

525 *Statement by Minister AGRAHAYANA 26, 1913 (SAKA) Statement by Minister 526*
Reported Scuffle on 11.12.91 between Arrest of Shri Inderjit Gupta, MP &
a Journalist and a police officer and the others at Chandigarh on 16.12.91
Arrest of some tibetan girls in New Delhi
on 15.12.91

comprised 17 women and one man. A police van was at the Chinese Embassy Gate and these Tibetans were put on the vehicle. One girl, about 20 years' old, suddenly jumped off from the van and started running away shouting slogans. She was over-powered and again put back into the vehicle. Since the body of the vehicle was filled with the Tibetans and policeman, including two lady Constables, this girl was put in the driver's cabin alongwith a Sub-Inspector of Police and a Constable. They were then taken to the Chankaya-puri Police Station which is about 200 meters away. The Tibetans were violent and were shouting slogans. When the van was going to enter the police station, the girl in front pulled at the driver's hand on the steering wheel, saying "why are you taking us to the Police Station." The driver lost control of the steering wheel and the van hit the pavement and, though it was travelling slowly, over-turned. As a result 11 persons sustained minor injuries, including 7 Tibetans girls. These 11 persons were taken to the Ram Manohar Lohia Hospital and all were discharged after first aid. The Tibetan boy also accompanied the 7 injured girls. The remaining injured 10 Tibetans girls were brought to the Chankaya puri Police Station and detained under section 65 of the Delhi Police Act which empowers police to detain persons disobeying lawful orders. These girls were brought to the Police Station at 3.05 p.m and released at 4.30 p.m. In view of the large deployment of the force all over the city and the limited number of women police personnel available, only 2 women police officials could be deployed in front of the Chinese Embassy. The Delhi Police have reported that none of the girls has given any written complaint that the police misbehaved with them.

5. I would also like to inform the House that the Supreme Court passed directions on December 13, 1991 that all women and children below the age of 18 years should be released by 10.00 p.m. of 13th December, 1991 without personal bond or surety. Secondly, of the remaining detained persons, some of them were to be released only on

surety by 3.00 p.m. of 14th December, 1991. Thirdly, as regards the rest they were to be released on furnishing a personal bond of the amount of Rs. 5,000 and surety of Rs. 2000/- . The Supreme Court further passed orders that the persons released would abide by law and would not commit breach of the peace or violate orders under section 144 of the code of Criminal Procedure. The Delhi Police have reported that all the arrested persons have been released in accordance with the directions of the Supreme Court.

16.32/1/2 hrs.

(ii) **The arrest of Shri Inderjit Gupta, MP and other at Chandigarh on 16.12.91.**

THE MINISTER OF HOME AFFAIRS (SHRI S.B.CHAVAN): I wish to apprise the Hon'ble Members of this august House about the arrest of Shri Inderjit Gupta, MP and others on 16.12.91 in Chandigarh, for defying prohibitory orders.

2. Information had been received by the Chandigarh Police that the Communist Party of India would take out a procession to Punjab Raj Bhavan and would organise a dhama in front of the Raj Bhavan on 16.12.1991. The organisers were informed about the restrictions under section 144 Cr.P.C. in force in the Union Territory and that no procession was allowed to cross to the North of Madhya Marg.

3. However, a procession of about 200 persons including about 10 ladies started from House No. 345, Sector 21 and reached at 11.45 A.M. the crossing of Sectors 7,8,18 and 19. The processionists were stopped by the Police. By this time Shri Inderjit Gupta, MP also arrived. They were informed that some of them could meet the Governor of Punjab with whom an appointment had been fixed at 12.30 P.M. The processionists insisted on proceeding to Raj Bhavan. The processionists remained adamant and all of a sudden broke the physical barricades and

[Sh. S.B. Chavan]

4. The procession then came to the road dividing Sectors 7 and 8. Here the police formed a human barrier and tried to stop the procession. They however broke through the police human barrier.

5. The police again formed a human cordon at a distance of about 15 yards away. At this third barricade when the processionists tried to go ahead, they were physically stopped. Here the demonstrators sat down. They were requested to disperse and send a deputation to meet the Governor of Punjab. The processionists insisted that they should all be allowed to go to the Raj Bhavan or should be arrested by the police.

