

12.03 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

ALLEGED MANHANDLING OF SOME MEMBERS OF PARLIAMENT BY THE POLICE AT THE PRIME MINISTER'S RESIDENCE

Shri A. Sreedharan (Badagara): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon, namely:

"Manhandling of some Members of Parliament by the police at the Prime Minister's residence on the 29th and 30th July, 1967."

The Minister of Home Affairs (Shri Y. B. Chavan): Sir, the Delhi Administration had information that some M.Ps. from Kerala, along with a number of other persons intended to organise a picketting at the residence of the Prime Minister on 29th July, 1967 to press their demand for increasing the supply of rice to Kerala. Newspaper reports also confirmed the programme of picketting. The Delhi Administration anticipated that there might be a hold-up of traffic in front of the Prime Minister's residence and that cognizable offences under sections 341 and 342 IPC may also be committed. The Delhi Administration, therefore, made necessary arrangements to prevent any obstruction of traffic on the road as well as commission of cognizable offences of wrongful restraint and confinement at the gates of the Prime Minister's residence. Accordingly on the 29th July about 200 policemen were deployed to form a human barricade in front of the Prime Minister's residence on Safdarjang Road. The policemen did not carry any arms, not even their usual batons. A procession of about 45-50 persons, including 15 M.Ps.

started from Tin Murti round-about at about 8-15 A.M. and came in front of the Prime Minister's residence at about 8.40 A.M. The procession found the police cordon barring its entry to the gates of the Prime Minister's House. Attempts were made by the demonstrators to break through the cordon but they were not allowed to do so. The M.Ps. then squatted on the road blocking the carriage way facing the Prime Minister's House. The traffic on that road had, therefore, to be diverted. At about 9.15 A.M. about 100 other persons, had also assembled on the scene and tried to join the squatting M.Ps. The police did not allow them to do so and kept them away on the other side of the road. Two other attempts were made at about 11.10 A.M. and 11.45 A.M. to break through the police cordon. In one of the attempts one group of M.Ps. succeeded in blocking vehicular traffic through one of the gates of the Prime Minister's House. Since access was still available through the other gate no attempts were made by the police to disturb the M.Ps. from the positions they had occupied, even though this was an unlawful act.

On 30th July, 1967 another small procession reached the Prime Minister's House at 10.10 A.M. This procession also made an attempt to break through the police cordon but was not allowed to do so. The processionists squatted on the road. The squatted M.Ps. dispersed at about 12 noon.

When the Delhi Administration received information of the likelihood of obstruction to traffic as well as commission of offences such as wrongful restraint and wrongful confinement, which are cognizable offences, it was their duty under sections 31 Police Act and 149 Cr. P.C. to make necessary arrangements to interpose to prevent the commission of any such offence. The Delhi Administra-

tion has reported that only the minimum necessary arrangements were made, that the policemen deployed on duty were deliberately kept unarmed and had been instructed to conduct themselves with utmost courtesy.

The Prime Minister was willing and anxious to meet the M.Ps. and discuss matters with them. As a matter of fact she did so on 29th and as well as 30th. Had it been a case of any Member of the Parliament either by himself or in the company of others wanting to go and meet the Prime Minister such arrangements would have been wholly unnecessary. Even in this instance according to our reports all that was sought to be done was to prevent any blocking of the entrances to the Prime Minister's House or any obstruction to normal traffic.

Shri A. Sreedharan: Sir, the Home Minister's statement is a gross distortion of facts. He, as the Minister in charge of the Delhi Police administration, has committed four offences under the law of the land. Firstly, he has violated the law of parliamentary privilege. Secondly, he has committed 3 offences under the Indian Penal Code....

Mr. Speaker: At least you may add a question mark at the end.

Shri A. Sreedharan: ...under section 339 wrongful restraint, under section 340 wrongful confinement and under section 349 assault. I have here the evidence of the Prime Minister. It is reported in the *Statesman* of July 30, 1967:

"Finally, an hour after the M.Ps. had arrived, Mrs. Gandhi came out, walked up to the rope barrier to talk to them. To their complaints that they had been pushed about and held back by the police, she said she was sorry,

and "you should have been allowed to come in."

I am quoting the Prime Minister's words as they appeared in this newspaper a few days back. Neither the Prime Minister nor any spokesman of the Government has denied it.

When we went to the Prime Minister's house, we saw there 500 policemen obstructing 15 M.Ps. It is not correct for the Home Minister to say that there were 50 people. For a moment, I thought the policemen were gheraoing the Prime Minister for better service conditions. The Home Minister said that nobody was harmed. It is not correct. When we went near the police.....

Mr. Speaker: He need not say everything. What is his question?

Shri Vasudevan Nair (Peermade): The Minister made a wrong statement. So, another statement has to be made against that.

