consideration of the question of privilege raised by Shri Indrajit Gupta, MP, regarding alleged manhandling of Shri Bhogendra Jha, MP, and use of abusive language in respect of Members of Parliament by the police at Ghaziaabad, U.P., on 3 April, 1981.

The Committee decided to deliberate on the matter at their sitting to be held on 10 September, 1982.

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

7. The Committee then adjourned to meet again on 9 and 10 September, 1982.

#### XIV

#### FOURTEENTH SITTING

*New Delhi, Friday, 5 November, 1982*

The Committee sat from 16.00 to 16.30 hours.

#### PRESENT

Shri Harinatha Misra—*Chairman*

#### MEMBERS

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

#### SECRETARIAT

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

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

3. The Committee decided to further consider the question of privilege raised by Shri Indrajit Gupta, MP, regarding alleged man-handling of Shri Bhogendra Jha, MP, and use of abusive language in respect of Members of Parliament by the police to Ghaziabad, U.P., on 3 April, 1981, at its sitting to be held on 17 November, 1982.

4—6.                   \*                   \*                   \*                   \*

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

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

## XV

## FIFTEENTH SITTING

*New Delhi, Wednesday, 17 November, 1982*

The Committee sat from 15.00 to 16.00 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

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

## SECRETARIAT

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

2-3.

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\*

4. The Committee then decided to postpone further consideration of the question of privilege regarding alleged manhandling of Shri Bhogendra Jha, MP, and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981, to their sitting to be held on 20 December, 1982.

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

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

## XVI

## SIXTEENTH SITTING

*New Delhi, Monday, 20 December, 1982*

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The Committee sat from 15.00 to 16.30 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri George Fernandes
5. Shri Jagan Nath Kaushal
6. Shri Y. S. Mahajan
7. Shri Dharam Bir Sinha
8. Shri Krishna Prakash Tewari
9. Shri Zainul Basher

## SECRETARIAT

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

2. The Committee took up consideration of the question of privilege regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981.

The Committee considered the report of the Enquiry Committee on the causes and circumstances of violent incidents in Ghaziabad District from 1 to 4 April, 1981, appointed by the Government of Uttar Pradesh and forwarded by the Ministry of Home Affairs for appropriate action. After some discussion, the Committee decided not to take any notice of the findings of that Committee in considering the case of Shri Bhogendra Jha, M.P.

The Committee decided to defer further consideration of the matter to their sittings to be held on 24 and 25 January, 1983.

*The Committee then adjourned to meet again on 21 December, 1982.*

## XVII

## SEVENTEENTH SITTING

*New Delhi, Tuesday, 25 January, 1983.*

The Committee sat from 11.00 to 12.15 hours.

## PRESENT

Shri Harinatha Misra—*Chairman*

## MEMBERS

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

## SECRETARIAT

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

2. \* \* \*

3. The Committee then took up further consideration of the question of privilege raised by Shri Indrajit Gupta, MP, regarding alleged manhandling of Shri Bhogendra Jha, MP, and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad, U.P., on 3 April, 1981.

The Committee decided to postpone further consideration of the matter to their next sitting to be held on 25 February, 1983.

The Committee directed that a complete set of evidence and other papers relating to this case, earlier circulated to the members of the Committee might be circulated to them again well before the next sitting to facilitate the deliberations of the Committee.

*The Committee then adjourned to meet again on 25 February 1983*

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

## **XVIII**

### **Eighteenth Sitting**

*New Delhi, Thursday, 24 March, 1983*

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The Committee sat from 16.00 to 17.15 hours.

### **PRESENT**

Shri R. R. Bhole—*Chairman*

### **MEMBERS**

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri Somnath Chatterjee
5. Shri Ram Jethmalani
6. Shri Jagan Nath Kaushal
7. Shri Krishna Prakash Tewari
8. Shri P. Venkatasubbaiah
9. Shri Vijay Kumar Yadav
10. Shri Zainul Basher

### **SECRETARIAT**

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

2. The Committee deliberated on the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981.

3. The Committee noted that the facts stated in their oral evidence before the Committee by Shri R. R. Pal, the then Inspector of Police, Ghaziabad, and Shri S. K. Trivedi, the then City Magistrate of Ghaziabad, who were present on the scene of incident on 3 April, 1981, were totally contradictory to the facts stated by Shri Bhogendra Jha, M.P., in his statement in the House and later during his evidence before the Committee. The Committee also noted that there were certain material contradictions between the evidence

given by Sarvashri R. R. Pal, S. K. Trivedi, A. B. Shukla, the then Superintendent of Police, Ghaziabad, and Shri Om Pathak, the then District Magistrate of Ghaziabad.

4. After careful consideration of the evidence and other documents made available to the Committee, the Committee felt that there was no reason to disbelieve the facts stated by Shri Bhogendra Jha, M.P., that he was abused in filthy language and assaulted by the police personnel who were acting under the supervision of Sarvashri R. R. Pal and S. K. Trivedi. The Committee also felt that it was improbable that the police personnel who abused and assaulted Shri Bhogendra Jha in the presence of Sarvashri R. R. Pal and S. K. Trivedi and they (Sarvashri R. R. Pal and S. K. Trivedi) were not aware of his presence there at that time.

5. The Committee decided that Shri R. R. Pal, the then Inspector of Police and Shri S. K. Trivedi, the then City Magistrate of Ghaziabad, might be called to appear again before the Committee on 7 April, 1983, to explain their conduct in the matter.

*The Committee then adjourned.*

**XIX**  
**NINETEENTH SITTING**

*New Delhi, Thursday, 7 April, 1983.*

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The Committee sat from 15.00 to 15.45 hours.

**PRESENT**

Shri R. R. Bhole—*Chairman*

**MEMBERS**

2. Shri Chandulal Chandrakar
3. Shri Somnath Chatterjee
4. Shri Jagan Nath Kaushal
5. Shri Dharam Bir Sinha
6. Shri Vijay Kumar Yadav

**SECRETARIAT**

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

**WITNESSES**

- (1) Shri S. K. Trivedi,  
the then City Magistrate,  
Ghaziabad.
- (2) Shri R. R. Pal,  
the then Inspector of Police,  
Ghaziabad.

2. The Committee took up consideration of the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged man-handling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981.

3. Shri S. K. Trivedi, the then City Magistrate, Ghaziabad, was called in and examined on oath by the Committee. At the outset, the Chairman informed him as follows:—

“The Committee of Privileges have carefully gone through the evidence and other documents produced before the Committee and are not convinced by the evidence given by you before the Committee. After taking into consideration



the totality of the circumstances of the case, the Committee have come to the conclusion that the police personnel used abusive language in respect of Members of Parliament in general and Shri Bhogendra Jha, M.P., in particular, and assaulted him at Ghaziabad on 3 April, 1981. The Committee are not convinced that you were not aware of the presence of Shri Bhogendra Jha there. The Committee find that you were present at the scene of incident but you failed in your duty to protect Shri Bhogendra Jha from being abused and assaulted by the police personnel under your charge.

Before proceeding further in the matter, the Committee would like to give you another opportunity to have your say in the matter, in view of the above finding of the Committee."

Shri S. K. Trivedi tendered his unconditional apology to the Committee.

*(Verbatim record of evidence was kept)*

*(The witness then withdrew)*

4. Shri R. R. Pal, the then Inspector of Police, Ghaziabad, was then called in and examined on oath by the Committee. At the outset, the Chairman informed him as follows:—

"The Committee of Privileges have carefully gone through the evidence and other documents produced before the Committee and are not convinced by the evidence given by you before the Committee. After taking into consideration the totality of the circumstances of the case, the Committee have come to the conclusion that the police personnel used abusive language in respect of Members of Parliament in general and Shri Bhogendra Jha, M.P., in particular, and assaulted him at Ghaziabad on 3 April, 1981. The Committee are not convinced that you were not aware of the presence of Shri Bhogendra Jha there. The Committee find that you were present at the scene of incident but you failed in your duty to protect Shri Bhogendra Jha from being abused and assaulted by the police personnel under your charge.

Before proceeding further in the matter, the Committee would like to give you another opportunity to have your say in the matter, in view of the above finding of the Committee."

Shri R. R. Pal, tendered his unqualified apology to the Committee.

*(Verbatim record of evidence was kept)*

*(The witness then withdrew)*

5. The Committee then deliberated on the matter and decided to accept the unqualified apologies tendered by Shri S. K. Trivedi and Shri R. R. Pal. The Committee also decided to recommend to the House that no further action be taken and the matter be dropped.

6. The Committee decided that the draft Report on the matter might be prepared and circulated to the Members of the Committee for consideration at their next sitting.

7.   \*\*                                   \*\*                                   \*\*                                   \*\*

*The Committee then adjourned.*

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

## XX

### Twentieth Sitting

New Delhi, 28 April, 1983.

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The Committee sat from 15.00 to 15.35 hours.

#### PRESENT

Shri R. R. Bhole—*Chairman*

#### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Y. S. Mahajan
5. Shri Krishna Prakash Tewari
6. Shri Zainul Basher

#### SECRETARIAT

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

2. The Committee considered their draft Fourth Report on the question of privilege regarding alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, U.P., on 3 April, 1981 and adopted it.

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

4. The Committee authorised the Chairman, or in his absence, Shri Y. S. Mahajan to present the Report to the House.

*The Committee then adjourned.*

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## **MINUTES OF EVIDENCE**

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# LIST OF WITNESSES

*Monday, 25 May, 1981*

PAGE

Shri Bhogendra Jha, M.P. . . . . 33

*Saturday, 18 July, 1981*

(1) Shri S.K. Trivedi, City Magistrate, Ghaziabad . . . . . 61

(2) Shri R.R. Pal, Police Inspector, Ghaziabad . . . . . 84

*Saturday, 23 January, 1982*

Shri Om Pathak, the then District Magistrate Ghaziabad and now District Magistrate, Lucknow . . . . . 99

*Thursday, 11 February, 1982*

Shri A.B. Shukla, Superintendent of Police, Ghaziabad . . . . . 122

*Thursday, 7 April, 1983*

(1) Shri S.K. Trivedi, the then City Magistrate, Ghaziabad . . . . . 136

(2) Shri R.R. Pal, the then Inspector of Police, Ghaziabad . . . . . 137

MINUTES OF EVIDENCE TAKEN BEFORE THE  
COMMITTEE OF PRIVILEGES

*Monday, 25 May, 1981*

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

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

SECRETARIAT

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

WITNESS

Shri Bhogendra Jha, M.P.

*(The Committee met at 11.00 hours)*

**Evidence of Shri Bhogendra Jha, M.P.**

MR. CHAIRMAN: Shri Bhogendra Jha, you have been requested to appear before this Committee to give your evidence in connection with the question of privilege raised by Shri Indrajit Gupta, M.P., regarding your alleged manhandling and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad, U.P., on April 3, 1981. I hope you will state the factual position frankly

and truthfully to enable this Committee to arrive at a correct finding.

I may inform you that your evidence may be treated as confidential till the Report of the Committee and its proceedings are presented to Lok Sabha. Any premature disclosure or publication of the proceedings of the meeting would constitute a breach of privilege. The evidence which you will give before the Committee may be reported to the House.

Now you may please take Oath or Affirmation as you like.

SHRI BHOGENDRA JHA: I, Bhogendra Jha, solemnly affirm that the evidence that I will give in the case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

SHRI HARINATHA MISRA: Now Hon. Members are free to ask questions or to seek elucidation.

श्री अमर्शर सिंह : आपने जो बातें लोक सभा में बताई थीं, उनके अनाका क्या आप कुछ बतलाना चाहेंगे ?

श्री भोगेन्द्र झा : संक्षेप में मुख्य-मुख्य बातें तो मैंने कह दी थीं—दोहराने से कोई नई बात नहीं होगी।

श्री अमर्शर सिंह : फिर भी आप जो भी बतलाना चाहें वह आप बतला सकते हैं।

श्री भोगेन्द्र झा : दो अप्रैल को सी०पी०आई० के सदस्य श्री इंद्रजीत गुप्ता और श्री रामावतार शास्त्री जी ने कहा कि पहली अप्रैल को ए०आई०टी०यू०सी० के दफ्तर में घुसकर पुलिस ने मारपीट की है। इसकी जानकारी के लिए मुझे जाने के लिए कहा गया। मुझे हिलकिचाहट हो रही थी कि आखिर एकतरफा घुसकर मारपीट कैसे हुई होगी ?

तीन तारीख को सवा चार बजे मैं टैक्सी से चला और सवा पांच बजे कर्णालिय पहुंचा, जो कि मेरठ रोड, गाजियाबाद पर स्थित है। चाय बगैरा पीने में आधा घंटा लग गया होगा, दुबारा चाय बनी थी, क्योंकि मैं बिना बीनी की चाय पीता हूं। तब तक कुछ और लोग भी आ गए। दफ्तर के घंटर और जोखट के बाहर, दोनों जगह लोग थे। उन लोगों ने पहली तारीख की घटना के बारे में कहना शुरू किया कि इस तरह से सम्मान से गए, और कुर्तियां उठाकर ले गए और मारपीट की गई। इसके बाद मैं ठीक चौखट के बाहर खड़ा हो गया। भीतर भी लोग थे और बाहर भी लोग थे। तभी पुलिस की बर्दी में एक अफसर आए और उन्होंने

मुझ से पूछा कि क्या मैं ही भोगेन्द्र झा, मेंबर आफ पार्लियामेंट हूं? मैंने सकारात्मक जवाब दिया और उसके बाद . . . . ।

क्या सभी माननीय सदस्य हिन्दी जानने वाले हैं?

SHRI A. A. RAHIM: If he can speak in English, it is well and good.

SHRI BHOGENDRA JHA: So, I thus stood up. Others were sitting, inside the AITUC's office, and just outside its gate. Meanwhile, one police officer asked me whether I was Bhogendra Jha, Member of Parliament. After confirming it, I asked him to wait a bit—because I wanted to talk to him also. I had to talk to him about the happenings of 1st April. He kept waiting for 2 or 3 minutes. Meanwhile, a corps of PAC men and policemen came I could distinguish them. PAC men were with rifles; policemen were generally with *lathis*. They rushed from the road-side and began beating us. I saw several men being beaten. They were dragging them also. Four persons, including Jitendra Sharma who had accompanied me from here by taxi, Sukhbir Tyagi and Ganshyam Sinha surrounded me from all sides, to save me. But at that point, they were not trying to hit me. There was a head constable. He was standing just in front of me.

When the entire outside of the room was vacated, again another posse of constables and PAC men came and dragged those who were in the room, again and again beating them and dragging them. After some time, the entire outside and inside were vacated. At that point, I saw one jeep standing on the road. An officer was there. He was apparently directing them. And then the third posse came. They gave barrel pushed butt blows and dragged away those surrounding me. Another person gave a barrel push on my chest. I felt like falling; but because of another push from behind I was able to stand. Thereafter, three of them gave me blows with butts. But they were trying to ensure that they gave me blows with different elbows, shoulders, limbs and thighs—all muscular parts.

I did not know why they were angry with me. They were not able to distinguish between MLAs and MPs. They were saying "What sort of people are elected as Members of Parliament! Why should they speak for *kameenas*?" Along with this, they used words like 'saala' etc. And they were giving blows.

Someone took my spectacles—someone among those persons. Meanwhile, I did not find there the head constable who was standing and saving me. After that, I felt like fainting, but then again, 3 or



4 persons came and said; "You are being arrested." They huddled me into the jeep which was standing in the road. Five of the persons who had been surrounding me, had already been huddled into the jeep, from behind. I was also pushed in, from behind. At that time, the head constable who was earlier with me, came. Because he was slightly sympathetic, I asked him whether there was any magistrate available. He showed me the front side of the jeep. In the front side, there was the magistrate, and Pal, the police Inspector. I asked the Magistrate: "Please let me have my spectacles. Some of the constables have taken it." He was angry, and said: "Nothing doing." He asked the driver to move.

After some time, the jeep was stopped. Both the Magistrate and the police Inspector got down and began talking to one officer. Then I thought we had come to the mill. The person to whom they were talking was one Mr. Agarwal. They were talking to him.

Again, five persons were dragged out. I apprehended some nuisance and thought they might be trying to create some trouble. So, I did not like to come out of the jeep. But when five of my companions were dragged out. I thought I should come out. Then I asked them. I did not want to leave their company, i.e. of my companions.

Meanwhile, we saw the taxi which had taken us from Delhi, just near the road. And I was told by Jitendra Sharma who had taken me from Delhi; "This is the taxi from Delhi." Then I came to Delhi, and went to the hospital.

Since 1942 I have been coming to Delhi; but I had for the first time been to Ghaziabad. Apart from having seen the railway station, I had no acquaintance with any person or any area there.

SHRI R. L. BHATIA: What was the provocation for that? The police Inspector named Pal came and saw you. Then later on some P.A.C. men came and attacked you and your companions.

SHRI BHOGENDRA JHA: That was the query which took me there. I had to go to Ghaziabad because police there had beaten up AITUC workers. The thing I saw without seeing it cannot be believed. There was no provocation. The Inspector asked me whether I was Bhogendra Jha, Member of Parliament. Confirming this query, I asked him to wait a bit as I would like to talk to him. I think they were not there when the Inspector came or he might have been waiting there for their arrival or the person who was sitting in the jeep—perhaps the City Magistrate Mr. Trivedi—on

his direction they came. I do not know about it. But there was no provocation.

SHRI R. L. BHATIA: Was there any provocation by the workers? Did they abused the police or throw stones on them? What was the occasion for you want to enquire about it?

SHRI BHOGENDRA JHA: After my release at 6.15 p.m. the Magistrate showed me some bleeding scratches. He also told me about the brick missile which hit him at 4.15 p.m. while he was passing on the road. I asked him how anyone—the persons who came along with me to the hospital—could be hit at 4.15 p.m.? The firing took place from the police side and the brick-bats from the other side after the assaults etc. by the police. I cannot make any think out of this. I do not know whether it was true.

SHRI R. L. BHATIA: What happened on the earlier occasion?

SHRI BHOGENDRA JHA: That was on the first. They were sitting and might have been meeting in connection with the strike.

SHRI R. L. BHATIA: Was there Section 144 at that time?

SHRI BHOGENDRA JHA: I do not know whether it was there or not. I was told, when I had been there, that there was Section 144 in force on the day when I went there on the 3rd.

SHRI RAM JETHMALANI: We can proceed on the assumption that every word he says is true. I would like to have the views of the hon. Law Minister on this. The facts of the case of Shri Phool Chand Verma are also almost the same. There it was mentioned that he was not performing any parliamentary duty on that occasion. So, there was no question of breach of privilege involved. So, in this case also, we have to see whether Mr. Jha was performing any duty as a Member of Parliament or was he acting as a trade union leader. This is a very ticklist point which I want the Committee to solve once for all, because cases of this kind are likely to occur again and again. Otherwise, how can we refuse to take action?

MR. CHAIRMAN: Mr. Jha, in course of your statement, you have stated as follows:

"One of the PAC men hit me with a barrel in my chest exclaiming: 'Saale Assembly aur Parliament wale kya Karne aate hain.'"

You single out a member of the PAC. Could you ascertain the name of that person or would you be able to recognise him? You had

gone to Ghaziabad to attend or take part in a meeting of your party members. There you were assaulted and huddled into a jeep and taken to a place where the Magistrate ordered you to come out of the jeep and go wherever you wanted to go. Could you give the names of the persons who witnessed the scene fully or partly not belonging to your party or belonging to any other party or not belonging to any party at all? The Committee may like to ask them to appear before them.

SHRI BHOGENDRA JHA: I cannot give the name of any P.A.C. man. I did not have any occasion to ask about it. I was surprised when I had to face this thing for the first time in my life since 1940. The only fault of mine was that I could not flee away which was impossible unless I die. I enquired about the name of the Inspector. I do not know his full name. He said, "R. R. Pal." As far as Trivedi is concerned, I do not know which Trivedi. More than that about names, I cannot say anything. I have no connection with any meeting or strike. There was no meeting at all. I had gone to Ghaziabad on behalf of C.P.I. Group Leader on being asked by Shri Indrajit Gupta. This was the first time in my life that I had gone to Ghaziabad. I do not know about this strike because I was not connected with it; I was not connected with it even formally. I knew nothing about the strike. Even after that I did not enquire about it. On that day, there was no meeting. Simply to enquire about that incident in which Police in Ghaziabad had beaten up AITUC workers I went there. That is why I said in the beginning that I did not go there on my own, but I could not refuse to go. When some workers were beaten up by the police inside their Union Office in Ghaziabad I would not like to refuse to go there. In future also, even when there is some danger to my life, I will not refuse to go. So, I was sent there and I went. There was no meeting, no President and no speeches. Five or six persons were there and they began narrating what happened. Then some people began coming. I think by the time the police assaulted, about 50 persons might have gathered. Whether all of them were workers or outsiders, I cannot say.

You asked whether I can give the name of any neutral person. Again, the whole of my life comes in here. I have never tried for any witness either in the 1942 movement or in any other case. I have not enquired whether I can get any independent witness. Even if I am not an M.P., it will be below my dignity to procure some witness. Even if they are not penalised, I am not to lose anything. Even if they are rewarded, I am not to lose anything personally. They have nothing against me because no

acquaintance was there, excepting that they knew me only as a Member of Parliament. I think they might have come to know my name only from the newspapers. I do not know if any one of them could have known my name. That is why Inspector Pal enquired whether I was Bhogendra Jha. Member of Parliament. That means, he might not have been sure about my name from before.

SHRI RAM JETHMALANI: We must assume that everything that Mr. Jha has said is absolute truth and proceed on that basis. To my mind, the conduct of the Magistrate is more atrocious than the conduct of the police officers.

MR. CHAIRMAN: Mr. Jha, it is not as if I was expecting that you would be collecting evidence. It is natural that after the incident, the names may emerge.

SHRI BHOGENDRA JHA: He was the first person to push me with the barrel in my chest. I could not know who gave me the push in the back which caused the bleeding injury. I did not even show that in the hospital. This pain was too much compared to that slight scratch. They were abusing us and saying, "Why should Members of Parliament poke their nose into everything?"

कमीनो क साथ क्या करने आते हैं पार्लियामेंट क मेम्बर

The person I mentioned was the first person who gave me the push. I do not know whether it was loaded or empty. They began assaulting with rifle butts, abusing us all along.

SHRI RAM JETHMALANI: The person who asked you whether you were Bhogendra Jha seems to be the man concerned.

SHRI BHOGENDRA JHA: I think both of them were commanding it. As I said, neither of them had any enmity or grudge personally against me. Inspector Pal came first; the Magistrate came later in the jeep.

SHRI RAM JETHMALANI: They were saying about Members of Parliament in general.

SHRI BHOGENDRA JHA: Yes. They were saying, "Why should Members of Parliament poke their nose into everything?"

साले असम्बली और पार्लियामेंट वाले क्या करन आते हैं ?

I may be wrong, but I believe that if anyone else had been there in that position, the behaviour would have been the same, because I could not become angry up to the end. I was amused wherefrom they got so much anger.

SHRI VIJAY KUMAR YADAV: All these things took place at the instance of the police officer?

SHRI BHOGENDBRA JHA: About abuses, I cannot say. But definitely they assaulted me on orders. On two occasions, they did not hit me. The person who looked like a head constable, who was trying to save me twice vanished on the third occasion when I was being assaulted. So, definitely I believe they were ordered by the Magistrate to assault me. That is why I believe the head constable walked away somewhere else and again he re-appeared when I was huddled into the jeep.

SHRI P. SHIV SHANKAR: You have said in your statement in the Lok Sabha: "One police inspector named R. R. Pal appeared and asked me whether I was Bhogendra Jha, Member of Parliament." So far as the other PAC men were concerned, were they within hearing distance when you answered the question of Mr. Pal?

SHRI BHOGENDBRA JHA: When I answered Mr. Pal the other PAC men were not there at that point. Please understand the sequence. When the assault began, they first assaulted not me, but those who were sitting in front of me. On the second occasion, they assaulted and pushed out those who were within. On the third occasion, they hit me. At that time, Pal was not there; he had moved behind. Definitely the PAC men might not be knowing that I was Bhogendra Jha, but they were knowing that I was a Member of Parliament.

SHRI P. SHIV SHANKAR: You said in your statement that one of the PAC men uttered these words: "Saale Assembly aur Parliament wale kya karne aate hain." Were these words uttered by one PAC man or by others also?

SHRI BHOGENDBRA JHA: The PAC man who came first and hit me with a barrel in the chest, uttered these words. Other PAC men were also uttering the same thing.

SHRI VIJAY KUMAR YADAV: What was the distance between the jeep and the P.O. i.e., place of occurrence?

SHRI BHOGENDBRA JHA: Maximum 10 yards (distance between the jeep and the Union Office).

SHRI JAGAN NATH KAUSHAL: In your statement you said: "When I was fainting, on the orders of the City Magistrate, some

Trivedi, they huddled me into a jeep standing by in which the above named Mazdoor leaders had also been huddled in." Is it your assumption that the orders came from the City Magistrate or did you hear him passing such orders?

SHRI BHOGENDRA JHA: The Magistrate was in the jeep and then three or four persons rushed towards me and they huddled me into the jeep saying: "You are being arrested."

SHRI JAGAN NATH KAUSHAL: Did you hear the oral orders of the Magistrate?

SHRI BHOGENDRA JHA: No.

SHRI P. SHIV SHANKAR: What was the distance between yourself and the jeep?

SHRI BHOGENDRA JHA: I was standing just in front of the office room and from there the distance between myself and the jeep may not be more than 10 yards. It may be even less.

SHRI JAGAN NATH KAUSHAL: You have not mentioned in your statement made in the House these words " You are being arrested."

SHRI BHOGENDRA JHA: The Magistrate did not tell me that I was under arrest. The persons who rushed towards me said that I was being arrested. Then they huddled me into the jeep.

MR. CHAIRMAN: When one PAC man gave you blows and hurled all sorts of abuses, where was Mr. Pal? What was the distance between these PAC men who were abusing you and Mr. Pal?

SHRI BHOGENDRA JHA: When I was being assaulted, Inspector Pal was standing near the jeep. He was not inside the jeep at that time. When I was huddled into the jeep, he also got into the jeep. When the assault began, he shifted backwards.

MR. CHAIRMAN: When I was enquiring from you whether there were independent people, it was not that I had any doubt whatsoever about the bona fides or the correctness of your statement. I was just envisaging what statement or plea would be put forward by the defence because we are dealing with a similar situation elsewhere.