6. At 1.20 P.M., when all attempts to persuade the processionists failed, Shri Indrajit Gupta, M.P. and others were arrested under Section 107/151 Cr. P.C. and taken to Police Station at Sector 17. The leaders and ladies were taken in gypsies and jeeps while others were taken in trucks and buses. They were produced before a Magistrate in the Police Station itself, who discharged them at 1.45 P.M.

7. The Chandigarh Administration have stated that the only force used by the police was when the processionists were stopped physically by the police, who had formed human barriers.

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, Indrajit Guptaji said this morning that Vimla Dang was seriously lathi charged. So, your information is really misinformation.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): There is no mention of his arrest in the Bulletin.

SHRI BASUDEB ACHARIA (Bankura): Sir, I would like to know whether the information was given to the hon. Speaker. (Interruptions). I want to know whether the Speaker was informed of the arrest of the Member of Parliament, Shri Indrajit Gupta.

SHRI BHOGENDRA JHA (Madhubani): There is no mention of it in the Bulletin, Sir.

SHRI NIRMAL KANTI CHATTERJEE: Had it been mentioned, it would have come in the Bulletin, Part-II (Interruptions).

MR. CHAIRMAN: When a Statement is made, the convention in the House is not to ask any clarification. like the other House, the upper House.

SHRI BHOGENDRA JHA: From the Chair, we want to know whether it is mentioned in the Bulletin.

[Translation]

(Interruptions)

SHRI GEORGE FERNANDES (Muzzfarpur): Even if it is a wrong statement?

SHRI MADAN LAL KHURANA (South Delhi): Yesterday when I referred to the arrest of some Tibetans, the hon. Minister said that he is verifying the version of the Police. I cannot believe because he is giving the version of the Police in the statement. He should say that he has verified the statement.

SHRI BHOGENDRA JHA: Shri Indrajit Gupta was arrested in Chandigarh, let us first discuss it.

MR. CHARMAN: First statement was on the arrest of some Tibetans.

SHRI MADAN LAL KHURANA: Mr. Chairman, Sir, My ambition is regarding both the matters. Yesterday when we demanded a statement regarding arrest of some Tibetans the hon. Home Minister said that it seems that the version of the Police is not correct and I would make a statement after verifying it. I would like to know...

MR. CHAIRMAN: Please listen. There is no convention for seeking clarification on the statement made by the Minister.

SHRI MADAN LAL KHURANA: Mr. Chairman, Sir, today he has again said that the statement has been given according to the version of Delhi Police. *(Interruptions)* .

MR. CHAIRMAN: All the statements given here are from the Home Minister.

SHRI MADAN LAL KHURANA: Mr. Chairman, Sir, in the light of what he said yesterday, I would like to say one thing through you*(Interruptions)* .

[*English*]

MR. CHAIRMAN: Whatever statement he has made, he owns the responsibility.

(Interruptions)

[*Translation*]

SHRI MADAN LAL KHURANA: Sir, I would like to know whether the facts put forward in this House have been verified or only the version of the Police will be coming or after verifying the facts, the version of others will also come? The problem is that the police have committed excesses. If the police have committed excesses who were the people on the other side, who were the witnesses, has the other side also been verified. You are giving one-sided picture only.

Second point is also about Shri Indrajit Gupta. A simple question is that an M.P. is arrested, as he has given the whole account. When the time was fixed the Governor he could say that 5, 6 or 7 people can meet, but he did not say so. They said that they arrested the M.P. under section 107 and 151. Only those who people are arrested under the section 107 and 151. indulge in riots and disturb peace. May I know whether an M.P. can be arrested on the charge of disturbing peace? The main thing is that whether the hon. Speaker has been informed about it or not? That is the main thing. As far as I know Mr. Speaker has not

been informed. Further the hon. Home Minister will tell that whether he has got the information or not. If such an information would have been received, it would have been mentioned in the Bulletin. It is not in the Bulletin. Hon. Speaker has not been supplied with any information as to which authority arrested the hon. Member. Whether it was Chandigarh Administration, Punjab Police or Punjab Administration. If no information is given after arresting an M.P., it become a matter of breach of privilege.

