

84-year-old novelist recalls arrest

NEW DELHI, February 15 (Samachar).

THE 84-year-old popular Hindi novelist, Guru Dutt, appeared before the Shah Commission today, to narrate the circumstances in which he was held under MISA during the emergency.

Escorted by his son to the witness box, he recalled that what had provoked the government to arrest him was his novel "Madhu" which he wrote in 1973 and had allegedly contained certain "derogatory references" to the election campaign of the then Prime Minister, Mrs Indira Gandhi.

When he was told by his publishers about the order banning the novel "Madhu" in June 1976 by the Delhi censor and that the government also contemplated action against him and that perhaps he might be arrested, he was then of the opinion that such an action was not possible as the novel had appeared three years before the promulgation of the emergency.

NO WARRANT

Contrary to his thinking, two constables appeared at his house in Delhi during the night of November 22, 1976 to take him to the police station. When he asked about the arrest warrant, they told him they had none. Then they said they wanted to make certain inquiries.

After half-an-hour of questioning, he was told that he was being arrested on the orders of the SHO (station house officer) who had gone out to see the SDM. "No arrest warrant was shown to me at that time," he added.

Guru Dutt said he was presented before a magistrate in the Tees Hazari court here the next day. The charge made against him was that he had collected some people in front of his house and was trying to incite them. "I was telling the people that Mrs Gandhi had banned all political parties and had arrested all their leaders and that the people were being forcibly sterilised."

"I was surprised at this charge," he said. "I had declared before the magistrate that this is a lie." His exact words which he uttered in English were: "It is utterly false."

Guru Dutt said that his lawyer had also argued that "there is a person who is 84, who is unable to walk properly, blind in one eye and is hard of hearing. How can he hold a meeting in the street in the night? Moreover, the police have no witness to substantiate their charge."

When the magistrate asked about all this, the police official who carried my "channel", could not give any answer.

Then, the magistrate asked: "Is there any background to his arrest?"

The police official merely said: "Hum ko hukum mila hai ke inko pakro." ("We have been asked to arrest him.")

But, the magistrate insisted on knowing the background (to the arrest). The police official, however, looked on silently. At this stage, Guru Dutt recalled his lawyer having moved a bail application. But, the magistrate remanded him to police custody till November 30. And he was despatched to Tihar Jail as a "second class prisoner."

He was again produced before the magistrate on November 30, 1976, in connection with the case filed against him under Section 108 of the IPC. But, then the police official accompanying him showed the arrest Warrant under MISA. The case against him under Section 108 was withdrawn and he was sent back to Tihar Jail.

Earlier, Mr Jarnail Singh, sub-inspector, deposed that he did not know about the age of the novelist before he had actually arrested him.

Mr A. K. Paitandi, the then SDM (Punjab Bagh, Delhi), who had earlier objected to the arrest of Guru Dutt, said it had become a practice for the magistrates to consult the district magistrate before deciding on the arrest of people.

Commission: Then what for the courts were there?

Mr Paitandi: We have to convince the DM and we fail to do so, we have to carry out his order.

Commission: You were administered justice. Don't you think it is contempt of court?

Mr Paitandi: "We have forfeited our role to the police and the administration."

In the case of Guru Dutt's arrest, he said, he had represented to the district magistrate and wanted him to argue against it with the higher authorities.

Then, he observed: "I am ashamed to admit that I must have done what I did when we ordered the release of some detainees, he was re-arrested by the Tilak Nagar police station which is near Tihar Jail."

Mr B. K. Goswami, the then District Magistrate, Delhi, admitted that Mr Paitandi had objected to the novelist's arrest and he was told that he (the novelist) was a sick and an old man and had been out of politics for quite sometime. He had also opposed his arrest. But the then Lt-Governor insisted that "my orders (to arrest Guru Dutt) should be carried out." Even then he did not take any action.

Surprisingly, he said, Mr Paitandi one day walked into my room to inform about the arrest. He rang up the then Lt-Governor and told him that Guru Dutt's arrest was wrong, illegal and immoral but "I was asked to shut up."

Mr S. L. Arora, the then ADM (North), said he had passed the order of Guru Dutt's arrest on the instructions of the district magistrate who wanted it to be done immediately.

Commission: You acted mechanically in this case.

Mr Arora: Yes (laughter).

KRISHAN CHAND'S DENIAL

Examined by the commission, Mr Krishan Chand, the then Lt-Governor, who had ordered the detention, denied he had done anything on his own. He said there had been continuous friction between him and Mr Om Mehta, former Minister of State for Home, and Mr Mehta and Mrs Gandhi.

He passed the order on the basis of a summary of the contents of the book. Mr Om Mehta had asked him to take action.

"Why four years after the publication of the book," wondered Mr Justice Shah.

Mr Krishan Chand said Mr Om Mehta had come to know of certain subsequent activities of Guru Dutt, which reflected an "agitational approach" of the novelist, and wanted the administration to take "some action."

Mr Justice Shah: 'Some action' may even mean decoration.

Mr Krishan Chand: Your Lordship is very generous. By 'some action' I understood action under DIR.

Mr Justice Shah: You didn't know what infiltration of law Guru Dutt had committed except for something he had written and you had not read.

Putting it bluntly, Mr Justice Shah asked: "The minister told you this man (Guru Dutt) had the temerity to write something about the Prime Minister in terms which are not complimentary and therefore you must take action against him."

Mr Krishan Chand: True.

Mr Justice Shah: And, detain a person 82 years of age.

Mr Krishan Chand: Don't know about the age.

Mr Justice Shah: Even if the government had viewed it in a different light, you had to act under the law.

Mr Krishan Chand: I was powerless so far as the Prime Minister was concerned.

Mr Justice Shah: Powerless, but ordered detention of people.

Mr Krishan Chand: Because of the book and my conversation with Mr Om Mehta.

Mr Justice Shah: What was the offensive part of the book? Does it not mean that the Prime Minister of India could not be criticised?

Mr Krishan Chand: Even a slogan-shouting against PM was objectionable.

Mr Justice Shah: What was written in 1972 became an offence in 1976 and you were willing to lend your hand to arrest a person of 82 years of age.

"I was not acting on my own," the former Lt-G repeated.

This led the commission to remark: "You were really acting as your master's voice."

"I was powerless," Mr Krishan Chand pleaded.

Mr Lekhi suggested that the action against Guru Dutt was necessary because what the novelist had written was not in tune with the publications in praise of the "decade of achievements" being brought out at that point of time.

And not his, (Mr Chawla's), Justice Shah remarked, adding, "Whatever Mrs Gandhi thinks or says Mr Chawla is not responsible for it."

The next to depose was Mr Jain who had got instructions from Raj Nivas about the revocation of Mr Chopra's orders.

From me, Mr Chawla asked loudly from his seat.

Mr Jain maintained that he had spoken by the secretary to the Lt-Governor. "That is Mr Navin Chawla," the commission asked. Yes, replied witness.

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Mr Bajwa submitted that these were the policy instructions of the home ministry.

Did he act on the home ministry's or the Lt-Governor's instruction, the commission asked. Mr Bajwa replied, "The latter's instructions, Mr Bajwa replied."

Mr Lekhi asked Mr Bajwa if he had been awarded the police medal for meritorious services. "Not for these services," the officer replied.

When Mr Lekhi said that the medal had been awarded to a Bombay worker who had not completed 15 years of service, Mr Bajwa said that a lot of relaxations are made in such matters.

Counsel then referred to Mr Bajwa's several visits to No. 1 Safdarjung road as shown in the log book of the witness. He went inside only occasionally, witness stated.

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