SHRI BHOGENDRA JHA: I presume that there were many persons who might be independent or partisan like shopkeepers, who had seen this incident. But I do not know them.

SHRI A. A. RAHIM: You said that the instructions came from the persons sitting in the jeep. The Inspector was with you for one or two minutes. After that instructions came from the persons sitting in the jeep. The Inspector came and identified you. Two or three minutes after that, PAC men came and arrested you. Did the orders come only after knowing that you are a Member of Parliament?

SHRI BHOGENDRA JHA: There were three waves of assaults. The first wave of assault was on those who were sitting outside the room in front of me. They assaulted them, pushed them and dragged them out. Then the second wave came. They dragged out those who were inside, assaulted and beat them. On the third wave they began taking away those who were surrounding me and assaulted me. On three occasions they gave the order—first those who were outside, then those who were inside and then those who surrounded me. Pal had been there.

SHRI P. SHIV SHANKAR: The waves it is understandable, but it is not possible for you to say who was ordering. You could not have concentrated on that.

SHRI BHOGENDRA JHA: Of course, I could not hear the order of Shri Trivedi.

SHRI A. A. RAHIM: Was the Magistrate aware that you are a Member of Parliament? Did Pal inform him?

SHRI P. SHIV SHANKAR: That you have to ask Shri Pal. The Committee will call him and put questions.

SHRI BHOGENDRA JHA: From the sequence of events there can be no doubt about it. Pal went to the magistrate. After the three assaults they put me in the jeep. They were in the front and they kept me behind. Pal came to where the jeep was standing, came to the back and then went to the front seat.

SHRI P. SHIV SHANKAR: It is only your assumption that he must have informed him.

SHRI BHOGENDRA JHA: After the first assault, I stayed standing. It was not my job to go anywhere else.

SHRI A. A. RAHIM: Did you go there in your capacity as a trade union member?

SHRI BHOGENDRA JHA: I did not go there as the member or office-bearer of any trade union but as a member of Parliament.

SHRI RAM JETHMALANI: I think it depends upon the view we take of the members functioning outside.

SHRI P. SHIV SHANKAR: If the PAC men had abused him after identifying him, then we will have to go into it further.

SHRI BHOGENDRA JHA: I could not make out why I was taken to the mill gate. I was thinking that I would be taken to the police station or the court. This was something strange to me. I want the Committee to enquire into it. I am not sure of the motivation in this respect. Had I not been there on the 3rd, I myself would have been in doubt the things which is happened on the first. It is difficult to believe them without experiencing it.

*(Shri Bhogendra Jha then withdrew)*



**Saturday, 18 July, 1981**

**PRESENT**

**Shri Harinatha Misra—Chairman**

**MEMBERS**

2. Shri R. L. Bhatia
3. Shri Somnath Chatterjee
4. Shri G. L. Dogra
5. Shri George Fernandes
6. Shri Ram Jethmalani
7. Shri Jagan Nath Kaushal
8. Shri A. A. Rahim
9. Shri P. Shiv Shankar
10. Shri P. Venkatasubbaiah
11. Shri Ram Singh Yadav
12. Shri Vijay Kumar Yadav

**SECRETARIAT**

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

**WITNESSES**

- (1) Shri S. K. Trivedi, City Magistrate, Ghaziabad.
- (2) Shri R. R. Pal, Police Inspector, Ghaziabad.

*(The Committee met at 10.30 hours)*

- (1) Evidence of Shri S. K. Trivedi, City Magistrate, Ghaziabad.

MR. CHAIRMAN: Shri S. K. Trivedi, you have been asked to appear before this committee to give your evidence in connection with the question of privilege raised by Shri Indrajit Gupta, M.P. regarding the alleged manhandling of Shri Bhogendra Jha, M.P. and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad, U.P. on April 3, 1981. I hope you will

765 LS—5

state the factual position frankly and truthfully to enable this committee to arrive at a correct finding. I may inform you that your evidence may be treated as confidential till the report of the committee and its proceedings are presented to Lok Sabha. Any premature disclosure or publication of the proceedings of the meeting would constitute a breach of privilege. The evidence which you will give before the committee may be reported to the House.

Now you may take oath or affirmation as you like.

*Shri S. K. Trivedi then took the oath.*

श्री एस. के. त्रिवेदी, (सिटी मजिस्ट्रेट, गाजियाबाद) : माननीय अध्यक्ष महोदय, माननीय सदस्यगण, निवेदन यह है कि मेरठ रोड स्थित श्रीराम पिस्टन व रिम फैक्टरी में गत कुछ दिनों से लेबर ट्रबल चल रही है।

श्री राम जेटमलानी : आपने कोई लिखित स्टेटमेंट तैयार किया है ?

श्री एस. के. त्रिवेदी : मैंने अपने लिये लिखा है।

श्री पी. शिवशंकर : जो किस्सा हुआ है, आपका जो वर्णन है, क्या आप उसे लिखित रूप में लाये हैं ?

श्री एस. के. त्रिवेदी : वह मैं अपनी इन्फार्मेशन के लिये लाया हूँ।

सभापति महोदय : आप अपना वर्णन बोलिये, क्या बोलना चाहते हैं ?

श्री एस. के. त्रिवेदी : निवेदन यह है कि मेरठ रोड स्थित श्रीराम पिस्टन व रिम फैक्टरी में गत कुछ दिनों से लेबर ट्रबल चल रही है। दिनांक 16-3-81 को कुल 515 में से 365 इंटक सम्बंधक कर्मचारियों ने कर्मचारी एवं मैनेजमेंट के बीच एक समझौते पर हस्ताक्षर किये थे। इस समझौते का एटक से संबंधित 150 कर्मचारियों ने विरोध किया था एवं अन्दर हड़ताल पर बैठ गये, जिन्होंने इंटक से संबंधित कर्मचारियों को मशीन पर काम करने पर गम्भीर परिणाम भुगतने की धमकी दी थी। प्रबंधकों ने 1-4-81 को कर्मचारियों से शांतिपूर्ण रूप में काम करने के लिये एक लिखित आश्वासन देने को कहा था।

श्री पी. शिव शंकर : सिटी मजिस्ट्रेट साहब, इससे आपका क्या सम्बन्ध हो सकता है ? फैक्टरी में क्या हो रहा है, इससे आपका क्या सम्बन्ध है ?

श्री एस. के. त्रिवेदी : मैं फैक्चुअल पोजीशन बता रहा हूँ।

श्री पी. शिव शंकर : आपका सम्बन्ध तो उसी तारीख से आया होगा जिससे गड़बड़ हुई है। आप तो उसी तारीख को वहां गये होंगे। जिस तारीख को श्री भोगन्ध झा गाजियाबाद गये थे, उससे पहले उससे आपका क्या सम्बन्ध है ?

श्री एस० के तिब्बेटी : पहले लेबर ट्रबल गाछियाबाव में भी और धारा 144 लगी हुई थी ।

श्री राम जे5मलानी : कहिये आप अपनी बात कहिये ।

श्री एस० के० तिब्बेटी : दिनांक 1-4-81 को कर्मचारियों से शांतिपूर्ण रूप में काम करने के लिये एक लिखित आश्वासन देने को कहा था जिसका एटक कर्मचारियों ने बायसाट किया और स्वेच्छा से काम करने वाले कर्मचारियों को अवदस्ती रोका । लेकिन प्रशासन के हिसाब से स्थिति नियंत्रण में रही ।

दिनांक 2-4-81 को 106 इंटक से संबंधित कर्मचारी लिखित आश्वासन देकर फैक्टरी में गये । यह संख्या दिनांक 3-4-81 को 203 तक पहुंच गई । इससे हुआ होकर एटक के नेता श्री घनश्याम सिन्हा व सुखबीर सिंह त्यागी ने काम पर आ रहे कर्मचारियों को वापिस घर जाते समय पीटने का प्रोग्राम बनाया, जिसकी सूचना मुझे प्राप्त होने पर मैं कोतवाली से निरीक्षक राजाराम पाल सिंह को मय फोर्स तलब करके मेरठ रोड चौकी के सामने पहुंचा, तो सड़क पर धारा 144 का उल्लंघन करके 600, 700 फैक्टरी कर्मचारियों की भीड़ ने मेरी जीप नं० यू०एस० बाई. 5448 पर करीब 5.45 पी. एम. पर पथराव किया और जीप घेर ली ।

सुखबीर सिंह त्यागी व घनश्याम सिन्हा भीड़ का नेतृत्व कर रहे थे और बुलन्द आवाज से भीड़ को भड़का रहे थे कि सरकारी गाड़ी को तथा फैक्टरी की इमारत को तोड़फोड़ कर बरबाद कर देंगे । इस बीच चौकी राजनगर व श्रीराम पिस्टन फैक्टरी पर नियुक्त पुलिस दल व पी० ए० सी० फौरन चौकी राजनगर के सामने मेरे पास इकट्ठे हो गये । इन सब पर भी भीड़ द्वारा काफी पथराव होता रहा । मेरे व पुलिस अधिकारियों के समझाने बुझाने व चेतावनी का भी कोई प्रभाव न पड़ा । मेरे तथा कई कर्मचारियों के चोटें आ गई । पुनः मेरे द्वारा चेतावनी दी गई कि तुम्हारा मुझमा गैर-कानूनी करार दिया जाता है, आप लोग सितर-बितर हो जाओ, पथराव बन्द कर दो वरना बल प्रयोग किया जायेगा । इसका भीड़ पर कोई असर नहीं हुआ । घनश्याम सिन्हा व सुखबीर सिंह त्यागी के भड़काने पर भीड़ पथराव करती रही । आखिरकार मुझे लाठी चार्ज का आदेश देना पड़ा, परन्तु भीड़ और उत्तेजित होती गई । भीड़ में से एक फायर भी हम लोगों पर हुआ तथा भीड़ हम लोगों की तरफ पथराव करती हुई झपटी । पुलिस कर्मचारी पथराव से गिरने व बैठने लगे । लाठी चार्ज का असर भारी पथराव की वजह से कारगर नहीं हुआ । भीड़ को हटाने तथा अपने कर्मचारियों की जीवन रक्षा हेतु मौके की गम्भीरता को देखते हुए मेरे आदेश पर पुलिस दल ने 4 हवाई फायर किये, जिससे भीड़ सितर-बितर हो गई । पथराव से मेरे तथा मेरे ड्राइवर व 13 पुलिस कर्मचारियों के चोटें आई । एच०सी० जगमेर सिंह व वेदपाल सिंह को ज्यादा चोटें लगने के कारण अस्पताल सीधे भेज दिया गया । जीप के शीशे टूट गये हैं और भी नुकसान जीप में हुआ है तथा पी०ए०सी० के सिपाही की रायफल का बठ भी पथराव से टूट गया । मौके पर चला हुआ एक छोटा कारतूस 12 बोर मिला है, यह भीड़ में से किसी बलवाई द्वारा

चलाया गया है। एक छोटा 12 बोर का एक जगह का व कर्मचारियों द्वारा चलाये गये 4 कार्टूसों के खोखे एक जगह तथा घटनास्थल पर तोड़े कछ इंट व रोड़े एक कट्टे में तथा गाड़ी के शीशे के टुकड़े एक जगह कुल 4 पुलन्दों में घटनास्थल पर सील मुहर किये गये हैं।

इसके अतिरिक्त मुझे इस सम्बन्ध में कोई नालेज नहीं है किसी भी तरह की कि कौन आदमी वहां था उनके साथ भीड़ में। जसा कि गाजियाबाद में लेबर ट्रबल हमेशा बनी रहती है, 26 तारीख से वहां पर धारा 144 सी०आर०पी०सी० लगा दी गई थी। जिस समय 31 मार्च को माननीय सदस्य श्री इन्द्रजीत गुप्ता साहब गये थे, मैंने उनको परमीशन दी थी, उनको फुल प्रोटेक्शन दी थी फोर्स एलाऊ की थी, उनकी मीटिंग हुई थी। लेकिन हम और किसी को भी प्रायर परमीशन के बिना मीटिंग एलाऊ नहीं करते थे। माननीय सदस्य झा साहब की न तो कोई सूचना थी, न हमें नालेज थी। वह तो 6 तारीख को मखबार में पढ़ा कि इसमें कौन थे। इसके अतिरिक्त मुझे कुछ भी मालूम नहीं है।

SHRI RAM JETHMALANI: Do you know where this AITUC office is situated? Have you seen that office?

श्री एस० के त्रिवेदी : जी हां।

SHRI RAM JETHMALANI: On 3rd April how near were you to this office?

श्री एस० के० त्रिवेदी : वह पुलिस चौकी के बिल्कुल सामने है मेरठ रोड पर।

SHRI RAM JETHMALANI: This is opposite the police station. How near were you to the office?

श्री एस० के० त्रिवेदी : पचास गज की दूरी पर होगा।

SHRI RAM JETHMALANI: Did you see Mr. Jha in that office?

श्री एस० के० त्रिवेदी : मैंने नहीं देखा।

SHRI RAM JETHMALANI: On 3rd April you have never seen Mr. Jha at all. Can you identify him?

श्री एस० के० त्रिवेदी : नहीं।

SHRI RAM JETHMALANI: You have never seen him; nor have you entered his office.

श्री एस० के० त्रिवेदी : नहीं।

SHRI RAM JETHMALANI: Were you in the Jeep?

श्री एस० के० त्रिवेदी : जी भीड़ पथराव कर रही थी। इसलिए जीप चल नहीं सकती थी। उसके शीशे वगैरह टूट जाते। मैं जीप से उतर गया था।

**SHRI RAM JETHMALANI:** You were in the jeep. 4 persons were put in that jeep, and removed from there. To whom does the Jeep belong?

श्री० एस० के० त्रिवेदी : जब फायरिंग का आदेश हुआ, तो भीड़ तितर-बितर हो गई । मुझे पता नहीं कि कौन कहाँ था ।

श्री पी० शिव शंकर : वहाँ पर कोई जीप थी या नहीं ?

श्री एस० के० त्रिवेदी : मेरे पास जीप थी ।

श्री पी० शिव शंकर : एक ही जीप थी ? [कोई दूसरी जीप नहीं थी ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री पी० शिव शंकर : क्या आप जीप पर थे ?

श्री एस० के० त्रिवेदी : पथराव होने पर मैं जीप से उतर गया ।

श्री पी० शिव शंकर : क्या आपको मालूम था कि श्री भोगेन्द्र झा वहाँ थे ?

श्री एस० के० त्रिवेदी : जब 6 तारीख को संसद में चर्चा हुई, तो मुझे पता चला ।

श्री पी० शिव शंकर : उससे पहले आपको पता नहीं था ?

श्री एस० के० त्रिवेदी : 6 तारीख से पहले पता नहीं था ।

श्री पी० शिव शंकर : क्या आपने डिस्ट्रिक्ट मजिस्ट्रेट के सामने कोई स्टेटमेंट दिया ?

श्री एस० के० त्रिवेदी : नहीं ।

श्री पी० शिव शंकर : क्या उन्होंने कोई इन्क्वायरी की ?

श्री एस० के० त्रिवेदी : नहीं ।

श्री पी० शिव शंकर : क्या आपको मालूम हुआ है कि डिस्ट्रिक्ट मजिस्ट्रेट ने कोई इन्क्वायरी की और पुलिस अफसरों या किसी दूसरे आदमी का बयान नोट किया ?

श्री एस० के० त्रिवेदी : एफ०आई०आर० कराया था ।

श्री पी० शिव शंकर : क्या आपको मालूम है या नहीं कि डिस्ट्रिक्ट मजिस्ट्रेट ने कोई इन्क्वायरी की और किन्हीं पुलिस वालों से पूछा या किसी और अधिकारी से पूछा कि क्या हुआ ?

श्री एस० के० त्रिवेदी : इन्क्वायरी बाद में हुई ।

श्री पी० शिव शंकर : किसने की ?

श्री एस० के० त्रिवेदी : 6 तारीख को पूछा गया था एस पी और कलेक्टर को कि अखबार में निकला है कि पार्लियामेंट में चर्चा हुई है ।

श्री पी० शिव शंकर : आपने कहा था कि इनवायरी नहीं हुई है ।

श्री एस० के० त्रिवेदी : आपने पूछा कि जस्ट आफ्टर दि इन्सिडेंट एमवायरी हुई या नहीं ।

श्री पी० शिव शंकर : मैंने आपसे पूछा कि डिस्ट्रिक्ट मैजिस्ट्रेट ने आपसे कोई पूछ-ताछ की है या नहीं ।

श्री एस० के० त्रिवेदी : संसद में इस बारे में चर्चा होने के बाद पूछा जा ।

श्री पी० शिव शंकर : आप जिम्मेदारी से जवाब दें, ताकि यह इम्प्रेशन हो कि आप सही सही नहीं बता रहे हैं । यह गलत बात है । क्या डिस्ट्रिक्ट मैजिस्ट्रेट ने इस मामले में आपसे पूछ-ताछ की ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : कौन सी तारीख को ?

श्री एस० के० त्रिवेदी : 6 तारीख को ।

श्री पी० शिव शंकर : 6 तारीख को किस बात पूछ-ताछ हुई ?

श्री एस० के० त्रिवेदी : शाम को ।

श्री पी० शिव शंकर : कितने बजे ?

श्री एस० के० त्रिवेदी : 8 बजे, जब न्यूज निकलती है ।

श्री पी० शिव शंकर : एमवायरी कहाँ की ?

श्री एस० के० त्रिवेदी : घर पर ।

श्री पी० शिव शंकर : किसके घर पर ?

श्री एस० के० त्रिवेदी : एस पी साहब के घर पर । डिस्ट्रिक्ट मैजिस्ट्रेट एस पी के घर आए ।

श्री पी० शिव शंकर : वहाँ और कौन कौन थे ?

श्री एस० के० त्रिवेदी : मैं था, सी ओ सिटी थे और श्री दिनेश पांडे ।

श्री पी० शिव शंकर : डिस्ट्रिक्ट मैजिस्ट्रेट ने सब का स्टेटमेंट कलमबन्द किया ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : आपने लिख कर दिया, आपने वस्तुतः क्या किया ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० बेंकटसुब्बय्य : पार्लियामेंट में डिस्कशन के बारे में न्यूज निकालने के बाद एनक्वायरी हुई ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : क्या आपको अभी तक भी मालूम है या नहीं कि हमारे मेजर, श्री भोगेंद्र झा, कुछ जल्मी हुए थे, उनको मार पड़ी थी ?

श्री एस० के० त्रिवेदी : अखबारों के द्वारा मालूम हुआ । 6 तारीख के बाद मालूम हुआ, जबकि संसद के बारे में खबर आई ।

श्री पी० शिव शंकर : जिस वक्त आपसे पूछ-ताछ की गई, क्या उस वक्त यह मालूम था या नहीं ?

श्री एस० के० त्रिवेदी : हां ।

श्री पी० शिव शंकर : बाद में अखबारों के जरिये मालूम हुआ ।

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : उस वक्त जो भी पूछ-ताछ हुई, क्या आपको मालूम है कि दूसरे पुलिस आफिसरों ने क्या लिख कर दिया ?

श्री एस० के० त्रिवेदी : जी नहीं ।

सभापति महोदय : आपने अभी अपने बयान में बताया है कि भीड़ हिंसा पर छात्रा थी, बायलेंट थी, इस लिए पुलिस को गोली चलानी पड़ी । वह गोली चलाने का आर्डर किसने किया ?

श्री एस० के० त्रिवेदी : मैंने किया ।

सभापति महोदय : आपने यह भी बताया है कि पुलिस के जो जवान कुछ घायल हुए, उनको आपने इलाज के लिए अस्पताल भेज दिया । लेकिन पुलिस की लाठियों से दूसरे लोग भी घायल हुए थे या नहीं ?

श्री एस० के० त्रिवेदी : वह ऐसा लाठी चार्ज नहीं था, जिससे कोई चोट लग सके । वे लोग पीछे से पथराव करते रहे । वे लाठी से कंट्रोल नहीं हुए । बोड़ी सी लाठी घुमाई गई, तो वे भाग गए और फिर पथराव शुरू कर दिया ।

सभापति महोदय : आपने बताया कि झा साहब भी जल्मी हुए । चूंकि आप वहां पर इनचार्ज थे, तो क्या आपने यह मुनासिब नहीं समझा कि झा साहब को भी इलाज के लिए भेजा जाए ? क्या आप उनको नहीं पहचानते थे ?

श्री एस० के० त्रिवेदी : वहां कोई नहीं था । न कोई घायल हुआ । कुछ भी नहीं था ।

सभापति महोदय : तो झा साहब कैसे घायल हो गए ?

श्री एस० के० त्रिवेदी : मैं नहीं बता सकता कि कैसे हुए ।

सभापति महोदय : गाजियाबाद में इस घटनाक्रम में झा साहब घायल नहीं हुए ?

श्री एस० के० त्रिवेदी : जी नहीं । 6-700 कर्मचारियों में से किसी ने खबर नहीं दी कि कोई घायल हुआ या किसी ने मेडिकल कराया ।

सभापति महोदय : इस घटनाक्रम में आप ने किसी को अरेस्ट करने का आर्डर दिया ?

श्री एस० के० त्रिवेदी : जी नहीं, कर ही नहीं सकते थे । वह तो सब भान गए ।

सभापति महोदय : तो वहां किसी की गिरफ्तारी नहीं हुई ?

श्री एस० के० त्रिवेदी : जी नहीं ।

सभापति महोदय : कम से कम आप ने आदेश नहीं दिया ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री पी० बकटसुब्बया : आप ने कहा कि पांच बजे आप ने रेडियो पर न्यूज सुनी ?

श्री एस० के० त्रिवेदी : 6 तारीख को 8 बजे टी वी एस० पी० साहब ने देखा था । वह भी एस पी साहब ने देखा था, उन्होंने कहा कि ऐसा न्यूज में आया है ।

श्री पी० बकटसुब्बया : क्या न्यूज में आया था "टुडे इन पार्लियामेंट" में आया था ?

श्री एस० के० त्रिवेदी : 8 बजे न्यूज में आया था । एस पी साहब अन्दर बैठे थे, उन्होंने बताया था ।

श्री पी० बकटसुब्बया : आप ने नहीं सुना ?

श्री एस० के० त्रिवेदी : जी नहीं एस पी साहब ने सुना था, उन्होंने घर से बाहर आ कर बताया ।



**SHRI SOMNATH CHATTERJEE:** You said that the office of the AITUC was opposite to the Police Station. Now, how far is the office of M/s. Shri Ram Piston and Rings Mills from the Police Station?

श्री एस० के० त्रिवेदी : ज्यादा से ज्यादा ढाई तीन फलांग है ।

**SHRI SOMNATH CHATTERJEE:** According to you, you did not go to the office of AITUC at all on that day. Then at 5.15 where were you on that day?

श्री एस० के० त्रिवेदी : मुझे पांच बजे सूचना मिली सिंहानी गेट जाने में तो सवा पांच बजे मैं कोतवाली पहुंचा ।

**SHRI SOMNATH CHATTERJEE:** When did you reach the office of this company?

श्री एस० के० त्रिवेदी : पुलिस चौकी के सामने मैं 5.45 पर पहुंच गया था क्योंकि वहां सारी फोर्स लगी हुई थी । फैक्ट्री में हम नहीं गए थे । चौकी के सामने ही खड़े थे ।

**SHRI SOMNATH CHATTERJEE:** Where did the incident take place?

श्री एस० के० त्रिवेदी : चौकी के सामने ही ।

**SHRI SOMNATH CHATTERJEE:** On that day, in the evening, did you at all go to the factory of this company?

श्री एस० के० त्रिवेदी : जी नहीं ?

समापति महोदय : वह पूछ रहे हैं कि क्या आप फैक्ट्री पर गए थे ?

श्री एस० के० त्रिवेदी : जी नहीं ।

**SHRI SOMNATH CHATTERJEE:** You said that you heard the news from TV at 8 O'clock on the 6th.

श्री एस० के० त्रिवेदी : जी हां ।

**SHRI SOMNATH CHATTERJEE:** Now, according to you, you did not know whether Shri Bhogendra Jha, Member of Parliament, was there or not.

श्री एस० के० त्रिवेदी : जी नहीं ।

**SHRI SOMNATH CHATTERJEE:** Now, you noted down the statement then and there, on the 6th. But you did not try to make any enquiry as to what had happened.

श्री एस० के० त्रिवेदी : जी ?

SHRI SOMNATH CHATTERJEE: You just now said that you made a report to the S. P. on the 6th. At what time did you make the report?

श्री एस० के० त्रिवेदी : रात में हम लोग कोतवाली आए और हम ने और सी प्रो ने स्टेटमेंट लिखकर दिया ।

श्री सोमनाथ चटर्जी : कितने बजे दिया ?

श्री एस० के० त्रिवेदी : करीब सवा नौ बजे ।

SHRI SOMNATH CHATTERJEE: Before that, when such serious charges have been made, did you think that it was necessary to make some enquiry because according to you, you were not aware of the hon. Member?

श्री एस० के० त्रिवेदी : जी, पहले मालूम नहीं था । पहले मालूम होता तब करते ।

SHRI SOMNATH CHATTERJEE: Did you hold any enquiry as to whether there was any basis in so far as the charges made by the M.P. were concerned?

श्री एस० के० त्रिवेदी : वहां कोई था ही नहीं , कोई मिला ही नहीं । इन्क्वायरी तो हमने की कि कोई आए या नहीं आए लेकिन वहां कोई था ही नहीं, आफिस भी बन्द हो गया था ।

SHRI SOMNATH CHATTERJEE: Did you take Mr. Pal with you when you made the report?

श्री एस० के० त्रिवेदी : जी ।

SHRI SOMNATH CHATTERJEE: Did he submit any statement?

श्री एस० के० त्रिवेदी : जी ।

SHRI SOMNATH CHATTERJEE: Did you ask him to submit a statement to you? Could you recall that?

श्री एस० के० त्रिवेदी : उसी दिन रात को कोतवाली में स्टेटमेंट दिया था ।

श्री सोमनाथ चटर्जी : कौन से दिन ?

श्री एस० के० त्रिवेदी : सित्स्य को ।

SHRI SOMNATH CHATTERJEE: Now, where is that statement? Is it not with you here?

श्री एस० के० त्रिवेदी : जी नहीं ।

SHRI SOMNATH CHATTERJEE: Was any officer injured on that day?