I would like to ask two points from the hon. Minister. One, whether they had verified it or not, Secondly, the House was not informed after the M.P. was arrested. So, whether it is a matter of privileges or not? These are my two questions, please explain..*(Interruptions)* .

[*English*]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Sir, there is only one point on which I would like to make a clarification. The Union Territory administration had sent a telegram and a wireless message to the speaker yesterday at 2.00 p.m., about the arrest.

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Chairman, Sir, if the Home Minister has given the Statement of the police, I believe it is a wrong statement. It was said here that he will be released on bail after a security of Rs. 5000/-, It was said by the police, but the Supreme Court had suggested only Rs. 2 thousand. Whatever information is given by the police is wrong. A bond of Rs. 5000 and a security of Rs. 2000 is also wrong. This morning, I was present in the Supreme Court. According to the Statement given by the police there security was to be charged from only one person and it was also said that the situation is so trying that nobody should be let free, because all the people have been arrested on the charge of violence. Magistrate has himself written in the

[Sh. George Fernandes]

case of a person who has been released on paying a security of Rs. 2000.

[English]

You looked very arrogant and therefore you must pay a security of Rs. 2,000.

[Translation]

All the other persons were released without any security, personal bond or any conditions. There also you have been misinformed about everything in this regard. The treatment that these girls received is recorded in the affidavits lying with us. We possess the statements given by them. None of them was an adult woman, instead all of them were school or college going girls, we have the affidavits containing their statements. How can the police record the statement of the girls regarding the misbehaviour with them by the police. There was not a single policeman. Police is telling a lie and trying to give a false statement here through the Home Minister. Mr. Speaker, Sir, we highly object to this.

SHRI BHOGENDRA JHA: Mr. Chairman, Sir, just now the Home Minister said that a notice has been received from the Administration of Chandigarh. If the notice has been received by the Speaker, its information should have gone to the members in today's Bulletin. We do not know anything about it, nor does the Home Minister, but its notice should be given to the House. Secondly, there is the question of arrest under section 151 and converting it into a cognizable offence and preventing it. Indrajit Gupta is already an MP and he is here for the Seventh time, may I know which cognizable offence he was going to commit for which he has been arrested, so that all of us remain cautious in the sense that if we go somewhere especially in a Union Territory, we will go there already prepared to be arrested. If the time of meeting the Governor is fixed and if we go there at that time and there is a demonstration or a procession we will not go

there at that time, it is a basic question which was asked yesterday. What will be the explanation given by the Home Minister in this matter, so that in future we would go there cautiously, because in future, there is the question of Punjab and everybody is in favour of elections. We do not know what will be the attitude towards MPs during the elections. So it is a horrible thing.

Mr. Chairman, the situation is dangerous for future and the present and regarding the arrest made yesterday, it is not clear from the statement that Shri Indrajit Gupta had refused to meet the Governor. Please make it clear how can it be called a cognizable offence.

Now a days the problem of Tibet is there and the people of Tibet are our guests. Whatever is its reason, we do not want to go into the details, but it is an internal matter of Tibet and China, we should consider it as an autonomous region. But the people of Tibet who have been here are our guests and it is our duty to extend all the possible hospitality to them. All the same, it is their duty not to work in such a manner which may spoil our relations with any other country. They should not come in the way of improving our relations with other countries. It does not apply to them alone, it is equally important for other countries as well. It is the duty of any Indian who lives abroad. The people who did it or who were a party to such developments is in my opinion a misuse of our hospitality. The way the Home Minister has given the statement that by holding the steering by the driver the vehicle has been toppled and an accident has occurred, we should be happy that at least no body is killed but after the vehicle was overturned it hardly makes any difference whether there were more girls or more women. It is of no significance. The number of Women Police should have been more. If this information is not received, I will say that our Police force is useless, they had to keep an information as to how many women or girl students are taking part in a procession, because the news was in the papers also that some people from Tibet would be holding a demonstration against

