

II. Statement (in English and Hindi) giving reasons for the delay in laying the document mentioned at I(i) above.

[Placed in Library. See No. LT-1599/80 for (i) and (ii)]

REPORT OF THE COMMITTEE ON PUBLIC UNDERTAKINGS

SHRI R. R. MORARKA (Rajasthan): Sir, I beg to lay on the Table a copy (in English and Hindi) of the Fourth Report of the Committee on Public Undertakings on Action Taken by Government on the recommendations contained in the Fifty-fourth Report of the Committee on Public Undertakings (Sixth Lok Sabha) on Andaman Nicobar Islands Forest and Plantation Development Corporation (Ministry of Agriculture—Department of Agriculture and Cooperation).

STATEMENT OF RAILWAY CON- VENTION COMMITTEE

SHRI MAHENDRA MOHAN MISHRA (Bihar): Sir, I beg to lay on the Table a statement (in English and Hindi) showing action taken by the Government on the recommendations contained in Chapter-I and final reply in respect of Chapter-V of the Third Report of the Railway Convention Committee (1977) on action by Government on the recommendations contained in the Ninth Report of Railway Convention Committee (1973) on 'Social Burdens on Indian Railways'.

REPORT OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

SHRI ROSHAN LAL (Himachal Pradesh): Sir, I beg to lay on the Table a copy (in English and Hindi) of the Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes—Action Taken by Government on the recom-

mendations contained in the Thirty-Seventh Report of the Committee on the Ministry of Railways (Railway Board)—Reservations for and employment of Scheduled Castes and Scheduled Tribes in Northeast Frontier Railway and Award of Petty Contracts to Scheduled Castes and Scheduled Tribes.

REPORT OF THE COMMITTEE ON GOVERNMENT ASSURANCES

SHRIMATI HAMIDA HABIBULLAH (Uttar Pradesh): Sir, beg to present the Sixteenth Report of the Committee on Government Assurances.

REFERENCE TO THE VISIT OF THE INTELLIGENCE BUREAU OF OFFICIAL TO THE RESIDENCE OF SHRI ARVIND GANESH KULKARNI AT SANGLI (MAHARASHTRA)

MR. CHAIRMAN: Special mentions.....

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir...

MR. CHAIRMAN: Let me call the Members. Let order develop. Special mentions. Yes, Mr. Kulkarni.

SHRI ARVIND GANESH KULKARNI: I thought that I might be called.

Anyway, Sir, this is a mention about my personal predicament and you were kind enough to allow me to mention it. Last week I received a telephone call from my son at Sangli. He mentioned to me that some C.I.D. inspector, by name Mr. Khanapure, was enquiring about me—how many years I still have to complete my Rajya Sabha membership and when I am likely to come back, perhaps, whether he was after it or I would be finished here or not, I do not know. I told my son: Please do not be panicky; go to the District Superintendent of Police or the Collector and enquire—because last time when I brought up this question two sessions back about CBI ultimately it was found out that this

was a sort of take person who visited us. So I just asked him, and then he went to the DSP. The DSP told him that there is no Mr. Khanapure and that he was not aware for what purpose he was enquiring. Then, Sir, I mentioned it to you and you were kind enough to say that you would protect us. Mr. Makwana also was very kind. In the evening he phoned me that he was enquiring, that it was a fact but further details were awaited. Now, Sir, I cannot depend on this only. My wife is a patient of blood pressure and she insisted that we go back home, and I decided to go back home because I cannot stay here at the cost of my family. But I only mention it to you, Sir, and I hope the Government will clarify and will protect us. If there is anything which is against the law, we are ready to face it, because we have been facing it for whole life. But being in the Opposition it should not happen like. . . . (Interruptions).