Shri A. Sreedharan: When we went near the police, the policemen knocked at our ribs and immediately their hands went up to say "Namaste". They gave a blow on my back and again they said "Namaste". When the cameras clicked, the Namastes became profusely numerous. These were the tactics adopted by the police. It is a new innovation. This may be called "Operation Chavan" or "Operation Smiling Cobra". Mr. A. K. Gopalan was gheraoed by the police. He was not sitting in front of the Prime Minister's House; he was sitting under a tree. He was kept in confinement for a few hours. Government should take cognizance of these things and I would like to ask whether Government will appoint a parliamentary committee to go into the whole matter?

श्री रवि राय (पुरी) : प्रधान मंत्री
जवाब दें, बैठी हुई हैं।

Mr. Speaker: The Home Minister has made the arrangements. Why should the Prime Minister answer it?

Shri Y. B. Chavan: The hon. Member has not asked me any question.

Shri Vasudevan Nair: He asked whether an enquiry will be made.

Shri Y. B. Chavan: There is no question of making any enquiry. I have given the facts as I know them and I believe in them. The counter-statement of facts that the hon. Member has made is completely a piece of imagination. He has not merely made counter-charges against me, but the statement is full of abuses on their side.

It is their culture to abuse me, but I do not want to give counter abuses.

Shri N. Sreekantan Nair (Quilon): Sir, I rise to a point of order. Is it in order for a Minister, who was not on the spot, who got only reports, to say that the personal experience of an hon. Member of this House which he narrated on the floor of the House is all wrong and his version which he got from the police is right?

Mr. Speaker: There is absolutely no point of order. Difference of opinion is bound to be there and the Minister will have to depend only on reports that he gets. Suppose something happens in Assam or some other place....

Shri N. Sreekantan Nair: He can say that it is his report. He cannot say that what the hon. Member has said is wrong.

Shri Vasudevan Nair: Even you, Sir, took pains to come and meet us. Even the Speaker of Lok Sabha was good enough to come and meet us on the road. We are always grateful to

you for that. This Minister did not have the courtesy to come and see for himself what was happening.

Shri Jyotirmoy Basu (Diamond Harbour): Sir, I rise to a point of order. The Home Minister said that it is our culture to abuse him. The Minister should withdraw those words. It is not our culture to those words. It is not our culture to abuse, it may be his. What a silly thing to say, for a Home Minister! He is too big for his boots.

The Prime Minister and Minister of Atomic Energy (Shrimati Indira Gandhi): Sir, the hon. Member has read out something from a newspaper. I am not in the habit of contradicting everything that comes in the newspapers because otherwise my whole time would be spent in doing this. I did say to Shri Gopalan and other hon. Members that if they had been troubled by the police I was sorry and I did not wish the police to trouble them. I did not say that the police should allow them because I had said that to the police earlier. The police official had asked them and had told them that they were welcome to come into the house to meet me and, also that I was willing to go out and meet them, but the reply given was: "We see her every day in Parliament. We do not want to meet her. We have come only for rice". Even then I went out and had a word with them on both the days.

Shri Shivajirao S. Deshmukh (Parbhani): Sir, I rise to a point of order. My point of order arises from what the hon. Member has said. It arises out of the Calling Attention Notice and the answer given by the hon. Home Minister. From the facts as disclosed in the reply of the hon. Home Minister and as beautifully confirmed by the reply of the hon. Prime Minister and Leader of the House, it is clear that a batch or section of this

House went to the residence of the hon. Prime Minister with an intention to confine her to the precincts of her residence. That by itself *prima facie*, on the face of it, by every appearance, is not only a cognizable offence under Section 341 of the Indian Penal Code but also amounts to a gross breach of privilege. Therefore, I wish to know whether you would be pleased, by yourself, to treat this act as a breach of privilege.

Mr. Speaker: Privilege issues should be sent to me in writing and I must have time to consider.

Shri Shivajirao S. Deshmukh: It is not a question of giving notice in writing. The Leader of the House....

Mr. Speaker: The hon. Member may resume his seat. He has had his say. If he wants to repeat the whole thing, where will it lead us.

Shri Indrajit Gupta (Alipore): Sir, many of us were eye witnesses of this unfortunate incident that day. I do not think the Home Minister was an eye witness. In any case, we are not concerned with whether the Administration wanted to make a fool of themselves by putting 500 policemen against 15 Members of Parliament or not. That is their concern. He made much in his statement about cognisable offences, wrongful restraint, obstruction of traffic etc. that these 15 hon. colleagues of ours were supposed to have gone there to do. I want to know what prevented the police from proceeding according to the law. They could have arrested these people or done anything like that. They went there as picketers and they were quite prepared to face arrest or anything. What was the necessity for the action that the police took which we saw with our own eyes and which was depicted in so many photographs which have been published in the local dailies? Many of our hon. colleagues—Shri Adichan and Shri Esthose—were manhandled. They were thrown on the road and

dragged. Their photographs have appeared in the papers. Some of them were surrounded with a rope and gheraoed. They were gheraoed with a rope and kept like cattle are kept. It is a question of the indignities that have been perpetrated on the Members of this House and that is why we want to raise this question. We do not want to hear about cognisable offences and all that. They could have taken other action; they could have arrested them according to law or done anything else. What was the need for manhandling them in this undignified and brutal way?

