84-year-old novelist recalls arrest

NEW DELHI, February 15 (Samachar). THE 84-year-old popular Hindi

during the emergency. ness box, he recalled that what had authorities.

nister, Mrs Indira Gandhi. When he was told by his publishers about the order banning District Magistrate, Delhi, admitby the Delhi censor and that the to the novelist's arrest and he was from Karala, were tools in the government also contemplated told that he (the novelist) was a hands of Mr Bansi Lal. action against him and that per- sick and an old man and had been haps he might be arrested, he was out of politics for quite sometime. the authorities had ignored his then of the opinion that such an He had also opposed his arrest. highest offer for leasing out a piece action was not possible as the But the then Lt.-Governor insisted novel had appeared three years that "my orders (to arrest Guru before the promulgation of the Dutt) should be carried out." Even mail was censored under instruc-

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 "I was asked to shut up." about the arrest warrant, they told him they had none. Then they said they wanted to make certain in-

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 try- Om Mehta, former Minister of State ing to incite them. "I was telling for Home, and Mr Mehta and Mrs the people that Mrs Gandhi had banned all political parties and had arrested all their leaders and that the people were being forcibly

"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

to walk properly, blind in one eye action." 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 "chalan", could not give committed except for something he any answer.

Then, the magistrate asked: "Is there any background to his ar-

"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 The police official, how-person 82 years of age. ever, looked on silently. At this stage, Guru Dutt recalled his law- about the age. yer having moved a bail applica-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 book and my conversation with Mr of the IPC. But, then the police Om Mehta. official accompanying him showed 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

Mr A. K. Paitandi, the then of age. SDM (Punjabi Bagh, Delhi), who had earlier objected to the arrest the former L-G repeated. of Guru Dutt, said it had become a practice for the magistrates to consult the district magistrate be- master's voice." fore deciding on the arrest of people.

Ma novelist, Guru Dutt, appeared our role to the police and the adbefore the Shah Commission to- ministration.

day, to narrate the circumstances in In the case of Guru Dutt's arrest, which he was held under MISA he said, he had represented to the

tering justice. Don't you think it

is contempt of court?

provoked the government to arrest | Then, he observed:....."I am ter, Mrs Indira Gandhi, through allegedly contained certain "dero- when we ordered the release of gatory references" to the election some detenus, he was rearrested by which is near Tihar Jail."

Mr B. K. Goswami, the then noyed and were after his blood. then he did not take any action.

Surprisingly, he said, Mr Paitandi one day walked into my room to one day walked into my room to sored. Mr Rampiara placed before legal aspects, Mr Mehta had said up the then Lt.-Governor and told him that Guru Dutt's arrest tion from the Communications the expeditious process of arrests. was wrong, illegal and immoral but Minister and the Assistant Director-

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.

nically 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 meetings between him and Mr

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.

Mr Krishan Chand said Mr Om Mehta had come to know of certain subsequent activities of Guru Dutt, Guru Dutt said that his lawyer which reflected an "agitational aphad also argued that "here is a proach" of the novelist, and wanted person who is 84, who is unable the administration to take "some

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 infraction of law Guru Dutt had 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 The police official merely said: 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 Mr Krishan Chand: Don't know

Mr Justice Shah: Even if the govtion. But, the magistrate re- ernment had viewed it in a different manded him to police custody till 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 Kishan Chand: Because of the refused to do so.

Mr Justice Shah: What was the offensive part of the book? Does it single judge held that the rent con-The case against him under Section not mean that the Prime Minister of trol officer had no jurisdiction to India could not be criticised?

Mr Krishan Chand: Even slogan- the original order. shouting against PM was objection-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 "I was not acting on my own,"

This led the commission to remark: "You were really acting as your "I was powerless," Mr Krishan

Chand pleaded. Mr Lekhi suggested that the action Commission: Then what for the against Guru Dutt was necessary be-Mr Paitandi: We have to con- cause what the novelist had written vince the DM and if we fail to was not in tune with the publications Of these, 377,488 were positive cases. do so, we have to carry out his in praise of the "decade of achieve-order." being brought out at that reported, of which 24,540 were found and when he obtained them. Commission: You were adminis- point of time.