श्री एस० के० त्रिवेदी : मेरे चोट लगी थी सिर्फ ।

SHRI SOMNATH CHATTERJEE: You were injured. Did you get yourself treated?

श्री एस० के० त्रिवेदी : जी हां ।

SHRI SOMNATH CHATTERJEE: Where?

SHRI S. K. TRIVEDI: At the Government Hospital, Ghaziabad.

SHRI SOMNATH CHATTERJEE: At what time?

श्री एस० के० त्रिवेदी : रात को नौ बजे के करीब ।

SHRI SOMNATH CHATTERJEE: Before that, you say that you were in the SP's house.

श्री एस० के० त्रिवेदी : जी ?

SHRI SOMNATH CHATTERJEE: On the 3rd you were treated at 9 O'clock. That means you did not take any treatment for 3 hours. You went to the hospital at about 6 O'clock or so and you were treated at 9 O'clock.

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : यह जो पाल साहब ने आप को स्टेटमेंट दिया यह 3 तारीख को दिया ?

श्री एस० के० त्रिवेदी : जी नहीं, 6 तारीख को जब मालूम हुआ तो पता लगाया गया कि कौन से माननीय सदस्य आए थे ।

श्री पी० शिव शंकर : आप नयी-नयी-बार्ते बोल रहे हैं, कुछ सोच समझ कर बोलें । क्या 6 तारीख को स्टेटमेंट मिस्टर पाल ने दिया ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : आपने अपनी डायरी में नोट किया ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री पी० शिव शंकर : कहां नोट किया ?

श्री एस० के० त्रिवेदी : वह तो लिखित भेज दिया गया ।

श्री पी० शिव शंकर : कहां भेज दिया ।

श्री एस० के० त्रिवेदी : दूसरे दिन सात तारीख को डी एम को भेज दिया ।

श्री पी० शिव शंकर : लेकिन डी एम के सामने आपने कहा कि पाल ने स्टेटमेंट नहीं दिया । उस वक्त किस किस ने स्टेटमेंट दिया डी एम को ?

श्री एस० के० त्रिवेदी : उस वक्त तो मैं और सकिल आफिसर दिनेश चन्द्र मांडेय इन्हीं दोनों ने ही दिया ।

श्री पी० शिव शंकर : बाकी किसी ने नहीं दिया ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री पी० शिव शंकर : जीप तो आप की ही थी पुलिस चौकी के सामने ।

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : कितने बजे आप जीप को वापस ले गए ? गड़बड़ होने के बाद आप ले कर चले गए ?

श्री एस० के० त्रिवेदी : जी नहीं, खड़ी रही, वह चल ही नहीं पा रही थी ।

श्री पी० शिव शंकर : तो वह वहीं रही ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री पी० शिव शंकर : कितने समय तक खड़ी रही ?

श्री एस० के० त्रिवेदी : 8 बजे रात को ले जा कर गैरेज में डाला गया ।

सभापति महोदय : गाजियाबाद में ही आपका इलाज हुआ था ?

श्री एस० के० त्रिवेदी : जी हां ।

सभापति महोदय : कितनी देर तक आप हॉस्पिटल में रहे ? आपको फर्स्ट एड देकर छोड़ दिया गया या वहां पर आपको रहना पड़ा ?

श्री एस० के० त्रिवेदी : रात में मुझे रुकना पड़ा ।

सभापति महोदय : किस तरह की चोट आपको लगी थी ? यानी डाक्टर ने कुछ लिखा था या कोई एक्सरे बगैरह हुआ था तो उसकी कोई कापी आप दे सकते हैं ?

श्री एस० के० त्रिवेदी : मेरे पास मेडिकल रिपोर्ट है ।

सभापति महोदय : वह आप यहां जाए हैं ?

श्री एस० के० त्रिवेदी : जी नहीं, लाया तो नहीं हूं ।

श्री शगन्नाथ कौशल : मि० त्रिवेदी, श्री भोगेन्द्र झा ने यह स्टेटमेंट दिया है कि जीप की अगली सीट पर आप और पुलिस इन्स्पेक्टर बंठे थे, उनको तथा कुछ और

लोगों को पिछली सीट पर ढकेल कर जबरदस्ती बिठाया गया। उस वक़्त झा साहब ने कहा कि मेरी ऐनक रह गई है तो उस पर कहा गया "नॉथिंग डूईंग" और जीप को चला दिया गया। दो फ्लॉग जाने के बाद आप दोनों आदमी जीप से उतरे और आपने जाकर श्रीराम पिस्टन ऐंड रिग्स मिक्स के कुछ अफसरों से सलाह की और फिर आपने श्री भोगेन्द्र झा से कहा कि आप कहीं भी जा सकते हैं और इस तरह से आपने उनको छोड़ दिया। तो इस स्टेटमेंट में कहाँ तक अस्लियत है, कितना इंसीडेन्ट हुआ या बिल्कुल कुछ नहीं हुआ?

श्री एस० के० त्रिवेदी : यह सब कुछ बिल्कुल नहीं हुआ और न मैं कहीं जीप में गया और न ही कोई मेरे साथ बैठा। जब वहाँ पर फोर्स लगी हुई थी तो उसको छोड़कर मैं कैसे जा सकता था।

श्री जगन्नाथ कौशल : आपके खिलाफ यह स्टेटमेंट दिया गया है कि जीप की अगली सीट पर आप थे और आपके साथ पुलिस अफसर था। क्या श्री भोगेन्द्र झा बोले या किसी ने भी यह कहा कि मेरी ऐनक रह गई है और आपने कहा "नॉथिंग डूईंग" और फिर जीप लेकर चले गए? क्या उनका यह सारा स्टेटमेंट बिल्कुल बेबुनियाद है?

श्री एस० के० त्रिवेदी : जी हाँ।

श्री जगन्नाथ कौशल : आप के साथ ऐसी कोई बात नहीं हुई।

श्री एस० के० त्रिवेदी : जी नहीं।

श्री जगन्नाथ कौशल : झाइवर का क्या नाम था?

श्री एस० के० त्रिवेदी : चमन लाल।

श्री जगन्नाथ कौशल : उसका क्या रैंक था?

श्री एस० के० त्रिवेदी : सिटी मैजिस्ट्रेट का झाइवर है।

श्री जगन्नाथ कौशल : इस इंसीडेन्ट के बारे में आपका पहला स्टेटमेंट 6 तारीख को हुआ—यह बात सही है?

श्री एस० के० त्रिवेदी : जी हाँ।

श्री जगन्नाथ कौशल : आपने अभी जो बयान दिया उसमें यह कहा कि 6 तारीख को आपका स्टेटमेंट डी एम के सामने एस पी के निवास स्थान पर हुआ लेकिन इससे पहले आपने यह भी कहा—दोबारा जबकि मिनिस्टर साहब ने सवाल किया—कि जब डी एम ने आपसे इन्क्वायरी की तो आपने अपना स्टेटमेंट कोतवाली में दिया। तो डी एम को एस पी के मकान पर स्टेटमेंट देने से पहले आपने इस घटना के क्रम में अपने स्तर पर कोई जांच नहीं की थी—यह बात सही है?

श्री एस० के० त्रिवेदी : जी हाँ, तब तक कोई नालेज ही नहीं थी, कोई बात ही नहीं हुई थी।

श्री जगन्नाथ कौशल : यह तथ्य है कि आपने डी एम के सामने एस पी के मकान पर बयान देते समय तक अपने क्रम में कोई जांच नहीं की थी ?

श्री एस० के० त्रिवेदी : जब तक समाचार-पत्र नहीं पढ़ा तब तक पता ही नहीं था ।

श्री जगन्नाथ कौशल : आपने जो स्टेटमेंट डी एम के सामने इस घटना के क्रम में दिया उसकी जब आपने कोई जांच ही नहीं की थी तब आपने किस आधार पर स्टेटमेंट दिया ?

श्री एस० के० त्रिवेदी : मैंने यह कहा कि मुझे कोई नालेज नहीं है ।

श्री जगन्नाथ कौशल : आपने जो जांच की उससे यह तथ्य आपके सामने प्रकट हुआ था नहीं कि माननीय सवस्य 3 तारीख को सायंकाल सवा 5 बजे शनिवादाबाद में थे ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री विजय कुमार थाबब : घटना के दिन आप कहां कब पहुंचे ?

श्री एस० के० त्रिवेदी : 5.45 पर ।

श्री विजय कुमार थाबब : आपके साथ और कौन लोग थे ?

श्री एस० के० त्रिवेदी : मेरे साथ श्री आर आर पास थे और दो कॉस्टेबल भी थे ।

श्री विजय कुमार थाबब : कितनी देर तक आप वहां रहे ?

श्री एस० के० त्रिवेदी : साढ़े 6 बजे तक ।

श्री विजय कुमार थाबब : कहां रहे ?

श्री एस० के० त्रिवेदी : पहले जब मैं गया तो जीप पर बैठा था फिर जीप से नीचे उतर गया ।

श्री विजय कुमार थाबब : जीप से उतरने के बाद आप कहां गए ?

श्री एस० के० त्रिवेदी : पुलिस चौकी में ही रहा साढ़े 6 बजे तक ।

श्री विजय कुमार थाबब : उसके बाद कहां गए ?

श्री एस० के० त्रिवेदी : अस्पताल के लिए चला गया ।

श्री विजय कुमार थाबब : आप रात भर अस्पताल में ही रहे ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री विजय कुमार यादव : आपने यह कहा कि आपको इस बात की जानकारी थी कि बर्कस ने मार-पीट की योजना बनाई है तो क्या आपने इसकी कोई रिपोर्ट यात्रे में दी ?

श्री एस० के० त्रिवेदी : जी हां ।

श्री विजय कुमार यादव : कब दी ?

श्री एस० के० त्रिवेदी : 5 बजे ।

श्री विजय कुमार यादव : आपने यह कहा कि आप अस्पताल तथा 6 बजे पहुंच गए थे लेकिन आपका ट्रीटमेंट 9 बजे हुआ—क्यों ?

श्री एस० के० त्रिवेदी : वहां काफी लोग घायल थे ।

श्री विजय कुमार यादव : वहां पर कितने लोगों का मेडिकल एग्जामिनेशन हुआ ?

श्री एस० के० त्रिवेदी : मैं एग्जैक्ट फीगर तो नहीं बता सकता ।

श्री विजय कुमार यादव : सबके सब पुलिस वाले ही थे ?

श्री एस० के० त्रिवेदी : जी हां, मेरा ड्राइवर था, पुलिस वाले थे और मैं था ।

श्री विजय कुमार यादव : आप लोग कुल कितने थे ?

श्री एस० के० त्रिवेदी : 13 लोग थे । पुलिस वाले और वो लोग हम ।

समापति महोदय : क्या आप श्री भोगेन्द्र झा की बात मानेंगे कि वे वहां पर जखमी हुए लेकिन वहां उनका कोई उपचार नहीं हुआ ?

श्री एस० के० त्रिवेदी : वहां तो कुछ हुआ ही नहीं । न कोई अस्पताल में भर्ती हुआ ।

श्री राम सिंह यादव : आपने कहा है कि भीड़ भाग गई तो क्या आपने किसी को पकड़ने और गिरफ्तार करने की कोशिश की या नहीं ?

श्री एस० के० त्रिवेदी : हमने गिरफ्तार करने की चेष्टा नहीं की । वे लोग पत्थर फेंकते हुए भाग गए ।

श्री राम सिंह यादव : उत्तर प्रदेश सरकार ने कोई जुडीशियल इन्क्वायरी के लिए आर्डर नहीं किया है ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री विजय कुमार यादव : आपकी जीप को किसी तरह का कोई नुकसान पहुंचा या नहीं ?

श्री एस० के० त्रिवेदी : पहले उस पर पथराव हुआ था ।

श्री विजय कुमार यादव : जब आप जीप छोड़ कर चले गए तो बाद में उसको कोई नुकसान पहुंचा या नहीं ?

श्री एस० के० त्रिवेदी :: भीड़ तो चली गई थी ।

श्री विजय कुमार यादव : पहले दिन घटना के समय आप बाने पर गए, उसके बाद भी आप गए या नहीं ?

श्री एस० के० त्रिवेदी : जाता रहा ।

श्री विजय कुमार यादव : वहां पर साइकिलों का भ्रमर जो मौजूद पाया गया वह आपने देखा या नहीं ? वह तो मजदूरों की साइकिलें थी ।

SHRI RAM JETHMALANI: Did the Police record any statement in respect of this incident?

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI RAM JETHMALANI: On what date? Was it before 6th April, 1981 or after it?

श्री एस० के० त्रिवेदी : उस के पहले था ।

SHRI RAM JETHMALANI: Who had given FIR?

श्री एस० के० त्रिवेदी : मैंने ही थी ।

श्री राम सिंह यादव : रिपोर्ट आपने दर्ज कराई थी ?

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI RAM JETHMALANI: Your information must have been recorded on the 3rd April itself. This incident took place on the 3rd April at about 5.15 p.m. Were you the informant?

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI RAM JETHMALANI: Have you got a copy of the FIR?

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI RAM JETHMALANI: Can you show it to us?

(At this stage, the copy was shown to him)



SHRI SOMNATH CHATTERJEE: You had made the FIR.

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI SOMNATH CHATTERJEE: Were you asked to make a statement only about Mr. Jha on the 6th April?

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI SOMNATH CHATTERJEE: What was the statement? You said, you do not know whether he was there or not.

श्री एस० के० त्रिवेदी : उस में मैं कम्प्लेमेन्ट था । पुलिस इन्वेस्टीगेशन उस की चल रही है ।

SHRI RAM JETHMALANI: At the scene of incident, was there any *Panchnama*?

श्री एस० के० त्रिवेदी : पचनामा मर्डर केस में होता है ।

SHRI RAM JETHMALANI: Was anything like stone or something like that found? If so, was any document made?

श्री एस० के० त्रिवेदी : फंद बरामदगी बनाई गई थी, रिकवरी मीमो तैयार किया गया था ।

SHRI RAM JETHMALANI: When?

SHRI S. K. TRIVEDI: On the spot.

SHRI RAM JETHMALANI: On the 3rd April itself.

श्री एस० के० त्रिवेदी : जी, हां ।

SHRI RAM JETHMALANI: Was there any similar document regarding what had happened inside the office? Did anybody make any document in respect of that?

सभापति महोदय : अच्छा, आप यह बताइए कि आई यू टी०सी० का जो आफिस था, उस में कोई घटना घटी या नहीं घटी, इस के सम्बन्ध में किसी ने कोई वक्तव्य दिया था ?

श्री एस० के० त्रिवेदी : जी, नहीं ।

SHRI RAM JETHMALANI: You said the jeep was badly damaged. The damage was caused by brick-bats. Did anybody open the bonnet and pull out the machine?

श्री एस० के० त्रिवेदी : जी, नहीं ।

SHRI RAM JETHMALANI: What happened to the jeep?

श्री एस० के० त्रिवेदी : जीप के सब शीशे टूट गये थे ।

श्री गिरधारी लाल डोगरा : जब तक जीप का इंजन खराब न हो जाए, तब तक जीप चलते रहनी चाहिए। अगर शीशे टूट गये थे, तो भी जीप चलनी चाहिए थी ।

श्री एस० के० त्रिवेदी : जीप पर बहुत पत्थर लगे थे। इन से शीशे टूट गये थे ।

SHRI RAM JETHMALANI: You did not want to move away. It was not that the engine was not working.

श्री एस० के० त्रिवेदी : जीप के शीशे टूट गये थे ।

SHRI RAM JETHMALANI: You do not know whether the engine had been damaged.

श्री एस० के० त्रिवेदी : यह नहीं देखा था ।

SHRI RAM JETHMALANI: Do you know anything about these photographs? This is the same jeep we are talking about. Were these photographs taken at the scene of office or some other place?

SHRI S. K. TRIVEDI: On the spot.

SHRI RAM JETHMALANI: How far is this place from the AITUC office?

SHRI S. K. TRIVEDI: 15—20 yards.

SHRI RAM JETHMALANI: Was the whole street completely full of people?

श्री एस० के० त्रिवेदी : बहुत भीड़ थी ।

SHRI RAM JETHMALANI: Some members of this group must be near the door of the office.

SHRI S. K. TRIVEDI: Yes.

SHRI RAM JETHMALANI: How many people were there?

श्री एस० के० त्रिवेदी : वहां जो वह आफिस है, उस के पास दुकानें भी हैं। अतः निश्चित संख्या नहीं कही जा सकती ।

SHRI RAM JETHMALANI: A large number of people were there outside the door.

श्री एस० के० त्रिवेदी : दुकानों में बहुत से लोग खड़े थे ।

SHRI RAM JETHMALANI: Was the door of that office opened?

श्री एस० के० त्रिवेदी : यह हम ने नहीं देखा ।

SHRI RAM JETHMALANI: Did you look at the office of AITUC because it was involved? Did you look at it and see what was happening? You never looked at it. You do not know whether anybody was coming out or going inside. Was there any reason for it? You refused to look at an important place.

श्री एस० के० त्रिवेदी : सड़क पर पत्थर गिरने शुरू हो गये थे इसनी भीड़ थी कि उधर जाने की जरूरत महसूस नहीं की।

SHRI RAM JETHMALANI: Did you receive any injury?

श्री एस० के० त्रिवेदी : जी, हाँ।

SHRI RAM JETHMALANI: What kind of injury did you receive?

श्री एस० के० त्रिवेदी : एक पत्थर यहां लगा और एक पत्थर यहां लगा। (साक्षी ने खड़े हो कर स्थान दिखाया)।

SHRI RAM JETHMALANI: One was struck at the knee. Resulting in what?

श्री एस० के० त्रिवेदी : स्प्लीन में चोट लगी थी।

SHRI RAM JETHMALANI: Was there any bleeding injury?

SHRI S. K. TRIVEDI: No.

SHRI RAM JETHMALANI: What was that kind of injury for which you had been treated for the whole night?

SHRI S. K. TRIVEDI: Spleen.

SHRI RAM JETHMALANI: What was the external injury on your body?

श्री एस० के० त्रिवेदी : बॉर्मिटिंग।

SHRI RAM JETHMALANI: Was it bleeding injury or bruise?

श्री एस० के० त्रिवेदी : जी नहीं।

SHRI RAM JETHMALANI: And for this were you treated the whole night?

श्री एस० के० त्रिवेदी : जी हाँ।

SHRI RAM JETHMALANI: Was any bandage or anything applied in the hospital?

श्री एस० के० त्रिवेदी : जी नहीं।

SHRI RAM JETHMALANI: For how many days did you receive the treatment?

श्री एस० के० त्रिवेदी : एक रात में ठीक हो गया था ।

SHRI RAM JETHMALANI: Before you went to the hospital was any FIR recorded?

श्री एस० के० त्रिवेदी : जी हां ।

SHRI RAM JETHMALANI: Approximately at what time?

श्री एस० के० त्रिवेदी : कोई पौन घंटा या एक घंटा लग गया । यह लगभग आठ बजे का समय होगा ।

SHRI RAM JETHMALANI: Upto 8.15 or so did anybody not think of sending you to hospital nor did you think of going to hospital on your own?

श्री एस० के० त्रिवेदी : जी हां ।

SHRI RAM JETHMALANI: How long did your FIR take?

श्री एस० के० त्रिवेदी : एक घंटा या पौन घंटा लिया ।

श्री राम जेठमलानी : पुलिस ने आपका कोई फरदर स्टेटमेंट लिया ?

श्री एस० के० त्रिवेदी : जी हां, दूसरे दिन ।

श्री राम जेठमलानी : जो दूसरे दिन आपका स्टेटमेंट हुआ, क्या वह आपके पास है ?

श्री एस० के० त्रिवेदी : वह मेरे पास नहीं है ।

श्री राम जेठमलानी : यह जो दूसरे दिन आपका स्टेटमेंट हुआ इसमें आपने कोई नयी बात कही ?

श्री एस० के० त्रिवेदी : जो बातें मैंने एफ० आई० आर० में कही थीं वही उसमें कहीं ।

श्री राम जेठमलानी : कुछ तो नया जरूर बताया होगा ?

श्री एस० के० त्रिवेदी : जी नहीं ।

SHRI RAM JETHMALANI: Did you say anything new in your second statement?

श्री एस० के० त्रिवेदी : जी नहीं ।

SHRI RAM JETHMALANI: So, your whole FIR was re-recorded?

श्री एस० के० त्रिवेदी : जी हां ।

SHRI RAM JETHMALANI: After 6th did the Police record any further statement of yours?

श्री एस० के० त्रिवेदी : जी नहीं ।

SHRI RAM JETHMALANI: Somebody tells us on behalf of the Government that it was later discovered that Mr. Bhogendra Jha was in the crowd and he had received injuries. Do you know anything about this fact?

श्री एस० के० त्रिवेदी : जी नहीं ।

SHRI RAM JETHMALANI: Nor did you know that Mr. Jha was in the crowd?

श्री एस० के० त्रिवेदी : जी नहीं ।

SHRI RAM JETHMALANI: Till today you do not know this fact at all?

श्री एस० के० त्रिवेदी : जी हां ।

श्री गिरधारी लाल डोगरा : जो फायर किये गये कारतूस आपको मिले वे कितने बोर के थे ?

श्री एस० के० त्रिवेदी : 12 बोर के ।

श्री गिरधारी लाल डोगरा : आपने एक दफा कहा कि साढ़े छः बजे अस्पताल चये गये, दूसरी जगह पर कहा कि एफ.आई.आर. लिखाने के बाद गये ।

श्री एस० के० त्रिवेदी : साढ़े छः बजे खेने वह जगह छोड़ दी । फिर एफ.आई.आर. लिखवायी । उसके बाद में अस्पताल गया ।

श्री गिरधारी लाल डोगरा : आप वहां से साढ़े छः बजे चले गये और सवा आठ बजे अस्पताल गये ।

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री गिरधारी लाल डोगरा : आपने यह फरमाया न कि वहां पर काउंड थी और कार्याग के बाद वह डिस्पर्स हो गयी थी और डिस्पर्स होने के बाद आप वहां से गये ।

श्री एस० के० त्रिवेदी : जी हां, डिस्पर्स होने के बाद में वहां से गया ।

श्री गिरधारी लाल डोगरा : सामने जो एक दुकान में इसका एक दफ्तर था वह खुला हुआ था या बंद था उस वक्त जबकि लोग चले गये थे ?

श्री एस० के० त्रिवेदी : जब तक दफ्तर खुला था ।

श्री गिरधारी लाल डोगरा : उसके अन्दर कुछ आदमी थे ?

श्री एस० के० त्रिवेदी : वह एक छोटा सा कमरा है, उसमें सड़क से अन्दर कुछ नजर नहीं आता है । कोई आदमी नजर नहीं आता था ।

श्री जार्ज कर्नाम्बीस : आप वहां पीने छः बजे जीप ले कर पहुंचे । उससे पहले आपकी पुलिस फोर्स वहां पहुंची होगी । वह पुलिस फोर्स कितनी जीप गाड़ियों में वहां गयी थी ?

श्री एस० के० त्रिवेदी : पी०ए०सी० वहां गयी थी और ट्रक्स में गयी थी । वहां कोई जीप नहीं थी ।

श्री जार्ज कर्नाम्बीस : पी० ए०सी० के अफसर तो जीप में गये होंगे ।

श्री एस० के० त्रिवेदी : वहां और कोई जीप नहीं थी ।

श्री जार्ज कर्नाम्बीस : कोतवाली की जीप तो होगी ।

श्री एस० के० त्रिवेदी : कोई जीप नहीं थी ।

श्री जार्ज कर्नाम्बीस : वहां कोई दूसरी सरकारी जीप रहने की आपको कोई जानकारी नहीं है ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री जार्ज कर्नाम्बीस : थाने की गाड़ी जब आई, तो मारपीट हुई तो यह बताइये कि थाने की गाड़ी कब आई ?

श्री एस० के० त्रिवेदी : 6 बजे के करीब ।

श्री जार्ज कर्नाम्बीस : गाड़ी के आने के पहले और कोई गया था । फायरिंग के पहले कोई घटना घटी ? ए० आई० टी० यू० सी० के दफ्तर में उससे पहले कोई घटना घटी ?

श्री एस० के० त्रिवेदी : मुझे मालूम नहीं ।

श्री जार्ज कर्नाम्बीस : यह आपकी जानकारी में नहीं है, लेकिन यह तो हो सकता है कि कोई घटना वहां घटी हो जिसको लेकर भीड़ उत्तेजित हुई हो ?

श्री एस० के० त्रिवेदी : इसका भी मुझे कुछ पता नहीं ।

श्री जार्ज कर्नन्डीस : यह हो सकता है कि ऐसी चीज हुई हो और आपके जाने के पहले कोई घटना वहां घटी हो, लेकिन वहां कोई घटना घटी या नहीं, इसकी आपको कोई जानकारी नहीं है ?

श्री एस० के० त्रिबेदी : जी नहीं ।

श्री जार्ज कर्नन्डीस : यह भी नहीं मालूम कि कोई घटना नहीं घटी ?

श्री एस० के० त्रिबेदी : यह तो सूचना थी कि वहां पत्थर फेंके जायेंगे ।

श्री जार्ज कर्नन्डीस : कुछ हल्सा हुआ होगा, वह तो आपको मालूम था ?

श्री एस० के० त्रिबेदी : जी हां ।

श्री जार्ज कर्नन्डीस : ए० आई० टी० यू० सी० से संबंधित कुछ हल्सा हुआ, यह आपको मालूम है ?

श्री एस० के० त्रिबेदी : जी हां ।

श्री जार्ज कर्नन्डीस : मजदूरों का संघर्ष है, ए० आई० टी० यू० सी० से ही संबंधित कोई संघर्ष हुआ, यह आपको मालूम होगा ?

श्री एस० के० त्रिबेदी : फैक्टरी में झगड़ा था दो यूनियनों में ।

श्री जार्ज कर्नन्डीस : आपके पहुंचने के पहले ए० आई० टी० यू० सी० दफ्तर को लेकर कोई झगड़ा हुआ, घटना घटी यह आपको मालूम नहीं ?

श्री एस० के० त्रिबेदी : दफ्तर को लेकर कोई घटना नहीं हुई ।

श्री रघुनन्दन लाल भाटिया : जब आप जीप में वहां गये, आपके साथ जीप में कोई और भी थे ?

