

[Shri Dahyabhai V. Patel] the present stage would have any marked effect in curbing the growth of concentration of economic power. We are inclined to believe that even if the managing agency system goes, its place would quickly be taken by some other system of group management, or some other method which it will not be practicable to prevent. Secondly, the question of what action, if any, should be taken as regards managing agency system has to be decided—what action, if any, in addition to what is provided in the Companies Act—only on a consideration of its effect on concentration of economic power but on full and careful assessment of the effects of any proposed action on the process of Industrial advancement in the country, which is hardly possible for this Commission to undertake."

So it would have been much better if the hon. Minister had accepted the motion for referring this Bill to a Select Committee, where all these details could have been thrashed out and this question could have been gone into. Unfortunately, the hon. Minister is busy. He has got a lot of responsibility of the Ministry. Yet he has undertaken so much legislation of this type that it appears that he can find hardly enough time to devote to such measures, really the time that they deserve. Just some loud voices in his party get up and shout, "We want this and this must be done", and the hon. Minister actually yields. It would have been much better if this had been referred to a Select Committee as was proposed in the other House. I know, the hon. Minister having not agreed there would not agree here. Therefore I did not table a motion here for reference of the Bill to a Select Committee. But I do feel that if the hon. Minister had agreed to it, it would have been very much useful and the House would not have been rushed into legislation of this type.

Madam, this Bill comes to us at a time when we are supposed to be making a big drive to promote our export trade. How can we promote our export trade when production itself is not raised to the maximum possible? It is only by raising production to the maximum that prices can be brought down and they can become competitive in the world market. If they can-

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not be brought down in this country, where is the hope of their being competitive in the world market? Already we are suffering because we are not able to compete in many items abroad. Our costs of production in this country are going up and with such legislation being heaped in haste without giving due consideration it will only raise prices still further. Therefore, Madam, I think this is an ill-advised measure and is taken up at a time when it is not sufficiently propitious.

Madam, it was in 1966 that Mr. Pathak was the Law Minister. In a policy statement in this House he had stated that the managing agency system would not be abolished in such haste. It is about three years since he said it and when the managing agency system itself is being replaced by another system gradually and smoothly without upsetting business I do not know why the hon. Minister has taken upon himself this task of hurrying through a measure like this. I would even at this stage appeal to the Minister not to make haste about it as it is going to hurt the country as a whole. It is going to hurt the export trade; it is going to hurt the industry and therefore it is going to add to the rising spiral of prices. Thus it will deprive us from being competitive in world markets about which he is so keen in the interests of our export trade. Therefore for these reasons I cannot support the provision regarding the abolition of the managing agency system.

About the other important provision of the Bill we have already given our support. In fact we have been urging it for some seven or eight years and we welcome that part of the measure.

THE DEPUTY CHAIRMAN: If the House desires I will ask Mr. Shukla to make a statement on the Lajpatnagar incident.

MANY HON. MEMBERS: Yes.

**STATEMENT BY MINISTER RE THE DEATH OF A PERSON IN POLICE CUSTODY IN LAJPATNAGAR POLICE STATION, NEW DELHI**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Madam,

according to information furnished by the Delhi Administration, it is learnt that in the course of the investigation into a case of theft of some cameras, projectors and lenses reported to the police on the 9th May, stolen property worth about Rs. 4,000 was recovered on 16th May on information furnished by a person suspected to be involved in the commission of the offence. The same person is also reported to have given information to the police about the complicity of two other persons. One of the two persons, named Shri Kewal Kishan was taken to the Lajpatnagar Police Station on May 16 for interrogation. This person is reported to have jumped from the second floor of the police station building at about 10.45 A.M. He was immediately taken to the Safdarjung Hospital where he was given treatment in the Emergency Ward. He, however, expired at about 12.30 P.M. The Additional District Magistrate immediately ordered that an inquest should be undertaken in accordance with the provisions of section 176 Cr. P.C. by the concerned Sub-Divisional Magistrate. The inquest proceedings commenced at 4.00 P.M.

