

COMMITTEE OF PRIVILEGES

(EIGHTH LOK SABHA)

THIRD REPORT

(Presented on 5th September, 1988)



LOK SABHA SECRETARIAT
NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*
(1988-89)

Shri Jagan Nath Kaushal—Chairman

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Bipin Pal Das
5. Shri Sharad Dighe
6. Shrimati Sheila Dikshit
7. Shri Bhishma Deo Dube
8. Shri V. N. Gadgil
9. Shri V. S. Krishna Iyer
10. Shri Jujhar Singh
11. Dr. Prabhat Kumar Mishra
12. Shri Braja Mohan Mohanty
13. Shri K. Ramachandra Reddy
14. Shri Bholanath Sen
15. Vacant

SECRETARIAT

Shri K. C. Rastogi—Joint Secretary
Shri T. S. Ahluwalia—Deputy Secretary
Shri J. P. Ratnesh—Senior Table Officer

*The Committee of Privileges was nominated by the Speaker on 20th June, 1988.

THIRD REPORT OF THE COMMITTEE OF PRIVILEGES (EIGHTH 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 Third Report to the House on the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, M.P., at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987 and referred¹ to the Committee by the House on 17th November, 1987.

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

3. At their first sitting held on 9th December, 1987, the Committee decided that, in the first instance, Shri Vidyacharan Shukla, M.P., Shri V. P. Marwah, Commissioner of Police, Delhi and the Deputy Commissioner of Police concerned be asked to appear before the Committee for oral examination.

4. At their second sitting held on 18th January, 1988, the Committee examined on oath, Shri Vidyacharan Shukla, M.P. and Shri V. P. Marwah, Commissioner of Police, Delhi. The examination of Shri V. P. Marwah could not be completed, as the Committee felt that in order to facilitate a proper inquiry it would be appropriate, if in the first instance, the following police officers of the Union Territory of Delhi, who were present at the scene of incident on 16th November, 1987, were asked to appear before the Committee for oral examination:—

- (1) Shri Rajendra Kumar,
Station House Officer,
Police Station Lodhi Colony,
New Delhi.

1. L.S. Deb., dt. 17-11-1987.

(2) Shri V. Ranganathan,
Assistant Commissioner of Police (South),
New Delhi.

(3) Shri P. R. S. Brar,
Deputy Commissioner of Police (South),
New Delhi; and

(4) Shri Mansoor Ali Sayid,
Additional Deputy Commissioner
of Police (South),
New Delhi.

5. At their third sitting held on 12th February, 1988, the Committee examined on oath. Shri V. Ranganathan, Assistant Commissioner of Police (South), Shri P.R.S. Brar, Deputy Commissioner of Police (South), Shri Mansoor Ali Sayid, Additional Deputy Commissioner of Police (South), and Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, New Delhi.

The Committee then decided that Shri V. P. Marwah, Commissioner of Police, Delhi be asked to appear before the Committee for oral examination on 29th March, 1988.

6. At their fourth sitting held on 29th March, 1988, the Committee examined on oath Shri V. P. Marwah, Commissioner of Police, Delhi.

7. At their fifth sitting held on 11th May, 1988, the Committee deliberated on the matter and arrived at their conclusions.

The Committee decided that Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony and Shri P. R. S. Brar, Deputy Commissioner of Police (South) be called again to appear before the Committee in person to explain what they had to say in the matter in view of the findings of the Committee.

8. At their sixth sitting held on 8th June, 1988, the Committee further examined Sarvashri Rajendra Kumar and P. R. S. Brar and deliberated on the matter.

9. At their seventh sitting held on 23rd August, 1988, the Committee considered their draft Report and adopted it.

II. Facts of the case

10. On 16th November, 1987, at about 3.30 P.M. when some members sought² to raise in the House the question of alleged arrest/detention of Shri Vidyacharan Shukla, MP. by police on that day, the Speaker informed the House that "I will try to find out what is happening and then report back to the House." Immediately, thereafter, the Speaker asked the Minister of Parliamentary Affairs to ascertain the facts of the case so that he could apprise the House of the correct position.

11. At 17.14 hours on the same day, the Deputy Speaker on the basis of information received from the Minister of State for Parliamentary Affairs (Shrimati Sheila Dikshit) informed the House as follows:—

"Hon. Members, I want to inform the House that it has been ascertained from the police authorities that no arrest or detention of hon. Member of Parliament Shri V. C. Shukla took place today, i.e. 16th November, 1987."

12. On 17th November, 1987, the Speaker, while referring the matter to the Committee of Privileges, observed³ *inter alia* as follows:—

".....last night at 9.30 P.M., I received at my residence a communication⁴ from the Station House Officer, Lodhi Colony Police Station, informing me that Shri V. C. Shukla, member of Parliament was detained from 12.30 P.M.

This is a very serious matter involving the prestige, rights and privileges of this House and of its members. The question that arise are:

- (i) If Shri V. C. Shukla was actually detained at 12.30 P.M. by the Delhi Police why was the Speaker not immediately informed of the detention particularly when the House was in session and the detention was taking place in Delhi itself and there could hardly be any difficulty in immediate communication?

². L.S. Deb., dt. 16-11-1987.

³. *Ibid*, dt., 17-11-1987.

⁴. See Appendix I.

- (ii) Why wrong information was given to the Speaker and through him to the House to the effect that Shri Shukla had not been detained while actually he was detained for 3½ hours?

Since, I was satisfied that there was a *prima facie* case needing enquiry, I had already decided to refer the matter to the Privileges Committee when at 10.50 A.M. today morning, I received a communication⁵ from the Commissioner of Police, Delhi narrating in detail the sequence of events. According to him, Shri V. C. Shukla actually travelled in his own car to the Police Station in Lodhi Colony and 'demanded that he too should be detained with his supporters. He continued to sit in SHO's office without any restraint on him throughout the period. Since his supporters were in agitated mood and shouting slogans even in the Police Station, SHO, Lodhi Colony who by then had returned from the Court did not consider it prudent to let them go immediately and detained them under Delhi Police Act from 12.30 P.M. to 4.00 P.M. Shri Shukla's name was included in the list on his own insistence.

Also, I have since received notices of privilege from Hon'ble Members Sarvashri K. P. Unnikrishnan, Arif Mohammed Khan and Jaipal Reddy. I am convinced that there is a *prima facie* case for enquiry. All aspects of the matter may therefore, be looked into by the Privileges Committee who may make an early inquiry on high priority basis and report to the House."

Subsequently, two further notices received from Sarvashri Vidya-charan Shukla and Raj Kumar Rai, MPs, were also referred by the Speaker to the Committee for their consideration.

III. Findings of the Committee

13. Shri Vidyacharan Shukla, MP, in his oral evidence⁶ before the Committee deposed that on 16th November, 1987, when he was sitting in the Indian Olympic Association office, some police officers came and wanted him to vacate the office. He told them that unless they had a warrant or any other order of authority that they could show to him, he would not vacate the office because he had

⁵. See Appendix II.

⁶. See Minutes of evidence.

been holding that position (President, IOA) for the last three years and till that day, there were no orders to the contrary. According to Shri Shukla, the Assistant Commissioner of Police, Shri V. Ranganathan, was present there and he argued with him. When Shri Shukla asked him: "Are you arresting me or are you just removing me from the office?", Shri Ranganathan replied: "I am arresting you. I have no papers but I go by verbal order because I have the magisterial powers under the Delhi Police Act... and I have the powers to do that without any warrant of arrest or anything like that." When Shri Shukla did not agree to leave the room, the ACP ordered two of his constables to drag him out. They caught hold of both of his hands. He (Shri Ranganathan) knew that this was not a proper thing. This happened in the Association's room and when the police constables were about to drag him, he said: "Don't touch me. I will get up. What you are doing is illegal and improper because you have no orders to show and you are acting in a very highhanded manner." When Shri Shukla came down he saw that some people who had accompanied him to the office of I.O.A. had been put in the police van. The Assistant Commissioner of Police suggested that he (Shri Shukla) might go to Police Station in his own car. Two policemen got into back seat of his car and they drove him to the Police Station. After reaching the Police Station, they took him to the room which was reserved for questioning and after that, to the room of the Station House Officer where he remained for about 1½ hours. Then he was taken to an adjoining room (which was an ante-chamber) where he sat until about 4.30 P.M. Repeatedly he asked them whether he was supposed to be questioned or he could go as Parliament was in session on that day. In the Police Station itself, no ill-treatment was meted out to him. At about 4.30 P.M. they told him without questioning him that he was free to go. He asked them: "You give it to me in writing why you brought me here and why you want me to go away now and whether I am arrested or detained and what are the reasons." He was told either by the Station House Officer or the Assistant Commissioner of Police that he was brought to the Police Station under section 65 of the Delhi Police Act. He left the Police Station at about 4.30 or 4.35 or 4.45 P.M.

In reply to a specific question: "Did you ask the Police Officer at the Police Station that you should also be detained alongwith the others?", Shri Shukla replied: "No, I did not say anything. I only enquired from them the reason as to why I was brought there". When asked whether he was ever informed that he was creating

nuisance alongwith the other persons at the IOA office and that was the reason why he had been detained, Shri Shukla stated: "No".

In reply to another question: "Did the police officers put you into the car or did you go on your own?", Shri Shukla stated: "They put me. "Shri Ranganathan and the other police people asked me to get into my car because the police van was full. Then, they put the two police constables in the back seat of my car and took me to the police station. I did not know where the police station was. They took me there".

14. Shri V. P. Marwah, Commissioner of Police, Delhi, in his evidence⁷ before the Committee deposed that it was a fact that on 16th November, 1987, Shri Vidyacharan Shukla, M.P., was arrested by the Delhi Police. Explaining the circumstances under which the Minister of State for Parliamentary Affairs was informed on that day that Shri Shukla had not been arrested or detained, Shri Marwah stated: "As far as I am concerned, the Minister of State for Home Affairs, Mr. Chidambaram rang me up and asked me whether Shri Shukla had been arrested. I don't remember the exact time. It was well past three. I told him: I don't know. I will find it out.

"Then, I rang up the Deputy Commissioner of Police (South) in whose jurisdiction he was reported to have been arrested. I spoke to him on telephone. He gave me a categorical answer that Shri Shukla had not been detained. This, he passed on to me on the basis of the personal knowledge because Mr. Brar, DCP (South) was personally present at the place where this arrest was supposed to have taken place. So, on the basis of the information, which he furnished to me on the telephone, I passed on that information to Mr. Chidambaram, the Minister of State for Home Affairs."

When asked : "Is it also a fact that during the night (on 16-11-1987) at about 9 or 9.30, the Speaker was informed that Mr. Shukla was, in fact, detained by the Police for a few hours?", Shri Marwah said: "Yes, Sir. A report was sent to the Speaker by the S.H.O. directly informing him about the detention of Shri Shukla". Further asked whether the intimation sent by the S.H.O. represented the correct situation, Shri Marwah said: "As the report goes, yes, it is correct. But it needs certain amount of clarification to get the correct picture of what happened."

⁷. See Minutes of evidence.

At this stage, his attention was drawn to the communication* dated 17th November, 1987, sent by him to the Speaker, wherein he had *inter alia* stated that "Shri Shukla's name was included in the list on his own insistence", and asked to give the basis for this, Shri Marwah stated as follows:—

"When the incident was reported to the Police, the Deputy Commissioner of Police, alongwith the ACP, rushed to the place. I won't go into the details of the incident. But as some people were making some rumpus outside, under the instructions of the Deputy Commissioner, the officers who were present at the spot, took those people under section 65 Delhi Police Act, to the Police station.

This is because they apprehended some breach of peace. But at the time, Shri Shukla had not been detained, nor was there any intention to detain him. When Shri Shukla came out of his office in the Jawaharlal Nehru Stadium, he asked the police officer where his supporters had been taken to. The officer who was present at that time told him that his supporters had been detained under the Delhi Police Act and they had been taken to the police station. Shri Shukla then sat in his own car and asked the police officer to show him where the police station was. The police officer also sat along with Shri Shukla in his car and went to the police station. There these people were making a lot of noise and the police officer decided at that time not to release them. They kept on raising slogans and it went up to 4 O'clock. At that time, the officer incharge decided to release these people who had been detained under the Delhi Police Act. Shri Shukla at that time said that unless his name was also included along with his supporters, he would not leave the police station, because he had been sitting at the police station. The officer incharge to diffuse the situation and not to create any further complications included Shri Shukla's name also and after this they were allowed to go. He then informed the hon. Speaker by a written communication and this is what took place. There was no intention to arrest him at 12.30....."

In reply to a question that since the matter concerned an hon. member of Parliament and the Minister was making inquiries, was

*. See Appendix II.

it sufficient on his part to give a report just on the basis of an information obtained from the DCP and thereafter he never tried to find out the correct position, Shri Marwah said: "As a matter of fact, the DCP made enquiries and we found that the DCP had not checked back with the SHO, when he gave the information to me at 3.30 P.M. as to what had happened subsequently at the Police Station... If one can look at it in retrospect, perhaps Mr. Brar should have rechecked from the Police Station, which he did not... I regret that certain amount of inconvenience has been caused because Mr. Brar did not check back with the SHO's statement which was subsequently made by the Minister and perhaps it could have been corrected if this information had reached him in time. It is unfortunate.... I express my regret before the hon. Committee...".

15. Shri V. Ranganathan, Assistant Commissioner of Police (South), New Delhi, in his evidence⁹ before the Committee deposed as follows:—

"On 16-11-1987, at about 11.55 hrs. I got the information that Mr. V.C. Shukla, Hon. Member of Parliament had come with his supporters and entered the office. I got the direction from the Deputy Commissioner of Police (South) to reach the spot immediately. I went with some staff from Defence Colony Police Station to the Jawaharlal Nehru Stadium. There I entered the premises and I saw some of the supporters of the hon. Member of Parliament. Mr. V.C. Shukla shouting slogans and the name-boards of Mr. Adityan and Mr. Randhir Singh were thrown away. I went and enquired from Mr. Randhir Singh.

I came to know that there were disturbances and Mr. Shukla was sitting in the IOA President Office.

Immediately I ordered the other persons, the supporters of Mr. V.C. Shukla to move away from the Office premises because they were not entitled to enter the office premises.

They were creating disturbances, slogan shouting and other things. They were removed. I ordered local Police of the Lodhi Colony Police Station to take them to the

⁹. See Minutes of evidence.

Police Station. I went to the IOA President Office and requested Mr. V.C. Shukla saying 'I am having this letter' and that only Mr. Adityan and the Secretary-General Mr. Randhir Singh were entitled to enter the office and function. It created disturbance. Mr. Shukla said 'I am also entitled and I have already filed a suit in the court.' I told him 'As per the information I received from Stadium Officer, Mr. Adityan and Mr. Randhir Singh are entitled to enter office and function in this office and you must leave.' I requested him first. Then he told me 'I am also an incumbent and I have already filed a suit. I said 'So far, there is no direction from any quarter that you may be allowed or you are entitled to sit in the IOA Office.' He asked me to show the papers and I took out the papers and showed the letter which was written to me.... The letter was written by the Stadium Administrator, Ministry of Human Resources, Department of Sports in which Joint Secretary had also taken note of the election of Mr. Randhir Singh.

I told him 'This is the letter from the Stadium Administrator and the enclosures and the letters from the Joint Secretary, Department of Sports.' I showed him the letter and I requested him to leave the office.

In the meantime, our Deputy Police Commissioner also reached the place. I told him that I ordered the other person to leave the Office.... Our Additional Deputy Police Commissioner told me to persuade him to leave the office. Once again, I requested him to leave Office saying that I was not having any paper which makes me to believe that he was having any right to sit in the Office or was entitled to enter the Office.

I told him 'You must leave.' Then after some persuasion, he left the Office. He came down to the entrance. I also went along with him to the entrance. Then, once again I went back to the Office of the Secretary-General to get a formal complaint because of telephonic talk and wireless message.... I got the complaint from Shri Randhir Singh and sent it to the Police Station, Lodhi Colony. The SHO, Lodhi Colony was there. He came to the IOA premises I was in the first floor. He came and I told that I had already removed the 18 supporters of Shri Shukla and asked him to go and handle the situation. Then, I

sent him to the Police Station....at about 6.15 p.m., I got the information from the SHO, Lodhi Colony Police Station saying that he sent a report on the detention of Shri Shukla to the Speaker of the Lok Sabha. He also told me that Shri Shukla did not want to leave till his name was included in the report. Under the circumstances, since it amounted to detention, his name was also included in the report."

Asked to state how long Shri Shukla had been detained at the Police Station, Shri Ranganathan replied: "He was present in the Police Station from 12.35 P.M. onwards....As per the SHO's report, he was not detained. When he insisted that his name was to be included in the detention report, his name was included...I have no personal knowledge about it".

16. Shri P.R.S. Brar, Deputy Commissioner of Police (South), New Delhi, in his evidence¹⁰ before the Committee deposed as follows:—

"On 16th November immediately after 12 O'clock I got a telephone call from Secretary General, IOA Mr. Randhir Singh saying that a number of people from outside have entered the premises and are causing disturbance in the functioning of IOA Office. I had earlier also known that a dispute was going on regarding the respective claims of office bearers at IOA and earlier also police had to go there on many occasions. I immediately sent a wireless message to ACP, Defence Colony under whose jurisdiction IOA office falls directing him to reach the scene immediately and control the situation....I also left for the scene personally immediately....It was 1210 or 1215. As ACP, Defence Colony's office is located nearer he had reached the place a little earlier. By the time I reached I found ACP, Defence Colony was already there. He told me that he has removed 18 persons who had entered the premises and were raising slogans and got them sent to the police station in a police van....I went to the Secretary-General's office and next to his office I was told that Mr. Shukla is still sitting in the office of the President of IOA. He was refusing to leave the office. Mr. Ranganathan, ACP had with him two letters — one from the

¹⁰. See Minutes of evidence.

Department of Youth Affairs stating that Government has taken note of the election of Mr. Adityan and Mr. Randhir Singh in Trivandrum and they are now duly recognised office bearers of IOA. That letter was shown to Mr. Shukla. This happened in my presence.

Mr. Ranganathan came and told me that Mr. Shukla is refusing to leave the office. I told him to please show these letters to Mr. Shukla. When Mr. Ranganathan went back to the President's Office. I was standing in the gate. I saw him showing those letters to Mr. Shukla. Then Mr. Shukla said that he had filed a case in Jabalpur court and the court has accepted his claim. Mr. Ranganathan said he has only these instructions and there is no order from any court to the contrary and he should leave. On that Mr. Shukla got up and he walked out of the office. Mr. Ranganathan went behind him. I did not go out. I went to the Secretary-General's office. Mr. Ranganathan came back after 2-3 minutes and said Mr. Shukla has left in his car and he asked Mr. Randhir Singh, Secretary-General to give a formal complaint about the entire incident. We went about looking at the office premises seeing the damage that had been done by these demonstrators. We found a couple of files had been thrown out and a number of plates removed from the doors. We stayed there for 10 minutes to see that similar damage does not take place. Then myself and Additional DCP, Mansoor Ali Sayid left for our office."

In reply to a specific question: "Did you come to know at any time that Shri Shukla was detained or arrested in the Police Station?", Shri Brar stated: "Sir, Commissioner of Police telephoned me at 3.30 in my office to check up as to what had happened. I gave him the facts as I was personally present on the spot. I told him that 18 persons had been removed to the Police Station under Section 65. He asked whether Shri Shukla had been arrested and I told him that he had not been arrested."

Asked about "a very serious communication lapse" which according to Shri Brar had occurred on 16th November, 1987, he stated that "the lapse was that the SHO should not have included Shri Shukla's name at his instance. And he should have brought it to the notice of his senior officers immediately, so that we could have immediately informed the Speaker about the whole thing even on telephone". In reply to another question: "Was it proper on your

part to give such information without ascertaining the full details (from S.H.O.)?", Shri Brar stated: "In retrospect, I do feel that it would have been a more prudent course." In reply to a further question, Shri Brar stated that on 17th November, 1987, at about 10 O'clock he submitted a report about this incident to the Commissioner of Police, when the latter telephonically informed him that S.H.O., Lodhi Colony had come with a report which was in conflict with his earlier report and he wanted to find out what had actually happened.

17.. Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, New Delhi, in his evidence¹¹ before the Committee deposed as follows:—

"Sir, on that day, I had been to the court. I was to give my evidence in the Tees Hazari Court in connection with an old case. At about 12.10, I gave a ring to my Police Station in order to enquire about the position there. I gave a ring to the Police Station as I was not getting any response on wireless set from my Headquarters situated at Hauz Khas. I was told by the Duty Officer on phone that there has been some disturbances at the Jawaharlal Nehru Stadium, and Senior Officers are reaching there. I told the Duty Officer on phone that I am also reaching there. I at once rushed to the Stadium in a Government vehicle. I reached there at about 20-25 minutes past 12. There I came across Shri V. Ranganathan, A.C.P. in front of the Indian Olympic Association Office. He told me that there has been some disturbance; The supporters of Shri V.C. Shukla were creating disturbance and they have been sent to the Police Station. He asked me to go to the Police Station at once, I at once reached the Police Station in my vehicle. The supporters of Shri V.C. Shukla were raising slogans there. I pacified them and arranged tea and water etc. for them. After some time, when I was in my office Shri V.C. Shukla reached in his car and came to my room straight-away. He asked me 'why my supporters have been detained?' I said to him, 'They have been detained because there has been an uproar in the office of the Association and tables etc. have been broken.' I offered him a chair too.