Ex-MLA's case against Bansi Lal, others adjourned

By Our Correspondent

KARNAL, February 15: The judicial magistrate, Mr N. L. 25, 1975, was never reviewed as pres-Purthi, has adjourned to March 6 cribed by law throughout the emer-some assistance? You put so many Mr Paitandi: "We have forfeited hearing in the case filed by Mr gency period, Mr Krishan Chand, Rampiara, former MLA, against former Lt.-Governor of Delhi, told the Mr Bansi Lal, former Chief Minis- Shah Commission today. ter of Haryana, and four others.

He told the commission that under When the case was taken up yesthe law, a review after every four terday by the magistrate, Mr Rammonths was necessary, but this was Escorted by his son to the wit- to argue against it with the higher accused Mr Ranci I al had received not done at the instance of Mr Om patronage of the then Prime Minis- State for Home.

accused, Mr Bansi Lal, had received Mehta, the then Union Minister of Mr P. N. Lekhi, government counhim was his novel-"Madhu" ashamed to admit it but I must Mr Sanjay Gandhi, and secured sel, said: "Thank you, I have struck which he wrote in 1973 and had admit that it was quite usual that the services of the complainant's a gold mine. Mr Krishan Chand said on the eve political opponents to crush him.

Mr Rampiara said he was a cru- of the emergency, Mrs Indira Gandhi campaign of the then Prime Mi- the Tilak Nagar police station sader against corruption and injus- had told him that the arrests of Mr tice and all accused became an- Jayaprakash Narayan and Mr Morarji Desai should be carried out "at all He further submitted that several costs." Many more names were added the novel "Madhu" in June 1976 ted that Mr Paitandi had objected legislators, including Mr Ramlal to the list by Mr Mehta. Mr Justice Shah questioned Mr Krishan Chand closely on the manner

dated orders to magistrates and police

Mr Krishan Chand said Mrs Gandhi

and Mr Mehta were "very particular"

about the arrests, whatever the legal

implications. Although Mrs Gandhi

had not spoken to him about the

that legal aspects should not hinder

Chand whether the legal opinion ob-

arrests were "flimsy, inadequate and

He said the question of courts had

Mr Justice Shah: A magistrate has

the authority to order the detention

and also to recommend its withdrawal

Is it not surprising that no magistrate

sought withdrawal in a single case

Mr Krishan Chand made no reply.

detention. Mr Justice Shah observed

that Mr Krishan Chand had acted

was not true in a judicial sense.

About the confirmation of the

The former Lt.-Governor said this

Commission: Why did you not tell

the government of India that you

Shukla's plea

rejected

NEW DELHI. February 15 (Sama-

char): The Chief Metropolitan Ma-

gistrate. Mr P. K. Jain, today rejected

the plea of counsel for Mr V. C.

Shukla, accused in the "Kissa Kursi

Ka" case, for granting Mr Shukla

exemption from personal appearance

The plea was made as it was sub-

mitted that Mr Shukla, former Infor-

mation and Broadcasting Minister,

was to appear before the Shah Com-

The magistrate observed that since

the Supreme Court had ordered the

postponement of the committal pro-

ceedings, which were to begin today,

Meanwhile, he advised Mr Shukla's

Commission for excusing him from ap-

Shukla had enough time to ask the

Shah Commission to excuse him from

The magistrate adjourned the hear-

Love-letter writer's

plea rejected

By Our Special Correspondent

Saxena inquiry authority today re-

jected the request of Mr Vikram

Varma, parliamentary secretary, that

his alleged "love letters," written while he was detained in Dhar jail

during the emergency, should not be

treated as admissible evidence as they

The judge, Mr R. S. Saxena, also

of the letters to a handwriting ex-

pert. The plea was made by the then

Assistant Jailor, Mr G. C. Gangrade,

who had produced the letters belatedly

The judge also noted that Mr

Varma's alleged jetter (tò a close relation of the then jailor) was purported to be dated June 14, 1976, nearly

three months after the lathi-charge which was being inquired into. The commission today concluded its hearing after examining Mr Bal-