It is also learnt that there were some misgivings among the local people about the cause of the death while in police custody. A large crowd of three thousand persons had gathered by about 6.30 P.M. in the vicinity of the Lajpatnagar Police Station. In spite of repeated attempts to explain to the crowd that inquest proceedings were in progress and two police officers, one Sub-Inspector and one constable, had already been suspended pending further enquiries, the crowd turned violent and started throwing stones, brickbats, etc., at the police station. The Sub-Divisional Magistrate as well as 21 policemen were injured. It was therefore considered necessary to use tear gas on three occasions to disperse the crowd. Prohibitory orders under section 144 Cr. P.C. were also promulgated and police vigilance is being maintained.

The inquest proceedings are in progress and expert medico-legal advice is being obtained and action according to law will be taken.

DR. BHAI MAHAVIR (Delhi): Madam, it is true that Delhi's police and Delhi's law and order administration are under the

exclusive jurisdiction of the Home Ministry but it does not mean that the people of Delhi are in any way condemned to live in a police State. This particular incident and the doubts that it has created are such that a good deal of tension and a good deal of feeling of harassment are there in the locality. The hon. Minister, Mr. Shukla, has been kind enough to give us some details, but I would like to know from him some more details about the incident so that the House can judge as to whether the police did not act in a high-handed manner and did not give room for the people to think that it was a case of suicide. A man in police custody jumping to death is something which is not easily believed. After all he was not being questioned for murder; he was not being questioned for a crime for which he could have been hanged. He was being questioned in a case of theft and when he was being questioned in a case of theft it does not stand to reason, it does not appeal to commonsense, that he should kill himself simply to escape that questioning or to escape the possible punishment which could arise from conviction of such a charge. Anyway, I would like to know firstly, when he was actually taken from his home. There is some confusion about this because the information that I have is that he was taken from his home at 6.30 A.M. and according to the Minister he jumped at 10.45 A.M. In between this can the Minister say that he is sure that there was no third degree methods employed, that he was not belaboured, that he was not beaten and that in a fit of desperation either he jumped or he was pushed from the second storey and all this cooked-up story was later invented in order to give the case a different colour? I would like therefore to know what has happened during this period of four hours.

Secondly, I would like to know whether during the time he was lying injured in the hospital he made any dying declaration and if so what was the statement that he made at that time.

A further fact I would like to know from the Minister is this. At 2.00 A.M. today, at dead of night, the S.P. went to the parent of the boy and told him that the post mortem of the boy was to be done at that moment. When they did not agree to it

[Shri Vidya Charan Shukla]

and when they resisted it, then he said: 'Then let it be at 6.00.' When they did not agree to that also, then only the time for the post mortem was fixed at 8.00 A.M. I would like to know what particular hurry was there for this. Was it something which the police wanted to conceal in the shadow of darkness so that they wanted the post mortem and everything else to be conducted at the dead of night?

The hon. Minister has not given any information about the police having used the lathis or about there having been a lathi charge yesterday. I do not know if he does not have the information or he has tried wilfully to keep it back from the House. My information is otherwise. At least one particular case has come to my notice of an ice-cream seller who was doing his job in the Central Market at Lajpatnagar. He had to go to the hospital because of police injuries received through police action. He has a fractured arm in plaster; he has injuries on his head and if the Minister desires he could be presented to him for personal verification. How could the tear gas shells give him a fractured arm? I would also like to know how many tear gas shells were burst in all and whether the police used the lathis and if so on how many occasions. And this man received injuries to his arm and head at a place which is at least 500 yards from the police station. He is a vendor. He is not a ruffian. He was not engaged in throwing stones or anything else. If he was doing his little trade, naturally there was much of a stake for him there. He could not leave his goods there. He did not brickbat or do anything of the kind. I would also like to know how many persons, how many shopkeepers and traders' were hauled up by the police in the evening and they were kept in the police station till a crowd collected and the MP of the area, Shri Balraj Madhok, went there and only when they agitated or demonstrated or shouted that they were released by the police.

THE DEPUTY CHAIRMAN: That will do.