श्री एस० के० त्रिबेदी : जी हां, मि० पाल, इन्स्पेक्टर कोतवाली ।

श्री रघुनन्दन लाल भाटिया : आपको किसी ने बताया कि भोगेन्द्र भा एम० पी० आये हैं और जलूस की अगुवाई कर रहे हैं ?

श्री एस० के० त्रिबेदी : किसी ने नहीं बताया । वहां कोई जलूस भी नहीं था ।

श्री रघुनन्दन लाल भाटिया : जो मजदूर अन्दर से आये, उन्होंने हल्सा किया आपको इन्स्पेक्टर ने यह नहीं बताया कि भोगेन्द्र भा जलूस में चल रहे हैं, अगुवा कर रहे हैं, यह आपको पता नहीं ?

श्री एस० के० त्रिबेदी : जी नहीं ।

श्री रघुनन्दन लाल भादिया : यह भी नहीं बताया गया कि जीप में बैठकर पहले लोगों को पुलिस ले गई ? यह भी जानकारी आपको नहीं दी गई कि कौनसे लोगों को पुलिस जीप में डालकर ले गई ?

श्री एस० के० त्रिवेदी : जी नहीं ।

श्री रघुनन्दन लाल भादिया : आप कब पहुँचे ?

श्री एस० के० त्रिवेदी : 6, साढ़े 6 बजे ।

श्री रघुनन्दन लाल भादिया : ड्राइवर जीप का ही था ? क्या नाम था ?

श्री एस० के० त्रिवेदी : कांस्टेबल था ।

MR. CHAIRMAN: You may go now.

*(The witness then withdrew)*

## (2) Evidence of Shri R. R. Pal, Police Inspector, Ghaziabad

MR. CHAIRMAN: You have been asked to appear before this Committee to give your evidence in connection with the question of privilege raised by Shri Inderjit Gupta regarding alleged man-handling of Shri Bhogendra Jha, MP and use of abusive language in respect of Members of Parliament by the Police at Ghaziabad on April 3, 1981. I hope, you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding. I may inform you that your evidence will be treated as confidential till the report of the Committee and its proceedings are presented to Lok Sabha. Any premature disclosure or publication of the proceedings of the meeting would constitute a breach of privilege. The evidence which you will give before the Committee may be reported to the House. Now, you may please take oath or affirmation as you like.

*(Shri R. R. Pal then took oath)*

SHRI RAM JETHMALANI: We are asking you about the incident on 3rd April. At about 5 O' clock, where were you?

SHRI R. R. PAL: In Kotwali, Ghaziabad.

SHRI RAM JETHMALANI: Did you know that some incident had taken place earlier?

SHRI R. R. PAL: Yes.

SHRI RAM JETHMALANI: How did it happen after 5 O'clock?

SHRI R. R. PAL: This had happened at 5.45 p.m. I along with the City Magistrate, Mr. S. K. Trivedi, started from Kotwali, Ghaziabad and reached there at 5.45 p.m. in front of Raj Nagar Chowki where 600 to 700 workers had assembled. The moment I reached there, they started throwing stones at my jeep.



**लक्ष्मीवती महोदय :** अगर आपको अंग्रेजी बोलने में असुविधा होती है, तो मेरा में बोलें ।

**श्री आर० आर० पाल :** मैं कोतवाली, गाजियाबाद, में मौजूद था । करीब सवा पांच बजे सिटी मजिस्ट्रेट श्री एस० के० त्रिवेदी, कोतवाली पहुंचे और उन्होंने बताया कि राजनगर चौकी पर बर्कज इकट्ठा हैं और उनका इरादा है जो बर्कज ड्यूटी पर गए हुए हैं, उनपर पथराव करने और उन के साथ झगड़ा करने का ।

**श्री राम जेठमलानी :** क्या ए० आई० टी० यू० सी० का दफ्तर आपने देखा है ।

**श्री आर० आर० पाल :** चौकी के सामने उनका दफ्तर है ।

**श्री राम जेठमलानी :** जब आप वहां पहुंचे, तो क्या उस समय दफ्तर खुला था ?

**श्री आर० आर० पाल :** भीड़ में मैं देख नहीं सका ।

**श्री राम जेठमलानी :** आप नहीं कह सकते कि कोई वहां पर बैठा था या नहीं ।

**श्री आर० आर० पाल :** वहां छः सात सौ बर्कज इकट्ठा थे ।

**श्री राम जेठमलानी :** आफिस में कौन था ?

**श्री आर० आर० पाल :** वहां दिखाई नहीं देता है ।

**श्री राम जेठमलानी :** जब आप वहां पहुंचे, तो क्या आपने जांच की ?

**श्री आर० आर० पाल :** जब हम पहुंचे तब वे लोग इकट्ठा थे और मुखबीर सिंह कह रहे थे कि पहले इनको ले लो और गाड़ी और बिल्डिंग को बर्बाद कर दो । हम वहां पहुंच ही पाए थे कि उन्होंने पथराव शुरू कर दिया ।

**श्री राम जेठमलानी :** क्या आप देख रहे थे कि पत्थर फेंके गए ?

**श्री आर० आर० पाल :** वे लोग लगातार पत्थर फेंक रहे थे । हम गाड़ी की आड़ में खड़े थे ।

**श्री राम जेठमलानी :** पुलिस फोर्स कितनी थी ?

**श्री आर० आर० पाल :** 30, 35 कांस्टेबल थे ।

**श्री राम जेठमलानी :** क्या आर्डर कांस्टेबल भी थे ?

**श्री आर० आर० पाल :** थे ।

**श्री राम जेठमलानी :** क्या आपने किसी को गिरफ्तार करने की कोशिश की या नहीं ?

**श्री आर० आर० पाल :** इस कदर पथराव हो रहा था कि गिरफ्तारी नहीं हो सकती थी ।

श्री राम जेठमलानी : क्या उन्होंने किसी वस्तु पत्थर फेंकना बन्द किया ?

श्री आर० आर० पाल : जब वे लोग पत्थर फेंक रहे थे, तो सिटी मैजिस्ट्रेट ने कहा कि आपका जमाब गैर-कानूनी है और उन्होंने चलेंज किया कि आप तितर बितर हो जाएं । वे तब भी पत्थर फेंकते रहे । तब लाठी चार्ज की नौबत आ गई । लाठी चार्ज के बाद भी वे बाज नहीं जाए । भीड़ और उत्तेजित हो गई । तब अपने बचाव के लिए ..

श्री राम जेठमलानी : क्या आपने किसी को गिरफ्तार किया ।

श्री आर० आर० पाल : इतना तगड़ा पथराव था कि हम उनके पास नहीं जा सकते थे । गिरफ्तारी का वश्वचन नहीं उठता था ।

SHRI RAM JETHMALANI: How near to you did they get?

श्री आर० आर० पाल : 50, 60 यार्डज ।

SHRI RAM JETHMALANI: Your standing 60 yards away,—the stone throwing from them. But ultimately you must have gone nearer to them.

जब आपने लाठी चार्ज शुरू किया, तब आप उनके नजदीक गए होंगे ।

श्री आर० आर० पाल : हम लोग राजनगर चौकी पर खड़े हुए थे । हमारे और उनके बीच में रोड थी । उन्होंने और पत्थर फेंकने शुरू कर दिए । कई कांस्टेबल इन्जर्ड हो गए ।

श्री राम जेठमलानी : लाठी-चार्ज करने के लिए आप पत्थर फेंकने वालों के नजदीक गए होंगे ।

श्री आर० आर० पाल : कुछ पास गए और कुछ दूर थे । सब एक दम तो नहीं पहुंच पाए ।

श्री राम जेठमलानी : यह घटना कितनी देर तक होती रही ।

श्री आर० आर० पाल : घटना के समाप्त होने में दस पांच मिनट का समय लगा ।

श्री राम जेठमलानी : उसके बाद क्या हुआ ?

श्री आर० आर० पाल : उससे काफी आदमी इन्जर्ड हो गए । मैजिस्ट्रेट साहब को चोट लगी । कांस्टेबल इन्जर्ड हो गए ।

श्री राम जेठमलानी : : उन्होंने पत्थर फेंकना कब बंद किया ?

श्री आर० आर० पाल : मैजिस्ट्रेट साहब ने फाईरिंग के लिए आदेश दिया । उसके बाद वे भाग गए ।

श्री राम जेठमलानी : क्या आपने किसी को पकड़ने की कोशिश नहीं की ?

श्री आर० आर० पाल : पकड़ने की नौबत ही नहीं आई ।

श्री राम जेठमलानी : क्या आपने इनवस्टीगेशन, जांच की कि पत्थर फेंकने वालों के लीडर कौन थे ?

श्री आर० आर० पाल : सुखवीर सिंह, धनश्याम सिंह, रामेश्वर लीडर थे । चार पांच आदमी थे ।

श्री राम जेठमलानी : घटना के शुरू होने से समाप्त होने तक आपको मालूम नहीं पड़ा कि वहां पर एक एम पी साहब भी हैं जिनका नाम श्री भोगेन्द्र आ है ।

श्री आर० आर० पाल : उस वक्त तक मालूम नहीं था । पता करने का मौका ही नहीं मिला जब हम वहां पहुंचे तो यह सब शुरू हो गया ।

श्री राम जेठमलानी : आधी रात तक—12 बजे रात तक—मालूम पड़ा कि इनमें एक एम पी साहब हैं, जिनको चोट लगी है ?

श्री आर० आर० पाल : उस वक्त मुझे मालूम नहीं था ।

श्री राम जेठमलानी : मैंने पूछा है कि रात के 12 बजे तक मालूम पड़ा या नहीं ।

श्री आर० आर० पाल : मैं एफ आई आर के लिए कोतवाली चला गया था ।

श्री राम जेठमलानी : क्या आज तक मालूम पड़ा है ?

श्री आर० आर० पाल : दूसरे दिन मालूम पड़ा था कि उनका मैडीकल कराया गया है ।

श्री राम जेठमलानी : आपको 4 तारीख को मालूम पड़ा कि क्राउड में एक एम पी साहब थे, जिनको चोट लगी । कैसे मालूम पड़ा ?

श्री आर० आर० पाल : आफिसरजें जिक्र कर रहे थे । वरकंज वगैरह भी बात कर रहे थे ।

समापति महोदय : 4 तारीख को आपको किसने, और कितने बजे बताया कि एक एम पी को चोट लगी है ?

श्री आर० आर० पाल : मुझे मॉनिंग 10 बजे मालूम हुआ था ।

श्री राम जेठमलानी : कैसे मालूम हुआ ?

श्री आर० आर० पाल : आफिसरजें वगैरह जिक्र कर रहे थे ।

श्री राम जेठमलानी : किसके आफिसरजें ?

श्री आर० आर० पाल : हमारे आफिसरज— पुलिस आफिसरज, । बर्कज बगैरह कह रहे थे कि एक एम पी साहब ने मैडिकल कराया है उन्हें चोट लगी है।

श्री राम जेठमलानी : जिस पुलिस आफिसर ने एम पी साहब को पहचाना, क्या आपके पास उसका नाम बगैरह है ? क्या आप उसका नाम दे सकते हैं ?

श्री आर० आर० पाल : मैं नहीं दे सकता हूँ ।

SHRI RAM JETHMALANI: So, you cannot give us any particulars of any person who ultimately told you "I have seen one MP in the crowd"?

SHRI R. R. PAL: No Sir.

श्री राम जेठमलानी : एफ आई आर सिटी मैजिस्ट्रेट साहब ने दर्ज कराई ।

श्री आर० आर० पाल : मैं भी साथ था ।

श्री राम जेठमलानी : क्या आपका बयान बयान था ? क्या आपका स्टेटमेन्ट पुलिस ने लिखा ?

श्री आर० आर० पाल : लिखा ।

श्री राम जेठमलानी : एफ आई आर तो सिटी मैजिस्ट्रेट साहब ने दी । आप फर्स्ट एनफामेन्ट नहीं थे ?

श्री आर० आर० पाल : नहीं ।

श्री राम जेठमलानी : क्या आपका बयान आपके पास है ?

श्री आर० आर० पाल : वह तो केस डायरी होती है, आई ओ—इनवेस्टीगेटिंग आफिसर—के पास ।

श्री राम जेठमलानी : आपने जो बयान दिया, वही आप आज कह रहे हैं ?

श्री आर० आर० पाल : मेरे सामने जो एक्जिडेंट हुआ था, वह मैंने बताया ।

श्री राम जेठमलानी : पुलिस ने आपका बयान लिखा । क्या आपने डिस्ट्रिक्ट मैजिस्ट्रेट को जबानी बयान दिया ?

श्री आर० आर० पाल : मैंने नहीं दिया ।

श्री राम जेठमलानी : क्या डिस्ट्रिक्ट मैजिस्ट्रेट ने आपका बयान नहीं लिया ?

श्री आर० आर० पाल : नहीं ।

श्री राम जेठमलानी : एस पी ने ?

श्री आर० आर० पाल : किसी ने मेरा बयान नहीं लिया ।

श्री राम जेठमलानी : आपका एक ही बयान हुआ, जौ पुलिस ने लिखा—साईं श्री ने लिखा, श्रीग जो गवाही आप आज दे रहे हैं, उसके अलावा आपको इस वाक्य के बारे में बताने का और कोई मौका नहीं मिला ?

श्री आर० आर० पाल : नहीं ।

श्री राम जेठमलानी : जब आपको 4 तारीख को मालूम पड़ा कि एक एम पी साहब को चोट लगी है, तो क्या आपने सिटी मैजिस्ट्रेट साहब को बताया कि ऐसी घटना हो गई है कि एक एम पी साहब को चोट लग गई है ?

श्री आर० आर० पाल : मैंने तो नहीं बताया उनको ।

श्री राम जेठमलानी : किसको बताया ?

श्री आर० आर० पाल : मुझे मालूम हुआ था कि एम पी साहब को चोट लगी है ।

समापति महोदय : आपको किससे मालूम हुआ, और मालूम होने के बाद क्या आपने उस बात को अपने दिमाग के एक कोने में रख दिया या किसी और सुपीरियर, आफिसर, किसी वरिष्ठ अधिकारी, को भी बताया ?

श्री आर० आर० पाल : मैंने कुछ नहीं कहा । वरिष्ठ अधिकारियों को मालूम हुआ कि इस तरह हुआ है ।

समापति महोदय : कैसे मालूम हुआ ?

श्री आर० आर० पाल : जो आफिसर्स थे, हमारे एस पी साहब थे उन से और जो वर्क्स थे उन से मालूम हुआ ।

समापति महोदय : एस पी साहब से मालूम हुआ 4 तारीख को ?

श्री आर० आर० पाल : 4 तारीख को एस पी साहब से भी मालूम हुआ था और वर्क्स भी आपस में बात कर रहे थे, उन से भी मालूम हुआ था ।

समापति महोदय : एस पी साहब ने आप को बताया और वर्क्स ने ?

श्री आर० आर० पाल : जी हाँ, उन से मालूम हुआ था ।

समापति महोदय : और सिटी मैजिस्ट्रेट ?

श्री आर० आर० पाल : सिटी मैजिस्ट्रेट साहब को भी पता लग गया था 4 तारीख को ।

समापति महोदय : सिटी मैजिस्ट्रेट को भी ?

श्री आर० आर० पाल : जी हाँ ।

श्री राम जेठमलानी : आप तो सिटी मैजिस्ट्रेट साहब की जीप में गए थे ?

श्री आर० आर० पाल : जी हाँ ।

श्री राम जेठमलानी : आप को भी कुछ चोट लगी ?

श्री अर० अर० पाल : जी नहीं ।

श्री राम जेठमलानी : : कौन कौन थे जीप में ?

श्री अर० अर० पाल : मेरे साथ मेरा कांस्टेबल था जिस को कोतवाली से कार में लाया था ।

श्री राम जेठमलानी : सिटी मैजिस्ट्रेट साहब को भी चोट लगी थी ?

श्री अर० अर० पाल : जी हाँ ।

श्री राम जेठमलानी : कहां चोट लगी थी ?

श्री अर० अर० पाल : उन के पुट्टे पर लगी थी और पेट पर लगी थी । पत्थर लगा था । काफी नीला सा निशान पड़ गया था । फिर वह झिल्लाए भी थे । तब, हम ने भीड़ को तितर बितर करने की कोशिश की ।

श्री राम जेठमलानी : सिटी मैजिस्ट्रेट साहब उलटी कर रहे थे ?

श्री अर० अर० पाल : इतना मुझे खयाल नहीं है ।

श्री राम जेठमलानी : यह आप की जानकारी में नहीं है ?

श्री अर० अर० पाल : जी नहीं ।

श्री राम जेठमलानी : जीप को क्या नुकसान हुआ था ?

श्री अर० अर० पाल : जीप के शीशे पर पत्थर लगा था ।

श्री राम जेठमलानी : जीप के इंजन को कोई नुकसान नहीं हुआ था ?

श्री अर० अर० पाल : जी नहीं ।

श्री राम जेठमलानी : आप ने जीप चलाई, वह चलती नहीं थी, ऐसी बात तो नहीं थी ?

श्री अर० अर० पाल : चलाई नहीं थी, जहां पत्थर लगा था, वहीं खड़ी रही ।

श्री राम जेठमलानी : उस के बाद चलाने की कोई कोशिश नहीं की ?

श्री अर० अर० पाल : जी नहीं ।

श्री राम जेठमलानी : उस दिन आप ए ग्राइ टी यू सी के आफिस में गए थे ?

श्री अर० अर० पाल : जी नहीं ।

श्री राम जेठमलानी : जब इस किस्म के कोई वाक्यात होते हैं; लेबर ट्रबल होता है तो लेबर लीडर्स के साथ बात करना पुलिस का काम नहीं होता है ?

श्री अर० अर० पाल : उस समय वहां कोई था ही नहीं ।

श्री राम जेठमलानी : उस के बाद भी लेबर लीडर्स बगैरह से कोई नहीं हुई ?

श्री आर० आर० पाल : जी नहीं ।

श्री राम जेठमलानी : और उस दिन आप ए आई टी यू सी के आफिस में गए नहीं ?

श्री आर० आर० पाल : जी नहीं, वहाँ कोई था ही नहीं ।

श्री राम जेठमलानी : आप ने देखा नहीं कि आफिस में क्या चल रहा है ? कोई मनसूबा हो रहा है या क्या हो रहा है ?

श्री आर० आर० पाल : जी नहीं, आफिस में हम गए ही नहीं ।

श्री विजय कुमार यादव : वह जो रोड है उस का रुख किधर से किधर है ?

श्री आर० आर० पाल : टुर्बडेंस मेरठ जा रही है उत्तर को ।

श्री विजय कुमार यादव : और आप की गाड़ी किधर से आई थी ?

श्री आर० आर० पाल : दक्षिण की तरफ से आई थी ।

श्री विजय कुमार यादव : आफिस से कितनी दूर आप ने गाड़ी खड़ी की ?

श्री आर० आर० पाल : चौकी के सामने ही थे । आफिस के और चौकी के बीच जो रोड है उसी रोड पर गाड़ी खड़ी थी ।

श्री विजय कुमार यादव : वर्कर्स किधर थे ?

श्री आर० आर० पाल : एरुदम आफिस के सामने थे ।

SHRI RAM SINGH YADAV: Were you there at the time when FIR was recorded by Mr. Trivedi?

SHRI R. R. PAL: Yes.

SHRI RAM SINGH YADAV: On which date and by what time the FIR under Section 154 was filed?

SHRI R. R. PAL: On 3rd April.

SHRI RAM SINGH YADAV: I want the date on which you were examined under Section 161 of the Cr. P.C.

SHRI R. R. PAL: On 6th April.

SHRI RAM SINGH YADAV: Were you present on 4th and 5th at Ghaziabad or were you outside?

श्री आर० आर० पाल : मुझे याद नहीं है, देखकर बता सकता हूँ ।

SHRI RAM SINGH YADAV: Did you go to the hospital also with Mr. Trivedi?

श्री आर० आर० पाल : नहीं, वह वहीं थे, एडमिट हुए थे हास्पिटल में ।

SHRI RAM SINGH YADAV: Was he medically examined in your presence?

SHRI R. R. PAL: Yes.

SHRI RAM SINGH YADAV: You have said that Mr. Trivedi sustained injuries during the incident. But there are other persons apart from the police, who have sustained injuries. Excepting the police force, did you see other persons also who have sustained injuries?

श्री आर० आर० पाल : उस समय तो मुझे ऐसा कोई ख्याल नहीं है । बर्कस बगैरह तो कोई थे नहीं और कोई और आदमी भी ऐसा नहीं था जो इन्जर्ड हो ।

SHRI RAM SINGH YADAV: I want to know whether as a result of the lathi charge any person from the mob sustained injuries.

SHRI R. R. PAL: There were no persons at that time in the hospital.

SHRI RAM SINGH YADAV: Not in the hospital, but at the site when the stones were pelted upon you.

SHRI R. R. PAL: I had not seen anybody.

SHRI RAM SINGH YADAV: None was there?

SHRI R. R. PAL: None was there.

SHRI RAM SINGH YADAV: Was any statement also recorded by the District Magistrate regarding this incident?

SHRI R. R. PAL: No.

SHRI RAM SINGH YADAV: Was not even an inquiry made by the District Magistrate on any date, say, on 3rd, or 4th or 5th or 6th? Did the Superintendent of police or the District Magistrate make any inquiry regarding this incident?

SHRI R. R. PAL: No.

श्री जार्ज कर्नाम्बोल : आप वहां गए तब वहां आप के साथ दो कांस्टेबल और मिटी मैजिस्ट्रेट, आप चार ही तो थे ?



श्री आर० आर० पाल : जी नहीं, मैं अपनी जीप के साथ, एक एस आई और तीन कांस्टेबल लेकर चला था जो मेरी जीप में थे। फिर मैं सिटी मैजिस्ट्रेट के साथ दो कांस्टेबल ले कर उन की जीप में बैठ गया।

श्री जार्ज फर्नांडीस : तो यह एस आई और अन्य लोग आप के जाने के पहले गए ?

श्री आर० आर० पाल : जी नहीं, वह हम से पीछे की जीप में थे।

श्री जार्ज फर्नांडीस : तो वह जीप कहाँ रुकी ?

श्री आर० आर० पाल : किनारे पर जहाँ फायर ब्रिगेड की गाड़ी खड़ी रहती है, हमारी जीप जीप से पन्द्रह बीस कदम पीछे।

श्री जार्ज फर्नांडीस : यानी आप की जीप उस दीवार के पास थी तो यह दूसरी जीप यहाँ जहाँ हम लोग बैठे हैं इतनी दूर पर थी ?

श्री आर० आर० पाल : जी हाँ, पन्द्रह बीस फुट की दूरी पर।

श्री जार्ज फर्नांडीस : उस पर कोई पथराव नहीं हुआ ?

श्री आर० आर० पाल : जी नहीं।

श्री जार्ज फर्नांडीस : वहाँ पी ए सी के कितने जवान थे ?

श्री आर० आर० पाल : पी ए सी का एक प्लैटून था, 18 कांस्टेबल के करीब उस में होते हैं। वह कितनी देर पहले आए थे, यह मैं नहीं कह सकता।

श्री जार्ज फर्नांडीस : जब आप से सिटी मैजिस्ट्रेट ने जा कर कहा कि वहाँ गड़बड़ हो रही है।

श्री आर० आर० पाल : जी हाँ, तभी गए होंगे।

श्री जार्ज फर्नांडीस : वहाँ कुछ गड़बड़ हो गई थी तभी सिटी मैजिस्ट्रेट गए होंगे ?

श्री आर० आर० पाल : यह मालूम हुआ था कि पाँच सवा पाँच बजे जो बर्कस गए थे उन के साथ झगड़ा करने का उन का विचार है।

श्री जार्ज फर्नांडीस : वहाँ पी ए सी के जवान पहले से थे ?

श्री आर० आर० पाल : श्री राम पिस्टन मिल में थे।

श्री जार्ज फर्नांडीस : जब आप पहुँचे तब कितने जवान मौजूद थे ?

श्री आर० आर० पाल : 18-20 कांस्टेबल मौजूद थे।

श्री जार्ज फर्नांडीस : आपकी जीप पहुँचने के पहले क्या पी ए सी के जवानों और भीड़ के बीच में कुछ हुआ ?

श्री आर० आर० पाल : जी नहीं, इस तरह की कोई इंफार्मेशन नहीं मिली ।

श्री जार्ज कर्नाम्बीस : क्या बाद में आपको कोई ऐसी जानकारी मिली कि पी ए सी और मजदूरों के बीच में कोई झगड़ा हुआ ?

श्री आर० आर० पाल : जी नहीं ।

श्री जार्ज कर्नाम्बीस : जब आपकी जीप वहां पहुंची तब क्या कुछ झगड़ा हुआ ?

श्री आर० आर० पाल : जब हम वहां पर पहुंचे तब भीड़ ने पत्थरबाजी शुरू कर दी ।

श्री जार्ज कर्नाम्बीस : उसके पहले कोई पथराव नहीं हुआ ?

श्री आर० आर० पाल : जी नहीं ।

श्री जार्ज कर्नाम्बीस : आपको यह बाद में पता चला कि पार्लियामेंट के किसी सदस्य को चोट लगी और उनका इलाज भी एक अस्पताल में हुआ ?

श्री आर० आर० पाल : जी हां, मुझे यह मालूम हुआ कि जयप्रकाश नारायण अस्पताल में उनका मेडिकल हुआ ।

श्री जार्ज कर्नाम्बीस : वहां गाजियाबाद में उनका कोई इलाज नहीं हुआ ?

श्री आर० आर० पाल : जी नहीं ।

SHRI SOMNATH CHATTERJEE: You just now said, "Before you reached there with the City Magistrate, there was no trouble".

SHRI R. R. PAL: Yes, Sir.

SHRI SOMNATH CHATTERJEE: After you reached the place of incident for how much time did the incident take place?

श्री आर० आर० पाल : हाईली आधा घंटा ।

SHRI SOMNATH CHATTERJEE: According to you all the workers fled away and you knew that AITUC Office was the centre of trouble. Your statement is that nobody went into AITUC Office to find out whether any of the leaders that you mentioned was there or not.

श्री आर० आर० पाल : मेरे सामने कोई नहीं गया ।

SHRI SOMNATH CHATTERJEE: You were the senior most police officer.