¹¹. See Minutes of evidence (original in Hindi).

Then he sat down in my office and said to me, 'release them'. I said to him, 'If they are released now then there is apprehension of a clash again. They will be released after some time.' He started making telephonic calls from my office. Some Press reporters were also standing outside. Shukla Ji also went on talking to them. After some time, some of his friends also came to see him. Shukla Ji moved in and out to see his friends. He stayed there upto 4 O'Clock. His supporters were also there who were raising slogans 'Shukla Ji, you continue struggle, we are with you.' They were also raising slogans—'Delhi Police hai hai' as usual.

At about 4 O'Clock the office of the Indian Olympic Association was closed. The other party had also left after closing the office. After that we also asked the 18 supporters of Shri Shukla to go. At this juncture, Shri Shukla said that his name should also be included as he had stayed there for such a long time. I said, 'we had detained these persons but not you. You have yourself come to the Police Station. Moreover we have not brought you here whereas those persons were brought by us.' Now his supporters said that they would stage a *dharna* in the Police Station till the name of Shri Shukla is not written. They started raising slogans against the Police. Then we thought lest the situation may get tense we told Shri Shukla that his name would also be written. What objection we can have? Thus at about 4.15 we added his name too. I thought that he is a member of Parliament and made a copy of the report and called the despatch rider. The person who had gone to Parliament House to deliver this information was not allowed to go to the Parliament House and was asked to deliver that report in the Parliament House Annexe. That person, therefore, delivered the report in the Parliament House Annexe. The time was approximately 5 or 5.15. They were released at 4 O'Clock. When I came to know that the report has been delivered in the Parliament House Annexe, as a precautionary measure, I sent a copy of the report at Speaker's residence. It was about half past seven. I gave the details of the entire action to ACP Shri Ranganathan on phone stating how Shri Shukla did

not agree and his supporters insisted upon staging a *dharna* in the Police Station and to avoid the situation getting worse, we included his name also....It was about 6 O'clock. I informed him on phone. He at once said if his name had been included then it can be considered to be detention. I said that a report to this effect had been sent to Parliament. He said, 'Alright'."

At this stage, on being asked, Shri Rajendra Kumar handed-over to the Committee an extract from the daily diary, dated 16th November, 1987, duly authenticated by him which contained the entry about the detention and release of Shri Shukla along with his supporters. He read out the entry, as directed by the Committee, which, *inter alia*, stated as follows:—

".....They were brought to the P.S. under Section 65 of DP Act to maintain peace and to avoid further clashes. They were detained around 12.30 in the afternoon. After that Shri V.C. Shukla came to the P.S. in a car and went to the office of SHO and demanded that unless and until his supporters are released he will not leave the police station. All his supporters again started shouting slogans and again became agitated. It was not considered proper to release them at that time and they were detained under section 65 DP Act till 4 O'clock. Then Shri V.C. Shukla said that since he has been with his supporters in the police station, his name should also be written with them. So, his name Shri V.C. Shukla, S/o Shri Ram Shanker Shukla, Resident of No. 1, Willingdon Crescent, M.P. was also included in the daily diary. The Speaker, Lok Sabha is being informed about this....."

The following communication sent by Shri Rajendra Kumar, S.H.O. under his signature to the Speaker, Lok Sabha, on 16th November, 1987 was read out to him:—

"Today, at 12.30 p.m., Shri V.C. Shukla, Member of Parliament along with 19 more persons tried to create nuisance and forcible entry in the office of Indian Olympic Association at J.N. Stadium, New Delhi. Since there was an apprehension of breach of peace, they were detained under section 65 of the Delhi Police Act, till 4 p.m. today."

Submitted for information.

Sd/- S.H.O.
Police Station Lodhi Colony,
New Delhi."

Shri Rajendra Kumar was then asked: "Your evidence shows that you did not detain Mr. Shukla. He moved in and out freely and there was no restraint on his movement. You have said that you included his name on his insistence. If he was not detained, why you included his name on his insistence?" He replied: "His name was included because he was insisting on it and was saying that they would sit on a 'dharma'. To defuse the situation according to my knowledge, I considered it necessary to include the name." He expressed his regret for not giving the details in his communication to the Speaker and accepted that: "I should have stated under what circumstances his name had been included. I told him only about detention, not all details."

IV. Conclusions

18. The Committee note that Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony did not send the communication regarding arrest/detention of Shri Vidyacharan Shukla, M.P., to the Speaker, Lok Sabha, on 16th November, 1987, *immediately* as laid down in rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Committee find that the communication was neither in the prescribed form nor was it addressed to the Speaker, Lok Sabha. According to the said communication, Shri Shukla was detained at Police Station Lodhi Colony from 12.30 to 4.00 P.M., but the Speaker received it at his residence at 9.30 P.M., on 16th November, 1987, i.e., much after an announcement was made by the Deputy Speaker in the House at 17.14 hours based on the information received from the Minister of State for Parliamentary Affairs that ".....it has been ascertained from the police authorities that no arrest or detention of hon. member of Parliament, Shri V. C. Shukla took place today, i.e., 16th November, 1987".

19. The Committee further note that Shri P.R.S. Brar, Deputy Commissioner of Police (South) has stated during the course of his evidence before the Committee, that he had informed the Commissioner of Police at 3.30 P.M. that Shri Shukla was neither arrested nor detained. Before giving this information to the Commissioner of Police (Shri V.P. Marwah), he had not ascertained the

position from the Station House Officer, Police Station Lodhi Colony. The Commissioner of Police, Delhi, during his evidence before the Committee had stated that Shri Brar, Deputy Commissioner of Police (South) spoke to him on telephone on that day and gave him "a categorical answer that Shri Shukla had not been detained". According to Shri V.P. Marwah, Shri Brar should have re-checked the position from the Police Station, which he did not do.

20. After careful consideration of the evidence and other documents provided to them, the Committee have come to the conclusion that the Station House Officer, Police Station Lodhi Colony (Shri Rajendra Kumar) did not send the intimation regarding the arrest/detention of Shri Shukla to the Speaker *immediately* as required under the Rules, particularly, when the House was in session and the detention took place in Delhi itself. The Committee also find that the manner in which the communication was written by S.H.O. was also casual as it had not been addressed to anyone.

As regards the Deputy Commissioner of Police (South) (Shri P.R.S. Brar), the Committee have come to the conclusion that being a responsible police officer, he did not care to make a proper enquiry from the Police Station Lodhi Colony before informing the Commissioner of Police (Shri V.P. Marwah), which ultimately resulted in the latter giving wrong information to the Minister of State for Home Affairs for passing it on to the Speaker, Lok Sabha and through him to the House to the effect that Shri Shukla had not been detained while actually he was detained for 3½ hours.

21. The Committee are of the view that—

- (i) Shri Shukla was actually detained for 3½ hours on 16th November, 1987;
- (ii) there was inordinate delay on the part of Station House Officer, Police Station Lodhi Colony in sending a proper intimation to the Speaker, Lok Sabha regarding the said detention/release of Shri Vidyacharan Shukla, M.P.; and
- (iii) the Deputy Commissioner of Police (South) instead of first checking up the correct position from Station House Officer, Police Station Lodhi Colony, gave wrong information to the Commissioner of Police for onward transmission to the Speaker, Lok Sabha.

22. The Committee decided that Sarvashri Rajendra Kumar and P.R.S. Brar be called again to appear before the Committee in person to explain what they had to say in the matter in view of the above findings of the Committee.

When Shri Rajendra Kumar was apprised of the findings of the Committee, he promptly tendered unconditional apology for his conduct.

Shri P.R.S. Brar who was also apprised of the findings of the Committee, while maintaining that he had no intention to show any disrespect to Shri Vidyacharan Shukla, submitted *inter alia* as follows:—

“....I do now realise that it was a mistake. And I should have done that....I do feel regret. I do really apologise that I have caused this discomfiture and I have hurt the feelings of the Hon'ble Committee.....I am sorry and I express my unqualified apology.”

23. In view of the unconditional and unqualified apologies tendered by Shri Rajendra Kumar and Shri P.R.S. Brar, the Committee are of the opinion that no further action need be taken in the matter and it may be dropped.

V. Recommendation of the Committee

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

NEW DELHI;
August 23, 1988
Bhadra 1, 1910 (Saka)

JAGAN NATH KAUSHAL
Chairman,
Committee of Privileges.

MINUTES

MINUTES

I

First Sitting

New Delhi, Wednesday, 9th December, 1987

The Committee sat from 15.00 to 15.40 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri Bhadreshwar Tanti
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri H. A. Dora
6. Shri Bhishma Deo Dube
7. Shri Jujhar Singh
8. Dr. Prabhat Kumar Mishra
9. Shri V. Sreenivasa Prasad

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

2. At the outset, the Chairman welcomed the members of the new Committee and informed them about the reference of two matters by the Speaker to the Committee of Privileges for examination and report.

3. The Chairman informed the members that while referring to the Committee of Privileges the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP, at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987, the Speaker had observed that the Committee might make an early inquiry on high priority basis and report to the House. The Committee decided to take up for consideration this matter first.

4. The Committee decided that in the first instance, Shri Vidya-charan Shukla, MP, Shri V. P. Marwah, Commissioner of Police, Delhi and the Deputy Commissioner of Police concerned be asked to appear before the Committee of Privileges for oral examination at their next sitting to be held on Monday, 18th January, 1988.

5.6.

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The Committee then adjourned.

II

Second Sitting

New Delhi, Monday, 18th January, 1988.

The Committee sat from 10.30 to 12.15 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Jagannath Choudhary
5. Shri Bhishma Deo Dube
6. Shri Jujhar Singh
7. Dr. Prabhat Kumar Mishra
8. Shri Braja Mohan Mohanty
9. Shri V. Sreenivasa Prasad

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S. Ahluwalia—*Chief Examiner of Bills and Resolutions.*

Shri J. P. Ratnesh—*Senior Table Officer.*

WITNESSES

- (1) Shri Vidyacharan Shukla, M.P.
- (2) Shri V. P. Marwah, Commissioner of Police, Delhi.

**Paras 5-6 relate to another case and have accordingly been omitted.

2. The Committee took up consideration of the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP, at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987.

3. Shri Vidyacharan Shukla, MP, was called in and examined by the Committee on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. Shri V. P. Marwah, Commissioner of Police, Delhi, was called in and examined on oath by the Committee. His examination could, however, not be completed.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. The Committee considered whether it would not be proper for the Committee, before proceeding further with Shri V. P. Marwah's examination, to first examine the following officers who were present at the scene of incident on 16th November, 1987:—

- (1) Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, New Delhi.
- (2) Shri V. Ranganathan, Assistant Commissioner of Police (South), New Delhi.
- (3) Shri P. R. S. Brar, Deputy Commissioner of Police (South), New Delhi.
- (4) Shri Mansoor Ali Sayid, Additional Deputy Commissioner of Police (South) New Delhi.

6. After some discussion, the Committee decided that in the first instance, the above mentioned police officials of the Union Territory of Delhi, be asked to appear before the Committee for oral examination at their sitting to be held on Friday, 12th February, 1988. The Committee also decided that the police officials be directed to bring the relevant documents/records relating to the case for the perusal of the Committee.

The Committee then adjourned.

Third Sitting

New Delhi, Friday, 12th February, 1968.

The Committee sat from 10.30 to 13.10 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri Bhadreswar Tanti
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Jagannath Choudhary
6. Shri Sharad Dighe
7. Shri Bhishma Deo Dube
8. Shri Jujhar Singh
9. Dr. Prabhat Kumar Mishra

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S. Ahluwalia—*Chief Examiner of Bills and Resolutions.*

Shri J. P. Ratnesh—*Senior Table Officer.*

WITNESSES

- (1) Shri V. Ranganathan, Assistant Commissioner of Police (South), New Delhi.
- (2) Shri P. R. S. Brar, Deputy Commissioner of Police (South), New Delhi.
- (3) Shri Mansoor Ali Syed, Additional Deputy Commissioner of Police (South), New Delhi.
- (4) Shri Rajendra Kumar, Station House Officer, Police Station Lodi Colony, New Delhi.

2. Shri V. Ranganathan, Assistant Commissioner of Police (South), New Delhi, was called in and examined on oath by the Committee

in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, M.P., at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987.

(Verbatim record of evidence was kept)

(The witness then withdrew)

3. Shri P. R. S. Brar, Deputy Commissioner of Police (South), New Delhi, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. Shri Mansoor Ali Sayid, Additional Deputy Commissioner of Police (South), New Delhi, was then called in and examined on oath by the Committee.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, New Delhi, was then called in and examined on oath by the Committee.

Shri Rajendra Kumar submitted a certified true photo copy of Daily Diary No. 8A dated 16th November, 1987, Police Station Lodhi Colony. The Committee directed Shri Rajendra Kumar to produce Daily Diary containing the above entry, in original, for perusal of the Chairman.

(Verbatim record of evidence was kept)

(The witness then withdrew)

6. The Committee decided that Shri V. P. Marwah, Commissioner of Police, Delhi, be asked to appear before the Committee of Privileges for oral examination at their next sitting to be held on Tuesday, 15th March, 1988.

7—10

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The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Tuesday, 29th March, 1988.

The Committee sat from 16.00 to 17.00 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Sharad Dighe
5. Shri V. Sreenivasa Prasad
6. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

WITNESS

Shri V. P. Marwah, Commissioner of Police, Delhi.

2. The Committee took up consideration of the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP, at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987.

3. Shri V. P. Marwah, Commissioner of Police, Delhi, was called in and examined by the Committee on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. The Committee decided to deliberate on the matter on Thursday, the 7th April, 1988.

5-6

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The Committee then adjourned.

**Paras 5-6 relate to another case and have accordingly been omitted.

Fifth Sitting

New Delhi, Wednesday, 11th May, 1988.

The Committee sat from 15.00 to 17.55 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Jagannath Choudhary
5. Shri Sharad Dighe
6. Shrimati Sheila Dikshit
7. Shri H. A. Dora
8. Shri Bhishma Deo Dube
9. Shri Jujhar Singh
10. Dr. Prabhat Kumar Mishra
11. Shri Braja Mohan Mohanty
12. Shri V. Sreenivasa Prasad
13. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

2. The Committee deliberated on the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP, at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987.

3. The Committee noted that Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, had not sent the communication regarding arrest/detention of Shri Vidyacharan Shukla, M.P., to the Speaker, Lok Sabha, on 16th November, 1987, *immediately* as laid down in rule 229 of the Rules of Procedure. The communication was neither in the prescribed form nor was it addressed to the Speaker, Lok Sabha. According to the said communication, Shri Shukla was detained at Police Station Lodhi Colony from 12.30

to 4.00 P.M., but the Speaker had received it at his residence at 9.30 P.M. on 16th November, 1987, i.e. much after an announcement was made by the Deputy Speaker in the House at 17.14 hours based on the information received from the Minister of State for Parliamentary Affairs that ".....it has been ascertained from the police authorities that no arrest or detention of hon. member of Parliament Shri V. C. Shukla took place today, i.e., 16th November, 1987".

4. The Committee further noted that Shri P. R. S. Brar, Deputy Commissioner of Police (South) had stated during the course of his evidence before the Committee that he had informed the Commissioner of Police at 3.30 P.M. that Shri Shukla was neither arrested nor detained. Before giving this information to the Commissioner of Police (Shri V. P. Marwah), he had not ascertained the position from the Station House Officer, Police Station Lodhi Colony. The Commissioner of Police, Delhi, during his evidence before the Committee had stated that Shri Brar, Deputy Commissioner of Police (South) spoke to him on telephone on that day and gave him "a categorical answer that Shri Shukla had not been detained". According to Shri V.P. Marwah, Shri Brar should have re-checked the position from the Police Station, which he did not do.

5. After careful consideration of the evidence and other documents provided to them, the Committee came to the conclusion that Shri Rajendra Kumar did not send the intimation regarding the arrest/detention of Shri Shukla to the Speaker *immediately* as required under the Rules, particularly when the House was in session and the detention took place in Delhi itself. The manner in which the communication was written by S.H.O. was also casual as it had not been addressed to anyone.

As regards Shri P. R. S. Brar, the Committee came to the conclusion that being a responsible police officer, he did not care to make a proper enquiry from the Police Station Lodhi Colony before informing Shri V. P. Marwah, which ultimately resulted in the latter giving wrong information to the Minister of State for Home Affairs for passing it on to the Speaker, Lok Sabha and through him to the House to the effect that Shri Shukla had not been detained while actually he was detained for 3½ hours.

6. The Committee were unanimously of the view that (i) Shri Shukla was actually detained for 3½ hours on 16th November, 1987; (ii) there was inordinate delay on the part of Station House Officer, Police Station Lodhi Colony (Shri Rajendra Kumar) in sending a proper intimation to the Speaker, Lok Sabha, regarding the said

detention; and (iii) the Deputy Commissioner of Police (South) (Shri P. R. S. Brar) instead of first checking up the correct position from Station House Officer, Police Station Lodhi Colony, gave wrong information to the Commissioner of Police for onward transmission to the Speaker, Lok Sabha.

7. The Committee decided that Sarvashri Rajendra Kumar and P. R. S. Brar be called again to appear before the Committee in person to explain what they had to say in the matter in view of the above finding of the Committee.

8—10.

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The Committee then adjourned.

VI

Sixth Sitting

New Delhi, Wednesday, 8th June, 1988.

The Committee sat from 11.00 to 11.30 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri Bhadreshwar Tanti
3. Shri H K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Jagannath Choudhary
6. Shrimati Sheila Dikshit
7. Shri Bhishma Deo Dube
8. Shri Jujhar Singh
9. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S Ahluwalia—*Deputy Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

**Paras 8—10 relate to another case and have accordingly been omitted.

WITNESSES

- (1) Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, New Delhi.
- (2) Shri P. R. S. Brar, Deputy Commissioner of Police (South), New Delhi.

2. The Committee took up consideration of the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, M.P., at New Delhi and giving of wrong information to the Speaker and through him to the House on 16th November, 1987.

3. Shri Rajendra Kumar, Station House Officer, Police Station Lodhi Colony, New Delhi, was called in and examined by the Committee. At the outset, the Chairman informed him as follows:

"Shri Rajendra Kumar, 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.

The Committee note that you did not send the communication regarding arrest/detention of Shri Vidyacharan Shukla, M.P., to the Speaker, Lok Sabha on 16th November, 1987, immediately as laid down in rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Committee also note that the delayed communication sent by you was neither in the prescribed form nor was it addressed to the Speaker, Lok Sabha.

The Committee further note that according to your communication, Shri Vidyacharan Shukla was detained at Police Station, Lodhi Colony from 12.30 to 4.00 P.M., but the Speaker received it at his residence at 9.30 P.M. on 16th November, 1987, i.e. much after an announcement was made by the Deputy Speaker in the House at 17.14 hours based on the information received from the Minister of State for Parliamentary Affairs that '....it has been ascertained from the police authorities that no arrest or detention of hon. member of Parliament Shri V.C. Shukla took place today, i.e. 16th November, 1987.

The Committee, after careful consideration of the evidence and other documents provided to them, have come to the conclusion that Shri Vidyacharan Shukla, M.P., was detained by you from 12.30 to 16.00 hours on 16th November, 1987, at Police Station Lodhi Colony. Further, you did not send the intimation regarding the arrest/detention of Shri Shukla to the Speaker *immediately* as required under the Rules of Procedure, particularly when the House was in session and the detention took place in Delhi itself. Moreover, the manner in which the communication was written by you was also casual as it had not been addressed to anyone.

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 findings of the Committee.

Now what have you to say after these findings have been brought to your notice."

Shri Rajendra Kumar tendered unconditional apology for his conduct.

The Committee were satisfied with his apology.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. Shri P.R.S. Brar, Deputy Commissioner of Police (South), New Delhi, was then called in and examined by the Committee. At the outset the Chairman informed him as follows:—

"Shri P.R.S. Brar, 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.

The Committee note that you had stated during the course of your evidence before the Committee that you had informed the Commissioner of Police, Delhi, at 3.30 P.M. that Shri Vidyacharan Shukla, M.P., was neither arrested nor detained at Police Station Lodhi Colony on 16th November, 1987. You had also stated that before giving this information to the Commissioner of Police (Shri V.P. Marwah), you had not ascertained the position from the Station House Officer, Police Station Lodhi Colony.

The Committee further note that the Commissioner of Police, Delhi during his evidence before the Committee had stated that you spoke to him on telephone on 16th November, 1987 and gave him 'a categorical answer that Shri Shukla had not been detained.' He had also stated that you should have re-checked the position from the Police Station, which you did not do.