DR. BHAJ MAHAVIR: Is it the way of functioning of the police and the Home Minister that people should gather and collect and when a crowd assembles and

demonstrates, then the police should let them off? I should also like to know if the Minister is sure that this incident of backbiting or breaking of windowpanes was not caused by any agent-provocateur because the police does not seem to have a very clean slate in this matter. The way the boy was hounded out, my reports are, the people of the area told me, that the place from where he is said to have jumped, it is not possible for the man to have jumped straight from the second storey to the ground. There are 'projections' and he would have fallen on a projection and not on the ground or at least not the place where he is supposed to have fallen and the story that is given out is that he died . . .

SHRI A. G. KULKARNI (Maharashtra): Suppose he had taken a short run and jumped.

DR. BHAJ MAHAVIR: It is not possible, Mr. Kulkarni. It is not possible for a person to run and jump when he is just brought; taken to a room on the second floor and there is not at least a verandah from which he can make that run. Anyway, I would like to know if the Minister has any information on this. Lastly, I would like to know if the same SHO, who is in charge of this particular police station, did not have a similar incident at Patelnagar when he was in charge of it, where a particular person was being questioned on a similar case of some theft of goods or something else. I do not remember it, but he was also reported to have committed suicide. Now, this sort of thing, people committing suicide when they are in police custody, falls in a certain pattern in which the police does certain things, and in order to conceal the consequences of what they do they manoeuvre or they manage that the person should die and then they should be able to give out that it was a case of suicide.

THE DEPUTY CHAIRMAN: That will do.

DR. BHAJ MAHAVIR: The persons who have been suspended were suspended only on the charge that they did not keep a tight hold of him and he was able to jump. I think it is an eye-wash, a smoke-screen which conceals more than it reveals.

THE DEPUTY CHAIRMAN: That will do. There are others also who want to put questions.

DR. BHAI MAHAVIR: Yes, I am finishing. I would like to have the Home Minister's opinion about the death. After all the people of the locality do not create trouble. They are people who would cooperate with the police and the administration in their effort to check thefts, to haul up criminals and punish, if such things happen. The youngman here was a mechanic. He was not at all a professional thief. He was not a professional jail-bird and he happens to get killed in police custody. It is not a matter which can be taken lightly. I should like, therefore, Madam, that the Minister may kindly throw light on all these aspects of the question.

SHRI VIDYA CHARAN SHUKLA: Madam, the enquiries are still in progress, as I stated in my main statement and it is not proper for anybody, including the hon. Member, to jump to any conclusions merely on suspicion. According to the information that I have, this person, Shri Kewal Kishan, was taken to the police station by 9.15 A.M. and not earlier than that. He might have started from his house earlier, but this is the information that I have been given by the Delhi Administration. I am not aware whether any dying declaration has been made by him or not. As far as the time of the post mortem is concerned, I do not know exactly at what time the post mortem was done. According to information, there was no lathi-charge. Only teargas shells were burst and in the main statement I have stated that teargas was used at three different times . . .

DR. BHAI MAHAVIR: How many shells?

SHRI VIDYA CHARAN SHUKLA: I do not know the exact number of shells, but they were not too many. (Interruptions). The minimum force was used . . .

DR. BHAI MAHAVIR: The Minister is not giving information. He is only saying he does not know this and he does not know that. I do not know what actually he means. We want information from him.

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SHRI VIDYA CHARAN SHUKLA: The incident took place only yesterday night. We are all making enquiries and until I have definite information I am not going to hazard any information here. All this information will come to us in the course of the day. As far as the question of agent-provocateur is concerned, I do not think. Madam, that this is a fact. From the report it is quite apparent that the crowd which started as a small crowd kept on swelling and there were attempts made by persons, including the local municipal councillor, to pacify them. He also tried to pacify the crowd and told them that they need not stay there, that enquiries were being made and as soon as they were completed, action according to law, would be taken. But it seems that some mischief-makers had gathered there and they tried to take advantage of the situation. They even tried to burn a DTU bus which was parked nearby and tried to damage the police station and property and they injured the lady Sub-divisional Magistrate as well as 21 policemen who were there. Some minimum force had to be used to disperse them from there. I am not aware whether the same officer was involved in some other case when he was posted in some other police station, but I shall definitely look into that.

SHRI M. P. BHARGAVA (Uttar Pradesh): I would like to know from the hon. Minister on what charges the police personnel have been suspended, whether it is after any enquiries or it has been done just to appease the crowd which had gathered there.