श्री आर० आर० पाल : जी हां ।

**SHRI SOMNATH CHATTERJEE:** Did you not think it proper to find that out?

श्री आर० आर० पाल : वह सामने से ही नजर आता था ।

**SHRI SOMNATH CHATTERJEE:** Without going into their office, how did you know that?

श्री आर० आर० पाल : दूर से दिख रहा था । छोटा सा आफिस है, दो तीन आदमी बैठ सकते हैं ।

**SHRI SOMNATH CHATTERJEE:** From the distance of fifteen yards you witnessed that. Not even a single Police Officer went inside that office. This is what you have said.

श्री आर० आर० पाल : जी हां ।

**SHRI SOMNATH CHATTERJEE:** You went to Thana in your jeep. How did Shri Trivedi go? Both of you were together there.

श्री आर० आर० पाल : मेरे साथ ही गए ।

जो लोग इन्जर्ड थे उनको हास्पिटल पहुंचाया और फिर स्ट्रेटअवे हम सब लोग थाने चले गए ।

श्री जगन्नाथ कौशल : क्या कोई इस प्रकार की घटना हुई कि जब आप श्री त्रिवेदी की जीप पर उनके साथ अगली सीट पर बैठे हुए थे तो पब्लिक के कुछ लोगों को जबर्दस्ती पकड़कर जीप पर पीछे चढ़ा दिया गया ?

श्री आर० आर० पाल : जी नहीं, इस तरह की कोई घटना नहीं हुई ।

श्री जगन्नाथ कौशल : क्या यह सच है कि एक आदमी ने कहा कि मेरी ऐनक रह गई है उसको तो ले लेने दो ?

श्री आर० आर० पाल : ऐसी भी कुछ नहीं हुआ ।

श्री जगन्नाथ कौशल : क्या यह बात सच है कि इसके बाद आप उन लोगों को लेकर उस मिल के पास पहुंचे और वहां जाकर मिल के कुछ अफसरों से राय की और उसके बाद जिनको गाड़ी में बिठाया गया था उनको छोड़ दिया गया ?

श्री आर० आर० पाल : मैं तो चौकी पर ही रहा ।

श्री जगन्नाथ कौशल : मैं तो स्पेसिफिक बात पूछता हूं कि आप मैजिस्ट्रेट के साथ उन लोगों को लिए हुए मिल में पहुंचे और उनके अफसरों से राय करके आपने कहा कि आप लोग चले जाओ ।

श्री आर० आर० पाल : न तो हम मिल पर गए और न ही हमारी किसी से कोई बातचीत हुई ।

श्री जगन्नाथ कौशल : श्री भोगेन्द्र झा ने पार्लियामेंट में जो स्टेटमेंट दिया है क्या आपको मालूम है उसमें उन्होंने क्या कहा है ?

श्री आर० आर० पाल : मुझे तो उसकी डिटेल्स नहीं मालूम है ।

श्री जगन्नाथ कौशल : श्री भोगेन्द्र झा का यह स्टेटमेंट है कि उनको जबर्दस्ती उठाकर, जिस तरह से फँकते हैं, जीप में फेंक दिया गया । तब उन्होंने कहा कि मेरी ऐनक रह गई है लेकिन मैजिस्ट्रेट ने आपकी मौजूदगी में कहा कि फिक्र न करो, जीप चलाओ ?

श्री आर० आर० पाल : ऐसा कुछ नहीं हुआ ।

श्री जगन्नाथ कौशल : यह स्टेटमेंट गलत है ?

श्री आर० आर० पाल : इस तरह की कोई बात नहीं हुई ?

श्री जगन्नाथ कौशल : इसके बाद उनका स्टेटमेंट है कि मिल के पास अफसरों से सलाह करके उन्हें भगा दिया गया ।

श्री आर० आर० पाल : वहाँ से हम कहीं जा ही नहीं सकते थे और न कहीं हम गए ।

श्री जगन्नाथ कौशल : यह बात गलत है ?

श्री आर० आर० पाल : जी हाँ ।

श्री रघुनन्दन लाल भाटिया : जब आप सिटी मैजिस्ट्रेट के साथ घटना स्थल पर गए तो क्या इसके पहले आपको कोई इत्तला मिली थी जिसकी बिना पर आया गए थे ?

श्री आर० आर० पाल : वहाँ पर पहले से कुछ इंसीडेन्ट्स होते चले आ रहे थे । पहली तारीख को 106 वर्कर्स की अटेन्डेन्स रही थी लेकिन 3 तारीख को यह फीगर 300 तक बढ़ गई थी । यह मालूम हुआ था कि जो लोग इयूटी पर हैं उनको मारने-पीटने का प्रोग्राम है ।

श्री रघुनन्दन लाल भाटिया : आपको कोई इत्तला मिली थी कि उसके लीडर्स कौन हैं ? कोई बाहर से आए हैं या लोकल लीडर्स हैं ?

श्री आर० आर० पाल : सुखबीर सिंह और घनश्याम उनके लीडर हैं । हमको मालूम हुआ कि उन लोगों का, जो लोग इयूटी पर जा रहे हैं उनको पीटने और शरणाग्र करने का प्लान है ।

श्री रघुनन्दन लाल भाटिया : आपको और सिटी मैजिस्ट्रेट को यह जानकारी नहीं थी कि बाहर से लीडर आए हैं ?

श्री आर० आर० पाल : जी नहीं ।

श्री रघुनन्दन लाल भाटिया : जब आप वहां घटना स्थल पर पहुंचे तब पथराव शुरू हो गया ?

श्री आर० आर० पाल : जब हमारी जीप वहां पर पहुंची तब वहां पर भाषण बाजी चल रही थी । कहा कि जीप को तहस-नहस कर दो और फैक्टरी में भाग लगा दो ।

श्री रघुनन्दन लाल भाटिया : किसने कहा ?

श्री आर० आर० पाल : मुखबीर सिंह वगैरह ने । और जैसे ही हम पहुंचे पथराव शुरू हो गया ।

श्री रघुनन्दन लाल भाटिया : जैसा आपने पहले कहा, दूसरी जीप जो आपको फालो कर रही थी वह कहां थी ?

श्री आर० आर० पाल : वह 15-20 गज दूर रही थी और उछी से हम लोग वापिस आए थे ।

सभापति महोदय : आप मेहरबानी करके भाइयों पर बोलें क्योंकि यह रिकार्ड भी हो रहा है और इसको लोक सभा के सामने पेश किया जायेगा ।

श्री रघुनन्दन लाल भाटिया : घटना के बाद जब फायरिंग हुई, तो उस के बाद किसी आदमी ने यह जानकारी नहीं दी कि श्री भोगेन्द्र झा, मेम्बर आफ पार्लियामेंट, इस भीड़ में थे ?

श्री आर० आर० पाल : इस तरह की कोई इत्तिला वहीं दी गई थी ।

श्री रघुनन्दन लाल भाटिया : कब इस की इत्तिला मिली थी ?

श्री आर० आर० पाल : मोनिंग में, जैसा कि मैंने पहले बताया है ।

श्री रघुनन्दन लाल भाटिया : मैजिस्ट्रेट साहब को भी नहीं मालूम हुआ था ?

श्री आर० आर० पाल : उन को बीच में मालूम हो गया था । जब मुझे मालूम हुआ, उस से पहले उन को मालूम हो गया था ।

सभापति महोदय : पाल साहब, आप यह बतलाइए कि 4 तरीक़ों को, अर्थात् जिस दिन घटना घटी उस के बाद जो दिन आया, उसी दिन सीनियर एस. पी. से तथा आम कार्यकर्त्ताओं से आप को यह मालूम हुआ कि एक एस. पी. साहब जख्मी हुए हैं और उन का इलाज डा. राम मनोहर लोहिया अस्पताल, दिल्ली में हो रहा है । तो यह जो इलाज हुआ, उस के बारे में वहां क्या इस तरह की कोई चर्चा नहीं थी कि वे यहां आए हुए थे और जिस भीड़ को तितर-बितर करने के लिए आप लोगों को गोलियां चलानी पड़ी, लाठी-चाज करना पड़ा, उस में वे बाधक हुए ? इस तरह की कोई चर्चा वहां थी या नहीं ?

श्री आर० आर० पाल : इस के बारे में यही मालूम हुआ था कि इस तरह जयप्रकाश नारायण अस्पताल में एक एम. पी. साहब का मेडीकल हुआ है और उन के चोट लगी थी ।

सभापति महोदय : उन को चोट लगी थी, यह आप को पता चला । वे आप के यहां से हो कर आ रहे थे और अस्पताल में जा कर उन्होंने अपना इलाज कराया । क्या यह चर्चा वहां थी या नहीं कि यहां जो लाठी चार्ज हुआ और गोली चलाई गई भीड़ को तितर-बितर करने के लिए, जो आप के बयान के मृताधिक हिसा पर उतारू थी, उस में उन को चोट लगी और वे जखमी हुए और उन्होंने वहां जा कर अपना इलाज करवाया ? सीनियर एस० पी० साहब और दूसरे वर्कर्स क्या इस तरह की बात वहां पर कह रहे थे या नहीं ?

श्री आर० आर० पाल : कहा तो ऐसा ही गया था कि व भीड़ में थे और वहां उन को चोट लगी थी ।

श्री विजय कुमार यादव : उन दो गाड़ियों के अलावा, वहां कितनी गाड़ियां पुलिस की थी ?

श्री आर० आर० पाल : एक गाड़ी फायर ब्रिगेड की थी । उस के अलावा और कोई गाड़ी नहीं थी ।

श्री विजय कुमार यादव : 50 गज की दूरी पर जो वर्कर्स ब्रिकबेटिंग कर रहे थे, उन पर जो लाठी चार्ज हुआ, उस का कोई असर नहीं हुआ ?

श्री आर० आर० पाल : पत्थर इस कदर पड़ रहे थे कि लाठी चार्ज का कोई असर नहीं हुआ ।

श्री विजय कुमार यादव : लाठी चार्ज किस पर किया गया ।

श्री आर० आर० पाल : एक-दो पर हुआ लेकिन हम जैसे ही उधर बढ़े बहुत से आदमी एक दम टूट पड़े ।

श्री विजय कुमार यादव : जीप के नजदीक आ गये थे ?

श्री आर० आर० पाल : जी, हां ।

श्री जार्ज फर्नान्डोज : भीड़ में से किसी ने गोली चलाई थी ?

श्री आर० आर० पाल : जब लाठी चार्ज हुआ, तो फायरिंग की आवाज आई थी । बाद में कार्टरिज भी मिले जब वे भाग गये थे ।

श्री विजय कुमार यादव : आप ने किसी के हाथ में कोई फायरआर्म देखा ?

श्री आर० आर० पाल : मैंने फायर आर्म नहीं देखा ।

SHRI RAM SINGH YADAV: Were you on 6th April examined by the D.M. or the S.P. in regard to this incident?

SHRI R. R. PAL: No, Sir.

MR. CHAIRMAN: You may go now.

*The witness then withdrew.*

*Saturday, 23 January, 1982*

**PRESENT**

**Shri Harinatha Misra—Chairman**

**MEMBERS**

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

**SECRETARIAT**

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

**WITNESS**

**Shri Om Pathak—the then District Magistrate, Ghaziabad and now District Magistrate, Lucknow.**

**(The Committee met at 15.00 hours)**

**Evidence of Shri Om Pathak, the then District Magistrate, Ghaziabad and now District Magistrate, Lucknow.**

**MR. CHAIRMAN:** Shri Om Pathak, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege raised by Shri Indrajit Gupta, M.P., regarding alleged manhandling of Shri Bhogendra Jha, MP and use of abusive language in respect of Member of Parliament by the Police of Ghaziabad, U.P. on 3rd April, 1981.

I hope you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding. I may inform you that your evidence may be treated as confidential till the Report of the Committee and its proceedings are presented to Lok Sabha. Any premature disclosure or publication of the proceedings

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

(Oath was administered to the witness)

SHRI SOMNATH CHATTERJEE: Mr. Pathak, you were the District Magistrate of Ghaziabad at the relevant time.

SHRI OM PATHAK: Yes.

SHRI SOMNATH CHATTERJEE: You know the complaint made by the hon. Member and the statement made by him about the behaviour or about the incident that happened on third April, 1981 at Ghaziabad.

SHRI OM PATHAK: Yes.

SHRI SOMNATH CHATTERJEE: You have submitted a report before this Committee. Your report is based on your personal inquiries in the matter.

SHRI OM PATHAK: Yes.

SHRI SOMNATH CHATTERJEE: When did you make the inquiries?

SHRI OM PATHAK: On the 3rd evening itself.

SHRI SOMNATH CHATTERJEE: Was the enquiry made on the basis of any specific complaint?

SHRI OM PATHAK: No specific complaint by anybody. It was an informal enquiry in the sense that at the time of the incident I was not in the district. I was outside the district. On my return I along with SP visited the Police Station, Kotwall, the main police station in Ghaziabad. We spent 7 or 8 hours visiting the scene of occurrence. That was the time when we made informal enquiry. FIR had already been lodged.

SHRI SOMNATH CHATTERJEE: 7 or 8 hours?

SHRI OM PATHAK: We returned around 7 or 7-30. Nobody really complained to us. We made enquiry *suo motu*.

SHRI SOMNATH CHATTERJEE: For 7 hours you made enquiry?



SHRI OM PATHAK: I will say, considerable amount of time. It would be 5 hours or 4 hours. But considerable amount of time was spent.

SHRI SOMNATH CHATTERJEE: Mr. Om Pathak, you are holding an important position. You are giving evidence before a Parliamentary Committee. You said seven hours; now you come to 3 or 4 hours. You please try to recollect and try to help the Committee.

SHRI OM PATHAK: In the vicinity of 5 or 6 hours—around that.

SHRI SOMNATH CHATTERJEE: Was there informal complaint?

SHRI OM PATHAK: There was no complaint. The FIR was already lodged with the police. We had to send report to the Government.

SHRI SOMNATH CHATTERJEE: Regarding?

SHRI OM PATHAK: Regarding the incident that had taken place in the district.

SHRI SOMNATH CHATTERJEE: Who ordinarily holds such an enquiry?

SHRI OM PATHAK: Whenever there is law and order situation of this magnitude or dimension, the DM is at least expected to acquaint himself with the facts. He should inform Government accordingly. So, I visited the site along with my S.P. We talked to people who are involved in the incident. We sent report to the Government that very day.

SHRI SOMNATH CHATTERJEE: You took the Police personnel.

SHRI OM PATHAK: None other was available.

SHRI SOMNATH CHATTERJEE: During those 5 hours or 6 hours you did not come to know that a Member of Parliament was present there, was involved in the matter.

SHRI OM PATHAK: No, Sir.

SHRI SOMNATH CHATTERJEE: Police people did not tell you?

SHRI OM PATHAK: No, Sir.

**SHRI SOMNATH CHATTERJEE:** When you went to the place of occurrence, you had no information of any Member of Parliament having been involved.

**SHRI OM PATHAK:** No.

**SHRI SOMNATH CHATTERJEE:** All right. When did you come to know that a Member of Parliament was involved?

**SHRI OM PATHAK:** Subsequently we had informally learnt. Nobody could tell us who it was. On 4th early morning we sent a report. It was around 12-30 or 1. We sent the report after the conclusion of the fact-finding enquiry. Till then we had no idea. We learnt later. Nobody was very sure whether it was an ex-Member of Parliament or sitting Member of Parliament. We learnt somebody was involved.

**SHRI SOMNATH CHATTERJEE:** What was the source of the information?

**SHRI OM PATHAK:** It was very informal.

**SHRI SOMNATH CHATTERJEE:** You are a District Magistrate. You come to know certain things. He may be a sitting M.P. or ex-M.P. Can you not recall who was the source of this information?

**SHRI OM PATHAK:** No, Sir. I don't recall.

**SHRI SOMNATH CHATTERJEE:** What attempt did you make to obtain information?

**SHRI OM PATHAK:** We sent out people to various hospitals. On the 3rd itself we sent out people to various hospitals to see if anybody lies with any injury. On the 4th and 5th we sent out police officer to find out whether or not a Member of Parliament was injured in the incident. We procured injury report from Ram Manohar Lohia Hospital about an Hon. Member and two or three others who were injured.

**SHRI SOMNATH CHATTERJEE:** You had quite extensive informal enquiry covering 5 or 6 hours. Nobody told you that a Member of Parliament was involved? Nobody told you?

**SHRI OM PATHAK:** No, Sir.

**SHRI SOMNATH CHATTERJEE:** You sent your report. It was a Joint Report with the Superintendent of Police dated 6th April. Do I take it, it is totally based on Police version? No other source of information you had. No other material.

**SHRI OM PATHAK:** I would not think so. It was a fact-finding enquiry; subsequently we tried to contact lot of people.

**SHRI SOMNATH CHATTERJEE:** The report was based on the Police version on the 4th. You made enquiry from the Police personnel. You said, nobody else was present.

**SHRI OM PATHAK:** On the 3rd we spent considerable time in visiting the site of the occurrence. We spoke to number of tea-stall people around there. There were people who had nothing to do with the incident. We spoke to them. We communicated whatever we have learnt from these people, whatever they told us. We don't want to hide anything; it is not possible to hide anything; it is not desirable to hide anything.

**SHRI SOMNATH CHATTERJEE:** There was no complaint of hiding anything; I have not used that word. Did you go to the AITUC office?

**SHRI OM PATHAK:** I did not enter the office.

**SHRI SOMNATH CHATTERJEE:** Did you make enquiry from anybody?

**SHRI OM PATHAK:** For 2 or 3 days the AITUC office was deserted.

**SHRI SOMNATH CHATTERJEE:** On the 3rd you made extensive localised enquiry. You spent 5 or 6 hours. Did you not try to find out somebody connected with the AITUC. You say, they were giving leadership for the movement of the workers. What attempt did you make?

**SHRI OM PATHAK:** Nobody was available that day. Nobody was available in the office.

**SHRI SOMNATH CHATTERJEE:** You could not get any information from them?

**SHRI OM PATHAK:** We interviewed some of the people who had nothing to do with the police or AITUC.

**SHRI SOMNATH CHATTERJEE:** You made the enquiry. You have given your report based on that?

**SHRI OM PATHAK:** Yes.

**SHRI SOMNATH CHATTERJEE:** When you came to know that a Member of Parliament was involved, did you try to meet him?

**SHRI OM PATHAK:** No, I did not. It was outside my purview. I was not holding a formal enquiry. The FIR was already lodged. I was not required to conduct a separate enquiry, Sir.

**SHRI SOMNATH CHATTERJEE:** You came to know that one M.P. was involved. Special officer was sent to Lohia Hospital to find out the position from the injury report. For what purpose?

**SHRI SOMNATH CHATTERJEE:** Was it in connection with the informal enquiry?

**SHRI OM PATHAK:** This was with a purpose to inform the Government about the exact incident and the persons who suffered injuries.

**SHRI SOMNATH CHATTERJEE:** And you considered it not necessary even as a minimum precaution to go and meet the hon. Member of Parliament. Is this the way to discharge your responsibility? ..... It seems you have no answer.

**SHRI OM PATHAK:** I think, I was not required . . .

**MR. CHAIRMAN:** You stated just now that you came to know on the 4th that an hon. Member of Lok Sabha, or an ex-Member was involved in this and had been assaulted. In the factual comment submitted to Lok Sabha on 6th April, 1981, don't you think that it was your duty to mention casually at least that according to rumours or unofficial enquiry, it was learnt that an hon. Member of Lok Sabha had been assaulted?

**SHRI OM PATHAK:** We were not able to confirm this fact and the established practice is not to send reports based on hearsay or suspicious to the Government.

**MR. CHAIRMAN:** Would you be shocked to know that one of the subordinate officers has made a statement that practically everyone at Ghaziabad came to know about the involvement of an hon. Member of this House on the 4th at about 10 a.m.?

**SHRI OM PATHAK:** As I submitted, we had not been able to confirm this and as this formal information was not corroborated substantially that either an ex-Member or a sitting Member was involved; we wanted to confirm this before we sent a report to the Government. But since we could not confirm this, we did not mention that.

**MR. CHAIRMAN:** Is it not a fact that on the 6th when you were with the S.P., a detailed news about this was reported on the TV, and you witnessed that.

**SHRI OM PATHAK:** That is not true.

**MR. CHAIRMAN:** Did you not talk to SP on the 6th?

**SHRI OM PATHAK:** I met him almost everyday. But I definitely remember not having seen this news item on the TV, and I do not remember also whether I was with the SP or not at that time.

**MR. CHAIRMAN:** Did you take the evidence of anyone on 6th?

**SHRI OM PATHAK:** Yes, I talked to the officials.

**MR. CHAIRMAN:** Did you record evidence of any officer who were on the spot?

**SHRI OM PATHAK:** I did not record any evidence.

**SHRI SOMNATH CHATTERJEE:** So far as you are concerned, you came to know from some reliable source that some MP was making this complaint. Forget about your informal source. When did you, as the District Magistrate, come to know that an MP was making this charge.

**SHRI OM PATHAK:** On the 6th; may be late in the day.

**SHRI SOMNATH CHATTERJEE:** Who told you?

**SHRI OM PATHAK:** The matter had been raised in the Vidhan Parishad in UP as also Lok Sabha.

**SHRI SOMNATH CHATTERJEE:** Before 8 P.M. TV news which you recall not to have seen, you had come to know of this complaint. Since then what enquiry did you make?

**SHRI OM PATHAK:** Since the issue had been raised in the Lok Sabha as also the Vidhan Parishad in UP, and we got this news, I thought that my holding an enquiry into the incident would be redundant. A high-power body was seized of the matter. The matter was raised in the UP Vidhan Parishad and enquiry committee had been ordered.

**MR. CHAIRMAN:** When?

**SHRI OM PATHAK:** On the 6th or 7th.

**SHRI SOMNATH CHATTERJEE:** You just now said that you did not meet the MP because it was an informal enquiry. Now you said that since the Parliament was seized of the matter, you did not hold any enquiry.

**SHRI OM PATHAK:** I was not detailed to hold an enquiry into this incident.

**MR. CHAIRMAN:** The City Magistrate during the course of this evidence has said that on 6th April, 1981 the day the matter was raised in the house, at 8 p.m. in the evening, an enquiry was made by the DM at the residence of SP Ghaziabad about this incident.

"I gave my statement in writing under my signature."

**SHRI OM PATHAK:** If you permit me, could I consult my records?

**MR. CHAIRMAN:** Of course.

**SHRI OM PATHAK:** Though I had seen the file before I came and it did put me in a bit of doubt when you had mentioned that some report was given to me, now, as far as my sitting with the SP at 8 O'Clock is concerned, I can neither confirm nor deny because I do not remember. But as far as the written report is concerned, it is not on the record and I am not very sure if the Member is right, but I do not really think that a written report was submitted to me. Even if it was, I would really not mislead the Hon. Committee here. I am not very sure.

**MR. CHAIRMAN:** The Committee on the other hand would expect that you may lead us to a conclusion, of the true appraisal of the situation.

**SHRI OM PATHAK:** As far as I remember, may be it was not there; but even if it was there, I really could not say.

**MR. CHAIRMAN:** You made an intensive and extensive inquiry, of course in the evening of the day of occurrence. Did you visit the Ghaziabad Hospital in the course of your inquiry?

**SHRI OM PATHAK:** Briefly, Sir.

**MR. CHAIRMAN:** Who were the victims or patients whom you met in order to collect information?

**SHRI OM PATHAK:** I beg pardon, I would not be able to give the names. But two or three constables from the Civil Police and two or three constables from the PAC were there. May be others had already received the medical attention, because we had reached Ghaziabad after quite some time, after the incident had occurred. Therefore we made the inquiry from them being on the spot. Though I would not really be able to redraw or repicturise the sequence that we followed in going to places, may be that we went to the hospital

first or place of the occurrence then or *vice versa*. The City Magistrate was not present when we reached Ghaziabad. When we sent for him, he was there. We called him at the hospital. His injury was serious and he was advised to stay in the hospital for observation. The injury he received was such that the doctors wanted...

MR. CHAIRMAN: What part was injured?

SHRI OM PATHAK: He was injured on the front side of the stomach.

MR. CHAIRMAN: You mentioned that certain constables and the city Magistrate were the people whom you met and from whom you got certain information. While beginning your statement you had observed that a serious incident had taken place and therefore, as a district magistrate, you consider it to be your duty to make an intensive and extensive inquiry. You have not said that you met any non-official or a Member of Parliament. Now when an incident call it stone-throwing, brickbatting etc. etc. took place, a number of officials and constables were injured. Did that occur to you that it is possible that only the people connected with administration were admitted and no one else was found? It must not have been a one-sided affair. Did that occur to you?

SHRI OM PATHAK: As I submitted to you earlier, as far as the number of the public having been injured in the incident is concerned, we have two main hospitals in Ghaziabad. One is Mohan Nagar Hospital and the other one is the District Hospital. We had checked in both these places, if anybody other than the police or the Magistracy or should I say anybody other than the Government officials were hurt in the incident. And we had got a negative report that day. And if you look at the Report which was sent on the third, immediately after the occurrence of the incident, about the second part I wish to submit that we not only talked with the police officials who were hurt or other officials, we also went to the site of the incident. There are a number of shops around the area and most of the people having nothing to do with the police or the Members of the AITUC or anybody else. In the course of our findings, we did interview a lot of people and we spoke to them personally.

SHRI R. L. BHATIA: This incident took place on 3rd and you came to know on 4th that a Member of Parliament is involved. Do, you not think that it is inaction on your part by not having a further inquiry into the matter by contacting the Member of Parliament or other sources in the matter? Was it your duty or not?

**SHRI OM PATHAK:** I had said during earlier part of my interview that because we were not very sure whether it was an Hon. Ex-Member or an Hon. sitting Member. We made inquiries and you will appreciate that just by saying that somebody who belongs to so and so class was there, it was really to find out. It would sound too impolite to say: Were you involved in the incident? We made discreet inquiries from various sources.

**SHRI R. L. BHATIA:** On 4th or 5th, when the matter also went to the Parliament and the Vidhan Sabha, as you say, when it was becoming a hot matter later, could you or could you not see that this is a serious matter, because there are so many things which are taking place in your area, under your jurisdiction? Normally an FIR is lodged; and that is not your duty. But this is a case where such a big thing has happened. This incident arose out of the agitation of labour. That agitation must have been continuing for quite a number of days, and you must have put some officers on duty at that factory, where these incidents were taking place. Various public meetings were also organized by workers; and various leaders had already addressed those workers. So, you must be acquainted with the situation intimately—as to what was happening. And the coming of an MP and some MLAs or some other leaders is an important information which, I think, your Administration is supposed to convey to you.