The Committee, after careful consideration of the evidence and other documents provided to them, have come to the conclusion that Shri Vidyacharan Shukla, M.P., was actually detained at Police Station Lodhi Colony from 12.30 to 16.00 hours on 16th November, 1987. Further, being a responsible police officer, you did not care to make a proper enquiry from the Police Station Lodhi Colony before informing Shri V.P. Marwah, which ultimately resulted in the latter giving wrong information to the Minister of State for Home Affairs for passing it on to the Speaker, Lok Sabha and through him to the House to the effect that Shri Shukla had not been detained while actually he was detained for 3½ hours.

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 findings of the Committee."

Shri P.R.S. Brar, while maintaining that he had no intention to show any disrespect to Shri Shukla, tendered unconditional and unqualified apology for his conduct.

The Committee were satisfied with his apology.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. In view of the unconditional and unqualified apologies tendered by Shri Rajendra Kumar and Shri P.R.S. Brar, the Committee felt that no further action need be taken in the matter and it might be dropped. The Committee decided that the draft Report on the matter might be prepared accordingly and circulated to the members of the Committee for consideration at a subsequent meeting of the Committee.

6-12.

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(The Committee then adjourned.)

VII

Seventh Sitting

New Delhi, Tuesday, 23rd August, 1988

The Committee sat from 16.00 to 18.40 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri H.K.L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Bipin Pal Das
5. Shrimati Sheila Dikshit
6. Shri Bhishma Deo Dube
7. Shri V.N. Gadgil
8. Shri V.S. Krishna Iyer
9. Shri Jujhar Singh
10. Shri Braja Mohan Mohanty
11. Shri K. Ramachandra Reddy
12. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri J. P. Ratnesh—*Senior Table Officer*

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4. The Committee then considered and adopted the draft Third Report on the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, M.P., at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November, 1987.

5. The Committee decided that the evidence recorded by them be appended to the Report.

6. The Committee authorised the Chairman to present their Third Report to the House.

7—11

(The Committee then adjourned)

**Paras 2—3 relate to another case and have accordingly been omitted.

***Paras 7—11 relate to another case and have accordingly been omitted.

MINUTES OF EVIDENCE

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

Monday, 18 January, 1988

PRESENT

Shri Jagan Nath Kaushal—Chairman

MEMBERS

- 2 Shri H.K.L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Jagannath Choudhary
5. Shri Bhishma Deo Dube
6. Shri Jujhar Singh
7. Dr. Prabhat Kumar Mishra
8. Shri Braja Mohan Mohanty
9. Shri V. Sreenivasa Prasad

SECRETARIAT

Shri K. C. Rastogi—Joint Secretary

Shri T. S. Ahluwalia—Chief Examiner of Bills and Resolutions.

Shri J. P. Ratnesh—Senior Table Officer

WITNESSES

- (1) Shri Vidyacharan Shukla, M.P.
- (2) Shri V.P. Marwah, Commissioner of Police, Delhi.

(The Committee met at 10.30 hours.)

(1) Evidence of Shri Vidyacharan Shukla, M.P.

Mr. Chairman: Shri Vidyacharan Shuklaji, you have been requested to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of your arrest/detention at New Delhi and given of wrong information to the Speaker and through him to the House on 16th November, 1987.

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

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you 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 Committee would constitute a breach of privilege and contempt of the House. 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 under rule 272 was administered to the witness, Shri Vidyacharan Shukla:

Shri Vidyacharan Shukla: I, Vidyacharan Shukla swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

Mr. Chairman: Now, you please let us know what happened on that day.

Shri Vidyacharan Shukla: Mr. Chairman, Sir, I suppose the Committee would be interested in finding out how the thing arose; how Parliament came to be informed falsely and in what manner, the entire thing arose. I will go into that briefly, before coming to the incident proper.

Mr. Chairman: I think, we are mainly concerned with two matters—their not informing us in time, and then informing wrongly. The question as to whether the arrest or detention was justified or not justified, in fact, we are not

Shri Vidyacharan Shukla: In fact, I am not going into that. What I am inquiring into is, whether you would be interested to finding out the background which led to misinformation to Parliament and attempted concealment from Parliament of the fact of this incident.

Mr. Chairman: Well, whatever you think relevant, you can state. It will be for us to see which is, in fact, relevant and which is not.

Shri Vidyacharan Shukla: In the first instance, it did not culminate in my being taken to the police station. It took place on 28th October when the Police Officers came into the Indian Olympic Office and tried to drag me out. At that time, Parliament was not in Session but that was the first instance and there were a lot of people present there.

Mr. Chairman: What happened subsequently?

Shri Vidyacharan Shukla: There was one person there, Mr. Srivatsa of Times of India who was present in the room where all this was happening and in the Police Station itself what happened was witnessed by another lady journalist of Indian Express whose name* I am not able to recollect now but I will furnish it to the Committee in writing because she had filed a report in the newspaper after the incident happened. The incident itself is known to the Committee when I was taken to the Police Station on 16th November. I was sitting in the Office, the Police Officers came and they wanted me to vacate the Office. I told them that unless they had a warrant or any order of authority that they can show me, I will not vacate the Office because this Office I have been occupying since the last three years and on that day, there was nothing in their hand, they had no authority or orders. I asked them whether there is any Order from above? Above means anything from Police Commissioner to Prime Minister.

The ACP Ranganathan was there and he argued with me. He did not know what to do and I said "Are you arresting me or are you just removing me from the Office?" He said "I am arresting you. I have no papers but I go by verbal order because I have the magisterial powers under the Delhi Police Act or whatever the law and I have the powers to do that without any warrant of arrest or anything like that." When I did not agree to leave the room, then he ordered two of his constables to drag me out. They caught hold of both my hands. Mr. Srivatsa of Times of India was probably present in the room when this incident took place. He knew that this was not a proper thing to do. This happened in the Association's room and when they were about to drag me, I said "Don't touch me. I will get up. What you are doing is illegal and improper because you have no orders to show and you are acting in a very highhanded manner." The police officers themselves did not know what for they were doing it. When I came down, I saw there were some people with me who were put in the Police van.

*The name of the Indian Express lady Journalist is Ms. Neerja Choudhury.

ACP suggested that I go to Police Station in my own car. I have got a photograph here which shows that the policemen got into my car. Two policemen got into back seat, the driver was driving. I was sitting in front of Maruti car and they drove me to the Police Station. If you like, the photographer be called here for evidence. The photograph shows policemen sitting inside the car in the back seat of the car. After reaching the Police Station, they took me to the room which is reserved for questioning and after that, to the room of the Station House Officer where I sat for about 1½ hours. Then I was taken to a room adjoining this room which is an ante-chamber. There were one or two sofa sets and centre tables and there I sat until about 4.30 or 5.30. Repeatedly, we were asking them whether I am supposed to be questioned or I can go. Parliament was in session that day. Several Members of Parliament came and visited me. No Member of Parliament was prevented but some journalists were prevented and one of the journalists who was prevented from coming in was this lady Ms. Neerja Choudhury. At about 4.30 PM, when some of the friends had come there from Parliament, I do not remember who it was, we again enquired from the SHO because no Senior Officer visited the Police Station except ACP Mr. Ranganathan. He was present there twice or thrice. He would come and go, come back again and again come and go back. He was not talking to his superiors on telephone because that could be heard. He probably went to take instructions or for whatever reason, he went away. He paid two or three visits to the Police Station. In the Police Station itself, there was no ill-treatment or bad treatment, and at about 4.30 they told me without questioning me that I was free to go. I said "You give it to me in writing why you brought me here and why you want me to go away now and whether I am arrested or detained and what are the reasons." Either the SHO or the ACP told me that I was brought to the Police Station under Section 65 of the Delhi Police Act. I do not remember the exact number of the Section that he quoted or what Section he quoted. Nobody has questioned me. Nobody talked to me about anything. I do not think necessary for him to do so and, therefore, he did not do anything. Afterwards, he asked me to leave. Then I left at about 4.30 or 4.35 or quarter to 5. This is all that happened.

Shri Somnath Chatterjee: For what purpose did you go to the Olympic Association Office on 16th November?

Shri Vidyacharan Shukla: I am President of the Indian Olympic Association and I went there to attend the Office and to dispose of various matters.

Shri Somnath Chatterjee: Did you tell anybody that you were going to the Office to meet somebody else there?

Shri Vidyacharan Shukla: Some people went with me.

Shri Somnath Chatterjee: Did you tell anybody that you were going to IOA Office to meet somebody there?

Shri Vidyacharan Shukla: No.

Shri Somnath Chatterjee: Did you leave to the Police Station at Lodhi Colony by your own car or by the police van? Whether you were being asked to go there or not?

Shri Vidyacharan Shukla: I was taken there in my car. There was no space available in the police van. Just now, I have given to the Committee the picture in which you can find the police officers sat in the back-side. Both of them were there. It was a small Maruti car. I was sitting at the front.

Shri Somnath Chatterjee: Did you ask the Police Officer at the Police Station that you should also be detained alongwith the others?

Shri Vidyacharan Shukla: No. I did not say anything. I only enquired from them the reason as to why I was brought there under what authority I was brought there.

Shri Somnath Chatterjee: Were you ever informed that you were creating nuisance along with the other persons there and that was the reason why you had been detained?

Shri Vidyacharan Shukla: No.

Shri Braja Mohan Mohanty: Shuklaji, along with you, how many other people were detained?

Shri Vidyacharan Shukla: There were about 30 people. But I did not count.

Shri Braja Mohan Mohanty: When they arrested them, did you insist on the inclusion of their name in the list?

Shri Vidyacharan Shukla: That is not correct. I do not know whether they were arrested or not. There is no question of insistence on my part. I only enquired from them as to why they were taking us and under what authority. I was told that they were taking us for questioning under Section 85 of the Delhi Police Act, as I have mentioned already.

Shri Braja Mohan Mohanty: Could you tell us the exact time when you reached the Police Station?

Shri Vidyacharan Shukla: I don't remember the time exactly, I was in the Police Station for about four-and-a-half hours

Shri Braja Mohan Mohanty: Were you there for a period of 4—4½ hrs?

Shri Vidyacharan Shukla: The time must be around 12 O'Clock. But I am not sure. I did not check up the watch. The point is that at the Police Station, I sat for about 4—4½ hours.

Shri Braja Mohan Mohanty: You have indicated in your petition to the hon. Speaker that you were there up to 5.50 p.m.

Shri Vidyacharan Shukla: May be, I might have indicated the time as 5.30, I do not remember the exact time as to when I went there and left that place. But what I have written, that must be the time.

Shri Braja Mohan Mohanty: You have stated that two police Constables dragged you. Did they drag you at the police station?

Shri Vidyacharan Shukla: In the room itself, they tried to drag me. But when they were about to drag me, I told them not to do that. Then, I agreed to walk and I walked from my room to the car. Since the policemen were full in strength with other people, they asked me to get into the car and to the police station. They put two police Constables at the back seat of my car.

Shri Jujhar Singh: Did the police insist on you to go to the police station or did you go there voluntarily?

Shri Vidyacharan Shukla: Actually, they took me. When I was not getting up from my car to go to the police station, two Constables were asked to drag me out and both of them came and held my two hands.....

Shri Jujhar Singh: Did they drag you in the building or where?

Shri Vidyacharan Shukla: They asked me to come to the police station. I told them that I would not come to the police station. When I refused to come out, then they asked the two police Constables to drag me from there and take to the station.

Shri Jujhar Singh: Were you there voluntarily?

Shri Vidyacharan Shukla: I was not there voluntarily. They detained me there. Only after they told me to leave, I left that place.

Shri V. Sreenivasa Prasad: Were you not aware that you have been expelled and you are no longer the President of IOA?

Shri Vidyacharan Shukla: I was aware of what was happening in the Court of Law. The matter was pending in the Court of Law. There was a stay order. The matter was *sub-judice* and even today, matter is *sub judice*. But I would like to say that I am still the President of IOA. According to some other Courts of Law, it is under dispute. The police officers who came to talk to me did not tell me anything about my being the President of IOA or not being the President of IOA. They only objected to my being there. As I have said, they did not question about my being the President or not being the President of IOA.

Dr. Prabhat Kumar Mishra: What had actually happened there? Did the police officers put you into the car or did you go on your own?

Shri Vidyacharan Shukla: They put me. Shri Ranganathan and the other police people asked me to get into my car because the policevan was full. Then, they put the two police constables in the back seat of my car and took me to the police station. I did not know where the police station was. They took me there.

Shri H.K.L. Bhagat: Shuklaji, I would like to know as to whether it is a fact that some people in the Indian Olympic Association have raised a dispute regarding your continuance as Chairman of the IOA? Is it also a fact that some dispute has been going on?

Shri Vidyacharan Shukla: Yes, it is a fact. Mr. Prime Minister has been disputing my being the President of the IOA.

Shri H.K.L. Bhagat: Can you quote from anywhere as to where the Prime Minister has said even one word about it?

Shri Vidyacharan Shukla: Several members of the Indian Olympic Association could be produced....

Shri H. K. L. Bhagat: Can you produce any single document, any newspaper report where the Prime Minister has said anything about this?

Shri Vidyacharan Shukla: The Prime Minister told this to other members.

Shri H. K. L. Bhagat: Can you produce any newspaper report, any document or not?

Shri Vidyacharan Shukla: I will produce oral evidence.

Shri H.K.L. Bhagat: Therefore, you have no documentary evidence to this effect. Unnecessarily and wrongly, you are dragging in the name of the Prime Minister.

Shri Vidyacharan Shukla: You cannot put it so.

Shri H. K. L. Bhagat: I can certainly put this question.

Mr. Chairman: Bhagatji, you please put your question. Let him answer.

Shri H. K. L. Bhagat: I want to ask you as to whether you did go to the Indian Olympic Association's Office alone or were you accompanied by a number of other people also?

Shri Vidyacharan Shukla: I had a number of people with me.

Shri H. K. L. Bhagat: Why did you take a number of people with you?

Shri Vidyacharan Shukla: As usual, whenever I went there, many people came with me.

Shri H. K. L. Bhagat: When you went to the Indian Olympic Association, didn't you have any apprehensions?

Shri Vidyacharan Shukla: There were certain apprehensions. But it was not a wise thing for me to go to that office unaccompanied.

Shri H. K. L. Bhagat: While going, you were apprehending trouble. How many of them were there with you?

Shri Vidyacharan Shukla: About 30.

Shri H. K. L. Bhagat: Can you mention the names of some of those persons who accompanied you?

Shri Vidyacharan Shukla: Well, I can recollect and send the names. Right now, I cannot.

Shri H. K. L. Bhagat: Can't you mention even one name?

Shri Vidyacharan Shukla: I will give you the names of those persons who were present there and those who lodged complaints.

Shri H. K. L. Bhagat: You can recollect and give it.

Shri Vidyacharan Shukla: This is a report which shows that these were the people who lodged the complaint and who were present there.

Shri H. K. L. Bhagat: You read out the names.

Shri Vidyacharan Shukla: Shri A. Sharma, Narayan Singh, Chander Prakash Sharma, Divakar Gautham, Abdul Aziz etc.

Shri H. K. L. Bhagat: I would like to ask you that these people whose names you have mentioned, has anyone of them the office bearer of the Indian Olympics Association?

Shri Vidyacharan Shukla: No.

Shri H. K. L. Bhagat: Was there any office bearer of Indian Olympics Association who accompanied you?

Shri Vidyacharan Shukla: No.

Shri H. K. L. Bhagat: Were there any political leaders who accompanied you? If so, who were the political leaders?

Shri Vidyacharan Shukla: Yes. Some of them mentioned in the list are political leaders.

Shri H. K. L. Bhagat: Can you name them?

Shri Vidyacharan Shukla: I have given the document which contains the names.

Shri H. K. L. Bhagat: Why did you take those political leaders with you?

Shri Vidyacharan Shukla: They came along with me to see what would happen and to witness what we were apprehending.

Shri H. K. L. Bhagat: You were apprehending some trouble. Is that right?

Shri Vidyacharan Shukla: I was apprehending trouble, therefore, gentlemen came along with me and stayed there.

Shri H. K. L. Bhagat: Did they stay there on your request or on their volition? Did you tell them about the apprehension?

Shri Vidyacharan Shukla: On their own volition. Yes, I did tell.

Shri H. K. L. Bhagat: Is it a fact that when you reached the Indian Olympics Association, you were not obstructed physically by anybody?

Shri Vidyacharan Shukla: There was no obstruction when I reached the office.

Shri H. K. L. Bhagat: After you occupied the chair, did anyone come to physically remove you from the chair? If so, who were the people?

Shri Vidyacharan Shukla: Yes. One ACP, Mr. Ranganathan was there along with police constables and sub-inspector.

Shri H. K. L. Bhagat: Was there anyone else apart from police people? Were there any people who were opposed to you in the Indian Olympics Association?

Shri Vidyacharan Shukla: I do not know.

Shri H.K.L. Bhagat: Did you know the people who were opposed to you and did you see them?

Shri Vidyacharan Shukla: I do not know. I saw them at the down-stairs. When I was brought down by the police, three or four of them were present at the gate.

Shri H. K. L. Bhagat: Who were the people when you saw?

Shri Vidyacharan Shukla: There were A.V.M. Mehta, Randhir Singh, one Mr. Sinha and one Shri S.R. Saigal. Two of them are the employees of the office and two of them were connected with the IOA but were not the office bearers.

Shri H.K.L. Bhagat: Is it a fact that some of them told you that you were no longer the President and therefore, to vacate the chair?

Shri Vidyacharan Shukla: None of them told me.

Shri H.K.L. Bhagat: You said that you got into the car yourself.

Shri Vidyacharan Shukla: I did not say that.

Shri H. K. L. Bhagat: How did you come out of the room?

Shri Vidyacharan Shukla: Shall I repeat this? Mr. Chairman, you can relate to him. I will repeat it under your instructions.

When I was sitting in my chair, ACP Ranganathan came there and asked me to leave the room and to come to the police station. I asked him that under whose authority was he taking me? He told me that he had orders from the above to do this. I told him that there were many people above him including the Police Commissioner, Lt. Governor, Home Minister, Prime Minister. He said that he could not go into all these things. I told him that I would not come to the police station without any orders being shown to me. Then he asked two of his constables to drag me out and take me to the down-stairs for taking me to the police station. I told them, "do not drag me, I will walk myself." Then I came to the down-stairs. The police van was there in front of IOA office. That was full with those people who were with me. All of them were put in the van. ACP suggested that he would take me to the police station in my own car along with two police constables. I was seated in the front seat and took me to the police station. I did not want to go to the police station. I was protesting against being taken to the police station. I was asking for the authority or the legal order to be shown to me for being taken to police station. These people just forcibly took me to the police station.

Shri H. K. L. Bhagat: Thank you, very much for giving me details. How many policemen were present in the room from where you were taken?

Shri Vidyacharan Shukla: I think, about 12 of them were there.

Shri H.K.L. Bhagat: Apart from the ACP, was there any senior officer present?

Shri Vidyacharan Shukla: SHO of the police station where I was taken was also present.

Mr. Chairman: Was he present in the Association office also?

Shri Vidyacharan Shukla: He also came to the building of the Association.

Shri H.K.L. Bhagat: Is it a fact that Additional Dy. Commissioner of Police and Dy. Commissioner of Police also reached the spot when you were present there?

Shri Vidyacharan Shukla: I do not know: I did not see. I did not know who was the Dy. Commissioner incharge and had they been in the police uniform, I would have recognised them.

Shri H.K.L. Bhagat: Were there any police officers in uniform present apart from the ACP?

Shri Vidyacharan Shukla: I don't know.

Shri H.K.L. Bhagat: I would like to know whether you know the name of the SHO of that police station.

Shri Vidyacharan Shukla: I was told that his name was Mr. Sharma. He himself said it.

Shri H.K.L. Bhagat: Are you sure that he was the SHO, because the information given to us says that the SHO was on duty elsewhere and he was not there.

Shri Vidyacharan Shukla: Yes, I am sure.

Shri H.K.L. Bhagat: Can't you give his full name?

Shri Vidyacharan Shukla: He said his name is Mr. Sharma, though he does not use the surname Sharma.

Shri H. K. L. Bhagat: Have you ever had a chance of meeting the SHO before?

Shri Vidyacharan Shukla: I met him on the night of 28th October when I first went there and he had come to remove me. The ACP had also come there then.

Shri H.K.L. Bhagat: All the people with you were put in a police van. Is it true?

Mr. Chairman: They were put in the van.

Shri H.K.L. Bhagat: Is it a fact that the people who accompanied you shouted slogans?

Shri Vidyacharan Shukla: I don't know.

Shri H. K. L. Bhagat: When you went to the police station—you said that you were taken there and made to sit there—were the people with you also taken to the same police station?

Shri Vidyacharan Shukla: Yes.

Shri H.K.L. Bhagat: Were they shouting slogans there?

Shri Vidyacharan Shukla: In the police station they shouted slogans.

Shri H.K.L. Bhagat: Did you want to be arrested or did you not want to be arrested?

Shri Vidyacharan Shukla: I wanted to sit in my room and work. I, of course, went there to work and not to get arrested.