SHRI VIDYA CHARAN SHUKLA: Madam, the suspension was made because of the negligence of the police officers who were conducting the enquiry in letting the person under custody to go and do this. As a matter of fact, it was their duty to see that he did not go to a place like an open terrace and jump from there. They should have seen to it that if he went out on some pretext or other he was accompanied by somebody. For this negligence to look after the man they have been suspended.

SHRI JOACHIM ALVA (Nominated): Madam, this is rather a very disturbing state of affairs. From the Indraprastha

[Shri Joachim Alva]

Estate affair to the present incident in Lajpatnagar it is a far cry indeed. We did not like yesterday to hear the story of a large number of students being convicted for thirty days by a Magistrate. You turn good students into convicts. Three days would have been enough. This is a very disturbing state of affairs. The police in Delhi seem to be having a smell or a taste for blood. I may remind you that even in the British days things did not happen like this. In the Nasik jail a famous incident occurred when a prisoner was thrashed and he fell unconscious. The British ICS officer suspended the jailor and he was later on sent to jail for six months. It is a well-known incident. The Deputy Prime Minister and many others, including Shri Jayaprakash Narayan, know it.

SHRI BHUPESH GUPTA (West Bengal): Yesterday they went to Mr. Babubhai Chinai's party.

SHRI JOACHIM ALVA: The hon. Minister is a patriot, so also the Minister, Mr. Chavan. Both are great patriots. These things should not happen in a free and independent India. You know about the case of the girl who was put under a searching examination by Scotland Yard. The British Parliament created a row and the Home Minister almost resigned. The girl was put under ninth degree methods. This incident happened some ten or fifteen years ago. The British Parliament was rocked over that disturbance. I also want to tell you this. I was present in London for six long weeks when there was the seamen's strike in London. Not one man was arrested. The British Government suffered a loss of 250 million pounds by the dockmen and seamen's strike in London. Not one was arrested. Mr. Wilson only said in the House of Commons: "I am going to name the communists." He threatened them, but here we arrest people, we fire on them. It is time we called it off. It is time that we remembered Mahatma Gandhi. It is time we remembered Pandit Nehru. When the crowd takes the law into its own hands, the danger signal is there. We will not be able to control crowds in this fashion if they take the law in their own hands. Madam, you might remember when Mr. D'cruz died in Panjim—Mr. D'cruz was a

labour leader—I do not know what has happened, the Goa Chief Minister held an enquiry. I asked on that occasion that we shall not permit anyone to die in the lock-up. If anybody dies in the lock-up, things would become very serious. It should be investigated. Whoever is responsible must be severely punished. These things shall not happen. I hope this is the last time that under the nose of the Government of India a prisoner dies in prison. Whether he is a Communist or non-Communist, whether he is a convict or criminal, we shall not permit anyone to die in prison or in the lock-up.

SHRI VIDYA CHARAN SHUKLA: I join him in his hope.

THE DEPUTY CHAIRMAN: Only hopes? Not attempts? You must try. Mr. Rajnarain, do you want to say something?

श्री राजनारायण (उत्तर प्रदेश) :  
जब मंत्री हम लोगों की आशाओं में  
अपनी आशा मिला रहे हैं तब हम उनसे  
क्या पूछें ?

SHRI MULKA GOVINDA REDDY (Mysore): It is reported that this Kewal Kishan was beaten to death by the police and to cover up that thing they threw the body from the balcony.

THE DEPUTY CHAIRMAN: Investigations are going on.

SHRI VIDYA CHARAN SHUKLA: This will be revealed by the investigations that are going on.

SHRI N. PATRA (Orissa): It has been reported that teargas shells which were preserved there for use in times of emergency would not burst, and the loudspeaker arrangement that was also there was not in proper order. If such kind of precautions are not being taken from time to time, what is the use of keeping these shells which are useless, which cannot be utilised?

SHRI VIDYA CHARAN SHUKLA: These reports appeared in newspapers that some of the teargas shells which were used did not burst. I have no definite information about it, but we shall look into that.

