

RAJYA SABHA

(1992)

Point of Privilege

(i) Alleged arrest of a member and non-intimation thereof to the Chairman, Rajya Sabha by the authority concerned.

(ii) Alleged misbehaviour with a member by the police.

Facts of the case and reference to the Committee of Privileges

On 7 July, 1992, Shri Bhupinder Singh Mann, a member, gave notice of a question of privilege against certain officials of the Punjab Police for allegedly arresting him alongwith some other farmers on 20 June, 1992, at Dera Bassi Police Station and for keeping him in custody for about 25 hours without informing him of the reasons of his arrest. According to the member, the next day the police officials took him and others to Fatehgarh Sahib in a truck on the pretext of producing them before the Duty Magistrate. However, on reaching there, the officials asked them to get down from the truck to take meals. As soon as they got down and started taking meals, the police party ran away in that truck leaving them behind. However, according to member, the intimation regarding his arrest was not furnished to the Chairman, Rajya Sabha, by the authority concerned.

2. On 2 December, 1992, Shri Bhupinder Singh Mann gave another notice of question of privilege against the police authorities of Batala Town in Punjab and the SDO (Civil) at Batala for allegedly illegally arresting him in Batala on 10 October, 1992 and deliberately keeping him in 'C' Class jail as against his entitlement of 'B' Class as an M.P. and for causing harassment and humiliation to him.

3. The Chairman referred the matters to the Committee of Privileges for examination, investigation and report.

Findings and recommendation of the Committee

4. The Committee of Privileges after considering the comments of Shri Bhupinder Singh Mann, Member of Parliament and after examining in person Shri Kulchinder Singh, the then Officer-in-Charge of Dera Bassi Police Station, Punjab, Shri Suresh Arora, the then Senior Superintendent of Police, Patiala, Punjab, Shri K.P.S. Gill, Director-General of Police, Punjab, and Shri Ajit Kumar, Principal Secretary, the Department of Home Affairs and Justice, Government of Punjab, in their Thirty-fourth Report presented to the House on 30 December, 1993, reported inter-alia as follows: -

(i) "Shri Kulchinder Singh, Officer-in-Charge of police station at Dera Bassi submitted before the Committee that on June 20, 1993 the police had received information from the headquarters that some BKU (Mann) workers would carry a tractor-trolley loaded with wheat to Haryana through Lalru Barrier on that day in protest against the ban order on the carriage of wheat from Punjab to other States. When the police party reached there they saw a tractor-trolley with some people coming in that

direction. Seeing the police, these people slipped away in different directions leaving the trolley full of wheat there. As there were no documents on the trolley, it was taken into custody. After some time Shri Mann came to the Police Station along with his supporters and demanded the release of the trolley. On his refusing to do so Shri Mann insisted that he be arrested and sat on a dharna along with others at the Police Station. The police official tried to persuade Shri Mann not to sit on dharna, but failed. Shri Singh denied the allegation that Shri Mann was arrested but admitted that the next day, to get rid of him, he told him a lie that he (Shri Mann) had been arrested and was being taken to Fatehgarh Sahib for being produced before the SDM. However, on reaching Fatehgarh when Shri Mann went to a Gurudwara to take his meals, the police party as per his instructions came back leaving him there."

(ii) "In his oral evidence, Shri Suresh Arora, Senior Superintendent of Police, Patiala, denied that he or any of his subordinate officers had advised Shri Kulchinder Singh to do so (i.e., tell a lie)."

(iii) "During the examination of these officials the Committee learnt that there was no ban on movement of wheat from Punjab to other States, as was stated in the report of the State Government. However, both the officials i.e., Shri Kulchinder Singh, Officer-in-Charge of Police Station Dera Bassi and Shri Suresh Arora, Senior Superintendent of Police, Patiala expressed regret and tendered unconditional apology in the matter."

(iv) "Shri K.P.S. Gill, Director-General of Police, Punjab, tendered an unconditional apology and assured that he would instruct his staff suitably to prevent the recurrence of such incidents in future.."

(v) "Shri Ajit Kumar, the Principal Secretary admitted that the State Government did not check the veracity of the Facts contained in the report sent to the Committee as a result of which there were contradictions in the report vis-a-vis the statements given by the police officials before the Committee. He expressed regret for the same. He also assured to issue necessary instructions to all District Magistrates and District Police Chiefs to ensure that such kind of incidents did not happen in future and that he would apprise the Chief Minister of the correct position."

(vi) "The Committee note that the Chief Minister of Punjab in his letter to the Chairman of the Committee has assured that Members of Parliament are treated with utmost respect and courtesy by the State administration. He has also stated that if any harassment has been caused to any member and the treatment which has been meted, out is not in accordance with the standards of courtesy and politeness, it was a matter of great regret. He has also admitted that there was a lacunae in the instructions on the subject of providing appropriate class in jail to those who were entitled to it and stated that the concerned Superintendent of Jail had been warned."

(vii) "The Committee note from the letter of the Chief Secretary of the Government of Punjab, that instructions have been issued to all the District Magistrates and Senior Superintendents of Police in the State to extend utmost respect and courtesy to Members of Parliament, Members of

Legislative Assemblies, etc. and that they have been advised to convey the message right upto the lowest level functionaries of Government that extreme caution and

care should be exercised while dealing with MPs, MLAs etc. so that their privileges and prerogatives are properly respected."

(viii) "The Committee are constrained to observe that the concerned police officials had not treated Shri Mann with the courtesy and dignity which was due to him as a Member of Parliament. The Committee also expressed its displeasure over the casual and perfunctory manner in which the State Government had sent the report to the Committee without verifying the facts."

(ix) "However, in view of the steps taken by the State Government to check the recurrence of such incidents in future and the regrets expressed and unconditional apologies tendered by all concerned, the Committee recommend that the matter need not be pursued further."

(x) "Nonetheless, the Committee desired that the Government of Punjab should take appropriate steps to familiarise its officials with the relevant instructions so that all the functionaries in the field follow the correct procedure with respect to Members of Parliament and are made fully aware of the penalties incumbent upon any breach of privilege."

Action taken by the House

5. No further action was taken by the House in the matter.