Shri H.K.L. Bhagat: After you left the room?

Shri Vidyacharan Shukla: I did not leave the room. I was forcibly taken out of the room by the police.

Shri H.K.L. Bhagat: I want to know whether after that did you want to be arrested or not.

Shri Vidyacharan Shukla: I only wanted to know why I was brought there. They were totally confused, they did not tell me anything, they were saying that they had brought me there under the Police Act Section 55 or something like that.

Shri H.K.L. Bhagat: When you say that they were totally confused, do you mean to say that they did not know what action they were taking about you?

Shri Vidyacharan Shukla: They were fully confused about the authority under which I was taken to the police station.

Shri H.K.L. Bhagat: So they were not sure under what Act, law or rules they arrested you.

Shri Vidyacharan Shukla: I asked them about this matter; but they were not able to tell me anything. They only knew that they had to take me and detain me in the police station. When I refused to come down, they tried to drag me. Then I voluntarily came down. They put two police constables in my room and took me to the police station.

Shri H.K.L. Bhagat: In the police station did you tell them that since they have brought you over there, now you want to leave.

Shri Vidyacharan Shukla: Yes, but they did not agree.

Shri H.K.L. Bhagat: It would be wrong to say that you insisted that you must be arrested or you wanted to be arrested.

Shri Vidyacharan Shukla: It is incorrect.

In the first instance I wrote a letter to the Police Commissioner on 28th October. With your permission Mr. Chairman, I would like to put it on the record of the Committee. There are some paper clippings also which might be useful.

Mr. Chairman: You give us the letter I don't think the paper clippings would be relevant.

Shri Vidyacharan Shukla: Most of it is based on the information given by the Police Officers to the journalists. The journalists reported in the Press what they were told by these police officers. What they were briefing the Press might throw some light here. I was not briefing the Press.

Shri H.K.L. Bhagat: For how long were you there in the office?

Shri Vidyacharan Shukla: I was there only for half-an-hour.

Shri H.K.L. Bhagat: For about half-an-hour nobody disturbed you.

Shri Vidyacharan Shukla: There were guards down below when I reached there. After that Police came into my room in about half-an-hour's time.

Shri H.K.L. Bhagat: When you made your complaint to the House for breach of privilege, you must have drafted it very carefully.

Shri Vidyacharan Shukla: That goes without saying.

Shri H.K.L. Bhagat: Did you care to mention the essential details?

Shri Vidyacharan Shukla: Whatever I thought proper, I gave there.

Shri H. K. L. Bhagat: You must have given the time already of your reaching the police station.

Shri Vidyacharan Shukla: I have already given.

Shri H.K.L. Bhagat: At the time of this incident were you a member of the ruling party at the centre?

Shri Vidyacharan Shukla: It is a very relevant question. With your permission I would like to give an elaborate answer to this question. When this incident took place I was not a member of the ruling party.

Until I was expelled by Mr. Bhagat and his leader on 13th July,—I don't remember the date and the month exactly—there was no problem. I was attending my office regularly. After my expulsion,

all the troubles started arising in the Indian Olympic Association. As a climax of all these troubles this incident took place where the police were used to guard the IOA office where they had no business to come because the matter was sub-judice, the plea from our side was that I have to continue as Chairman and the President of the Indian Olympic Association and the other side were disputing this claim. Both the claims were before the court of law, for adjudication. There were stay orders from some courts, I think of Madhya Pradesh and Orissa. And the sub-judge of Delhi Shri H. S. Sharma has also given the stay order. In defiance of stay order, the meeting took place in Trivandrum when all these things were under questioning. Therefore, the status at that time, according to me was got to be decided legally, i.e. until I was legally removed from the Presidentship of the Indian Olympic Association. I could go, sit and attend my office. When I did that, the police people came, intervened and removed me from there.

Mr. Chairman: If you don't have the date, kindly give us the month.

Shri Vidyacharan Shukla: It was two days before the result of President's election was announced.

Mr. Chairman: It is good enough.

Shri H.K.L. Bahgat: Is it a fact that the matter in question is still sub-judice and pending in various courts?

Shri Vidyacharan Shukla: Yes.

Shri H.K.L. Bhagat: That is all.

Mr. Chairman: Let us break for tea.

(The witness then withdrew)

(2) Evidence of Shri V.P. Marwah, Commissioner of Police, Delhi.

Mr. Chairman: Shri V.P. Marwah, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP, at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November, 1987.

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

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you 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 Committee would constitute a breach of privilege and contempt of the House. 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 V.P. Marwah: I, Ved Marwah, Swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Now, is it a fact that on 16th of November 1987, Shri Vidyacharan Shukla, MP, was arrested by the Delhi Police?

Shri V.P. Marwah: Sir, as you have put the question, the answer is yes. But may I explain?

Mr. Chairman: I will give you a chance to explain. Do you know that it is your duty to inform the Speaker, as soon as possible, of the arrest or detention of a Member of Parliament?

Shri V.P. Marwah: Sir, it is the duty of the Delhi Police to inform, not me personally. According to the procedure, the SHO is to inform that Speaker immediately, note to be followed by the Deputy Commissioner.

Mr. Chairman: May I know, when the Parliament was in session, why was the information not given to the Speaker about the arrest or detention of Shri Shukla?

Shri V.P. Marwah: As far as I am aware, the information—after he was detained—was conveyed to the Speaker at the earliest. But as I said sometime ago, the circumstances of the arrest were such that there was a little confusion whether Shri Shukla had been detained earlier or not. May I explain at this stage the circumstances?

Mr. Chairman: Don't be impatient. I will give you full opportunity to explain.

Is it correct that during the day, you informed or some of your agency informed the Minister for Parliamentary Affairs that Mr. Shukla was not detained or arrested?

Shri V.P. Marwah: As far as I am concerned, the Minister of State for Home Affairs, Mr. Chidambaram, rang me up and asked me whether Shri Shukla had been arrested. I don't remember the exact time. It was well past three. I told him: I don't know. I will find it out.

Then, I rang up the Deputy Commissioner of Police (South) in whose jurisdiction he was reported to have been arrested. I spoke to him on telephone. He gave me a categorical answer that Shri Shukla had not been detained. This, he passed on to me on the basis of the personal knowledge because Mr. Brar, DCP (South) was personally present at the place where this arrest was supposed to have taken place. So, on the basis of the information, which he furnished to me on the telephone, I passed on that information to Mr. Chidambaram, the Minister of State for Home Affairs.

Mr. Chairman: Is it also a fact that during the night at about 9 or 9.30, the Speaker was informed that Mr. Shukla was, in fact, detained by the Police for a few hours?

Shri V. P. Marwah: Yes, Sir. A report was sent to the Speaker by the SHO directly informing him about the detention of Shri Shukla.

Mr. Chairman: Now, I am going to read the report of the Station House Officer. He says:

"Today at 12.30 P.M., Shri V.C. Shukla, Member of Parliament, alongwith 19 more persons, tried to create nuisance and forcible entry in the office of Indian Olympic Association at Jawahar Lal Nehru Stadium, New Delhi. Since there was an apprehension of breach of peace, they were detained u/s 65 Delhi Police Act till 4 P.M. today."

Does this represent the correct situation?

Shri V.P. Marwah: As the report goes, yes, it is correct. But it needs certain amount of clarification to get the correct picture of what happened.

Mr. Chairman: Then, you give the clarification at this stage.

Shri V.P. Marwah: Sir, as I have been informed by the Deputy Commissioner of Police...

Shri H.K.L. Bhagat: He had filed a reply.

Mr. Chairman: Before you give a clarification, I will bring to your notice what you have stated in your communication of 17th November where you have given all that came to your knowledge. Do you stand by what you had stated or shall I read?

Shri V. P. Marwah: I stand by it because I wrote in my own hand when I gave to the Parliament House.

Mr. Chairman: Your information, which was given to Mr. Chidambaram, was supplied to you by...

Shri V. P. Marwah: Shri Brar, Deputy Commissioner of Police (South), in charge of that area.

Mr. Chairman: Whatever you have stated in the communication, dated 17th November 1987, is the result of your inquiries and investigation regarding the real affair?

Shri V. P. Marwah: Yes, Sir.

Mr. Chairman: You have stated in this communication that:

"Shri Shukla's name was included in the list on his own insistence."

What is the basis for this sentence?

Shri V. P. Marwah: When the incident was reported to the Police, the Deputy Commissioner of Police, alongwith the ACP, rushed to the place. I won't go into the details of the incident. But as some people were making some rumpus outside, under the instructions of the Deputy Commissioner, the officers who were present at the spot, took those people under section 65 Delhi Police Act, to the police station. This is because they apprehended some breach of peace. But at that time, Shri Shukla had not been detained, nor was there any intention to detain him. When Shri Shukla came out of his office in the Jawahar Lal Nehru Stadium, he asked the police officer where his supporters had been taken to. The officer who was present at that time told him that his supporters had been detained under the Delhi Police Act and they had been taken to the police station. Shri Shukla then sat in his own car and asked the police officer to show him where the police station was. The police officer also sat along with Shri Shukla in his car and went to the police station. There these people were making a lot of noise and the police officer decided at that time not to release them. They kept on raising slogans and it went up to 4 O'clock. At that time, the officer incharge decided to release these people who had been detained under the Delhi Police Act. Shri

Shukla at that time said that unless his name was also included along with his supporters, he would not leave the police station, because he had been sitting at the police station. The officer incharge to diffuse the situation and not to create any further complications included Shri Shukla's name also and after this they were allowed to go. He then informed the hon. Speaker by a written communication and this is what took place. There was no intention to arrest him at 12.30....

Shri H.K.L. Bhagat: Mr. Chairman, Sir, will you kindly ask the witness to withdraw for a short while?

Mr. Chairman: Mr. Marwah, you may please retire for a few minutes?

(The witness then withdrew)

The Committee then adjourned.

FRIDAY, 12 February, 1988

PRESENT

Shri Jagan Nath Kaushal—Chairman

MEMBERS

2. Shri Bhadreshwar Tanti
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Jagannath Choudhary
6. Shri Sharad Dighe
7. Shri Bhishma Deo Dube
8. Shri Jujhar Singh
9. Dr. Prabhat Kumar Mishra

SECRETARIAT

Shri K. C. Rastogi—Joint Secretary

Shri T. S. Ahluwalia—Chief Examiner of Bills and Resolutions

Shri J. P. Ratnesh—Senior Table Officer

WITNESSES

- (1) Shri V. Ranganathan,
Assistant Commissioner of Police (South),
New Delhi,
- (2) Shri P. R. S. Brar,
Deputy Commissioner of Police (South),
New Delhi.
- (3) Shri Mansoor Ali Sayid,
Additional Deputy Commissioner of Police (South),
New Delhi.
- (4) Shri Rajendra Kumar,
Station House Officer,
Police Station Lodhi Colony,
New Delhi.

(The Committee met at 10.30 hours)

(i) Evidence of Shri V. Ranganathan, Assistant Commissioner of Police (South), New Delhi.

Mr. Chairman: Mr. V. Ranganathan, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, M.P., at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November, 1987.

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

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you 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 Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

You have been asked to appear before this Committee to give evidence. Would you take the oath or affirmation?

Shri V. Ranganathan: I will take the oath.

"I, Ranganathan, swear in the name of God that the evidence which I shall give in this case shall be true and that I will conceal nothing and that no part of my evidence shall be false."

Mr. Chairman: Please let us know what happened on 16th November, 1987.

Shri V. Ranganathan: Already, we got the information from the Stadium Administrator that there were claims and counter-claims over the IOA Office. On 30th October, I got a letter from Stadium Administrator that Mr. Adityan and Mr. Randhir Singh were elected as officiating President and Secretary-General of the IOA Office and that they were entitled to enter into the Office.

On 16-11-1987, we were also asked to provide protection to them. On 16-11-1987, at about 11.55 hrs., I got the information that Mr. V. C. Shukla, hon. Member of Parliament had come with his supporters and entered the Office.

I got the direction from the Deputy Commissioner of Police (South) to reach the spot immediately. I went with some staff from Defence

Colony Police Station to the Jawaharlal Nehru Stadium. There I entered the premises and I saw some of the supporters of the hon. Member of Parliament, Mr. V. C. Shukla shouting slogans and the name-boards of Mr. Adityan and Mr. Randhir Singh were thrown away. I went and enquired from Mr. Randhir Singh.

I came to know that there were disturbances and Mr. Shukla was sitting in the IOA President Office.

Immediately I ordered the other persons, the supporters of Mr. V. C. Shukla to move away from the Office premises because they were not entitled to enter the office premises.

They were creating disturbances, slogan shouting and other things. They were removed. I ordered local Police of the Lodhi Colony Police Station to take them to the Police Station. I went to the IOA President Office and requested Mr. V. C. Shukla saying, "I am having this letter" and that only Mr. Adityan and the Secretary-General M. Randhir Singh were entitled to enter the office and function. It created disturbance. Mr. Shukla said "I am also entitled and I have already filed a suit in the court." I told him "As per the information I received from Stadium Officer, Mr. Adityan and Mr. Randhir Singh are entitled to enter office and function in this office and you must leave." I requested him first. Then he told me "I am also an incumbent and I have already filed a suit." I said "So far, there is no direction from any quarter that you may be allowed or you are entitled to sit in the IOA Office." He asked me to show the papers and I took out the papers and showed the letter which was written to me.

Mr. Chairman: By whom was the letter written?

Shri V. Ranganathan: The letter was written by the Stadium Administrator, Ministry of Human Resources, Department of Sports in which Joint Secretary has also taken note of the election of Mr. Randhir Singh.

I told him "This is the letter from the Stadium Administrator and the enclosures and the letter from the Joint Secretary, Department of Sports." I showed him the letter and I requested him to leave the office.

In the meantime, our Deputy Police Commissioner also reached the place. I told him that I ordered the other person to leave the Office.

Shri Sharad Dighe: For what reason you expected him to leave the Office?

Mr. Chairman: You told the Additional Deputy Commissioner of Police that you have already showed Mr. Shukla the papers. What did Mr. Shukla do?

Shri V. Ranganathan: Mr. Shukla said "I am also a claimant and I have already filed a suit in the Court." Our Additional Deputy Police Commissioner told me to persuade him to leave the Office. Once again, I requested him to leave Office saying that I was not having any paper which makes me to believe that he was having any right to sit in the Office or was entitled to enter the Office.

I told him "You must leave." Then after some persuasion, he left the Office. He came down to the entrance. I also went along with him to the entrance. Then, once again I went back to the Office of the Secretary-General to get a formal complaint because of telephonic talk and wireless message.

Mr. Chairman: To which office did you go back?

Shri V. Ranganathan: I went back to the office of the Secretary-General to get a formal complaint. All these things were happening on telephonic message and wireless message.

Mr. Chairman: The point is that you talked to Mr. Shukla and Mr. Shukla, on your persuasion, decided to leave the office. He came out of the building and you again went in. To do what work you went in again?

Shri V. Ranganathan: To get a formal complaint from the Secretary-General. In fact, I got the information on wireless.

Mr. Chairman: This story does not fit in well.

Shri V. Ranganathan: I got the complaint from Shri Randhir Singh and sent it to the Poice Station, Lodhi Colony. The SHO, Lodhi Colony was there. He came to the IOA premises. I was in the first floor. He came and I told that I had already removed the 18 supporters of Shri Shukla and asked him to go and hanle the situation. Then, I sent him to the Police Station.

Mr. Chairman: You sent him to the Police Station. Is it correct?

Shri V. Ranganathan: I sent him to the Lodhi Colony Police Station.

Mr. Chairman: Your part of work finished at that stage. Is it so?

Shri V. Ranganathan: I sent a formal complaint to the Police Station also.

Mr. Chairman: What did you do then?

Shri V. Ranganathan: I left for my office. Some exercise was going on there. After that, I went to the Court, as I was holding the post of Special Executive Magistrate.

Mr. Chairman: You left the building. After that, you come back to your office. What did you do there? Did you again go to the IOA or to the SHO's Police Station?

Shri V. Ranganathan: No, I did not. Further, at about 6.15 in the evening I got information from the SHO, Lodhi Colony that information was sent to the Lok Sabha Speaker about the detention of Shri Shukla.

Mr. Chairman: Maybe, at 6 p.m. or at 6.15 p.m. you got a message from the SHO, Lodhi Colony Police Station. What was the intimation about?

Shri V. Ranganathan: The intimation was about the detention of Shri V. C. Shukla, along with his supporters. This intimation was sent to the hon. Speaker, Lok Sabha already. That is what he conveyed to me.

Shri Somnath Chatterjee: Please speak slowly, so that we can hear what you say. It will be helpful to us. Our Chairman just now asked you as to what happened around 6-6.15 p.m. on that day. Please explain.

Shri V. Ranganathan: I reached my office at about 6.15 p.m. I got the information from the SHO, Lodhi Colony Police Station saying that he sent a report on the detention of Shri Shukla to the Speaker of the Lok Sabha. He also told me that Shri Shukla did not want to leave till his name was included in the report. Under the circumstances, since it amounted to detention, his name was also included in the report. As stated earlier, he sent the report to the Lok Sabha Speaker.

Mr. Chairman: Did he send any communication in writing to this effect?

Shri V. Ranganathan: Immediately not.

Mr. Chairman: The point is that the SHO had already informed the hon-Speaker of Lok Sabha about his detention.

Shri V. Ranganathan: He said that it was in writing.

Mr. Chairman: He told you that he had sent the information in writing to the hon. Speaker of the Lok Sabha about the detention of Shri Shukla. What did you do after hearing this?

Shri V. Ranganathan: I did not do anything because normalcy had already come back. I left the IOA premises at about 12.40 p.m. At 6.15 p.m., I found that he had sent the information to the hon. Speaker of the Lok Sabha. The persons had already left the place.

Shri Somnath Chatterjee: Did you know yourself that Shri Shukla had been detained in the Police Station?

Shri V. Ranganathan: I came to know about it at about 6.15 p.m.

Shri Somnath Chatterjee: How long had he been detained? Did you come to know about it?

Shri V. Ranganathan: He was present in the Police Station 12.35 p.m. onwards, as per the version of the SHO.

Shri Somnath Chatterjee: How long was he detained in the Police Station? Please give straight answer.

Shri V. Ranganathan: As per the SHO's report, he was not detained. When he insisted that his name was to be included in the detention report, his name was included.

Shri Somnath Chatterjee: Have you no personal knowledge about it?

Shri V. Ranganathan: I have no personal knowledge about it.

Shri Somnath Chatterjee: You were there in the IOA Office. Shri Shukla left the office for the Police Station, Lodhi Road by your persuasion or otherwise. Where did he go?

Shri V. Ranganathan: I do not know. I followed him up to the entrance.

Shri Somnath Chatterjee: How did Mr. Shukla leave the Stadium? Do you know about it?

Shri V. Ranganathan: He must have left in his own car. His car was there. He was talking to some Press persons there.

Shri Somnath Chatterjee: Do you know how he left the stadium?

Shri V. Ranganathan: No.

Shri Somnath Chatterjee: Therefore, you have no idea about it at all. Did you try to ascertain that aspect?

Shri V. Ranganathan: I ascertained the matter. He left in his own car. I ascertained this from the SHO.

Shri Somnath Chatterjee: From whom and how did you ascertain?

Shri V. Ranganathan: I ascertained it at 6.15 p.m.

Shri Somnath Chatterjee: You have stated that you had ascertained the matter. But he had been detained in the Police Station.

Shri V. Ranganathan: As per the SHO's report, his name was included.

Shri Somnath Chatterjee: Did you know that there is an intimation given by the Police to the hon. Speaker that Shri Shukla was detained?

Shri V. Ranganathan: Yes, I know it.

Shri Somnath Chatterjee: Had you questioned the detention?

Shri V. Ranganathan: I asked the SHO and he told me that since it amounted to detention, it was included. But in the strict legal sense, it was not detention.

Shri Somnath Chatterjee: What is your opinion?

Shri V. Ranganathan: He was not put under any restraint.

Shri Somnath Chatterjee: Was wrong information given to the Speaker?

Shri V. Ranganathan: When his name was included in the report, it is our duty to be cautious and send the information.

Shri Somnath Chatterjee: Then, why did you say that he was not detained?

Shri V. Ranganathan: His name was included in the detention report. But in the strict legal sense, he was not detained. Detention means, there is some restraint. He cannot move here and there. He cannot do whatever he wants.

Shri Somnath Chatterjee: Did you tell any other officer that there was no intimation to the hon. Speaker because according to you he was not detained?

Shri V. Ranganathan: I didn't say that.

Shri Somnath Chatterjee: Why not?

Shri V. Ranganathan: I do not know. He was present in the Police Station.

Shri Somnath Chatterjee: How did you come to that conclusion?

Shri V. Ranganathan: As per the SHO's report I came to that conclusion.

Shri Somnath Chatterjee: I want to know one information from you. You are the Assistant Commissioner of Police. You were present throughout on that occasion. According to you, you do not know whether he was detained or not and in the strict legal sense, he was not detained....