was attacked by Mr Vikram Varma

and a few other MISA detenus who

They were chased and pushed into

their barracks by some warders, convicts and a special police force called by the jail authorities after the alarm

was sounded. He, however, contra-

dicted some of the statements of the

Counsel's allegation

refuted

By Our Correspondent

FARIDABAD, February 15: Mr

C. G. Suri, retired judge of the Pun-

jab and Haryana High Court who

s inquiring into the death of a Fari-

dabad foreman in police custody on

June 29, has refuted the allegation of counsel for Prestolite Workers Union,

Mr A. K. Gupta, that the commission

had already formed its opinion on

some important aspects of the inquiry

and that the statements of witnesses

Whilte Mr Suri has put off disposal

of Mr Gupta's application filed before

the commission on January 27 pend-

ing arguments by counsel for various

parties including that of the commis-

sion, Mr Suri has rejected Mr Gupta's

plea for a re-summoning of the wit-

nesses examined by the commission

on Januay 24 when he (Mr Gupta)

could not be present on account of

his prior engagement in the Supreme

Mr Gupta and his clients had alleg-

ed that counsel for the commission,

Mr Gian Singh, had cross-examined

certain witnesses on behalf of the Pre-

stolite Workers Union though neither

Mr Gupta nor his clients had made

such a request to Mr Gian Singh.

The latter, however, asserted that Mr

Gupta's clients did request him to

cross-examine certain witnesses in the

absence of Mr Gupta on January 24.

The commission rejected

had not been truly recorded.

tried to snatch his rifle.

were irrelevant and scandalous.

BHOPAL, February 15: The

mission on that date.

ippearance.

ing till February 20.

throughout this period?

Mr Justice Shah asked Mr Krishan

officers for the arrest of the people.

in which the latter had ordered arrests Mr Rampiara pointed out that detenus. He denied having made ante-

According to his information, his tions from Mr Bansi Lal. Letters to and from politicians and those related to family affairs were centhe court copies of a communicaregarding his complaint about cen-soring of mail and tapping of tele-then had been that the grounds for

He submitted that the district could not stand in a law court." authorities had not provided him with declaration forms for starting not risen then. This was clear from a newspaper. All accused were the attitude the former Prime Minister Commission: You acted mecha- afraid of exposure and did not want and the Minister of State for Home the newspaper to come out. The complainant further stated

that his communication, memoranda and complaints irritated Mr to be arrested without grounds of Bansi Lal and the authorities. He arrest being mentioned to him. He was detained under MISA on he had done to be arrested. This was March 26, 1974 on the charge of toppling the Bansi Lal ministry.

Supreme Court notice to ADM

NEW DELHI. February 15 (Samachar): The Supreme Court has issued notice to the additional district magistrate of Jabalpur to show cause "Why four years after the publication of the book," wondered Mr Justreview of the court's judgment in the on the advice of 'others', without habeas corpus case delivered in April applying his mind. He had acted 976, should not be condoned. The court gave this order yesterday

on an application moved by Mr Shiv Kant Shukla, one of those detained under MISA during the emergency and a party in the habeas compus case. The show-cause notice issued yesterday was not for review of the habeas corpus judgment as inadvertently reported. Nor has the delay been condoned. The prescribed period for filing a petition for review of the court's

Writ petition By Our Correspondent

judgment is 30 days.

ALLAHABAD, February 15: Mr Justice Yashodanandan and Mr. Justice Deokinandan of the Allahabad High Court today dismissed a special on the next date of hearing on Februappeal filed by Mr Motilal Kichlu ary 20. against an order of a single judge, allowing a writ petition of the Delhi Cloth and General Mills Co. Ltd. (Delhi) and quashing an order of the Rent Control and Eviction Officer of Meerut relating to the allotment of a shop in Meerut.

The shop kas originally allotted in the name of a DCM retail store, but by four days, the magistrate would subsequently, Mr Motilal Kichlu, an proceed with the matter from Februagent of the DCM at Meerut, got ary 20 by examining approvers, the allotment order modified by adding his own name in the allotment order. counsel to make a prayer to the Shah At this the company terminated his agency and asked him to hand over pearance before the commission on charge of the store. He, however, February 20. The magistrate said Mr.