SHRI BHUPESH GUPTA: It is always a pleasure to hear Mr. Alva's questions and clarifications. Generally they are well informed and give the historical background also. But the hon. Minister said that he shares his hope. From what has appeared in the papers, it appears that the people of the locality strongly suspected that he had been done to death by the police in the course of interrogation or investigation. That is how one would read this thing. Normally so many people would not have collected there, had they not had a strong suspicion about it. Besides we know how the Delhi police behaves.

Only yesterday I brought it to your notice, and the Minister denied it, that people had been lathi-charged and so on. We gather that fifty people had been assaulted. We cannot accept the denial of the police here. The point here is this. A person died in police custody. That is the main question. Of course it is the responsibility of the police to see that such things do not happen. Am I to take it that in a case like this a person would rush to death? It does not seem to follow that he fell due to an accident while trying to escape. Do I take it that in that case he committed suicide? The circumstances of the case do not point to that kind of thing. Anyhow even assuming for argument's sake that it is a case of suicide, does it not follow that the interrogation and questioning were conducted in such a manner that he was led to such desperation that he proceeded to put an end to his life? That also has to be explained, because the very fact that he committed suicide, even if we assume that he committed suicide, does not absolve the police of its responsibility in regard to the manner in which they had investigated the case or were asking questions. The police are liable to manslaughter if they had been asking questions in a manner which led the man to take this desperate course, which he did. This has to be explained also.

I am surprised that nobody from the Central Ministry went to the spot to make a study of the situation. Why should it be like that? The hon. Minister in this House has read out a statement handed to him by the Police Administration of Delhi. He has admitted that he does not know, in fact on most of the material facts

he cannot throw any fight. When Delhi Police is directly under the Centre and the Central Government is responsible, a Central Government official, and not an official of the Delhi Administration, should go to the spot and find out facts and furnish the information, and make these facts available through the Minister to Parliament. Why was that not done? I should have liked Mr. Shukla himself, the Minister, to go there on the spot . . .

SHRI M. N. KAUL (Nominated): It would not be proper for the Minister to make a personal inquiry.

SHRI BHUPESH GUPTA: You live in Elizabethan days. In the days of Elizabeth the Ministers did not go. I am talking of Elizabeth I, not of today. Madam, some of our colleagues are Ministers in the States also; they go to the spot.

SHRI DAHYABHAI V. PATEL (Gujarat): Did they go to Rabindra Sarovar?

SHRI BHUPESH GUPTA: They went. One Minister you accused. They went to Rabindra Sarovar. Wherever they want they go. My friend is the discoverer of this . . .

श्री राजनारायण : अरे, आप कहो कि रवीन्द्र सरोवर तो आर्यनाइज़—आयो-जित किया था मिनिस्टर ने ?

श्री भूपेश गुप्त : छोड़ दो रवीन्द्र सरोवर अभी ।

It is not correct. If we do not go, blame us. I do not claim any special privilege. If our Ministers do not go, blame them also. But here right in the capital an incident of this kind took place involving the public in this manner. Was it not a fit case for a personal look by the Minister? Yesterday Mr. Chavan himself said he was thinking of coming to the spot, to the police lock-up to see things. He himself said it. Therefore, I am not saying something . . .

SHRI RAINARAIN: Shri Shukla was also thinking of going there,

SHRI BHUPESH GUPTA: Therefore, I am not saying something which is strange. But my esteemed friend, Mr. Kaul—I love him—is all engrossed . . .

SHRI M. N. KAUL: On a point of personal explanation. The point is this. The constitutional practice is, since ultimately everything comes to the Minister for final decision, he should not get himself personally involved in a current matter which is under enquiry.

SHRI BHUPESH GUPTA: I have never in all my life heard such a fantastic interpretation of the Constitution.

SHRI M. N. KAUL: I will give you the reference.

SHRI BHUPESH GUPTA: May's Parliamentary Practice?

SHRI M. N. KAUL: No, no . . .

SHRI BHUPESH GUPTA: Under which article of the Constitution the Ministers cannot go? (Interruption) I do not want to disturb my friend, Mr. Kaul, but the trouble is he is haunted by May's Parliamentary Practice

SHRI DAHYABHAI V. PATEL: Why is he quoting May's Parliamentary Practice

SHRI BHUPESH GUPTA: It is his second love. His first love is his wife. His second love is May's Parliamentary Practice. Can you deny it? He does not deny. It is his second love. So, I would ask the hon. Minister to explain it. It looks like a case of third degree methods. Some day, if you go on inflicting such mental torture, we may see Shri Chandra Shekhar also jumping out of the window; and Shri Dharia also if he is constantly hounded, and you would be responsible for it.