**SHRI OM PATHAK:** No information of any kind was either sent to us by the office-bearers of the ITUC or anybody, or even by the hon. Member himself. I have absolutely no idea. Members of Parliament have visited earlier, and addressed meetings. I recall very clearly that they had sought specific permission to hold meetings. That is how we come to know things. In this particular case, we had no idea whether an hon. Member was present in the district on that day or not.

**SHRI RAM SINGH YADAV:** You had said that nobody in the district had any information about the arrival of Mr. Jha on the date of the incident. Secondly, you have stated that the Administration came to know of the presence of Mr. Jha—who was later discovered to be present in the crowd. Can you tell us when i.e. on which date did the Administration come to know of the presence of Mr. Jha, and what was the source of the information?

**SHRI OM PATHAK:** On 6th by the time the issue was raised in Parliament; it was around that time that we came to know that it was Mr. Jha who was involved in the incident.



**SHRI RAM SINGH YADAV:** How did you get it confirmed?

**SHRI OM PATHAK:** Once a matter is raised in Parliament...

**SHRI RAM SINGH YADAV:** In your report, you have said that the Administration was totally ignorant about his presence, but that later you came to know. Now you say that you came to know of it because it was raised in Parliament. But what was the source of confirmation with you—was it your intelligence or police report or some other private or official or unofficial source.

**SHRI OM PATHAK:** Once this matter was out in the open, I did not require any intelligence to tell me that the hon. Member was involved. It was a plain fact which everybody had known by then.

**SHRI RAM SINGH YADAV:** You are a district magistrate. You have to convince yourself on the basis of some evidence, or reliable information. What was that reliable information available to you on 6th April, by which you could get it confirmed, so that you are saying to-day that he was present?

**SHRI OM PATHAK:** I had not really seen. May I see my records? This is what is there in my report which is dated the 6th April. May I read it out? It says:

जब यह ज्ञान हुआ कि डा० राम मनोहर लोहिया अस्पताल में माननीय सदस्य श्री झा और अन्य तीन . . . . . दाखिल हैं । तब पुलिस अधिकारी को भेज कर इस सम्बन्ध में डाक्टर राम मनोहर लोहिया अस्पताल से उनकी डाक्टरी रिपोर्ट देखी गई . . . . .

**SHRI VIJAY KUMAR YADAV:** On which date did you see this type of news published?

**SHRI OM PATHAK:** I do not recall it; it may be 5th or 6th.

**SHRI VIJAY KUMAR PATHAK:** The incident took place on the 3rd, and it was widely published on 4th or 5th.

**SHRI OM PATHAK:** I am not certain about the date.

**SHRI RAM SINGH YADAV:** Did you yourself go to the Ram Manohar Lohia Hospital?

**SHRI OM PATHAK:** I did not.

**SHRI RAM SINGH YADAV:** On which date could you come in contact with the FIR? You being a district magistrate, was the FIR of this particular case sent to you?

**SHRI OM PATHAK:** It must have been sent. I have seen the FIR. I have seen it on the 3rd.

SHRI RAM SINGH YADAV: You being the district magistrate, because the matter was one of lathi charge, you must have gone through the whole of FIR.

SHRI OM PATHAK: I did.

SHRI RAM SINGH YADAV: You also tried to contact Mr. Tyagi and Mr. Sinha.

SHRI OM PATHAK: As I said, we went to the site.

SHRI RAM SINGH YADAV: When you went through this FIR, you could know the names of these two persons. Did you try to contact these persons?

SHRI OM PATHAK: These three leaders were absconding. There were warrants of arrest against them; and they were not traceable. They were only medically examined on the 3rd, of which we came to know later. We could not contact them. They surrendered to the court months after the incident.

SHRI RAM SINGH YADAV: You say Mr. Jha was not forced into the jeep, because it was defective. But other officers have given evidence otherwise, and said that medical attention was also given.

SHRI OM PATHAK: I do not think I have seen the jeep myself. It was in a damaged condition. I do not know if the same jeep was taken for carrying the city magistrate to hospitals. But to me it appears that since the jeep had become a case property, involved in the incident, it should not have been moved. I don't think they should have used the jeep. But I am not definite, because I was not there on the spot.

SHRI SOMNATH CHATTERJEE: You came to know the presence of Mr. Jha and his complaint from the fact that he had raised the issue in the Parliament on the 6th April, 1981. Prior to that, you had no knowledge about it.

SHRI OM PATHAK: Informally we had known that some hon. Member...

SHRI SOMNATH CHATTERJEE: When did you know for the first time that Mr. Jha, a Member of Parliament was involved in it?

SHRI OM PATHAK: On the 6th April, 1981, I read it in the report that we had sent police officials to the hospital to check it. I do not remember the date.

SHRI SOMNATH CHATTERJEE: Which newspaper and on which date?

SHRI OM PATHAK: I cannot recall it.

SHRI SOMNATH CHATTERJEE: Was the name of Mr. Jha mentioned in that paper?

SHRI OM PATHAK: It must have been.

SHRI SOMNATH CHATTERJEE: How do you have a doubt whether it was an ex-member or a sitting member?

SHRI OM PATHAK: We do not base our report on the newspaper report. We also confirm first and then report the matter.

SHRI SOMNATH CHATTERJEE: Was any report submitted to you that it was Mr. Jha who was admitted in Dr. Ram Manohar Lohia Hospital and had been treated there?

SHRI OM PATHAK: I have got a copy of the medical report.

SHRI SOMNATH CHATTERJEE: On which date was it obtained by you or by your officer?

SHRI OM PATHAK: I cannot recall the date.

SHRI SOMNATH CHATTERJEE: Did you know that Mr. Jha had complained that he was manhandled, ill-treated and assaulted inside the office of AITUC?

SHRI OM PATHAK: I learnt about it later when a report was called for from the Government of India.

SHRI SOMNATH CHATTERJEE: Till then you did not know that that was his definite complaint.

SHRI OM PATHAK: It was sent by the Ministry of Home Affairs, Government of India, and then it was sent down to me in turn.

SHRI SOMNATH CHATTERJEE: How could you, in your statement of 6th April, mention this? You can see it, if you want. His grievance was that he was assaulted inside the office of AITUC. How could you mention his name in the report on 6th?

SHRI RAM JATHMALANI: In your report, you have mentioned at two places that Mr. Jha was not present in the stone throwing crowd. He was assaulted first inside the office of AITUC. Then he was dragged out; then he had lost his glasses. He was also huddled into a jeep. Whose story is this? Is this whole report a fabrication?

SHRI OM PATHAK: This seems to be a sort of reply to a query made by the Government of India. I have got a copy of the report sent to me by the Home Secretary, UP on the 6th April, 1981. I will send you a copy of this report. This is dated 6th.

SHRI RAM JETHMALANI: This does not contain any suggestion that Mr. Jha was present in the stone throwing crowd.

SHRI OM PATHAK: It is only implied that since it was a crowd that was throwing stones.....

SHRI RAM JETHMALANI: On the day on which you had made the report you believed that Mr. Jha's case was that he was injured during stones throwing.

SHRI OM PATHAK: The hon. member's case was that he was probably beaten up.

SHRI RAM JETHMALANI: How? You knew perfectly that his allegation was that he was beaten up by the Police. Then why did you make the observation like that?

SHRI OM PATHAK: The hon. Member must have been a part of the crowd.

SHRI RAM JETHMALANI: How do you say that he must have been a part of the crowd?

SHRI OM PATHAK: He could not have been elsewhere.

SHRI RAM JETHMALANI: The man said he was sitting in the AITUC office, he was dragged and put in the jeep, beaten, etc. You are saying something which was not mentioned.

SHRI OM PATHAK: The assault on the AITUC office where the hon. Member was sitting was never made. There was no need.

SHRI RAM JETHMALANI: That is a matter for investigation. How do you make it up?

SHRI OM PATHAK: I came to know about it.

SHRI SOMNATH CHATTERJEE: Did you make any inquiry whether the Police have entered the AITUC office or not?

SHRI OM PATHAK: The report is there.

SHRI SOMNATH CHATTERJEE: Which report?

SHRI OM PATHAK: The report is about the inquiry conducted on the 6th.

SHRI RAM JETHMALANI: Then how do you say that the Police did not enter the office?

SHRI OM PATSAK: I did. We interrogated some people collected.

SHRI RAM JETHMALANI: This inference that Mr. Jha was a part of the stone throwing crowd was made by you. No such allegation was made by Mr. Jha. This is only in your mind.

SHRI OM PATHAK: Yes, it was an inference. The other three gentlemen, Shri Tyagi, Shri Sinha and Shri Sharma were all supposed to be present along with the hon. Member. They are known people. They live in Ghaziabad. One can only presume.

SHRI RAM JETHMALANI: Please tell me something. You accepted that Mr. Jha was making an allegation. And when you started the investigation as the head of the district, you were really investigating the accusation of the Member of Parliament against the Police. Then why did you collude with the Police? Ultimately you produced a joint report along with the Police Officer. You were supposed to make an investigation against the Police and you started collaborating with the Police and produced a joint report. What kind of an independent inquiry is this?

SHRI OM PATHAK: The S.P. was not a part of it.

SHRI RAM JETHMALANI: How do you know? He had arrived earlier.

SHRI OM PATHAK: No. He arrived along with me. We arrived together.

SHRI RAM JETHMALANI: You knew that Mr. Jha had complained against the Police. Then why did you make that inquiry colluded and collaborated with the Police?

SHRI OM PATHAK: The allegation was that the Police committed excesses. The S.P. was not a part of it.

SHRI RAM JETHMALANI: Now before making this report of the 6th April, did you make any attempt to examine, or interrogate any independent witnesses?

SHRI OM PATHAK: I did. We interrogated some people.

SHRI RAM JETHMALANI: That must be on the 3rd.

SHRI OM PATHAK: Yes, it was by my S.P.

SHRI RAM JETHMALANI: I am talking of the report of the 6th of April. Look, on the 3rd you did not know about the complaint of Mr. Jha. You came to know about it for the first time on the 4th or 5th or 6th. Did you examine any single independent witness?

SHRI OM PATHAK: Not after the 3rd.

SHRI RAM JETHMALANI: In the First Information Report which was lodged on the 3rd, there is mention that this incident was witnessed by some shopkeepers. Did you, before you commenced making any investigations into the M.P.'s allegation, at least, try to find out something from the shopkeepers whether what Mr. Jha was telling was true or not?

SHRI OM PATHAK: I did not, on the second occasion.

SHRI RAM JETHMALANI: You neither investigated before or between the 4th or 6th.

SHRI OM PATHAK: I admit, the second time I did not do it.

SHRI RAM JETHMALANI: On the first occasion also you did not make any inquiry. Therefore, no inquiry was conducted by you at all, into Mr. Jha's allegation. That must be so, Mr. Pathak.

SHRI OM PATHAK: I agree. That is all right.

SHRI RAM JETHMALANI: Now, today, Mr. Pathak, you know the story of the Member of Parliament. Please tell me, fearlessly; if you speak the truth you will be protected. I want to know Today, have you any reason to believe or to suspect that Mr. Jha's story is false?

SHRI OM PATHAK: I think it is very subjective.

SHRI RAM JETHMALANI: I am talking about subjective people. Today, do you believe that, or do you have any reason at all to believe, or do you suspect that Mr. Jha's story is false?

SHRI OM PATHAK: I really could not level such an allegation against an hon. Member.

SHRI RAM JETHMALANI: You are not making any observation. In your mind have you any reason to suspect that part of Mr. Jha's story is false?

SHRI OM PATHAK: I feel that there was no reason or provocation whatsoever for my City Magistrate to go and assault Mr. Jha. That part of the allegation appears to be false.

SHRI RAM JETHMALANI: I am not asking whether the Police had any provocation or not. They had information. No Police Officer could have assaulted any Member of Parliament under the circumstances. Do you suspect that this is a concocted story?

SHRI OM PATHAK: I do not think that this is true.

SHRI RAM JETHMALANI: According to you, Mr. Jha's story is totally false.

SHRI OM PATHAK: I do not say that it is totally false. But I feel that this part of the story that the Police had assaulted him is not correct.

SHRI RAM JETHMALANI: You consider it highly improbable. You think that it is incredible behaviour on the part of the Police.

SHRI OM PATHAK: I know pressure was mounting from the 3rd onwards. The City Magistrate was asked to keep a vigil on the situation. There was no reason for the City Magistrate to go to his office and assault the hon. Member while he was sitting in his office.

SHRI RAM JETHMALANI: I do not think that Mr. Jha is suggesting that the City Magistrate went and assaulted him. If Mr. Jha's story is true, it is impossible that you would have come to know about his presence.

SHRI OM PATHAK: My submission is, if I am free to express, I am getting a feeling that the hon. Members probably feel that I had the information about Mr. Jha's presence in Ghaziabad that day and I have deliberately concealed that information.

SHRI RAM JETHMALANI: If a Member of Parliament who was present in the AITUC office, was assaulted, it is most unlikely that the enquiry would not have revealed this.

SHRI OM PATHAK: Yes, it should have been revealed in due course.

SHRI RAM JETHMALANI: Therefore, either Mr. Jha is speaking untruth or your enquiry is totally false.

SHRI OM PATHAK: I had no reason to whitewash the incident. I do not think Mr. Jha is true when he says that he was assaulted without any provocation.

SHRI RAM JETHMALANI: We will logically hold that the truth was known to you but it was suppressed and you made an

irresponsible statement in collusion with the SSP. Did you read the police diary from 3rd April to 6th?

SHRI OM PATHAK: I read the FIR of the 3rd.

SHRI RAM JETHMALANI: Did you read the statements of the witnesses which were made under Section 161?

SHRI OM PATHAK: No.

SHRI RAM JETHMALANI: Even on 3rd you did not know what independent witnesses had said. The police recorded an FIR and you read that. You did not read any statement of the independent witnesses.

SHRI OM PATHAK: I read only the FIR.

SHRI RAM JETHMALANI: This is all the enquiry that you have made. Is it not highly irresponsible that when a Member of Parliament makes an allegation and you are required to make an enquiry, you read only the FIR. Thus you misguided your own Government and this Committee.

SHRI OM PATHAK: When I said that FIR was registered by the Police, that is not correct. Here I want to make a correction. It was filed by the Magistrate.

SHRI RAM JETHMALANI: Please show me the letter of 31st July.

SHRI OM PATHAK: I will do that. I am afraid, I cannot find that reference. But I have got a para-wise report sent on the 8th.

SHRI RAM JETHMALANI: That has not come to us; it has gone to the Government.

MR. CHAIRMAN: I am reading an extract from the statement made by Shri Bhogendra Jha before the Committee:

"Someone took my spectacles.... then three of four persons came and said 'you are being arrested'; they huddled me into the jeep which was standing on the road; five of the persons surrounded me.... I was pushed in from behind...."

Are you in a position to completely deny this charge? Can you say that the hon. Member was simply concocting the story?



**SHRI OM PATHAK:** As you know, I was not present on the spot. But my enquiries revealed that this has not taken place. The City Magistrate, who was alleged to have put him into the jeep, has specifically denied the charge that the hon. Member was huddled into the jeep.

**MR. CHAIRMAN:** Do you know that the City Magistrate said that the jeep would not move? Are you aware of that?

**SHRI OM PATHAK:** Yes, Sir.

**MR. CHAIRMAN:** Though there was nothing wrong with the engine, the jeep would not move.

**SHRI OM PATHAK:** This is what I learnt later, when I came back.

**MR. CHAIRMAN:** When it is a question of two versions, one by an hon. Member of the House and another by a City Magistrate you put faith in the statement of the City Magistrate. Are you in a position to say that the MP was entirely wrong and that he was concocting a story?

**SHRI OM PATHAK:** I will not say that the police can do no wrong. My statement is on the basis of the enquiry, because I was not present.

**SHRI G. L. DOGRA:** What was your source of enquiry?

**SHRI OM PATHAK:** The people who were involved, or who were present. But I have not recorded any statement, since I was not conducting a formal enquiry.

**SHRI G. L. DOGRA:** How long are you as District Magistrate? Do you know the Cr. P.C.?

**SHRI OM PATHAK:** This is my third District, where I have been Collector. I knew Cr. P. C. I was not conducting a formal enquiry.

**SHRI G. L. DOGRA:** When something wrong is happening, according to my knowledge, the magistrate has not to give a report to the police officer.

**SHRI OM PATHAK:** That is not correct. The City Magistrate is fully empowered to file the FIR.

**SHRI G. L. DOGRA:** The magistrate can refer the matter to another judicial magistrate, according to the Cr. P.C. Since you are magistrate, you have to record statements thoroughly. But you

have made a report on the basis of oral enquiry. Is there any instance in the history of judiciary where such type of report is made? Are you aware of such reports being made?

SHRI OM PATHAK: As I have said there is no bar for the City Magistrate to file F.I.R. A City Magistrate was himself involved in the incident. He had been a judge himself. He was fully authorised to file F.I.R. There is nothing wrong legally.

I do admit, perhaps I should have gone on the sixth. After the Government had called for the Report, I should have ascertained the facts..

SHRI G. L. DOGRA: Under what law and procedure you justify your action?

SHRI RAM JETHMALANI: Please see Para 3 of the Parawise report:

"It is true that Shri Jha who was later discovered to be present in the crowd received some injuries. Report is attached herewith for perusal."

SHRI OM PATHAK: Later when we found out whether or not he was there, we got medical report. It confirmed that he was there.

SHRI RAM JETHMALANI: Mr. Jha was later discovered in the crowd means it was on 3rd.

SHRI OM PATHAK: It was on 6th.

When we made enquiries subsequent to the communications received from the Government, it was confirmed that Shri Jha was actually present on that day.

SHRI RAM JETHMALANI: When was it confirmed? Was it on 6th April or on 31st July?

SHRI OM PATHAK: I would explain one point. Things happen in the Districts..

SHRI RAM JETHMALANI: When you realise that it is true, to say all this is not very creditable for you, Mr. Pathak. You are a young man. We do not wish to be harsh on you. You have been giving false evidence so far.

SHRI OM PATHAK: I am sorry I am not able to express myself.

**SHRI RAM JETHMALANI:** You have given the report to the Government. You said that **Shri Jha** was later present in the crowd. It was not discovered by you. It was discovered by the police. It can be a discovery by the police on the 3rd.

**SHRI OM PATHAK:** I do not really mean that. It simply means...

**SHRI RAM JETHMALANI:** Does it mean that you discovered after 31st July? When did you discover?

**SHRI OM PATHAK:** When we got enquiries from the Government....

**SHRI RAM JETHMALANI:** It must have been noted on the file. Find it from the file.

**SHRI OM PATHAK:** Since the hon. Member himself contended....

**SHRI RAM JETHMALANI:** We are not talking of the hon. Member. You tell me on what date was this discovery made? Just refer to para 3.

**SHRI OM PATHAK:** I cannot recall the date.

**SHRI RAM JETHMALANI:** You tell me the approximate period of time.

**SHRI OM PATHAK:** On 6th I sent report to the Government.

**SHRI RAM JETHMALANI:** When was this discovery made?

**SHRI OM PATHAK:** It was a very informal sort of thing.

**SHRI RAM SINGH YADAV:** Did you not try to know from anyone?

**SHRI OM PATHAK:** I wish to submit that...

**SHRI RAM JETHMALANI:** It is a very sorry state of affairs. You are a young man. I am really very sorry to find all this.

**SHRI OM PATHAK:** I wish to inform you that in such matters we do not really function like courts.

**SHRI RAM JETHMALANI:** But you have to function like a truthful honest officer.

**SHRI G. L. DOGRA:** When you say that you do not function like a court, as a District Magistrate do you not follow any procedure whatsoever?

SHRI OM PATHAK: We do adopt.

SHRI G. L. DOGRA: Did you deem it proper to know what the Member of Parliament said?

SHRI OM PATHAK: I did not do that. I said it earlier also.

SHRI G. L. DOGRA: Why did you not feel like that?

SHRI OM PATHAK: I did not contact the hon. Member.

SHRI G. L. DOGRA: Why did you not do that? You asked many people, but why not the Member of Parliament? Why did you not think it proper to contact the Member of Parliament and ask him what had happened?

SHRI OM PATHAK: I wanted to bring to your notice something which is by personal knowledge.....

SHRI RAM JETHMALANI: What was your personal knowledge? You were not present throughout the incident. From personal knowledge you cannot say anything.

SHRI OM PATHAK: I subsequently found.....

SHRI RAM SINGH YADAV: By what procedure you found that out?

SHRI OM PATHAK: In the Government the District Magistrate never holds or is expected to hold all the enquiries every day. Some of the enquiries he does not hold. In some cases he does make report on the basis of personal knowledge and there are certain cases like that.

MR. CHAIRMAN: That is all. You may go now.

SHRI OM PATHAK: Sir, with your permission, I would like to make a submission. This is a very truthful statement I am making. I may have erred as far as the inquiry was concerned. Perhaps, on the 6th, I should have gone to the site again. I am saying in all truthfulness that nobody had any idea that the hon. Member was visiting Ghaziabad. We did get a fleeting report that he was present there. We did not know who exactly he was. We tried to make some discreet enquiries. I am not covering up anything. I am making a truthful statement since, by insinuation, I was under an attack that I was not telling the truth. As far as this is concerned, I had no knowledge. I did learn on the 6th that

it was the hon. Member, Mr. Bhogendra Jha, who was there. Probably, it would have been very courteous on my part to go to him and even apologise to him or perhaps find out from him as to what had happened.

SHRI G. L. DOGRA: Don't show courtesy to us, don't insult us further.

SHRI RAM JETHMALANI: You are making the things worse because the report of the 6th is inconsistent with what you are telling now. Why are you making it more difficult?

SHRI RAM SINGH YADAV: No proper procedure is being adopted by the district administration. He can make any report to the Government of India or to the State Government. What will happen to this country?

MR. CHAIRMAN: Now, whatever we had to ask, we have asked. You may go now.

*(The witness then withdrew)*

*The Committee then adjourned.*

Thursday, 11 February, 1982

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

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

SECRETARIAT

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

WITNESS

Shri A. B. Shukla—*Superintendent of Police, Ghaziabad.*

*(The Committee met at 11.00 hours)*

Evidence of Shri A. B. Shukla, Superintendent of Police, Ghaziabad

MR. CHAIRMAN: Mr. Shukla, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege raised by Shri Indrajit Gupta, M.P., regarding the alleged manhandling of Shri Bhogendra Jha, M.P., and use of abusive language in respect of Members of Parliament by the police at Ghaziabad, Uttar Pradesh, on 3rd April, 1981. I hope you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding. I may inform you that

your evidence may be treated as confidential until the report of the Committee and its proceedings are presented to the House. Any premature disclosure of publication of the proceedings of the meeting would constitute a breach of privilege. The evidence which you will give before the Committee may be reported to the House.

Now you may take oath or affirmataon as you like.

*(Shri A. B. Shukla then took the oath.)*

**SHRI SOMNATH CHATTERJEE:** Are you aware of the complaint made in the Parliament about the incident that took place on 3rd April, 1981?

**SHRI A. B. SHUKLA:** I am aware of the complaint.

**SHRI SOMNATH CHATTERJEE:** Where were you on that day and at that time when the incident had occurred or is stated to have occurred?

**SHRI A. B. SHUKLA:** I was in Delhi. The Chief Minister, U.P., had come and I, along with the District Magistrate, was in Delhi.

**SHRI SOMNATH CHATTERJEE:** Did you back to Ghaziabad on that day itself? And if so, at what time?

**SHRI A. B. SHUKLA:** On the same day, at 7.30 or 8.00 p.m.

**SHRI SOMNATH CHATTERJEE:** On reaching Ghaziabad; did you come to know of anything about any incident?

**SHRI A. B. SHUKLA:** Yes, Sir: that an incident of firing had taken place on the Meerut Road.

**SHRI SOMNATH CHATTERJEE:** In connection with some agitation of workers.

**SHRI A. B. SHUKLA:** Yes, Sir.

**SHRI SOMNATH CHATTERJEE:** Did you come to know that any Member of Parliament was involved in that?

**SHRI A. B. SHUKLA:** No, Sir, not at that time.

**SHRI SOMNATH CHATTERJEE:** When did you come to know?

**श्री ए. बी. शुकला :** एकजकदली नहीं कह सकते, लेकिन 6 तारीख को सुबह करीबन एक टेलीफोन मेरे पास आया ए० बी० एम० (ई०) श्री राजेन्द्र कुमार का कि कोई दैनिक पत्र में दिल्ली में बिकला घर, उसकी सूचना लखनऊ से उनको प्राप्त हुई है कि कोई मेम्बर साहब का एसाल्ट हुआ है ।

MR. CHAIRMAN: Earlier you had no information at all?

SHRI A. B. SHUKLA: Absolutely nothing.

SHRI SOMNATH CHATTERJEE: On 6th, how did you come to know?

श्री ए० बी० शुक्ला : मुझे ठीक याद नहीं है कि क्या टाइम था, लेकिन ए० डी० एम० ने मुझे बताया कि 6 तारीख को सुबह चिट्ठी आई, जिसमें शायद लखनऊ से उनको पता चला है कि 3 तारीख के इंडीसेंट में किसी एम० पी० को चोट आई और वह समाचार किसी दैनिक में छपा था । यह इन्फार्मेशन थी ।

SHRI A. A. RAHIM: How did you come to know about that incident? Was it reported by your officers?

SHRI A. B. SHUKLA: I came to know through my wireless set. बात हो रही थी कि अब संचुएशन ठीक है । वहां पर झगड़ा हुआ था, फायरिंग हुई थी ।

SHRI A. A. RAHIM: At that time there was no reference about an M. P.?

श्री ए० बी० शुक्ला : उस समय नहीं था ।

SHRI SOMNATH CHATTERJEE: You had come to know the nature of the complaint made on the 6th?

SHRI A. B. SHUKLA: Yes.

SHRI SOMNATH CHATTERJEE: What did you do thereafter?