The company filed a writ petition for quashing the modified allotment order. Allowing the petition, the determine who was the tenant under

Dismissing the special appeal, their lordships said that the amended allotment order was rightly quashed.

Malaria incidence drops at Ferozepore

By Our Correspondent FEROZEPORE, February 15: There has been a drop in the incidence of malaria cases in the border district of Ferozepore, according to official turned down the plea for reference

As many as 2,96,237 malaria cases were reported in the district in 1976.

Detention of top leaders Kan panel was never reviewed

NEW DELHI, February 15 (Sama-| could not deal with these cases so char): The detention of top political arbitrarily, that you could not deal leaders arrested on the night of June with arrests of so many persons, that some assistance? You put so many MHE fact-finding committee, headed persons behind bars....

Mr Krishan Chand: I did not put anyone behind the bars. Commission: But you were instru-

mental in their arrest. Mr Krishan Chand: Yes. I fully agree with you. My signature was

Commission: Agreeing with me will not alter the fact that so many persons were arbitrarily arrested and con- of authority, the hearing was postfined for several months. Mr Krishan Chand: Sir, I played

only a negative role (laughter). Commission: To the extent carrying out orders mechanically. Mr Krishan Chand said he discussed only matters like family planning and did not discuss arrests and detentions of political figures with local leaders of the Congress Party. Mr Lekhi asked Mr Krishan Chand and conducted the review of the about his reported remark at the

Press conference: "Main To Shrimati

Gandhi Ka Sipahi Hoon." (I am a soldier of Mrs Gandhi). Mr Krishan Chand said this was when he had taken over as Delhi's Lt.-Governor and remembered that it had created a controversy. He explained that he had said this to express his appreciation at being appointed by Mrs Gandhi and to ex-

press his loyalty to her as Prime Mr Lekhi: Do you continue to be her soldier or have dissociated yourself after the emergency ended. Mr Justice Shah altered the question to say that this loyalty was "a mental attitude." Mr Krishan Chand said yes. He added that his contact with Mrs past one week, besides causing con-

Gandhi had diminished since the change of government. But he would not dissociate himself from that mental tions in voltage which damage equip-Commission: I hope you know what Section 16(A) means. A person was Phone: 261713 was kept in complete dark about what

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postpones

poned till March 2 when witnesses

assistant secretary to find out whe-

ther such arrangements had been

made earlier also for a common citi-

The assistant secretary told Mr Jus-

tice Singh that arrangements for a

big welcome were made only in the

The report read out before the

committee stated that a teacher. Mr

Raghuveer Singh, had made some

complaints regarding misuse of autho-

rity. The complaint was that teachers

were "forced" to attend school even

filed by teachers in regard to Mr

Power breakdowns hit

industry

By Our Correspondent

power breakdowns have affected

industrial activity in this town for the

siderable inconvenience to the people.

BHARAT HEAVY

There are also complaints of fluctua-

BHIWANI, February 14: Frequent

Sanjay Gandhi's visit.

The report quoted several affidavits

case of the President of India.

will be examined.

hearing

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Screening panel a formality

(Samachar).

THE screening committee set up Commission was told today. The overriding feeling was that the committee was "redundant" and that it was a "formality", Mr Navin Chawla, who was secretary to the Lt.-Governor of Delhi during the period, de-

There was a "deep sense of fear" and "everybody was looking over his polite to him". shoulder, everybody was afraid". Mr this on behalf of all the members of

Justice Shah asked Mr Chawla, who admitted having attended some meetings of the committee, in what capacity he had done so without being a member. He had attended whenever the Lt.-Governor had asked him, he re-After Mr Chawla had spoken of the

manner in which the committee functioned describing it as a formality, Justice Shah remarked that Mr K. S. Bajwa, then S.P. (CID), was the "master of the show." Mr Chawla said in his view a rather too much blame was being laid on Mr Bajwa.

The fact was that nobody was prepared to take responsibility for releasing any detenu. Why did those who were blaming Mr Bajwa now not speak then?, Mr Chawla asked.