Shri V. Ranganathan: That is what the SHO told me. I do not have any personal knowledge about it. As per the SHO's report, it is so.

Shri Somnath Chatterjee: Was there any police personnel in his car?

Shri V. Ranganathan: I do not know.

Shri Somnath Chatterjee: According to you, you do not know whether police personnel were there in his car or not.

Shri V. Ranganathan: I do not know.

Shri Somnath Chatterjee: Supposing they were there.

Shri V. Ranganathan: I don't know the circumstances.

Shri Somnath Chatterjee: Did you make any report to anybody about the incident that had taken place on 16th November, 1987 till today in writing?

Shri V. Ranganathan: No Sir. Because the next day everybody, including our senior officers, came to know about it and I did not report.

Mr. Chairman: Mr. Ranganathan, please give direct answers and don't try to give reasons unless we ask you to give reasons.

Mr. Chatterjee is asking you whether you had informed anybody about the incident which had happened in your presence. You said no. That finishes your answer. If you go on adding unnecessary things, more questions will follow.

Shri Somnath Chatterjee: What is the name of the Deputy Commissioner of Police who had also arrived at the spot on that day?

Shri V. Ranganathan: Shri P.R.S. Brar Sir.

Shri Somnath Chatterjee: Was he present throughout?

Shri V. Ranganathan: Until Mr. Shukla left, he was there.

Shri Somnath Chatterjee: Was any other officer present?

Shri V. Ranganathan: The Additional Deputy Commissioner of Police Mr. Mansoor Ali Syed was also present.

Mr. Chairman: Did he also come when you were in the IOA Office?

Shri V. Ranganathan: Yes Sir.

Shri Somnath Chatterjee: So, you were there, the Deputy Commissioner of Police, Mr. Brar was there and Mr. Syed was also there. When did the SHO meet you on that day and had a talk with you?

Shri V. Ranganathan: At about 12.20 p.m. or so.

Shri Somnath Chatterjee: You had a talk with him or did he come there?

Shri V. Ranganathan: He came there.

Shri Somnath Chatterjee: According to you, you had received intimation from the Department of Sports that Mr. Adityan and Mr. Randhir Singh were the office bearers and that nobody else was entitled to claim that right. Before you took action on that date, was it because of that intimation alone that you acted?

Shri V. Ranganathan: Not only that, there were slogan shouting and creation of disturbances also.

Shri Somnath Chatterjee: Were they committing any offence by shouting slogans?

Shri V. Ranganathan: In the strict legal sense they tried to commit the breach of peace which is an offence.

Shri Somnath Chatterjee: Whose premises was it?

Shri V. Ranganathan: It was the IOA premises.

Shri Somnath Chatterjee: Did the IOA till then lodge any complaint with you?

Shri V. Ranganathan: I got the formal complaint.

Shri Somnath Chatterjee: But it was much later.

Shri V. Ranganathan: I got the telephonic information first and then the formal complaint.

Shri H. K. L. Bhagat: You did not arrest Mr. Shukla?

Shri V. Ranganathan: Yes Sir.

Shri H.K.L. Bhagat: You did not detain him.

Shri V. Ranganathan: Yes Sir.

Shri H.K.L. Bhagat: Did you restrain him?

Shri V. Ranganathan: No Sir.

Shri H.K.L. Bhagat: Mr. Shukla himself left by your persuasion.

Shri V. Ranganathan: Yes Sir.

Shri H.K.L. Bhagat: You said that he left the place. Did he leave the place in your presence in his car?

Shri V. Ranganathan: He was sitting in his car and talking to Press and people.

Shri H. K. L. Bhagat: You said that in the evening your officer told you as to how he had detained Mr. Shukla. Please explain.

Shri V. Ranganathan: He told me that after Mr. Shukla's supporters were brought to the police station, after the SHO also reached the police station, Mr. Shukla came in his own car. He asked the SHO for what purpose they were brought to the police station and for how long they will be detained. He also said that until and unless they were let off, he would not leave the police station. After that, when it was decided by SHO at about 4 O'clock to release them, he said that his name should also be included in the list. He insisted on that and to defuse the situation the SHO had included Mr. Shukla's name also. He then thought it prudent to send that information to the Lok Sabha Speaker.

Shri H.K.L. Bhagat: That is all right. Thank you.

Shri Jujhar Singh: Were you present when Mr. Shukla left the stadium?

Shri V. Ranganathan: No Sir.

Shri Jujhar Singh: You said, that you saw Mr. Shukla coming down from the office and going upto the car. Then how do you say that you were not there?

Shri V. Ranganathan: He did not leave. He was talking to the Press people.

Shri Jujhar Singh: You saw Mr. Shukla coming out of the office and sitting in the car. Upto that time you were there. You saw any police people along with Mr. Shukla in the car.

Shri V. Ranganathan: No Sir.

Mr. Chairman: Were his supporters trying to enter the building or were they only shouting slogans?

Shri V. Ranganathan: They were already inside the office premises when I reached the spot.

Mr. Chairman: Have you any idea about what slogans they were shouting?

Shri V. Ranganathan: When they saw me they shouted 'Delhi Police 'Hai Hai'; 'Shuklaji hum aap ke saath hai.'

Mr. Chairman: When you went there he was occupying the Chair of the Chairman.

Shri V. Ranganathan: Yes Sir.

(The Witness then withdrew)

(2) Evidence of Shri P. R. S. Brar, Deputy Commissioner of Police (South), New Delhi,

Mr. Chairman: Mr. P.R.S. Brar, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November, 1987.

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

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you 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 Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath.

Shri P. R. S. Brar: I, P.R.S. Brar, do solemnly swear in the name of God that the evidence which I shall give in this case be true. That I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: You are the Deputy Commissioner of Police (South), New Delhi and you were holding this position on 16th November, 1987.

Shri P.R.S. Brar: Yes, Sir.

Mr. Chairman: What happened on that day in connection with the affair for which you have been called here.

Shri P.R.S. Brar: On 16th November immediately after 12 O'clock I got a telephone call from Secretary General, IOA Mr. Randhir Singh saying that a number of people from outside have entered the premises and are causing disturbance in the functioning of IOA Office. I had earlier also know that a dispute was going on regarding the respective claims of office bearers at IOA and earlier also police had to go there on many occasions. I immediately sent a wireless message to ACP, Defence Colony under whose jurisdiction IOA office falls directing him to reach the scene immediately and control the situation.

Mr. Chairman: What is the name of ACP, Defence Colony?

Shri P.R.S. Brar: Mr. Ranganathan. I also left for the scene personally immediately

Mr. Chairman: What was the approximate time?

Shri P.R.S. Brar: It was 1210 or 1215. As ACP, Defence Colony's office is located nearer he had reached the place a little earlier. By the time I reached I found ACP, Defence Colony was already there. He told me that he has removed 18 persons who had entered the premises and were raising slogans and got them sent to the police station in a police van.

Mr. Chairman: When you reached there none of them was there.

Shri P.R.S. Brar: Yes, I went to the Secretary-General's office and next to his office I was told that Mr. Shukla is still sitting in the office of the President of IOA. He was refusing to leave the office. Mr. Ranganathan, ACP had with him two letters—one from the Ministry of Youth Affairs stating that Government has taken note of the election of Mr. Adityan and Mr. Randhir Singh in Tri-vandrum and they are now duly recognised office bearers of IOA. That letter was shown to Mr. Shukla.

Mr. Chairman: That happened in your presence.

Shri P.R.S. Brar: This has happened in my presence. Mr. Ranganathan came and told me that Mr. Shukla is refusing to leave

the office. I told him to please show these letters to Mr. Shukla. When Mr. Ranganathan went back to the President's office, ...

Mr. Chairman: How do you know he showed these letters?

Shri P.R.S. Brar: I was standing in the gate.

Mr. Chairman: So it was in your presence and you were seeing.

Shri P.R.S. Brar: I saw him showing those letters to Mr. Shukla. Then Mr. Shukla said that he had filed case in Jabalpur court and the court has accepted his claim. Mr. Ranganathan said he has only these instructions and there is no order from any court to the contrary and he should leave. On that Mr. Shukla got up and he walked out of the office. Mr. Ranganathan went behind him. I did not go out. I went to the Secretary-General's office. Mr. Ranganathan came back after 2-3 minutes and said Mr. Shukla has left in his car and he asked Mr. Randhir Singh, Secretary-General to give a formal complaint about the entire incident. We went about looking at the office premises seeing the damage that had been done by these demonstrators. We found a couple of files had been thrown out and a number of plates removed from the doors. We stayed there for 10 minutes to see that similar damage does not take place. Then myself and Addl. DCP, Mansoor Ali Sayid left for our office.

Mr. Chairman: You never told us when did Mr. Mansoor Ali Sayid come there?

Shri P.R.S. Brar: He had already come before I reached there.

Mr. Chairman: Did these things happen in his presence?

Shri P.R.S. Brar: When I reached there he was in Secretary-General's office. He remained there only.

Mr. Chairman: Anything which you know after that. I am only confining yourself to your knowledge. Did any other matter come to your notice?

Shri P.R.S. Brar: ACP, Defence Colony told me that SHO had reached the scene. He had told him to go back and deal with the persons who had been sent earlier. He also told me that Mr. Shukla has left in his own car and the situation is peaceful at the premises. We sat down—three of us—in Secretary-General's office. As a matter of fact, we even discussed. We said this is a dispute between two groups from which they are probably trying to derive some advantage of publicity and we should take action in such a way that minimum publicity is caused, as a result of this incident

as Mr. Shukla's arrest or detention is likely to be splashed on the front pages and there is no need for that because seeing these documents he has already left. He was sitting with the Secretary-General. We had already decided that since it was a minor incident, it is better to take action only under Section 65 of Delhi Police Act. After that the ACP, Defence Colony, in my presence asked the Secretary-General to give a written complaint at least of whatever has happened so that we can have it on record. Since nothing else was required at that time, myself and the Additional DCP left the place.

Mr. Chairman: Did you go to the Police Station at any stage?

Shri P.R.S. Brar: No, Sir, I did not go to the Police Station.

Mr. Chairman: Did you come to know at any time that Shri Shukla was detained or arrested in the Police Station?

Shri P.R.S. Brar: I came to know about it only in the next morning.

Mr. Chairman: In the evening you did not know about it and nobody informed you either.

Shri P.R.S. Brar: Yes, Sir, Commissioner of Police telephoned me at 3.30 in my office to check up as to what has happened. I gave him the facts as I was personally present on the spot. I told him that 18 persons had been removed to the Police Station under Section 65. He asked whether Shri Shukla had been arrested and I told he had not been arrested.

Mr. Chairman: Did Mr. Ranganathan tell Shri Shukla, "You are under arrest"?

Shri P.R.S. Brar: No, Sir.

Mr. Chairman: Have you any personal knowledge as to when was the information given to the Lok Sabha?

Shri P.R.S. Brar: No, Sir.

Shri Somnath Chatterjee: Do you know that Shri Shukla's complaint to the Hon. Speaker and some other Hon. members of Parliament was about the non-intimation of his arrest or detention in time?

Shri P.R.S. Brar: Yes, Sir.

Shri Somnath Chatterjee: I believe that you had ascertained the fact that at about 3.30 P.M. on 16th Nov., the matter had been

raised in the House and it was said that the Hon. Minister of Parliamentary Affairs would ascertain the facts and let the House know about it.

Shri P. R. S. Brar: Yes, Sir.

Mr. Chairman: May I again warn you that you should only depose as to what is in your personal knowledge otherwise it will create problems for us.

Shri P.R.S. Brar: This I had come to know later on from the proceedings reported in the newspaper. I was not personally there in the House.

Shri Somnath Chatterjee: At 17.14 hrs. the Hon. Smt. Sheila Dikshit informed the House that it had been ascertained from the Police authority that no arrest or detention of Shri Shukla took place today. Did you give this information to the Hon. Minister or to the Ministry to be communicated to the House?

Shri P.R.S. Brar: I gave this information to the Commissioner of Police at about 3.30.

Shri Somnath Chatterjee: And you said that he was not arrested.

Shri P.R.S. Brar: Yes, Sir, I did say that he was neither arrested nor detained.

Shri Somnath Chatterjee: Now, you agree that he was detained.

Shri P.R.S. Brar: I wish to make an explanation on that if I have your permission.

Shri Somnath Chatterjee: You are Deputy Commissioner of Police and I suppose you know that the whole enquiry is about the delay in giving intimation of arrest.

Shri P.R.S. Brar: At 3.30, there was neither any intention nor any direction by any officer given to the police station to detain or arrest Shri Shukla.

Shri Somnath Chatterjee: Did you ever try to ascertain from the police station as to what was the position, especially when the enquiry was made by the Commissioner of Police?

Shri P.R.S. Brar: Since I was personally present at the spot, this was discussed thread bare by me with other senior officers and we felt that the incident did not warrant arrest or detention of Shri Shukla. These were my instructions and I had no reason to

believe to the contrary that anything else would have been done at the police station.

Shri Somnath Chatterjee: Do you know that the Station House Officer informed the Hon. Speaker, both orally and in writing, about the detention of Shri Shukla?

Shri P.R.S. Brar: He informed me in writing not orally.

Shri Somnath Chatterjee: You never tried to ascertain from the Police Station.

Shri P.R.S. Brar: Since I was personally present, I did not believe that anything else to what I have said would have happened at the police station.

Shri Somnath Chatterjee: Did you come to know that the matter had been raised in the House also?

Shri P.R.S. Brar: No, Sir.

Shri Somnath Chatterjee: The Commissioner of Police did not tell you that.

Shri P.R.S. Brar: He did tell me that hon. Minister wants to know whether Shri Shukla had been arrested or not.

Shri Somnath Chatterjee: You gave the information to the Hon. Minister without ascertaining the position at the Police Station.

Shri P.R.S. Brar: As I said, I had returned from the scene and there was no instruction at all and I was informed by the ACP also that Shri Shukla had left in his own car. I at no stage could visualise that Shri Shukla reached the police station.

Shri Somnath Chatterjee: It means, therefore, that you acted in response to some information which you received.

Shri P.R.S. Brar: I was there on the spot when Shri Shukla left.

Shri Somnath Chatterjee: Did you see police men in his car?

Shri P.R.S. Brar: No, Sir.

Mr. Chairman: What is Section 65 of Delhi Police Act?

Shri P.R.S. Brar: It says that:

“Whoever shall not abide by the reasonable instruction of the police officer can be removed to the police station for such period till apprehension of disturbance or breach of peace

passes over and if such person is detained for longer than 24 hrs. he must be produced before the Magistrate but if such person is detained for shorter period then the police officer of the police station concerned, will release him after recording the circumstances of the case in the police station."

Mr. Chairman: You said that all the three officers including you decided that it did not warrant taking any other action except under Section 65 of the Delhi Police Act.

Shri P.R.S. Brar: Yes, Sir, against 18 persons who had already been removed to the Police station before I reached there.

Mr. Chairman: But not, against Shri Shukla.

Shri P.R.S. Brar: No, Sir.

Mr. Chairman: I may bring to your notice that the Station House Officer in his written communication has said:

"Since there was apprehension of breach of peace those people were detained under Section 65 of the Delhi Police Act till 4.00 P.M. today."

Shri P.R.S. Brar: The fact, as reported to me, was that Shri Shukla came to the police station in his own car and he demanded from the SHO, why his squatters were brought to the Police Station. They were still raising slogans in the Police Station. Shri Shukla demanded that they should be let off immediately. SHO said, "There has been some disturbance and I have instruction that these people are to be kept for some time till the situation returns to normal." Shri Shukla kept on sitting there. He had access to telephone. He met some hon. members who came to see him and he walked out of the police station with them. He had total freedom and he said that he would wait till his squatters had left. The SHO had seen similar situations earlier. So, at 4 O'clock when he decided to leave and go, Shri Shukla told the SHO that he would not leave till his name was also included with that of his supporters because they were his men. The SHO in his own wisdom decided that to defuse the situation, it would probably be convenient to include Shri Shukla's name. That was what he had written in the station diary also. He had mentioned in the report that since Shri Shukla had insisted on his name being included, his name was accordingly included. Soon, when he felt that the situation had returned to normal he had sent an intimation to the Speaker also in

writing that he informed the Assistant Commissioner of Police. At no stage had they telephoned me.

Mr. Chairman: You came to know all these developments only subsequently. Is that right?

Shri P.R.S. Brar: Yes, Sir.

Shri Somnath Chatterjee: Mr. Brar, have you seen the photograph that appeared in the 'Illustrated Weekly of India', dated the 3rd January 1988? It is on page 40. You may please see that Shri Shukla is getting into his car and you can also see that there are policemen. How do you explain this picture?

Shri P.R.S. Brar: Sir, I may mention here what my subsequent inquiries revealed about this issue. I would submit here that we are also very much concerned that a very serious communication lapse has occurred. Shri Shukla asked one of the Probationary Sub-inspectors as to where his supporters had been taken. The probationary sub-inspector gave him the directions, but Shri Shukla insisted that he should accompany him and show the police station, which the sub-inspector had done. Under normal provisions of law, if an officer brings a person under custody to the police station, he enters the station building and makes an entry about the matter. In this case, you may please observe that the Sub-inspector had not entered the building at all. He simply guided Shri Shukla, only because Shri Shukla asked him to do so. He left Shri Shukla there and returned. It is true that the sub-inspector also travelled in Shri Shukla's car. But at no stage was he travelling to restrain the movements of Shri Shukla. A number of members of Parliament had come to the police station and talked to Shri Shukla. They can also confirm that Shri Shukla was under no form of detention whatsoever, throughout his stay at the police station.

Shri Somnath Chatterjee: You mentioned that a serious lapse had occurred. What is it?

Shri P.R.S. Brar: The lapse was that the SHO should not have included Shri Shukla's name at his insistence. And he should have brought it to the notice of his senior officers immediately, so that we could have immediately informed the Speaker about the whole thing even on telephone.

Shri Somnath Chatterjee: Earlier, you told that there was no detention. Was it proper on your part to give such information without ascertaining the full details?

Shri P.R.S. Brar: In retrospect, I do feel that it would have been a more prudent course. But as I submitted earlier, since I was personally on the spot, I had no reason to believe that they would have acted in any way contrary to what we discussed.

Shri Somnath Chatterjee: You were not present when Shri Shukla left.

Shri P.R.S. Brar: I did not come down to the ground floor. I was in the first floor.

Shri Somnath Chatterjee: You got the information from the Secretary-General around 12 Noon. You reached the spot within 10 to 15 minutes. Altogether you must have stayed there for about 10 minutes. Is that so?

Shri P.R.S. Brar: I stayed for 15 to 20 minutes.

Shri Somnath Chatterjee: By that time, all those people had been removed. You did not see them.

Shri P.R.S. Brar: Yes, I did not see them.

Shri Somnath Chatterjee: The Commissioner of Police had submitted his report in which he had admitted that Shri Shukla was detained from 12.30 PM to 4.00 PM. Do you agree with this? I quote:

"Later on Shri Shukla reached Police Station, Lodi Colony in his own car and demanded that he too should be detained with his supporters. He continued to sit in SHO's office without any restraint on him throughout this period. Since his supporters were in agitated mood and shouting slogans even in the Police Station, SHO, Lodhi Colony who by then had returned from the Court did not consider it prudent to let them go immediately and detained them under Delhi Police Act from 12.30 P.M. to 4.00 P.M. Shri Shukla's name was included in the list on his insistence."

Therefore that was treated as detention.

Shri P.R.S. Brar: From 12.30 P.M. to 4.00 P.M., 18 supporters were kept under detention. They were in a separate area. They were under some restraint. Shri Shukla was not under detention. He was there throughout the period. He had free access with the Members of the Press. He had free access with his friends from Lok Sabha. He even walked out of the Police Station whenever he

wanted and came back. Till 4 O'clock he was waiting only in support of his followers. We have seen such types of situations where public leaders wait till their supporters are let off from the Police Station.

Shri Somnath Chatterjee: Did you submit any report regarding this incident?

Shri P.R.S. Brar: Yes, I did.

Shri Somnath Chatterjee: On which date?

Shri P.R.S. Brar: On 17th.

Shri Somnath Chatterjee: At what time?

Shri P.R.S. Brar: At about 10 O'clock.

Shri Somnath Chatterjee: Have you got any report with you?

Shri P.R.S. Brar: No, Sir.

Shri Somnath Chatterjee: Why did you prepare that report on the 17th when the incident occurred on the 16th?

Shri P.R.S. Brar: On 17th morning, the Commissioner of Police telephonically informed me that SHO, Lodhi Colony has come with a report which was in conflict with my earlier report and he wanted to find out what has happened to the position.

Shri Somnath Chatterjee: Mr. Brar did you ascertain when Mr. Shukla's name was included in the list of persons detained and at what time?

Shri P.R.S. Brar: Immediately after 4 O'clock.

Shri Somnath Chatterjee: So, at 4 O'clock he was let off.

Shri P.R.S. Brar: Even in the report, it is written. It says only that "he will not leave till his name is also mentioned in the list". This is how it is mentioned. Even then it does not say that he has been kept under detention in the Police Station from 12.30 P.M. to 4.00 P.M.