श्री ए० बी० शुक्ला : मैंने एस० प्रो० कवि नगर श्री जितेन्द्र यादव को दिल्ली भेजा क्योंकि ए० डी० एम० ने टेलीफोन करने के बाद एक चिट्ठी भेजी, जिस में यह लिखा था कि दिल्ली के एक दैनिक समाचार में यह छपा है कि कुछ फैक्टरी वर्क्स पर लाठी चार्ज हुआ है और श्री भोगेन्द्र झा, एम० पी० को चोट आई है और शासन ने इस तथ्य के विषय में तुरन्त रिपोर्ट मांगी है । इसलिए मैंने लोकल हॉस्पिटल में चक करने के लिए भेजा था ।

SHRI SOMNATH CHATTERJEE: You came to know that a Member of Parliament had made a complaint about being treated unfairly and improperly and had suffered some injury. Is it your system that you should send somebody to all the local hospitals to find out whether the press version was true or not? Why did you not send somebody to the Member himself?



SHRI A. B. SHUKLA: You have misunderstood me, Sir. I had come to know on the 6th that the news to this effect had been published—not that a complaint has been made by an MP—in some local daily that an MP had been beaten up or manhandled.

SHRI SOMNATH CHATTERJEE: Was the name of the MP there?

SHRI A. B. SHUKLA: It was there. Then I sent my SO with two directions.

श्री ए० बी० शुक्ला : मैंने कहा था कि एम० पी० साहब के बारे में पता करे और लौट कर वह इन्जरी रिपोर्ट ले कर आया ।

Then he told me that the MP Saheb was not available.

वह यहाँ आया और उस को बताया गया कि वे पार्लियामेंट में गये हुए हैं और इन्जरी रिपोर्ट ले कर वह आया ।

SHRI SOMNATH CHATTERJEE: Is it in writing that you instructed him to contact the MP?

SHRI A. B. SHUKLA: No.

SHRI SOMNATH CHATTERJEE: Then you asked him to contact the MP if possible and also to go to all the hospitals?

SHRI A. B. SHUKLA: Yes.

SHRI SOMNATH CHATTERJEE: Then what he did the report?

SHRI A. B. SHUKLA: That the MP was not there.

SHRI SOMNATH CHATTERJEE: Then what did you do after his report?

SHRI A. B. SHUKLA: Now that the matter has gone to the Privileges Committee, there is nothing left for me to do.

SHRI SOMNATH CHATTERJEE: Because the matter was sent to the Privileges Committee you thought that no inquiry should be made by you?

SHRI A. B. SHUKLA: We were afraid that it may become a contempt matter if we do something.

SHRI SOMNATH CHATTERJEE: So you did not hold any inquiry?

SHRI A. B. SHUKLA: I did not do anything thereafter.

SHRI SOMNATH CHATTERJEE: Except sending somebody to the hospitals. That is all.

As a Supdt. of Police of the District till to-day cannot say anything about what had happened on that day because you did not hold any inquiry?

SHRI A. B. SHUKLA: You kindly excuse me for saying that I did not say that I did not conduct any fact-finding inquiry. There was ample evidence to show that *marpeet* had taken place, that they damaged a jeep, that 14-15 persons were injured and that none of the other party was injured.

SHRI SOMNATH CHATTERJEE: Therefore, if the matter had not been referred to the Privileges Committee, you would have held an inquiry as it was a serious enough matter. Was it not so or you do not agree with that?

SHRI A. B. SHUKLA: I quite agree with you. I would have certainly conducted an inquiry. To top it all, we came to know on the 7th itself that a committee had been constituted by the Legislative Council—a very high-power committee to go into the incident—all the violent incidents from 1.4 to 3.4.

SHRI SOMNATH CHATTERJEE: What you are saying I do not understand. Because some committee has been appointed somewhere or that the matter has been raised in Parliament, therefore, the Police authorities will have no responsibility to hold an inquiry into a matter where a Member of Parliament has made serious charges. Is that your evidence?

SHRI A. B. SHUKLA: When an inquiry committee higher than the District Administration is set up, nobody thought that it should be inquired into.

SHRI SOMNATH CHATTERJEE: Therefore, you are not in a position to assist this committee in any way so far as the complaint made by the hon. Member himself. You yourself are unable to assist.

SHRI A. A. RAHIM: Is it not your duty to make inquiries?

SHRI A. B. SHUKLA: I would have certainly made a detailed inquiry had somebody come to me saying, 'Look here. I have been treated in this manner.' But nobody has come to me.

SHRI A. A. RAHIM: When you came to know about this incident, is it not your duty?

SHRI A. B. SHUKLA: Then it was too late.

SHRI A. A. RAHIM: Did you ask anything of your officers about this incident?

SHRI A. B. SHUKLA: I did ask them.

SHRI A. A. RAHIM: Did you get any report from them?

SHRI A. B. SHUKLA: There was ample evidence to show that a riotous mob had attacked the City Magistrate.

SHRI G. L. DOGRA: You say that at one time you did not feel like holding any inquiry and at the same time you say that there was ample evidence. Don't you think that these are two contradictory statements?

श्री ए० बी० शुक्ला : गाजियाबाद या कहीं और जगह पर जब भी ला एंड आर्डर का कोई इंसिडेंट होता है, तो हम जो भी प्राइमरी कैंसी पाते हैं, उस के बारे में गवर्नमेंट को रेडियोग्राम द्वारा इन्फार्म करते हैं। इस केस में यह बड़ी अफसोसजनक बात है कि हम लोगों को पता नहीं चल पाया कि कोई एम० पी० साहब थे, जिन को चोट आई और न ही इस तरह की कोई कम्प्लेंट हमारे पास आई थी जब हमें बाद में पता चला तो हम लोगों ने उन की इग्जरी रिपोर्ट प्रोबयोग कर के भेजी। आखिर हम लोगों ने ही वह रिपोर्ट भेजी थी।

श्री गिरधारी लाल डोगरा : एक बात यह बड़ी क्लियर हो गई है कि आप ने कोई इन्क्वायरी होल्ड नहीं की क्योंकि आप कहते हैं कि अपर हाऊस में इस के लिए एक कमेटी बन गई थी।

श्री ए० बी० शुक्ला : जी, हां।

श्री गिरधारी लाल डोगरा : यू० पी० के अपर हाऊस की वह कमेटी थी, जो बायलेंस के सब केसेज को देखेगी। वह कमेटी लेजिसलेटर्स की थी या एडमिनिस्ट्रेटिव आफिसर्स की थी ?

मैं भी स्टेट में मिनिस्टर रहा हूँ। कोई भी मिनिस्टर पुलिस को अपने राइट्स फंक्शन के नहीं छोड़ता है। मैं यह पूछना चाहता हूँ कि आपने जो यह स्टेटमेंट दिया है क्या आपने इंकवायरी कर के यह दिया है कि इतना डेमेज हो गया है ? क्या आपने यह जान कर दे दिया कि इसमें एक एम० पी० साहब इन्वाल्ड थे, इसलिए आप सेटिस्फाई हो गए और आपने यह दे दिया।

हम तो एम० पी० हैं। हमें तो हर स्टेट में काम से जाना पड़ता है। अगर ऐसे होने लगे तो कैसे काम चलेगा ?

श्री बिजय कुमार यादव : आपने कहा कि आपको लखनऊ में जा कर जानकारी हुई और 6 तारीख को जानकारी हुई। क्या आपको वहाँ यह भी जानकारी हुई कि यह पेपर में निकला था और फिर तारीख को निकला था ? क्या आपने यह जानने की कोशिश की ?

श्री ए० बी० शुक्ला : मैंने पेपर नहीं देखा।

श्री बिजय कुमार यादव : आप रोजाना अखबार पढ़ते हैं ?

श्री ए० बी० शुक्ला : जब मौका पाता हूँ तो पढ़ लेता हूँ।

श्री बिजय कुमार यादव : आपके जो डी० एम० हैं उनके साथ आपके कैसे रिलेशंस हैं ?

श्री ए० बी० शुक्ला : डी० एम० और एस० पी० के रिलेशंस तो अच्छे ही होते हैं।

श्री बिजय कुमार यादव : क्या आप रोज आपस में मिलते हैं ?

श्री ए० बी० शुक्ला : जब जब काम होता है तो मिलते हैं।

श्री बिजय कुमार यादव : आपने इस घटना की रिपोर्ट देने के बाद कोई जांच पड़ताल नहीं की ?

श्री ए० बी० शुक्ला : मैं आपसे निवेदन कर चुका हूँ कि इस घटना की अहमियत तभी हुई जब यह पता चला कि इसमें एक एम० पी० साहब इन्वाल्ड थे। अगर एम० पी० साहब इन्वाल्ड नहीं होते तो इसकी अहमियत अधिक नहीं होती क्योंकि गजिदाबाद एक इंडस्ट्रियल सिटी है और वहाँ इस प्रकार की घटनाएं अक्सर हो जाया करती हैं।

श्री बिजय कुमार यादव : आपको 6 तारीख के पहले इसकी जानकारी नहीं थी।

श्री ए० बी० शुक्ला : जी नहीं।

श्री बिजय कुमार यादव : जब आपको इस की जानकारी हुई तो आपने उसको किसी को कन्वे किया ?

श्री ए० बी० शुक्ला : मैं आपको निवेदन कर चुका हूँ कि उस जमाने में मैं बहुत खराब पोजिशन में था। उस समय मेरी पत्नी का अप्रेशन हुआ था।

श्री विजय कुमार यादव : आपने बताया कि आप और डिस्ट्रिक्ट मेजिस्ट्रेट उस समय तक दिल्ली से वापस नहीं गये थे। जब आप वापस गए और आपने इस घटना के बारे में सुना तो आपने क्या किया ?

श्री ए० बी० शुक्ला : हम लोग कंट्रोलरूम गए।

सभापति महोदय : फिर वहां वापस आ गये।

श्री ए० बी० शुक्ला : हम घटना स्थल पर भी गए। फिर कोतवाली गए और वहां काफी देर तक, मेरे ब्याल में 12 या 1 बजे तक बैठे रहे।

सभापति महोदय : इन दो ही जगह गए, और कहीं नहीं गए। अस्पताल नहीं गए ?

श्री ए० बी० शुक्ला : अस्पताल भी गए।

सभापति महोदय : वहां कितने मरीजों को देखा और किस-किस को देखा ?

श्री ए० बी० शुक्ला : जितने मरीज थे उन सब को देखा। सिटी मेजिस्ट्रेट थे, दो सिपाही थे जिनको कि चोटें आयी थीं। सिटी मेजिस्ट्रेट के टांगों में चोटें आयी थीं सिपाहियों के सिर में आयी थीं। अस्पताल के बाद फिर हम कोतवाली आये।

श्री गिरधारी लाल डोगरा : आप कहते हैं कि आपको 6 तारीख को यह पता चला कि इसमें एम० पी० इन्वाल्ड थे। आप यह क्यों नहीं कहते कि आपने वहां से वापस जा कर इन्क्वायरी की और गवर्नमेंट को अपनी रिपोर्ट दी ?

श्री ए० बी० शुक्ला : आपने पूछा था कि तीन तारीख के बाद इन्क्वायरी की या नहीं।

MR. CHAIRMAN: Do you know Mr. Pal?

SHRI A. B. SHUKLA: Yes.

MR. CHAIRMAN: Will you be shocked if I tell you that this Committee has been told categorically that you and other officers were specifically informed and you knew on the 4th, that an M. P. had been injured at Ghaziabad and he was being treated in Ram Manohar Lohia Hospital? Are you shocked to hear it?

SHRI SHUKLA: I will definitely be shocked if anybody has made this statement.

MR. CHAIRMAN: In the evening, after this incident, the District Magistrate of Ghaziabad was with you in your house.

SHRI A. B. SHUKLA: They had been coming to me. I cannot remember the date.

MR. CHAIRMAN: The date is rather important when the privilege motion was moved here. Don't you remember that on that evening through the radio you came to know of the entire episode?

SHRI A. B. SHUKLA: I remember that. But in fact I had come to know about this incident slightly earlier.

MR. CHAIRMAN: When, at what time and how did you come to know of it?

SHRI A. B. SHUKLA: I cannot give the exact time. But let me tell you one thing. I am sure that the date was 6th when I sent the Station Officer on my own to check up this at Delhi.

SHRI A. B. SHUKLA: The letter and the information received return?

SHRI A. B. SHUKLA: It was on 6th F.N. I sent him to Delhi.

MR. CHAIRMAN: But you did not do anything on the 4th and 5th and on the 6th only you sent him to Delhi.

SHRI A. B. SHUKLA: Before that, we had no information.

MR. CHAIRMAN: You did not take any action. You were pondering over this issue until the 6th. On the 6th F.N. only you made this effort. Is it correct?

SHRI A. B. SHUKLA: Yes, Sir.

MR. CHAIRMAN: What did you come to know? Whom did you send? What did he say?

SHRI A. B. SHUKLA: The letter and the information received by the A.D.M. were not clear and specific. So, I had directed my Station Officer, Mr. Jitendra Yadav to find out the truth in the news item.

MR. CHAIRMAN: What was the truth?

SHRI A. B. SHUKLA: He collected the injury reports and he went to Mr. Bhogendra Jha's house where he came to know that he had gone to the Parliament. It is all in writing.

SHRI G. L. DOGRA: You said that on 3rd you were at the spot after the incident.

SHRI A. B. SHUKLA: I went there and the District Magistrate was also with me.

SHRI G. L. DOGRA: What did you find there?

SHRI A. B. SHUKLA: I had not gone to the spot immediately. But I went there on the very day. When I went there, it was already night. The shops were closed. Even the Tea Stalls were closed.

SHRI G. L. DOGRA: So nobody was there. And you did nothing on the 3rd, 4th and 5th.

SHRI A. B. SHUKLA: During that time, we did not know of it.

SHRI G. L. DOGRA: On 4th, you did not go to the spot and on 5th you did not go to the spot. But about your visit on the 3rd have you made any mention in your diary?

SHRI A. B. SHUKLA: We do not make any mention in the diary. They are not required.

SHRI G. L. DOGRA: But don't you enter them in your diary? Under the Criminal Procedure Code you have to make a note of these things in your diary.

SHRI A. B. SHUKLA: It is required for investigation. But we are not doing it under Cr.P.C.

SHRI G. L. DOGRA: There was a firing, there was lathi-charge and there were some incidents. When you visit the spot, you should have made some mention somewhere about these in your diary.

SHRI A. B. SHUKLA: We do not make any such entries.

MR. CHAIRMAN: On the 6th, were you at your residence in the evening?

SHRI A. B. SHUKLA: Yes, Sir, I was at my residence.

MR. CHAIRMAN: Who were the other people with you that evening?

SHRI A. B. SHUKLA: I do not remember. Actually, a lot of people have been coming to me. Actually, my house had become an office.

MR. CHAIRMAN: Did the District Magistrate, City Magistrate and some other officers pay a visit to you and were with you that evening?

SHRI A. B. SHUKLA: May be; I cannot exactly recollect that

MR. CHAIRMAN: Have you got a television set?

SHRI A. B. SHUKLA: Yes, Sir.

MR. CHAIRMAN: Did you listen to the news on TV on 6th as to what had happened on the floor of Lok Sabha?

SHRI A. B. SHUKLA: There was some news about this particular incident

MR. CHAIRMAN: Nothing more?

SHRI A. B. SHUKLA: That is all.

SHRI G. L. DOGRA: When was this?

SHRI A. B. SHUKLA: It could not be before 6th in any case. That was the day when I came to know of it for the first time.

MR. CHAIRMAN: Was the City Magistrate with you that evening?

SHRI A. B. SHUKLA: I do not remember. He had been coming to me quite often.

MR. CHAIRMAN: He might be coming as a brother officer. Was he with you that evening and the District Magistrate recorded his statement?

Would you be shocked if I read out this statement of Shri Pal:

चार तारीख को एस० पी० साहब से मालुम हुआ था और वर्रर भी आपस में बात कर रहे थे उनसे भी मालुम हुआ था . . . .

This is about the incident. He has said this. Is it not to be relied upon? Is it to be dismissed as a blatant lie?

SHRI A. B. SHUKLA: I did not know that any MP was involved. I came to know of it on the 6th only.

MR. CHAIRMAN: Either you are correct or Mr. Pal is correct

SHRI A. B. SHUKLA: I am sure about myself.



**SHRI RAM SINGH YADAV:** According to the Police Manual, a special report case was lodged by the concerned police regarding this incident on 3rd at Ghaziabad. Invariably, a special case report goes to the District Magistrate and S.P. and must have come to you on the same day. Did it reach you or not?

**SHRI A. B. SHUKLA:** I am not sure, whether it reached me the same day or next morning.

**SHRI RAM SINGH YADAV:** Was the report sent to you and received by you and on what date?

**SHRI A. B. SHUKLA:** I have not seen the record. The special report is just a reproduction of the FIR which I have seen.

**SHRI RAM SINGH YADAV:** And copies of the case diary?

**SHRI A. B. SHUKLA:** These are not sent to the SP.

**SHRI G. L. DOGRA:** You are the head of the police investigations in the district.

**SHRI A. B. SHUKLA:** It is the Circle Officer, who supervises this and sends the CDs to the court.

**SHRI G. L. DOGA:** As Superintendent of Police, how are you being kept informed about the happenings in the district?

**SHRI A. B. SHUKLA:** There is a system of sending the SR cases file to S.P.

**SHRI RAM SINGH YADAV:** When did you receive the FIR of this case?

**SHRI A. B. SHUKLA:** I will have to check up the record. It is sent to the SP without delay.

**SHRI RAM SINGH YADAV:** The case diary would also have been sent to you.

**SHRI A. B. SHUKLA:** These case diaries are not sent. The SR file is sent to SP every month.

**SHRI RAM SINGH YADAV:** When was the FIR received by you? Did you enquire whether any non-official i.e. any public people were also injured during the incident?

**SHRI A. B. SHUKLA:** This happened on the third. We did not know the significance of this till sixth.

**SHRI RAM SINGH YADAV:** The question is that when you came to know that there was some special Report, the FIR was

lodged by the City Magistrate, some constables and City Magistrate and police officers were injured, did you enquire about another aspect i.e. whether the publicmen were also assaulted during the incident?

SHRI A. B. SHUKLA: I tried to check up. I had sent officers to all the District hospitals, including the ESI hospital, but none was found there.

MR. CHAIRMAN: Your City Magistrate had stated something like this here before the Committee:

"On the 6th of April, 1981, at 8 p.m. in the evening an inquiry was made by the District Magistrate at the Residence of the Superintendent of Police about this incident. I give this statement in writing under my signature."

Do you say it is a blatant lie? At your residence on the 6th, the District Magistrate was with you, the City Magistrate was with you? The City Magistrate gave this statement about the happening under his signature. Do you say that is wrong?

SHRI A. B. SHUKLA: I don't say that. It could be correct.

MR. CHAIRMAN: It could be correct: It may not be correct.

SHRI A. B. SHUKLA: The condition at my house was not very good on that day. Everybody was there including the C.M.O. So, I was not all the time with the City Magistrate and the District Magistrate. I was there, but was unmindful because my wife was being treated in the same house. She has been operated again.

SHRI G. L. DOGRA: Who conducted the investigation of this case?

SHRI A. B. SHUKLA: Inspector of Sahibabad, Shri K. P. Sharma. This too was ordered by me on the 6th.

इन्वेस्टीगेशन पत्रिकाद इन्स्पेक्टर द्वारा हुई है, इन्स्पेक्टर श्री के. पी. शर्मा ने की है।

श्री निधारी लाल डोगरा : 3 तारीख को घाप गये, आपको मालूम हो गया कि वहाँ गोली चली, वहाँ कुछ बवंडर हुआ है, तो यह किस ने किया? क्योंकि कोई न कोई तो इसका इन्वेस्टीगेशन करता होगा कि किस तरह से हुआ, क्या हुआ? किस ने इन्वेस्टीगेशन किया, उसका नाम कहीं लिखा होगा?

श्री ए. बी. शुकला : सिविलीयन थाने का कोई इन्स्पेक्टर था वही कर रहा होगा, इस समय मेरे पास इन्फार्मेशन नहीं है।

श्री गिरधारी लाल डोगरा : आपका सिटी मजिस्ट्रेट जन्मी हो गया, आप भी देखते होंगे कि इन्वेस्टीगेशन करना है या नहीं ? आप यह भी नहीं कह सकते हैं कि कौन इन्वेस्टीगेशन का इन्वार्ज था, कौन कर रहा था ?

श्री ए० बी० शुक्ला : इन्वेस्टीगेशन तो हो रहा था ।

श्री गिरधारी लाल डोगरा : लेकिन कौन कर रहा था, यह याद नहीं है ?

श्री ए० बी० शुक्ला : इन्स्पेक्टर साहिबाबाद कर रहा था ।

श्री गिरधारी लाल डोगरा : इन्स्पेक्टर जो दूसरे थाने से मंगवाया गया, वह क्यों मंगवाया गया ? और वह इन्स्पेक्टर है या सब-इन्स्पेक्टर है ?

श्री ए० बी० शुक्ला : इन्स्पेक्टर है ।

श्री गिरधारी लाल डोगरा : अपने थाने के इन्स्पेक्टर को छोड़कर दूसरे थाने से क्यों बुलाया ?

श्री ए० बी० शुक्ला : इसकी इंडीपेंडेंट इन्क्वायरी हो, इसलिये बुलाया था ।

श्री विजय कुमार यादव : 6 तारीख को पता चला कि एम० पी० इन्वाल्ड है तो एम० पी० से मुलाकात नहीं हुई ?

श्री ए० बी० शुक्ला : 6 तारीख के बाद से एम० पी० के बारे में कुछ नहीं किया, जैसे ही मालूम हुआ कि मामला प्रिविलेज में चला गया है, उसके बाद से कुछ नहीं किया ।

सभापति महोदय : अस्पताल में किसी को नहीं भेजा गया ?

श्री ए० बी० शुक्ला : अस्पताल भी गये थे, रिपोर्ट ले आये, 6 तारीख को जिसको भेजा था । मैं डेट के बारे में डीफिनिट हूँ ।

सभापति महोदय : इस मुद्दे पर आप एक दम थोरे हैं कि 6 तारीख को भेजा गया है ?

SHRI A. B. SHUKLA: I am 100 per cent sure.

(The Committee then adjourned.)

Thursday, 7 April, 1983

PRESENT

Shri R. R. Bhole—*Chairman*

MEMBERS

2. Shri Chandulal Chandrakar
3. Shri Somnath Chatterjee
4. Shri Jagan Nath Kaushal
5. Shri Dharam Bir Sinha
6. Shri Vijay Kumar Yadav

SECRETARIAT

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

WITNESSES

1. Shri S. K. Trivedi,  
the then City Magistrate,  
Ghaziabad.
2. Shri R. R. Pal,  
the then Inspector of Police,  
Ghaziabad.

(*The Committee met at 15.00 hours*)

- (1) Evidence of Shri S. K. Trivedi, the then City Magistrate, Ghaziabad.

MR. CHAIRMAN: Mr. Trivedi, this is about the alleged man-handling of Shri Bhogendra Jha, M.P. The Committee of Privileges have carefully gone through the evidence and other documents produced before the Committee but are not convinced by the evidence given by you before the Committee. After taking into consideration the totality of the circumstances of the case the Committee have come to the conclusion that the police personnel used abusive language in respect of Members of Parliament in general and Shri Bhogendra Jha, M.P. in particular and assaulted him at Ghaziabad on 3rd April, 1981. The Committee are not convinced

that you are not aware of the presence of Shri Bhogendra Jha there. The Committee finds that you were present at the scene of incident but failed in your duty to protect Shri Bhogendra Jha from being abused and assaulted by the police personnel under your charge. Before proceeding further in the matter the Committee would like to give you another opportunity to have your say in the matter in view of the above finding of the Committee. Before you say something please take oath of affirmation.

*(The witness then took the oath of affirmation)*

SHRI S. K. TRIVEDI: Sir, I tender my un-conditional apology to the Committee and the hon. Member of Parliament.

*(The witness then withdrew)*

(2) Evidence of Shri R. R. Pal, the then Inspector of Police Ghaziabad.

MR. CHAIRMAN: Shri R. R. Pal, the Committee of Privileges have carefully gone through the evidence and other documents produced before the Committee and are not convinced by the evidence given by you before the Committee. After taking into consideration, the totality of the circumstances of the case, the Committee have come to the conclusion that the police personnel used abusive language in respect of Members of Parliament in general and Shri Bhogendra Jha, MP, in particular and assaulted him at Ghaziabad on 3rd April, 1981. The Committee are not convinced that you were not aware of the presence of Shri Bhogendra Jha at the scene of incident but you failed in your duty to protect Shri Bhogendra Jha from being abused and assaulted by the police personnel under your charge.

Before proceeding further in the matter, the Committee would like to give you another opportunity to have your say in the matter in view of the above finding of the Committee. Now, please take the oath.

*(The witness, Shri R. R. Pal, took the oath)*

MR. CHAIRMAN: Have you got anything to say on the findings of the Committee?

श्री प्रार. प्रार. पाल : यही कहना चाहता हूँ कि मुझे इस बात का पता नहीं था कि वहाँ पर एस.पी. साहब मौजूद हैं। जहाँ तक मार-पीट और लाठी चार्ज का सवाल है, वह सब वहाँ हुआ था। मैं यह नहीं कह सकता कि माननीय श्री

साहब उसमें मौजूद हों। यह मेरी नालेज में नहीं था। जैसे ही यह इन्फार्मेशन मिली, हम मजिस्ट्रेट के साथ गये थे। जहाँ तक मारपीट का सवाल है यह सब इंसीडेन्स तो हुआ है लेकिन इसकी प्रायर इन्फार्मेशन नहीं थी।

श्री विजय कुमार यादव : यह जो भी घटनाएं हुई, वह आप लोगों की डायरेक्शन पर हुई।

श्री आर० आर० पाल : हम लोग तो रिस्पोसबल हैं ही।

श्री विजय कुमार यादव : Did everything happen under your directions?

श्री आर० आर० पाल : हम लोग तो मौजूद थे ही।

श्री जगन्नाथ कौशल : आप यह समझ रहे हैं कि माननीय सदस्य क्या कह रहे हैं? आप इसे समझने की कोशिश कीजिये। कमेट्री की राय है कि आपने जो एबीडेन्स दी है, वह ठीक नहीं है। अब आप अभी भी यह कहना चाहते हैं कि जो कुछ आपने कहा था वह ठीक था? हम आपको मौका देना चाहते हैं यह कहने के बाद कि तुम्हारी एबीडेन्स से कमेट्री सैटिस्फाईड नहीं है। श्री भोगेन्द्र झा की एबीडेन्स को हम बिलीव करते हैं। आपकी एबीडेन्स को नहीं मानते हैं। यह बात जानने के बाद भी आप क्या कहना चाहते हैं। ?