Mr Chawla agreed with the commission that nobody was interested in a judicial approach in the matter of releasing the detenu unless someone was interested in any individual case. If Mr Om Mehta, then Minister of State for Home, or the Lt-Governor were satisfied that someone should be released, he was released. The fact was that the screening com-

throat of the Delhi Administration" by the Centre, Mr Chawla said. committee, which had to consider 300 to 400 cases normally at each meetings, last? the commission asked.

matter pertaining to the arrests. Mr Chawla said that Mr Kohli had always been "a professor" to him

Another reason given by Mr Chawla Chawla said, prefacing his observa- in denying that he had spoken in tions by saying that he could say an aggressive tone to Mr Kohli was the "connection" between Mr Kohli and Mr R, K. Dhawan. "I was no that very night, "forthwith". He had fool. I would not have crossed swords also been told to ensure that the

ken to Mr Kohli about ante-dating of some papers. He had no role to play in 'MISA matters' unless directed by the Lt-Governor, he added. Justice Shah observed that ante-dating amounted to fabrication of re-

the negative. The affidavit of Mr S. N. Jain,

who was an under-secretary in the of MISA detenus. emergency cell of Delhi administration, was then read out to Mr Chawla. Mr Jain had affirmed that Mr Chawla had spoken to him in the matter. Mr Chawla said that if he had to speak to someone, it would not have been the under secretary but either

the Chief Secretary or the Deputy

Commissioner. Counsel for the Union government Perhaps an hour or two, Mr Chawla | Chawla. replied, adding, "I am surprised it

cedure was defunctory." of MISA detenus during the emergency was a "formality," the Shah on "aggressive tone" in regard to a who affirmed that late one evening Chopra's orders.

> because he was deputy director at the National Academy at Mussoorie when Mr Chawla was a probationer. I have never even remotely been im-

with him We all know how he order could have been served on Mr was appointed", Mr Chawla said. Chopra who was absconding. Mr Chawla also denied having spo-

The commission asked Mr Chawla if he was aware of the case of Mr Bal Raj Chopra, a MISA-absconder, in whose case, order of detention

Mr P. N. Lekhi, told Mr Chawla that services," the officer replied. Mrs Indira Gandhi had in an intermittee had been "forced down the view to the editor of a Bombay week- had been awarded although Mr Bajwa a large number of people had been How long did a meeting of the released. Was this statement incorrect in so far as Delhi was concerned because he had stated that there were very few releases, counsel asked Mr That was Mrs Gandhi's statement witness stated,

Shah remarked, adding, "Whatever

from his seat. Mr Jain maintained that he had spoken to by the secretary to the t-Governor, "That is Mr Navin

replied witness. Mr Jain said that he had been instructed to issue revocation orders

I cannot say. We used to send the orders to the ADM, Mr Jain said. He replied in the negative when isked if the Lt.-Governor's confirmation of the revocation order had been obtained later. At the commencement of the day's

proceedings, Mr Bajwa made a brief

submission to clarify certain points that had come up during yesterday's proceedings. He read out portions of a letter written on October 10, 1975, was later revoked. The reply was in by the Union Home Secretary to the Chief Secretary of the Delhi Administration regarding the review of cases

> Did he act on the home ministry's or the Lt.-Governor's instruction, the commission asked. It was on 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 When Mr Lekhi said that the medal

ly on August 16, 1975, stated that 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 Bajroad as shown in the log book of his

NEW DELHI, February 15 1 took that long. As I said the pro- and not his, (Mr Chawla's), Justice krishna, warder. He deposed that he The commission recalled the state- Mrs Gandhi thinks or says Mr ment of Mr J. K. Kohli, the then Chawla is not responsible for it."

> Nivas about the revocation of Mr From me?, Mr Chawla asked loudly assistant jailor.

Chawla?, the commission lasked. Yes.

Mr Bajwa submitted that these were

the policy instructions of the home

Gupta's plea for tape-recording proceedings of the commission. Mr Nihal Dutta Sharma, counsel for the police officers involved in this case, objected to the demand for tapewa's several visits to No. 1 Safdarjang recording of the proceedings because that would delay the inquiry and decar. He went inside only occasionally, lay was prejudicial to the interests of his olients,

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