Shri Somnath Chatterjee: What happened in the Police Station? SHO was the best person here to say all that.

Shri P.R.S. Brar: I have given all the report that he had recorded...

Shri Somnath Chatterjee: Whatever communication you gave it was without ascertaining from him. I think that was the position.

Mr. Chairman: Mr. Brar, thank you very much. Let us have tea now.

(3) Evidence of Shri Mansoor Ali Sayid, Additional Deputy Commissioner of Police (South), New Delhi

Mr. Chairman: Are you Mr. Mansoor Ali Sayid?

Shri Mansoor Ali Sayid: Yes.

Mr. Chairman: Shri Mansoor Ali Sayid you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla MP at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November 1987.

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

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you 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 Committee would constitute a breach of privilege and contempt of the House. 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 Mansoor Ali Sayid: I will take oath. "I Mansoor Ali Sayid swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false."

Mr. Chairman: Are you Additional Deputy Commissioner of Police?

Shri Mansoor Ali Sayid: Yes.

Mr. Chairman: Were you holding the same post on 16th November 1987?

Shri Mansoor Ali Sayid: Yes.

Mr. Chairman: Would you tell the Committee as to what had happened on that day? Please be careful to speak on that matter

which is in your personal knowledge. What happened in your presence and what personally you know about it?

Shri Mansoor Ali Sayid: When I was on VIP arrangement duty I received a wireless message that I should report to JN Stadium. In accordance with the instructions I reached J. N. Stadium. I proceeded to the Office of the Secretary-General, IOA. Mr. Ranganathan ACP was already there. Some persons were in the process of being taken away. Otherwise the situation was quite normal. Within one or two minutes of my reaching, Deputy Commissioner of Police, Mr. Brar, arrived and he directed ACP to show Mr. Vidyacharan Shukla, MP, some papers. I remained in the Office of the SG of the IOA.

Mr. Chairman: Did you talk to Mr. Shukla?

Shri Mansoor Ali Sayid: No.

Mr. Chairman: Nothing happened in your presence?

Shri Mansoor Ali Sayid: No.

Mr. Chairman: How can your evidence be helpful to us if nothing happened in your presence?

Shri Mansoor Ali Sayid: I received a message and went there. After that Shri Ranganathan arrived. Nothing happened.

Mr. Chairman: We are sorry, we troubled you. You can leave.

(The witness then withdrew)

**(4) Evidence of Shri Rajendra Kumar, Station House Officer,
Police Station Lodhi Colony, New Delhi**

Mr. Chairman: Shri Rajendra Kumar, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, Member of Parliament, at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November, 1987.

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

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you 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 Committee would constitute a breach of privilege and contempt of the House. 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 Rajendra Kumar: I, Rajendra Kumar, swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Are you an Inspector in the Police?

श्री राजेन्द्र कुमार : जी हाँ ।

Mr. Chairman: On 16th November, 1987 what was the position which you were occupying at that time?

श्री राजेन्द्र कुमार : उस दिन मैं बतौर एस.ए.ओ., लोदी पोलिस स्टेशन काम कर रहा था ।

समापति महोदय : यह बताइये, उस दिन क्या कुछ हुआ ?

श्री राजेन्द्र कुमार : सर, उस दिन मैं कोर्ट गया हुआ था । एक पुराने केस के सिलसिले में तीस हजार की कोर्ट में मेरी एबीडेंस थी । तकरीबन 12 बज कर 10 मिनट पर मैंने अपने पुलिस स्टेशन को फोन किया वहां के हालात जानने के लिए । चूंकि हमारा हेड क्वार्टर हाऊस में है और वहां से वायरलेस पर कोई रेस्पॉन्स नहीं मिल रही थी, इसलिए मैंने पुलिस स्टेशन पर फोन किया । मुझे फोन पर ड्यूटी आफिसर ने बताया कि जवाहरलाल नेहरू स्टेडियम में भगड़ा हो गया है और सीनियर आफिसर्स वहां पहुंच रहे हैं । मैंने फोन पर ड्यूटी आफिसर को बताया कि मैं भी वहां पहुंच रहा हूँ । मैंने फौरन ही गवर्नमेंट वेहिकल से वहां के लिए रफ्तार किया । तकरीबन 12 बजकर 20-25 मिनट पर मैं वहां पहुंच गया । वहां इंडियन प्रोलियम्पिक एसोसिएशन के दफ्तर के बाहर मुझे श्री बी. रंगनाथन, असिस्टेंट पुलिस कमिश्नर मिले और उन्होंने मुझे बताया कि यहां पर डिस्टर्बेंस हो गया है । यहां पर श्री विद्याचरण शुक्ल के सपोर्टर्स हंगामा करने लगे थे जिनको कि थाने पहुंचा दिया गया है । उन्होंने मुझे कहा कि मैं फौरन ही थाने जाऊँ । मैं उसी वक्त अपनी गाड़ी में वापस अपने पुलिस स्टेशन आया । वहां पर श्री विद्याचरण शुक्ल के सपोर्टर्स नारे लगा रहे थे मैंने उनको पेसीफाई किया और उनके लिए चाय, पानी वगैरह का इंतजाम कराया । जब मैं अपने आफिस में था तो थोड़ी देर में श्री विद्याचरण शुक्ल अपनी गाड़ी में आये और अपनी गाड़ी से सीधे मेरे कमरे में आये । उन्होंने मेरे कमरे में आ कर मुझ से पूछा—मेरे सपोर्टर्स को क्यों रोक रखा है ? मैंने उनसे कहा—“वहां एसोसिएशन के दफ्तर में हंगामा हुआ है, मेज वगैरह तोड़ी गयी है, इसलिए उन्हें रोका हुआ है ।” मैंने उनसे तशरीफ रखने के लिए भी कहा ।

इस पर वे मेरे दफ्तर में बैठ गये। उन्होंने मुझसे कहा—“इन को छोड़ दीजिए।” मैंने उनसे कहा—“अगर अभी इनको छोड़ देंगे तो वहां पर फिर झगड़ा होने का संदेश है, थोड़ी देर में इनको छोड़ देंगे।” वे मेरे आफिस में बैठ कर टेलीफोन करने लगे बाहर कुछ प्रेस वाले थे, बाहर जा कर उनसे भी शुक्ला जी बात करते रहे। कुछ देर बाद उनके कुछ मित्र भी मिलने के लिए आये। शुक्ला जी अपने मित्रों से मिलने के लिए अन्दर-बाहर आते-जाते रहे। वे तकरीबन चार बजे तक वहां रहे। वहां उनके सपोर्ट्स भी थे जो यह नारे लगा रहे थे—“शुक्ला जी आप संघर्ष करो, हम तुम्हारे साथ हैं।” और जैसा कि अक्सर होता है—“दिल्ली पुलिस हाय हाय” का नारा भी बोल रहा था।

तकरीबन चार बजे इंडियन ओलम्पिक एसोसिएशन का दफ्तर बंद हो गया। दूसरी पार्टी भी दफ्तर बंद करके जा चुकी थी। उसके बाद हमने शुक्ला जी के 18 आदमियों को जो कि उनके सपोर्ट्स थे जाने के लिए कह दिया। इस पर शुक्ला जी ने कहा कि मैं इतनी देर थाने में रहा हूं मेरा नाम भी लिखो। इस पर मैंने उन्हें बताया—“इनको तो हमने डिटेन किया था, आपका तो हमने डिटेन नहीं किया था। आप तो अपने आप थाने में आये हैं आपको ले कर भी हम नहीं आये हैं जबकि दूसरे आदमियों को हम यहां ले कर आये हैं।” इस पर उनके लोगों ने कहा जब तक शुक्ला जी का नाम नहीं लिखा जाएगा तब तक वे थाने में धरना देंगे। वे पुलिस के खिलाफ नारे लगाने लगे। फिर हमने यह सोचा कि सिचुएशन खराब न हो जाए हमने शुक्ला जी से कहा कि हम आपका नाम भी लिख लेते हैं।

हमें क्या एतराज है। इस तरह से सवा चार बजे के करीब हमने उनका नाम एड कर दिया। मैंने सोचा कि ये मेंबर आफ पार्लियामेंट है तो मैंने उसी वक्त उसकी एक कापी बनाई और सरकारी मोटर-साइकल बुलवाई। जो व्यक्ति यह सूचना देने के लिए पार्लियामेंट हाउस गया उसको पार्लियामेंट हाउस में नहीं जाने दिया गया और एनेक्सी में देने के लिए कहा गया। इस लिए वह व्यक्ति एनेक्सी में वह रिपोर्ट देकर आ गया।

सभापति महोदय : यह कितने बजे की बात है ?

श्री राजेन्द्र कुमार : कोई 5 या सवा पांच बजे के दरमियान की बात है। 4 बजे उनको छोड़ा गया था। जब मुझे पता चला कि एनेक्सी में सूचना गई है तो मैंने प्रकाशन के तौर पर स्पॉकर साहब के रसीडेंस पर भी दोबारा रिपोर्ट भिजवाई।

सभापति महोदय : यह कितने बजे की बात है ?

श्री राजेन्द्र कुमार : यह करीब साढ़े सात बजे की बात है। इस सारी कार्य-वाही का विवरण मैंने असिस्टेंट कमिश्नर को फोन पर बताया। श्री रंगनायन जी को कि किस तरह से शुक्ला जी नहीं मान रहे थे कि हम धरना देंगे, इस तरह से सिचुएशन खराब होने के डर की वजह से उनका नाम भी हमने इन्कलूड कर दिया है।

सभापति महोदय : यह कितने बजे की बात है।

श्री राजेन्द्र कुमार : यह करीब 6 बजे की बात है टेलीफोन पर मैंने उनको सूचना दी। उन्होंने उसी वक्त कहा कि उनका नाम इन्कलूड कर दिया है तो इट कन बी कंसीडर्ड टू बी डिटेन। मैंने कहा उसके लिए पार्लियामेंट में रिपोर्ट भिजवा दी थी। उन्होंने कहा—“ठीक है।”

समापति महोदय : आप अपना रिकार्ड लेकर आए हैं ।

श्री राजेन्द्र कुमार : जी हां, रोजनामचे की डेली एंट्री की कापी लेकर आया हूं ।

समापति महोदय : ओरिजनल रिकार्ड लेकर आए हैं ?

श्री राजेन्द्र कुमार : जी नहीं, कापी लेकर आया हूं ।

समापति महोदय : आप कमेटी के समक्ष एबीडेंस देने के लिए आए हैं आपको मालूम होना चाहिए कि कापी नहीं ओरिजनल रिकार्ड चाहिए ।

श्री राजेन्द्र कुमार : आप कहें तो मैं 15 मिनट में मंगवा सकता हूं ।

समापति महोदय : ओर भी कुछ लेकर आए हैं ?

श्री राजेन्द्र कुमार : बस यही है, कापी आफ डेली एंट्री ।

समापति महोदय : जब शुक्ल जी के सपोर्टर्स को पुलिस बैन में थाने ले गये, उस वक्त क्या समय होगा ?

श्री राजेन्द्र कुमार : मेरे पहुंचने से पहले ही वे थाने में भिजवाए जा चुके थे ।

समापति महोदय : आप कितने बजे पहुंचे ?

श्री राजेन्द्र कुमार : तकरीबन साढ़े 12 बजे पहुंचा था ।

समापति महोदय : आपके पहुंचने से पहले पुलिस ने कोई कार्यवाही राइटिंग में की थी या नहीं की थी ?

श्री राजेन्द्र कुमार : नहीं ।

समापति महोदय : जब आप वहां पहुंचे तो वे लोग थाने में बैठे थे या थाने के बाहर थे ?

श्री राजेन्द्र कुमार : सपोर्टर्स थाने के आंदर थे उनको बंटाया गया था और उनके ऊपर आदमी लगाए गए थे कि इनको बाहर न जाने दिया जाए ।

समापति महोदय : साढ़े बारह बजे पहुंचने के बाद आपने कितनी देर बाद रिपोर्ट दर्ज की ।

श्री राजेन्द्र कुमार : प्रेक्टिस यह है कि ... ।

समापति महोदय : आप मेरी बात का जवाब दीजिए, प्रेक्टिस आप बाद में बताएंगे ।

श्री राजेन्द्र कुमार : जब 4 बजे शाम को छोड़ा गया, उस वक्त रिपोर्ट दर्ज की गई थी ।

समापति महोदय : 4 बजे से पहले डेली डायरी में या किसी और पुलिस बुक में कोई एंट्री की गई ।

श्री राजेन्द्र कुमार : नहीं ऐसा कुछ नहीं किया ।

समापति महोदय : अब आप बताइए कि प्रेक्टिस क्या है ।

श्री राजेन्द्र कुमार : नार्मल प्रेक्टिस यह है जो कि डिमोन्स्ट्रेशन प्रोसेशन में है, वह यह है कि आदमी जिस वक्त डिटेन किया जाता है, जब झगड़े का अंदेशा नहीं होता तब उनको छोड़ा जाता है और छोड़ते वक्त रोजनामचे में एंट्री की जाती है। उस वक्त उसमें लिख दिया जाता है कि इतने बजे से इतने बजे तक डिटेन किया गया अब छोड़ा जा रहा है।

सभापति महोदय : यह प्रेक्टिस कब से है ?

श्री राजेन्द्र कुमार : जब से मैं पुलिस डिपार्टमेंट में हूँ।

सभापति महोदय : आप कब से हैं इस डिपार्टमेंट में ?

श्री राजेन्द्र कुमार : 1969 से।

सभापति महोदय : 1969 से आपने यही प्रेक्टिस देखी है।

श्री राजेन्द्र कुमार : जी हाँ।

सभापति महोदय : आप लोथी कालोनी पुलिस स्टेशन पर त्रि। समय से एच.एस.ओ. हैं।

श्री राजेन्द्र कुमार : करीबन सवा साल से हूँ।

सभापति महोदय : पुलिस का रूल क्या कहता है, जब किसी आदमी को डिटेन किया जाय तो उसकी एंट्री रोजनामचे में किस वक्त होनी चाहिये।

श्री राजेन्द्र कुमार : नियम 65 डी.पी. एक्ट के मुताबिक को स्पेसिफिक प्रावधान तो नहीं है, लेकिन यह अवश्य है कि :

"If there is any apprehension of breach of peace, the persons creating apprehension can be removed from the place if they do not obey the instructions of the police officer."

सभापति महोदय : यह नियम उन पर कैसे लागू हो गया।

श्री राजेन्द्र कुमार : क्योंकि इंडियन ओलम्पिक एसोसिएशन के दफ्तर के बाहर वे लोग झगड़ा करने पर उतावू हो रहे थे, नेम-प्लेट वगैरह को डिस्टर्ब कर रहे थे, नारेबाजी कर रहे थे, इसीलिये उनको वहाँ से रिमूव किया गया, और पुलिस स्टेशन लाया गया।

सभापति महोदय : आपके वहाँ पहुँचने से पहले ही क्या उन सब को वहाँ से रिमूव कर दिया गया था। यदि हाँ, तो कितनी देर पहले रिमूव कर दिया गया था।

श्री राजेन्द्र कुमार : जी हाँ, मेरे आने से करीबन 4-5 मिनट पहले।

सभापति महोदय : आपने उन सब लोगों को 4 घंटे डिटेन करके शाम को 4.00 बजे रिपोर्ट दर्ज की।

श्री राजेन्द्र कुमार : जी हाँ।

सभापति महोदय : अब आप रोजनामचे में दर्ज रिपोर्ट पढ़ कर समिति को सुनाइये ।

श्री राजेन्द्र कुमार : यह रिपोर्ट डी.डी. नम्बर 8-ए, दिनांक 16-11-87 पुलिस स्टेशन, लोधी कालोनी, नई दिल्ली की डेली डायरी में दर्ज है, जिसे रोजनामचा भी कहते हैं। यह इतला अंडर सैकशन 65 डी. पी. एक्ट व रिहाई के रूप में है। समय 4 बजे शाम दर्ज है कि इमरोज रपट नं. 5-ए रोजनामचा मौसूल होने पर मैं एस.आई. व भय हैड कांस्टेबल मोहन सिंह नं. 317/एस.डी., कांस्टेबल केशर देव नं. 496/एस.डी., कांस्टेबल भागीरथ मल नं. 1089/एम.डी., जवाहर लाल नेहरू स्टेडियम दफ्तर आई. प्रो. ए. के सामने पहुंचा तो अफसरान वाला ए.सी.पी./डी.सी., एडीनशल डी.सी.पी./एस.डी. आदि मौका दफ्तर आई.प्रो.ए. पर तशरीफ ला चुके थे, जो दरयाफत पर मासूम हुआ कि आई.प्रो.ए. के दफ्तर के अन्दर कुछ शक्स आई.प्रो.ए. के सैन्ट्रैरी जनरल से मिलने के बहाने दफ्तर में चले गये थे और वहां पर दफ्तर का काम डिस्टर्ब करना शुरू कर दिया था। और इसी दौरान श्री बी.सी. शुक्ला, एम.पी. साहब भी दफ्तर के अन्दर आ गये और प्रेजीडेंट की सीट पर आकर बैठ गये, जिनको आई.प्रो.ए. के मुलाजमान ने दफ्तर से निकलने के लिये कहा। मगर वह न निकले तो उन्होंने पुलिस को सूचित किया। पुलिस के कहने पर श्री बी.सी. शुक्ला दफ्तर से बाहर आ गये। श्री बी.सी. शुक्ला साहब के सपोर्टर्स जो कि दफ्तर पर पहुंचे हुये थे, भी दफ्तर के गेट के सामने इकट्ठे होकर नारेबाजी "शुक्ला जिन्दाबाद", तुम संघर्ष करो, हम तुम्हारे साथ हैं, आदि करने लगे..

सभापति महोदय : जो कापी आपने समिति को दी है उसमें "संघर्ष" शब्द नहीं है, उसकी जगह "आराम" लिखा हुआ है, तुम आराम करो हम तुम्हारे साथ हैं, इसमें कौन सा शब्द ठीक है, आप की कापी में क्या लिखा हुआ है।

श्री राजेन्द्र कुमार : मेरी कापी में "संघर्ष" शब्द का प्रयोग है और वह शब्द संघर्ष ही है।

सभापति महोदय : समिति को आपने गलत कापी क्यों दी।

श्री राजेन्द्र कुमार : मेरे पास भी कोटो कापी है। शायद लिखने में कहीं गलती रह गयी होगी।

सभापति महोदय : अन्ठा आगे पढ़िये।

श्री राजेन्द्र कुमार : जिनको अफसरान वाला व मैं एस. आई. ने शांति कायम करने के लिये कहा, मगर ये बाज नहीं आये तो अफसरान वाला ने इन सपोर्टर्स को वहां से रिमूव करने के लिये हिदायत की, जिस पर मैं एस. आई. ने बमदाद मुलाजमान हमराही मुसम्मीयान (1) श्री सत्य नाययण सन आफ श्री सीताराम शर्मा, रेजीडेंट आफ 72 नया पुरा, पिण्ड, मध्य प्रदेश, (2) अनूप शर्मा, सन आफ श्री रमेश चन्द्र शर्मा, रेजिडेंट आफ थापर भवक, जयक गंज, ग्वालियर, एम.पी., (3) श्री हारका सिंह सन आफ श्री बन्धारा सिंह, रेजिडेंट आफ हारिका नगर, रोवा, मध्य प्रदेश..

