

SHRI NILOTPAL BASU: In two minutes, he can say something.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Before the Home Minister begins, I would like to inform the House that there is a request from the Home Minister.

वे यह चाहते हैं कि चूंकि अभी सदन में उपस्थिति ठीक नहीं है इसलिए वे अपना स्टेटमेंट आज कर देंगे, क्लैरिफिकेशन नेक्स्ट डे आफ रिकॉर्ड पर होगा। आदरणीय सभापति महोदय ने भी इसकी अनुमति दे दी है। तो अभी केवल होम मिनिस्टर का स्टेटमेंट होगा।

#### STATEMENT BY MINISTER

**Seeking of Army Assistance by C.B.I. for execution of a warrant of arrest in Patna.**

THE MINISTER OF HOME AFFAIRS (SHRI INDERJIT GUPTA): Sir, the issue of an attempt to utilize the services of the Army in connection with the arrest of Shri Laloo Prasad Yadav, former Chief Minister of Bihar, was raised in this House yesterday and Members had expressed concern about the same. I have ascertained the position in this regard. Following the rejection of the petition for anticipatory bail of Shri Yadav by the Hon'ble Supreme Court on the afternoon of the 29th July, 1997, the Central Bureau of Investigation took steps and made arrangements for executing the warrant of arrest issued by the Special CBI Court in Patna. This was to be done by the 6th August, 1997. The decision within the CBI was to effect the arrest on the morning of the 30th July, 1997 and instructions were issued by the CBI Headquarters to the local formation that assistance of the State authorities should be obtained in this operation, that the Chief Secretary of the State and other senior officers should be taken into confidence for this purpose, and that utmost tact and care should be exercised. It appears that the officers concerned with this case decided to execute the arrest warrant during the course of the

night of July 29/30, 1997. It further appears that after having been unable to establish contact with the Chief Secretary of Bihar and having been given to understand by the Director-General of Police of Bihar that making necessary security arrangements would entail some extra time, the Joint Director of the CBI at Calcutta, who has been supervising this case, directed the SP, CBI at Patna, to seek the assistance of the Army in the execution of the arrest warrant. The letter of the SP, CBI, to the Danapur Army authorities stated: "As per the oral directions issued by the Hon'ble Patna High Court (Hon'ble Mr. Justice S.N. Jha and Hon'ble Mr. Justice S.J. Mukhopadhyay), this is to request you for favour of providing immediately armed contingent, comprising of at least one company to assist the CBI party to execute the Non Bailable Warrant against Shri Laloo Prasad Yadav, former Chief Minister of Bihar." The Army Authorities at Danapur did not respond to the request on the ground that the Army will be able to come to the aid of civil administration only at the request of the notified civil authorities. They also informed the CBI officers that in view of the sensitiveness involved, they had sought guidance from the Army Headquarters.

According to established procedure, the assistance of the Army can be sought by the civil authorities strictly in accordance with law and in limited cases where the assistance is absolutely essential for the maintenance of law and order and essential services, and in natural calamities, etc. Further, the request has to be made meticulously in accordance with the procedure, by making it through proper channel. The request made by the CBI officers to the local Army authorities at Danapur was in clear violation of the established procedure and also wholly beyond their authority. The overall national interest in a democratic society demands that the Army's assistance should be sought only

by exceptional circumstances and following due procedure. Any deviation from the established procedure has the potential of leading to grave and undesirable consequences. Since the request in this case had not been made through the authorised civil authorities, an explosive situation could have resulted from this unauthorised action.

Government have considered this episode with the seriousness that it deserves. Government have taken a serious note of the conduct of the concerned CBI officers in seeking assistance of the Army without following the established procedures. A high-level inquiry is being ordered into the conduct of these officers and appropriate action will be taken based on the finding of the

inquiry. Government will appropriately reiterate the instructions regarding the circumstances and the manner in which the Army's assistance may be obtained by civilian authorities and will ensure that these instructions are scrupulously observed.

उपसभाध्यक्ष (श्री अजीत जोगी): अब इस सदन की बैठक सोमवार दिनांक 4 अगस्त, के प्रातः 11.00 बजे तक के लिए स्थगित की जाती है।

The House then adjourned at nine minutes past five of the clock till eleven of the clock on Monday, the 4th August, 1997.