us. So demonstration, overturning of buses, holding the steering are not ordinary things. If the girl students also participated in the demonstration there should have been prior arrangement of women Reserve Police force. It is also a personal matter of the hon. Home Minister, even if it is concerning Delhi it will be seen later on when there will be Delhi State Government. So these two things may be made clear here. But this House should express its concern about it that Tibetans are our guests and they should not come in the way of improving relations with any country. In fact nobody should do so.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, the important point that strikes me on this issue is that it is the civil service or the police service which is guiding the political enthusiasts. What is doing tremendous damage to the political system is the political part of the executive is totally dependent on the versions supplied by the police and the audacity is such that when a Member of Parliament has been arrested, that has been not reported. I will take it, not reported to the Hon. Speaker.

The truth of it is that the Bulletin did not report it. It cannot be a failure on the part of the Secretary General. So, what I am trying to impress upon the Government about it is, we have seen this today all over the country it is the police version which is emerging at the top. The political authority of the people either believes it or extends support to it as has happened in the case of Tripura or in Kerala or elsewhere also....(Interruptions) We tried to distinguish it. Dr. Debi Prosad Pal seldom lives in West Bengal. Otherwise he will know it. Unless the political authority can establish its suzerainty over the Civil Service and the Police Service etc. then not only externally the IMF but internally also the whole system would be ruined. It is to these aspects that I want to draw the attention of the hon. Home Minister.

Thank You,

MR. CHAIRMAN: Hon. Members, as we all know, in this House it is not the convention to further discuss any statement made here or seek clarification like the Upper House. Therefore, I am unable to ask the hon. Home Minister to clarify all those points which you have raised here now.

(Interruptions)

MR. CHAIRMAN: I am on my legs. Let me complete it. Please help me. After all, if you want to find out any clarification, there are other methods. You can give appropriate notice for discussion.

All of you can meet the Speaker. You can find out some time for a discussion. That is a separate matter. As far as the existing rules are concerned, I am not in a position to give you permission to seek clarifications. Neither, can I tell the Home Minister to give clarifications. That is the point.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, may I seek an information though not a clarification? (Interruptions) .

[Translation]

SHRI BHOGNEDRA JHA: Mr. Chairman, Sir, You are right, if the Home Minister is not in a position to reply, you should not compel him. And if he is in a position to reply he should do so or say that he can't reply.

SHRI S.B. CHAVAN: I have given you all the information that I have received from there.

(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE: Mr. Home Minister, You assured the House yesterday that you would make a statement on the Palakkad incident. When are you going to make that Statement?

SHRI S.B. CHAVAN: As soon as I get the information, I will do it.

Speaker's Chamber till today morning. Therefore, there is a lot of lapse in this regard.

SHRI SOMNATH CHATTERJEE: Please send them a reminder. Sir, this is not a clarification. This is a sort of information. That is all. *(Interruptions)*.

MR. CHAIRMAN: It is a very serious matter.

(Interruptions)

[Translation]

MR. CHAIRMAN: Secondly, with regard to the arrest of hon. Shri Indrajit Gupta, I think the Speaker has received the telegram at 9 O' Clock today. The sender's name and designation was not so clear. We received it at 9 A.M. today. As I said, the sender's name or the designation was not clear.

SHRI CHANDRA JEET YADAV (Azamgarh): Mr. Chairman, perhaps it is the statement of the Home Minister in which he has said that Indrajit Gupta did not join that incident of violating the law. The statement of the Home Minister proves that Indrajit Gupta arrived on that spot when the demonstrators were stopped and he moved away from there. Indrajit Gupta is a senior Member of the House and you have spoken about his arrest so lightly. You even do not know about the officer who gave this news. The Secretariat should issue instructions that whenever any M.P. is arrested, it is expected that the concerned officer, whoso ever he may be should inform that under which circumstances that MP has been arrested. He was arrested in Chandigarh, the state capital. This may not be taken so lightly. Such things are happening that any officer is giving a notice and his name and designation is not given out, it is sent at one or two O' Clock and the information is received the next day at 9 O' clock, and but even then this is being taken lightly. Such things should not happen in future, this direction should be issued from the Secretariat and it should also be issued from the Home Ministry that if an MP is arrested, or if there is any officer, he should give reasons about the circumstances under which he was arrested. It is not evident from your statement that Indrajit Gupta refused to move away from there or he violated the law and sat there. You say that the demonstrators refused to go. At least the complete information should be received. Indrajit Gupta had also raised this question yesterday.