सभापति महोदय : अन्ठा नामो को छोड़कर आगे पढ़िये।

श्री राजेन्द्र कुमार : जिनके नाम पते बाद में दरयापस्त के बाद मालूम हुए, जना हज़ा में शान्ति कायम करने के लिए और झगड़ा पैदा न करने के लिए जेरे धारा 65 डी.पी. एक थाना हज़ा में लाया और समय 12.30 बजे दिन इन सबको डिटेन्ड किया गया तो श्री वी.सी. शुक्ला साहब बजरिए कार खुद थाना हज़ा में आकर दफ्तर एस.एच.ओ. साहब थाना में बैठ गए और कहा जब तक उनके सपोर्टर्स को नहीं छोड़ा जाएगा वह थाने से बाहर नहीं जाएंगे जो उपरोक्त ये सब लोग पुलिस स्टेशन में भी इतना कहते हुए ही नारेबाजी करने लगे और जोश में आए जिनका उसी समय छोड़ना उचित न समझा गया और अण्डर सीक्शन 65 डी.पी. एक समय चार बजे उपरोक्त तक डिटेन्ड किया गया तो श्री वी.सी. शुक्ला साहब ने कहा कि वह भी अपने सपोर्टर्स के साथ अब तक पुलिस स्टेशन में रहा है लिहाजा उनका नाम भी उनके साथियों के साथ लिखा जावे जो श्री वी.सी. शुक्ला सन आफ श्री राम शंकर शुक्ला रजिस्टर्ड आफ नम्बर 1, बिलिंगटन क्रिसेट, एम. पी. साहब का नाम भी सूची उपरोक्त दर्ज रोजनामचा में किया गया है। जिनके बारे में स्पीकर, लोकसभा साहब को इत्तला दी जा रही है और तमाम हालत अफसरान वाला व एस.एच.ओ. साहब थाना हज़ा के नोटिस में है। रपट इत्तलान दर्ज रोजनामचा है। बकलम ए.सी.आई.।

समापति महोदय : क्या यह रिपोर्ट आपने खुद दर्ज की थी।

श्री राजेन्द्र कुमार : नहीं साहब, यह सब इस्पैक्टर श्री जय प्रकाश शर्मा ने दर्ज की थी।

समापति महोदय : आपने समिति को जो रिपोर्ट की फोटो कपी दी है, आप इसे एक 1२ फिर देखिए और बताइये कि क्या यह वास्तव में रोजनामचे की नकल है।

श्री राजेन्द्र कुमार : देखने के बाद ; जी हाँ।

समापति महोदय : इसमें डेट 16/17-11-87 लिखा हुआ है, इसका समझाइये।

श्री राजेन्द्र कुमार : रोजनामचा सबेरे 8 बजे से दूसरे दिन सबेरे 8 बजे तक चलता है। इसीलिए वह डेट 16/17-11-87 लिखी है और इसी हिसाब से चलती है।

समापति महोदय : आपके किसी अफसरान ने 4 बजे से पहले इस मामले में आपसे कोई इक्वायरी की थी।।

श्री राजेन्द्र कुमार : कोई इक्वायरी नहीं की।

समापति महोदय : 4 बजे से पहले आपने किसी को यह नहीं बताया कि हमने शुक्ला जी को डिटेन नहीं किया।

श्री राजेन्द्र कुमार : 4 बजे से पहले श्री शुक्ला डिटेन्शन में थे ही नहीं और न ही कोई ऐसा मौका बताने का था क्योंकि, अगर मुझे इजाजत हो तो जब भी कोई डिमोन्स्ट्रेशन होता है तो सपोर्टर्स को जब थाने में लाया जाता है तो उसके साथ साथ बाद में नेता लोग भी थाने पहुँच जाते हैं, अपनी सपोर्टर्स की बैल्केयर के लिए, या उनको रिलीज कराने के उद्देश्य से और वे थाने में आकर बैठे रहते हैं। इसलिए उस दिन भी वैसा ही होने पर हमारा चिन्तित होना स्वाभाविक नहीं था कि शुक्ला जी आए हैं तो हमें किसी को बताना चाहिए।

सभापति महोदय : क्या आपको मालूम है कि शुक्ला जी को डिटेन्शन के संबंध में पार्लियामेंट में सवाल पैदा हुआ था।

श्री राजेन्द्र कुमार : मुझे दूसरे दिन सबेरे पता चला।

सभापति महोदय : आपको मालूम है कि हाउस को स्पीकर के धू बताया गया कि शुक्ला जी को डिटेन नहीं किया गया ?

श्री राजेन्द्र कुमार : अगर चार बजे से पहले बताया गया तो मेरे क्वाल से ठीक ही था क्योंकि चार बजे से पहले उनका डिटेन्शन, रेस्ट्रेन था ही नहीं। अपने आप आए थे अपने मित्रों से मिलने। बाहर गए, फिर अन्दर आये, टेलीफोन इस्तेमाल किया जबकि दूसरों को ऐसी फैसिलिटीज नहीं दी गई क्योंकि वे रेस्ट्रेन में थे, किसी से मिल नहीं सकते थे और बाहर नहीं जा सकते थे। शुक्लाजी पर ऐसा कोई रेस्ट्रेन नहीं था। बाद में चार बजे के बाद उनका नाम इंकलूड किया गया और फिर हमने एज प्रिकाशनरी मेजर अरलिण्ड्ट पासिबल पार्लियामेंट को बताने के उचित स्टेप्स लिए।

सभापति महोदय : जो रिपोर्ट आपने पार्लियामेंट में भेजी उसकी कापी है आपके पास ?

श्री राजेन्द्र कुमार : जी नहीं, इस वक्त तो नहीं है।

सभापति महोदय : थाने में है ?

श्री राजेन्द्र कुमार : मेरे पास थाने में भी नहीं है।

सभापति महोदय : आपने अपने आदमी से कहा कि यह रिपोर्ट लोकसभा में दे आओ। आपने उसकी कापी नहीं रखी ?

श्री राजेन्द्र कुमार : एक कापी रखी थी। लेकिन उसने बताया कि रिपोर्ट पार्लियामेंट अनेक्सी में दी है तो एज ए प्रिकाशनरी मेजर हमने दूसरी काबन कापी स्पीकर साहब के निवास स्थान पर भी भिजवा दी।

सभापति महोदय : मैं आपको रिपोर्ट पढ़कर सुनाऊँ, क्या यही रिपोर्ट थी? मैं रिपोर्ट सुनाता हूँ :

"Today, at 12.30 p.m., Shri V.C. Shukla Member of Parliament along with 19 more persons tried to create nuisance and forcible entry in the office of Indian Olympic Association at J.N. Stadium, New Delhi. Since there was an apprehension of breach of peace, they were detained under section 65 of the Delhi Police Act till 4 p.m. today."

Submitted for information.

Sd/- S.H.O.
Police Station Lodhi Colony,
New Delhi."

श्री राजेन्द्र कुमार : अध्यक्ष महोदय, यह ठीक है।

समापति महोदय : यह आपके दस्तखत से भेजा गया था।

श्री राजेन्द्र कुमार : जी हां।

Shri Somnath Chatterjee: Mr. Rajendra Kumar, according to you, at 4.00 p.m., inclusion of the name of Mr. Shukla was made that he was under detention.

Shri Rajendra Kumar: I would only tell hon. Members that as a precautionary measure, since his name was included, I sent this report—Because, in future, this may not be treated as detention and then, we may not be reprimanded. As a precautionary measure, I sent this report.

Shri Somnath Chatterjee: Mr. Rajendra Kumar, on that day, at the place of this incident, the Deputy Commissioner of Police. Mr. Brar was present.

श्री राजेन्द्र कुमार : अध्यक्ष महोदय, वे वहां पर थे।

Shri Somnath Chatterjee: And also the Additional Deputy Commissioner of Police was present.

श्री राजेन्द्र कुमार : जी हां।

Shri Somnath Chatterjee: And also, the Assistant Commissioner of Police was present. They are senior officers.

श्री राजेन्द्र कुमार : जी, बिल्कुल सत्य है।

Shri Somnath Chatterjee: On the insistance of Mr. Shukla, if you say, you included his name, you did not inform any of these senior officers, because a Member of Parliament was involved?

श्री राजेन्द्र कुमार : क्योंकि मैंने सोचा ही नहीं था कि यह उनका डिटेन्शन समझा जायेगा। इसीलिए मैंने इन्मीडिएटली इन्फार्म नहीं किया। लेकिन पार्लियामेंट को इन्फार्म करने के बाद मैंने 6 बजे असिस्टेंट कमिश्नर साहब को जरूर बताया कि चार बजे के बाद यह सिन्धुएशन हुई थी और मैंने यह रिपोर्ट भेज दी है।

Shri Somnath Chatterjee: But you submitted your report to the hon. Speaker. According to you, there was no reason to detain or arrest Mr. Shukla.

श्री राजेन्द्र कुमार : जी।

Shri Somnath Chatterjee: Then, why did you say that he tried to create nuisance?

श्री राजेन्द्र कुमार : क्योंकि रिपोर्ट में ऐसा ही था। बिना अपने सपोर्टर्स के वे कुछ नहीं कर सकते थे और उनके सपोर्टर्स को वहां पर डिटेल कर लिया गया था। इसीलिए हमने ऐसा कहा।

Shri Somnath Chatterjee: You have mentioned his name specifically in the report. It says:

"Today at 12.30 hours, Shri V.C. Shukla, Member of Parliament along with 19 more persons tried to create nuisance."

It means, Mr. Shukla tried to create nuisance. It says, "forcible entry". He also made "forcible entry" in the office of the Indian Olympic Association. For those reasons, he was in the same position as his supporters.

श्री राजेन्द्र कुमार : ऐसी बात नहीं है। क्योंकि वे भ्रन्दर थे और बाकी उनके सपोर्टर्स जी प्रॉब्लम क्रिएट कर रहे थे, वे पहले ही लाये जा चुके थे। उनके बगैर वे क्या प्रॉब्लम कर सकते थे।

Shri Somnath Chatterjee: You understand the importance of the communication to the hon. Speaker of Lok Sabha. What you knew to be correct, that must have been mentioned to the Speaker.

श्री राजेन्द्र कुमार : इसके लिए तो मैं माफी देने के लिए कहूंगा।

श्री सोमनाथ चटर्जी : किस बात पर माफी के लिए कहेंगे ?

श्री राजेन्द्र कुमार : कि डिटेल में नहीं बताया कि किस तरह से उनका नाम इनक्लूड किया गया।

Shri Somnath Chatterjee: According to you, this is not a correct information to the Speaker.

Shri Rajendra Kumar: I consider that it may not be treated as detention. Then, I included his name—

कि इनको इतने बजे से इतने बजे तक डिटेल किया गया है।

Shri Somnath Chatterjee: This is a very serious matter. The House was informed. there was no detention at all at 17.14 hours. 1 hour 14 minutes after the inclusion of the name, according to your evidence, there was no detention.

श्री राजेन्द्र कुमार : उसके बारे में कोई ज्ञान नहीं है मुझे।

Shri Somnath Chatterjee: You did not inform anybody and I take it, no senior officer asked you about it.

Shri Rajendra Kumar: No, Sir.

Shri Somnath Chatterjee: The subject-matter was detention of Shri V.C. Shukla, a Member of Parliament under section 65 of the Delhi Police Act.

Shri Rajendra Kumar: Yes, Sir.

Shri Somnath Chatterjee: Therefore, this was a solemn communication made by you to the Speaker.

श्री राजेन्द्र कुमार : मैंने अपने हिसाब से यह ठीक समझा कि कर देना चाहिए क्योंकि उनका नाम चार बजे के बाद इंकलूड किया गया था ।

Shri Somnath Chatterjee: What is the time? You did not mention the time as to when you sent this.

श्री राजेन्द्र कुमार : चार बजे के बाद ही भेजा ।

Shri Somnath Chatterjee: There is a communication to the Speaker. You did not mention any time. This was submitted to the Speaker and not to anybody else. Was this addressed to Hon. Speaker?

Shri Rajendra Kumar: Yes.

Shri Somnath Chatterjee: Is the communication available to us? It is not even addressed to the Hon. Speaker. This is the position. Earlier communication was received on 17th November.

श्री राजेन्द्र कुमार : हमारे पास रसीद है । हमने 16 तारीख को भिजवाया है । -

Shri Somnath Chatterjee: Why did you send again?

Shri Rajendra Kumar: I wanted to be more sure that it should reach today.

Shri Somnath Chatterjee: Because there should not be any delay in communication. Communication was about detention. The Hon. Speaker received it at 9.30 PM.

श्री राजेन्द्र कुमार : वह शायद उन के घर पर मिली होगी ।

श्री एच० के० एल० भगत : आप की एवीडेंस यह बतानी है कि आप ने श्री शुक्ल को डिटेन नहीं किया । वह इधर उधर जाते रहे और उन को रेस्ट्रेन नहीं किया गया । आप ने कहा है कि उन के कहने पर आप ने उनका नाम लिख दिया । जब वे डिटेन नहीं हुए थे तो उन के कहने पर आप ने उन का नाम क्यों लिख दिया ।

श्री राजेन्द्र कुमार : उन का नाम इसलिए लिख दिया कि वे इनसिस्ट कर रहे थे और कह रहे थे कि हम धरना देंगे ।

To defuse the situation according to my knowledge, I considered it necessary to include the name.

Shri H.K.L. Bhagat: Is it? जी हां,

श्री राजेन्द्र कुमार : साढ़े 12 बजे से 4 बजे तक उन को डिटेन नहीं किया गया था।

Shri H. K. L. Bhagat: You said that you feel sorry for not giving the details to the Hon. Speaker.

श्री राजेन्द्र कुमार : मुझ को बताना चाहिए था कि उन का नाम किन हालात में लिखा गया है। मैं उन को सिर्फ डिटेन के बारे में ही बताया न कि पूरे हालात उन को बताए हैं।

Shri Somnath Chatterjee: According to you, soon after you reached the Stadium, after a few minutes you went back to your police station. Where was Mr. Shukla then?

Shri Rajendra Kumar: I did not see him in the IOA Office.

Shri Somnath Chatterjee: Has Mr. Shukla reached the police station by the time you reached it?

Shri Rajendra Kumar: No.

Shri H.K.L. Bhagat: Did you see any occurrence there?

Shri Rajendra Kumar: I did not see.

श्री जुमार सिंह : जब आप थाने पहुंचे, तब आप ने उन्हें देखा होगा।

श्री राजेन्द्र कुमार : मेरे पहुंचने के बाद उन की गाड़ी थाने में आई। मैं अपने आफिस में था। जब उन की गाड़ी आई और वे उस में से उतरे।

श्री जुमार सिंह : उन के साथ पुलिस के आदमी नहीं थे।

श्री राजेन्द्र कुमार : मैंने नहीं देखा।

डा० प्रमोद कुमार मिश्र : एक तरफ तो आप ने इस मामले को इतनी गंभीरता से लिया कि लोक सभा अध्यक्ष को बचाने की आवश्यकता महसूस की, दूसरी तरफ इस गंभीर मामले को अपने सीनियर अधिकारियों को बचाने की आप ने आवश्यकता महसूस नहीं की।

श्री राजेन्द्र कुमार : मैं विनं यही कइया चाहूंगा कि हम ने उन की डिटेन ही नहीं किया और न उन के ऊपर कोई कोई रेस्ट्रिक्ट रखा। यही विनं प्रोकाशन के लिए भिजवा दिया था ताकि बाद में यह सच साबित जाए कि उन का नाम इस में लिखा हुआ है और उन को डिटेन किया गया है प्रोक्लांमेशन को इन्टीमेशन नहीं दी गई।

डा० प्रमोद कुमार मिश्र : इनके साथ अपने उच्च अधिकारियों को बचाने की आवश्यकता क्यों नहीं महसूस की।

श्री राजेन्द्र कुमार : मैंने बताया है कि 6 बजे मैं अपने एसिस्टेंट कमिश्नर सहब को जा मेरे सीनियर हैं बताया था। इस से आगे ने एक्सेस नहीं था।

He was attending the court at Patiala House as Special Executive Magistrate.

श्री श्रीधर देव दुबे : आप ने जो कम्युनिकेशन स्पीकर साहब को भिजवाया था, उस को आप को पढ़ कर सुनाया गया। उस के आखरी पैराग्राफ में यह लिखा है :—

“Since there was an apprehension of breach of peace, they were detained under Section.....till 4.00 PM today.”

इस में जो शब्द “दें” लिखा है इस में शुक्ला जी का नाम भी इन्क्लूड है।

श्री राजेन्द्र कुमार : “दें” का मतलब, सब से है।

श्री श्रीधर देव दुबे : क्या आप बता सकते हैं कि आप के यहां कोई रिफाई है या रोजनामचा है या और कोई चीज है, जिस में सरकमटान्सेज डिस्क्राइव किये हों, जिनके तहत शुक्ला जी का नाम बाद में इन्क्लूड किया गया ?

श्री राजेन्द्र कुमार : रोजनामचे में सारे हालात लिखे हैं।

श्री श्रीधर देव दुबे : जब आप पुलिस स्टेशन लोधी कालोनी में पहुंचे, तो शुक्ल जी आप के बाद पहुंचे। क्या उन के साथी पहले से वहां पहुंच गये थे।

श्री राजेन्द्र कुमार : वे वहां पहले से मौजूद थे।

श्री श्रीधर देव दुबे : आप पहले पहुंचे और शुक्ल जी आप से बाद पहुंचे ?

श्री राजेन्द्र कुमार : जी हां।

सभापति महोदय : क्या यह बात यही है कि रोजनामचे में हर एंट्री जिस वक्त दर्ज की जाती है तो उस का टाइम मेशन किया जाता है।

श्री राजेन्द्र कुमार : रोजनामचा टाइम टू टाइम चलता है।

सभापति महोदय : यह जो फोटोस्टेट काफी है, इस में टाइम मेशन है ? इस में देख कर आप बताइए।

श्री राजेन्द्र कुमार : इस में शाम 4 बजे दर्ज है।

सभापति महोदय : आप मोरीजनल रोजनामचा हमारे सेक्रेटेरियेट में भेज दीजिए। आप इन्हे सर्टिफाई कीजिए कि ये सही कापी है। (कागज सर्टिफाई किये गये)

आप रोजनामचा लोक सभा सेक्रेटेरियेट को भेज दीजिए।

श्री राजेन्द्र कुमार : जी प्रच्छा।

सभापति महोदय : प्रच्छा अब आप जा सकते हैं।

(The witness then withdrew)

The Committee then adjourned.

Tuesday, 29 March, 1988

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Sharad Dighe
5. Shri V. Sreenivasa Prasad
6. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri J. P. Ratnesh—*Senior Table Officer*

WITNESS

Shri V. P. Marwah.
Commissioner of Police
Delhi.

(The Committee met at 16.00 hours.)

Evidence of Shri V. P. Marwah, Commissioner of Police, Delhi

Mr. Chairman: Shri V.P. Marwah, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged non-intimation of arrest/detention of Shri Vidyacharan Shukla, MP, at New Delhi and giving wrong information to the Speaker and through him to the House on 16th November, 1987.

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

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. 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 V.P. Marwah: I, V.P. Marwah, swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Last time you had stated quite a number of things and the last thing which you were stating was that there was no intention to arrest Shri Shukla at 12.30. At that stage, you were asked to withdraw. In order to remind you what you were saying, I will read out to you some portion of your evidence so that you can pick up the thread:

"They kept on raising slogans and it went up to 4'Oclock. At that time, the officer incharge decided to release people who had been detained under the Delhi Police Act. Shri Shukla at that time said that unless his name was also included along with his supporters, he would not leave the police station, because he had been sitting at the police station. The officer incharge to diffuse the situation and not to create any further complications included Shri Shukla's name and after this they were allowed to go. He then informed the hon. Speaker by a written communication and this is what took place. There was no intention to arrest him at 12.30....."

To complete the narration, what have you got to say?

Shri V.P. Marwah: As far as the detention of Shri Shukla is concerned, the narration is complete and I would be happy to clarify any points which the Committee may like.

Shri Somnath Chatterjee: The incident took place on 16th November, 1987 and you made a report to the hon. Speaker on 17th November, 1987 at 1150 hrs. as mentioned under your signatures. At that time you had got all the information from the different police officers.

Shri V. P. Marwah: I prepared the report. I was asked by the hon. Speaker to come and tell him what had actually happened. Whatever information I could gather quickly, I did that because the question of detention had come to my notice only on that particular morning.

Shri V.P. Marwah: I wrote the whole thing in written hand and gave it to the Speaker.

Shri Somnath Chatterjee: Therefore, when you went to the Hon. Speaker and gave the report to him, you gave him that Report as a Commissioner of Police, Delhi and, therefore, I am sure by that time you must have gathered the necessary information, otherwise, as a highly placed and responsible officer you would not have made the Report.

Shri V.P. Marwah: Yes, Sir, I gathered all the essential points.

Shri Somnath Chatterjee: So, by that time you had clearly gathered the information that Shri Shukla had been detained under the Delhi Police Act from 12.30 P.M. to 4.00 P.M.

Shri V.P. Marwah: Technically speaking, yes, because as I mentioned in my clarification last time and as Mr. Shukla insisted, SHO showed his detention. Since it was done by 4.00 O'clock and since Mr. Shukla was insisting that he was sitting in the police station from 12.30 onwards, it became so technically.....

Shri Somnath Chatterjee: I am interested in knowing what you personally know. We have gathered the evidence of other highly placed police officials and you are saying things which you came to gather subsequently and which are not within your personal knowledge. As the Commissioner of Police, after getting all the facts, you

did report to the Hon. Speaker of Lok Sabha that Mr. Shukla had been detained. Am I correct?

Shri V.P. Marwah: Yes, Sir, you are correct.

Shri Somnath Chatterjee: I take it that you are aware of the scope of our enquiry, namely why there was delay in giving the report to the House or to the Hon. Speaker. Are you aware of it?

Shri V.P. Marwah: Yes, I am aware of that and as I have mentioned earlier, I do not know whether I have mentioned it or not, there has been really no delay in intimating the Speaker about the arrest of the Hon. Member.

Shri Somnath Chatterjee: Well, your contention is that there was no delay. It is a matter which shall be looked into by the House itself, if necessary. Therefore, the point is whether there was a delay or not and you have made your case. But the question of arrest is not germane here because the House proceeds on the....

Shri V.P. Marwah: He was arrested at 4.00 O'clock.

Shri Somnath Chatterjee: That is what you have come to know.

Shri V. P. Marwah: Yes, Sir.

Shri Somnath Chatterjee: When an enquiry was made by the Hon. Minister as to whether Mr. Shukla had been arrested or not, you chose to give him a reply on the basis of an information which you received from Mr. Brar. And it appears that Mr. Brar gave the information to you on the basis of his assumption as to what had happened.