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): Sir, the hon. Member is right. When he contacted me, immediately I tried to contact the DSP, Sangli. I asked the DSP to enquire about the officer concerned. But he was not able to tell me whether it was the CID officer or IB officer. I conveyed this message about Mr. Kulkarni also and then I asked him to enquire about the details. Our enquiries show that Shri B. M. Khanapure, Assistant Central Intelligence Officer, who has recently been transferred to Sangli, had, after settling down there, decided to pay a courtesy call on Shri Kulkarni M.P. (Interruptions)

MR. CHAIRMAN: Mr. Minister, it is said in criminal parlance that the police paid a courtesy call on so and so. (Interruptions)

SHRI YOGENDRA MAKWANA: This is part of his normal duty. When a new officer resumes his charge, he

generally contacts important persons—important Members of Parliament, important MLAs, etc. Sir, it was a part of his routine duty of calling on the people's representatives and other local leaders. Accordingly, about four days ago he telephoned the residence of Shri Kulkarni to enquire when Shri Kulkarni would be back from Delhi. He spoke to Shri Kulkarni's son over the telephone and also inquired when Shri Kulkarni had been elected to the Rajya Sabha. Shri Kulkarni apparently misunderstood the purpose of the telephone call and said that he would not answer any questions regarding Shri Kulkarni's political career. This ended the telephone conversation. Shri Kulkarni's son was not summoned to the police station or anywhere else. There is no question of any surveillance over Shri Kulkarni. This appears to be a case of misunderstanding over the purpose of the telephone call made by Shri Khanapure who merely wanted to pay a courtesy call on Shri Kulkarni. (Interruptions)

SHRI MANUBHAI PATEL (Gujarat): Is it a part of Government instructions that officers on duty have to pay courtesy calls on politicians? Is it a part of their duty to contact them? Has he to perform this duty? Let it be clarified.

SHRI YOGENDRA MAKWANA: There is no such instructions. This is a matter of common understanding. Every officer who wants to have good relations with politicians and representatives of people, generally meets them to create rapport with them. This is a matter of common... (Interruptions)

SHRI MANUBHAI PATEL: Did somebody approach you also? Did somebody paid you, Sir, such courtesy call? (Interruptions)

SHRI R. MOHANARAGAM (Tamil Nadu): Has he contacted any other leader other than Mr. Kulkarni?

श्री लाल कृष्ण आडवाणी (गुजरात) :

मेरा निवेदन है कि इस मामले में सरकार को भी यह नहीं सोचना चाहिए कि विरोध पक्ष से कोई आरोप आया है। उन्होंने एक बात बताई जिसकी सत्यता के बारे में स्वयं मंत्री जी ने स्वीकार किया। अब मैं यह अपेक्षा नहीं करता था कि मंत्री जी को जो एक्सप्लेनेशन पुलिस ने दिया है, ज्यों का त्यों पढ़ कर वे हमको सुना देंगे। उनको स्वयं अपना विवेक प्रयोग करके, अपना डिस्क्रिमिनेशन करके, जैसा आपने भी कहा कि बहुत सी चीजें ऐसी होती हैं कि जिनको बाद में पुलिस कह देती है कि यह तो कर्टसी काल था। स्वयं उनको कहना चाहिए था। इस प्रकार की बात उनकी सुन करके—उन्होंने स्वयं कहा होगा—

He should have pulled up the officer concerned and told him that this kind of telephone calls or this kind of inquiries made in the case of Members of Parliament are improper and that the officer concerned should not do it again. We would have expected this kind of a reply rather than merely reading out a report that has been given by them.

MR. CHAIRMAN: I think the Minister understands that there is difference between a courtesy call and a call by the police and he should make it quite clear that it should not be done. That is all.

SHRI ERA SEZHIYAN (Tamil Nadu): This is the first time that a Member of Parliament and specially a Member of the Opposition has been given a courtesy call by a C.B.I. official. An ordinary reference to 'Who is Who' would have given him all the particulars. What was the need to make a telephone call to get this information about a Member of Parlia-

ment from his family? (*Interruptions*)

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): This is a serious matter. The Minister should not have made a statement here that it was merely a courtesy call. No C.B.I. official will like to go to a Member of Parliament who is in active politics and ask such questions. It seems absurd on the face of it. He should make a proper inquiry and a proper statement. He should give an assurance that such things will not happen hereafter.