SHRI VIDYA CHARAN SHUKLA: Madam, this particular matter has aroused suspicion and I do not call it invalid suspicion, and these matters have to be looked into.

As far as the question of our going to the place of the incident is concerned, these matters are left best in the hands of the machinery which is provided under the

law. The position of the Central Ministers is very different from the State Ministers who deal with these matters directly. Here it is not we who are dealing with them; the I.G.P. and the Lieutenant-Governor are dealing with these matters. We only bring these matters—and we have the responsibility—before this honourable House. I personally think that such matters should best be left to the machinery which is provided under the law to deal with such a situation.

SHRI RIZAQ RAM (Haryana): The fact of the matter is that the boy died while in police custody. There are counter versions. It is alleged by the police that he jumped down from the window and died. There is another version according to which he was subjected to third-degree methods and was murdered. Anyway, Madam, the fact of the matter is that he died while in police custody, and the public suspects foul play at the hands of the police. The Home Minister, I believe, would agree with me that in such matters the Government should attach the greatest importance. What is told by the Home Minister is that the inquest is being conducted by the Sub-Divisional Magistrate, who, as you know, Madam, is an executive magistrate and is a magistrate below the District Magistrate, is subordinate to the District Magistrate, and his conducting the inquest in this case would not inspire confidence in the public mind. And I believe that the public felt agitated and collected there because the presence of the Sub-Divisional Magistrate holding the enquiry did not inspire that much confidence as was needed in the present case. The hon. Minister, Mr. Shukla, also agrees that there is suspicion in this case, and he also shares that suspicion.

Now, I would request the hon. Minister, through you, Madam: Would he feel it advisable to depute some other officer, judicial Magistrate, some District Judge or Judge of the High Court, to hold the enquiry into this case? Madam, you will appreciate that the police cannot be given that much authority as to kill anybody in finding out some crime. In the present case, the fact is that the suspect was only for a short period in the custody of the police, he was not there for two or three days so that the police could say that they

were not careful or vigilant. He was there only for a short period according to the statement of the hon. Home Minister, and it can be presumed that he was closely under their watch and care all that time. Therefore, the death having occurred under those circumstances calls for more attention, and nothing short of a judicial inquiry in the present case would satisfy the public mind.

There are cases of which we hear daily from one corner or the other in Delhi State and I would request the hon. Minister through you, Madam, that he should set an example so that the utmost attention is given or shown by the Government to satisfy public feelings. The fact that quite a large number of people were collected there cannot be brushed aside as a baseless thing. That must be having some background.

There must be some information with the public that the police have used third-degree methods and that must have impelled those people to collect there.

Therefore, in view of all these things, I would request the hon. Minister whether he would feel it advisable to institute a judicial inquiry into the case.

SHRI P. C. MITRA (Bihar): From this case it appears that the person from whose shop the stolen articles were recovered, he was not put under arrest . . .

THE DEPUTY CHAIRMAN: How do you know?

SHRI P. C. MITRA: But he gave out certain names, and one person, Kewal Krishen, was taken into custody and then he called as witness Ashok Anand from whose shop the stolen articles were recovered. Primarily that man is responsible from whose shop those stolen articles are recovered. Why was he not put under arrest? Only he gave out certain names and the police arrested that man. And so, I would like that that matter also should be explained by the Minister.

THE DEPUTY CHAIRMAN: He will look into it.

SHRI VIDYA CHARAN SHUKLA:

Actually, no stolen property was recovered from the house of Ashok Anand and therefore there was no point of taking him into police custody. He was contacted during the course of the investigation. He then contacted the police and informed them that the stolen property was lying in the house of Kewal Krishen and another person. And there the police went and recovered the stolen property from those houses.

SHRI RIZAQ RAM: What about my point?

SHRI VIDYA CHARAN SHUKLA: The suggestion made by the hon. Member will be duly considered.