Shri V.P. Marwah: Sir, there are two things. One is that when I rang up, if I remember correctly, Mr. Brar at 3.30 told me what he personally gathered from the place where the accident took place. Even at that time Mr. Shukla had not been arrested. So, the information which I conveyed to Mr. Chidambaram was correct at that point of time. I conveyed that information to Mr. Chidambaram and that information was correct. Mr. Shukla had not been arrested at that time.

Shri Somnath Chatterjee: Then when did you come to know that he was arrested?

Shri V.P. Marwah: I came to know about this next morning.

Shri Somnath Chatterjee: A Member of Parliament was involved and an enquiry was made by the Hon. Minister but you, just on the basis of an information obtained from the DCP, gave a report and thereafter never tried to find out the position.

Shri V.P. Marwah: I did. As a matter of fact, the DCP made enquiries and we found that the DCP had not checked back with the SHO, when he gave the information to me at 3.30 P.M. as to what had happened subsequently at the Police Station. The SHO—as there is a normal practice in Delhi—did convey the information to the Speaker both in writing and orally. I have no reason to disbelieve what he told me. If one can look at it in retrospect perhaps Mr. Brar should have re-checked from the Police Station, which he did not. I would say there was really no *mala fide* or any negligence.

Shri Somnath Chatterjee: I never said that. Please do not have any mis-apprehension. The only thing is that—which we want to find out—whether the Police had acted in the manner in which it should have in the circumstances of the case. There is no allegation of *mala fide* against you. The only thing is, whether you agree with this or not that since the matter concerned an hon. Member of Parliament and the Minister was making enquiries, why suddenly that type of inquiry was being made. What really happened? Who was responsible? What had happened and when? Should not such an inquiry be made?

Shri V.P. Marwah: I agree with you. Mr. Brar should have checked with the Police Station.

Shri H.K.L. Bhagat: We have a peculiar situation where according to the information which you have given to this Committee and which is based on information supplied to you by your officers, actually Mr. V. C. Shukla was not detained before 4.00 P.M. On the insistence of Mr. V.C. Shukla, his name was mentioned. Before that the information given to the Minister was that “he has not been detained. The SHO directly sent the information.” Would you not agree that such a situation should not have arisen normally? Don't you think it is rather unusual?

Shri V.P. Marwah: It is not unusual in the present circumstances of the case. Because when anybody is arrested or detained and brought to the Police Station, an immediate entry is made in the daily diary. After checking the daily diary, it was quite clear that only—if I remember correctly—18 persons were arrested.

Shri H.K.L. Bhagat: I say unusual because there was no intention to detain Mr. Shukla. The Police did not want to detain him. Because Mr. Shukla insisted that he be detained, he was detained.

Shri V.P. Marwah: For checking the law and order objective, if somebody is keen on his name being mentioned in the detention list, then I would say the SHO had acted with common-sense. He wanted that the situation be de-fused. The office of the Sports Authority of India was already closed at 4 O'clock. The police was not at all concerned with the dispute. It is only concerned with the maintenance of law and order. So, in this context I think what the SHO did was quite correct. I am inclined to support him. What he did at that time was correct. There is nothing wrong in it.

As a junior officer, it would create a bit of difficulty for him, to deal with Members of Parliament.

Shri H.K.L. Bhagat: I am not holding you responsible of any breach or something like that. As head of the police organisation, would you not feel that this thing should not have happened?

Shri V.P. Marwah: That is right. I regret that certain amount of inconvenience has been caused because Mr. Brar did not check back with the SHO's statement which was subsequently made by the Minister and perhaps it could have been corrected if this information had reached him in time. It is unfortunate. But really there is no *male fide* at all. It is inadvertence on his part.

Shri H.K.L. Bhagat: So, as head of the police family, would you express regret?

Shri V.P. Marwah: Yes. I express my regret before the hon. Committee of the Parliament.

Mr. Chairman: You are expressing your regret for the inconvenience.

Shri V.P. Marwah: Yes.

Mr. Chairman: The information which the SHO had sent to the Speaker creates a little confusion. I quote "today at 12.30 P.M., Shri V.C. Shukla, M.P. along with 19 more persons tried to create nuisance and forcible entry in the office of the Indian Olympic Association at Jawaharlal Nehru Stadium, New Delhi. Since there

was an apprehension of breach of peace, they were detained under Section 65 of the Delhi Police Act, till 4 P.M. today."

He is trying to convey that all of them were detained from 12.30 P.M. to 4 P.M. Is my reading correct?

Shri V.P. Marwah: I have already explained it. Normally, if an information had been given to the Minister that Shri Shukla had been arrested, there would have been no problem at all. Quite frequently elected Members are being detained in Delhi at one place or the other and the Speaker of the Lok Sabha or the Chairman of the Metropolitan Council or the Chairman of the Rajya Sabha are being intimidated. This is something which they do in the normal discharge of their duties.

So, in this particular case also, the matter would have been over if this confusion had not arisen. So, the SHO perhaps did not quite appreciate the language which he was writing as to what difficulty or the problem, it was going to create later on. He did not clarify or explain that Mr. Shukla has been really detained at 4 O'clock and not at 12.30 P.M.

Mr. Chairman: You seem to be correct in your assessment because in the daily diary report, it was recorded as 4.00 P.M. After the whole narration, one line was added at the insistence of Shri Shukla in the list. Probably, the impression you formed may be correct in the sense that this was the sequence of events. But according to me, this report conveys a totally different impression.

Shri V.P. Marwah: It is language rather than the intention. I have looked into all the circumstances of this particular incident. I have examined all the papers in this connection. The impression which comes out quite clearly is that Shri Shukla really was detained at 4 O'clock and not earlier. It is because during all this period when Shri Shukla was at the Police Station, he met the press people, Members of Parliament, he made a lot of telephone calls and he also went out several times. These were the things which had happened. If Shri Shukla have been detained earlier, then these things would not have happened at all.

Mr. Chairman: You have seen all the records of the Police Station. There is no entry made by any police officer to the effect that "I have come along with Mr. Shukla who has been detained under Section 65 of the Police Act from the Jawaharlal Nehru Stadium."

Shri Marwah: I am not aware of it. I do not remember. I looked at the papers on the 17th morning. It happened about five months ago. But after looking into the totality of the case, this was the clear impression which I formed.

Mr. Chairman: The office has brought to my notice that there is a form prescribed, under which the arrest and detention of an hon. Member has to be intimated to the Speaker. That form reads thus:

"I have the honour to inform you that I have found it my duty in the exercise of my powers under Section... of the Act, to direct that Shri, Member of the Lok Sabha be arrested/detained as the case may be. Shri M.P. was accordingly arrested at and taken into custody, and he is at present lodged in jail."

This is how information regarding the arrest and detention of an hon. Member has to be intimated. This form was not observed in this case.

Shri Marwah: In Delhi, the practice is slightly different—to save time and to ensure that the information is conveyed immediately. The SHOs at the police stations have no typewriters and no clerical assistance. Quite a few years ago, an order was passed whereby even an SHO was given the authority to convey this information directly to the Speaker, both in writing as well as orally, to be followed in writing by the Deputy Commissioner of Police, which he would have done the next day or the same evening. This form would have been followed by the Deputy Commissioner who had the clerical assistance.

Mr. Chairman: Before 4 p.m., was Mr. Shukla in the police station all the time i.e. from 12 noon to 4 p.m. and did he behave like a free man, or was he under some sort of detention?

Shri Marwah: No; he was under no sort of detention, because he went to the police station in his own car. After his party supporters were taken to the police station, he went to the police station after finding out where his supporters has gone. He took the help of the police officer to direct him to where that police station was located.

Mr. Chairman: How was he behaving in the police station?

Shri Marwah: He was telling the police: 'You release my people'. The SHO said: 'It cannot be done, because otherwise they will create some problems.' But Mr. Shukla was absolutely free. He met all his people outside, the Press photographers; and he made telephone

calls. Otherwise, after somebody is detained, he is kept under a certain amount of restriction.

Mr. Chairman: Mr. Shukla says that his supporters were put in the police van, and that he was put in his own car, but that the policemen were in the car and he was under arrest. Mr. Shukla's case is that Mr. Ranganathan, ACP told him that he was under arrest; and in support of what he is saying, he has given this photograph. Please have a look at the photograph, and then tell us what it indicates.

Shri Marwah: The photograph, as I see it, does not indicate anything at all, because Mr. Shukla is getting into the car, and there is a police officer. The police officer is there because Mr. Shukla did not know where the Lodhi Colony police station was located. He would not know, unless he was directed. Unless a police officer, sat with him, Mr. Shukla would not have been able to go there.

Mr. Chairman: Can you recognise the police officer from this photograph?

Shri V.P. Marwah: No.

Mr. Chairman: One of the officer stated that he was a probationer Sub-Inspector.

Shri V.P. Marwah: It is not possible to say from the photograph.

Mr. Chairman: What is your idea?

Shri V.P. Marwah: Since ranks are not noticeable, I would not be able to say anything.

Shri Somnath Chatterjee: Do you agree that sending a communication to the hon. Speaker is very important?

Shri V.P. Marwah: I agree.

Shri Somnath Chatterjee: You also say that some other police officer had said that Mr. Shukla was not detained till 4 O'clock. But it appears from what the Chairman has read out that he was released at 4 O'clock. Do you wish to say that, while giving its communication to the hon. Speaker of Lok Sabha, they did not take any precaution of giving the correct information?

Shri V.P. Marwah: SHO has given the correct information.

Shri Somnath Chatterjee: When a person is detained or released, we mention the time.

Shri V.P. Marwah: He did what he thought proper.

Shri Somnath Chatterjee: Whatever you have stated here, as to what transpired at the police station or subsequently that it was whatever you had heard from other officers and that you have no personal knowledge.

Shri V.P. Marwah: Whatever information I have given here I have gathered it from the information which has been conveyed to me by the officers.

Shri Bholanath Sen: The fact remains that Mr. Shukla was in the police station. When he was arrested, there must be record for it. Now that record will show when he was arrested, when he was released and on what condition he was arrested and on what condition he was released. Have you gone through all this record?

Shri V.P. Marwah: I did.

Shri Bholanath Sen: He was not detained. He came to the police station on his own. He demanded the release of the people whom the police had detained and brought to the police station. When the SHO did not agree to his request, he argued with him.

Shri V.P. Marwah: He did various other things which he wanted to do. There was no restraint or constraint on him. He, on his own, stayed on till 4 O'clock, till the time the SHO there released him. Then Mr. Shukla said, that since he has been staying there, his name should also be included. The SHO did not agree. Then Mr. Shukla insisted that he will not leave the Police station till his name was included. Then the SHO, after assessing the situation, and as it will not create any problem, included his name.

Shri Bholanath Sen: I am only one short point. How many times would Mr. Shukla's name appear if he is arrested and released? Twice? Once at the time of arrest and again at the time of release.

Shri V.P. Marwah: Yes.

Shri Bholanath Sen: Did you find that his name was there at the time of arresting and at the time of release?

Mr. Chairman: One point you have not noticed. There it is only one daily diary. And in that daily diary all these have been detailed as Mr. Marwah has said. And the SHO said that in Delhi they

write such a diary only when they release them. The SHO wrote it at that point.

Shri V.P. Marwah: This is a power which is available to the Delhi Police under the Delhi Police Act. Except when they have to produce them before a magistrate, when they release them, for that there will be two entries, and in this particular case there will be only one entry. The idea is to keep them away from the place where a law and order problem has arisen and release them later, which we do many times a year. And in this case that was done at 4 O'clock.

Mr. Chairman: Thank you. You may join us for a cup of tea.

(The witness then withdrew),

The Committee then adjourned.

Wednesday, 8 June, 1988

PRESENT

Shri Jagan Nath Kaushal—Chairman

MEMBERS

2. Shri Bhadreshwar Tanti
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Jagannath Choudhary
6. Shrimati Sheila Dikshit
7. Shri Bhishma Deo Dube
8. Shri Jujhar Singh
9. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—Joint Secretary

Shri T. S. Ahluwalia—Deputy Secretary

Shri J. P. Ratnesh—Senior Table Officer

WITNESSES

- (1) Shri Rajendra Kumar,
Station House Officer,
Police Station Lodhi Colony,
New Delhi.
- (2) Shri P. R. S. Brar,
Deputy Commissioner of Police (South),
New Delhi.

(The Committee met at 11.00 hours.)

- (1) Evidence of Shri Rajendra Kumar, SHO, Lodhi Road,
New Delhi.

Mr. Chairman: Shri Rajendra Kumar, 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.

The Committee note that you did not send the communication regarding arrest/detention of Shri Vidyacharan Shukla, M.P., to the Speaker, Lok Sabha on 16th November, 1987, immediately as laid down in rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Committee also note that the delayed communication sent by you was neither in the prescribed form nor was it addressed to the Speaker, Lok Sabha.

The Committee further note that according to your communication, Shri Vidyacharan Shukla was detained at Police Station Lodhi Colony from 12.30 to 4.00 P.M., but the Speaker received it at his residence at 9.30 P.M. on 16th November, 1987, i.e. much after an announcement was made by the Deputy Speaker in the House at 17.14 hours based on the information received from the Minister of State for Parliamentary Affairs that "..... it has been ascertained from the police authorities that no arrest or detention of hon. member of Parliament Shri V.C. Shukla took place today, i.e., 16th November, 1987".

The Committee, after careful consideration of the evidence and other documents provided to them, have come to the conclusion that Shri Vidyacharan Shukla, M.P., was detained by you from 12.30 to 16.00 hours on 16th November, 1987, at Police Station Lodhi Colony. Further, you did not send the intimation regarding the arrest/detention of Shri Shukla to the Speaker immediately as required under the Rules of Procedure, particularly when the House was in session and the detention took place in Delhi itself. Moreover, the manner in which the communication was written by you was also casual as it had not been addressed to anyone.

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 findings of the Committee.

Now, what have you to say after these findings have been brought to your notice?

श्री राजेन्द्र कर्मार (एस०एच०ओ०) : सभा पति महोदय, जैसे ही हमने श्री वी० सी० शुकल जी के डिटेन्शन के बारे में सोचा कि यह डिटेन्शन हो सकता है तो हमने तत्काल ही लोक सभा को सूचित किया।....

श्री एच०के०एस० भगत : आप का जो एक्सप्लेनेशन है, वह तो रिकार्ड पर है। अगर आप उसको ग्रापिट करना चाहें तो कर सकते हैं। कमेटी की जो फाइन्डिंग्स है, वह आपको सुना दी गई है। आपको चिट्ठी कहती है कि आपने डिटेन किया, यह हमारी फाइन्डिंग्स है। इन सब बातों को देखते हुए क्या आपको कमेटी को अनक्वालिफाइड एपोलिजी देनी चाहिए या नहीं, इसका मैं जवाब चाहता हूँ। जो कुछ आप कहना चाहें वह आपकी मर्जी है मैं मजबूर नहीं कर रहा हूँ। जो कुछ एक्सप्लेनेशन है,

तब हमारे सामने है। हमारी फाइन्डिस यह है कि आपने शुक्ल जी को दस बजे से चार बजे वकफिटेन किया और स्पीकर साहब को जिस तरह से इम्फारमेशन जानी चाहिए थी, वह नहीं गई। उसके बाद हम पूछ रहे हैं।

Don't you express unqualified and unconditional regret and apology?

श्री राजेन्द्र कुमार : इसके लिए मैं माफी चाहूंगा।

Mr. Chairman: Thank you. You may now withdraw.

(The witness then withdrew)

**(2) Evidence of Shri P.R.S. Brar, DCP (South),
New Delhi.**

Mr. Chairman: Shri P.R.S. Brar, 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.

The Committee note that you had stated during the course of your evidence before the Committee that you had informed the Commissioner of Police, Delhi, at 3.30 P.M. that Shri Vidyacharan Shukla, M.P., was neither arrested nor detained at Police Station Lodhi Colony on 16th November, 1987. You had also stated that before giving this information to the Commissioner of Police (Shri V.P. Marwah), you had not ascertained the position from the Station House Officer, Police Station Lodhi Colony.

The Committee further note that the Commissioner of Police, Delhi,, during his evidence before the Committee had stated that you spoke to him on telephone on 16th November, 1987, and gave him "a categorical answer that Shri Shukla had not been detained". He had also stated that you should have re-checked the position from the Police Station, which you did not do.

The Committee, after careful consideration of the evidence and other documents provided to them, have come to the conclusion that Shri Vidyacharan Shukla, M.P., was actually detained at Police Station Lodhi Colony from 12.30 to 16.00 hours on 16th November, 1987. Further, being a responsible police officer you did not care to make a proper enquiry from the Police Station Lodhi Colony before informing Shri V.P. Marwah, which ultimately resulted in the latter giving wrong information to the Minister of State for Home Affairs for passing it on to the Speaker, Lok Sabha and through him to the House to the effect that Shri Shukla

had not been detained while actually he was detained for 3½ hours.

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 findings of the Committee.

Shri P.R.S. Brar: Hon. Chairman and Members of the Committee, I would not like to dispute the conclusions of this learned Committee. The only thing I wish to state at this time is that since I was personally present at the time, this entire sequence of events took place; that's why I did not consider it necessary to ascertain from the Police Station. I do now realise that it was a mistake. And I should have done that. But at no stage I had any intention to show any disrespect to the hon'ble Member of Parliament. He was shown the highest consideration and respect in the Indian Olympic Association office and later on also in the Police Station. He was not treated as a detenu or as a person who is under any restraint.

However, since the Committee has come to its conclusions, I do feel regret. I do really apologise that I have caused this discomfiture and I have hurt the feelings of the hon'ble Committee.

Mr. Chairman: It is all right. Are you expressing your regret?

Shri P.R.S. Brar: I am, Sir. I have the highest respect for the powers and privileges...

Mr. Chairman: We have noted that you had no intention...

Shri P.R.S. Brar: I had no intention.

Mr. Chairman: But you made a mistake for which you are feeling sorry and expressing your regret and unqualified apology.

Shri P.R.S. Brar: I am sorry and I express my unqualified apology.

Mr. Chairman: Now, you can retire.

(The witness then withdrew)

The Committee then adjourned.

APPENDICES

APPENDIX I

(See para 12 of the Report)

*Communication dated 16th November, 1987, received from S.H.O.
Police Station, Lodhi Colony, New Delhi.*

**Sub:—Detention of Shri V. C. Shukla s/o Shri R. S. Shukla r/o 1,
Willingdon Crescent, New Delhi, a member of Parliament u/s
65 Delhi Police Act vide D. D. No. 8A dated 16-11-1987, Police
Station Lodhi Colony, New Delhi.**

Sir,

Today at 12.30 P.M. Shri V. C. Shukla, member of Parliament alongwith 19 more persons tried to create nuisance and forcible entry in the office of Indian Olympic Association at Jawahar Lal Nehru Stadium, New Delhi. Since there was an apprehension of breach of peace, they were detained u/s 65 Delhi Police Act till 4 P.M. today.

Submitted for information.

Sd/- 16-11-87
Station House Officer
Police Station Lodhi Colony,
New Delhi-110003.

APPENDIX II

(See paras 12 and 14 of the Report)

*Communication dated 17th November, 1987, received from the
Commissioner of Police, Delhi.*

At about 12.30 P.M. on 16-11-87 Shri V. C. Shukla, M.P., along with another person on the pretext of meeting someone reached the office of I.O.A. at Jawaharlal Nehru Stadium. Finding the office of President, Indian Olympic Association open, he entered in the office and sat on the chair. On this office bearer of I.O.A. requested him to leave as he is no longer the President of I.O.A. and not entitled to sit on that chair. Shri Shukla refused to leave the office. Secy. General I.O.A. informed the Deputy Commissioner of Police who directed Assistant Commissioner of Police Defence Colony to reach at the spot. Addl. Deputy Commissioner of Police and Deputy Commissioner of Police also reached the spot. Senior officers found some supporters of Shri Shukla—18 in number—indulging in slogan shouting outside and directed the police to remove them to the Police Station. Shri Shukla was persuaded to leave the office along with his companion. He left in his own car. SHO Lodhi Colony in whose jurisdiction JLN Stadium falls was not there as he was attending court in Tis Hazari.

Later on Shri Shukla reached P.S. Lodhi Colony in his own car and demanded that he too should be detained with his supporters. He continued to sit in SHO's office without any restraint on him throughout this period. Since his supporters were in agitated mood and shouting slogans even in the Police Station, SHO Lodhi Colony who by then had returned from the court did not consider it prudent to let them go immediately and detained them under Delhi Police Act from 12.30 P.M. to 4.00. Shri Shukla's name was included in the list on his own insistence.

The development at the P.S. was not known to the Deputy Commissioner of Police. The statement in the House was made on the basis of telephonic information furnished by the Deputy Commissioner of Police. There was no attempt to mislead the House in any way.

Sd/-

(V. P. MARWAH)

Commissioner of Police

17-11-87

10.50 hrs.

Hon'ble Speaker.