श्री जे० के० जैन (मध्य प्रदेश) :

यह जो अभी कुलकर्णी जी ने कहा, बिल्कुल वह कहावत है कि खोदा पहाड़ और निकला बूहा और वह भी मरा हुआ। उसके बावजूद इस प्रकार से एक चीज को खींचना यह गलत बात है।

समूचे देश में जितना अधिकार एक कामनमैन को किसी भी मंत्री, किसी भी संसद सदस्य के यहां जाने का है, उतना ही अधिकार एक अधिकारी को, चाहे वह पुलिस में हो, या सी० आई० डी० में हो, उनको भी जाने का होता है इसलिए इस मामले में कुलकर्णी जी की बात राजनीति से प्रेरित है। इसको यहां उठाने दिया, यह भी गलत है...

(*Interruptions*)

MR. CHAIRMAN: I think we will leave it here.

SHRI ARVIND GANESH KULKARNI: Sir, the allegation by Mr. Jain is totally frivolous. He is a youngster who has come to this House. He does not know his duty. Maturity demands that when a person like me is making a charge, he should wait. (*Interruptions*) Allow me to speak. Don't talk* here. I want to submit to you.... (*Interruptions*)

*Expunged as ordered by the Chair.

MR. CHAIRMAN: I think we will close this matter. It is becoming personal. Please stop it now. The word should not be there. There is an important mention by Shri Dhabe.

REFERENCE TO THE REPORTED ARREST OF SHRI Y. B. CHAVAN AND OTHER LEADERS IN MAHARASHTRA

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Chairman, I have to make a submission with pain and anguish to the effect that Shri Y. B. Chavan, Leader of the Congress Parliamentary Party and our respected leader, was said to be arrested at Pohra in Amravati District near Chandur Railway Station. The farmers are having an agitation in Maharashtra in Dindi which was to march on the 20th December to Chandur Railway from Pohra in Amravati District. Shri Chavan Ji was going there to address a meeting and to take part in Dindi at Pohra near Amravati District. When Mr. Chavan reached there, he and other leaders of opposition, Shri Sharad Pawar, Shri R. A. Patil, Shri N. D. Patil, Shri Ganapatrao Deshmukh and others were arrested. The D.I.G., who had specially come from Bombay, said there, "We are promulgating section 37 and if you go ahead, we would arrest you." And there all of them were arrested. The Collector, Amravati told Shri Chavanji, "You are under arrest. You kindly get into the bus." Thereafter, they were all taken to Amravati in a bus. They told the Collector that they should be produced before the Magistrate there because that is the nearest Magistrate. But the police said, "We shall not take you there. We can take you to any Magistrate anywhere in the State." Thereafter, they were taken to Nagpur and they were not produced there also before any Magistrate. They were taken to Bhandara, a place which is well-known. Then, they reached

Bhandara at 10.30 in the night and were produced before the Judicial Magistrate, Bhandara, on the charges which are very funny—breach of Prevention of Communal and Anti-social and other Dangerous Activities (Maharashtra) Ordinance, breach of sections 18 and 151 Cr.P.C., and breach of section 37 of Bombay Police Act—on the allegation that their action will lead to bloodshed, murder, burning of properties and the lawlessness in the entire State. And the police demanded for a remand of 15 days. Under section 3A of this Ordinance, it is specifically stated that the person arrested under this section should be produced before the nearest Magistrate. Therefore, an objection was taken before the Judicial Magistrate, Bhandara, saying that Bhandara Court has no jurisdiction to try this matter. He upheld their contention and said that they should have been produced before the Magistrate of Amravati and not before him, and refused to pass any order. After that, Chavanji was taken to the Circuit House at 11 O'clock. There a message was received and he was told that he was not under arrest. Therefore, Sir, it is very funny that at Amravati he was told by the Collector that he was under arrest, and the Bhandara Collector told him that he was not under arrest. Sir, it is an obvious case of a leader of such a stature has been put either under wrongful confinement or illegal arrest. Not only that, Sir. At 11 p.m. he was told, "You are released". And in the morning, he was taken to Nagpur. Sir, this was completely an abuse of the process of law against a leader of the national stature. Not only that Sir. What they did in the morning? The rest of the people, Mr. Sharad Pawar and all the others were taken by bus to Chandur Railway. They reached there at about 3 O'clock and they were produced before the Judicial Magistrate at Chandur Railway, Mr. Kanetkar, before whom the arguments were heard. It was found that the notification was not issued properly at all under section 37. The Government