श्री सुन्दर सिंह भंडारी (राजस्थान):

मंत्री महोदय ने जवाब देते समय कहा कि वे नहीं जानते कि इसी एस० एच० ओ० पर, जब कि वह पटेलनगर में थे, इन की निगरानी में ही वहां इसी प्रकार की एक घटना हुई थी। वहां इन की कस्टडी में एक आदमी की मृत्यु हुई थी। इस के बारे में जानकारी हम चाहेंगे। मैं उनकी जानकारी के लिये कहना चाहता हूं कि हिन्दुस्तान टाइम्स, 17 मई के अखबार में यह घटना दी गयी है। मैं चाहता हूं कि मंत्री महोदय इस को परस्यू करें। अगर यह वही व्यक्ति है तो फिर इन की नजरबंदी में लिये गये व्यक्तियों के प्रति इस एस० एच० ओ० के व्यवहार करने में आदतन कोई नुबश है और अगर ऐसा हो तो उस के लिये कोई सख्त कदम उठाना चाहिये।

दूसरी चीज जो इस में आयी है वह यह है कि पुलिस अंधाधुन्ध गिरफ्तारियां प्रारम्भ कर देती है, लोगों को बिठाती है जबकि उन के ऊपर कोई केस नहीं बनता, कोई वाजिब कारण नहीं होता उनको गिरफ्तार करने का। अगर वाजिब कारण बनता है तो फिर



[श्री सुन्दर सिंह भंडारी]

भीड़ के दबाव में आ कर यूँ ही सब को छोड़ दिया जाय यह बात पुलिस प्रशासन पर एक बहुत बड़ा आक्षेप है। इस मनोवृत्ति पर, इस प्रैक्टिस पर भविष्य में किसी तरह से किसी जगह अगर कोई कदम उठाया जाता है तो पुलिस अधिकारियों को अगर सख्ती से इस संबंध में आगाही न मिली तो इस तरह की घटनाएँ बढ़ेंगी और भीड़ के अंदर अनावश्यक ही एक भावना पैदा होती है कि अगर वाजिव लोगों को भी गिरफ्तार कर के ले जाया जाय तो भी हल्ला-गुल्ला करके उन को हड़ा कर लाया जा सकता है। इस पहलू से भी इस चीज को देखना और भविष्य के लिये इस की छानबीन करना आवश्यक है। इस बात की जांच भी करना आवश्यक है कि अगर उन का कोई जुर्म नहीं था तो क्यों लोगों को तीन या चार घंटे बिला वजह पुलिस थाने में रोका गया?

SHRI VIDYA CHARAN SHUKLA: We shall definitely consider the matters which have been raised by the hon. Shri Bhandari. In reply to an earlier question, I had stated that the stolen property was not recovered from Ashok Anand's house. The report which I have just now got, I again checked up. It appears that Ashok Anand had two houses. He was contacted in his house in Defence Colony. Then he took the police party investigating to the Lajpatnagar house, his own house, and there he gave them the entire stolen property and also gave the names of these two persons from whom he had received the stolen property. And then the police officers went and arrested one of those people. Another person was not available.

DR. BHAI MAHAVIR: Was any property recovered from Kewal Krishen's house?

SHRI VIDYA CHARAN SHUKLA: From Kewal Krishen's house? Actually, the property was recovered from Ashok Anand's house and he said that he had received that property from Kewal Krishen

and another person, Purushotham. The enquiring officer went to his house and he caught hold of Kewal Krishen. The other man . . .

SHRI BHUPESH GUPTA: Because nothing was found in his house, therefore the suspicion is this that in order to get something from him, some statement and admission and evidence from him, third-degree methods were used. It looks like that.