(Interruptions)

MR. CHAIRMAN: Let me tell you whatever information is available. At 9 O' Clock, this Secretariat received the telegram. The sender's name and the designation was not clear. Therefore, we have not informed the Members. That was the position.

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): Is there not enough ground for dismissal of the persons concerned?

(Interruptions)

SHRI INDRAJIT GUPTA (Midnapore): The incident took place at 12.30 p.m. yesterday. They sent the information of my arrest at 9 O' Clock this morning. *(Interruptions)*.

MR. CHAIRMAN: In this Secretariat, we have received it at 9 A.M. today, the 17th December, 1991.

SHRI SOMNATH CHATTERJEE: What is the time of despatch?

MR. CHAIRMAN: About the time of despatch, I am not in a position to tell you. I think it is 1.20 p.m.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): The hon. Home Minister said that he received a telegram yesterday at 2 p.m. It was not communicated to the

[English]

SHRI E. AHAMED (Manjeri): Sir, the Home Minister has made a reference in the statement that a case under Section 107,

Code of Criminal Procedure has already been registered against Shri Indrajit Gupta. As far as I know, it is normally used against criminals, consistent violators of law and against such other people only, such sections are involved.

Section 107 has been invoked against a man of Shri Indrajit Gupta's stature and nature I should say. If the Government goes on registering cases under Section 107 against the elected Members of Parliament, may I say, Sir, with all humility that it is reprehensible and condemnable.

SHRI SAIFUDDIN CHOUDHARY (Katwa): It is not only that but some technical flaws have also taken place. Given the kind of a situation that is there in Punjab and the kind of role the CPI, CPI(M), BJP and some others have played, in that context, the administration had failed to properly deal with the people who are laying down the lives in Punjab. Are they not to be reprimanded? Are they people doing service to the country in Punjab?

I am very sorry. The Home Minister is here. He must take to task whoever is responsible. The Governor is not at all doing any good service in dealing in such reprehensible manner with such respected people who followers are laying down the lives. It is not a matter of technical delay. It is a question of outlook. They are thoroughly bankrupt people and they are not fit to run the administration in this critical situation.

MR. CHAIRMAN: As I mentioned to you, the sender's name is not there but some initials and numbers are there. I think it is but proper that the Home Ministry should direct all the concerned that whenever Members of Parliament are taken into custody, when they send the telegrams either to the Speaker or to the Central Government, they must give their designation to also. The charges have already been mentioned in the telegram but we cannot make out as to who has sent it. Therefore, it would be proper, in future, if any Member of Parliament is taken under cus-

tody, the sender must give the name as well their designation.

Now, the House shall take up matters under Rule 193.

(Interruptions)

[Translation]

SHRI BHAGWAN SHANKAR RAWAT (Agra): I would like to say one thing that section 107 and 151 are applicable when there is a clash of fight.

MR. CHAIRMAN: It is a case of breach of peace. This rule is applied in case of those who go there.

[English]

SHRI BASUDEB ACHARIA (Bankura): Sir, the Home Minister can respond to the points raised here.

MR. CHAIRMAN: He has already responded.

17.00 hrs

DISCUSSION UNDER RULE 193

Present economic situation in the country with reference to the steep rise in prices of essential commodities in recent months, deficit financing, the foreign exchange crisis and the conditionalities sought to be imposed by the international monetary fund—*CONTD.*

MR. CHAIRMAN: The House shall now take up further discussion under Rule 193 on the economic situation in the country. Dr. Debi Prasad Pal was on his legs; he will continue.

DR. DEBIPROSAD PAL (Calcutta North West): Mr. Chairman, Sir, when we are discussing the economic situation for the year 1991 the economic scenario has