श्री आर० आर० पाल : अपनी जानकारी में मैं यही कह सकता हूँ कि वहाँ पर झा साहब मौजूद थे, इस तरह का कोई इंसीडेन्स हमसे जान-बूझकर किया गया हो ऐसा नहीं हुआ। जहाँ तक बर्फस वगैरह का प्रश्न है...

SHRI SOMNATH CHATTERJEE. In view of the findings of the Committee, what is your reaction as a police officer?

श्री बन्धूलाल बन्धाकर : हमारे मिनिस्टर साहब ने अभी कहा है कि जो आपने पहले यहां कहा है सही नहीं है। जो श्री भोगेन्द्र झा ने कहा वह सही है। कमेट्री ने सारे रिकार्ड को देखा है और अध्ययन किया है। उसके बाद यह इस निर्णय पर पहुंची है कि आपका कहना सही नहीं है। आप इस चीज को गंभीरता से सोचिये और इसके परिणाम को भी स्वयं सोचिये। आप वहां बतौर इन्स्पेक्टर मौजूद थे, इस सब को सोचते हुए सारांश में जो कुछ अपनी प्रतिक्रिया हो, फीलिंग हो उसको साथ-साथ सारांश में कह दीजिये। बाकी चीज आप सारी कह चुके हैं, सब कुछ यहां मौजूद है। क्या आपको इस चीज का कुछ महसूस हुआ?

श्री आर० आर० पाल : जो कमेट्री की राय है मुझे उस सिलसिले में कुछ नहीं कहना है।

श्री बन्धूलाल बन्धाकर : इस सिलसिले में आपकी क्या प्रतिक्रिया है? कानून मंत्री ने कहा अध्यक्ष महोदय ने कहा, चटर्जी साहब ने जो कुछ कहा, उसके जवाब में आपका रिएक्शन क्या है?

श्री आर० आर० पाल : उसके लिये मैं माफी मांग सकता हूँ।

श्री जगन्नाथ कोशल : मांग सकता हूं, नहीं ।

श्री आर० आर० पास : मांग रहा हूं। मैं माफी मांगता हूं। जो कमेटी ने सोचा है कि हमसे गलती हुई है, उसके लिये मैं माफी मांगता हूं और भविष्य में इस तरह का इंसिडेन्स मुझ से नहीं होगा। माननीय मंत्रीगण जो हैं या जो माननीय सदस्य हैं उनका हम हमेशा आदर सत्कार किया करेंगे और इन बातों को हमेशा ध्यान में रखा जायेगा। जो कुछ भी हुआ है उसके लिए हम माफी मांगते हैं, सर ।

सभापति महोदय : अब आप जा सकते हैं।

साक्षी बाहर चले गये

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## **APPENDICES**

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## APPENDIX I

(See para 16 of the Report)

*Parawise Comments furnished by Government of Uttar Pradesh on the Statement made by Shri Bhogendra Jha, Member of Parliament, under Rule 377 in the Lok Sabha on 6-4-1981.*

The District administration had no information what-so-ever about the decision taken by C.P.I. Group leader in the House, Shri Indrajit Gupta and the arrival of Shri Bhogendra Jha, M.P. at Ghaziabad on 3-4-81. It is not correct to say that the police forcibly entered the district office of the AITUC located in a small roadside shop along the main Delhi-Meerut Road and beat up the union leaders and workers present there on 1-4-1981.

2. As reported by the D.M., Ghaziabad the statement of Shri Jha about appearance of an Inspector named R. R. Pal, his asking of name from Shri Jha and subsequent alleged assault by PAC men, is incorrect. Neither the district administration had any information about the visit of Shri Jha nor did police enter the AITUC office and beat up the workers. The D.M. had denied the allegation made by Shri Jha, that one of PAC men hit Shri Jha with barrel in his chest exclaiming "Saale Assembly Aur Parliament Wale Kaya Karne Ate Hain." The facts are as under:—

3. On 16-3-1981 an agreement was signed between 365 workers supporting INTUC out of 515 total workers and Management of Shri Ram Piston and Rings, MRT Road, Ghaziabad. This was resented by 150 workers belonging to AITUC and they resorted to sit in strike inside factory premises. INTUC workers were also threatened with dire consequences if they worked on machines. Management asked for an undertaking from every worker entering factory for peaceful and disciplined work. This was boycotted by AITUC workers who tried to physically obstruct loyal workers present. Timely intervention by Distt. administration on 1-4-1981 helped avoiding an ugly situation. On 2-4-1981, 106 workers (INTUC) entered factory after giving require undertaking, and normal production was resumed. Strength of workmen rose to 203 on 3-4-81. This was once again condemned by mob led by Ghanshyam Singh and Sukhbir Singh Tyagi and as such a desperate bid they decided

to attack loyal workers on their way back to home from the factory. City Magistrate on receiving information rushed to spot with police force to ensure safe passage of workers returning home. City Magistrate in his jeep came under heavy brick-batting as he reached near Union Office located in front of outpost of P. S. Sihani Gate on MRT-Delhi Road at around 4.30 P.M. on 3-4-1981. City Magistrate was injured badly due to heavy brick-batting and was surrounded by mob led by Sukhbir Tyagi and Ghanshyam Sinha who were planning physical assault on C.M. and police in jeep. Police force posted at O.P. Rajnagar (P.S. Sihani Gate) as a part of police arrangement and from other nearby pickets rushed to extricate City Magistrate and Police force. This Police force also came under heavy brick-bat from the violent mob. They were warned a number of times by C.M. and the Police officer on the spot not to brick-bat and to disperse in view of Sec. 144 Cr. P. C. enforced. The brick-batting continued unabated and several members of Police force received injuries and mild lathi charge was consequently ordered. The mob became more violent and some one from the mob fired a gun shot. Thus there being grave and immediate threat to life and public property four rounds were fired in the air to scare the crowd. Crowd dispersed soon after workmen of factory were conducted to home safely. No body has been reported to have been injured as a result of police firing. In brick-batting C.M., 2 S.Is., 3 H.Cs CP, 3PAC Const. VI Bn. B. Coy. and 1 Fireman, 1 driver of C.M. Jeep and 4 Const. C.P. (15 in all) were injured out of whom 3 Const. C.P. and C.M. were admitted in hospital. Rest were given first aid and discharged. A case u/s 147|148|307|332|353 IPC and 7 Cr. L. Act and 188 OPC were registered at P.S. Sihani Gate against rioters.

3. As stated above no body in the district had any information about Shri Jha's presence in the crowd and as such there is no question of his beating, picked up, given blows by lathis and rifles butts. It is true that Shri Jha, who was later discovered to be present in the crowd, received some injuries, report is attached herewith for persual.

4. The jeep of the City Magistrate in which Sri Ghanshyam Sinha, Sri Sukhbir Singh Tyagi and Sri Jitendra Sharma along with Shri Bhogendra Jha, M.P. were alleged to have been huddled into and driven to the gate of M/s Shri Ram Piston Factory, is reported by D.M. to have been badly damaged as a result of the brick-batting by the crowd and was not in a condition to be used for

transporting any one. A photograph of the jeep in question has been sent by D.M. and is enclosed herewith. The crowd dispersed after the lathi charge and firing in the air and so did the leaders of the crowd. The police could not arrest anybody on the spot. The warrants of arrest were issued after the incident against some of the leaders and they have been absconding ever since. There was no point in first arresting and releasing them without following due process of law and then again issuing warrants of arrest.

5. The District administration has no knowledge of Sri Jha requesting to recover spectacles which had fallen down. Enquiries made from the local police officers and the City Magistrate present on the spot revealed that they seemed to have no knowledge about the loss of any spectacles of anyone.

6. Had Shri Jha informed the District administration about his arrival in Ghaziabad and had he sought permission to hold a meeting the District authorities would have allowed him to do so, and arrangements for his security, etc, would have also been made as it is done in all other cases. Permission to hold a meeting was not only given to Shri Indrajit Gupta, M.P. who visited Ghaziabad on 31-3-1981 but arrangements for his security were also made.

## APPENDIX II

(See para 17 of the Report)

Joint Report, dt. 6-4-1981, submitted by the District, Magistrate, Ghaziabad and the Superintendent of Police, Ghaziabad.

### ग्राह्य

श्रीराम पिस्टन एंड रिग फैक्ट्री दिल्ली-मेरठ रोड गाजियाबाद पर स्थित है। यह फैक्ट्री "रिम" एवं "पिस्टन" के उत्पादन का कार्य करती है। जिसका उपयोग कृषि व्यापार निर्यात सरकारी प्रतिष्ठानों एवं रक्षा मंत्रालय के विभागों में होता है। इस प्रतिष्ठान में 800 कर्मचारी कार्यरत हैं जिनमें 511 श्रमिक, 210 स्टाफ व 79 अधिकारी हैं।

इस प्रतिष्ठान में प्रबंधकों का श्रमिकों के साथ 1979 में समझौता हुआ था जो 1 मार्च, 1981 को समाप्त हुआ। रजिस्टर्ड यूनियन, "श्रीराम पिस्टन श्रमिक संघ" के प्रतिनिधियों से विचार विमर्श के बाद एक नया समझौता 16.3.81 को हुआ। इन समझौतों पर 511 में से 365 श्रमिकों द्वारा 17-3-81 तक हस्ताक्षर किए गए। दिनांक 17-3-81 से "एटक" से संबंधित कुछ श्रमिकों द्वारा 10.30 प्रातः से "अन्दर बैठो" हड़ताल कर दी गई। ये श्रमिक "ए" "बी" व "सी" शिफ्ट में कार्य करने वाले श्रमिकों की अवैधानिक हड़ताल में सम्मिलित होने के लिए और कार्य कर रहे श्रमिकों को मशीनों से हटाने लगे। फैक्ट्री के अंदर उत्तेजनात्मक भाषण होते थे। ये श्रमिक स्वयं अपने कार्ड पंच करके चले जाते थे और बगीचे में बैठ जाते थे।

दिनांक 1.4.81 को प्रबंधकों द्वारा अंदर जले वाले श्रमिकों से यह पत्र मांगा कि वे अंदर जाकर शान्तिपूर्वक कार्य करेंगे। प्रथम पारी के 6 बजे श्रमिकों द्वारा वह घोषणा पत्र देने से इंकार कर दिया गया और फैक्ट्री गेट सही बाहर चले गये। 2.30 बजे की पारी में केवल 15-20 श्रमिक बाहरी श्रमिक नेताओं के साथ आये और बिना घोषणा पत्र दिये अन्दर जाना चाहा। प्रबंधक वर्ग द्वारा बिना घोषणा पत्र दिये किसी श्रमिक को अंदर लेने से इंकार कर दिया गया। इन श्रमिकों की फैक्ट्री गेट पर बात हो रही थी कि नगर मजिस्ट्रेट व वरिष्ठ पुलिस उपाधीक्षक नगर पहुंच गये। उनके पहुंचते ही यह श्रमिक स्वयं भागने लगे। कोई श्रमिक न तो चायल हुआ और न ही बल प्रयोग हुआ। गाजियाबाद में जिजा चिकित्सालय, बीमा अस्पताल व नरेन्द्र मोहन अस्पताल से प्राप्त रिपोर्ट के अनुसार उनके यहां श्रीराम पिस्टन फैक्ट्री कान तो कोई श्रमिक दाखिल हुआ न ही डाक्टरी हुई।

दिनांक 2.4.81 से उत्सवधन कार्य प्रारंभ हो गया और 106 अधिक कार्य पर आये। यह संख्या दिनांक 3.4.81 को बढ़कर 206 हो गयी। इन अधिकों को बस द्वारा शिफ्ट समाप्त होने पर 5 बजे के बाद घरों को जाना था। श्री राम पिस्टन फैक्ट्री पर ड्यूटी पर मौजूद उपनिरीक्षक चन्द्रगुप्त ने 4.35 पी० एम० पर थाना सिहानी गेट को सूचना दी की जो लोग फैक्ट्री के हड़ताल पर हैं वे लोग मेरठ रोड पर इकट्ठे हो रहे हैं। उत्तेजित हो कर शांति भंग करने की स्थिति पर धमका है। इस सूचना पर कन्ट्रोल रूम तथा कोतवाली से और फोर्स भेजने हेतु कहा गया। सूचना मिलते ही नगर मजिस्ट्रेट निरीक्षक कोतवाली के साथ फोर्स लेकर मेरठ रोड चौकी के सामने पहुंचे तो सड़क पर घाटा 144 का उल्लंघन करके जमा हुई 600—700 फैक्ट्री कर्मचारियों ने उनकी जीप पर पथराव किया तथा जीप घेर ली। यह घटना शाम 5.45 बजे हुई। इस भीड़ का नेतृत्व मुखबीर त्यागी व घनश्याम सिन्हा "एटक" से संबंधित अधिक नेता कर रहे थे। यह नेता भीड़ को भड़का रहे थे वह सरकारी बाइकों, फैक्ट्री की इमारत को तोड़ फोड़ के बरबाद कर देने की बात कह कर और अधिक उत्तेजना भड़का रहे थे। उसी बीच चौकी राजनगर वह श्री राम पिस्टन फैक्ट्री पर नियुक्त पुलिस दल तथा पी० ए० सी० फौरन चौकी राजनगर के सामने आकर इकट्ठा हो गये। इन सब पर भी भीड़ द्वारा काफी पथराव होता रहा। नगर मजिस्ट्रेट तथा पुलिस अधिकारियों के समझाने बुझाने व चेतावनी का कोई प्रभाव इस उत्तेजित पथराव रही भीड़ पर नहीं पड़ा। नगर मजिस्ट्रेट व अन्य कई पुलिस कर्मचारियों के चोटें आ गयी। अतः ऐसी परिस्थिति में नगर मजिस्ट्रेट द्वारा उनके मजमे को मजमा खिलाफ कानून कशर करने की चेतावनी देकर तितर बितर करने का आदेश दिया गया। जिसका कोई असर न हुआ बल्कि विपरीत ही एटक से सम्बद्ध नेता घनश्याम सिन्हा व मुखबीर त्यागी के भड़काने पर भीड़ पथराव करती रही। ऐसी परिस्थिति में नगर मजिस्ट्रेट के समक्ष और कोई विकल्प न था अतः उन्हें लाठी चार्ज का आदेश देना पड़ा। भीड़ और उत्तेजित हो गयी और सभी भीड़ में से नगर मजिस्ट्रेट व पुलिस पार्टी की तरफ फावर हुआ और भीड़ पथराव करती हुई आपटी। पुलिस कर्मचारी पथराव से गिरने व बैठने लगे। लाठी चार्ज का असर भारी पथराव की वजह से कारगर साबित नहीं हुआ अतः भीड़ हटाने व स्वयं अपने तथा कर्मचारियों को जीवन रक्षा हेतु मौके की गंभीरता को देखते हुए नगर मजिस्ट्रेट के आदेश पर पुलिस दल ने चार हवाई फायर भीड़ को तितर बितर करने के उद्देश्य से किये। जिसके उपरान्त भीड़ तितर बितर हो गयी।

इस घटना में पथराव से नगर मजिस्ट्रेट उनके ड्राइवर व तेरह अन्य पुलिस कर्मचारियों के चोटें आई। नगर मजिस्ट्रेट व तीन अन्य कर्मचारियों को अस्पताल दाखिल किया गया। इस संबंध में आयी चोटों का विस्तृत विवरण इन्वरी रिपोर्ट में दिया हुआ है जिसकी छः प्रतियां संलग्न हैं।

इस घटना के संबंध में नगर मजिस्ट्रेट द्वारा थाना सिहानी गेट गाजियाबाद पर 16 नामजब व अन्य अधिकारियों के विरुद्ध मुकदमा अपराध सं० 211 घाटा

147/148/307/322/427/336/188 आई० पी० सी० व 7 सी० एल० ए० एकट के अंतर्गत कायम करावाया गया है जिसकी विवेचना की जा रही है। अब तक चार नामजद अभियुक्त पकड़े जा चुके हैं। अन्य अभियुक्तों की गिरफ्तारी हेतु प्रयास किये जा रहे हैं।

जहां तक इस घटना में श्री योगेन्द्र झा संसद सदस्य एवं दस अन्य श्रमिक नेताओं के चोटें आने का प्रश्न है जिला अस्पताल गाजियाबाद व गाजियाबाद के अन्य किसी अस्पताल में कोई श्रमिक का दाखिल होना था उसके द्वारा प्राथमिक चिकित्सा लिया जाना नहीं पाया गया है और न ही किसी संसद सदस्य द्वारा जिले के किसी अस्पताल में डाक्टरी मुआयना कराना या दाखिल होना पाया गया है। पथराव कर रही उत्तेजित भीड़ के बीच नगर मजिस्ट्रेट को सांसद की उपस्थिति का कोई ज्ञान नहीं था। इस संबंध में न तो श्री झा (सांसद) द्वारा और न किसी अन्य व्यक्ति के द्वारा यह बतलाया गया कि पथराव कर रही इस भीड़ में संसद सदस्य श्री झा शामिल हैं। जहां तक चोटों का प्रश्न है लाठी चार्ज में उन व्यक्तियों के चोटें आ गयी थीं जो उग्र रूप से पथराव कर रहे थे परन्तु इस संबंध में गाजियाबाद के किसी अस्पताल में कोई अभिलेख नहीं है। इस संबंध में यह भी उल्लेखनीय है कि संसद सदस्य द्वारा इस घटना के संबंध में न तो किसी पुलिस स्टेशन पर, न ही किसी पुलिस अधिकारी या जिलाधिकारी से कोई शिकायत की गई या सम्पर्क किया गया। यदि वे दिनांक 1.4.81 को ही घटना की जांच के संबंध में आये थे तो विधिवत धारा 144 के अंतर्गत मीटिंग हेतु अनुमति प्राप्त करके ही किसी सभा को एकत्रित करना था और साथ ही वे तथ्यों की जानकारी जिलाधीश या उच्च पुलिस अधिकारी से प्राप्त कर सकते थे। अतः संसद सदस्य श्री झा के आने व उनके आयी हुई चोटों के संबंध में कोई ज्ञान उपलब्ध न हो सका।

समाचार पत्रों में प्रसारित किये गये इस आशय के समाचारों से जब यह ज्ञात हुआ कि डाक्टर राम मनोहर लोहिया अस्पताल में संसद सदस्य श्री झा जी व अन्य 3 सर्वश्री घनश्याम सिंह, सुखवीर त्यागी एवं जितेन्द्र शर्मा दाखिल हैं तब पुलिस अधिकारियों को भेज कर इस संबंध में डाक्टर राम मनोहर लोहिया अस्पताल से इनकी डाक्टरी रिपोर्ट देखी गयी जिसके अनुसार ये व्यक्ति स्वयं दिनांक 3.4.81 को रात्रि 8.40 पर डाक्टरी कराने पहुंचे थे एवं डाक्टरी रिपोर्ट के अनुसार इनकी मामूली चोटें पायी गयी हैं। जांच हेतु इनमें से कोई उपलब्ध नहीं था एवं अस्पताल से जो

चुके थे। जहाँ तक कि सर्वश्री घनश्याम सिन्हा, सुखवीर त्यागी एवं जितेंद्र शर्मा का प्रश्न है ये सभी दिनांक 3.4.81 को हुई घटना के संबंध में कायम हुए। मु० प्र० सं० 211 धारा 147/138/307/322/427/336/188 भा० ड० वि के अधीनस्थ हैं। परन्तु संसद सदस्य श्री झा को घटना के दिनांक उपस्थिति के संबंध में प्रशासन का कोई ज्ञान नहीं है।

प्रथम सूचना रिपोर्ट, नगर मजिस्ट्रेट/कर्मचारियों को धारा 307 की दृष्टि से रिपोर्ट तथा रोजनामचे की रिपोर्ट की प्रतियां संलग्न हैं।

स्थिति तनाव पूर्ण है परन्तु पूर्ण नियंत्रण में है।

३०-६/४/८१

जिलाधिकारी,

गाजियाबाद।

३० - ६/४/८१

पुलिस अधीक्षक,

गाजियाबाद।

[Translation into English of original in Hindi—

#### “REPORT

Shri Ram Piston and Ring Factory is situated at Delhi-Meerut Road, Ghaziabad. This factory produces “Rings and Pistons” used in agriculture, trade, export, Government Undertakings and departments of the Defence Ministry. 800 employees are working in this factory out of which 511 are workers, 210 staff and 79 are officers.

In 1979 an agreement was signed between the Management and the Workers of this industry which expired on March 1, 1981. A new agreement was signed on 16-3-1981 after discussing with the representatives of the registered Union “Shri Ram Piston Shramik Sangh”. On 17-3-1981 out of 511 labourers 365 signed the agreement. On 17-3-1981 itself at 10.30 A.M. some of the AITUC supporting workers resorted to “sit-in-strike”. They tried to force the staff working in ‘A’, ‘B’ and ‘C’ shifts to join them and also started pushing away the workers from their machines. Provocative speeches were delivered in the factory. These workers used to punch their cards themselves and sit in the garden.

On 1-4-1981, the Management sought a written assurance from the workers that they will work peacefully. Workers of the shift starting from 6.00 A.M. refused to sign this declaration and went out of the factory premises. In the shift starting from 2.30 P. M. only 15-20 workers came with the outside labour leaders and tried

to enter into the factory without signing the declaration. The Management refused to allow any worker to enter the factory without signing the declaration. These workers were discussing at the factory gate when City Magistrate and Deputy Commissioner of Parliament has also been found to have come for medical selves started running away. Neither any worker was injured nor any force was used at that time. According to the reports received from District Hospital, Insurance Hospital and Narender Mohan Hospital of Ghaziabad neither any worker of Shri Ram Piston Factory was admitted in their hospital nor any worker was medically examined.

Production started in the factory on 2-4-1981 and 106 workers resumed their work. On 3-4-1981 this number increased to 206. These workers were to go to their houses by bus after 5 P.M. when their shift was over. The Sub-Inspector, Chandra Gupta, who was on duty at Shri Ram Piston Factory, sent message to the Sihani Gate Police Station at 4.35 P.M. that the Factory Workers, who were on strike in the Factory were assembling on the Meerut Road and they were agitated and bent upon disturbing the peace. Message was conveyed to the control room asking for additional Police force from the Kotwali. On receiving the message, when City Magistrate along with Kotwali, S.H.O. reached at the Meerut Road Police Post, 600—700 factory workers, who had assembled there in violation of Section 144, encircled and stoned their jeep. This incident took place at 5.45 P.M. Sukhbir Tyagi and Ghanshyam Sinha, labour leaders owing allegiance to AITUC, were leading and instigating the mob to destroy the Government vehicles and the factory building. In the meanwhile, the Police force and the PAC posted at the Raj Nagar Police Post and Shri Ram Piston Factory reached the Raj Nagar Police Post. They were also subjected to heavy stoning by the mob. The efforts of the City Magistrate and Police Officers to pacify the mob and the subsequent warnings had no effect on the hostile mob, which continued stoning. City Magistrate and several other Police personnel were injured. Therefore, in this situation, the City Magistrate declared their assemblage to be illegal and ordered them to disperse. But this warning had no effect. The mob continued stoning on the instigation of Ghanshyam Sinha and Sukhbir Tyagi, owing allegiance to AITUC. In this situation, City Magistrate was left with no option but to order lathi-charge. Mob became more violent and one shot was fired lathi charge who were violently throwing stones but no records in from the side of the mob towards the City Magistrate and the mob rushed forward continuing heavy stoning. The Police personnel could not withstand it. Because of heavy stoning, the lathi



charge proved ineffective. In view of the serious situation, to disperse the mob and to save the lives of the City Magistrate and the Police personnel, the Policemen fired 4 shots in the air on the orders of the City Magistrate. As a result, the mob dispersed.

In this incident, the City Magistrate, his driver and thirteen other Police personnel sustained injuries due to heavy pelting of stones. City Magistrate and three other policemen were admitted in Hospital. In this connection, six copies of the injury report are enclosed herewith, in which the details description of the injuries is given.

Regarding this incident, the City Magistrate has registered a criminal case No. 211 against the 16 mentioned and other accused persons under Section 147/148|307|322|427|336|188 IPC and 7 CLA Act with Sihani Gate Police Station, Ghaziabad, which is under investigation. So far four accused persons have been arrested. Efforts are being made to arrest other accused persons. So far as the question of injuries to Shri Bhogendra Jha, M. P. and ten other labour leaders is concerned, it has been found that neither any worker was admitted to the Dist. Hospital nor any other hospital of Ghaziabad nor they came for any first aid. No Member of Police reached the site. As soon as they reached workers themselves examination or admission in any of the hospitals in this District.

The City Magistrate was not aware of the presence of any Member of Parliament in that stone-throwing agitated crowd. In this connection exist in any of the hospitals of Ghaziabad. It may that Shri Jha was also present in the stone-throwing crowd. So far as injuries are concerned, only those people were injured by this connection neither Shri Jha, M.P. nor anybody else informed also be noted that the Member of Parliament neither filed any complaint in any of the police station nor he contacted or reported the matter to any Police Officer or District Magistrate. If he had come on 1-4-81 to enquire about the incident, he should have taken due permission under Section 144 for the meeting and also could have known about the facts from District Magistrate or some high Police Official. In view of the above, no information about the presence of, and injuries to Shri Jha, M. P. could be found.

When it came to light through Press reports that Shri Jha, M.P. and 3 (Three) others, namely S/Shri Ghanshyam Sinha, Sukhbir Tyagi and Jitendra Sharma are admitted in Dr. Ram Manohar Lohia Hospital, a Police Officer was sent to Dr. Ram Manohar Lohia Hospital to see their medical reports. From the above reports it

was seen that these persons had gone to the Hospital on their own on 3-4-81 at 8.40 P.M. for their medical examination. According to the report, they had received minor injuries. No one among them was available for examination as they had left the Hospital. So far as S/Shri Ghanshyam Sinha, Sukhbir Tyagi and Jitendra Sharma are concerned, they all are accused in case No. 211 filed in connection with the incident of 3-4-81 under Sections 147|148|307|332|427|336|188 of IPC in connection with the incident of 3-4-81; but the Administration had no knowledge whatsoever about the presence of Shri Jha, M.P. on the day of the incident.

The copies of FIR, injury report regarding injuries to the City Magistrate/Staff and daily diary report are enclosed herewith.

The situation is tense but under control.

Sd/-

6-4-81

Police Supdt.

Ghaziabad.

Sd/-

6-4-81

Distt. Magistrate

Ghaziabad."]