श्री राजनारायण : मैडम, मैं यह जानना चाहता था कि आखिर जिन लोगों को ससपेंड किया गया है वह कौन लोग हैं क्योंकि यह—वर्जन—बात कि छत से, खिड़की से, कूद गया अपने में काफी गम्भीर है। हम लोग भी लॉक-अप में रह चुके हैं। लॉक-अप में पूरी व्यवस्था और देख-रेख पुलिस करती है, यहां तक कि जिसको लॉक-अप में रखते हैं उसके लिये यह ध्यान रखा जाता है कि उसके पास कोई रस्सी न रहे और कोई ऐसा सामान रहे या कोई ऐसी जगह न रहे जिससे कि वह फांसी लगा ले या कूद जाय। यह सारी देख-रेख पुलिस की होती है। तो यह जो एडमिशन है यह अपने आप में उसको इतनी सजा दे देता है जिसकी देख-रेख में वह लॉक-अप में था और जो शरूस कहता है कि यह कूद कर मर गया उनके ऊपर तो तत्काल प्राइमाफेसी केस बनता है और उनको फौरन ससपेंड कर देना चाहिये। यह हुआ या नहीं हुआ? यह मैं जानना चाहता हूँ।

श्री विद्याचरण शुक्ल : इसका हम पता लगायेंगे।

SHRI A. P. CHATTERJEE (West Bengal): Madam, I want to ask only two questions. The first question is this. As far as this particular officer in charge of the Police station in which the whole incident occurred is concerned, may I know if he has been immediately suspended. If he

has not been suspended, I do not see why pending departmental enquiry into an offence of such a grave nature where there is a grave suspicion that the police were involved in the commission of suicide by that particular boy—even the Home Minister is agreed with us to a certain extent—why this police officer should not be suspended? That is one thing.

The second thing which I am asking from the hon. Home Minister is this. The entire trend of the hon. Home Minister's statement seems to be on this level as if the police did all this thing being misguided into holding that the boy might have been involved in the theft. May I ask from the Home Minister whether this attitude should be approved of on the part of the police or not, because even if a person is suspected of having committed an offence, what law is there to allow third degree methods to be adopted on a particular suspected offender? Will he see to it that the Police Code or the rules of the Police are so amended and modified that the police are strictly forbidden from physically torturing a particular person even if the person is genuinely suspected to be an offender? These are the two questions.

SHRI VIDYA CHARAN SHUKLA: The Sub-Inspector and the constable who were in charge of the suspect have been suspended.

DR. BHAI MAHAVIR: A.S.I. or S.I.? There is difference between a Sub-Inspector and an A.S.I.

SHRI VIDYA CHARAN SHUKLA: S.I. He has been suspended according to the report in the main statement. As far as third degree methods are concerned, instructions already exist that under no circumstances third degree methods should be used by the police to elicit information from the suspect.

THE DEPUTY CHAIRMAN: I think we have done. In view of what has transpired in the House, I think the Home Minister must have a very detailed investigation into the matter.

SHRI PITAMBER DAS (Uttar Pradesh): From what the hon. Members have said, there is a lurking suspicion that this S.I. is

in charge of the police station there. I am not sure.

SHRI VIDYA CHARAN SHUKLA: He was the person who was dealing with this matter; he was in charge of the suspects. They were in his custody when this incident took place. He has been immediately suspended.

#### THE COMPANIES (AMENDMENT) BILL, m9—contd.

SHRI M. M. DHARIA (Maharashtra): Madam Deputy Chairman, at the outset I would like to congratulate the Minister and the Minister of State in the Ministry of Industrial Development, Internal Trade and Company Affairs for introducing this Bill. We all are aware that since long it has been the demand in this country that companies should be banned from giving any donations to political parties. Similarly, there was a demand that the managing agency system which was nothing but the Anglo-Indian legacy in this country should also be done away with. I am happy that the hon. Minister has come forward with that measure.

श्री राजनारायण: 10 प्वाइंट में एक हो गया ।

SHRI M. M. DHARIA: Yes. Madam, in this country it has been our demand, and I am one of those who have been all the while insistent on it, that this country needs not only politics but high policies to politics of commitment. I am happy that the hon. Minister and the Government have come forward to pursue that politics of commitment. I take it that the Government shall also pursue the spirit behind this policy because even though these donations by companies are being banned by this Bill, this House and the whole country is aware that whatever is visible from the accounts of these companies as being given to political parties, much more funds are being given to political parties and individuals which are invisible. It is like an iceberg. Whatever is produced or shown in the accounts of the company is only a part which is visible, but nearly 9/10ths of it is not visible.

Here I would like to know from the Government how the Government is going