Shri Y. B. Chavan: Incidentally they are Members of Parliament but suppose any citizen or anybody wants to go and picket the residence of Prime Minister or any other Member, what is the police expected to do? It was not a question of deliberately imposing indignity on anybody. Suppose, some body wants to go and sit at the gate of the hon. Member. What is the police expected to do? It is their duty to take preventive action. They certainly prevented some ugly incidents that would have followed.

Shri P. Viswambharan (Trivandrum): I have no complaint against Shri Chavan: I think, what happened at the Prime Minister's residence on those days was under the direct command of Shri Chavan and it was only an exhibition of the depth of his cultural level. So, I have no complaint against him. But I want to ask one question of him. Since the Prime Minister has expressed her disapproval of the police action there, what action has the Home Minister taken to discipline the Prime Minister?

Shri Y. B. Chavan: Action is needed to discipline the people who want to go and picket the Prime Minister's house... (Interruption).

श्री भद्रस विहारी बाजपेयी (बजरामपुर)
अध्यक्ष महोदय, श्री गृह मंत्री महोदय ने कहा कि प्रधान मंत्री के घर के सामने जो लोग घरना देने जायेंगे उन के घरने से कोई विचित्र बात न हो उस की रोकने के लिए पुलिस का इंतजाम किया गया था। अध्यक्ष महोदय श्री गोपालन ने जो पत्र हम लोगों को लिखा था उस में प्रधान मंत्री के निवास स्थान का घेराव करने की बात नहीं कही गई थी। उस में यह कहा गया है कि केरल सदस्य प्रधान मंत्री के निवासस्थान पर घरना देंगे और यह बात भी कही गई थी कि घरना शांतिपूर्ण होगा। मैं यह जानना चाहता हूं कि गृह मंत्री महोदय को कब पता चला कि संसद् सदस्यों का इरादा केवल शांतिपूर्ण घरना देने का नहीं है तथा वह प्रधान मंत्री के भवन को घेराव करना चाहते हैं जिस से बाहर वाले अन्दर न जा सकें और अन्दर से कोई बाहर न आ सके और अगर यह बात गृह मंत्री को पहले से पता लग गई थी तो इस क्षेत्र में दफा 144 क्यों नहीं लगाया गया ? जिस प्रिवेंटिव ऐक्शन की बात वह कहते हैं अगर 144 लगा दी जाती तो उसको तोड़ कर प्रधान मंत्री के भवन की ओर जाने वाला कोई भी व्यक्ति जुर्म करने वाला होता और पुलिस उस के विरुद्ध कार्यवाही कर सकती थी। मगर मैं यह जानना चाहता हूं कि अगर संसद् सदस्य प्रधान मंत्री के घर पर घरना देने जायेंगे तो क्या उन का पुलिस के साथ मुकाबिला होगा। क्या और कोई तरीका नहीं है संसद् के सदस्यों के साथ इन मामलों को निपटाने का ? अध्यक्ष महोदय, अगर और कोई प्रधान मंत्री होता तो पुलिस को बीच में न लाता। संसद् सदस्यों के साथ मामला और तरह से तय करता।

Shri Y. B. Chavan: It is rather a very peculiar argument and logic that the hon. Member has employed in

asking that question. He asked why section 144 was not exercised. If I had made use of section 144, I would have been asked why I resorted to section 144. Then he asked whether there was not any other way of dealing with Members of Parliament who wanted to go and picket there. Can I ask a counter-question? Was there not any other way open to them to get their grievance redressed than resorting to it? Is it the only way that Members of Parliament go and picket the house of the Prime Minister? It is not a question of a *dharna*. The information that we had was—that was issued in a press note—that they wanted to go and picket the House of the Prime Minister.

Shri Jyotirmoy Basu: What else could they do?

Shri Y. B. Chavan: That is a different matter. Picketing involves the prevention of movement and activities of people. Therefore we had to take necessary action about it. . . . (Interruption).

12.20 hrs.

PAPER LAID ON THE TABLE

ANNUAL REPORT (PART I) OF REGISTRAR OF NEWSPAPERS

The Minister of Information and Broadcasting (Shri K. K. Shah): Sir, I beg to lay on the Table a copy of the Annual Report (Part I) of the Registrar of Newspapers for India on Press in India for the year 1966. [Placed in Library. See No. LT-1342 67].

PUBLIC ACCOUNTS COMMITTEE

SECOND AND THIRD REPORTS

Shri M. R. Masani (Rajkot): Sir, I beg to present the following Reports of the Public Accounts Committee:—

(1) Second Report on Audit Report (Civil) on Revenue Receipts.